



October 2003

Regional Training and Needs Assessment

The website for the SVJI is undergoing reconstruction (along with its host site.) Thanks to financial assistance from the MN Department of Health, we are able to redesign our website and make it more user friendly. We expect the new design to be completed in November. Check it out then! www.mncasa.org

If you are unable to attend one of the training sessions described in this newsletter but would like the materials, they will be available from the SVJI in November for \$10 / packet. Contact us at 612-313-2797.

The SVJI will be touring the state this October for two reasons. Criminal justice partners including advocates and corrections officers are invited to attend a free half-day session to gain information on statute changes that resulted from the last legislative session. This training component has received approval for 2.0 POST board and CLE credits. Written materials as well as a discussion of the changes will occur.

Additionally, attendees will have the opportunity to give specific feedback on local needs that the SVJI may be able to assist with. This is the time to let us know more specifically how we can help you as you respond to victims of sexual assault locally. Are their training needs we can fill? Do you want information on how to apply for coordinated community response grants? Are you interested in a community needs assessment to get a handle on the effectiveness of your current response? Do you have policy change suggestions we can forward on to appropriate channels?

July marked the second anniversary of the Sexual Violence Justice Institute. It was an outgrowth of the MN Model Protocol Development Project and reflects the energy and commitment to continuing the collaborative, community based response to sexual assault that has garnered great successes across the state. It is also an embodiment of the commitment across Minnesota to ensure that local communities have the best resources available to them to help respond to the needs of sexual assault victims.

Over the past two years, the SVJI has:

- ◆ established itself within the existing structure of the Minnesota Coalition

Against Sexual Assault,

- ◆ supported 8 community-based sites funded by the MN Center for Crime Victim Services, a part of the Minnesota DOJ,
- ◆ hired an attorney and started providing targeted technical support regarding the prosecution of sex offenders,
- ◆ provided trainings to community teams, individual advocacy programs and other state stakeholders in order to improve the response to victims,
- ◆ responded to requests from policy makers regarding the current state statutes and practices regarding sexual assault investigation and prosecution.

We know this is a drop in the bucket of needs. As budgets decrease it is imperative that state and local systems function as smoothly as possible and maximize the talents of each partner.

Please join us in your area for this lively and informative afternoon. Meet the SVJI staff, learn about new laws and give us your two cents worth! To register, please call the office, 800-964-8847 or email us one week prior to the scheduled event. Forums are scheduled from 1:30 – 5 PM and the dates are:

- ◆ Thief River Falls, Wednesday, October 15
- ◆ Grand Rapids, Thursday, October 16
- ◆ Virginia, Friday, October 17
- ◆ St. Cloud, Friday, October 24
- ◆ Fergus Falls, Wednesday, October 29
- ◆ Marshall, Thursday, October 30
- ◆ Owatonna, Friday, October 31.

THE CULTURAL CORNER

Sexual Assault Against American Indian Women

By Nicole Matthews

Coalition Coordinator, MIWSAC

According to the Bureau of Justice Statistics, "American Indians are nearly 13 times more likely to be assaulted or raped than Hispanics, 7 times more likely than Whites, 5 times more likely than African Americans, and 39 times more likely than Asian Americans. In addition, American Indians are more likely than people of other races, to experience violence at the hands of someone of a different race." (American Indians and Crime, 1999)

American Indian Women frequently feel unsupported by the many systems they encounter. They may feel re-victimized by these systems, which fail to understand the cultural differences and may exhibit racism. It is for these and many other reasons that the Minnesota Indian Women's Sexual Assault Coalition (MIWSAC) was formed. MIWSAC is working to create supportive systems' responses and to promote social change for American Indian communities.

The Minnesota Indian Women's Sexual Assault Coalition is working to unite American Indian Sexual Assault Advocates throughout the State of Minnesota in their efforts to create awareness, influence social change, and reclaim the traditional values that honor the sovereignty of American Indian women and children.

