

The **Distinct** and **Vital** Role
of a **Legal** and **System** Advocate



Advocacy Companion Piece to the Saint Paul Blueprint for Safety



Table of Contents

1. Introduction: Development of <i>Saint Paul Blueprint</i> and <i>Advocacy Companion Piece</i>	1
2. History & Intention: SPIP Community-based, Legal and Systems Advocacy Services	
A. Our Mission	3
B. Our Philosophy	4
3. Legal Advocacy: Services for Victims of Domestic Abuse	
A. The General Role of a Legal Advocate in Assisting Battered Women	5
Nonjudgmental Support	5
<i>Listening • Undivided Loyalty • Validation</i>	
Confidentiality	7
Safety Planning	7
Education	8
Legal Advocacy Services	10
<i>Knowledge of Legal Rights and Options</i>	
<i>Explaining the Judicial Process from Arrest Through Conviction</i>	
<i>Liaison Between Victim and System</i>	
<i>Navigating and Tracking Cases Through the System</i>	
<i>Challenging the System</i>	
<i>Providing the Victim Accompaniment During Court Proceedings</i>	
The Victim Determines the Choice	12
A Continuum of Advocacy & Support Services	13
B. The Work of the Saint Paul Domestic Abuse Intervention Project in the Criminal Justice System	14
Making First Contact with Victims	14
<i>Contacting the Victim • Explaining the Criminal Court Process</i>	
<i>Explaining SPIP Legal Advocacy Services</i>	
Providing Legal Advocacy Throughout the Criminal Court Proceedings	16
<i>After initial contact • Gone on Arrival • SPIP's First Light Component</i>	
<i>Once the formal charging information is obtained</i>	
<i>Perpetrator will be released from custody • Case is not charged</i>	
<i>Tracking the case • Morning arraignment court</i>	
<i>Inside the court gallery • Victim is not in arraignment court</i>	
<i>Pre-trial or omnibus hearing • The day of the pre-trial</i>	
<i>If victims are not present in the pre-trial courtroom</i>	
<i>If the perpetrator has plead not guilty at the pre-trial</i>	
<i>Often a legal advocate will accompany a victim in the courtroom</i>	
<i>Immediately following the jury trial</i>	
<i>When a court criminal case is continued many times</i>	
<i>Victim impact statement • Pre-Sentence Investigation (PSI)</i>	

4. Systems Advocacy: Changing the Way the System Responds to Domestic Abuse

- A. An Advocate’s Role in Creating Systems Change22
- B. Advocates Partnering with System Leaders to Create Change24

5. Critical Issues to Consider When Providing Legal and Systems Advocacy Services

- A. Providing Culturally Competent/Appropriate Services30
- B. Serving Battered Women Who Are Defendants31
- C. Confidentiality and Victim Information31
 - Confidentiality31
 - Policy Concerns32
 - Withholding Victim Information33
 - Sharing Victim Information35
 - Securing Victim Consent for Sharing Information35

6. Advocacy Agency’s Role in Implementing *Saint Paul Blueprint for Safety*39

AcknowledgmentsInside Back Cover

Tables

- Legal Justification For Advocates Not Sharing
Victim Information Without Her Consent34
- Guidelines for Sharing Victim Information36

1. Introduction: Development of *Saint Paul Blueprint* and *Advocacy Companion Piece*

The City of Saint Paul in partnership with our agency, the Saint Paul Domestic Abuse Intervention Project (SPIP), and ISALAH¹ sought the support of the Minnesota Legislature for the creation, with the assistance of Praxis International,² of a framework/blueprint to (a) increase the criminal justice system's accessibility, accountability, services and protections to all victims of domestic abuse (and their children), and (b) improve the response of intervening practitioners to ensure consistency with the level of violence of the crime/incident and dangerous actions of the assailant.

It is the intent of the *Saint Paul Blueprint for Safety (Blueprint)* to act as a guide for the criminal justice system's response to domestic violence, as it extends from 911 to final case disposition. It is adaptable to other jurisdictions throughout the State of Minnesota. In order for the *Blueprint* to secure for victims of domestic abuse access to services and protections through the criminal justice system, it is imperative that the *Blueprint* include a companion piece regarding the concurrent provision of grass-roots, community-based, legal and systems advocacy services.



Our *Advocacy Companion Piece* delineates the role community-based, legal and systems advocacy programs have in working with battered women/victims of domestic abuse and impacting how the criminal justice system responds to domestic violence. As a long standing, grass-roots domestic violence program, SPIP was in a unique position to create the *Advocacy Companion Piece*.

The St. Paul Intervention Project has been in existence since 1984 to assist in eliminating domestic violence and its oppression. Each year our agency serves over 4,600 battered women and their children with direct advocacy services. Additionally, battered women, members of the community, and women and children (with a focus on people with increased barriers to accessing help) receive education, prevention, intervention and advocacy through our programs. Central to our mission is facilitating and improving the criminal justice system's response to domestic violence through the provision of intervention, support, information, advocacy and increased safeguards for the victims immediately following a domestic assault; ensuring that battered women's rights are upheld and their needs are heard by the criminal justice system; and daily monitoring and systems advocacy for the effective utilization of existing laws to hold abusers accountable for their violence and deter further violent acts.

1. ISALAH is a collection of congregations committed to building a worldview that prioritizes racial and economic justice.
2. Praxis International, Inc. is a nonprofit research and training organization that works toward the elimination of violence in the lives of women and children, and bridging the gap between what people need and what institutions provide.

In 2009, the St. Paul Intervention Project entered its 25th year of working effectively with the Saint Paul/Ramsey County criminal justice system to improve both the legal system's and the community's response to domestic violence. The rich and fruitful alliances among our agency and the Saint Paul City Council, Police Department, City Attorney's Office, Court Services, 911 Dispatchers, Corrections, Probation, the Ramsey County Attorney's Office, Sheriff's Office and local domestic violence and community-based organizations have created a fundamental change in the way our community views and responds to domestic violence. Our collaborative success has ranged from developing a police family violence unit and a multi-disciplined chronic offenders team to partaking in the development and opening of a full range, community-based, victim service center and ongoing outreach efforts into communities of need.

Based on the philosophies and approaches that have led to our successes, as well as the views of victims and survivors our agency has served, the Saint Paul Domestic Abuse Intervention Project created the following *Distinct and Vital Role of a Legal and System Advocate* companion piece. It also includes input from domestic violence criminal justice intervention programs throughout the state and from leaders and workers within our criminal justice system. This piece is intended to outline the significance of the role advocates have in (a) ensuring victims of domestic abuse have their voices heard and safety needs met (to the highest degree possible) by the criminal justice system and (b) creating long-term social and system change in responding to domestic violence.

Each community has its own history, relationships and resources; therefore, if a community attempted to replicate (assuming one so desired) the policies and practices of a specific program, it would have to replicate all the varying outside factors that add or subtract to its particular success. In recognizing that such a feat is not even viable, SPIP shaped this parallel piece with the hope that delineating the key roles our victim advocates have at each stage of the justice system's intervention process might influence, inspire and/or assist another program or community in its efforts to end domestic violence.

2. History & Intention: SPIP Community-based, Legal and Systems Advocacy Services

The provision of legal and systems advocacy services on behalf of victims of domestic abuse is at the very center of the St. Paul Intervention Project's grass-roots agency. Working within the criminal justice system was the basis for SPIP's inception, and decades later our many diverse programs and services still revolve around that original premise.

The same mission and philosophies that launched the St. Paul Domestic Abuse Project in 1984 still drive it today. The following paragraphs will convey the core values and commitments that continue to (a) govern SPIP's services and shape its intent; (b) articulate how SPIP defines domestic violence and the different forms it can take; (c) constitute the reasons SPIP provides legal and systems advocacy services and the manner by which we do it; and (d) guide SPIP's dual role in providing direct victim services, and creating and implementing systems change in responding to domestic abuse.



A. Our Mission

The Saint Paul Domestic Abuse Intervention Project exists to eliminate violence against women and their children, and the social and system responses which condone or allow its oppression. Our organization believes that domestic abuse is a crime and every victim has the right to access the criminal justice system, receive safety through the laws which are designed to protect them and obtain the critical support and services that they and their children deserve. We affirm that battered women must be free to make their own choices, have the right to dignity and possess the capacity to make sound decisions if free from the violence that obstructs these choices. We further believe that regardless of gender, race, socio-economic background, age, mental and physical ability, sexual orientation, spiritual belief, or partner/marital status, no one has the right to abuse anyone and no one deserves to be abused.

Our work is not to accommodate domestic violence, but to end it. We are inspired by, are a component of, and strive to strengthen the spirit and work of the Battered Women's Movement.

