

Volunteer Notes

WATCH draws new volunteers

About half of the 17 new volunteers WATCH trained in January are affiliated with two groups: the Minnesota Justice Foundation (MJF) and the University of Minnesota Law School's Domestic Violence Legal Clinic (DVLC). WATCH is pleased to welcome:

Cindy Baumann (DVLC)
Karen Bowen
Ryan Brauer (MJF)
Aaron Denton (DVLC)
Jennifer Espinosa
Jean Farmakes (DVLC)
Tanya Fawkes
Rishi Gang (DVLC)

Courtney Hanson (DVLC)
Brenda Harrington
Stacy Hodges
Naomi Holder
Patty Reinarts
Shannon Schmidt
Laurie Snow
Liz Tobin (MJF)
Joe Weber (DVLC)

WATCH welcomes Elizabeth (Liz) Royal a work-study student who is serving as WATCH's research and investigation coordinator. Liz, who was born and raised in Germany, is in her second year at William Mitchell College of Law. She is

a University of St. Thomas graduate with extensive legal and writing experience and a passion for international human rights, which she intends to pursue when she completes her *Juris Doctor* next year.

WATCH also welcomes research intern Kristin Stowell who is in her third year at the University of Minnesota working on a bachelor of independent studies in rhetoric, English and French. She is assisting Liz with the defendant-tracking list, WATCHdog, and research projects, and court monitors one afternoon a week.

DOMESTIC ABUSE CHRONOLOGY

Abuse results in attempted murder conviction

By Daryl B. Coppoletti

Daniel Adams has been charged with six crimes involving domestic violence in Hennepin County since 1996. Before that, he was arrested and prosecuted several times for domestic violence when he lived in Chicago. During these years, Adam's assaultive behavior grew in severity and frequency culminating recently in an attempted murder conviction.

Adams's wife, initials KDA, has been the main target of his ongoing abuse, although one case involved a daughter. Many of the assaults occurred when Adams had been drinking, and most were committed in the presence of one or more of the couple's seven children. In fact, it was one of their children who frequently called 911. In addition to the six domestic assault charges, there were several incidents that did not result in criminal charges.

In the four domestic abuse cases resolved prior to Adams's attempted murder of his wife, one was dismissed, he pleaded guilty to two, and one was initially continued for dismissal but Adams later pleaded guilty. In the three cases to which Adams pleaded guilty, he was sentenced to probation in each case with no additional time served in custody. For his attempted murder conviction, Adam's received a ten-year prison sentence.

Case #1 (8/25/96): Fifth-Degree Assault (Misdemeanor)

Police Report: Adams and KDA got into an argument because he did not pick her up from work. The argument escalated and Adams grabbed KDA by the neck and tried to choke her. He then threw her to the ground, kned her in the back, and hit her

head on the ground. Adams was arrested and bail was set at \$4,199.

Event (8/26/96): Adams made his first appearance for Case #1 before Judge Burke who released him with no bail on the following conditions: no contact with KDA; intensive conditional release; and no same or similar charges.

Outcome (9/25/96): Judge Farrell continued Case #1 one year for dismissal on the following conditions: attend and complete the Domestic Abuse Project's (DAP) two-day anger counseling class; and no same or similar charges.

Case #2 (12/15/96): Fifth-Degree Assault (Misdemeanor)

Police Report: Adams came home drunk at about 1:30 a.m. When KDA asked Adams where he had been he told her to mind her own business and pushed her. After KDA pushed Adams back he began punching her in the face. KDA ran out of the house and got into her vehicle in an attempt to get away, but Adams pulled her out, pushed her to the ground, and resumed punching her in the face and choking her saying, "Bitch, you know I'll kill you. I'll kill you." After KDA got away, Adams walked around the house breaking all the windows and then fled. He was arrested later that day and bail was set at \$1,200.

Event (12/16/96): Adams made his first appearance for Case #2 before Judge Lindberg who ordered bail to remain at \$1,200. That same day, KDA filed a petition for an Order for Protection (OFP) for herself and her seven children based on the assault

in Case #2. Adams was served in jail with notice of the OFP and the hearing was scheduled for 12/24/96.

Event (12/17/96): An arrest and detention order was issued for Case #1 because of the charge in Case #2. It was ordered that Adams be held without bail.

Event (12/18/96): Adams appeared on the arrest and detention for Case #1 before Judge Lindberg who ordered bail at \$500.