The coalition meets every other month for two half days and one full day around the state. Currently

we have approximately 20 members, most are sexual assault advocates. If members want to have a community forum during the meeting days, the coalition sets aside time for that to support the member and offer assistance. We have supported two forums thus far. Members also decide on a peer training for each meeting, MI-

American Indian Women frequently feel unsupported by the many systems they encounter.

WSAC will bring in a trainer if needed. Members will soon begin developing culturally specific curriculum for support group and schools.

If you would like more information about this coalition, please contact Nicole Matthews at 612-728-2027.

Minnesota Department of Health

One active Minnesota partner in confronting the effects of sexual and domestic violence on our lives and communities has been the Injury and Violence Prevention Unit of the Minnesota Department of Health. In a document just released: Domestic and Sexual Violence in Minnesota: Strategies for Prevention and Intervention they identify 5 year objectives for Health Care and Public Health Systems. Among those five areas of concentration is Coordination and Collaboration: Objective 2 – Promote coordinated, multidisciplinary community response teams for cases of domestic and sexual violence, with representation from health care and public health.

The strategies include: identifying and developing teams in communities; expanding existing teams to address both domestic and sexual violence, and; ensuring that sexual violence and domestic violence teams share membership, expertise and best practices.

The SVJI is excited to see this support for multidisciplinary teaming from the Health Department. The value of teams, shared expertise and coordination is being discovered and rediscovered by local communities, policy makers and state officials. Full copies of the report will be available from the Injury and Prevention Unit at MDH in the near future.



The Sexual Violence Justice Institute wants to say thank you and good-bye to **Barbara Rogers**. Barbara has worked with the SVJI for the past two years.

We wish her well in all her future work.



LEGAL RESOURCES UPDATE

Legal Resources Program—How it Works for You

The Legal Resources Program (LRP) of the Sexual Violence Institute has a purpose and goal of providing resources and technical assistance to criminal justice professionals who address cases of sexual violence. We support prosecutors, law enforcement, victim advocates, corrections and other professionals in their work to end sexual violence.

The Purposes of the LRP

- ◆ **Training** The LRP will periodically conduct trainings that are of assistance to criminal justice professionals around the state, and in October will be traveling to seven locations in Minnesota to train on the new legislation passed in the 2003 Minnesota legislative session.
- **Legal Briefs / Memoranda** The LRP will eventually provide a brief bank for prosecutors and other professionals to access written information on legal issues specific to sexual assault cases. This will save time-strapped professionals from “re-inventing the wheel” and perhaps suggest new arguments made by other prosecutors.
- **Policy Agenda** The LRP will propose legislative changes and other state-wide policy issues to improve the prosecution of sexual offenses and to keep the victim empowered in the criminal justice process.
- **Expert Witnesses** The LRP will assist professionals in locating experts or other consultants that may assist with the criminal case against an offender.

- **Website** In the near future, MCASA will update its website, and the LRP will be accessible to people throughout the state for information on sexual assault issues.
- ◆ **Resources for Professionals** Ultimately, it is our function to put information in the hands of professionals so that they can problem-solve and address sexual violence within the criminal justice system.

Boundaries Around the LRP

Because the LRP is a “big-picture,” state-wide systems program, there are some limitations on the particular services we can provide to individuals within the criminal justice system. We serve 87 county attorney’s offices, over 60 MCASA member programs, countless law enforcement and corrections officers, the 8 SVJI SMART counties, and anyone else who might be involved in the response to sexual violence. Therefore, it is important to understand what roles the LRP cannot play.

- ◆ **Not Legal Advice/Advocacy** We do not provide legal advice to victims of sexual assault in the many areas of their lives that might be affected when sexual violence occurs – for example, family law, housing, or child protection. By the same token, we do not provide legal advice regarding employment or organization issues for member programs, law en-

Kaarin Long Joins SVJI as Staff Attorney

We are pleased to introduce Kaarin Long as the new staff attorney heading the Legal Resources Program at SVJI. Kaarin has been with SVJI since the third week of June, 2003.

