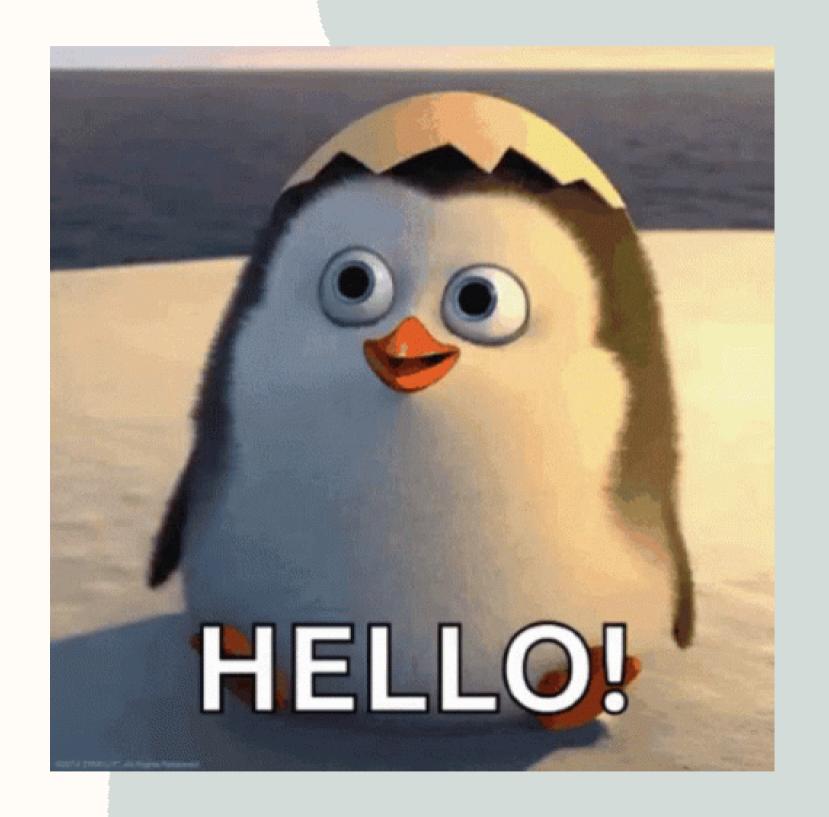
DV Awareness

Der (She/hers)

St. Paul Intervention Project - Legal Advocate Email: der@stpaulintervention.org



Introductions

- Name/Pronouns
- Agency
- What do you hope to take away from today?

Agenda

- Statistics/ Definitions
- Reasons Why Victims Stay
- The Legal System/
- Protection orders
- SPIP Services/ Other
- resources
- Domestic Violence
- Memo/Policy
- Completing a Family
- Guidance Waiver

Statistics!

- 10 Million Adults Experience DV annually
- 1 in 4 Women & 1 in 10 Men experience sexual & physical violence and/or stalking by an intimate partner during their lifetime
- 23.2% of Women & 13.9% of Men experienced severe physical violence by an intimate partner during their life time
- An abuser's access to a firearm increases risk of intimate partner femicide by
 400%
- DV Hotlines nationwide get about 19,000 calls on a typical day

MN DV Statistics

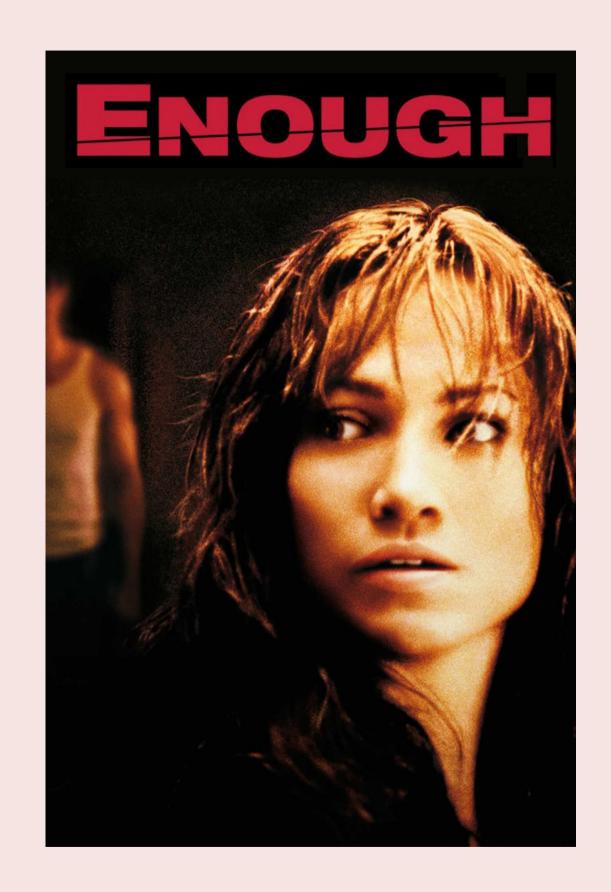
- 33.9% of women and 25.1% of men experience intimate partner violence, intimate partner rape and/or intimate partner stalking in their lifetimes.
- On one day in 2019, 74% of domestic violence programs in MN served 1,975 adult & children survivor. Another 352 requests for services went unmet due to lack of resources.
- In 2018, 53% of women experiencing homelessness in MN stayed in a relationship because they did not have any alternative housing available.
 - 14 people in MN were murdered in domestic violence homicides

