

Enhancing Safety and Security for Victims of Incarcerated Offenders: Project Report

Executive Summary

In October 2013, the Minnesota Department of Corrections (MN DOC), in partnership with the Minnesota Coalition for Battered Women (MCBW), received funding for the *Enhancing Safety and Security for Victims of Incarcerated Offenders Project* from the federal Office on Violence Against Women's (OVW) Improving the Criminal Justice Response to Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program (also known as Grants to Encourage Arrest and Enforcement of Protection Orders Program (GTEA)). While there has been a national movement to improve incarcerated offenders' reentry into the community, parallel work with the victims of these offenders has been lacking. Similarly, interdisciplinary teams, commonly known as Coordinated Community Response (CCR), have made great improvements in the criminal justice system's response to sexual assault, domestic violence, and stalking,¹ but they have focused primarily on pre-conviction issues. This project, the first OVW-funded project of its kind, focused on addressing the safety needs and concerns for victims whose abusers are incarcerated in Minnesota prisons.²

Specifically, the project's goals were to:

1. Establish the prevalence of domestic violence in Minnesota's prison population;
2. Identify gaps in MN DOC's post-conviction policies and processes for victims of domestic violence;
3. Increase capacity and collaboration among MN DOC staff and victim advocates to respond to the needs of this victim population; and

¹ This project studied sexual assault and stalking in the context of intimate partner relationships. Thus, this report uses the term "domestic violence" as the broader description of the victim's experiences with the incarcerated offenders.

² While individuals incarcerated for domestic violence related offenses serve time in both jails and prisons in Minnesota, this project specifically looked at the state prison population and thus under the authority of the Minnesota Department of Corrections and not those serving time in county jails.

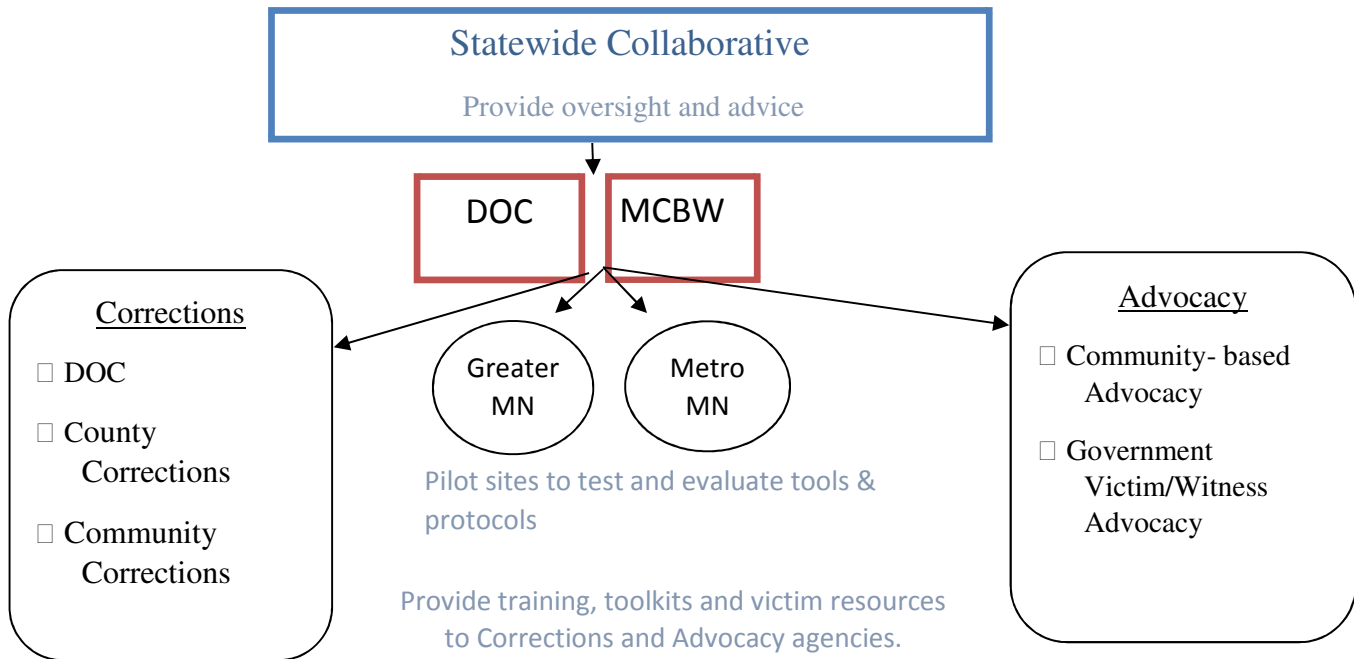
4. Improve MN DOC policies and processes to better serve victims from the time offenders are sentenced to prison to when they are released on supervision in the community.

A. Project Objectives and Structure

MN DOC hired a Project Coordinator with significant expertise in offender supervision to lead the grant in partnership with MCBW's Program Manager for Criminal Justice System Advocacy. Toward the project goals, MN DOC and MCBW established three objectives:

1. Convene a statewide Collaborative workgroup to advise the project in improving the security and safety for victims of domestic violence perpetrated by incarcerated offenders;
2. Create two pilot sites to test tools, protocols, and policies that will improve the security and safety for victims of domestic violence perpetrated by incarcerated offenders; and
3. Provide training and resources to advocacy organizations and Corrections staff statewide to improve the security and safety for victims of domestic violence perpetrated by incarcerated offenders.

The project's Collaborative built on an already-existing group of criminal justice system stakeholders and began meeting monthly on this new focus. In addition, the project identified one outstate and one metro area pilot sites, and multidisciplinary teams from each site met monthly with MCBW and MN DOC to provide their on-the-ground perspectives about victim needs and proposed policy changes. The following visual illustrates the structure of the grant work.



B. Project Results

Over several years, the project made significant progress on each of the goals, as outlined briefly here.

1. *Establish the prevalence of domestic violence among offender population.*

The project conducted two audits of MN DOC's prison population to determine the prevalence of domestic violence among incarcerated offenders. Despite some limitations with the data, both audits revealed that a substantial portion of incarcerated offenders committed one of these offenses or otherwise had a history of domestic violence.³ An annual audit documented significant growth in these numbers from 2012 to 2016 likely due to the several recent legal reforms. As of 2016, 30% of Minnesota's prison population were incarcerated for domestic violence related offenses. County audits provided a more detailed picture of the prison

³ Domestic violence offenses included those in the statutory list of Qualified Domestic Violence Related Offenses: includes Violation of OFP/HRO/DANCO, murder, assault, criminal sexual conduct, strangulation, terroristic threats. Domestic violence histories were defined as having a prior conviction of a QDVRO, having a conviction where the charge had an underlying QDVRO, or offender was the respondent in an Order For Protection proceeding.

population as they considered documented histories of domestic violence for offenders coming into Minnesota prisons from each of Minnesota's 87 counties. The county audits revealed that over 60% of individuals incarcerated in MN DOC's prisons have a documented history of domestic violence.