B. Our Philosophy

Battering generates an environment of genuine fear and terror. It leaves in its wake a cycle of desperation, agony and destruction. Domestic violence encompasses physical, sexual and emotional abuse; physical and emotional neglect; and threats of violence. Perpetrators of domestic violence are responsible for their violent behavior. Their abusive actions are an attempt to physically and/or psychologically dominate another.

Each approach the St. Paul Intervention Project utilizes in advocating for victims, creating system and social change, and cultivating a community response to domestic abuse arises from the understanding that:

- Battering is a functional and effective means to gain and maintain control over victims, and that the victims are primarily women.
- Victims of domestic abuse are not responsible for and do not have control over the violent and abusive behaviors of the perpetrators; and it is the batterers who must be held accountable for their violent behaviors.
- The behavior of victims of battering is in response to the abuse and isolation...not the cause of it, and the behavior battered women demonstrate in the face of no safe options is the behavior of survival.
- Battered women are the experts on their own lives, and when presented with options and the support and protections needed to safely pursue those options, they have the right to and are capable of determining their own choices.
- Battered women/victims have the absolute right to have complete control over any information they share with our agency.
- Our programs and services must facilitate and support the self-determined choices of the people we serve.
- Children are important to many battered women and we will work in the interest of those children.
- Working with victims within their own cultural context is critical.

Our agency believes that appropriately and effectively addressing domestic violence is a life and death matter. Those societal systems that excuse, minimize or ignore domestic violence permit this oppression to continue and diminish safe and viable options for victims. We believe the elimination of battering requires continual critical examination of our own work, society's attitudes and systems' practices. Our work must strive to be vigilant against falling into the "treatment of individuals" vs. "changing the system," and continue to educate, penetrate and promote activism within our social and criminal justice systems.

— Based on the Saint Paul Intervention Project and Minnesota Department of Correction's Battered Women's Council's Philosophy Statements.

3. Legal Advocacy: Services for Victims of Domestic Abuse

A. The General Role of a Legal Advocate in Assisting Battered Women

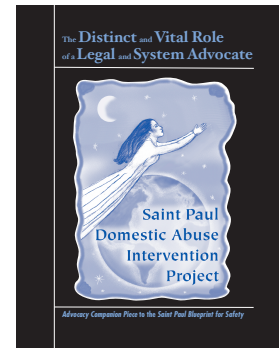
There are many remarkable community-based, legal and systems advocacy programs throughout the state of Minnesota that have indisputably impacted the way criminal justice systems respond to domestic violence throughout the nation. Many of the best practices and policies adopted by the *Saint Paul Blueprint for Safety* arose from and/or were influenced by the tireless work and commitment of these programs.

Although this entire *Advocacy Companion Piece* is primarily based on the methods SPIP employs in serving victims of domestic abuse, we sought from over twenty sister programs throughout the state input on the role of a grass-roots, legal and systems advocacy program in serving the needs of battered women/victims of domestic abuse. In reviewing the information compiled from these different agencies, it was apparent that although each program may have varying definitions and job functions characterizing their legal advocacy services, the parallels as to why and how those services should be rendered were reaffirming.

Battered Women's Domestic Violence Criminal Justice Intervention programs successfully use the criminal justice process as a tool to control and change the batterer's behavior, while providing increased protection, ongoing critical services and support to the victim and her children. Very often the first contact a battered woman/victim of domestic abuse has, and will continue to have with an advocate, is with a domestic violence intervention program/legal advocate. It is a unique and vital relationship that generally begins immediately after a domestic assault and often lasts for many months or even years to come. In general, community-based legal advocates will ensure battered women/victims of domestic abuse receive:

Nonjudgmental Support

When a legal advocate begins working with a battered woman/victim of domestic abuse (often shortly after police involvement or she has contacted the 24-hour crisis line in immediate need of receiving help), the advocate may be the first person who has believed the victim's side of the story and/or has not subtly or blatantly implied that she has somehow caused the abuse. It is within the context of this relationship that the victim will not be judged. It makes no difference to the legal advocate if the battered woman/victim had or had not been drinking when the assault occurred; if, within the system, she has recanted her testimony three times in previous domestic cases; if she does or does not want the perpetrator to be held legally accountable for the crime, or is expressing anger and frustration with the system. In light of the situation with which the victim has been forced to cope,



these things are expected and understood. They do not affect the type or degree of advocacy and support services she will receive. Legal advocates understand the range of emotions victims experience because of the abuse, the complexity of the situation and the response they have received from the legal system and the community at large. They understand that it may influence her involvement in the justice system process and its desired outcomes.

Being with my advocate I am able to trust and share things I have never shared without being judged. They never promised me it would be easy, but made me realize I was not alone and was going to be alright.

— Victim/Survivor

Listening – In advocacy, great support arises from listening. For many victims of domestic violence, the opportunity to openly and honestly vent anger regarding the abuse, sorrow over the loss of the relationship, frustrations with government systems, etc. without being judged as “difficult, passive or complicit” is a blessing.

Undivided Loyalty – A community-based legal advocate is not vested in the outcome of a case, except to ensure that the victim’s needs are met to the greatest extent possible and that she has access to help and services necessary to move forward and live free from violence. When providing direct services to victims, the victim’s safety, needs and choices must be at the forefront of all discussions and decisions. If out of fear for her and her children’s safety, a battered woman does not want to cooperate with the investigation, the advocate will present information and options to address those fears. It is the victim who drives the advocacy services on her behalf. It is the advocate’s role to discuss with the victim the potential consequences of her decisions, and respect the choices she makes.

I felt the advocates truly cared about me and my children; they helped me more than anyone. I could call ten times a day, in deep crisis or just needing to talk. The advocate would always have time for me, and treat me with compassion and respect.

— Victim/Survivor

Validation – It takes great courage to leave an abusive relationship and/or participate in the criminal process after an arrest is been made. This process can become exceedingly more difficult if a victim has had the violence minimized or experienced blame for the abuse. By believing her, assuring her that she is not crazy, affirming that the pain and fear she is suffering is not exaggerated, and reiterating that she did not cause the abuse and deserves to be treated with respect and dignity, a legal advocate will validate the victim’s experiences. An advocate explains that within the context of what a victim has had to endure, the array and depth of feelings and reactions she is experiencing are normal, and that the abuse was consciously used as a tool to gain power and control over the victim.

Confidentiality

When a battered women/victim of domestic abuse shares information with a community-based legal advocate she is assured total confidentiality. Victims of abuse acutely value the opportunity to be completely open with an advocate without the concern that their stories and information will be conveyed, without their permission, to others. The need for such trust is intensified when issues of immigration status, previous encounters with the law, etc. make a victim even more fearful of seeking help. A victim places a great deal of trust in the advocate, and an enormous part of honoring that trust is for the advocate (and the agency they represent) to always demonstrate the belief that it is the victim's right to determine when and with whom information is shared regarding her life.

Safety Planning

Victim safety is ever present in the mind of an advocate. A legal advocate will discuss immediate and long-term safety needs with every victim and will assist in developing protection plans based on those needs. Safety plans often entail examining different options for the victim and the children in the event the abusive partner: (1) comes back, (2) violates a No Contact Order or Order for Protection, (3) attempts unauthorized taking of the children, (4) appears at the victim's place of employment, school, or homes of friends and relatives, etc., or (5) attempts to continue contact and threatening behavior.

Advocates reached out to me when I needed it most. They helped me develop a safety plan for myself and my children and make it work.

With their support, we were finally able to move on and begin to heal.

— Victim/Survivor

A legal advocate has a unique understanding of the inner workings of the justice system so as to help victims create safety plans based on specific contingencies such as the abuser is released from jail, violates the No Contact Order, violates his conditions of probation, etc. In addition, safety planning explores an array of issues that can impact a victim's well-being, including finding safe housing, having access to 911, determining a safe means of receiving messages, informing staff of agencies that the victim and victim's children regularly frequent, transferring funds to a safe account, storing critical documents, securing locks changes, etc.

Education

Community-based advocates play an integral role in breaking the cycle of violence. Their work entails providing battered women with information about the dynamics of domestic violence, listening to their stories, and helping them understand how their situations and the abuser's tactics fit within dangerous patterns of power and control. Advocates will share with victims the range of abusive behaviors that constitute the use of domestic abuse as a means of power and control over a victim (*The Power & Control Wheel, first developed by the Duluth Domestic Abuse Intervention Project, is a tool most often used by advocates to educate about domestic violence*). Victims become empowered when they understand that they are not responsible for the abuser's actions or decisions, and that the abuse inflicted on them was not something over which they had any control or caused.

Advocates explain that minimizing of the abuse can be a means of coping. When a battered woman learns how other women have survived, and how the controlling and threatening behavior of their abusive partners is very similar to the tactics employed by her abusive partner, she begins to wholly comprehend that the abuse was about the perpetrator, not about her. These realizations validate and affirm a victim's own strength and worth.