MN DV Statistics Cont.

- As of December 31, 2019, MN had submitted 83 domestic violence misdemeanor and 36 active protective order records to the NICS index.
- Between 2006 & 2015 there were 22,760 active protective orders in the national crime information center for Minnesota. 4,180 of them had disqualifying Brady Indicator.

(NCADV)

What are some movies/shows you've seen that show Domestic Violence?



Definitions

What is domestic abuse?

Domestic Abuse/ Domestic Violence

Violent or aggressive behavior within the home

Intimate Partner Violence

Domestic Violence by a current/former spouse or partner

Relationship Abuse

 When one person uses a pattern of behaviors and tactics to gain and maintain power and control over the other person

Forms of Abuse

• physical, verbal, emotional, economic & sexual

Domestic Abuse (Minn. Stat. Ch. 518B)

The law defines domestic abuse as one of the following acts committed by a family or household member against another family or household member.

- a. Actual physical harm, bodily injury, assault such as, hitting kicking, slapping, pushing & stabbing, or infliction of fear of imminent physical harm, bodily injury or assault (such as verbal threats, threatening gestures)
 - **b.** Terroristic threats (such as a threat to kill, break bones, or threatening someone with a knife or a gun
 - **c.** Criminal sexual conduct with an adult (such as forced sex or forced contact w/ intimate body parts, even if the parties are married), or any form of sexual conduct with a child; or
 - d. Interference with a 911 call (intentionally interrupting or proventing someone from placing an emergency call)

What is considered family & household member?

- Spouse or former spouse
- involved in a significant romantic or sexual relationship
- Parents & children
- related by blood
- living together or who have lived together in the past
- who have a child in common (born or in utero), regardless of whether they were living together or ever married



Power & control is a pattern of actions that an individual uses to intentionally control their intimate partner.



- Created in Duluth, MN 1984
- Goal was to develop stronger descriptions and overall understanding of DV
- Made to show common abusive behavior and tactics
- Developed and created by focus groups of victims/survivors

Intimidation - instilling fear, making threats, displaying weapons Emotional Abuse - Name calling, humiliation, twisting words, mocking, yelling, swearing, abusing trust.

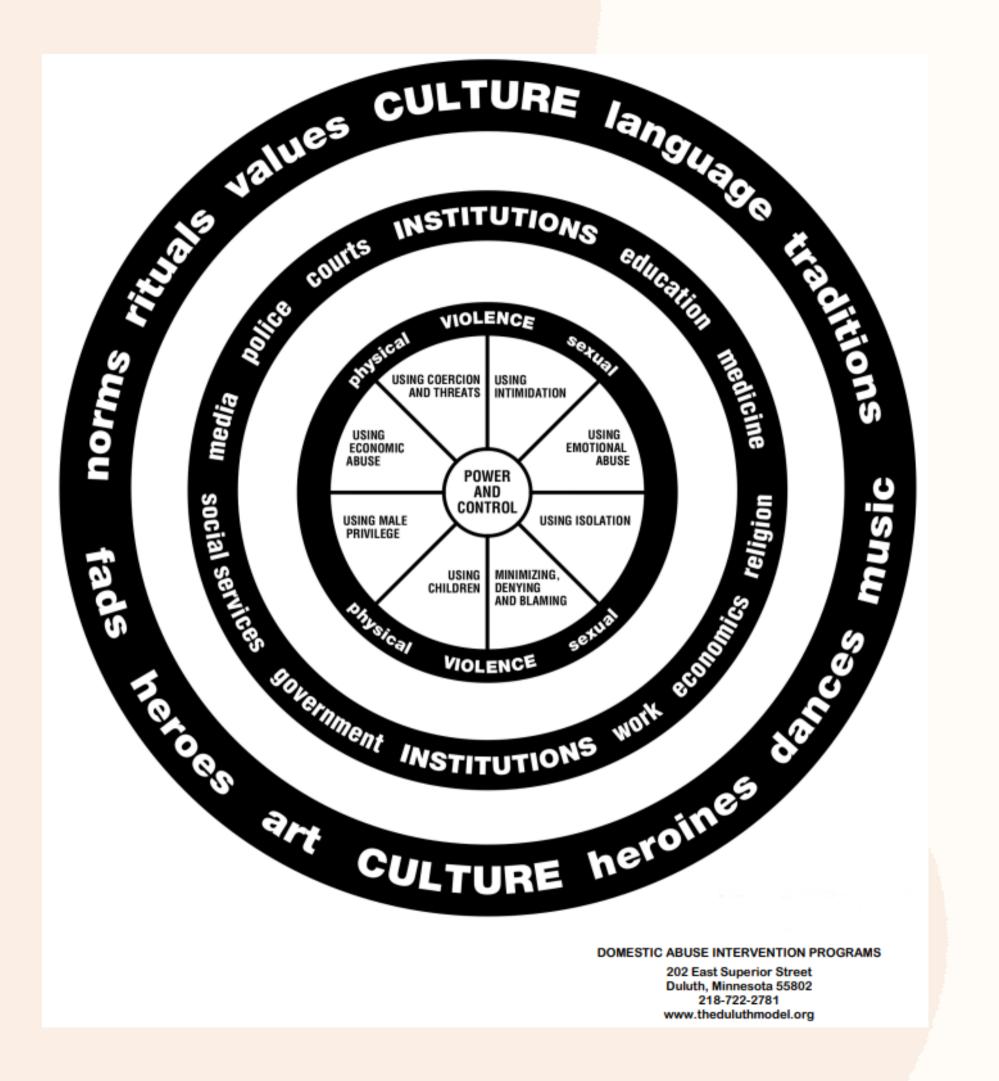
Isolation - keeping them away from support, monitoring phone calls/texts, telling them where they can & cannot go or whom they can or cannot speak to. Using jealousy to justify their actions

