Domestic Violence Specialist Training: Day 1

Presenter: Abby Legal Advocate Training Coordinator

What we will cover today?

Domestic Violence Statistics
What is Domestic Violence
Why do victim's stay
The Legal System

Both Criminal and Civil

Advocacy and the Battered Women's Movement

Introductions

• Who's here?

Ice Breaker: Drawing Conclusions:

- Break up into small groups
- With the paper in front of you draw and/or write words of what you think a victim of DV looks like.
- This is a safe space, there's no judgement. We are all here to learn.
- Discuss in your group the victim you see before you

Introductions

• Large Group:

- How did the group decide what your DV victim would look like? Was it difficult to come up with a picture?
- Where did your ideas come from about what each of these people looked like
- Does your picture convey positive or negative images of DV victims?
- What conclusions if any can we draw from this exercise?

Who are Victims?

- Domestic Violence does not discriminate
 85 to 90% of Domestic Violence victims are female
- On average, 3 women are murdered by their current or former intimate partner in this country everyday.
 Approximately 1 in 5 female high school students reports being physically and/or sexually by a dating partner.

Who are Victims?

Women Are More Likely Than Men To Be Killed By Intimate Partners

Percent of total female and total male homicide victims killed by an intimate partner of the opposite sex, 2003-2012



Domestic Violence is the leading cause of injury to women between the ages of 15-44 in the United Statesmore than car accidents, muggings and rapes combined.

Uniform Crime Report

Regional Impact

- DV accounts for 26% of crimes in Minnesota
- 1 in 3 women will be a victim of domestic violence
- An estimated 65,000 primary and secondary victims (family members and friends) receive services from battered women's programs in Minnesota on a yearly basis.
 SPIP serves 5,400 annually

Regional Impact

• Over 80% of victims in Minnesota did not report the incident to law enforcement The St. Paul Police had more than 12,000 domestic violence related calls for service in 1 year During 6 months following DV incident, 32% are victimized again In Minnesota, more than 13,000 Orders for Protection are filed annually

MN Femicide Report

Femicide: Victim's killed due to DV
The MN Coalition for Battered Women (MCBW) tracks Homicides that are domestic related.
The MCBW has been producing the Femicide Report for 26 years
The Clothes Line Project

2014 Femicide Report

• Last year in Minnesota:

- <u>16</u> women were murdered in cases where the suspected, alleged, or convicted perpetrator was a current or former husband, boyfriend, or male intimate partner.
- <u>5</u> family members/friends were murdered in domestic violence-related situations.
- <u>2</u> men were murdered in a case where the suspected, alleged, or convicted perpetrator was a current or former intimate partner.
- <u>19</u> children were left motherless due to these murders.

(MN Coalition for Battered Women's Femicide Report, 2015)

Femicide Report to Date

• 564 since 1989

• Average of 21 women a year are murdered in Minnesota



Super Bowl 2015: DV PSA

What is Domestic Violence?



Battering

Battering is the establishment of control and fear in a relationship through violence and other forms of abuse. The batterer uses acts of violence and a series of behaviors including intimidation, threats, psychological abuse, isolation, etc. to coerce and control the other person. The violence may not happen often, but it remains as a hidden (and constant) terrorizing fact.

(Uniform Crime Reports, Federal Bureau of Investigation, 1990)

Domestic Violence

 Violence used by one partner or family member against another partner or family member, usually referring to adults.

Minnesota Coalition for Battered Women

Understanding Power and Control

• **Power:** the ability to influence.

Control: the ability to shape and block influence





Using Intimidation

Instilling fear

Making threatening gestures

• Displaying weapons



Emotional Abuse

Name calling
Humiliation
Twisting words
Mocking
Yelling, wearing
Abusing trust







Using Isolation

Keeping victims away from support
Preventing or making it difficult to see friends or family
Monitoring phone calls and texts
Telling the victim where they can and cannot go
Using jealousy to justify actions

Minimizing, Denying, and Blaming

- Making light of the abusive behavior
 Claiming the abuse did not happen
 Shifting the responsibility for the abusive behavior
 - Saying the victim caused it
 - Work has been extremely stressful
 - "If you had just done what I had asked you..."