2. *Identify gaps in the post-conviction prison process.*

At the start of the project, the project partners knew little about the gaps in the post-prison processes for victims. While community and system advocates have a long, successful history of providing services and resources to victims throughout the criminal justice system, it was evident that few advocates had worked with victims to resolve issues that arose after an offender was sentenced to prison. To begin to identify these gaps, MCBW conducted focus groups and interviews of victims across the state. This qualitative data informed the project's work and was shared with stakeholders in various trainings. The work of the three pilot site teams and information received by MCBW's member programs and the MN DOC's Victim Assistance and Restorative Justice Program (VARJP) also informed project partners of the gaps victims' experience in the post-conviction prison process. The identified gaps informed the ongoing project work.

3. *Increase capacity and collaboration among MN DOC staff and victim advocates.*

Over 2000 individuals received in-person training on topics related to increasing victim safety in the post-conviction process as part of this grant project. In addition to these in-person trainings, the project developed two online modules: Corrections 101 for Advocates, which explains the post-conviction prison process and policies, and Domestic Violence 101 for Corrections, which focuses on the dynamics of domestic violence, common risk factors, and resources available to victims in Minnesota. These web modules also include toolkits that

provide relevant additional resources for each population. And the project developed several flowcharts to visualize various aspects of the grant work for use in meetings, trainings, and the web modules.

The work of the pilot site teams also contributed to a greater level of understanding of roles and collaboration between advocates and corrections professionals, and one county's case tracking further identified and allowed the project to respond to victims' concerns.

4. *Improve MN DOC policies and processes.*

Informed by the work of the Collaborative and the pilot site teams, MN DOC made several policy changes to increase victim safety. Specifically, MN DOC:

- developed a consistent, inclusive definition of “victim,”
- introduced new standard and special conditions for those being released on supervision for domestic violence related offenses,
- implemented wrap-around safety meetings for victims of offenders with a domestic violence history,
- removed the requirement of victim testimony before issuing a warrant for a parole violation,
- clarified that victims who testify in person at violation hearings should do so outside the presence of the offender and may have an advocate present, and
- established a system for sharing any risk screenings conducted in the pre-conviction process to prison facilities and supervision agents.

While the scope of this project did not include batterer intervention programming, the project also influenced MN DOC to establish domestic violence specific programming for batterers inside prison facilities for the first time. The grant also identified several other issues that may inform future policy changes, but were left unresolved by the end of the grant period. The project also influenced the development of at least a preliminary recommended practices model for a victim-centered approach to corrections.

I. **Project Background**

Minnesota has long been a leader in developing innovative responses to domestic violence. In the last few decades, local and statewide legislation and policies, training, and collaboration between various stakeholders has resulted in increased convictions for domestic violence related offenses as well as a significant growth in the state's prison population.

Minnesota emerged as an early leader in the movement to end domestic violence when one of the first battered women's shelters in the country opened its doors in St. Paul in 1974. MCBW, a statewide membership organization of more than 90 local, regional, and statewide programs advocating on behalf of battered women and their children, was founded in 1978 to serve as a unifying voice for battered women and to link battered women's programs throughout the state. MCBW's main role has been to serve as a policy organization, and it has continued to develop victim-centered and offender-focused approaches to domestic abuse.

As more battered women's shelters and programs emerged, Minnesota's policy makers saw the importance of providing services and responding to the experience of victims. Our sense of justice and equity, paired with our pioneering spirit and ingenuity, created some of the first criminal justice system analysis and response models in the country. Minnesota's anti-domestic violence leaders saw that it was not enough just to change statutes, but that the safety net created for victims of domestic violence also needed to change. Focus on strengthening safety for victims has not only led to creation of new laws, but also model arrest policies and protocols, prosecution plans, and a technological infrastructure to track orders for protection.

The last fifteen years have seen considerable expansion of anti-domestic violence policies. In 2005, Minnesota was one of six states to pass felony strangulation legislation and we modified the law to allow the entering of tribal and foreign orders into the statewide order for

protection database. In 2006, the legislature expanded the list of prior misdemeanor offenses that qualify for a felony charge, known as Qualified Domestic Violence Related Offenses (QDVROs), increased the timeframe for eligible offenses to 10 years, and removed the requirement that a perpetrator's crimes had to involve the same victim to qualify as escalating offenses. In 2007, legislators created a specific Domestic Abuse No-Contact Order (DANCO) that is issued by a judge against a defendant in a pending criminal case. They differ from other no-contract orders, which are issued at the petitioner's request through the civil court process or are part of the defendant's condition of release. Violation of a DANCO can result in a new criminal charge.

In 2008, the Minnesota Department of Public Safety's Office of Justice Programs (OJP), in partnership with MCBW, was awarded a GTEA grant to establish a statewide Advisory Committee and local pilot projects to create uniform guidelines and training materials for law enforcement and prosecutors on the topics of strangulation, stalking, and protective order enforcement. Members of the initial statewide GTEA Advisory Committee included OJP, MCBW, the Minnesota County Attorney's Association (MCAA), the Minnesota Chiefs of Police Association (MCOPA), the Minnesota Sheriff's Association (MSA), and the Minnesota Police Officer's Standards & Training Board (POST). Over the next four years, the Minnesota Bureau of Criminal Apprehension (BCA), the Minnesota State Court Administrators (Courts), and the Minnesota Department of Corrections (DOC) joined the collaborative work. The statewide Advisory Committee also brought in the expertise of a tribal judicial representative who has been a critical bridge between the state agencies and tribal communities. These agencies have formed a cohesive and strong partnership which is titled Minnesota Collaborative on Domestic Violence (the Collaborative).

The Collaborative has convened consistently since 2008 and has done significant work in the implementation and integration of statutory law with local criminal justice system responses. The initial work of the Collaborative resulted in high-quality, in-person training of over 3000 law enforcement officers on strangulation, stalking, and protective order enforcement. The trainings were converted to on-line, e-learning modules for officers. The Collaborative has continued to work on policy issues and coordinate training for criminal justice system professionals on a variety of issues related to domestic violence including risk assessments and firearms. The Collaborative's efforts have also resulted in strong working relationships that provide assistance with issues that arise and benefit from cross-discipline discussion and problem solving.

These new laws, trainings, and protocols have led to an increase in convictions for felony domestic violence related offenses and a corresponding growth in Minnesota's prison population who have committed domestic violence offenses.⁴ While the number of offenders sentenced for domestic assault increased between 2001 and 2005, the annual increases observed since the 2006 legislative enhancements have been more dramatic, rising from 100 cases in 2006 to 612 cases in 2014 - a 500% increase in less than a decade.⁵ Similar increases occurred in sentencing for other felony level domestic violence related offenses, such as violations of protective orders and domestic assault by strangulation.⁶ Not surprisingly, the legislative changes have also led to an increase in the prison population. For example, while 1,198 offenders have been sentenced to prison for felony-level domestic assaults since 2001, 1,110 of them were sentenced after the 2006 legislative enhancements. The need for prison beds for felony domestic violence assaults

⁴ Felony conviction data for domestic violence related offenses and prison commitment data were accessed through the MN Sentencing Guidelines Commission's annual reports to the Legislature.

⁵ Minnesota Sentencing Guidelines Commission, Assault Sentencing Practices: Assault Offenses and Violations of Restraining Orders Sentenced in 2014 (MSGC 2014).