Ms. Long has practiced criminal law since graduating from law school in 1994, and has about 6 years of experience as a felony prosecutor. She has had a concentration in violence against women and narcotics as a prosecutor, and also has conducted trainings for law enforcement, other prosecutors, and taught college courses. Ms. Long has had a long term interest in the political process, and seeks to encourage system-wide change toward a better response to sexual violence against women.

forcement, or other civil legal advice for individuals or organizations. That role is not covered in our grant, and is outside the capabilities of one staff attorney for such a large group of people.

- ◆ **V.A.W.A.** The LRP is funded by a Violence Against Women Act grant, which means that our function is to address sexual assault against adult and adolescent women. While we can certainly try to steer people in the right direction regarding child sexual assault, it is not our primary focus.

Call Us!! Having said what our boundaries are, we want to emphasize

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Legal Resources Program

(Continued from page 3)

that professionals should *definitely* contact us for information, referrals, resources, or any other assistance. Receiving requests for assistance, even if we are not ultimately able to do specifically what might be asked, informs us and allows us to tailor this program to the needs of criminal justice professionals throughout the state. Even if we refer you to another source of information, we can only do that if you call! We also invite your input on legislative suggestions, program functions, and ideas for future trainings.

Please contact our staff attorney today! kaarin@mncasa.org

Legal Resources Notes

- ◆ Many thanks to the 8th District Bar Association for their recent contribution to support the work of the SVJI and the Legal Resource Project.
- ◆ The latest SVJI fact sheet addressing mandatory reporting is available from the SVJI. Contact us if you would like to receive an electronic copy and/or if you have a topic suggestion for future fact sheets.
- ◆ In response to an overwhelming number of requests, the SVJI will be printing and making available a manual for legal advocates and others. Relevant statutes and supportive information will be gathered in an easy to use format! Look for it as well as advocacy clinics in the spring.

Legal Q & A

Q: Several advocates have called to ask for assistance because they or the victim/survivor do not agree with the actions taken by the prosecutor on a given case. Sometimes the problem is that the prosecutor refuses to charge the suspect when a victim/survivor wants charges brought, and sometimes the problem is that the prosecutor is pursuing a case that the victim/survivor wants nothing to do with. What can an advocate or victim/survivor do when he or she disagrees with the prosecutor?

A: First, the truth is that the prosecutor in this country has a huge amount of discretion in her role as a representative of the people in the criminal justice system. Aside from the voters, the ethical rules of the state licensing authority, and the general limits of the law, the prosecutor answers to no-one regarding her decision to prosecute or not in a given case.

But in a victim-centered persons crime such as sexual assault, the prosecutor should be interested in the position of the victim/survivor and should take it into account when deciding how to proceed. Minnesota Statutes Chapter 611A provides several points throughout the criminal proceeding when the victim has the right to be notified or heard: plea negotiations, the sentencing hearing, discussions of pre-trial diversion programs, speedy trial request, victim impact statements, etc. An advocate would be smart to remind the prosecutor of her duties under Chapter 611A when dealing with a crime victim. However, there are no penalties or enforcement provisions within 611A if the prosecutor fails to conform to its requirements.

An advocate should be sure that the prosecutor has all the information that

the advocate has, within the disclosure permitted by the victim/survivor. If the advocate knows information that strongly affects the victim/survivor regarding proceeding with the case or not, then with the permission of the victim, she should advise the prosecutor of the information.

In general, the more communication between the victim/survivor, advocate, and the prosecutor, the better. If an advocate runs into a prosecutor who refuses to meet with the victim/survivor or the advocate, perhaps a supervisor to the prosecutor should be contacted. Failing that, a written letter voicing the disagreement might also be helpful to be sure the communication is occurring and a record is made for the victim/survivor.

Finally, if the communication has truly broken down and the victim/survivor wishes to take the issue to another level, the Minnesota Office of Justice Programs still has a review function similar to the former Ombudsman Office. The OJP can be located on the website for the Department of Public Safety, and will take complaints from the victim/survivor regarding the prosecution of her case. The extent to which the OJP will conduct investigations or review remains to be seen with budgets being what they are.

