



May 2003

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Thanks to Senator Mee Moua (DFL St. Paul) and Representative Eric Lipman (R Lake Elmo) who authored a bill in their respective bodies (HF 1278 and SF 964) which clarifies language regarding the county's obligation to pay for rape exams; protects video taped interviews of child sex abuse victims; changes the timing of a victim's ability to register objections to plea agreements; addresses the definition of primary and secondary residences for the purposes of predatory offender registration. The bill unanimously passed committees in both House and Senate and is set for approval on the floors of those two bodies.



Collaboration: A Dynamic Relationship

In the previous newsletter we highlighted stories from our multidisciplinary teams that illustrated success in the eyes of those team members. The great majority of success measures were focused around the value of the collaboration or the team. The Wilder Research Center's book, *Collaboration: What Makes it Work* uses this working definition of the dynamic relationship of collaboration:

Collaboration is a mutually beneficial and well-defined relationship entered into by two or more organizations to achieve common goals.

The relationship includes a commitment to mutual relationships and goals; a jointly developed structure and shared responsibility; mutual authority and accountability for success; and sharing of resources and rewards.

We wanted to more fully explore what makes the SMART teams click. Here is what we found that connects with the definition:

- ◆ **Mutually beneficial:** the overarching vision is to create a victim-centered response to sexual assault. Out of that vision arises the understanding that what best serves the victim should create a response also beneficial to the parties in-

volved. In other words, a well functioning, clearly outlined, victim-centered response makes everyone's job easier. The rewards are clear for the victim and the partners.

- ◆ **Common goals:** With a commitment to the vision, the work of the teams is well-defined. The 8-step process outlines clearly **why** the group is together, **what** it intends to accomplish, and **how** it intends to accomplish its work.

Minnesota teams have cited the following as evidence of the value of collaboration:

- ◆ It is easier to see how one part of the process fits into the whole. The value of each partner to the whole becomes clear.
- ◆ Team members and agencies have greater understanding of how other agencies work and why they work the way they do.
- ◆ Partnering agencies can more confidently explain to victims what other agencies will do and refer victims to them. Professional relationships have developed across discipline lines.
- ◆ There is a higher level of trust that all partners have the victim's safety and care in mind. These are values that have been discussed and agreed

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THE CULTURAL CORNER

Welcome to The Cultural Corner! You can look forward to culturally specific information sharing in this new addition to the quarterly SVJI newsletter. Articles in this area will explore the importance of cultural competency as an integral part of what it means to develop a victim-centered response to sexual assault victims.

Sexual Assault Affects Every Culture and Race

The MN Model Sexual Assault Response Protocol defines cultural competency as:

- ◆ The ability of an individual or agency to give assistance in ways that are acceptable and useful to a recipient because they make sense in terms of the recipient's background and expectations.
- ◆ The ability to function effectively in a society of cultural variation.

Recognizing Diversity: As the diversity of our nation grows, so do the needs of sexual assault survivors. All disciplines serve critical functions in supporting a victim from trauma to trial. To be able to identify the distinct cultural and ethnic groups in the community, as well as the diverse needs and issues each represents, is part of what it means to be victim-centered.

The following is one of several essential elements that contribute to a system's ability to become more culturally competent::

Value Diversity: valuing diversity means accepting and respecting differences:

- ◆ Seek out and speak to agencies that provide services to culturally specific communities. Find out the best way to get information to them.
- ◆ Organize community forums

and focus groups to promote better understanding of, and respect for, cultural differences.

- ◆ Make a list of interpreters available to victims. Let them choose who may be asked to interpret for them.
- ◆ Have advocates knowledgeable of culturally specific needs immediately available to victims who want them.
- ◆ Make information available to victims in language they understand.

If you have information you would like to share in our next article about some of your challenges or rewards in attempting to develop a more culturally competent response to a victim of sexual assault you can contact the SVJI.

Adapted from Cross, T, Bazron, B., Dennis, K., & Isaacs, M. (1989). Towards a culturally competent system of care, volume I. Washington, D.C.: Georgetown University Child Development Center, CASSP Technical Assistance Center.

New Collaboration Takes Shape in Carlton County

Deb Davis, 19-year veteran as a Deputy Sheriff in the Carlton County Sheriff's Office, thought there was more to be done about violence against women!

Thanks to her active involvement with colleagues working on child abuse/neglect cases and the Fond du Lac Sexual Assault Protocol Inter-agency Council (SAPIC), she decided now was the time to do something. In partnership with the Carlton County Attorney's Office, that office's crime victim witness program, and the Carlton County Sexual and Domestic Assault Advocates, the Sheriff's Office received a Violence Against Women Act (VAWA) grant from the Department of Justice to enhance the county's response to incidents of violence against women.

