

# 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.

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## WATCH was “lucky combination of geography and my passion”

By Pamela Schmid



Susan Lenfestey, founder of WATCH

Susan Lenfestey was a mother of four and an activist in her south Minneapolis neighborhood when a series in the *Star Tribune* caught her attention—and passion. Entitled “Free to Rape,” it detailed how several men received lenient sentences despite long histories of committing heinous sexual assaults.

In the article, a victim advocate wondered aloud why an organization like Mothers Against Drunk Driving didn’t exist in such cases. “Oh, I can do that,” Lenfestey thought to herself.

And so she did, spearheading a group that would come to be known as WATCH. Nearly a quarter century later, the group continues to fulfill its original mission of bringing a public eye to justice.

Since its founding in 1992, WATCH has advised agencies in 47 states, and many of the issues it confronted early on have been resolved or addressed. Its monitoring and research have led to changes in child protection case proceedings and strangulation charges, as well as improved courtroom decorum. WATCH also successfully pressed for creation of a specialized Domestic Violence court in Minneapolis, which ensures that cases are heard by experienced, compassionate judges in a court where victims’ safety is key.

The fact that WATCH exists at all is a testament to Lenfestey’s vision and determination, along with good, old-fashioned timing. “It was a lucky combination of geography and my passion that I was able to step up,” she said.

First, Lenfestey enlisted neighbors in the Lowry neighborhood—judges, attorneys and others—to donate their money, expertise and time.

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Susan Lenfestey, speaking at WATCH's 2010 Gold Watch banquet

“Judges were taking time to explain more to people who were waiting what was going on, which is really important.”

She also found friends willing to serve on the board of directors, and received grant funding after putting her writing skills to work.

In 1992, the group held its first training session in the basement of St. Mark's Cathedral. Among the crop of 75 volunteers was a woman who, Lenfestey noticed, kept answering the questions that stymied the victim advocates. The woman, she learned, was Jacqueline Hauser, who had recently left her longtime job as the top administrative aide in the Hennepin County attorney's office. At Lenfestey's invitation, Hauser attended the group's next board meeting and quickly agreed to become its first executive director. But she issued a caveat: “We need at least a year before we go into the courts.”


Hauser said that before monitoring the court, the group needed to better understand the system's nuances—such as the idea that in certain cases, plea negotiations were acceptable outcomes. “I was very enthusiastic about what the group wanted to do,” Hauser said, “but it felt too black and white.”

Between Lenfestey's vision and Hauser's expertise and methodical outlook, the two complemented each other perfectly. Lenfestey handled the writing and fund-raising, while Hauser kept things fair and even. “I use the train analogy,” Lenfestey said. “Someone's blasting the stem engine, and somebody's driving it and keeping it on the rails. That was Jacq. She taught me that credibility was all we had.”

In keeping with that idea, Lenfestey decided it was important not to affiliate with advocacy groups so her group could maintain its credibility. WATCH would be a monitoring group that advocated, rather than the other way around.

But challenges loomed. Some judges worried about members of the public being in “their” courtrooms, reporting on “their” cases, and others opposed the group outright. But that began to change in March 1993, when volunteers first entered Hennepin County courtrooms with their signature red clipboards. Their daily, silent presence gave a voice to the voiceless, and their careful observations formed the basis for solid recommendations for change.

Over time, Hauser said, the courtroom began to lose its feel of an insider's club, in which hearings rarely started on time and often took place behind closed doors. “Judges were taking time to explain more to people who were waiting what was going on, which is really important,” said Hauser, who served as executive director until 1999. “That was a big change.”

Since its founding, WATCH has trained more than 900 volunteers who together have donated more than 40,000 hours to monitor court hearings in cases involving violence against women and children. In the past two years, more than 200 volunteers have donated their time and continue to be active with WATCH. “It's still here,” Hauser said. “And while many executive directors have performed admirably, that is a tribute to Susan.” 



## IN THE NEWS

### Minneapolis among six cities selected for federal anti-trafficking initiative

A federal effort to stem the tide of human trafficking is coming to Minneapolis. The city [is one of six nationwide selected](#) to house new Anti-Trafficking Coordination Teams (AC Teams) aimed at streamlining federal criminal investigations and prosecution of human-trafficking crimes.