Denial & Blame - claiming that it did not happen, shifting blame to the victim "its your fault" (its never a victim's fault)

Children - Using the children as a threat, using parenting time exchanges to harass the victim, threatening to harm the children

Privilege - Its my way or no way at all, making the big decisions

Coercion & Threats - making or carrying out threats to harm the victim, their family, children pets etc. Threatens to commit suicide, coercing the victim not to cooperate w/ the criminal proceedings



Culture - Power & Control Wheel Representation of how cultural norms, values and institutions reinforce violence against women

What are some reasons victim's stay in abusive relationships?

Why Victims/Survivors stay

- Denial
- Dependent on the Abuser
- Cultural reasons/ beliefs
- Unaware of available resources
- Immigration Status
- Criminal record
- Family/ Children
- The Legal System

- Financial
- Abuser/Abuser's threats
- Retaliation
- Mental Illness
- Unaware of the abuse
- Stockholm Syndrome
- Love
- Shame & embarrassment
- Barriers



The Legal System



Criminal System vs Civil System

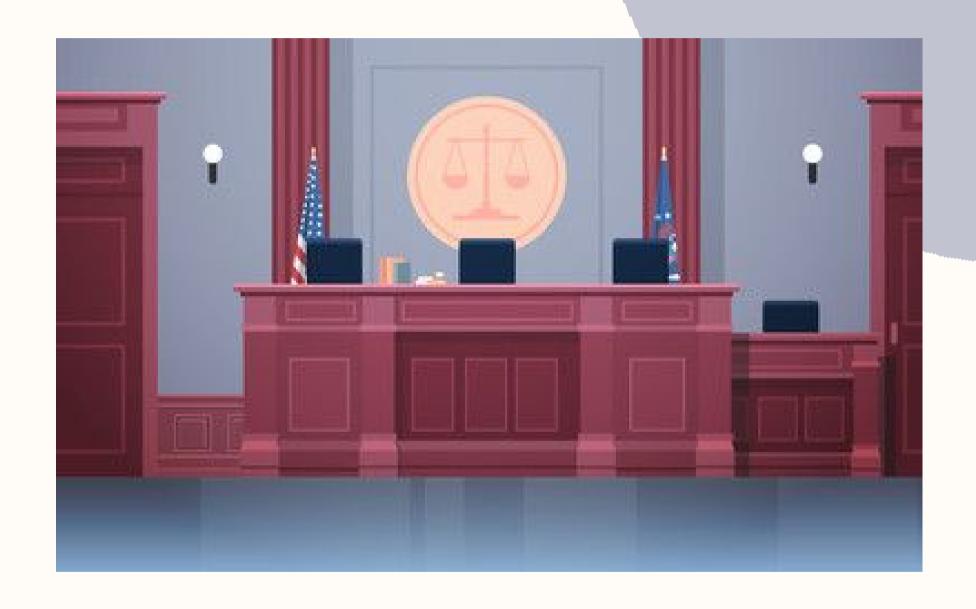
Criminal System: A case against an individual(s) accused of committing crimes because a crime is considered an act against everyone in society

Examples: Domestic Assault, Burglary, DWI's etc.