Legal advocates will also discuss with battered women the behaviors that define an equitable, healthy relationship: negotiation, compromise, trust, shared parenting and decision-making, etc. Advocates emphasize that it is a basic human right for every person to be treated in such a manner.

The advocates helped me gain self confidence and build better life skills. I learned I am not weak and the one with the problem. Now I speak for myself and determine my own decisions.

— Victim/Survivor

Unfortunately, domestic violence is often perpetuated in our society and its systems by some of the same approaches used by batterers to silence and control their victims. When victims disclose the abuse to others, they may receive reactions such as: they are exaggerating the abuse; they are crazy or have mental health issues; they had to have had some role in what happened, or they are making it all up. Victims very often hear statements like “What did you do to make him/her do that?...You know he/she doesn't like it when you do that....He/she is so nice, he/she would never do anything like that.”

Victims are aware of the victim-blaming statements that family, friends, system representatives, and community members may make when discussing the abuse among themselves, including “She must like it or she wouldn't stay....She made her bed now she has to lie in it....She'll never leave....He's a good father.... You know she drinks.”

When these attitudes are present, they can surface subtly when a victim calls 911, talks about the abuse with her pastor at her church, or explores the possibility of divorce with a relative.

When a victim connects with a battered woman's advocate, she receives an affirming response, without censure. The advocate will immediately reassure a victim that she believes her, and her story. Throughout the entire process the advocate will reiterate to the battered woman that:

- The abuse is not her fault. The abuser is one hundred percent responsible for the abuse and his/her own actions.
- Acts of self-defense and domestic abuse are two entirely different things. Every person has the right to defend herself from violence in all its forms.
- She has the right to live free from violence, and be safe in her own home.
- No matter what her personal struggles, whether with alcohol, drug abuse, unemployment, used in prostitution, prior incarceration, mental illness or different abilities, she has not caused nor does she deserve the abuse.
- She has the right to her feelings towards the batterer and her situation. She has a right to be angry and hurt.
- She is a human being worthy of respect, support, resources and justice.

These statements are not mere platitudes. Throughout the criminal justice process and in other community systems, the battered woman's advocate will actively work on behalf of the victim and her children to reinforce her voice, her wishes and her needs. A victim's continued interactions with the advocate become a part of her education as she learns about her rights, legal remedies, community resources, support systems, and the dynamics and impact of the abuse.

Legal Advocacy Services

A legal advocate will assist battered women/victims of domestic abuse so that they are able to pursue different legal options available and secure safety and protection for themselves and their children.

The advocates compassion, knowledge and services make the court process so much easier. They explained the criminal justice system process in a common language, so I understood what it could do and what it could not do to protect me and my children. I never could have done it alone.

— Victim/Survivor

Knowledge of Legal Rights and Options – Many advocates view domestic violence as a human rights issue. Most victims have very little or no knowledge of their legal rights, nor do they realize that the court wants to hear their stories. Information is power, and the ability to act upon that information can be life changing. A legal advocate will help victims explore the many legal options they can pursue in attempting to leave abusive situations: their statutory rights as a victim of a crime, securing custody, receiving child support, obtaining an order for protection, supervised visitation, other financial support, the right to sole occupancy of the home, etc. By articulating the rights a victim has, a legal advocate will concurrently explain and unravel how she can use the criminal justice system and legal aid services to exercise those rights. Advocates' work also includes dispelling myths about the judicial system that abusers may commonly use to further control and threaten their victims. Those myths include losing custody of the children, eviction from the home, court-ordered institutionalization, and deportation.

Explaining the Judicial Process from Arrest Through Conviction – The legal process, from the time a 911 call is placed through arrest, arraignment, presentence investigation, trial, and conviction or acquittal, is extremely complicated and time-consuming. The criminal justice process often can become a huge burden for a battered woman. The expectation that a victim will be present at various meetings and court appearances (which often end up being continued) can often leave the victim feeling overwhelmed. Legal advocates assist victims by making numerous contacts on their behalf throughout the legal process and in articulating, documenting, and passing on to them information relevant to their cases. An advocate is able to explain to the victim what is happening at each stage of the process, reasons for delays, and potential outcomes of the proceedings. This critical support and information can alleviate feelings of discouragement and frustration and help a victim be prepared to make informed decisions throughout the judicial proceedings as she strives to reach her goals and seek protection for herself and her children.

Liaison Between Victim and System – Community-based, legal advocacy services are available to victims twenty-four hours a day, seven days a week. A victim often uses a legal advocate as the central point of contact who knows what is happening with all aspects of the victim’s situation. An advocate acts as a conduit between the victim and criminal justice system to ensure the victim’s safety, to exchange critical information, and provide comfort and understanding of the legal proceedings. The strong relationship a legal advocate has with the battered woman can help to build her trust in working with the system’s people involved in the case, so that she can ultimately voice her wishes and concerns directly to them.

The advocates knew my whole story, understood what I was going through and helped me break down the situation into manageable parts. They never mislead me; they let me know it was going to be hard and were always there when I needed them.

— Victim/Survivor

A legal advocate has a dual role not only in assisting victims to access and utilize the justice system, but also in ensuring the justice system understands and is responsive to victims. Legal advocates develop relationships with workers within the various systems they navigate; these relationships can help expedite the receiving and/or delivering of information on behalf of the victim. Daily interaction between advocates and system personnel also creates unique opportunities for better understanding the inner workings of the system, and has an impact on the victim’s expectations of the criminal justice system. For example, the criminal justice system may perceive a victim’s not wanting to support the findings of a police report or testify against the perpetrator in court as being “uncooperative.” But, from the victim’s perspective, the situation can present an entirely different scenario. To her, “cooperating” with the system would likely result in suffering physical and emotional retribution when the perpetrator is released.

Navigating and Tracking Cases Through the System – Advocating with different departments within the judicial and law enforcement systems on behalf of a battered woman’s/victim’s wishes is at the center of legal advocacy services. Navigating the criminal justice system can be overwhelming for someone who has been a victim of a recent assault and/or whose focus has been on trying to survive from day to day. Barriers to accessing or understanding the system can exhaust a victim’s energy in fighting for her rights and safety. Legal advocates share their strength, knowledge and resources with victims to ensure they can seek and hopefully secure the justice and the security they deserve.

A legal advocate can be a victim's eyes, ears, and voice in tracking a domestic case through the criminal justice system. An advocate's unique understanding of each part of the system's role in handling a domestic case and her ability to guide a victim through the myriad parts can be invaluable to a battered woman. An advocate will explain the justice system's process and what could occur at each stage, ensure the victim's voice is heard at each point of the process, report the outcomes, and address the potential impact those outcomes have on the victim.

Challenging the System – If a victim/battered woman believes that her case is not being aggressively pursued or something is amiss with the process, the legal advocate will bring those concerns to the prosecutors, law enforcement, probation, or other appropriate systems people and challenge them to address and/or pursue those issues as necessary.

Providing the Victim Accompaniment During Court Proceedings – A legal advocate's role in the court process is to ensure that the victim's voice is being heard and her legal rights are being upheld by the system. Legal advocates spend a great deal of time with battered women; they are often able to obtain valuable information that can enhance a victim's legal proceedings or case. An advocate will make essential contact with justice system personnel and/or legal counsel and accompany a battered woman who wishes to pursue and articulate critical information regarding her case.

It can be very frightening for a victim to have to go to court and face her abuser. A legal advocate accompanying a victim to court proceedings provides critical support and will often function as a deterrent, or at the very least a buffer, to a perpetrator's subtle acts of harassment and intimidation. It is common to hear from victims that had it not been for the legal advocate present with them in the courtroom, they would not have been able to go through with the process.

The Victim Determines the Choices

The advocate believes that a battered woman is the ultimate expert on her life and the best judge of her own safety, and will support her decisions. Working with a grass-roots, battered women's/domestic violence program is never mandatory. The advocate does not want to replace the abuser or anyone else in telling the victim how to live her life.

A Continuum of Advocacy & Support Services

Before, throughout and long after the criminal proceedings, a community-based, legal advocacy program will work with a battered woman/victim of domestic abuse. It is the victim who determines when or if she no longer needs the services.

If I have a question or need something, no matter how difficult, the advocates always had great ideas and resources to guide me in moving forward with my life.

— Victim/Survivor

The advocate will ensure that the victim has knowledge of, and access to, an array of support and services. An advocacy agency should always strive to ensure that the options they offer are relevant and sensitive to the culture, age, language, spiritual belief, lifestyle, sexual orientation, and mental and physical abilities of the victim. Services and resources often include, but are not limited to, legal and general advocacy, education and support groups, emergency shelter, victim reparations, obtaining orders for protection, financial assistance, medical services, legal assistance, counseling services, education and employment opportunities, clothing, food, and long-term housing for the victim and her children. Advocacy programs that do not provide a specific needed service within their own agency often have broad knowledge of and a relationship with an organization that does.