⁶ Minnesota Sentencing Guidelines Commission, Assault Sentencing Practices: Assault Offenses and Violations of Restraining Orders Sentenced in 2015 (MSGC 2015).

alone has increased from an average of 19 per year between 2001 and 2006 to 157 per year between 2007 and 2015.⁷

Despite these changes in the criminal justice system, gaps in victim safety remain. MCBW has tracked domestic violence homicides in the state since 1989. In 2015, 60% (13 of 22) of the perpetrators who killed their intimate partners had a history of domestic violence related offenses. Half of the perpetrators were on some form of supervision at the time of the homicide. While homicide statistics show the extreme cases studies, other studies confirm that men experience significant levels of conflict with their intimate female partners both during and following incarceration.⁸

While the work of corrections is a critical part of the criminal justice system response to domestic violence, corrections largely has been absent from most CCR work, including that in Minnesota. Victim safety has been compromised because of this oversight. In 2012, MN DOC and its victim-services arm, VARJP, joined the Collaborative. Through their participation, the Collaborative learned of many challenges victims experience after sentencing and through supervision. The Enhancing Safety and Security for Victims of Incarcerated Offender Project grew out of the gaps in policy and training the Collaborative identified.

II. Project Details

A. Collaborative and Pilot Site Teams

At the start of the grant, the Collaborative expanded to include the Minnesota Association Community Corrections Act Counties (MACCAC) and the Minnesota Coalition Against Sexual Assault (MNCASA). It met monthly to provide guidance and expertise on the project. In

⁷ MSGC 2015.

⁸ Petersilia, J. *When Prisoners Come Home: Parole and Prisoner Reentry*. New York: Oxford University Press, 2003.

addition, the project partners selected two pilot site teams, one from the metro area and one from outstate Minnesota, to join in the grant work. Initially, the two teams were from Hennepin and St. Louis counties, but less than a year into the project, the St. Louis county pilot site team divided into two separate teams: the Range Pilot Site Team from northern St. Louis County and the Southern St. Louis County Pilot Site Team from southern part of the county, including Duluth to allow for the space and time needed to address the differences in resources, capacity, and problems in the two regions of the county.

The pilot site teams included corrections agents, victim witness, community based advocates, domestic violence programming, shelter staff, law enforcement, restorative justice programs, culturally specific programs, MCBW, and MN DOC. The teams informed the Collaborative about what was taking place in the field, particularly their interaction with victims of incarcerated offenders, and helped identify gaps in knowledge. The team members participated in project trainings and attended national conferences to expand their working knowledge. They also provided feedback on any recommended change to policy or protocol involving victims of incarcerated offenders.

The site teams varied greatly in their ability to contribute to the project. The St. Louis County teams, both smaller and already engaged in Coordinated Community Response work (Blue Print for Safety in Duluth), provided critical information and engaged in fact-finding related to the grant activity. Specifically, site members from the Domestic Violence Response Team (DVRT) in Duluth had access to a risk assessment tool that included pre-conviction information to which corrections had previously not had access. The counties worked with MNDOC to share this information and implement a process for other counties to share similar pre-conviction information. Both St. Louis County teams also helped develop and implement a

case-tracking project aimed at increasing communication between victims of incarcerated offenders, victim advocacy, and correction agents. The Hennepin County team, on the other hand, involved many more agencies, experienced significant personnel turnover during the grant period, and did not have the benefit of an already-existing project. These and other factors made it difficult to move forward with projects like those in St. Louis County. Nonetheless, the Hennepin County pilot site provided valuable information and feedback to the project partners and benefitted from the regular meetings between corrections and advocacy.

B. Audits

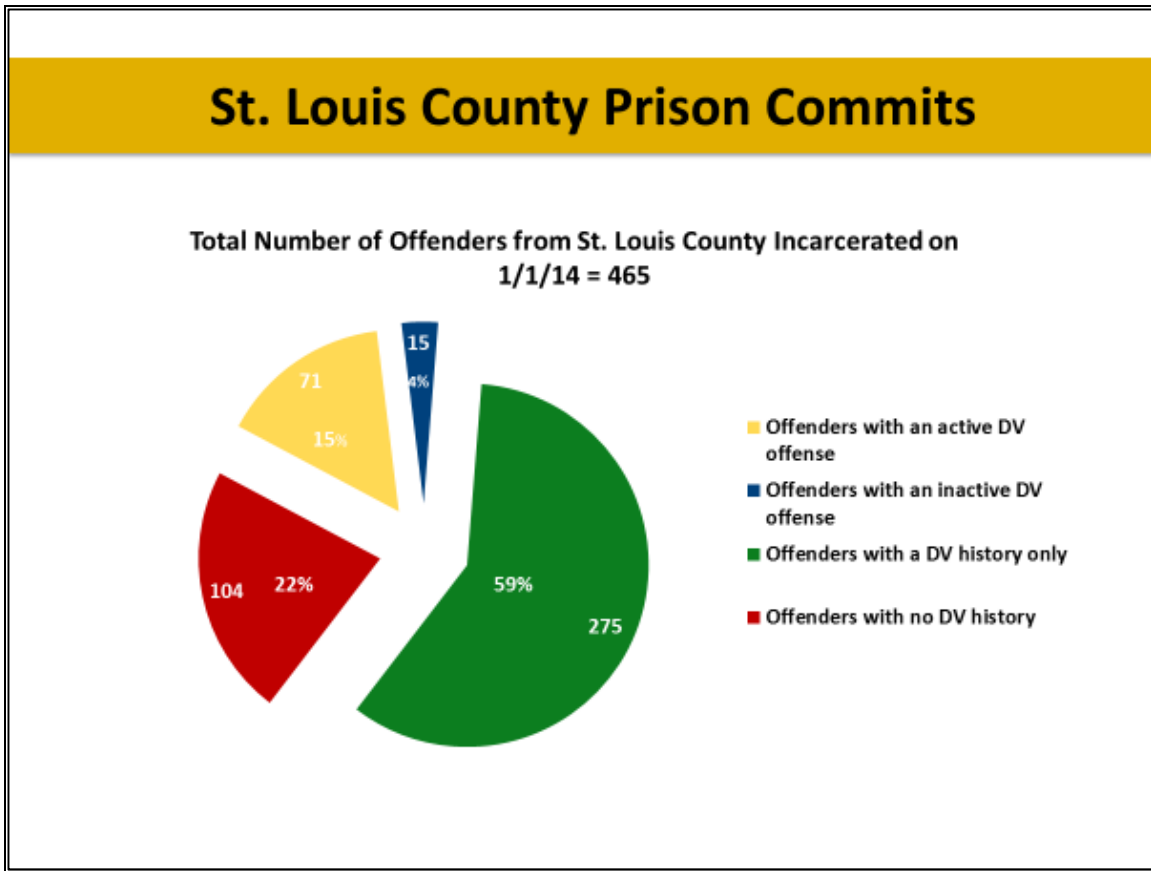
The grant work also involved two audits of corrections data in an attempt to measure the prevalence of domestic violence in Minnesota's prison population. The state audits provided a snapshot of the number of offenders in prison for an active or prior domestic violence related offense on the first day of each year from 2012 to 2016. This data was limited by at least two factors: it only included statutorily-defined Qualified Domestic Violence Related Offenses (QDVRO),⁹ and for the first several years, it excluded criminal sexual conduct and homicide because the necessary victim information was not available. Even with these limitations, the annual audit revealed significant growth in offenders in the last five years (10.6% to 16.9%, even excluding criminal sexual conduct and homicide). In both 2015 and 2016, close to 30% of Minnesota's prison population were incarcerated for domestic violence related offenses, including criminal sexual conduct and homicide. 24% of the prison population in 2016 was serving for an active domestic violence related offense.