Civil System: involves usually two people or instutions like business or government bodies.

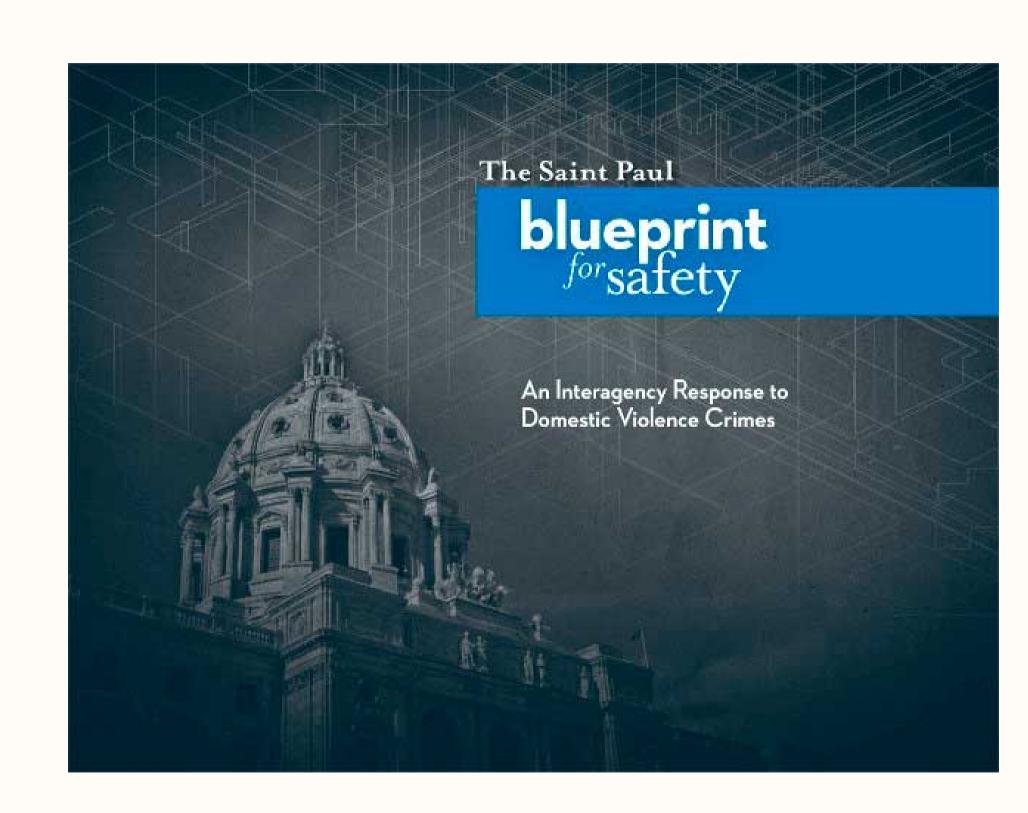
Examples: OFP/HRO's, Family, Housing etc.

CRIMINAL



Blue Print for Safety

- A "blue print" of how the criminal justice system responds to Domestic Violence Cases
- This protocol starts with the 911 Dispatcher all the way to probation.



Blue Print for Safety

The 'Blueprint' is not a collection of policies by separate agencies; it is a collective policy. Under the Blueprint we are linked to each other through out common goals; to do what it takes to keep victim's safe, to support each practitioner in doing their job and hold each offender accountable for their violence.

John Harrington, St. Paul Police Chief, Aug 24th, 2009

Criminal System: When calling Law Enforcement...

- Police reports are required to be written even if no arrest's have been made.
- Blueprint Lethality Questions
- Once a report has been made to law enforcement, the decisions to charge or not charge are out of the victims hands.
 - Not Victim vs. the Defendant, its State vs. the defendant, or the City vs. the defendant.

Blueprint Lethality Questions

When a Law Enforcement responds to a Domestic Situation, they ask the victim these questions. It is also part of the Police Report.

- 1.. Do you think he/she will seriously injure or kill you or your children?
- 2. How frequently and seriously does he/she intimidate, threaten or assault you? Changing? Worse/better?
- 3. Describe the time you were most frightened or injured by him/her
- 4. Has the suspect ever threatened to harm you or your loved ones if you call police or cooperate with prosecution? (if so, please describe)
- 5. If we cannot contact you, who can we call to reach out?
- 6. Where has the suspect lived for the past 10 years?
- 7. Does the suspect own or have access to guns?