The *Star Tribune*, [in a Dec. 23 editorial](#), welcomed the development, saying it reflects “strong local leadership on an international issue.” The Minneapolis team will be led by U.S. Attorney Andrew Luger and the highest-ranking investigative agents in the FBI, U.S. Immigration and Customs Enforcement and Department of Labor regional field offices. While commending the state lawmakers and attorneys, the editorial also credits the plethora of Minnesota-based non-governmental organizations that work to stop trafficking locally and globally.

Read the *Star Tribune* editorial [here](#).

### Meaning of domestic abuse expanded in England and Wales

Groundbreaking legislation in England and Wales includes psychological and emotional torment within the definition of domestic violence. Experts on the issue say the law signifies a new and important way to view abuse.

The law, which took effect on Dec. 30, makes it a crime to control a domestic partner through social media, online stalking and other forms of coercive behavior. Even if it stops short of physical abuse, such behavior can now result in a prison sentence of up to five years.

- Read National Public Radio’s report on the law [here](#).
- Read *The Guardian* report [here](#).



- Many U.S. states have laws in place that recognize patterns of controlling behavior. True or false?
- Why do experts say it’s crucial to prevent control in order to stop domestic homicides?

Read the NPR report [here](#) to learn more.



## In Minnesota, domestic violence convictions are up but work remains

A steady increase of domestic violence convictions in Minnesota shows the state has made strides, but the reality remains grim.

In 2001, Minnesota saw only 85 felony-level convictions for domestic violence. In 2013, there were more than 1,500. But Safia Kahn, program manager for criminal justice system advocacy for the [Minnesota Coalition for Battered Woman](#), told the Rochester *Post-Bulletin* that there are currently no battering or intervention programs in prison. What's needed, she said in a story [in a story published Dec. 19.](#), is more work with abusers when they're in prison.

- Read the *Post-Bulletin* story [here](#).

- How did legislation passed 10 years ago give prosecutors more tools to put chronic abusers behind bars?
- How can programs that help offenders find jobs and housing prevent abuse, according to Kahn?

Read the [Post-Bulletin story](#) to find out.

## New Yorker article sheds light on link between abuse, traumatic brain injury

Fifty percent of domestic violence victims are strangled at some point during their relationship with their abusers. Yet while such incidents can cause brain injury, domestic violence victims are not routinely screened for strangulation or brain injury in emergency rooms.

[In its Dec. 30 issue](#), the *New Yorker* examines the systematic failure nationwide to formalize such diagnoses. As a result, assaults and injuries are downplayed and abusers are prosecuted under lesser charges. Although strangulation dramatically increases chances of domestic-violence homicide, most strangulation injuries are internal, leaving few victims with visible injuries.

In 2005, [Minnesota became one of only six states](#) with a statute making strangulation of a family or household member a felony-level crime.

- Read the *New Yorker* feature [here](#).
- Read the 2009 WATCH report on Minnesota's felony strangulation law [here](#).

- A new study shows that the first 24 to 48 hours after strangulation are crucial for victims. Why?
- How are medical personnel learning to recognize possible events of traumatic brain injury (TBI) in domestic-abuse victims?
- How does the emotional component of TBI complicate the lives of survivors?

Read the *New Yorker* article [here](#) to learn more.



# FOCUS: Girls Court Would Fit Well in Minnesota

By Ellen Sackrison

Over the last decade scholars, criminologists and sociologists have argued that girls may become involved in the criminal justice system for different reasons than boys and therefore need different types of programming. The Juvenile Justice and Delinquency Act requires that states have a plan for providing gender-specific rehabilitative services within their juvenile systems. However, despite the law and the rising number of girls entering the judicial system, little has been done to provide gender-based programming for juvenile females. In 2004, Hawaii founded Girls Court, dedicated exclusively to juvenile female offenders. Between 2005 and 2011, the number of violations by juvenile girls in Hawaii decreased and girls in the program committed fewer status offenses, ran away less, and spent less time in custody. Taking note of Hawaii's success, other states have adopted similar models within their juvenile systems.

## The Hawaii's Girls Court Model

Hawaii established the nation's first Girls Court in response to increased delinquency and general awareness of the issue of sex trafficking. Founding Judge Karen M. Radius envisioned a courtroom that emphasized the unique needs of juvenile females by providing goal-oriented practices—focusing on treatment and rehabilitation for both juveniles and their families. The court aims to lower recidivism among juvenile female offenders and to reduce the numbers of females in detention and confinement. It also tries to address any risk factors in their lives.