⁹ Minnesota law considers these to be QDVRO: violation of an order for protection, harassment restraining order, or no contact order; first and second degree murder; first through fifth degree assault; domestic assault; female genital mutilation; first through fourth degree criminal sexual conduct; malicious punishment of a child; terroristic threats; and nonconsensual dissemination of private sexual images. Minn. Stat. § 609.02, subd. 16. Burglary, kidnapping, and manslaughter are not included.

YEAR	Total Prison Population	Active DV*	Inactive DV	Total DV
1/1/2012	9,258	682 (7.3%)	307 (3.3%)	989 (10.6%)
1/1/2013	9,342	740 (7.9%)	310 (3.3%)	1,050 (11.2%)
1/1/2014	9,665	801 (8.2%)	398 (4.12%)	1,199 (12.4%)
1/1/2015	9,907	1,056 (10.6%)	593 (5.9%)	1,649 (16.6%)
1/1/2016	9,967	1,101 (11.0%)	592 (5.9%)	1,693 (16.9%)
*Excludes criminal sexual conduct and homicide because necessary victim information not available.				
YEAR	Total Prison Population	Active DV*	Inactive DV	Total DV
1/1/2015	9,907	2,239 (22.6%)	710 (7.1%)	2,949 (29.7%)
1/1/2016	9,967	2,393 (24.0%)	690 (6.9%)	3,083 (30.9%)
*Including criminal sexual conduct and homicide.				

The county audits provide a more detailed picture of the prison population committed out of individual counties. This audit looked at documented histories of domestic violence for offenders coming into Minnesota prisons from each of the 87 counties. The county audits identified offenders with an active QDVRO obligation, a prior QDVRO obligation, or a domestic violence history. Offenders are considered to have a domestic violence history if they have a prior probation sentence for domestic violence, conviction for a non-domestic violence but

charge initially included,¹⁰ a charge without conviction for a domestic violence, or if they have been a respondent of an Order for Protection. Included below are the results of one of the county audits. Collectively, this work revealed that over 60% of Minnesota’s prison population has a record of domestic violence (active QDVRO obligation, prior QDVRO obligation, or domestic violence history).



The findings from the two audits allowed the project partners to frame the issue of domestic violence when talking to outside agencies and were included in almost every training provided during the grant. The data also underlined the importance of not just focusing on those offenders coming into Minnesota prisons for domestic violence related convictions, but

¹⁰ For example, if an offender was charged with domestic assault by strangulation and assault on a peace officer, and the plea deal resulted in the domestic assault by strangulation charge to be dismissed, we would still consider this offender to have a history of domestic violence.

screening all offenders for domestic violence and providing programming and interventions accordingly.

C. Focus Groups and Interviews

To complement the quantitative data, the project gathered qualitative data on the experiences and perspectives of victims of incarcerated offenders. Specifically, MCBW conducted small focus groups (of two to six people) and individual interviews with 35 victims from across the state and with a variety of racial and socioeconomic backgrounds. All of the victims were women and their offenders were male. All but three of the victims' abusers were in prison for an offense against them. The others had a history of domestic violence, but the offenders were incarcerated for another type of offense. The victims identified several shared concerns.

1. Limited, intimidating, or inaccessible communication about offenders' time in prison and conditions or timing of release.

Victims consistently described the inadequacy of their communication with corrections. They sought meaningful contact with corrections staff and advocacy that allowed them to receive and provide critical information throughout the process. In particular, they wanted a contact person in the facility to reach out to them after incarceration. Specific comments about communication with corrections included:

- "Letters don't work...if they can't bother to pick up the phone and call you, why will you trust them?"
- "You're at the mercy of the information that people have and whether they want to share it... it's terrifying."
- "I lived in constant fear that he would be released and I wouldn't know. Nobody contacted me. I didn't know if he was going to get out today or in two years."

- “Even if they couldn’t tell me, they could have been nicer. They could have said, ‘I understand why you want to know and I wish I could tell you but unfortunately, the law doesn’t allow me to’ . . . or at least ‘Sorry, he did this to you.’”
- “I was stabbed several times and left to die and in the end, all I got was a letter in the mail saying he was being released and I could call if I had any questions.”

One victim described the value of meaningful contact with corrections, though initiated by her:

“I found his agent and asked if I could go over and meet him. We met for an hour and a half . . . I felt so much better afterwards . . . What made me trust him was that he listened to me and told me everything he could. . . I would pick up the phone and call him if he ever contacts me.”

Another expressed frustration about not having such a relationship:

“He was living with me but no one knew because they never came over to check. He would lie to them. I didn’t even know who to call.”

In particular, victims wanted to know about the offenders’ experiences in prison. One explained,

“How am I supposed to know if he has changed or not if I don’t know what he did in prison? Does he still say he didn’t do it? Will he move into my town when he gets out? It drives me crazy.”

2. Lack of resources and education for the offenders to improve their children’s lives, increase their economic stability, or enhance victims’ safety.

Relatedly, many victims recognized the life experiences that made the offender abusive and wanted them to get help while in prison. Representative comments included:

- “His mom beat him all the time and his dad beat his mom. He needs help. They need to get him help in there because otherwise his next victim will not make it out alive. It’s not just about me. That’s why I’m here to talk to you.”
- “I will feel safe if I knew he was getting help in there. There has to be something done otherwise he will never change.”
- “He didn’t get any classes because they said he was in there for a very short time. I told them that was why he needed classes.”

In particular, victims sought mandatory domestic violence programming for these offenders.

3. Inadequate emotional support for victims.

To the extent victims interacted with anyone throughout the criminal justice process, they believed that those interactions were not trauma-informed. Victims sought greater advocacy and emotional support post-conviction and felt that everyone (911 to advocacy) needs to be more victim-centered in their approach. Victims who remained in a relationship with an offender felt that they had even less support available and were less likely to call if they faced new abuse. Victims also expressed the importance of labels as some who experienced sexual assault by a former intimate partner related more to being a sexual violence survivor than a domestic violence survivor.

4. Ignoring collateral effect of incarceration on victim.

Victims also expressed concern about the limited attention corrections and advocacy give to the collateral impact of the offender's abuse and incarceration on them. Victims not only experience mental health consequences, including PTSD, but also economic consequences, such as loss of housing and employment. In their experience, there was too much focus on the criminal justice system and little support out of it.