Criminal System

- Law enforcement investigates the crime. The Prosecutor's are the one's that determine whether there is sufficient evidence to pursue charges.
 - Evidence Based Prosecution
 - SPPD: Family Violence Unit
- Pursuing Charges
 - Usually depends on the amount of evidence as well as the incident that occurred on that day.

Criminal System - Arrests & Gone on Arrivals

Arrests

- When a suspect is arrested the state has 36 or 48 hours to charge before they're released.
- Gone on Arrivals (GOA)
 - Case is assigned an investigator from FVU and they must submit a complaint to the prosecution and issue a warrant.

Criminal System

- Level of Charges
 - Misdemeanors can include, disorderly conduct
 - Maximum Sanction 90 days in jail and/or up to \$1,000 fine
 - Gross Misdemeanors Interference w/ a 911 call,
 - Maximum Sanction 1 year in jail and/or up to \$3,000 fine
 - Felony Threats of Violence/Terroristic Threats
 - Maximum Sanction Over 1 year imprisonment and/or up to maximum fine specified in law. Maximum penalties range from 366 days to life in prison.
 - A third domestic assault charge within a 10 year period may be charged as a felony. There is no limit on the amount of jail time or fine for Felony level charges.

Common Domestic Abuse Charges

Misdemeanors

- Domestic Assault (to cause harm)
- Domestic Assault (to cause fear of harm)
- Violation of an Order for Protection
- Violation of a DANCO

Gross Misdemeanors

- Interference with a 911/emergency call
- Stalking

Felony

- Terroristic Threats
- Aggravated Assault w/ a Weapon
- Domestic Assault by Strangulation
- False Imprisonment

Victim's Rights

Under the Minnesota State Law throughout the court processs, including the right to:

- Be notified of the prosecutor's decision to dismiss the charges or not prosecute the abusive person.
- Not be fired from job or disciplined because victim has been subpoenaed or requested to appear in court.
- Submit a victim impact statement to the court and request restitution for out-of-pocket expenses due to the crime.

Victim's Rights

Under the Minnesota State Law throughout the court processs, including the right to:

- State your opinion, orally or in writing about a plea bargain agreements and sentencing.
- Be notified of the release of the abuser
- To apply for reparations (financial compensation)

Criminal System

- Who can survivor's contact about their criminal case?
 - Felony/Suburban Ramsey County Attorney's Office
 - **651-266-3222**
 - Misdemeanor & Gross Misdemeanor Saint Paul City Attorney's Office
 - **651-266-8740**

Criminal System

- Victim Witness
 - Provides support, services & information to victims & witnesses of a crime.
 - Victim in a case is assigned one.
 - Works w/ the Prosecutor on the case to get victim input.

Domestic Abuse No Contact (DANCO)

Issued through Criminal Court usually involving a criminal case, typically a domestic-violence-related charge.

Domestic Abuse No Contact Orders

(DANCO)

- Sought by the prosecutor.
- Issued in criminal court against the defendant in the case by a Judge.
 - Crimes committed against a family or household member.
- Protected party is the victim in the case.
- Only a Judge can issue & dismiss the order, victim's can give input.

Violation of Domestic Abuse No Contact Orders (DANCO)

 The party that is supposed to abide by the order, is told that a violation could result in another criminal charge & could possibly change their custody status.

CIVIL COURT

Harassment Restraining Order (HRO)

Orders someone to stop harassing you & have no contact.

Order for Protection (OFP)

Orders abuser to not contact, harm or threaten to harm you, your child, or other people that a Judicial Officer agrees to list on the order.

Definitions again!

Respondent - is the person filing the order **Respondent** - is the person who the order is again **Restitution** - something that can be ordered by the courts for expenses related to the crime and paid by offender.

Reparations - Financial assistance from the government that is available to victim's of a crime.

- Who can get an Order for Protection?
 - Spouse or former spouse
 - Parents and children
 - Person's related by blood
 - Person's who are presently residing together or who have resided together in the past.
 - Person's who have a child in common or are pregnant together
 - Person's involved in a significant or romantic or sexual relationship.

- Must allege Domestic Abuse as defined in the statute as:
 - o Physical harm, bodily injury or assault; or
 - The fear of imminent physical harm, bodily injury or assault; or
 - Criminal sexual conduct as defined; or
 - o Interference with an emergency call.

- What does an OFP do?
 - Restrain the abuser from further acts of abuse
 - Direct the abuser to leave the household
 - Prevent the abuser from coming to or near the victim's home, place of employment, school, etc.
 - Restran the abuser from having any contact with the victim whether in person, by phone, mail or third part contact.
 - Award the petitioner temporary custody of the children.