The two year grant which began in the fall of 2002 makes it possible to hire a full time prosecutor, full time deputy, full time advocate and quarter time victim witness staff person to focus specifically on violence

against women. During the grant period the county will establish a special domestic violence unit and tracking procedures, tighten up mandatory arrest policies, and ensure that best practices are used in all cases in Carlton County.

Of major interest is the ability to access more training on an effective and coordinated response as well as to provide increased training to local personnel. Given the budget crisis in Minnesota, this project can set the stage for more efficient and effective work ultimately responding to victims' safety needs and saving the county dollars.

Deb credits her involvement in the collaborative SAPIC with prompting her to rethink the county's current response to domestic violence, "This offers us the chance to develop and demonstrate a higher level of dedication and skill to issues of violence against women." Congratulations to the Carlton County team for this award!

She thought there was more to be done about violence against women!

LEGAL RESOURCES UPDATE

Case Update

State vs. Traylor, 656 N.W.2d 885 (Minn. 2003)

The wait is over! On February 24, 2003, the Minnesota Supreme Court in the case of *State vs. Traylor*, answered the question of whether the current DNA testing methodology (PCR-STR testing) used by the Minnesota Bureau of Criminal Apprehension would be admissible in Minnesota courts. Previously, the Minnesota Court of Appeals determined the new methodology did not meet the standards for admissibility or reliability set forth under laws that govern the admission of scientific evidence in Minnesota. Specifically, the lower court found the evidence to be inadmissible because the new methodology did not meet guidelines that were promulgated by the Technical Working Group on DNA Analysis Methods (TWGDAM) and previously adopted by the Minnesota Supreme Court. The guidelines create a check on the foundational reliability of the results of the DNA testing because they outline the guides and controls that a laboratory must follow when testing DNA evidence. In the Traylor case, standards promulgated by the DNA Advisory Board (DAB) were instead followed.

Recently, the Minnesota Supreme Court addressed the Court of Appeals decision. The high court decided that the newest method of DNA testing the BCA is using is a technology that is generally acceptable in the scientific community and the standards and procedures that the BCA lab follows ensure that the testing performed is reliable. The court determined that even though DAB guidelines rather than TWGDAM guidelines were followed,

the evidence is admissible. The court then held that the DAB guidelines have superceded the TWGDAM guidelines and therefore, laboratories should follow the DAB guidelines in order to ensure foundational reliability for DNA results.

SVJI Fact Sheets

In response to frequently asked questions by advocates around the state, **fact sheets** on legal issues surrounding sexual assault offenses have been created. Currently, there are three SVJI legal resources fact sheets available for distribution. The purpose of the fact sheets is to provide advocates who are often the

We invite suggestions and requests for either topics or materials that would help you in your work.

first point of contact that a victim has with the criminal justice system, with responses to questions they will likely encounter. The fact sheets address the topics of:

- ◆ confidentiality within the victim/advocate working relationship,
- ◆ basic information concerning predatory offender registration and
- ◆ detailed information about community notification for predatory offenders.

To request a copy of any of the aforementioned fact sheets, please contact SVJI at 612 313-2797 or 800 964-8847. Please feel free to disseminate this information to your colleagues. Future fact sheets will be forthcoming.

If you have a topic that you would like to suggest please contact us to share your ideas.

Legal Q & A

Q: Does a sexual assault victim have to pay a filing fee when trying to obtain a harassment restraining order?

A: No, under Minnesota Statute §609.748, subd. 3(a) the filing fees for a petitioner may be waived under certain circumstances. One such circumstance is if the petitioner alleges acts in the petition that would violate the law as set forth in §609.749 subd. 2. This means that a petitioner/victim of sexual assault would need to include information in the petition for the harassment restraining order showing that the person they are seeking to have restrained (respondent) has violated this law. They would need to include information alleging the respondent directly or indirectly manifests a purpose or intent to injure the person, property or rights of someone by the commission of an unlawful act. The petitioner would thus allege that the respondent committed or attempted to commit a sexual assault against the petitioner or the petitioner's child.

Legal Resources Information Bank Update

The dreaded post conviction petition for relief has just come across the desk of an already busy prosecutor. The petition is written by the defendant and one issue raised among many is that the sentencing judge in the case should not have imposed a five year conditional release period now, right before defendant is scheduled to be released from prison. The defendant argues in the petition the CRP was not imposed when the defendant was sentenced and therefore, the CRP cannot and should not be added after the fact. In the alternative, the defendant also argues he/she cannot be subject to the CRP because it was not in effect at the time he/she was originally sentenced.