B. The Work of the St. Paul Domestic Abuse Intervention Project in the Criminal Justice System

The Saint Paul Domestic Abuse Intervention Project has a comprehensive legal advocacy program that works in close conjunction with our System's Advocacy; Hospital and Clinic Advocacy; Latino Family Violence; First Light; Muslim Outreach; Older Battered Women's; Community, Outreach, Education and Prevention; Family and Transitional; Children's and Adolescents Resource and Support, and Southeast Asian Battered Women's programs in providing critical immediate and long-term services to victims of domestic abuse. The following is a step-by-step overview of how SPIP provides legal advocacy services to battered women/victims of domestic abuse who are involved in the criminal justice system.

Making First Contacts with Victims

Although battered women/victims of domestic abuse access SPIP's legal advocacy services via many avenues, a primary point of entry is through our partnership with the Saint Paul Police Department. It is the policy of the Saint Paul Police to notify SPIP immediately on all misdemeanors, gross misdemeanors and felony domestic case, whether the suspect was arrested or a Gone on Arrival (GOA).

Contacting the Victim – Once SPIP receives contact information and specifics on the domestic crime, a legal advocate attempts (and will continue to attempt) to



make direct contact with the victim. Upon making contact, it is critical that the advocate (first and foremost) inquire about the victim's, as well as her children's, physical and emotional well-being. If a medical issue has arisen, the advocate will immediately assist the victim in accessing medical care.

The legal advocate will often simultaneously help a victim to articulate her safety needs. The advocate will always pay close attention to the victim's interpretation and assessment of what needs to happen in order to alleviate her immediate fears and risk of danger. It is from this point that the legal advocate will work with the victim to identify potential safety options, which can range from securing immediate shelter or relocation to a friend's or family's house, to arranging for lock changes or obtaining an Order for Protection (including writing and filing the OFP).

Isolation is a critical deterrent to victims getting help. The legal advocate's role is both to share and receive critical information on behalf of the victim. It is imperative that the legal advocate explain to the victim what her legal rights are, as well as the legal options and protections that are available if and when she chooses to use them. It is critical that the legal advocate explain to the victim that SPIP is a community-based program that exists to serve victims of domestic abuse, that our services (and often those of others) are available free of charge, that our confidentiality policy is genuine, and that it is always the victim who determines her next steps and timeline, not we.

It is these first steps, which may need to be repeated several times, that create a victim's foundation of trust in and connection to our agency.

Explaining the Criminal Court Process – It is also the legal advocate's role to explain the criminal court process to the victim in comprehensible terms. This discussion and overview may often include, but not be limited to: (a) the rights of a victim of a crime; (b) what to expect of the justice system throughout the criminal process, including what could transpire over the next few hours, next few days, and/or next few months, with increased focus on the present; (c) the different contexts for a “domestic crime being charged,” (i.e., police charges versus county or city prosecutor's charges); and (d) articulating the very critical point that it is the City of Saint Paul or the County of Ramsey holding the perpetrator legally accountable for the violence, and that the victim has no say or responsibility in the pressing or dismissal of the charges against the assailant. This statement alone can alleviate a great deal of anguish for the victim. The victim often harbors potentially dangerous misconceptions about who makes the decision to charge the perpetrator with a crime. These misconceptions leave the victim feeling overwhelmed and even more fearful of an abuser's retaliation.

The legal advocate also explores the victim's willingness to participate with the investigation, and explains how the legal advocate can be a conduit between the victim and criminal justice system on the victim's behalf. The advocate will continue to work with the victim, whether or not she chooses to stay in the relationship or participate in the prosecution process. The legal advocate pays special attention to the victim's concerns about any keys (home or car) that need to be retrieved from defendant.

Explaining SPIP Legal Advocacy Services – Our legal advocates always affirm that the abuse the victim has suffered is not her fault. They place special emphasis on reassuring the victim that both short- and long-term supportive services are always available to her. They encourage the victim to also feel free to contact SPIP advocates and utilize our 24-hour crisis hotline whenever needed.

If a victim does not speak English, the legal advocate will have another SPIP advocate speak with her in her own language or hire an interpreter to aid with communication. Culturally and linguistically appropriate services are made available to victims through SPIP or through referral to another agency, if desired.

While constantly assessing the victim's safety, the legal advocate acts also as a conduit for receiving information. To help the victim sort through the potentially overwhelming emotions and high levels of stress arising from the abusive situation, the legal advocate will also make inquiries regarding the emotional well-being of the victim and will offer one-on-one support, domestic abuse support groups and referrals for counseling when necessary. The legal advocate always provides supportive, empathetic listening so the victim can safely speak about the dynamics of her situation. It is vital that a victim feels she has been heard. The advocate skillfully draws out the needs of the victim and then offers appropriate resources to meet those needs, such as arranging for the victim to file a police report at SPIP's office, assistance with filling out reparations claim forms, financial help with rent, a bus card to transport her children to day care the next morning, food for her and her family, or an attorney referral to begin divorce proceedings. Regarding living arrangements, the victim may not know her legal rights or options, such as terminating a lease or having the abusive partner barred from the premises.

A legal advocate is constantly vigilant about sharing basic domestic violence information and astute to opportunities that allow for challenging damaging myths about perpetrators and victims.

Providing Legal Advocacy Throughout the Criminal Court Proceedings

After initial contact with the victim is attempted or made, legal advocates immediately begin to track the domestic criminal case in court. Once information is obtained on the time frame within which the prosecutor has to charge the perpetrator, the legal advocate contacts the investigator from the Family and Sexual Violence Unit (FSVU) of the Saint Paul Police Department who has been assigned the case. The legal advocate gains any pertinent information the investigator has about the case, such as when the case will be submitted to the prosecution for formal charging, if the charges will be upped because of Qualifying Domestic Violence Related Offenses (QDVROs) and what, if any, evidence is needed to strengthen the case for formal charging. If the victim has given permission to do so, the legal advocate may release to the investigator relevant information such as new visible injuries that need to be documented, the victim received medical attention, the history of violence, and the victim's concerns, etc.

If the perpetrator is Gone on Arrival (GOA), SPIP advocates will contact the victim with a different set of information regarding the process and an enhanced focus on safety planning and what her options are if the perpetrator has contact. The legal advocate will continue to give the victim any information available on the case and will follow-up, if the victim wishes, with FSVU and the prosecutors' offices to keep the victim up to date on the case.

SPIP's First Light component of the legal advocacy program has an integral role in our provision of legal and systems advocacy services. The program teams a SPIP legal advocate and an officer from the police Family and Sexual Violence Unit to jointly review recent cases and identify the chronic and/or most lethal perpetrators. The First Light advocate coordinates with other SPIP advocates to find out which victims have had contact with one of our advocates. The First Light Team goes together to offer help, services, information and support to the victims. As part of the visit, the advocate meets privately with the victim so she can speak freely and confidentially about her concerns and situation. The advocate maintains regular communication with the victim regarding the status of her case and provides additional outreach to these victims because these perpetrators are more likely to reoffend.



Once the formal charging information is obtained, the legal advocate stays in close communication with the lead investigator and the Law Enforcement Center to determine how long the perpetrator will be held in custody, what charges were filed, and all the court information.

At the point when it is known the perpetrator will be released from custody, the legal advocate again initiates contact with the victim to reassess the individualized safety plan developed from the first contact. The legal advocate shares updated information with the victim and answers questions she may have.

If the case is not charged, the advocate will do additional safety planning with the victim and work with her on any needs she has. The advocate will also encourage the victim to keep calling the police if needed, and makes sure she understands that just because the case was not charged this time, it does not mean charges won't be brought in the future.

Part of the role of a legal advocate working with a victim throughout the criminal process is to track the case to ensure the victim has access to the most up-to-date and accurate information to aid in the victim's safety. Legal advocates are present at all misdemeanor and gross misdemeanor court dates. This begins with arraignment court, continues through the jury trial, and at sentencing if the victim requests it. All SPIP legal advocacy services are available to battered women victims of misdemeanor, gross misdemeanor and felony crimes in the City of Saint Paul. If a case is charged as a felony, the Ramsey County Attorney will assign a victim/witness advocate (who works with their office) to the victim. In these cases, SPIP will continue advocating for the victim and, upon the victim's request, will work with the County Attorney's Victim/Witness program and follow the case through the process.

The criminal justice system is complex; it can be confusing and overwhelming for victims to navigate. The legal advocate helps victims understand the terminology, the court processes, the laws, the roles of the system's personnel, etc.