Using the Children

- Accusing the victim of bad parenting
 Threatening to call Child Protection, to gain custody, to take the children away, etc.
- Using the children to relay messages
- Using parenting time exchange to harass the victim
- Threatening to not watch or provide childcare for the children

Using Privilege

Claiming to be right

Telling the victim what to do

Making all the big decisions

Economic abuse

Preventing the victim from getting or keeping a job
Making the victim ask for money or giving her an allowance
Taking the victim's money
Not allowing the victim to have access to money

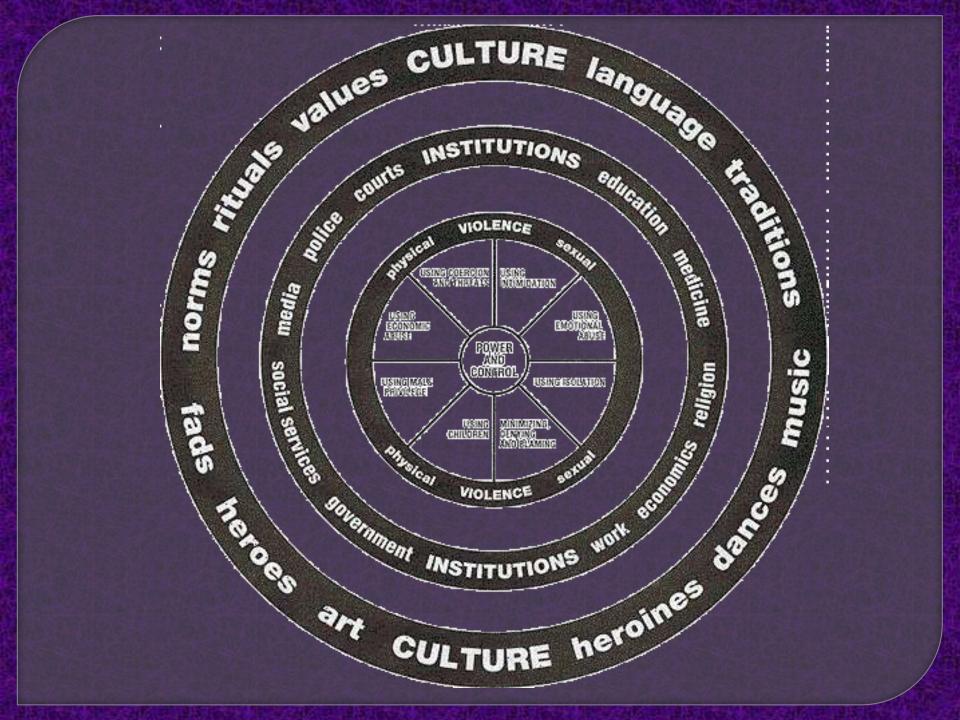


Using Coercion and Threats

 Making or carrying out threats to harm the victim, family, friends, pets, etc.

Threaten to commit suicide

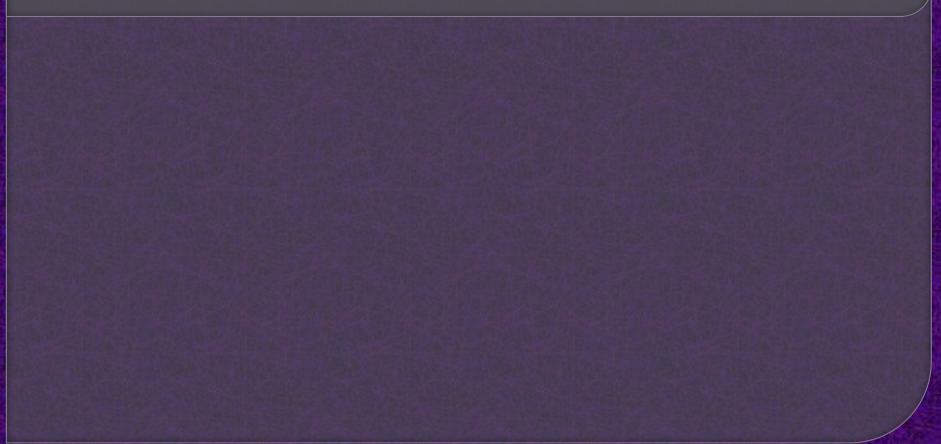
 Coercing the victim to not cooperate with the criminal proceedings