Does this sound familiar? How are you going to address these arguments? You now have some help in preparing your case. SVJI has been lucky to receive a steady stream of volunteer law students to help further the mission of SVJI's work. Currently, Heather Zahn a first year student at William Mitchell is performing research and writing for SVJI on this very issue. Ms. Zahn has written a memorandum to assist prosecutors as they formulate a response to these questions.

The memorandum addresses information concerning how to frame the issues and argue for the addition of a CRP post-sentencing. The threshold issue that must be addressed is whether a hearing will be held to hear the defendant's arguments. Once that is decided, the court must also consider whether the defendant's rights to due process and to be free from double jeopardy are being protected. The judge will also need to review whether a plea agreement was formulated in the case and if so, what the agreement entails and whether it may be violated by the addition of the CRP. Lastly, the court must also determine when the conditional release period will begin and how long it should last.

If you encounter these issues and would like to see a copy of Ms. Zahn's work product contact SVJI. We are hoping to have this brief and others on-line so information may be accessed twenty-four hours a day. Until we have this capability, we will be happy to help you by e-mailing, mailing or faxing you the document.

The Sexual Violence Justice Institute is sad to announce that Staff Attorney Jody Kieser Kisting has returned to prosecution by accepting a position in the Scott County Attorneys Office. While we will miss Jody's keen advice and skills, we know that victim's will be well served in Scott County. Thank you Jody for all of your good work!

Volunteers Assist SVJI With Mission

Brian Jett:

Paul Brian Jett is a part time student in his second year of law school at the William Mitchell College of Law. He will graduate in the spring of 2005. He received his Master of Arts in English literature from Xavier University in 1996 and his Bachelor degree from Hanover College in 1993. Since moving to Minnesota, he has worked for both the State Legislature as well as a variety of non-profit organizations, including the Minnesota Partnership for Action Against Tobacco, where he is currently the office manager. He lives with his wife, Jennifer, in Blaine, where they share their home with an adopted greyhound and three cats.

Heather Zahn:

I wanted to take a moment to introduce myself to everyone at MCASA. My name is Heather Zahn. I am a first year student at William Mitchell College of Law. Before attending law school I received a B.S. degree in Biology at the University of Minnesota-Duluth. After completing my undergraduate degree, I studied Child Psychology at the University of Minnesota-Twin Cities. I began volunteering for MCASA in February 2003 and since that time I have learned many new things. Recently, I completed a brief about sentencing guidelines and conditional release periods for sex offenders. This experience really helped me focus on my research and writing skills. I decided to get involved at MCASA because I have always had an interest in women and children issues. I am dedicated to protecting women and children by ensuring that they have the opportunity to grow up in safe and healthy circumstances. Besides volunteering for MCASA, I have experience working for WATCH, The Boys and Girls Club of Minnesota, Women's Health Center of Duluth, and many other agencies. When I graduate from William Mitchell, I hope to work for either a non-profit legal agency or with a local county prosecutor's office.

SITE UPDATES

CARVER COUNTY

Jane Horner, Site Coordinator

Sexual Assault Interagency Council

The paramedic training was held on Feb. 27th for about 45 paramedics and EMT's. The information was very well received. One paramedic later told me that he was skeptical of the need for the information given, as in his 20 years as a paramedic, he had never taken care of a victim of SA, until the night after the training! He said that it was most timely.

The VES is in it's final draft, and we should be able to start training SVC advocates and SANE nurses regarding obtaining consent from victims for permission to contact them for their impression of their experience with SAIC agencies.

The Strangulation Inservice by Dr. David McCollum was held on March 14th and was attended by about 25 people from various agencies in Carver County, SVJI and St. Paul Police Department. The information given is available to any others interested.



ISANTI COUNTY

Brenda Skogman, Site Coordinator

Sexual Assault Interagency Council

Isanti County is currently in the process of reviewing and updating our inventory of existing services. We are scheduling group meetings to decide how we will complete the victim experience survey the second time around. We are meeting to discuss the above items as well as re-

view our Mission Statement. We are currently working on our checklists so that we can complete an evaluation on how the protocol is working. We are providing our condensed versions to all of our team members and they will then be provided to the people working with these agencies. We recently welcomed a new assistant county attorney to Isanti County. Through an additional VAWA grant Jennifer Peterson will assist with sexual assault cases in the county.