The legal advocate assigned to morning arraignment court will speak to the night advocate before court to get information on arrests from the night before. Before going to court, the advocate will contact the prosecutors' office's charging attorney to communicate any information on behalf of the victim that could influence the case. Each morning the legal advocate will pick up the police reports, proceed to arraignment court and review the court calendar to determine which perpetrators will be appearing in court. The advocate then contacts the SPIP office to convey which perpetrators are expected to appear for court and to obtain additional information received by our office regarding the morning arraignment court cases (i.e., request to retrieve keys from defendant, the victim's plans to attend court, additional information on the assault and/or perpetrator's prior history of violence, etc.). The legal advocate then reads the police reports specific to the cases on the court calendar to be knowledgeable with the police synopsis of what occurred, of the charges the perpetrator faces and of any additional information that could be helpful in assisting the victim.

The legal advocate lets the prosecutor know she is there. With victim permission, she shares any pertinent information, and learns of the charging decision on each domestic-related case. If a case is being dismissed, the advocate will immediately contact the victim to let her know, and again discuss safety planning, and other related issues.

Inside the court gallery, the legal advocate will approach all the women, with the intent of connecting with each victim who appeared at court. If a victim is identified, the legal advocate will meet with her privately, explain SPIP's services, discuss safety plans, offer assistance for better understanding the criminal system process, and offer to assist her in communicating with the prosecution. If at that time, the victim identifies information she wishes to have shared with the prosecution, the legal advocate will do so. After the perpetrator has been arraigned, the advocate explains the procedure and outcome to the victim and offers any clarification the victim needs.



If a victim is not in arraignment court, the legal advocate will contact her to share the court information, answer any questions she may have about the proceedings, and provide other services and information as needed. The fundamental information to be shared with the victim includes, but is not limited to: if the defendant plead guilty or not guilty, if a public defender was appointed, the bail amount and/or the conditions set for the perpetrator's release, if a No Contact Order is in effect and the significance of that order, and the perpetrator's next court date. The legal advocate will explain the court process following a perpetrator's release from custody. Again, always at the forefront is individualized safety planning.

If a defendant who is charged with a misdemeanor, pled not guilty in arraignment court, the next court appearance is the pre-trial. If the defendant is charged with a gross misdemeanor, no plea is entered. The case is continued for an omnibus hearing/pretrial. If the defendant does not qualify for a public defender, the case may be continued for plea and attorney hearing so they can hire a private attorney. The court assignment division provides SPIP with daily court calendars for misdemeanor and gross misdemeanor pre-trials and trials. Upon receiving the calendar, the legal advocate begins preparing for the pre-trials. This includes researching the content of the last communication SPIP had with the victim, and paying close attention to any noted information the victim has requested SPIP to share with the prosecution. The legal advocate will contact the victim prior to the pre-trial to check-in with her, address any concerns the victim may have at this time, and inform the victim that a SPIP advocate will be in court to follow the case process. The legal advocate will often speak to the prosecutor or someone from the prosecutor's office regarding the domestic cases.

The day of the pre-trial, the legal advocate will cross-check the most updated copy of the court calendar(s) to note any changes. The legal advocate always connects with the City Attorney's Office to inform them of an advocate's presence in the courtrooms. In Saint Paul pre-trials may be held in numerous courtrooms, and the legal advocate must first report to the courtroom with the most domestic cases scheduled or to the courtroom where she is meeting a victim(s). The legal advocate approaches all the women in the gallery of each courtroom to make sure a connection is made with all victims present that day. Those present are given information on what to expect during the pre-trial process, and privately, safety planning is revisited, questions are answered, concerns are addressed, and support in the courtroom is offered. Once the pre-trial concludes, the legal advocate address any concerns and answer questions that may have arisen during the hearing.

If victims are not present in the pre-trial courtrooms, the legal advocate will prioritize the courtrooms by the number of domestic cases on each calendar and attend the proceedings. The advocate will observe and listen to each domestic case and track and document any relevant information. The legal advocate will document similar types of information as in arraignment court, and will watch for the arrival of any victims. When the pre-trials conclude, the legal advocate will contact the victims to relay the court information, assess the victims' safety and offer further support.

If the perpetrator has pled not guilty at the pre-trial, the next court appearance is the jury trial. Legal advocates attend all misdemeanor and gross misdemeanor domestic jury trials. Again, prior to the scheduled court date, the legal advocate will contact the victims whose cases are going to jury trial. The legal advocate will offer support and accompaniment to the meetings with the City Attorney's Office, and will pay close attention to ensure the victim understands the proceedings. The legal advocate will focus on the victim's needs, and assist her in communicating what is important to her and what she chooses to do at this time.



Often a legal advocate will accompany a victim in the courtroom to help minimize her fear and maximize her confidence, explain what is taking place during the proceedings, and be available to leave the courtroom with the victim if she is having a difficult time. The legal advocate will also assist in ensuring the victim's comfort and safety at the court proceedings, and seeing that a plan is developed which may include securing a deputy to escort the victim from the courthouse.

Immediately following the jury trial, the legal advocate will contact the victim to relay the outcome of the court proceedings (i.e., jury verdict, plea agreements, conditions of release, future court dates, observations, etc.) and all other pertinent information. Regardless of whether or not the perpetrator has been found guilty at the conclusion of the jury trial, the legal advocate assists the victim in safety planning based on the court outcome (i.e., if defendant is incarcerated or not). If the perpetrator is released, it is imperative that the legal advocate explore a number of safety options with the victim (seeking shelter, obtaining an Order for Protection to replace a dismissed No Contact Order, lock changes, etc.).

There are times when a court criminal case is continued many times. The legal advocate will continue to follow the case to its final disposition and be available to accompany the victim to court or to meet with the prosecutors. In these instances, the legal advocate is also readily available to assist the victim in addressing new issues that may arise because the case has been continued so many times.

A legal advocate will also inform victims of their right to address how the crime has affected their lives via a *Victim Impact Statement*. The legal advocate will offer assistance in writing the statement, as well as accompany the victim to the sentencing. Often upon the victim's request, the legal advocate will read the statement on her behalf at the sentencing.

Legal advocates will assist victims in understanding and partaking in the *Pre-Sentence Investigation (PSI)* so that they are prepared to respond (or not respond) when a probation officer contacts them to receive their input on the perpetrator's sentence and additional information (i.e., the perpetrator's history of violence or chemical dependency issues, etc.). The legal advocate ensures that the victim understands that if she chooses to give input on the PSI, the probation officers will attempt to incorporate the information from the victim into their recommendations to the sentencing judge.

Throughout the entire criminal justice process, the advocate is there to ensure victim's concerns and wishes are heard. If the victim is not satisfied by the response of the criminal justice system, the legal advocate will advocate on her behalf by asking questions, requesting explanations for decisions made, setting up meetings with system personnel, and connecting her with the appropriate people, etc.

4. Systems Advocacy: Changing the Way the System Responds to Domestic Abuse

A. An Advocate's Role in Creating Systems Change

Legal advocates have two unique and very important roles in the criminal justice system: providing individual advocacy services to battered women/victims



of domestic abuse, and ensuring the justice system protects victims and holds perpetrators accountable for their violence. Historically, battered women's advocates have been unyielding in their commitment on local, statewide, national and international levels to instituting legislation, policies and protocols to revolutionize the way the criminal justice system responds to domestic violence.

The basis of social and systems advocacy work is to challenge the roots of domestic violence, and the societal and systemic attitudes and practices that perpetuate its use as a means to oppress others. If our culture and its systems do not change, battering will continue to be functional and effective. Our agency believes all forms of oppression are connected; the elimination of one is impossible without the elimination of all. Oppression is apparent in the inequitable treatment of others on the basis of age, race, class, gender, mental and physical ability, sexual orientation and/or spiritual belief. If the status of women and girls does not change, battering will continue to silence, discriminate against and impose control on women.

Within the justice system, advocates strive to challenge all forms of discrimination to ensure all victims have access to the laws that are designed to protect them. Advocates continually challenge the culture's historical acceptance of dangerous myths such as that domestic violence is a personal matter, that the victim's actions and behaviors are responsible for and/or can control the violent acts of the abuser, that gender is not a significant factor in determining who are the victims, and that the simple act of leaving is a viable option and will stop the perpetrator's violent actions.

The St. Paul Intervention Project's Systems Advocacy Program works actively to (a) ensure that the needs and rights of victims of domestic abuse are met through the enhancement and development of laws, policies and practices on city, county and state levels; (b) promote an effective and consistent response to domestic violence; (c) improve the number of successful case dispositions; and (d) develop a cooperative effort among governmental and community agencies to utilize the best methods of addressing domestic abuse.