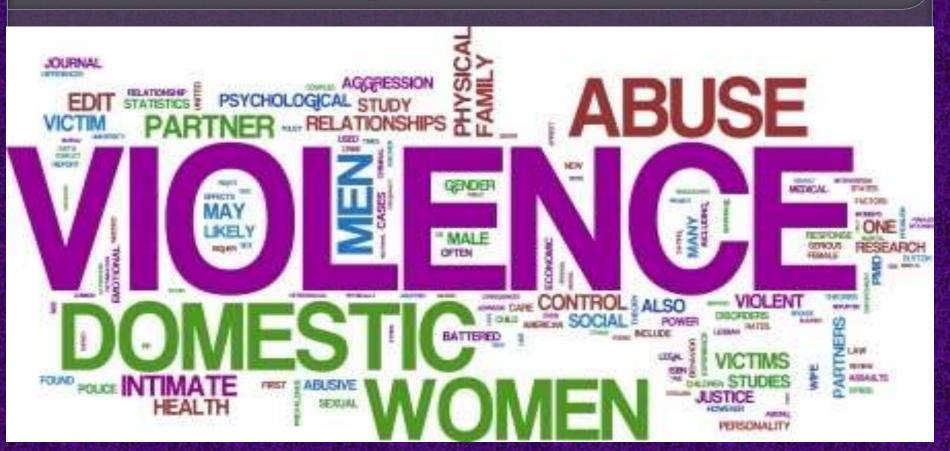
Safe Haven

http://www.youtube.com/watch?v=6pTk 4Q4Gc_g





Why do victims stay?



Statistics

- A 75% increased risk of physical harm and/or death when a victims decides to leave their abuser
- According to a report presented to the Senate Judiciary Committee, 50% of all homeless women and children in this country are fleeing domestic violence.
 Elizabeth Schneider, "Legal Reform Efforts for Battered Women: Past, Present and Future", prepared for the Ford Foundation

Physical and Psychological Harm

Risk of escalated threats and physical violence, resulting in harm to the victim, children, friends, families and pets.
Risk that the abuser will follow through with suicide
Risk of continued harassment and stalking

Effects on the Children

- Emotional and physical harm to the children
 Increased risk if there is unsupervised parenting time
- Parental kidnapping
- Custodial fight
- "Breaking up the family"



Effects on Children

In 50% of strangulation cases the children were present What are the chances of children becoming a violent offender later in life?

Young boys who are physically abused are 3x more likely Young boys who witness Domestic Violence in the home are 6x more likely

What's Love Got to Do With It?

Financial Hardship

Reduced standard of living

Losing home, possessions, or community

Unable to meet the family's basic needs
Losing income or a job

Harassment, transportation, childcare

Possibly having to relocate

Relationship Changes

Risk of losing a partner, the relationship, or a parent to their children
Risk of losing help with the children, transportation or household
For the elderly or people with disabilities there is the risk of losing a caregiver

Responses from Others

This includes family, friends, and the community • Risk of not being believed • Risk of being blamed Being pressured to do something the victim is not ready for • Risk of being pressured to maintain the relationship by family or based on religious and/or cultural beliefs

Continued

 Risk that the actions of "helpers" may increase the danger (confrontation, demanding victim leave, etc.)

- Confrontation
- Demanding the victim leave
- Threatening to remove support

Why Women Stay

• Handout

• What stands out to you?



TED Talk

Keep in Mind

It is a process and not a single act It takes a radical change to one's thought process, world view, prior beliefs, patterns, life styles, behaviors and attitudes It also takes a lot of good resources, information and support It takes self-determination and hard work Children are often the best motivators

Lunch



Thoughts?