5. Ongoing abuse during and after incarceration with no consequences.

Perhaps most striking was the information victims shared about the ongoing abuse they suffered during and after incarceration that, to their knowledge, did not result in any additional consequences for the offender. Their experiences included the following:

- “He called me thirty times in one week from prison... had his friends on the inside call me all the time. His mom would stop paying rent for me and my kids if I didn't take his call. All the time, where are you, what are you doing? Nothing changed.”
- “I would go visit him and he'd call me names and the guards never did anything. I'd be crying and no one even gave me a tissue. He'd call me a b**** and a c**** and no one stopped him.”

- “I told him I wasn’t coming to pick him up so he started shouting, “b****, I’m gonna kill you,” you know? It wasn’t a collect call so he was in the transport office. I could hear the officers in the background...”
- “[He] has been to prison [many] times because he keeps beating me up. I would visit because if I didn’t, he’d call me a thousand times and write me a thousand letters. I had to pay for the gas to drive down all the time and send him money. I thought things would change every time but if you’re going to visit him the weekend after he’s going in there, what’s going to change? This last time he went in, he chopped my hair, raped me, and beat me up so bad I was in the hospital for weeks. If I didn’t have that gap [in communication], I’d be right back to where I was... they know how to manipulate you... allowing visits gives them their control back.”

6. Limited trust of corrections staff, particularly if previous poor experiences with system.

From their experiences, victims expressed limited trust of corrections staff. In addition to not knowing who to contact, they were hesitant to do so without understanding the consequences. Previous experience reporting violence further deterred some victims from reporting abuse they experienced post release. And, from the victims’ perspective, the system’s focus on offender accountability does not always result in increased victim safety.

D. Case Tracking Project

With the assistance of the St. Louis County pilot site teams, the project partners also implemented a case tracking project in Duluth and Hibbing, the goal of which was to increase communications between victims of incarcerated offenders, victim advocacy, and corrections agents and to increase the number of victims registered in Minnesota CHOICE, the electronic tool MN DOC uses for victim communication. MN DOC provided the pilot site teams with victim and offender information for all offenders sentenced or anticipating release each week. The community advocates then reached out to the victims to provide the information victims requested in the interviews and focus groups, including agent contact information, details about

an offender's time in prison, and conditions of the offender's release. From this work, we identified several challenges, including:

- Accurate victim contact information is frequently not available;
- Unless they continued working with a victim post-conviction, victim advocacy does not always have the capacity to do outreach with a new category of clientele (victims of incarcerated offenders);
- 60% of the victims contacted as part of this project were already working with an advocacy program, demonstrating the importance of connecting with victims early and maintaining that connection if we hope to get victim input post-conviction;
- Victims do not prefer getting information through Minnesota CHOICE. Victims indicated a desire for notification via text message since internet access was problematic for some;
- Victims want to speak directly with supervising agents (there was a substantial increase in victim/agent contact);

The project also revealed that the top needs expressed by victims were around economic assistance, such as affordable housing, public benefits, and employment, thus showing the importance of a broader collaboration with stakeholders to include social service agencies.

III. Capacity Development and Information Sharing

A. Training

Informed by the Collaborative meetings, the pilot site team input, and the data collection, a significant portion of the grant activity involved the development and implementation of training to over 2,000 stakeholders in Minnesota including county victim witness personnel, community based advocates, corrections agents, case managers, corrections officers, hearing officers, behavioral health staff, law enforcement, county attorneys, and judges. In particular, the project revealed the need for advocacy to have a better understanding of the corrections process and key points for victim involvement and for corrections to understand the work of advocates and the

dynamics of domestic violence. To that end, the project developed a number of specific trainings.

1. Nature and Dynamics of Domestic Violence, Understanding Men Who Batter and the Impact on Victims

A national trainer from Domestic Abuse Intervention Programs conducted five two-day trainings, two one-day trainings, and one two-hour training for corrections professionals on the nature and dynamics of domestic violence from both the offender and the victim perspectives. These trainings influenced the MN DOC's later decision, not funded by this grant, to implement batterer intervention programming in the prisons.

2. Domestic Violence Services in Minnesota

MCBW provided training to corrections on victim services in Minnesota, which included explaining the differences between community-victim advocates and county victim witness personnel, highlighting the importance of victim confidentiality, and providing information about victim resources including shelters and crisis lines.

3. Hearings and Release Unit Training

A senior Hearings and Release Unit (HRU) Officer trained corrections professionals on identifying domestic violence violations of conditions of supervised release and effectively presenting the behavior at violation hearings.

4. Felony Corrections Overview

Corrections personnel provided training to advocates and county victim witness staff about the process after a felony conviction including probation, prison, and parole.

5. Sex Offender Supervision

MN DOC provided training to sexual assault and domestic violence victim advocates about the post-conviction correctional process for sex-offenders.

6. Intersection of Corrections and Advocacy

This training was provided to community based advocates and victim witness staff. It identified opportunities for victim input throughout the felony correctional process.

7. Victim-Centered Release Planning

This training, for corrections, framed the issue of domestic violence within corrections by providing some background on the nature and dynamics of domestic violence and counterintuitive behavior of victims. Additionally, it provided information on the prevalence of domestic violence within the prison population and the need to consider domestic violence during release planning to prevent further victimization.

8. Dynamics of DV and Enhancing Safety for Victims

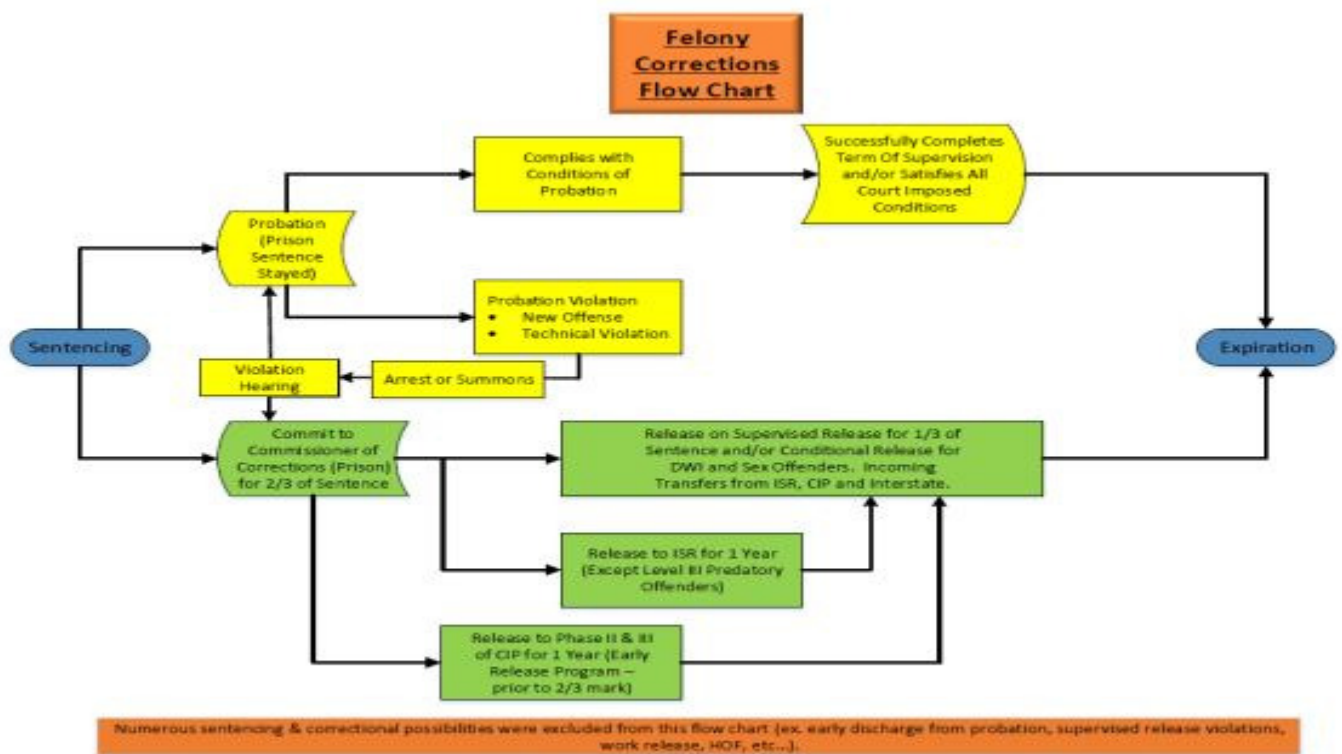
MCBW provided training to advocacy and corrections, including in the majority of prison facilities in the state, on the findings and recommendations from the victim focus groups and interviews.