- What does an OFP do? Cont.
 - Order child support payments
 - Prevent the abuser from changing or dropping any insurance
 - Require the abuser to get into a counseling program that focuses on battering, substance abuse or both, if appropriate
 - Restraing the respondent from owning or obtaining firearms or ammunition.
 - Lasts for 2 years and could be extended for longer.

Order for Protection (OFP) cont.

- Court Hearing: Depends on the request for relief & if the respondent requests one.
 - Request for relief that does not require a hearing
 - Ex). Asking the respondent to stay away from/ have no contact with Petitioner
 - Request for relief that does require a hearing.
 - Ex). prohibiting R from using firearms, temporary child custody, restitution.
- Court hearing is scheduled when the order has been granted.
- P & R can both request a hearing.
 - The Respondent does have the right to request for a hearing.

Order for Protection (OFP) cont.

- Risks of filing an OFP
 - The petitioner could retaliate
 - Facing their abuser in court
 - Risk of order being denied after and having to attend an evidentiary hearing
- Filing and Order for Protection may not be the best thing to do first, because it could cause the Respondent's unpredictable behavior to escalate and worsen.

Protection Orders Child Custody and Child Support

- Can be determined through OFP
- Visitation can be arranged through a third party or a visitation center
- If couples are not married at the time of birth & father has not be adjudicated, then he has no custody or parenting time rights to the child. Sec. 257.541 Sub 1.

Harassment Restraining Order (HRO)

- Relationship: No relationship required.
- Relief given: No contact & no harrassment
- Hearings: may be granted without a hearing, P & R may request a hearing.
- Must meet statute for harassment

Harassment Restraining Order (HRO) Statute

- (a) "Harassment" includes:
- (1) a single incident of physical or sexual assault, a single incident of harassment under section 609.749, subdivision 2, clause (8), a single incident of nonconsensual dissemination of private sexual images under section 617.261, or repeated incidents of intrusive or unwanted acts, words, or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security, or privacy of another, regardless of the relationship between the actor and the intended target;
- (2) targeted residential picketing; and
- (3) a pattern of attending public events after being notified that the actor's presence at the event is harassing to another.
- (b) "Respondent" includes any adults or juveniles alleged to have engaged in harassment or organizations alleged to have sponsored or promoted harassment.
- (c) "Targeted residential picketing" includes the following acts when committed on more than one occasion:

Harassment Restraining Order (HRO) Statute

- (1) marching, standing, or patrolling by one or more persons directed solely at a particular residential building in a manner that adversely affects the safety, security, or privacy of an occupant of the building; or
- (2) marching, standing, or patrolling by one or more persons which prevents an occupant of a residential building from gaining access to or exiting from the property on which the residential building is located.

Harassment Restraining Order (HRO)

- Fees: None if the alleged actions constitute criminal Harassment, or IFP can be filled and filed with the order. \$324 is the fee.
- Violations: LE does not have record of the HRO.
- Violation of an HRO is a crime

Survivors can have more than one protection order, if they have one issued through criminal court, they have the right to file an order for protection as well.

Role of Legal Advocate in Court

- Assisting survivors with court proceedings
- explain the court process, explain reason for court hearings and discuss potential outcomes.
- Explain how to address the court and what to expect when testifying
- Accompany the survivor to court & provide support.
- This is the same for both, Civil and Criminal Courts.

Who can victim's contact to file for a restraining order

- Assisting survivors with court proceedings
- explain the court process, explain reason for court hearings and discuss potential outcomes.
- Explain how to address the court and what to expect when testifying
- Accompany the survivor to court & provide support.
- This is the same for both, Civil and Criminal Courts.

Domestic Violence Resources - SPIP Services.

St. Paul & Ramsey County Domestic Abuse Intervention Project (SPIP)

• Our organization believes that domestic violence is a crime and every victim/survivor has the right to access the criminal justice system, receive safety through the laws that are designed to protect them, and obtain the critical support and services they and their children deserve.

St. Paul & Ramsey County Domestic Abuse Intervention Project (SPIP)

- Serves victim's of Intimate Partner Violence & Battered older-women (50 and older).
- County/City we serve: St. Paul, Ramsey County
- 24 hr Crisis Line 651-645-2824

Other Resources

Tubman

- Safety. Hope. Healing
- Serves victim's of Intimate Partner Violence.
- Shelter Space
- County/City: Suburban Ramsey County,
- 24 hr Crisis Line 612-825-0000

Minnesota Day One

- Statewide program that connects people experiencing domestic violence, sexual violence, human trafficking or general crime to help agencies in the state.
- Shelter space.
- Phone: 866-223-1111

Cornerstone

- Serves victim's of general crime, sexual violence & human trafficking.
- Shelter for men
- County/City: Suburban Ramsey County,
- 24 hr Crisis Line 952–884–0330