WINONA COUNTY

Amy Kuchera, Site Coordinator

Sexual Assault Interagency council

The Winona County Sexual Assault Interagency Council is busy preparing for their Community Forum that will take place in April. The theme of the forum is "Help Winona County Respond to Sexual Violence." There will be various presenters ranging from the media, County Attorney's Office, Law Enforcement, University personnel, etc to answer questions. Predetermined topics of the forum include the implication of drugs and alcohol in sexual assault cases, confidentiality and the media, and why it takes so long to prosecute cases in the criminal justice system. Mary Ellison, Executive Director of the MN Center for Crime Victim Services, the state funding agency, will address the gathering.

In addition, the Winona County SAIC recently published their new Adult Sexual Assault Response Protocol Books. The second edition yields several changes to the previous agency's protocol and also includes

new sections from several others.



RAMSEY COUNTY

Nicole Albaugh, Site Coordinator

Sexual Assault Protocol Team

SAP Team Evaluation and Monitoring

- ◆ Evaluations have been mailed out to all agencies that participated in the protocol training. Each staff person who underwent training will be asked to complete the evaluation. The evaluations should be able to tell the team where improvements and/or adjustments need to be made in the training. We hope to have the results of the evaluation prepared by the May 8th meeting.

Victim Experience Survey Subcommittee

- ◆ The sub-committee met in February to work on reducing the length of time it would take to do the telephone survey. We will hopefully have a revised survey in the next couple weeks to distribute to the team for final approval. The goal is to begin administering the survey sometime in April if at all possible.

New Team Members

- ◆ We welcome the following new team members: Binta Kawu from African Women's Resource Center, Nicole Matthews from Minnesota Indian Women's Sexual Assault Coalition, My Y. Lee from WAHL, and Bridget Whaley from United Hospital's Education Services.



SITE UPDATES CONTINUED

OLMSTED COUNTY

Melissa Larson, Site Coordinator
Sexual Assault Interagency Council

The Olmsted County Sexual Assault Interagency Council continues in a period of high activity with many ket-tles in the fire at once. Perhaps our largest priority is the implementation of the Victim Experience Survey. This survey is being developed with the aid of Professional Data Analysts. It is meant to be an ongoing evaluation tool for the SAIC. Sexual assault survivors will be asked for consent to be contacted around 3 weeks after their initial contact with Victim Services and then again in 9 months. Surveys will be conducted on an ongoing basis versus in one lump. It is the sincere hope of the Council that the feedback from the surveys not only provide a survivor with a powerful method of having their opinions heard, but also a mechanism where agencies receive immediate information about what is working well and what is not.

The Council is in the midst of promotional work for April's Sexual Assault Awareness Month activities. The SAIC is sponsoring a poster campaign directed at men with the message, *My Strength is not for Hurting*. Posters will be hung throughout Olmsted County with a focus on non-English speaking communities as well. Posters have been ordered in English and Spanish. English posters will offer the message in several other languages including Bosnian, Vietnamese, Hmong, Laotian, Cambodian, Somali, Arabic and Sudanese.

The SAIC is also increasing its membership. Additional membership has been gained from Mayo Social Services, St. Mary's Emergency Depart-

ment. The SAIC is very excited to have continued support from Mayo Clinic and looks forward to the widened perspective Mayo Social Services will bring. The Olmsted SAIC is also actively seeking representation from the Rochester University Center. Our University Center is unique in that it does not have a formal campus; however, 3 colleges and universities offer classes at the University Center and it is home to Rochester Community and Technical College. There is a definite need to have participation from the University Center so that college students' voices are heard.

Currently momentum is high for the Olmsted SAIC and we are working on keeping faith and energy up as budget cuts loom. Already we have been notified that at least one SAIC member will no longer be with us as of July 1, 2003 because her position as SE Asian Outreach Coordinator is grant funded and will be discontinued. We have also been told to prepare because many agencies, already overstretched, will undoubtedly have difficulty in sending representation to SAIC meetings. The Olmsted Sexual Assault Interagency Council is deeply saddened by the impending budget cuts and salutes all those who have put so much of their heart, time, and energy into violence against women work.



FOND DU LAC

DeLorr Pickering, Site Coordinator
Sexual Assault Protocol Interagency Council

It looks like we have all components in place to complete our protocol

document. The Fond du Lac Medical Clinics have created procedures they are happy with and the extra time reviewing the document has allowed Carlton County Prosecution to refine some language in their section. However, the team has decided to spend more time preparing the section addressing cultural competency. A subgroup is working on this and we expect to have something we can agree on very soon.

Recently, SAPIC participated in a community forum arranged by the Human Services Club at Fond du Lac Tribal and Community College (FDLTCC). Team members made short presentations and Human Services Club members assisted us with circulating a short survey to audience members. Of approximately 50 students, 40 completed the survey. This is the same instrument we developed for use with our Community Needs Assessment that was completed in June 2000. This information will be useful in making comparisons over time to see if any changes have occurred since then.

