

The WATCH Chronicle

WATCH is a court monitoring and judicial policy non-profit located in Minneapolis, Minnesota. WATCH works to make the justice system more responsive to crimes of violence against women and children, focusing on greater safety for victims of violence and greater accountability for violent offenders.

June 2015 Volume 1, Issue 3



WATCH FEATURE

MARY LOUISE KLAS: Still Advocating for Battered Women and Children

By Pamela Schmid

As a Ramsey County District judge, Mary Louise Klas learned about the scourge of domestic abuse while reviewing more than 100 petitions for protection orders.

“I was blown away,” she said. “I didn’t know we had that much trouble here. Police weren’t arresting, prosecutors weren’t prosecuting and judges weren’t holding the offenders accountable.”

After spending her 14-year tenure on the bench pushing police, prosecutors and courts to get tougher against domestic abuse, Klas hasn’t stopped pushing since her retirement in 2000.

These days, Klas can be found chairing the Domestic Violence Task Force of ISIAIAH, a faith-based social justice network. She also serves on the board of Minnesota Program Development, Inc., which works toward eliminating violence in the lives of women and their children.

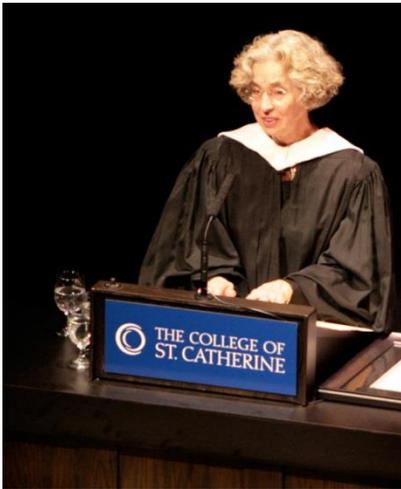
Klas has spent much of her life breaking barriers and speaking out against injustice. The first woman appointed to the 2nd Judicial District bench, she spent two decades as a member of the state Supreme Court’s gender fairness implementation committee. “My job was to teach judges—and peripherally lawyers—how to respond appropriately to domestic violence,” she said, adding that her words were not always well-received.



Ramsey County District Judge Mary Louise Klas retired in 2000.

Inside

In the News	4
Court Monitoring Bulletin	6
Sex Trafficking Update	8



Retired Ramsey County District Judge
Mary Louise Klas

“React appropriately,
listen, fashion remedies
that fit the individual
case. One size does not
fit all.”

“To say that I was unsuccessful would be an understatement,” she said, choosing her words carefully.

But Klas didn’t stop trying. After retiring, she helped spearhead a push for a state-funded audit of St. Paul’s judicial system. The result was the Saint Paul Blueprint for Safety—a comprehensive series of initiatives aimed at improving the responses of city agencies to domestic and sexual assault. Since its development, three other cities have adopted the blueprint, including New Orleans and Duluth.

The Blueprint in action means “paying attention, listening—all the things WATCH wants the court system to do,” Klas said. “React appropriately, listen, fashion remedies that fit the individual case. One size does not fit all.”

In the past, police arrived at a domestic call “and told the guy to go around the block until he sobered up a little,” Klas said. “Officers thought of themselves as mediators. ... but it’s a crime, and there ought to be a criminal justice response. When the officer says, ‘Do you want to bring charges’, that’s not what a police officer says to the victim of a robbery or home burglary. It’s the state of Minnesota against the defendant, not Mrs. Defendant against Mr. Defendant.”

To ensure a more just outcome, Klas believes that police need to write more detailed reports, but judges also must impose appropriate sentences and then hold offenders accountable if they disobey their conditions of probation. “If that involves a no-contact order, then if the defendant violates the order there ought to be criminal sanctions,” she said, “not a slap on the wrist.”

Klas began speaking up about domestic violence while presiding in family court. As she reviewed dozens of petitions for protection orders, her eyes opened to the extent and nature of domestic violence locally.

She began asking questions. She learned that the state had good laws, “but when nobody’s implementing them, they don’t do a hell of a lot.”

And, despite advocating often and vociferously that more had to be done to address domestic violence, she felt like a voice in the wilderness—“at first, for a long time, and maybe still so.”

Klas credits the Minnesota Legislature for being responsive to domestic violence advocacy concerns, citing laws that have ratcheted up penalties for violations of orders for protection and probation.

“The Legislature is telling judges there are consequences they can apply.”