Event (12/20/96): Adams appeared for Case #1 and Case #2 before Judge Wexler who ordered his release with no bail on the following conditions: no contact with KDA; child visitation only by family court order; no use of alcohol, marijuana, or controlled substances; random urinalyses; no assault, disorderly conduct, obstructing police, violation of OFP, or same or similar charges; use of police escort to enter premises; and intensive conditional release. Judge Wexler recommended \$4,000 cash bail if any conditions were violated.

Event (12/24/96): The OFP hearing was held with Referee Meade. Both Adams and KDA appeared without counsel. At the hearing, KDA requested an OFP that only prohibited Adams from committing acts of domestic abuse. Adams did not object to the OFP to be in effect for one year.

Event (1/9/97): Adams's conditional release for Case #2 was revoked and a warrant was issued for his arrest because he called KDA on 1/8/97 and 1/9/97. Bail was set at \$1,000 cash only.

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Abuse results

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Outcome (2/10/97): Adams pleaded guilty to **Case #2** and to an amended count of disorderly conduct in **Case #1** before Judge Sommerville. For **Case #2**, Judge Sommerville sentenced Adams to 90 days in the Workhouse (with 6 days of jail credit), but stayed 84 days for two years on the following conditions: no alcohol or controlled substance use; complete a chemical dependency evaluation and follow all recommendations (preferably the Excelsior Program); and no same or similar charges. For **Case #1**, Judge Sommerville sentenced Adams to 90 days in the Workhouse (with 8 days of jail credit), but stayed 82 days for two years on the same conditions as **Case #2**.

Case #3 (7/28/97): Malicious Punishment of a Child (Gross Misdemeanor); Fifth-Degree Assault (Gross Misdemeanor)

Police Report: When Adams came home, his 12-year-old daughter was outside the home helping her sister sell lemonade. Because she was "grounded" and not supposed to be outside, Adams chased her into the house and struck her in the neck and shoulders with his belt. He then chased the victim into the bathroom where she locked herself in. Unable to open the bathroom door with a screwdriver, Adams went outside and climbed to the second floor of the house and pushed the bathroom window in. He told his daughter that he was going to kill her and "fuck her up."

The victim then fled from the bathroom and ran outside where Adams caught up with her and struck her in the back of the head, causing her to fall to the ground. When the victim's sister attempted to call for help, Adams took the phone from her. When KDA returned home, she reported this incident to the police and took the victim to Minneapolis Children's Medical Center to treat her injuries.

Event (8/1/97): Based on the assault in **Case #3**, KDA filed a motion to amend the 12/24/96 OFP to now exclude Adams from their home. The hearing to amend the OFP was scheduled for 8/14/97.

Case #4 (8/2/97): Violation of an Order for Protection (Misdemeanor)

Police Report: Police officers responded to a "911 open line" and observed Adams standing with his foot inside the front door of the house and KDA trying to close it. KDA told police that Adams had come over and attempted to enter the residence. When she tried to stop him, he began to swear at her. KDA's children called 911 because they had

witnessed earlier assaults. While Adams was being arrested, he became belligerent, shouting obscenities at both KDA and the police officers. Bail was set at \$4,000.

Event (8/4/97): Adams made his first appearance for **Case #4** before Judge Bush who ordered bail to remain at \$4,000. Revocation notices were served for **Case #1** and **Case #2** based on the charges in **Case #4**. Later that day, an arrest and detention order was issued for **Case #2** based on the allegations in **Case #3**. Bail was set at \$1,000.

Event (8/5/97): The complaint was filed in **Case #3** and bail was set at \$3,000.

Event (8/6/97): Adams made his first appearance for **Case #3** before Judge Knoll who ordered bail to remain at \$3,000.

Outcome (8/7/97): Judge S. Lange dismissed **Case #4** on motion of the prosecutor; no revocation was ordered on **Case #1** or **Case #2** because of that dismissal. That same day, Adams was served in jail with notice of the motion to amend the 12/24/96 OFP.

Event (8/14/97): The motion to amend the 12/24/96 OFP was heard by Referee Doss. Both Adams and KDA appeared without counsel. Adams did not object to the amended OFP and it was ordered to be in effect for one year. That same day, KDA filed another motion to amend the OFP to request child support and medical insurance for their seven children.

Adams was served in jail with notice of the motion to amend the OFP and the hearing was scheduled for 8/25/97.