Hopefully the OJP will be a last resort, however, as a good working relationship between advocates and prosecutors will best serve future victim/survivors – and good communication is the best way to achieve that goal. Please contact Kaarin Long if she can be of assistance with ideas beyond these.

Feel free to send your Questions to us for discussion in future newsletters.

SITE UPDATES

CARVER COUNTY

Beth Olson, Site Coordinator

Sexual Assault Interagency Council

The Carver SAIC has been in a bit of a holding pattern while waiting for the new site coordinator to start. Beth Olson joined the team as coordinator in mid-September. She comes with a wealth of knowledge about sexual assault, community based advocacy and multidisciplinary collaboration. Beth most recently acted as a facilitator for the VAWA funded rural domestic violence / child victimization collaborative grant. The team recently sponsored a refresher training on the 8-step process and is fine tuning their plan for the rest of the fiscal year.



ISANTI COUNTY

Brenda Skogman, Site Coordinator

Sexual Assault Interagency Council

The SAIC is continuing to work on monitoring and evaluation. Checklists from partnering agencies and the victim experience surveys are critical elements in informing those two processes. We are also updating the existing services inventory to ensure that collaborators have the most current information about Isanti county services available to them. Site visits have been done with the individual agencies for the purpose of problem solving and getting feedback regarding the protocol.

SAIC is also continuing to review and update the protocol as needed. Agencies are reviewing their portions of the protocol. Proposed changes will be provided to the Writing and Training sub-committee at the meeting for their approval. Approved changes will then be incorporated into the revision.

Promotional items and brochures were handed out at the 2003 Isanti County Fair as well as Career Day in Isanti where our displays featured The Minnesota Model Protocol book and the Isanti County Sexual Assault Protocol book.

The team has also established a resource/referral packet sub-committee to revise our current resource packet. The team continues to meet quarterly and with the next meeting scheduled for December.



WINONA COUNTY

Amy Kuchera, Site Coordinator

Sexual Assault Interagency Council

The Winona County SAIC has been training on their Winona County Adult Sexual Response Protocol guidelines. The new booklets that were published in April have been implemented into the training. The training panel consists of 6 members: advocacy, hospital, STI/Family Planning Clinic, University, Law Enforcement, and Prosecution. In the month of August, the council trained held 2-two hour live trainings for 60 Law Enforcement Officers, one session for 100 Winona State University residents life and security officers, and one session for 75 St. Mary's Security and Resident's Life staff. The council is scheduled to continue training into the fall months with Advocacy and Hospital on the schedule for the months of October and November.

In addition, the council is working once again on their monitoring and evaluation. Using data from our process evaluations, we are comparing information on how the SAIC agencies have improved over the last

year as well as how they compare to each other. As we conduct our analysis, we are correcting any problems that have arisen in agencies and/or addressing an concerns that are brought to our attention. The SAIC hopes to include their evaluation analysis and release a report after the beginning of 2004.



RAMSEY COUNTY

Nicole Albaugh, Site Coordinator

Sexual Assault Protocol Team

The Ramsey County SAP Team continues to stay focused on their mission to develop protocol that promotes consistency, respect and cultural competency to victims of sexual assault. The team is in the process of updating the protocol to incorporate the new procedures that have come into place with the implementation of SANE/SAFE (Sexual Assault Nurse Exam/Sexual Assault Forensic Exam) programs at Regions, United, St. John's, St. Joseph's and Woodwinds Hospitals. Currently the medical and prosecution protocols have been revised and are awaiting approval from the team at the next full team meeting in September. Subcommittees are in the works for Law Enforcement and Advocacy to work on revising their protocols in the next couple weeks. The team is also excited and pleased to welcome Kassandra Moore, the Dakota County SAFE (Sexual Assault Forensic Exam) Director, for St. John's, St. Joseph's and Woodwinds Hospitals to the team!!