9. Web Modules and Toolkits

Related to the content in several of the face-to-face trainings, the project developed two web-based training modules: Corrections 101 for Advocates, which focuses on the post-conviction process and policies, and Domestic Violence 101 for Corrections, which focuses on the dynamics of domestic violence, common risk factors, and resources available in Minnesota. Included at the end of each web module, the project also developed a toolkit of relevant resources for corrections and advocacy, respectively. These toolkits included, for example, information on local advocacy services and batterer intervention programming providers, MN DOC and VARJP contacts, and a post-conviction checklist for advocates.

B. Flowcharts

The project also developed several flowcharts to support the exchange of information between advocacy and corrections, to identify opportunities in the corrections process for victim and advocacy input, and to explain proposals for increasing safety for victims of incarcerated offenders. Some of the flow charts also were incorporated into the in-person training and web modules. Several of the flowcharts provided a visual of the process after an offender receives a felony sentence whether through a probation or a prison-commit track. The Felony Sentencing to Expiration flowchart is included here, for example.



The project also developed a Swim Map that identifies opportunities for victim interaction during the felony corrections process, an Information Sharing flowchart that depicts the process of sharing pre-conviction risk assessment tools with corrections, and a Wrap-Around Flowchart

that visualizes the updated process for working with victims in anticipation of an offender's release. To summarize its work, the project also developed a Victim-Centered Corrections flowchart that provides a recommended practices model for interaction with victims throughout the correctional process.

IV. Policy and Protocol Changes

The work of the Collaborative and pilot site teams, including the information learned through the various trainings and the development of flowcharts, also led to several changes in corrections policies and practices in an effort to enhance victim safety.

A. Definition of Victim

Central to the grant work, the project revealed the need for a consistent definition of victim throughout the corrections process. Historically, facility staff and HRU required a conviction for a crime committed against an individual in order for that person to be considered a victim whereas VARJP used a more expansive definition. The conviction requirement is not used anywhere else in the criminal justice system. Minnesota law defines a victim as “a natural person who incurs loss or harm as a result of a crime, including a good faith effort to prevent a crime”¹¹ and crime as “conduct which is prohibited by statute and for which the actor may be sentenced to imprisonment, with or without a fine.”¹² Consistent with these statutory definitions and expanded by its new understanding of the dynamics of domestic violence, MN DOC now consistently defines a victim to be:

any person who incurs loss or harm as a result of a crime, any person listed on a criminal complaint as a victim, any person the court has ever determined is need of protection (demonstrated by a current or previous Order for Protection,

¹¹ Minn. Stat. § 611A.01(b).

¹² Minn. Stat. § 609.02, subd. 1(b).

Harassment Restraining Order, Domestic Abuse No Contact Order, or other court order), or any person listed in a criminal justice agency report as a victim.

B. Standard Condition of Release

The new definition of victim is now explicitly incorporated in the Standard Conditions of Release that apply to every offender released on supervision. While all offenders were previously prohibited from having “direct or indirect contact with victim(s) of current or previous offense(s),” the new definition clarifies who is considered a “victim” for this condition of release.

C. Special Condition of Release

The project also led to changes in the language of the Special Conditions of Release or those that are individual to each offender. The grant funded several participants’ attendance at a national training on how batterers utilize technology when stalking their victims. The multitude of internet applications and other technologies available to anybody who wants to monitor, harass, stalk, or cause fear is staggering. When we compared this knowledge with protections offered by existing conditions of release (standard or special), we realized that there was a gap. The only condition at that time which would cover this behavior was a standard condition prohibiting harassing, stalking, or threats of violence. This means an offender could be in possession of technology, the sole purpose of which is to aid the offender in stalking behavior, but his supervising agent could do nothing about it unless he caught the offender in the act. MN DOC therefore added the following special condition of release for use with offenders with an assaultive history, *“The offender must refrain from the use or possession of any technological device, internet site, or internet application that is designed to monitor, harass, stalk or cause fear.”*