Casa De Esperanza

- Provides culturally specific services for the Latino Community.
- Shelter
- County/City: Ramsey County, Suburban
- 24 hr Bilingual Crisis Line 651–772–1611

Women of Nations

- Provides culturally specific services for the Native American community.
- Shelter: Eagle's Nest
- County/City: Ramsey County, Suburban
- Local Crisis Line: 651-251-1609

Asian Women United of Minnesota

- Provides culturally specific services for the Asian Community
- Shelter: House of Peace
- Crisis Line: 612-724-8823

Transforming Generations

- Provides culturally specific services for the Hmong Community for victim/survivors of gender-based violence.
- Advocacy Services
- Support Groups, Txiv Neej Yawg Program
- Crisis Line: 651-756-1579

Standpoint

- Attorney's & Advocates against Domestic Violence
- Has lawyers & advocates that provides support, training, over the phone advocacy and legal advice.
- Crisis Line: 612-343-9842

Advocates

- Make sure to refer your client to their local agency
- Advocates are able to get criminal justice information and bring up safety concerns that the victim may not have considered.
- Advocates can help clients make a safety plan that is tailored to their situation.

Advocate Philosphy

Domestic Violence is a community problem, we have to work as a community to react and work TOGETHER towards change.

Roles of DV Advocates

- Provide support to training MFIP Providers & MFIP Families as needed.
- Advocates are focused on one thing: Helping battered women.
- Signs & symptoms of abuse are more obvious to us.
- We have been specifically trained on how to navigate through multiple systems (criminal/civil legal system, law enforcement, child protection, county agencies, etc.)
- Asses the appropriateness of the safety plan is a DV Specialist is not available.

Role of DV Specialists

- Trained in Domestic Violence
- Knowledge of MNFIP & Employment plan system's and protocols
- Client referrals to the proper agencies
- Are able to asses the appropriateness of the EP when a client is a victim of DV.
- Provides ongoing resources and support to EC's
- Connect the counselor and/or participant to resources.

Role of Employment Counselor

- Trained in basic DV Awareness
- Knowledge of MNFIP
- Refer participants to resources/support.
- Create a plan with paticipant, along with DV Specialist or DV Advocate.
- Communication with FAS to request for Family Violence Waiver
- Monthly check-in's with participant on EP activities and safety plan & assess plan.

Role of Participant

- Assist EC and DV to create plan that leads to engagement and employment.
- Follow through with EP/Safety plan
- Discuss any changes in circumstances

DV Memo & Policy

Who qualifies?

 A client who has an act or a combination of acts such as:

Physical harm, bodily injury or assault, the infliction of fear of imminent physical harm, bodily injury or assault, terroristic threats, criminal sexual conduct committed against or committed by a family or household member.

Family Violence Waiver

Family or Household members are:

- Spouses or former spouses
- Parents & children
- People related by blood
- People who are residing together or who have resided together in the past
- People who have a child in common
- If a woman is pregnant and the man is alleged to be the father
- People involved in a current or past significant romantic or sexual relationship.

Family Violence Guidance Waiver

What does the waiver do?

• Stops the MFIP 60-month time clock

 If a client is determined to be eligible, they also meet the eligibility criteria for Family Stabilization services.

- Participant shared w/ employment counselor that she/he is a victim of family violence and requests a family violence waiver.
- Counselor or DV specialist can help participant to secure verification, allow 10 days for verification submission Do not require for the participant to engage in the employment services activities or impose a sanction during this time.

Documentation Needed for Waiver

All are acceptable but the client only needs for verification for the DV waiver

- Police, government agency, or court records
- Statement from battered women's shelter staff person or a sexual assault or domestic violence advocate with knowledge of the circumstances.
- Statement from a professional from whom the client has sought assistance about the abuse
- Sworn statement from the participant & any other person with the knowledge of the violence or credible evidence that supports the participants statement.

- Worker must ensure that the client has access to someone that is trained in DV
 - If they do not have an advocate, you can notify a DV
 Specialist to assist with the EP.
 - if they do already have a DV Advocate, counselors should encourage participant to have DV advocate attend the EP appointment to incorporate the DV advocate into the EP Safety Plan Development.

- DV Specialist & Counselor
 - Ask about participants current living situation, children's well being, emotional support the participant has and if the participant is open to or would like information on Order for Protection or any legal actions.
 - Ensure referrals & resources are provided for the participant. Encourage participant to contact their employment counselor immediately if they are having trouble complying with activities in their employment plan.

Counselor

 Send a status update to the Financial worker once the EP has been approved. Financial workers must enter approved FVW in MAXIS.

Person Trained in DV

What does this mean?