“The Legislature is telling judges there are consequences they can apply,” she said, but added that judges still get to make the final call.

Although Klas never had a chance to see WATCH volunteers in her courtroom—they began monitoring cases in Ramsey County last year—she said their presence undoubtedly raises the court’s awareness of issues around domestic violence.

Important questions to ask, she said, include whether the defendant is kept away from the victim and the degree of courtroom banter between attorneys before cases are called, which can have the effect of minimizing the importance of a case.

And according to Klas, courtroom decorum matters—a lot.

“I think it tells the victim that [she’s] worthy of respect, that what happened to her is important and should be fairly heard,” she said. “The message to the defendant is the opposite. When there’s a slap on the wrist, you can be sure that the whole milieu in which the defendant lives and works is aware of it. It says: ‘I can do this with impunity.’”

IN THE NEWS

Editorial: Child protection headed in the right direction in Minnesota

A legislative session that left much undone by the final gavel still managed to produce important new legislation aimed at protecting endangered children in Minnesota, according to the *Star Tribune* editorial board.

In its May 29 editorial, "[Positive new steps in child protection](#)," the newspaper lauded the passage of policy changes recommended by a gubernatorial task force. They include a \$52 million state outlay to expand and improve child abuse investigations and stronger state oversight of county workers.

The changes were spurred by the newspaper's investigation into the tragic death of 4-year-old Eric Dean nine months ago, which uncovered alarming weaknesses in the state's child protection system. The series, entitled "[Eric Dean, the boy they couldn't save](#)," gave rise to the task force and led to policy changes at human service agencies and, most recently, new laws to prevent further tragedies.

[Read the editorial.](#)

Washington Post lauds Maryland-based court-monitoring group

In Maryland, an all-volunteer nonprofit group that monitors protective order hearings has found that Montgomery County's district courts often aren't doing what they should to keep victims safe. The report by [Court Watch Montgomery](#), detailed in a [May 19 editorial in the Washington Post](#), recommends improved procedures based on data from more than 200 cases.

[The report](#) points to a practice known as "staggered exits," which allow victims to leave the courthouse without fear, harassment or assault. In Montgomery County, only 29 percent of cases studied gave victims the benefit of staggered exits.

[Read the editorial.](#)

- What are some sensible policy changes recommended by the gubernatorial task force?
- What were some of the task force recommendations were signed by Gov. Mark Dayton?
- What are the continuing challenges toward making the recommendations a reality?

To find out, [read the editorial.](#)

- What exactly are "staggered exits," and who promoted them as best practice?
- What are possible ramifications if such exits aren't granted to victims?
- What has been the judicial response so far to Court Watch Montgomery's report?

Find out the answers in [the Post's editorial.](#)

New law will go a long way to help trafficked minors, Klobuchar says

Legislation signed by President Obama on May 29 will help law enforcement crack down on those who traffic minors in the sex trade, U.S. Senator Amy Klobuchar says.

[In a June 1 article](#), Klobuchar tells *Star Tribune* writer Shannon Prather that a federal law the senator championed will encourage states to pass laws ensuring that minors sold for sex aren't prosecuted. The provision in the Justice for Victims of Sex Trafficking Act is modeled after Minnesota's "Safe Harbor" law .

Klobuchar said her previous work as a Hennepin County prosecutor helped her see "how horrific these sex-trafficking rings are."

[Read the article here.](#)

- What are provisions of the newly signed Justice for Victims of Sex Trafficking Act?

- What local example did Senator Klobuchar give in her address to Senate colleagues?

[Learn the answers. Read the article.](#)

Bears, NFL caught in a domestic violence dilemma

After spending much of last year trying to combat criticism that it doesn't take domestic violence seriously, the National Football League continues to stumble, a *New York Times* writer contends.

[In a May 26 column](#), sports reporter Ken Belson details the questions raised by the Chicago Bears' dismissal of Ray McDonald, whose recent arrest on a domestic violence charge was his third in less than a year involving domestic violence and assault.

[A May 27 viewpoint](#) by USA Today writer Matthew Orzo similarly contends that the NFL has a domestic violence problem and needs to change now.

"If the NFL wants to make a difference in the lives of those victimized by domestic violence, then they need to start acting proactively," Orzo writes.

"Anyone who is convicted of or has admitted to participating in domestic violence should be banned from the NFL."

[Read the *New York Times* column here.](#)

[Read the *USA TODAY* column here.](#)

- What are some of the gray areas the NFL created when it attempted to bolster its personal conduct policy?