Because of their extensive knowledge of and work with the multiple components of the criminal justice system, SPIP advocates are in a unique position to observe which system practices and procedures need to be improved. Advocates bring appropriate attention to specific and systemic problems, provide ongoing training and education to system's workers and monitor the justice system's overall response to serving and protecting victims of domestic abuse.

Annually, SPIP's system advocates will:

- Provide training to promote an effective and coordinated response to domestic violence at the Saint Paul Police Department's roll calls, three police sectors, Family and Sexual Violence Unit, as well as at Cadet classes.
- Coordinate meetings with the City Attorney's Office to discuss prosecution guidelines and charging decisions to maximize prosecutions and convictions. Educate prosecutors on the barriers battered women face in working with the court system. Emphasize prosecution focus on the perpetrator's actions and history of violence together with the community's responsibility in ending the violence.
- Establish daily interaction, ongoing education and/or group specific in-services with judges, probation, prosecutors, Project Remand, sheriff's office and court personnel to emphasize (a) the dynamics of domestic violence; (b) the barriers faced by victims when they seek help and attempt to leave an abusive situation; (c) the effectiveness of holding abusers accountable for their crimes; (d) examination of the assailants' history and court-ordered treatment programs; and (e) reflecting, in the monitoring and sentencing of violent partners, the seriousness of their domestic assault crimes.
- Actively participate in judicial, mayor's, city, county, community, state and legislative task forces.
- Actively monitor the court system, which involves input and collaboration with each part of the system, to ensure abusers (particularly chronic and highly lethal offenders) are held accountable for their behavior, and that the needs and safety of victims are being met.
- Continue to play an active and leadership role in the implementation of new collaborative programs with government systems to serve victims of domestic abuse more effectively.

The acts of monitoring, challenging and changing the way our criminal justice system responds to domestic abuse can create inherent tensions between advocacy agencies and members of the system. It takes time, patience, trust and respect to build relationships, come to mutual understandings of one another's differences and develop strong partnerships for a common good.

B. Advocates Partnering with System Leaders to Create Change

There has been much discussion regarding grass-roots agencies working closely with components of the criminal justice system in addressing and responding to domestic abuse. Concerns have been justifiably raised, regarding whether or not community-based advocacy programs can keep their victim centered perspectives and continue to challenge the system's response to domestic abuse if working in close partnership with those very systems.

Over the past decades the St. Paul Intervention Project has run the gamut of relationships with our criminal justice system partners. Ranging from being referred to as the "St. Paul Interference Project" and attempts to bar advocates from the court room, to creating with the Saint Paul Police Department, a Family and Sexual Violence Unit and a Collaborative Response Team to monitor chronic/highly lethal offenders. These last efforts have significantly reduced domestic homicides in Saint Paul.

It has been our experience that our partnerships with the system have had a huge and positive impact on victim safety, perpetrator accountability, and the way our city responds to domestic abuse. As a grass-roots, battered women's/domestic violence program we retain our unique identity, adhere to our own mission and philosophy, and have a specific role with the victims that is never compromised in collaborating with our systems partners.

It would be misleading to infer that our collaborative efforts have been without struggle. There have been vast misunderstandings and disagreements, and we expect that there will continue to be struggles on both sides as all of us learn and grow. But it is the powerful results of these efforts that continue to keep us moving forward and working together. The St. Paul Intervention Project and its criminal justice systems partners have gained an elevated mutual understanding, respect and alliance with each other, and most importantly, a greater ability to reach and serve victims, and improve the system's response to domestic abuse.

The Saint Paul Domestic Abuse Intervention Project believes that in order to truly transform the criminal system's response to domestic violence, our agency must align itself with (a) the community to create a ground swell toward a cultural shift to force that change from the outside and (b) leaders within the system who will drive that change from the inside. The collaborative progress our community has made in recent decades has made the City of Saint Paul a leader in confronting the issue of domestic abuse. Our successes, as well as our ability to know we have further to go, has resulted in part, from unique individuals working within the system who have "stepped out of the box," partnered with the community, and lent their power, expertise and voices to ending domestic abuse.

Thus, in writing a section that describes an advocate's role in creating systems change, it is important that we include the voices of our system's partners who have worked at our side in impacting victims' safety, perpetrators' accountability, and the way our community views domestic abuse. We interviewed individuals (retired and currently employed) from law enforcement, the city and county attorney's offices, probation, and the bench who represent a sub-set of leaders in addressing domestic violence from within the criminal justice system in Saint Paul. Their input reaffirmed that community-based advocacy agencies play a pivotal role in cultivating, influencing and/or supporting key people from within our systems to assist in changing the system's response to ending domestic abuse.

I remember one of my first domestic calls as a young officer right out of the Police Academy. I was excited to be finally on the street helping people. If you ask 99% of cops why they came on the job, they will tell you, "to help people." So there I was on the street at last. My senior partner and I went up and tried to intervene in a domestic between a middle-aged couple. This happened thirty-two years ago, but I still remember their names, Howard and Agnes. We advised and left the scene only to be called back on a continuing problem. We again returned and advised and left the scene. When we received the third call for service an additional squad responded with us. We advised again and as we were leaving, one of the assisting officers said, "Well, we won't be back anymore." I asked him why he said that. I told him that we didn't say anything to the couple that we hadn't said to them twice before. The cop chewed on his cigar and said out of the corner of his mouth, "We won't be back again because I ripped out their phone lines. Bet they never taught you that in the Academy."

— Law Enforcement

There has been tremendous impetus in society at large, as well as in the law enforcement and judicial systems to protect victims and hold perpetrators accountable for their violence. Twenty and thirty years ago, when police officers were responding to domestic abuse calls, they saw their role as “peace” officers. They were there to separate the victim and abuser so that the abuser could “calm down” and the officers would not have to return to that domicile again that night. Officers didn’t like responding to domestic violence calls because they felt that they couldn’t really solve the problem. Most police officers chose their career path because they wanted to help people. They soon saw that they could not really help victims of domestic violence. All they could do was make them safe for the night. This was accomplished by arresting perpetrators with outstanding warrants, dropping the abuser off at a coffee shop, or letting him walk off his anger. Arrests for domestic assault were usually reserved for situations where the suspect returned or the injuries were severe.

It was hard to deal with a situation that you knew in your heart should be dealt with, but then not know what to do. At times, officers felt that they were the only ones responding to the violence and that they had to make up the solutions as they went along. This ranged from ignoring the problem to handing out street justice at times. The consensus was that we did the best we could at the time.

— Law Enforcement

At that time there were no protocols for responding to domestic abuse calls, no mandatory arrest policies or trainings for system workers on the dynamics of domestic abuse. Domestic violence was considered a family problem that the family had to solve. The phrase, “We aren’t social workers,” kept surfacing in interviews with police officers. In their early career years, that was where the issue of domestic violence was relegated—to a family issue, not a public safety concern.

Early on, many responders and system workers cited drugs and alcohol as playing a major role in domestics. When the use of alcohol was also found in the victim, a lot of sympathy for the victim was lost. The frequently combined excuses for the violence (poverty, alcohol, ignorance, laziness, etc.) would often rob victims of their rights as victims. Responders could not and/or did not want to relate to the victim. Again, they would ask themselves, “Why doesn’t she just leave?”

I think that I had a simplistic idea what domestic violence was about. I thought that it was an argument that rose to a level of violence. I didn’t know about power and control and the dynamics of violence. I didn’t know why the victim just didn’t get out of the relationship. I felt that the perpetrator was broken somehow and needed fixing. I thought that if treated then the problem would be fixed.

— Prosecution

A shift began to take place within the system as societal attitudes changed about domestic violence and the issue slowly became a concern for the whole community. People began to recognize that domestic abuse spills out beyond people's homes, with homicides in the workplace and police officers being killed when responding to a domestic situation. The problem could not continue to be ignored. Little by little, domestic violence was not tolerated as a family matter or as the punch line in a joke. It became an important issue that was the subject of research, media attention, legislation, sermons, medical protocols and legal interventions. Along with the increased attention to this problem came a greater understanding of the dynamics of domestic abuse and why a battered woman cannot simply "leave."

I have had one of my victims, who I stood with in court, murdered. I have had a victim assaulted on the way home from court. I have learned not to just try a case but to look out for the safety of the victim. I have learned that "We don't just run a McDonald's here." Every victim should be treated individually.

— Prosecution

Charging a domestic violence case or working with the case through the system, workers on the front lines experienced more empathy for victims as they came to understand the dynamics of domestic abuse and the barriers that victims face in trying to leave an abusive relationship. The revolving door of repeat offenders, sheer numbers of victims and influence of community-based advocacy programs moved these individuals within the justice system to educate themselves about domestic abuse, build strong partnerships with local battered women's programs, and campaign for policy changes and protocol development.