 During lunch did anyone have any questions or thoughts about the TED Talk?

• Any about what we have learned so far?

Legal System



The Legal System

Criminal System: Handles when a crime has been committed.

- Domestic Assault
- Burglary
- DWI's

Civil System: Handles civilian disputes that are not criminal.

- Divorce
- Property
- Small Claims

Legal System

Civil

Order for Protection (OFP)

 Victim of domestic abuse applies for an OFP in civil court

 Adults can apply On Behalf Of (OBO) minor children

Orders for Protection are free of charge for victims

• Who can get an Order for Protection?

- Spouse or former spouse
- Parents and children
- Persons related by blood
- Persons who are presently residing together or who have resided together in the past
- Persons who have a child in common or are pregnant together
- Persons involved in a significant romantic or sexual relationship

- Domestic abuse is defined in the statute as:
 - Physical harm, bodily injury or assault; or
 - The fear of imminent physical harm, bodily injury or assault; or
 - Terroristic threats as defined; or
 - Criminal sexual conduct as defined; or
 - Interference with an emergency call

• What does an Order for Protection 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.
- Restrain the abuser from having any contact with the victim whether in person, by phone, mail, or by third party contact.
- Award the victim temporary custody of the children.

- 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.
- Restrain the Respondent from owning or obtaining firearms or ammunition
- Lasts for 2 years and can be extended for longer.

OFP Risks

 Retaliation from the batterer or batterer's family

Having to face their abuser in court

 Risk of it being denied after and evidentiary hearing

Harassment Restraining Order (HRO)

• Legal requirements:

- Single incident of physical or sexual assault; or
- Repeated incidents or intrusive or unwanted acts; or
- Targeted residential picketing; or
- A pattern of attending public events after being notified that the actor's presence is harassing to another
- <u>**Do not**</u> need to show a significant relationship



• Negatives:

- Costs \$327 in Ramsey County to file
- Does not protect children OBO
- Respondent has 45 days to respond to the court
- Cannot request restitution

• Positives:

- Neither party can bring up custody or parenting time
- It costs the Respondent to respond

HRO Risks

Retaliation from the batterer or batterer's family

Having to face their abuser in court

 Risk of it being denied after and evidentiary hearing

Third Party Harassment and Social Media Harassment

Safety planning
Blocking/Changing numbers
Harassment Restraining Order option

A batterer is going to use any tool they can to continue the power and control over their victim.

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 time of birth and father has not been adjudicated, then he has no custody or parenting time rights to the child

Child Custody and Child Support

 Recognition of Parentage- establishes paternity, gives father the right to go to court about parenting time

Always have client seek legal advice
Legal Aid/SMRLS: 651-222-5863

Legal System

Criminal

 Once a report is made to law enforcement, charging decisions are out of the victim's hands.

 The victim does not press charges for domestic assault. The state of Minnesota will do so providing there is probable cause. This is called Evidence Based Prosecution.

• The charge of domestic assault is a misdemeanor, punishable by up to 90 days in jail and or a \$1000 fine. • Domestic assault is an enhanceable crime. After a person has been convicted of domestic assault, a new domestic assault within 5 years could be charged as a gross misdemeanor – which is punishable by up to 365 days in jail and/or a fine of up to \$3000.

 A third domestic assault within a 10 year period may be charged as a felony

 It is the policy of SPPD to arrest if they believe there is probable cause.

 An arrest can be made within 72 hours of the assault – charges can still proceed after the 72 hours. *Pick up and hold.*



 If suspect is arrested, the state has 36 or 48 hours to charge before he/she is released

 If suspect is not arrested then the investigator must submit a complaint and issue a warrant

Blue Print for Safety

The City of St. Paul and Ramsey County have agreed to follow the Blue Print for Safety
This is a literal "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 our common goals; to do what it takes to keep the victim safe, to support each practitioner in doing their job and to hold each offender accountable for their violence.