Event (8/25/97): The motion to amend the OFP was heard before Referee Doss. Both Adams and KDA appeared without counsel. Referee Doss continued the matter until 9/10/97 pending the outcome of **Case #3**.

Event (9/9/97): Adams appeared for a bail hearing for **Case #3** before Judge Orey who denied his request to lower the bail.

Event (9/10/97): The continued motion to amend the OFP was heard before Referee Doss. Both Adams and KDA appeared without counsel. Referee Doss again continued the matter until 11/24/97 because Adams and KDA stated that they wanted to try to resolve the child support issue on their own once Adams was released from custody.

Event (9/14/97): Adams posted bail for **Case #3** and was released from custody on the following conditions: no contact with the victim or KDA; no use of alcohol, marijuana, or controlled substances; random urinalyses; no criminal activity; and twice weekly contact with a conditional release officer.

Event (10/18/97): A bench warrant was issued for Adams's arrest because he was not maintaining contact with his conditional

release office. Bail was set at \$5,100.

Event (10/31/97): Adams was arrested on the conditional release violation warrant.

Outcome (11/17/97): Adams pleaded guilty to the gross misdemeanor fifth-degree assault count in **Case #3** before Judge Carey and the malicious punishment count was dismissed.

Event (11/24/97): The continued motion to amend the OFP was heard before Referee Doss. Adams appeared without counsel and KDA failed to appear for the hearing. Referee Doss once again continued the matter until 12/23/97.

Event (12/23/97): The continued motion to amend the OFP was heard before Referee Doss. Both Adams and KDA appeared without counsel. Referee Doss vacated the 12/24/96 OFP and dismissed the motion to amend because KDA said that she and Adams had resolved their differences and were once again residing together.

Event (1/6/98): Judge Carey sentenced Adams for **Case #3** to 365 days in the Workhouse, but stayed 365 days for two years on the following conditions: no contact with the victim unless all parties mutually agree; complete anger management and counseling classes; no use of alcohol or controlled substances; random urinalyses; and no same or similar charges. No action was taken on **Case #1** or **Case #2**.

Event (2/10/99): Adams's probations for **Case #1** and **Case #2** expired.

Event (1/6/00): Adams's probation for **Case #3** expired.

Police Report (1/16/00): While visiting his children at KDA's residence, Adams became threatening toward KDA after she told him to leave. To get away from him, she went into her bedroom and locked the door. He kicked the bedroom door several times in front of their children. Responding officers removed Adams from the home but did not arrest him. No criminal charges were ever filed for this incident.

Event (1/19/00): KDA filed a petition for an OFP based on the 1/16/00 incident. The hearing was scheduled for 1/26/00.

Event (1/24/00): Adams was served with notice of the 1/26/00 OFP hearing.

Event (1/26/00): The OFP hearing was held with Referee Mack. Both Adams and KDA appeared without counsel. After an evidentiary hearing at which both KDA and Adams testified, Referee Mack denied the OFP stating, "[KDA] has not met her burden to show by a preponderance of the evidence that domestic abuse occurred, or that she has been placed in imminent fear of a physical assault."

Case #5 (2/6/00): Fifth-Degree Assault (Two Felony Counts); Terroristic Threats (Felony)

Police Report: Adams and KDA had been separated for three months when they got into an argument when Adams was picking up their son. Adams hit KDA with an open hand in the upper lip and nose causing her lip to swell. When KDA told Adams not to touch her he said, "I'll do better than that, I'll kill you." He grabbed KDA by the throat and choked her stopping only when their daughters intervened and pushed him away. Adams then kicked out 18 windows in the house and broke the windows in KDA's van. When police arrived, they observed Adams walk away from the van and say, "That's right, I'm going to jail again, but I'll be back." Adams was arrested for misdemeanor fifth-degree assault and bail was set at \$1,200. That same day, Adams posted bail and was released.

Police Report (2/6/00): After being released from the Hennepin County jail for the earlier assault, Adams reported to police that his apartment had been burglarized and that he suspected KDA had stolen his television, VCR, and stereo to get back at him. When contacted by police, KDA denied taking anything from Adams and stated that she makes "every effort to stay away from him because of his violent past with her and their children."

Event (2/7/00): KDA filed a petition for an OFP based on the 2/6/00 assault. The hearing was scheduled for 2/14/00.

Event (2/9/00): Adams made his first appearance for Case #5 before Judge Hopper who ordered him to have no contact with KDA and remain law abiding. That same day, Adams was served with notice of the 2/14/00 OFP hearing.