As a probation officer, I find it very challenging to work in the system to protect society. I feel rewarded to help children and families. I'm certainly not in it for the money. I love working on the problem with police, advocates and the courts.

— Probation

Some of the achievements in which these leaders played a significant role (many in partnership with SPIP) are the creation of the Saint Paul Police Department's Family & Sexual Violence Unit, development of an Elder Abuse Unit, the early successes of the Scoop Unit focusing on abusers who are Gone On Arrival and Violations of Orders for Protection, Bridges to Safety victim service center, Chronic and Highly Lethal Offender Protocols and Response Team, the Joint Prosecution Unit, the First Light program, law enforcement trainings and policies on domestic violence, and the development of the *Saint Paul Blueprint*.

This is the one thing in my job that I have a real passion for.

This is my avocation.

— Law Enforcement

In responding to domestic abuse, it has sometimes been an uphill battle for system people who wanted change. They have been accused of power mongering, being obstinate or creating more work for an already overloaded workforce. Those who took the lead in challenging their co-workers and supervisors to make policy changes and invest in training all talked about the passion that they have for this work. In the face of budget cuts, reassignments and resistance, they were willing to put their own reputation on the line, continue to partner with advocates and promote change. Leaders have emerged from the police department, prosecution, probation/corrections, 911 center, sheriff's office and the bench as they supported these new policies and allocated resources for change. In the words of one retired judge:

Women's rights are human rights. We were worried about civil rights, human rights, and prisoners' rights. Now, finally, we care about women's rights.

— The Bench

System workers believe one of the biggest changes in the criminal justice system is the strong relationship that has developed with the St. Paul Intervention Project and other community-based advocacy groups. Leaders from the system came to realize that we were no longer working so far apart and at such odds with each other, but had created a working understanding in our different approaches. Because of these relationships, many system workers have moved from perceiving SPIP advocates as adversaries to part of the solution. Those interviewed commended the partnerships that are now in place with SPIP advocates and cite the collaboration with our agency as their main reason for success.

I began going on cigarette breaks at the court house with a crabby advocate and we talked about many things. She helped me see domestic violence in a new light and helped me change my paradigms. Afterwards, I realized that she wasn't really crabby, only beaten down by a system that didn't get it.

— Law Enforcement

SPIP's legal and system advocates have developed relationships with different people in each unit that plays a part in arresting and convicting abusers. These relationships, combined with existing networks, have grown to support a solid collaboration between battered women's advocates and the entire criminal justice system. When working with battered women and attempting to improve the system, workers in the criminal justice system have come to rely upon the expertise and experience of the advocates. Daily exposure to advocates and conversations about "why doesn't she just leave" have helped people within the system to gain empathy for the victims and reframe the issue from one calling for an individual, familial response to one needing society's response. System workers believe having a trusting relationship with the advocates carries over to improving their ability to work with the victims. They recognize that although there will sometimes be vast differences, the safety of the victim is our shared priority.

Attitudes have changed, communication has been established, relationships have developed and institutions have been replaced with individuals.

— Law Enforcement

5. Critical Issues to Consider When Providing Legal and Systems Advocacy Services

A. Providing Culturally Competent/Appropriate Services

Immigrant and refugee populations in Minnesota have grown exponentially in recent years with the vast majority of these populations reside in the Twin Cities metropolitan area. For victims who are immigrants and/or refugees, their lives are further altered by the impact of domestic violence and the challenges of accessing help through the criminal justice system are augmented. If battered women are monolingual, non-English-speaking, the feelings of isolation can become overwhelming. Some cultural norms or expectations may reinforce remaining in a relationship, and past experiences with major systems in this country or their home countries may pose barriers to seeking help.

The provision of culturally appropriate programming has been shown to help build resilience, foster dignity and a positive self-perception, encourage a clear sense of identity and place within a social network, and support other positive life outcomes. Culturally-based programming is best provided by staff that is from the culture it is intent on serving and with a clear objective to serve the needs of people from that community.

Our agency understands that the framework within which victims from diverse communities and/or immigrant and refugee communities experience family and community may markedly differ from that of the majority culture. It thus affects how they react to an agency's/entities' expectations, the identification of goals and the definition of positive outcomes. SPIP's belief is that the victims and their families that we serve have unique strengths and assets, and must be provided with the opportunities to make decisions based on what is best for themselves and their families. We believe in and utilize community-based approaches, connect women and children to community supports and other services and resources, which we advocate on their behalf to create greater access and culturally appropriate responses. Our legal and system advocates reflect the cultural and age diversity of the communities we serve. African-American, Somali-American, European-American, Latin-American and Southeast Asian-American cultures, as well as elders, lesbians, new immigrants and survivors of domestic violence, are all represented on our staff. Victims being served through our legal and systems advocacy program benefit from the many perspectives of SPIP's entire staff and their decades of experience in addressing domestic violence and working with the communities we serve.

B. Serving Battered Women Who Are Defendants

There are times when battered women fight back to protect themselves and/or their children from the abuse. There are also instances where victims have been battered for so long, or so severely, that, as a means to escape the violence, they see no alternative but to strike out at their abuser. While a battered woman may be charged with a crime, she has an undeniable right to receive the critical help she needs to deal with the abuse situation.

When a battered woman is arrested or charged with a domestic crime, our legal advocates will offer her St. Paul Intervention Project's services. When working with a battered woman whom the criminal justice system considers to be the suspect/defendant, the advocate will inform the police investigator and/or prosecutor that SPIP considers the defendant to be the actual victim so that non-public and other sensitive information about that case will not be mistakenly shared with our agency.

The legal advocate will help the woman understand the legal process, recommend she work with the public defender's office or assist her in retaining the legal counsel of a private attorney for all matters related to her criminal case. The advocate will work to ensure the battered woman has knowledge of and access to all of SPIP's services, including safety planning, support and education groups, as well as assistance in meeting her and her children's immediate and transitional needs.

C. Confidentiality and Victim Information

Confidentiality

How a grass-roots, battered women's program perceives victims' confidentiality is one of the most significant factors in defining its agency as a victim-centered program. The St. Paul Domestic Abuse Intervention Project's Confidentiality Policy is as follows:

All St. Paul Intervention Project volunteers and staff are expected to hold in strict confidence any and all information concerning SPIP clients. Any information about a victim of domestic violence that a SPIP advocate, staff or volunteers gains from any source is not to be released to anyone other than other SPIP staff without the direct, informed consent of the victim. This includes, but is not limited to, domestic partners, family members, friends, other agency representatives, etc. as well as family members and/or friends of the victim. Whenever possible, all victims that SPIP works with should be informed of SPIP's confidentiality policy.

Policy Concerns

Keeping the confidences of battered women promotes numerous public policy objectives:

1. Confidentiality encourages the sense of security and the free flow of information essential for the emotional and physical survival and growth of victims of domestic abuse.
2. Battered women/victims of domestic abuse are often very fearful about the consequences to them of bringing abuse into the daylight. Many batterers threaten battered women who make the abuse public. Battered women/victims of domestic abuse need a confidential setting in which to explore their options with advocates.
3. Without assurances of confidentiality from SPIP, many battered women/victims of domestic abuse would forego the support they need from advocates to live free from abusive and dangerous relationships, testify in open court, or filing for Orders for Protection.
4. When battered women/victims of domestic abuse control the use of their private information, they are more likely to receive safety in which to make important life decisions, and empowerment with which to make those decisions for themselves.
5. SPIP will keep the trust of battered women/victims of domestic abuse by guarding their highly sensitive information. Many battered women do not trust any part of the legal system. Their batterers may have told them that the legal system will not believe them. Some battered women/victims of domestic abuse have had bad experiences with parts of the legal system. It is therefore essential that SPIP advocates not be perceived by battered women as a part of the legal system. If SPIP disclosed private information about battered women/victims of domestic abuse, those victims would soon treat SPIP with the suspicion reserved for most government agencies.
6. If advocates are forced to divulge private information, they may refrain from keeping the records they need to do their work. The quality of advocacy would then suffer.

Withholding Victim Information

SPIP has an understanding with the victims we serve that our agency is not part of the system and any interaction they have with our agency is completely confidential (with the exception of a mandatory reporting situation). Regardless of the original intent, our partaking in any type of a legal statement or sharing any type of information that pertains, directly or indirectly, to a victim with whom we are working with places that understanding in jeopardy. If a battered woman believes we violated that trust in any shape or form, it is unlikely she will call or work with our agency during a very critical and difficult point in her life. Previously in this section we articulated SPIP's ethical premise concerning confidentiality in relationship to the victims we serve. It closely relates to the table on the following page.