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

911

 Dispatchers are to keep the caller on the phone and keep the victim calm

• Asses the danger level

- Asking about weapons
- Others in the house
- Background noises

At the Scene

• Asses the danger

Immediate safety to the victim

• Asking the Blue Print questions

• Connecting the victim with SPIP

Patrol's Blue Print Questions

- I) Do you think s/he will seriously injure or kill you or your children?
- What makes you think so?
- What makes you think not?
- 2) How frequently and seriously does s/he intimidate, threaten or assault you?
 - Is it changing? Getting worse? Getting better?
- S) When was the time you were most frightened or injured by him/her?
- (in addition, document threats made to the victim for seeking help, particularly help from the police or courts)
- 4) Does the suspect mistreat animals?

The Blue Print Questions

- Take a look at these questions
 Identify:
 - What makes sense/What doesn't make sense
 - Important questions
- Incident questions/back-history questions
 Discuss with our group
 Reconvene as a group

Investigations

• Gathering Evidence • Engaging the victim in a way that prioritizes safety • If a case is declined by prosecution exploring whether further investigation is needed Is the suspect on probation? For what? • Present the case to prosecution

Prosecution

Screen the cases

- Is there enough evidence?
 - Charges
 - Warrants

Approach cases in ways the minimize dependence on the victim. Victim Notification

Right to know what is happening within the court system

Prosecution

When Prosecutors work with victims to meet victims' goals, prosecution rates increase, there are a greater number of guilty verdicts, and victims are more likely to report continued abuse.

E Buzawa & C. Buzawa (2003); J. Belknap & D.L.R. Graham (2003); O'Sullivan et al. (2007)

Prosecution

As many as half of domestic violence victims may be threatened with retaliation for cooperation with prosecutors.

R. Davis, et al. (1990)

Sentencing

• Pre-Sentence Investigation

- To be issued in any domestic charge
- Victim Impact statement
- Tool to determine punishment

Accountability

• With full knowledge of the relationship the better the abuser can be held accountable

Probation

Presentence Investigation (PSI)

 The PSI is written for the bench and the supervising probation officer. It puts the event into a context that allows the court to impose a sentence which addresses victim safety, offender accountability, and offender rehabilitation.

The Saint Paul Blue Print for Safety, Page 96.

Probation

- Once the batterer is on probation they are responsible for:
 - Notifying the victim of the batterer's status and conditions
 - Continuing victim engagement
 - Routine Monitoring
 - Accountability
 - Shielding retaliation towards the victim
 - Enforcing probationary conditions
 - Violating the batterer when appropriate

Probation

"For these cases, protection of the victim and all that entails simply has to be job one. It's great when we see justice system partners interacting in ways that say we're all in this important work together. For corrections specifically, we need to do the work that will reduce and manage offender risk, while at the same time gaining victim trust."

Carol Pender-Roberts, Director, Ramsey County Probation

SPIP's Partnership with the St. Paul Police Department



F.L.A.R.E-U.P. Team

<u>First Light, Accountability, Response &</u> <u>Enforcement United with Prosecution</u>

- Office of Violence Against Women Grant to Encourage Arrest
- Began 2005 as FLARE, added –UP in 2008
- Collaborating Partners:
 - St. Paul Domestic Abuse Intervention Project
 - St. Paul Police Department
 - St. Paul City Attorney's Office
 - Ramsey County Community Corrections
 - Ramsey County Attorney's Office

• First Light:

- Advocate and police officer unite
- Identify highly lethal cases
- Differences in roles
- Victim safety 1st; Case 2nd

• Goals:

- Improve victim safety
- Improve the investigation of domestic abuse cases
- Ultimately, improve the perpetrators' accountability for their violence

Who is the First Light Team?