- What are some unintended consequences of the NFL protecting its image?

Find out what Ken Belson has to say about this in his [New York Times column](#).

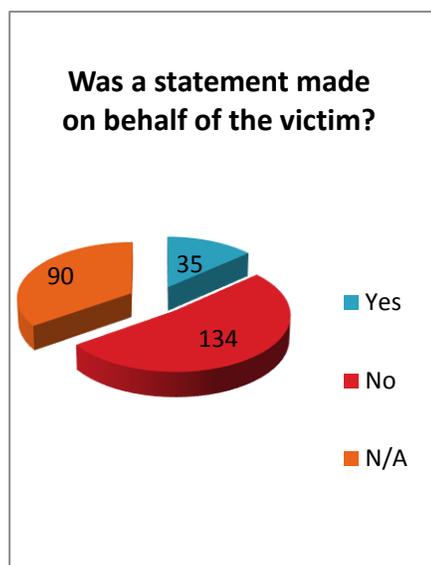
- What's the only way players will stop committing violent acts?

Read Matthew Orzo's take in his [USA Today viewpoint](#).

COURT MONITORING BULLETIN

News of WATCH's court monitoring activities

The Victim in Court: Impact Statements



The state of Minnesota allows victims to make a statement at sentencing or to submit a written statement about the impact a crime has had on them. Statements can be very powerful experiences for victims—and sometimes the first chance the victim has had to talk openly to the court about what has happened.

As part of their court-monitoring duties, WATCH volunteers observe whether statements have been made by or on behalf of victims of domestic violence. Monitors' summaries of those statements offer an informative—and sometimes troubling—glimpse into the turbulent waters of domestic violence.

Of 268 hearings monitored between January and May 2015, 35 included statements made on behalf of victims.

Among monitors' observations in those cases:

"She wrote statements about the fear her daughters still have in the home and how she was unsure why the judge didn't believe that her daughters feared for their lives on the night of the crime."

- "Prosecuting attorney read an impact statement written by the mother of the victims. She wrote statements about the fear her daughters still have in the home and how she was unsure why the judge didn't believe that her daughters feared for their lives on the night of the crime."
- "Victim was allowing the defendant to live in her home because he was homeless, but he took advantage of her and the situation and was unruly and [he] refused to leave when asked. Also hit her multiple times."
- "The victim wants her husband to come home because she's stressed with work and taking care of her three boys. Victim is also pregnant with their fourth child. She would like to drop the [non-contact order] to have her husband come home and be present for the ultrasound for the baby."

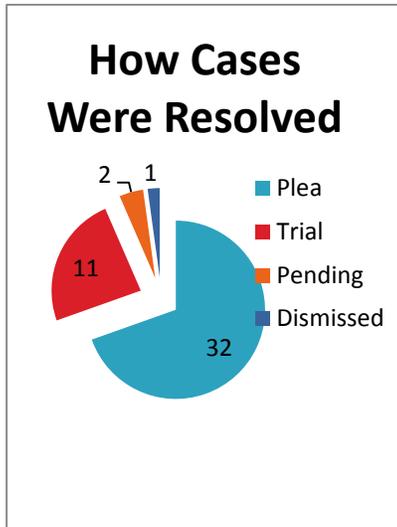
“The victim had glowing words to say about the defendant and that she was partially to blame for the incident. She hoped they could resume their relationship ...”

- “She was stating that she would like the order for protection extended to 4 1/2 years, to ensure her daughter is 18 when it is lifted. She was in fear that [defendant] would violate the order for protection because he has done it before. He was not present in court.”
- “While waiting for case to be heard, the victim wrote up an impact statement with the encouragement of a victim advocate. The advocate read the statement to the court. The victim had glowing words to say about the defendant and that she was partially to blame for the incident. She hoped that they could resume their relationship since this was the first time he had ever been violent toward her. Victim cried off and on.”
- “The victim described in an email to the prosecutor how she felt about the Defendant breaching her order for protection, and how her job as a professor was compromised as a result of him showing up at her classroom. She expressed her desire that Defendant never contact her again.”
- “Child victim’s parents made impact statements regarding how the defendant's abuse and neglect of their children has scarred the children and parents emotionally, impacted family dynamics and finances, etc. The judge listened very attentively to two rather long impact statements in person and one read via letter by the prosecutor.”
- “[Prosecuting] attorney had victim impact statement. The wife said she thought the defendant would be successful if sober; she also wanted no contact order lifted, but court thought that was not a good idea and didn't do it.”