If served with any subpoena requesting personal information about a battered woman/victim/survivor, it is SPIP's practice to contact an attorney to make a motion to quash the subpoena. As a practice, because of the threat of being subpoenaed, SPIP maintains a minimum of written work-product in regard to the victims we serve.

An Advocate's Legal Justification for Not Sharing Victim Information Without Her Consent

1. All information from victims of domestic violence in the records of SPIP is obtained with the express agreement and understanding that such information will be kept private and remain confidential. It is maintained by SPIP solely as a means of furthering the ability of SPIP to offer appropriate services to victims as a result of the abuse they experienced.
2. The victim has not consented to the release of her records. Nor has the victim consented to allow anyone from SPIP to present testimony concerning her communications with staff.
3. Subpoenas should be quashed because they are unwarranted interference with the confidential relationship between the advocates and the domestic violence survivors. Compliance with a subpoena would undermine this confidential relationship and would violate Minn. Stat. § 529.02 and Minn. Stat. § 611A.32, subd. 5.
4. Subpoenas should be quashed because disclosure of such confidential information would reduce SPIP's effectiveness as a service provider for victims of domestic violence. If victims thought that their information could be revealed to third parties, they would be distrustful of SPIP and be inhibited from revealing private information. Ultimately, they would be less likely to turn to SPIP for help.
5. Subpoenas should be quashed because disclosure of the information sought could jeopardize the safety of other victims of domestic violence and advocates at the program.
6. Subpoenas should be quashed because the State of Minnesota has recognized in its statutory enactments the critical need of domestic violence victims' programs to be free from the devastating effect of subpoenas.

*Items 1 to 6 are adapted from a motion
drafted by Clinical Professor of Law Emerita Beverly Balos.*

In addition...

7. SPIP risks losing its funding from the State of Minnesota if it discloses personal information from the victims it serve (Minn.Stat 611A.32).
8. SPIP risks a fine and loss of any funding that comes from the Federal Victims of Crime Act (VOCA) funds if it releases personal information about a battered woman it serves.

Sharing Victim Information

On many occasions sharing victim information with criminal justice system personnel, **with the victim's permission**, is appropriate and extremely beneficial to her (and her family's) safety. The table on the following page is a summary of the general procedures SPIP follows when communicating pertinent information to criminal justice system personnel on behalf of the victims, or when attempting to relay information to the victims on behalf of the criminal justice system.

Securing Victim Consent for Sharing Information

It is SPIP's practice to obtain a victim's/battered women's consent to share information on a as-necessary basis. SPIP advocates do not ask victims to sign blanket releases in order to ensure any release of information is based on the specific best interest/need of the victim, and not the need or ease of the criminal justice system or our agency. In ensuring an informed consent, the advocate and victim/battered women will generally discuss (a) the intent/purpose and potential benefit behind sharing specific information, and (b) any foreseeable risks or discomfort to the victim in sharing specific information and steps that may be taken to minimize those risks.

Guidelines for Sharing Victim Information

when acting as a conduit between a victim and the criminal justice system

1. In general, SPIP advocates will:

- a. Ask victims working with our agency if they would like us to share with system personnel pertinent information they have disclosed to our advocates regarding their case and/or situation.
- b. Point out to the victims specific things they have shared with our agency that could be helpful to the charging and/or investigation of the cases and act on their preferences as to whether or not that information is shared.
- c. Always attempt to ensure that victims have direct contact with the criminal justice system personnel handling their cases. If direct contact is not desired or an option for a victim, the advocate will relay the victim's information to the appropriate system personnel on her behalf.

2. If a victim does not give permission and a system worker has information to relay:

If the victim that SPIP is in contact with does not want to share information with the criminal justice system, and a system worker requests that we relay information to her, advocates will:

- a. Make every effort to contact the victim, share the information, and only with her permission, call back the system worker with feedback from the woman, or
- b. Call back the system worker and tell them we have no information to share regarding their request.

3. If victim gives permission and a system worker has information to relay:

If the victim has given permission for us to say we have had contact with her, and system personnel request we contact her, we will again:

- a. Make every attempt to contact the victim to relay the information, and
- b. Call the system worker back in regard to the conversation with the victim or say we were unable to make contact.

4. If victim has not yet given permission and system worker has information to relay:

If the victim has not given us permission one way or the other, presumably because we have not yet made contact, we will:

- a. Make every effort to contact the victim to relay the information.
- b. If we make contact with the victim, SPIP will call back the system worker and (1) relay the information with the victim's permission or (2) tell them we have no information to share regarding their request if she does not give permission for us to reveal that we have had contact.
- c. If we cannot reach the victim, we will call the system person back and tell them we have no information to share regarding their request.

6. Advocacy Agency's Role in Implementing the Saint Paul Blueprint for Safety

When the Minnesota Legislature granted funds to the City of Saint Paul for the *Blueprint* project, monies went both to Praxis International, an organization that does research and training, and the Saint Paul Domestic Abuse Intervention Project, a direct-service, battered women's program. Praxis' role was to facilitate the process and write the actual *Blueprint*. St. Paul Intervention Project's role was to bring the voices of battered women and advocates to the process, and ensure that policies and procedures incorporate victim and advocate input.

As with the creation of the *Blueprint*, direct-service, grass-roots, battered women's programs need to be an integral part of the implementation of the *Blueprint*, both in Saint Paul and throughout the state. It is critical to the success of the *Blueprint*. Advocates work with battered women and the criminal justice system daily, know the issues, and see problems firsthand as they arise. A legal advocate is in a valuable position to give input into the implementation of the *Blueprint* because of the advocate's unique understanding and working knowledge of (a) domestic violence and the needs of its victims, and (b) the complexities of the criminal justice system and how its' components interact with each other and impact victims of domestic abuse.

Domestic violence programs in other jurisdictions throughout Minnesota have a critical role in ensuring that the *Blueprint* is adapted to fit the needs of their particular communities and the victims they serve. Throughout the planning process, advocates should work closely with the different parts of their criminal justice system to determine how the *Blueprint* can best be utilized to improve the system's response to domestic violence. During the implementation stage of the *Blueprint*, it is essential that advocates' give their estimations on which polices and procedures are relevant and/or most critical to adopt. They should partner with system personnel in training and preparing the system for the actual adaption. Their presence and sharing of their expertise solidifies the importance of the battered women's advocates' role within the criminal justice system, and retains a direct conduit to the needs and voices of victims throughout the implementation process.

It is inevitable that changes will need to be made to the polices and procedures of the *Blueprint* as it is implemented, and in the future as laws and the needs of the community change, and as resources and funding become more limited or available and unforeseen issues arise. Battered women's programs, particularly Criminal Justice Intervention Programs (CJIs), that have (a) unique relationships with the victims involved with and/or impacted by the justice system and (b) daily interactions and working relationships with the various components of the criminal



justice system are in an excellent position to assess the implementation process, identify future gaps or problems, and help institute essential changes as needed.

As systems and communities secure the needed resources to implement the *Blueprint*, it is important that the time and expertise of community-based, battered women's/domestic violence advocacy programs are included in the determination and allocation of those resources.



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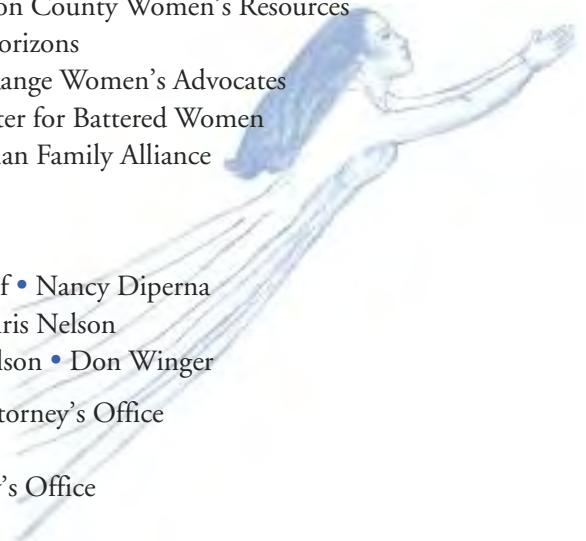
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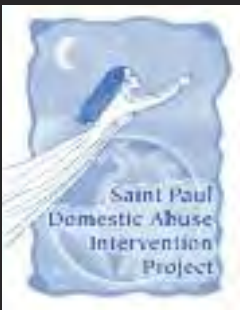
Dedication

We dedicate this Advocacy Companion Piece

To the countless victims and survivors of domestic violence, whose stories and voices have inspired our mission, shaped our objectives and guided our work,

To our sister battered women's and domestic violence programs, whose relentless work and commitment to this critical issue has changed the way our world views domestic abuse,

And to our systems partners who have dedicated their expertise to improving the way our institutions respond to and protect victims of domestic violence.



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