First Light Team: Officer & Advocate

Gone on Arrival Screeners: Sergeant & Prosecutor

Chronic Offender Team: Probation, Officer, Advocate, Sergeant, Prosecutors

Advocate Meets with Victim:

- Confidentiality
- Advocacy Role & Services
- Criminal Justice System
- Victim's Rights
- Family Court System
 - Custody, Paternity, Dissolution, Child Support

- Child Protection
- Safety Planning
 - Orders for Protection
 - Shelter
 - Lock Changes
 - Lease Termination

 These services are offered but each situation is different so each safety plan must be different

Instrumental Partnership:

- Addresses immediate victim safety issues
- Establishes trust in the CJS
- Gives opportunity to understand, and if desired, participate in the CJS process
- Provides critical support and resources both short- and long- term
- Builds rapport with victims and between facets of system
- Continued victim engagement

Effectiveness

- Strengthened response to victim safety
- Increased accountability for offenders
- Provided critical support and services directly to victim
- Clear messages sent to offenders that their behavior will not be tolerated by CJS & community as a whole
- Consistent message sent to victims that we're here to help, we care and we believe you

Language Matters

Battered Women's Movement

Battering, Domestic
 Violence, Intimate
 Partner Violence

<u>Criminal-Legal</u> <u>System</u>

Assault, Terroristic
 Threats,
 Strangulation,
 Stalking, Harassment,
 "Domestic"

Language Matters

• <u>Woman/Survivor:</u>

One who experiences a pattern of controlling, coercive behaviors by another Victim: One whom a crime of battery or assault has been committed

Language Matters

• <u>Abuser/Batterer</u>:

One who uses a pattern of controlling, coercive behaviors over another Perpetrator: One who has been convicted of committing a crime of assault or battery

Impact

- Batterer's are not abusive 24-7 BUT the fear is most often 24-7
- Batterer's use many tactics
- Recognize battering as a gender-based crime
- Batterers are socialized in a culture that promotes and supports the objectification of women

• Looks at a single incident, not a pattern of control Based on evidence. This determines if a crime has been committed and who is the primary aggressor • Assumes everyone is equal under the law Not interested in socialization

Blueprint: DV Awareness Month

Break



The Battered Women's Movement We Al Can Do It!



Feminism is worthless without intersectionality and inclusion.

Oppression

- This is part of the abuser's tactic
- Promote belief in superiority of the oppressor
 Make the oppressed into inferior objects
 Teach submission to the oppresses
 Use violence against oppressed
 Control oppressed by splitting into good (collaborators) and bad (resistors)

The Battered Women's Movement

Founding Mother's Recognized:

- The importance of approaching battering as a social problem, not the pathology of the individual victims
- The imbalance of power between the oppressor and the oppressed
- Women, as a group and individually, are the are the primary targets of rape and battering (gender-based violence)

Resistance to Wife Beating

- 1848: The year the first wave of the women's rights movement.
- On the heels of the Abolition Movement
 Women wanted rights to:
 - Divorce
 - Children
 - Protection from abuse
 - Vote

Resistance to Wife Beating

- 1848: First law <u>regulating</u> wife beating
 1872: First state outlaws wife beating, Alabama
- 1911: All states pass laws <u>regulating</u> wife beating, divorce, custody
 1920: Women gain the right to vote
 1920-1960: Women's organizing fades
 1970's: Women break the silence

Organized Resistance

 1960's: Women's movement emerges along with the anti-rape movement

- This was heed along by the civil rights movement
- 1970's: Battered women's movement emerges

 Hotlines, shelters, legal clinics, and advocacy
 1980's: Criminal/civil remedies and batterer's intervention
 1990's: Proliferation of responses

Organized Resistance

- Criminal and civil protection order statutes
- Mandatory and pro-arrest statutes in response to domestic assaults
- Stronger sentencing and monitoring
 Organizing to change divorce and
- visitation practices
- Laws to restrict the availability of guns
 Healthcare and Medical institutions began to focus on the movement

Organized Resistance

Late 1980's to now:

Generally, women's experiences are accepted as legitimate and safeguards have been implemented Marginalized women continue to identify disparities in how systems respond © Community/social-cultural advocacy is strengthened Organizing efforts have spread beyond local, statewide, and national

The passage of VAWA and other successes

1994: The Violence Against Women Act (VAWA) passes Igentiation 1996: The opening of the Office on **Violence Against Women** 2000 VAWA II
 Leahy-Crapo Senate legislation will: 2005 VAWA III

VAWA PASSES!



Provide critical resources for victims of domestic and sexual violence.



Protect everyone, regardless of gender identity or sexual orientation.