OLMSTED COUNTY

Melissa Larson, Site Coordinator

Sexual Assault Interagency Council

Since its beginning, the Olmsted SAIC has focused its efforts on im-

SITE UPDATES CONTINUED

proving the system's response to adult sexual assault crime victims. However, the Council has been keenly aware that sexual assault is a pervasive problem for adolescents as well and more needs to be done to improve services for this group. Since 1998, the SAIC has worked to develop Adult Sexual Assault Response Guidelines describing how agencies will work with each other to assist victims. The Council is excited to begin the process of including adolescents in its work and hopes to eventually create a Guideline specific to their needs as well.

In addition to its current work, the SAIC will devote much of its time during this fiscal year to collecting information that will accurately describe the current state of affairs for adolescent sexual assault victims. In order to achieve this goal the SAIC will be guided by the first three steps of the 8-step cyclical model for developing guidelines—conduct an inventory of existing services, include adolescents on the victim experience survey, and compile a community needs assessment. Planning for focus groups with 10th and 12th grade students is also underway to gain direct feedback from this age group. In addition, an in-service training on issues unique to adolescents was recently conducted to provide a consistent knowledge base for all agency representatives on the SAIC.

Ultimately, the Sexual Assault Interagency Council hopes to ensure a sustainable process for working with all sexual assault survivors that is consistent yet is able to adapt to an individual's own unique needs. The Olmsted SAIC has learned a great deal as it has worked on creating adult sexual assault guidelines and aims to use these learnings to pave the way to-

ward an improved response for adolescents.



FOND DU LAC

**DeLorr Pickering, Site Coordinator
Sexual Assault Protocol Interagency Council**

The final draft of the protocol is now complete and awaiting approval from the Fond du Lac Reservation Business Committee following a special Tribal election on September 16th. As a result of recent discussions at a SAPIC meeting, the Fond du Lac Advocates and the Carlton County Sexual & Domestic Abuse Program (RWA) have decided to meet monthly at a separate meeting to work out communication glitches as we implement the protocol. Our protocol features an alternating calendar of primary response between the two advocacy agencies in Carlton County. We expect that there will be some confusion in the early stages and want to address any problems early to help keep communication open and to ease the process of implementation.

Our Inventory of Existing Services update has been completed. In the meantime, the SAPIC is taking on some special projects to increase visibility in the community and to make progress on other steps in the protocol cycle.

In September the SAPIC participated in a nation-wide "Get Carded" event sponsored by RAINN. Students from the Fond du Lac Tribal and Community College FDLTCC worked with SAPIC members and student interns from the College of St. Scholastica and the University of Minnesota-Duluth to distribute packets of information about sexual as-

sault services that are available both locally and nationally.

Students at the FDLTCC will also assist SAPIC in planning a community forum on campus. This event will be planned in conjunction with the Minnesota Indian Women's Sexual Assault Coalition and a domestic violence project undertaken by the Carlton County Sheriff's Department. This event, still in the early planning stages, will probably occur in early December.



SOUTHERN ST. LOUIS COUNTY

Kate Taylor, Site Coordinator

Sexual Assault Multi-disciplinary Action Response Team

The Southern St. Louis County SMART recently completed the Community Needs Assessment and it is currently on its way to print. The CNA will also be available on the PAVSA website for community members who are interested in reading the document. A celebration with the team for completing this phase of the project is being planned for September 29th and a press conference to release sexual assault statistics and the information gathered through community focus groups will be held in October. Thus far statistics from PAVSA show contacts with victims of sexual assault are up 25% from last year.

The SMART completed the second phase of training in May. It was a great chance to spend some time as a team preparing for the protocol writing process. Currently, subcommittees are being formed to begin writing the law enforcement and prosecution sections.

With increasing budget cuts it has often been a challenge for team mem-

SITE UPDATES

bers to maintain active participation in the protocol process. We are very grateful for the commitment of our team members to the important work of improving services for sexual assault victims in Southern St. Louis County through protocol writing.