DeLorr presented the survey results to one of the Human Services classes at FDLTCC and discussed SAPIC, the purpose of community research, and how this information will be used to inform our work. Students are interested in volunteering to assist SAPIC in any way that is appropriate to their learning level and invited us to participate in their April Health Fair.

SAPIC will be planning another community forum in conjunction with the Minnesota Indian Women's Sexual Assault Coalition. The forum will be held in the fall at the Fond du Lac Tribal and Community College in Cloquet. The last time we held a similar event at this venue, approximately 200 community people attended. Approximately 150 people

SITE UPDATES

responded to an audience survey regarding the prevalence of sexually assaulted behaviors in the community. We hope to achieve a similar turnout and to obtain some comparison data for inclusion in our next Community Needs Assessment.



SOUTHERN ST. LOUIS COUNTY

Beth Olson, Site Coordinator

Sexual Assault Interagency Council

Southern St. Louis County Smart recently completed focus groups with both male and female students from UMD. We will be completing information gathering sessions at the end of April when we will hold a town meeting in Duluth. April is sexual assault awareness month and we will cap off the month's events with publicity about the SMART project and with a town meeting. The information we have gathered on existing services is currently being placed on the PAVSA website and the team will be distributing rolodex cards with the website information to social services agencies, police departments, the hospitals and county social services. The team is working hard to complete the final stages of the community needs assessment and looking forward to starting the protocol writing in June after attending training in May.



MILLE LACS COUNTY

Geri Klug, Site Coordinator

Sexual Assault Interagency Council

The SMART has been very busy collecting data from existing services for sexual assault victims in Mille Lacs County as well as surveying victims about their opinion on what needs to be improved in the criminal justice system. The team is wrapping up with community forums in Isle, Princeton, Milaca, Onamia and Mille Lacs Band Reservation. Even though attendance at the forums has been small, the team has been able to obtain very good information that will be addressed once we do the protocols. We are planning a focus group with high school seniors sometime in April.

Speaking of protocols, the team is gearing up for 2 day protocol training on May 13th and 14th. The team is looking forward to making some positive protocol changes. I am presently working on pulling all the data together to start writing the Community Needs Assessment. We are hoping to have that completed by the protocol training.

The SMART has been operating for a year now and we will soon be reapplying for grant monies to continue our 8 step process. We are excited about continuing this important work.

(Continued from page 1)

upon.

- ◆ There is less fear of problem solving across disciplines. Knowing the shared commitment to creating a victim-centered response means that team members are eager to solve kinks in the system and feel less reluctant to raise questions or concerns.

How do the teams accomplish this?

- ◆ **Consistency** is part of the answer. Team partners are asked to commit to being represented by the same person at team meetings. There is a clear expectation that partners are to attend meetings, participate in decision making and assist in tasks.
- ◆ **Clarity** is part of the answer. The reasons for coming together are clearly articulated and an action plan results. These are collaborators that know what they are doing! The 8 step process gives a framework and the community needs assessment gives a roadmap.
- ◆ **Understanding the effect of change** is part of the answer. Not only do teams design new protocols, they evaluate the results of their changes based on victims' and practitioners experiences.

In our experience, going about collaboration is more than bringing like-minded people together to problem solve. It is a specific, clear and evaluated means of envisioning and creating change. And, it is a process in which everyone gains.

President Bush recently signed into law the Violence Against Women Office Act that establishes it as a separate office in the US Dept. of Justice.

The new law enhances the visibility and prestige of the Violence Against Women Office, but more importantly grants statutory authority to carry out its mandates. The Act creates a separate and distinct Violence Against Women Office in the DOJ, requires that the director be nominated by the president and confirmed by the Senate, mandates the director report directly to the AG and sets forth duties and functions of the director.

Senator Joseph Biden, sponsor of the original Violence Against Women Act of 1994 sent out letters informing advocates and extending thanks for the work we do, along with the news of the federally recognized office.

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Notes:

- ◆ The SVJI has been participating in a state task force which is charged with looking at the delivery of services to victims post conviction. The effort, led by the MN Center for Crime Victim Services and the Department of Corrections, will result in a full slate of recommendations to be issued at the conclusion of the work. Members of the work group also include probation officers, judges, crime victim advocates, law enforcement officers, prosecutors and restorative justice professionals.
- ◆ Funding from the Violence Against Women Act administered by the MN Center for Crime Victim Services and the Women's Foundation of Minnesota support the work of the SVJI.

YES! I would like to support the work of the Sexual Violence Justice Institute with my tax deductible donation:

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