D. Victim Wrap-Around Safety Meetings

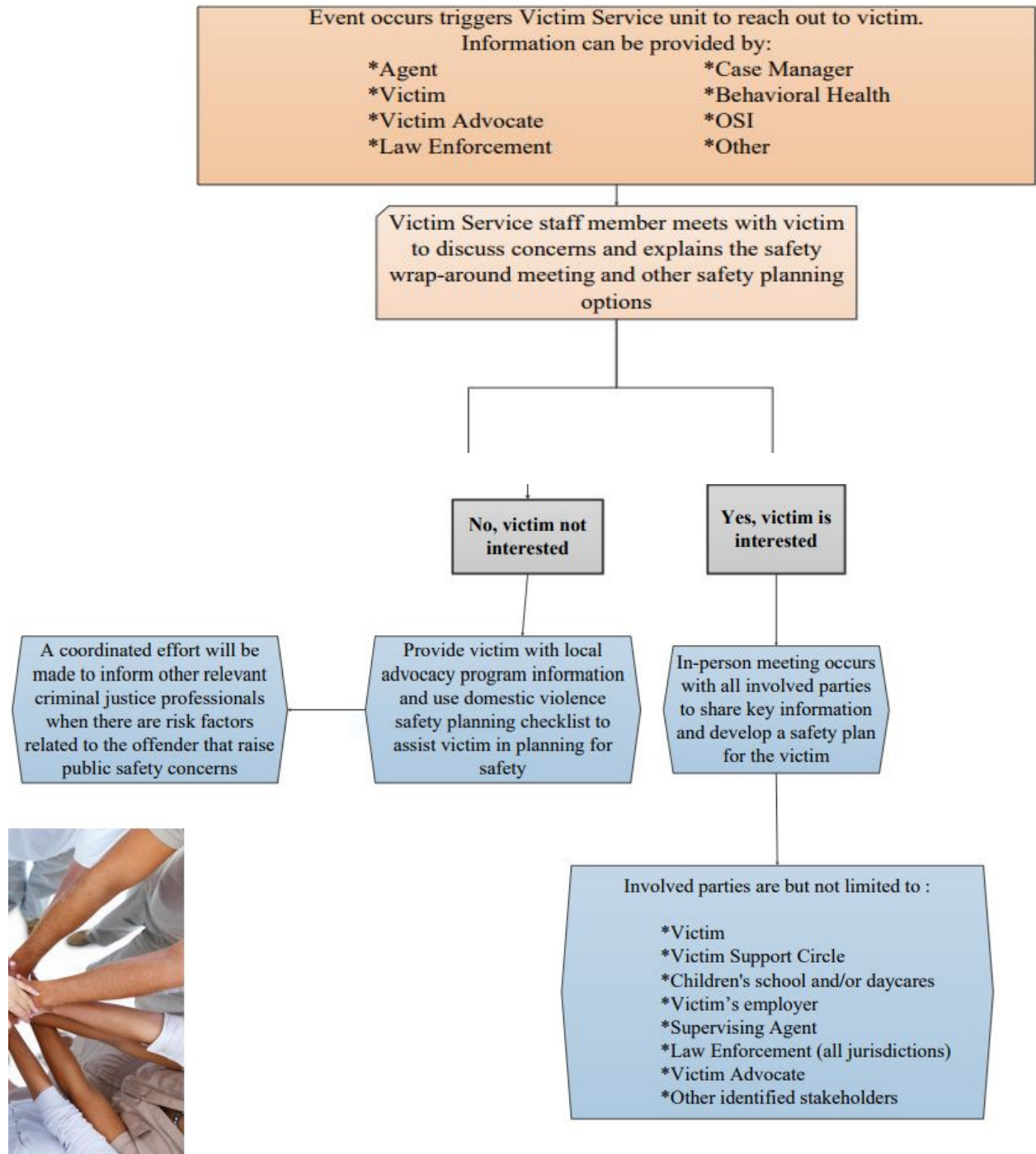
In the first month of the project, VARJP began facilitating Wrap-Around Safety Meetings for victims of domestic violence-related offenses in anticipation of the offender's release from prison. These meetings were intended to be a victim-centered process involving all stakeholders, including victims, community-based advocates, other victim support people identified by the victim (significant other, sponsor, employer, school principal), supervising agents, and law enforcement. The meetings provide an opportunity for victims to share information about their relationship with the offender, including any undocumented abuse or other behavior while on supervision previously. Victims are also able to voice their concerns regarding an offender's release from prison. The meeting ensures that all stakeholders have the same information and have developed a contingency plan for worst-case scenarios.

During the grant, VARJP conducted 29 meetings and assisted one agent in conducting his own. The grant work, particularly the input received from victim focus groups and interviews, helped shape the process to make the meetings more victim-centered over time. In particular, the project partners recommended that the meetings should be provided for victims with a domestic violence history even if the offender was not incarcerated for a domestic violence-specific offense, that the victim be informed about who would be attending the meetings, and that VARJP clarify what information from the meeting would be kept confidential.

The overall response to the meetings has been positive. The victim focus groups and interviews revealed that victims wanted to participate and supported having the supervising agent and law enforcement involved. In at least one instance, information shared at a meeting directly impacted the victim's safety and assisted in apprehending the offender. Although victims who participated in a wrap-around meeting still experienced contact from the offenders that violated

their conditions of release, we are unaware of any of these victims experiencing an assault during supervised release.

Victim Safety Wrap-Around Meeting



E. Information Sharing – Domestic Violence Assessments

Working with the St. Louis County pilot site team, MN DOC collected the summary and assessment information the local Domestic Violence Response Team (DVRT) obtained on all domestic violence calls, arrests, sentences, and protective orders, including the names of victims who would otherwise have gone unknown to MN DOC. This assessment also provides the risk assessment score (ODARA) and identifies various factors commonly associated with an increased risk of lethal or serious assault. Much of the information included in the DVRT summary and assessment is not listed in presentence investigations, including the names of many of the victims.

MN DOC began notifying case managers and agents when they were assigned to work with an offender who had a DVRT assessment. The notification explained the assessment and the ODARA score. Prior to the start of this project, the DVRT assessment was not utilized by stakeholders other than probation, prosecution, county victim witness, community advocates, shelter staff, and the local batterer's intervention program. The response to the new information-sharing was almost immediate: the week after initial notices were sent, MN DOC learned about a release plan that was sent out to someone identified in the DVRT assessment as a victim. Without the DVRT assessment, the offender would have likely been released to live with a prior victim.

Based on the success of the pilot project, MN DOC has expanded this information sharing project to accept pre-conviction risk assessments from every jurisdiction that completes such assessment and to share this information with both case managers working in MN DOC facilities and agents working with offenders on supervised release.

F. Warrant Requirement

Historically, MN DOC required victims to testify at a violation hearing before issuing a warrant on a new criminal charge or a probation violation. MN DOC discontinued this practice after learning through project discussions that nowhere else in the criminal justice process is this a requirement for a warrant.

G. Victim Testimony at Violation Hearings

Relatedly, to the extent a victim testifies at a supervised release violation hearing in person, the project led MN DOC to clarify that 1) the offender should not be present, and 2) victims should be allowed to have a victim advocate accompany them. Victims have the option to provide the testimony via telephone, but if they choose to testify in person, it is the agent's responsibility to notify the jail ahead of time and to arrange for a space outside of the offender's presence.

H. CSTS Violation Module

The project revealed the lack of information about the number of probation and supervised release violations related to sexual assault, domestic violence, or stalking. In response, MN DOC added a new option to its Court Services Tracking System (CSTS) Violation Module for agents to gather this information for both supervised release and probation violations. CCA jurisdictions (34 Minnesota counties) are in the process of including this change on the supervised release violation modules, but it is optional for each agency to include it on the probation violation module. This new information is gathered for statistical purposes only. The offender, defense attorney, and the hearing officer do not see this information.

V. Unresolved Issues

This project also identified and discussed several other victim-related corrections issues, but did not resolve all of them by the end of the grant period.

A. Victim/Witness Intimidation at Supervised Release Violation Hearings

Victims who choose to testify in person at supervised release violation hearings may share the same waiting area as the offender's family, friends, and witnesses and face possible intimidation. Minnesota law protects victims in court proceedings by requiring courts to provide a separate waiting area from defendant's relative and witnesses, if one is available, or to provide other safeguards, such as increased surveillance or victim escorts.¹³ No similar provision protects victims in corrections-related hearings.

While most witnesses testify by telephone at violation hearings, victim testimony is common enough to warrant protection from possible intimidation. Victims may choose to testify in person because they may do so outside of the offender's presence whereas offenders will hear their testimony via telephone. Offenders are not required to provide a witness list ahead of the release hearings, so agents may not be aware of the potential issue until after the hearing begins. Until there is a change in hearing policy or practice, agents should at least be trained to consider this issue for victims who appear in person and to respond quickly to provide any necessary safeguards.