Police Report (2/9/00): KDA reported to police that Adams had called her place of employment and spoke to her supervisor about terminating her employment. Adams was not arrested for this incident, and no criminal charges were ever filed.

Event (2/11/00): Adams filed a petition for a reciprocal OFP alleging that KDA had assaulted him on 2/6/00. The hearing was scheduled for 2/14/00 to be heard at the same time as KDA's OFP.

Event (2/14/00): The OFP hearings were held with Judge Poston. Both Adams and KDA appeared without counsel. Adams did not object to the issuance of KDA's OFP and Judge Poston ordered that it be in effect for one year. After an evidentiary hearing on Adams's OFP at which both KDA and Adams testified, Judge Poston denied his OFP stating, "[he] has not shown that he was physi-

cally harmed or placed in imminent fear of bodily injury."

Police Report (2/17/00): KDA reported to the police that all four tires on her vehicle had been "slashed" and that she suspected Adams and/or one of his friends had done it because several suspicious people were seen lurking around the vehicle at various times that night. Adams was not arrested for this incident, and no criminal charges were ever filed.

Event (2/22/00): A complaint was filed for Case #5 by the Minneapolis City Attorney's Office amending the misdemeanor fifth-degree assault charge to a gross misdemeanor, adding an additional count of gross misdemeanor fifth-degree assault, adding a count of fourth-degree property damage, and adding a count of disorderly conduct.

Police Report (3/20/00): KDA reported to the police that Adams had repeatedly called her at work and at home over the previous four days. She said he had become angry and hostile when she would not agree to meet him. Even though KDA told police she wanted to "press charges" for this OFP violation, Adams was not arrested for this incident, and no criminal charges were ever filed.

Event (4/19/00): A complaint was filed for Case #5 by the Hennepin County Attorney's office amending both gross misdemeanor fifth-degree assault charges to felonies, amending the misdemeanor fourth-degree property damage to terroristic threats, and dismissing the disorderly conduct count. Bail was set at \$50,000 and a warrant was issued for Adams's arrest.

Event (4/21/00): Adams was arrested and made his first appearance for the amended felony charges in Case #5 before Judge Swanson who reduced the bail to \$12,000.

Event (4/22/00): Adams posted the \$12,000 bail and was released from custody.

Case #6 (6/11/00): Attempted Second-Degree Murder (Two Felony Counts); First-Degree Assault (Felony)

Police Report: Adams came uninvited to KDA's residence to visit their children. While there, Adams and KDA began arguing because he was going through her mail without her permission. After she asked him to leave, the phone rang and Adams answered it—it was KDA's new boyfriend. Adams became angry and grabbed her by the throat with one hand and repeatedly punched her in the face with the other. KDA managed to free herself and fled to the bedroom with their daughter's 17-year-old friend. The two women attempted to close the door but Adams overpowered them and forced his way into the bedroom. When the friend tried

to call 911, Adams ripped the phone cord from the wall. He then grabbed KDA and began choking and punching her again saying, "You think I'm playing with you?"

KDA later told the police that she remembered passing out because of the choking and believing that she was dead. After the friend ran from the residence to call police and find help, she returned with her father and found KDA lying unconscious and convulsing on the bedroom floor with half her body under the bed. Adams was no longer in the residence. KDA began regaining consciousness after being picked up and placed on the bed. When responding officers arrived, they noted that KDA was crying hysterically, disoriented, and unable to walk on her own because her legs were shaking uncontrollably. She had a golf-ball size lump on her forehead that was bleeding, numerous marks on her neck, and several large clumps of hair missing from her scalp.

While KDA was being taken to the hospital because of her serious neck and head injuries, Adams drove downtown and approached an officer in City Hall saying, "Arrest me, I just killed my wife." Adams was detained and bail was set at \$250,000.

Event (6/14/00): Adams made his first appearance for Case #6 before Judge Scherer who ordered the bail to remain at \$250,000.

Outcome (10/9/00): A jury found Adams guilty of one count of fifth-degree assault and terroristic threats in Case #5 (they found him not guilty of the other count of fifth-degree assault).

Event (11/14/00): Judge Connolly sentenced Adams to serve 24 months in prison (with credit for 160 days served in jail), pay fines totaling \$78, and pay restitution of \$3,000 for Case #5.