MILLE LACS COUNTY

Cinnamon Quale, Site Coordinator

Sexual Assault Multidisciplinary Action Response Team

Cinnamon Quale has returned to Pearl Battered Women and Sexual Violence Resource Center as the SMART Coordinator for the Mille Lacs County team. The Community Needs Assessment Report (CNA) is completed and has been published. It provides a snapshot of the county's current response to in-

cidents of sexual assault. SMART gathered this information by surveying victims/survivors and area agencies and conducting public forums in Milaca, Princeton, Onamia, Isle and on the Mille Lacs Band Reservation over the last year and a half. The project's intended goals were to hear suggestions from victims/survivors, community members and to successfully inventory and identify services or lack of services to help develop a more victim-centered protocol for agencies assisting victims of sexual assault. Over the next two months, SMART will present the CNA Report to area agencies.

The agency presentations will be the launching activity to begin the process of writing multidisciplinary protocols to guide the local sexual assault response. Several team members attended the two day protocol writing training in

May. As a part of that event, the team identified the changes that have highlighted the past 18 months of collaboration. At the top of the list were:

- ◆ Much improved communications between agencies;
- ◆ We have developed an understanding of each other's jobs and are starting to develop a team approach;
- ◆ Trust across partners has increased.

Thank you to all of the dedicated people who have participated and worked diligently on this project. We are very proud to be working with agencies that are so committed to assisting victims and survivors of sexual violence.

MN Legislature Deals with Rape Exam Payment Problems

An abiding problem that many sexual assault victims and jurisdictions experience is confusion about payment for evidentiary exams when that exam is done for the purpose of gathering evidence that may be used in criminal prosecutions.

Thanks to the work of Senator Mee Moua and Rep. Eric Lipman, chief authors of a bill during the last legislative session, the Minnesota legislature gave some clarity to this problem. Following on some changes that were made the previous year, the statute was once again amended. Changes made this year clarify that:

- ◆ The county in which the alleged offense occurred must cover the cost of the evidentiary exam and that payment does not depend upon whether the victim reports

the offense to law enforcement or the existence or status of any investigation or prosecution.

- ◆ A county may seek insurance reimbursement from the victim's insurer only if authorized by the victim. This authorization may only be sought after the examination is performed. When seeking this authorization, the victim must be informed that if the victim does not authorize this, the county is required by law to pay for the examination and that the victim is in no way liable for these costs or obligated to authorize the reimbursement.

The upshot of these changes is that victims should not face any ambiguity regarding the county's responsibility to pay for the exam. In the past, victims in some areas had to decide, at the time

of crisis, whether or not they were going to report the incident to law enforcement. This often resulted in victims of sexual assault not receiving the attention and care they need and physical evidence not being gathered when available.

Hearings before the Senate's Crime Prevention and Public Safety Committee and the House's Judiciary Policy and Finance Committee resulted in unanimous support for passage of the new language.

These changes which became effective August 1, 2003, bring Minnesota into full compliance with the Violence Against Women Act requirement that states must certify that victims pay no out of pocket expenses related to the evidentiary exam.

Sexual Violence Justice
Institute

MCASA
420 North 5th Street, Suite 690
Ford Centre
Minneapolis, MN 55401

Phone: 612-313-2797
Fax: 612-313-2799
Email: mncasa@msn.com



SVJI Staff:

Donna Dunn
Program Manager
donna@mncasa.org

Barbara Rogers
Program Coordinator
barbara@mncasa.org

Kaarin Long
Staff Attorney
Kaarin@mncasa.org

Nichole Keltgen
Administrative Assistant
nichole@mncasa.org

MCASA Staff:
Carla Ferrucci
MCASA Executive Director

Jude Foster
Membership Services Coordinator

Beverly Slater
Prevention Coordinator

Andy Sagvold
Training Coordinator

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Mail to: MCASA/SVJI
 420 North 5th Street, Suite 690
 Minneapolis, MN 55101