Take new steps to prevent domestic violence and human trafficking.

Like and share to spread the word!

The passage of VAWA and other successes

Tribal Coalitions form Oklahoma first DV coalition Minnesota first SA coalition OVW (Office on Violence Against Women) form a Tribal unit Why is it important to focus on tribes?

Minnesota's Role

 Established the first domestic violence shelter in the United States

 The Domestic Abuse Intervention Project in Duluth created the Power and Control Wheel

 National leader in the end against domestic violence

Sharon Rice-Vaughn: Co-Founder of Women's Advocates

St. Paul and Ramsey County Domestic Abuse Intervention Project



SPIP's Philosophy

• Domestic violence is a crime Domestic violence must be eliminated Social and system responses which condone or allow its oppression must be eliminated Community collaboration and partnership enable us to work toward long-term social and system change • We must continue to grow in response to what the community needs

SPIP's Philosophy

• Focus must remain on the needs of battered women and their children • Every battered woman has the right to: Access the criminal justice system Receive safety through the laws which are designed to protect her Obtain critical support and services she and her children deserve • Make her own choices • Dignity

SPIP's Philosophy

 DOMESTIC VIOLENCE IS A COMMUNITY PROBLEM

 COMMUNITY NEEDS TO REACT TO DOMESTIC VIOLENCE

COMMUNITY NEEDS TO WORK
 TOGETHER TOWARD CHANGE

Role of the Advocate

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.)

Role of the Advocate

We are trained on how to break through multiple barriers that prevent battered women from living free of violence
Paradigms of how to see domestic violence often need to be challenged
We are protected by state and federal to remain confidential

Mandated reporting on child abuse

SPIP Services

- Legal Advocacy
- SPPD notifies us on all domestic arrests and we contact the victims right after the assault
- Provide victims with information on the various stages of the court process
- Explain and assist victims in asserting their rights
- Go to both criminal and family court
 Act as a link between victims/police/court

SPIP Role

Orders for Protection

Provide information on and assistance in obtaining Orders for Protection
When victims are hospitalized we can write OFP's at the hospital
Help victims prepare for and accompany victim to OFP hearings
Assist in finding attorneys when needed

SPIP Services

• Assist victims

 Help to remove some of the barriers to leaving (financial, lock changes, etc.)

24-hour crisis line

• Bilingual Advocates:

- Spanish
- Hmong
- Somali

Support Groups

• St. Paul Intervention

Wednesdays 6:00-8:00pm

Latina Support Group
Thursdays 5:30-7:30pm

Older Women's Groups

1st and 3rd Wednesdays 1-3pm in Maplewood

2nd and 4th Tuesdays 1-3pm in St. Paul

Tubman Family Alliance

24 hour crisis number 651-770-0777



Tubman's Mission

 Promoting safe and healthy individuals, families, and communities through evidencebased intervention, prevention, and education.

Tubman's Values

Client-centered services

A strength-based approach

• Honoring each individual's journey

Tubman's Core Services

• Shelter & Residential Sustainability Services Legal Services Counseling & Therapy • Youth & Family • Chemical Health Services Public Education • Services provided in Hennepin, Ramsey, and Washington County

Legal Services

 Provide information regarding divorce and child custody cases

Legal information sessions

• Self representation legal clinics

• Family law pro bono representations

Counseling and Therapy Services

- Individual, couples, & group mental health counseling with licensed psychologists, independent clinical social workers, art and play therapists, and clinical nurse specialists • Dialectical Behavioral Therapy • Support Groups: mental health/chemical health group, mixed issues group, dealing with depression, anxiety group, parenting groups, and domestic violence
- Holistic Abuse Prevention Program for men and women

Chemical Health Services

• Chemical dependency assessments

• Co-occurring disorders treatment

• Fetal alcohol spectrum disorder services

Out-patient services

Youth and Family Services

Drop in childcare for clients at Chrysalis
 Center and at shelters for residents

• Teen relationship curriculum

• Parenting workshops

• Youth support groups

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 action may be, but we believe all acts of caring and support will carry forward positive consequences.