A "person trained in domestic violence" is a person who works for an organization designated by the Minnesota Center for Crime Victim Services as providing services to victim's of domestic violence, a county staff person who has received similar specialized training or any other person or organization designated by a qualifying organization

Person Trained in DV

What does this mean?

Could also be a county or Employment Services staff person who previously received training as an advocate while working at an organization designated by the Center for Crime Victim Services, or it could be someone from Legal Aid or another agency who has been designated by a qualigying organization. Each county must identify locally trained people in order to ensure access for all MFIP participants.

Person's Trained in DV

DV Agencies

Minnesota Center for Crime Victim Services

1-888-622-8799

Saint Paul Intervention Project

651-645-2824

Tubman

612-825-0000

DV Waiver Extensions

- Main goal: Ensure the safety of the client and the children.
- All waiver participants are eligible for an extension
- A client must verify abuse
- These clients are considered participants of Family Stabilization Services (FSS) and are REQUIRED to develop an EP for FSS Participants and follow FSS requirements.

DV Waiver Extensions

- The job counselor or FSS case manager do have the final approval for EP
- The Employment Plan must be approved before the extension is approved.
- The client must comply with the plan to continue to receive the extension.

Non-Compliance

 Meet with the and a DV Specialist to go over whether the plan is still appropriate and is meeting the safety needs along with EP

Make changes if needed to the EP

Loss of Eligibility/Waiver

 If the DV Specialist believes that the EP is still appropriate and the client continues not to comply, the client loses the waiver.

• If it is determined that the client is to lose the waiver, the financial worker needs to be notified immediately.

Collaboration

Employment Counselor: Focus on the Employment plan and meeting requirements for financial independence.

Domestic Violence Specialist: Focus on the safety of the participant and their family while creating an EP with the Employment Counselor. Discussing resources and options to keep the participant safe.

Collaboration

Domestic Violence Advocate: Only with consent from the victim can an advocate give input into this process. Advocates can always provide general gudance and knowledge of systems to the DV Specialist or Employment Counselor.

What is a safety plan?

- A set of actions that can help lower risk of being hurt.
- Each safety plan is different for each victim based on their needs & barriers
 - Ex). does not have a phone or does not have a car/ mode of transportation.

Safety Planning & thinking about the what if's

- If the abuser breaks into my home, what are the exits?
- What necessities can I keep in my purse/bag/backpack in case I need to leave?
 - o important documents or keys.
- Do I have anywhere I can stay where he or she does not know?
 - Ex). Friends or family members, or a Domestic
 Violence Shelter.

Safety Planning & thinking about the what if's

- Calling 911? Who can I create a code word with if I'm in danger to call Law Enforcement? or what should I tell my children if I'm in danger
 - Could be w/ a trusted friend or with the children or a neighbor etc.
- Changing locks on doors/windows.
- Installing security systems, outside lighting system that motion activates.

Safety Planning & thinking about the what if's

- Informing employer about the situation in case the abuser comes to the work place.
- If the victim/survivor has a protection order, informing employers, friends & families about the order.

Working with victim's of Domestic Violence: What do I say?

- Listening to the participant and asking open questions about what they've shared.
- Validating their experience
- Be sincere and honest while listening and asking questions.



- Openly listen/ active listening
- Validate their experiences
- Thank them for sharing
- Express concern
- Empower & encourage
- Be honest about their options.



- Negatively Judge
- Question if it happened
- "you're wasting my time"
- Disregard their concerns
- Discourage
- Tell them that they only have one option.

What if I say something wrong?

- Be thoughtful in the questions and the support you give.
- Most participants won't mind asking you if you are sincere and open about in the way you ask.
- Let the victim know that you appreciate that they shared and told about the DV
- Acknowledge that you may not fully understand what they have gone through/going through but you are here to help.

EP Family Safety Plan

A participant comes to you and tells you that the father of her child had physically assaulted/strangled her the night before after an argument. She has no friends and no family because she moved here with the abuser. She has concerns about her safety and her child's safety because her abuser has threatened to cause harm to her and the child if they were to ever leave.

EP Family Safety Plan

A participant tells you that her ex-partner has been harassing her. There has been history of abuse in the past when they were together. But ever since, the expartner has refused to leave her alone. He's attempted to break into her apartment. He continues to text/harass and threatens to harm the participant.

It takes a Village...

No one person, program or institution alone can end domestic violence.. but each response creates a ripple.

We don't always know what the impact of a person's actions may be, but we believe all acts of caring and support will carry forward positive consequences.

Because it takes a village...

We have to take the time to take a step back and consider what barriers/limitations other institution's face when it comes to combatting Domestic Violence.

Questions or comments?

der@stpaulintervention.org

SPIP Phone # 651-645-2824