Outcome (1/10/01): Judge Levy found Adams guilty of one count of attempted second-degree murder and not guilty of first-degree assault for Case #6. The other count of attempted second-degree murder was dismissed on motion of the prosecutor.

Event (2/20/01): Judge Levy sentenced Adams to serve 240 months (10 years) in prison, with 256 days jail credit, for attempted second-degree murder for Case #6. The sentence was an upward departure from the Minnesota sentencing guidelines, which called for a minimum of 163 months for this type of offense.

Ever WATCHful, still not satisfied

Reflections from the new and old executive directors

As current and former executive directors of WATCH, we are pleased to join together to write this executive director report for the newsletter. At the end of May, WATCH went through a momentous executive director transition with the departure of Cheryl and the arrival of Suzanne. We had met once prior to this event and communicated by telephone several times, giving us a chance to get to know each other and tentative optimism about the upcoming transition. This optimism was well-founded, and we are pleased to report that WATCH's steady "eye" hardly blinked with the changing of the guard.

Since the transition, everyone wants to know "where's Cheryl?" Fortunately for WATCH, Cheryl hasn't really left. She

continues to follow her passion with the ongoing Domestic Violence Court Monitoring Project. And Suzanne follows her passion for the issue of domestic violence by working on improving a system that affects so many women and children.

People often ask us "why do you do what you do?" We continue to watch, to research, to raise our voices, because we are not satisfied with the answer "that's just the way things are." The community should not be satisfied with this answer either. We should not be satisfied with last year's domestic violence statistic—over 40 women killed by their intimate partners, the highest ever in Minnesota. We should not be satisfied with court calendars that are routinely late in start-

ing, wasting personnel time and public money. We should not be satisfied with a system where offenders who commit subsequent violent crimes while on probation too often face no real consequences for their violence. We should not be satisfied with a system that too often minimizes crime and disregards the needs of victims. Through our continued work together with criminal justice system members and advocates, we hope to move toward the ultimate goal of safety for victims of violence and accountability for offenders.

—Suzanne Elwell,
Executive Director

—Cheryl Thomas,
Former Executive
Director

INSIDE WATCH

Gold WATCH Award presented to Nancy Halverson

By Libby Wyrum

On May 24, WATCH presented the 2001 Gold WATCH Award to Nancy Halverson, a corrections unit supervisor for the Hennepin County Department of Corrections, at its annual celebration. The Gold WATCH Award is given to an individual who demonstrates consistent leadership within or outside the criminal justice system on behalf of women and children who are victims of sexual assault, domestic abuse, or child abuse.

Ms. Halverson's vision and leadership have been instrumental in improving the services for and supervision of domestic abuse offenders in the Hennepin County Department of Corrections and courts. With the help of others, her lobbying efforts for bail evaluations that consider the abuser's risk to the victim resulted in the adoption of two new assessment tools in Hennepin County. Ms. Halverson serves on the Executive Board of the Family Violence Coordinating Council (FVCC) and has served in the past as president of the Minnesota Association of Women in Criminal Justice. She has displayed a superior commitment to working towards a more responsive and effective criminal justice system in dealing with perpetrators of domestic violence.

The event was attended by WATCH supporters, board members, volunteers, community leaders, and Ms. Halverson's friends and family. The Honorable Margaret Daly, Connie Sponsler from the Battered Women's Project, and Gunnar Bankovics and Michael Condon from the Hennepin County Department of Corrections spoke eloquently on behalf of Nancy Halverson. Phil Colich of Hennepin Lake Liquors generously contributed wine for the event, and the Marquette Hotel helped with the arrangements. Our thanks to all of the above and to all of you who were able to join us for this event. Your support is invaluable.

Chronology correction

In the "Domestic Abuse Chronology" for Daniel Adams in the Spring 2001 *WATCH Post*, the outcome for Case #1 referenced attending and completing the Domestic Abuse Project's (DAP) "two-day anger counseling class" as one condition for the case to be continued for dismissal. The condition obtained from court records was actually, "attend and complete DAP or anger counseling session—short term course—maximum of 2 days." Aaron Milgrom, DAP Men's Therapy Program Supervisor, e-mailed us that "DAP has never had a two-day course in anger management and believes such courses to be inadequate and ineffective for perpetrators of domestic violence." He added, "As part of our mission, DAP has worked to educate the court and the public about the difference between 'anger management' and 'domestic violence therapy/programming.'" We appreciate Aaron's bringing this correction to our attention.