According to a 2006 WATCH study, victims in their impact statements may want to influence the length and disposition of the sentence and often seek emotional closure by describing the psychological and physical effect of the crime on their bodies and lives. Judges vary in whether they think impact statements should and do affect the terms of a sentence and whether the courtroom is the best place for a victim to reach emotional closure.

SEX TRAFFICKING UPDATE

Plea Bargains, Summer Trials



Of the 17 cases still pending, nine are scheduled for jury trials this summer.

Of the 46 juvenile sex-trafficking cases WATCH has been tracking in Ramsey and Hennepin counties over the past year, the vast majority—32—have resulted in plea bargains. Eleven have gone to trial and one case has been dismissed, for reasons that remain unclear.

At a June 3 webinar entitled “Sex Trafficking—a Court Watch Program” hosted by the Battered Women’s Justice Project, WATCH executive director Amy Walsh Kern explained why cases involving the trafficking of minors are particularly hard to win. Juvenile victims might be scared and reluctant to testify or may seem unsympathetic to a jury. They might still be in a relationship with their trafficker or have a criminal history.

“Prosecutors want to win,” Kern said, “and there may be some reluctance for a whole host of reasons to take these cases to trial.”

Along with discussing the general framework for sex trafficking, Kern detailed recent federal and state laws concerning sex trafficking. She also summarized how cases are being handled as they enter the courtrooms.

Of the 17 cases still pending in Ramsey and Hennepin Counties, nine are scheduled for jury trials this summer. Two are set for pre-trial hearings, while one has a warrant for arrest. Five are scheduled as plea bargains.

Thirty-three of the 46 sex-trafficking defendants WATCH is tracking have prior criminal histories in Minnesota. Sixteen have prior offenses for domestic violence or criminal sexual conduct. Other prior offenses include assault, illegal possession of a firearm, drug possession, financial fraud, robbery and hiring a prostitute 18 or older.

Kern also noted several trends regarding “johns”—those who solicit prostitutes—and traffickers:

- While defendants labeled as “johns” typically were lured via online sting operations by law enforcement, defendants labeled as the traffickers or pimps typically were not.
- While “johns” were usually charged with gross misdemeanors and misdemeanors, traffickers were usually charged with felonies.

- Both “johns” and traffickers often use an online website to seek out sex or to sell it.
- “Johns” are more likely to come from suburban areas, whereas traffickers tend to live within the Twin Cities.

“All of this is being driven and funded by men who believe it’s OK to pay for sex with vulnerable girls and women.”

–Ramsey County Attorney John Choi

One case WATCH is closely following involves a sex trafficking ring that was broken up last fall in Ramsey County. The ring allegedly involved a number of young girls, including a 16-year-old.

Five suspects—Thomas William Evans, 25, of St. Paul, Ishmael Jamaine Williams, 21, of St. Paul, Suwan Dominique Cross, 19, of West St. Paul, Doris Marie Keller, 38, of St. Paul, and Yolanda Katrice Foster, 28, of St. Paul—were charged in March with seven trafficking-related offenses, including the felony charge of first-degree engaging in sex trafficking.

According to a criminal complaint, the suspects advertised the girls on the web site backpage.com and also made them walk the street to solicit sex with “johns”.

The 16-year-old, identified in the complaint as D.D.D., talked to investigators after the ring was busted in a sting operation by the St. Paul police department. According to the criminal complaint, she was recruited into the trafficking ring last July when Williams and Evans approached her and a 17-year-old, identified as K.C.R., on the east side of St. Paul.

D.D.D. estimated that she had been trafficked out of more than 10 hotels in the Twin Cities area between July and the end of August. She said Williams provided food, clothing and shelter for her and K.C.R., but was also physically violent, hitting D.D.D. with a belt and punching her in the face.

According to the complaint, Evans controlled the girls who worked for him through verbal intimidation, physical abuse and giving them drugs.

“All of this is being driven and funded by men who believe it’s OK to pay for sex with vulnerable girls and women,” Ramsey County Attorney John Choi told a news conference when the charges were announced.

“So my message to the “johns,” or the commercial sex purchasers out there is: 40 percent of this [trafficking] activity involves children, and it is a felony. And we are getting better at investigating these cases and we are employing new tools and new tactics to ensure that we are also paying attention to the demand side of the equation.”