B. Probable Cause Requirement for Warrant

The Collaborative also learned from agents that the Hearing and Release Unit (HRU) was requiring them to provide a criminal complaint to obtain a warrant after a supervised release offender is taken into custody on a new criminal offense. Historically, HRU only required the

¹³ Minn. Stat. § 611A.034.

warrant during violation hearings. The signed criminal complaint would then be used as the basis to hold an offender on detention status, depending on the charge, until the new criminal matter was resolved. The new requirement creates a higher standard than the courts require in probation cases where the arrest itself provides the probable cause necessary for the court to issue a warrant. HRU's change in practice also allows for an offender on supervision for a felony domestic violence offense to be arrested on a new offense and post bail before an agent is able to get a copy of the criminal complaint. This is not the first time that HRU has held agents to a higher standard than the courts use in similar circumstances. HRU used to require a complaint before issuing a warrant for alleged victim contact, but changed that practice. A similar change in protocol is needed here.

C. Anger Management and Parenting Classes

Corrections often requires domestic violence offenders to complete anger management and parenting classes during incarceration or as a special condition of release. State and national domestic violence experts believe that these classes, while perhaps helpful for some offenders, often do more harm than good for those with power and control or entitlement issues common among men who batter. Without first changing a batterer's beliefs and thinking, the tools learned in these classes may increase the risk to victims as a batterer may blame the victim when a tool does not allow the batterer to maintain power or control. Victims have reported that anger management does not decrease the abuse they suffer but rather makes the violence more difficult to anticipate. Conversely, offenders who have gone through anger management reported that it works unless they get "really mad." Minnesota courts long ago quit ordering anger management and parenting classes in domestic violence related cases, alternatively ordering batterer intervention programming. Corrections should consider a similar change in policy.

D. Risk Assessment

MN DOC VARJP has documented the risk assessment scores on the offenders involved in both the wrap-around safety meetings (29 offenders) and the St. Louis County case tracking project (56). Preliminary analysis reveals that the Minnesota Screening Tool Assessing Recidivism Risk (MnSTARR) rated a substantial portion of these offenders as a Low or Medium risk and that a majority of offenders are released without intensive supervision. These observations raise significant concerns for victim safety. Per the new Hearings and Release Offender Violation Guidelines the presumptive decision is to restructure an offender's release in the event of the following violations: contact with a victim; GPS violation; failure to successfully complete domestic violence programming; conviction of misdemeanor or gross misdemeanor (if it is related to victim); and other special or restructure conditions.

E. Ongoing Abuse or Contact

This project also identified the need to improve the correctional response to continued victim abuse and contact by offenders on community supervision or within facility. The victim focus groups and interviews revealed that victims experience significant abuse and unwanted contact during both an offender's incarceration and community supervision. It takes a great deal of courage for victims to report abuse or unwanted contact, and they deserve a response that considers their immediate safety and well-being.

The project revealed several current practices do not adequately consider the victim's perspectives. For example, agents in some regions expect victims to report new abuse or contact to law enforcement. Yet many victims are reluctant to do so for many reasons including their past negative experiences with law enforcement, their immigration status or criminal history, their desire for the behavior to stop but for the offender to not face new criminal charges; and their

fear of retaliation for reporting. Similarly, law enforcement has little incentive to investigate a technical violation of supervised release if the victim does not have an OFP or if the behavior does not otherwise constitute a crime. But not all victims obtain a protective order from the court either because they fear that it will increase the harm they face or they have actually experienced increased violence in response to a previous OFP. Victims need a better understanding of the correctional response to the information they provide. While agents may explain what consequences are available, the correctional response varies greatly by region and by the type of supervision the offender is on, the offender's MnSTARR score, and even the agent's experience. These factors coupled with the new complaint requirement for a warrant for a new offense discourage some victims from reporting abuse or contact with offenders in the community.

Similarly, victims whose offenders are still serving time in prison need greater clarity about the consequences of their reporting ongoing abuse. The correctional response seems to vary by facility though a first-time report often results in a warning, and repeated contacts lead to loss of privileges, disciplinary confinement, and even extended prison time. Like the response to alleged violations of supervised release, these responses may actually create disincentives for victims to report new abuse or unwanted contact. Discussion at a MN DOC VARJP facilitated wrap-around safety meeting illustrates the impact of these policies. An incarcerated offender sent multiple threatening letters to his ex-wife, his former sister-in-law, and the investigator who worked the case. Although he served a short time in segregation, he was not given any additional time in prison. Rather, he was charged with stalking and went straight from a MN DOC facility into the county jail from where the new charges originated, with the court imposing one million dollars bail. The police commander later asked why this offender was released when the criminal behavior took place while he was under the control of a MN DOC facility, pointing out that this

sends a terrible message to victims.

It is the opinion of those involved in the grant project that we cannot ask the victims to let themselves be further abused or harassed in hopes of future charges. When victims find the courage to report the abusive or unwanted contact, they should be offered a response that takes into account their immediate safety and well-being and results in the abuser being held accountable.

F. Sex Offender Treatment and Domestic Violence Programming Collaboration

The project facilitated a meeting between sex offender treatment professionals and domestic violence experts to start the conversation about the correlation between sexual assault and domestic violence and how we can work collaboratively to address domestic violence among the sex offender population. We discussed the prevalence of domestic violence histories within the prison population and the percentage of sex offenders committed for a domestic violence related sex offense. We also considered a Colorado study that details the prevalence of intimate partner rape among the offenders who commit domestic violence and the same information for sex offenders who commit domestic violence.¹⁴ Although domestic violence and sex offenders are not the same and the mechanisms that lead to these behaviors differ, the study revealed that these offenders exhibit similar behaviors and attitudes, particularly with respect to intimate partner sexual violence. Based on these discussions, sex offender treatment professionals expressed interest in incorporating domestic violence programming into the services they provide offenders.

¹⁴ This 2009 study was presented at a July 2016 Conference in San Diego in the plenary session, “The Prevalence and Characteristics among Domestic Violence and Sexual Offenders” by A. Mervyn Davies, M.A., Evaluator, Davies & Associates, Greeley, CO.

VI. Conclusion

This project grew out of the recognition that corrections plays an important role in any coordinated community response to domestic violence and yet has largely been absent from Minnesota and most community's approach. As a result, communication between victims and stakeholders is almost non-existent following a felony conviction resulting in a prison sentence, and the needs of victims of incarcerated offenders have mostly been ignored.

The work of the project has identified several key components of a more victim-centered approach to corrections, including:

1. Expansion of coordinated community response teams to include corrections personnel (facility case managers, hearing officers, and supervised release agents) legal aid, and social services.
2. Victim input through community-based advocates at the point of offender intake and before release.
3. Appropriate domestic violence programming for offenders while in prison and upon release.
4. Attention to whether any proposed placement is to a current or former victim.
5. Victim wrap-around safety meetings before release when heightened threat or risk of harm to a specific victim.
6. Prompt response to all victim communications.
7. Use of agreed means of contacting the victim (e-mail or telephone) in the event of a violation.
8. Investigation of all alleged violations, regardless of whether the victim has contacted law enforcement.

These lessons will continue to inform Minnesota's ongoing work to improve the correctional response to the growing population of offenders with histories of domestic violence and may help influence other states' approach to this important work.

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