The program owes much of its success to its structure, described as “specialized case-management” led by an all-female staff. Using a cohort model, the court takes in ten girls on probation who have volunteered to take part in the program. Originally, six probation officers, joined by a part-time coordinator and presiding judge, volunteered their time. Today, defense and state attorneys (who are also females) also take part. The girls and their families attend court together once every five weeks for a period of one year. The courtroom operates as an open forum for the girls to communicate with the judge, probation officer and family about their concerns,

struggles, and recent successes. In addition, the girls are court-ordered to attend and complete a variety of activities designed to teach life and trauma-coping skills, and must attend individual and group therapy sessions with their parents. Each of these facets contributes to the program's success and is now observed in newer models around the country.

An evaluation of the program's first six years pinpointed several key reasons why Girls Court fulfills its mission of reducing recidivism, detainment and risk factors and should be labeled as best practice for juvenile courts. The one-year program allowed for the girls to speak honestly without feeling judged, letting them to build a sense of trust with the system. Girls were able to create healthy relationships with other girls in the program and repair broken relationships within their own families, which kept them from re-offending. The Girls Court helps girls gain a sense of maturity and self-worth by bringing families together and promoting goal-oriented thinking. Finally, both the girls and their families shared how the program's consistency contributed to the girls' successes.

## Focus on Minnesota

Minnesota officials need to come together to work toward changing the juvenile justice model currently in place.

A 2011 study conducted by the Department of Public Safety's Office of Justice Programs found that girls in Minnesota respond differently than boys to experiences that may lead them to act out. The authors of the study, Dana Swayze and Danette Buskovich, found that juvenile girls are “more sensitive to the effects of family conflict and experience more sexual victimization and mental health-related issues.” Some 40 percent of the girls who participated in their survey reported being forced by a family member or perpetrator to perform sexually against their will. As a result, girls are victims of sexual assault 2.5 to 3 times more often than boys. The authors provide evidence for the need for gender-based programming within Minnesota's criminal justice system and offer suggestions on how best to implement it.

Swayze and Buskovich found that Minnesota offers fewer resources and community-based options for girls than for boys within the juvenile justice system. As such, Minnesota must work to implement programming for girls in every facet of the system. Officials and policymakers should adopt eight key practices:

(1) availability of safe spaces, (2) individualized treatment, (3) appropriate staffing, (4) participation and education, (5) development of healthy relationships, (6) information on health and well-being, (7) trauma counseling and (8) a strength-based approach to developing feelings of self-worth. Each of these components should

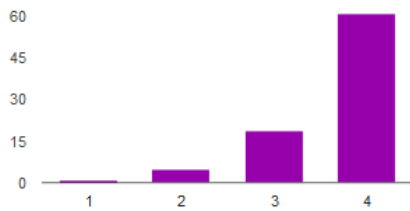
be implemented within Minnesota’s juvenile justice system to show girls that the courts are working not against but with them to keep them from re-offending.

At a time when the criminal justice system is seen as broken and biased by most Americans, Minnesota has a chance to create more positive relationships with juvenile girls and their communities. By establishing a model like Girls Court, the state could provide more support to girls who live in broken families, helping them rebuild their lives and giving much-needed support to their families. ∞



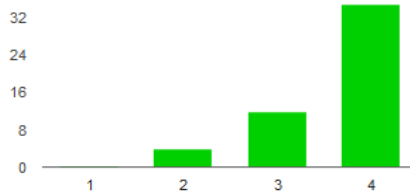
## COURT MONITORING BULLETIN: COMMUNICATION

**Procedures & rulings were easily understood by defendant**



Poor: 1 1 1%  
 2 5 6%  
 3 19 22%  
 Excellent: 4 61 71%

**Procedures & rulings were easily understood by victim**



Poor: 1 0 0%  
 2 4 8%  
 3 12 24%  
 Excellent: 4 35 69%

This month, WATCH shines the spotlight on communication in the courtroom. Of the 101 cases monitored by WATCH volunteers between October 1 and December 31, 2015, marks were generally high. More than 69 percent of the time, monitors gave top marks when asked whether procedures were easily understood by both the defendant and the victim. And in nearly 78 percent of cases, judges received excellent marks for their clear and specific communications of No Contact Orders.

Below is a sampling of monitors’ observations:

- “All spoke loudly and clearly.”
- “The court went to great lengths to explain the rights of the defendant.”
- “It was not always clear which case was being heard.”
- “The judge walked through every No Contact Order.”
- “Judge was very clear and stated exactly what the defendant had to follow.”
- “The communication between the different active parties in court seemed excellent; however, the communication to the public seemed lacking and I was left wondering what happened at times.”
- “The judge clarified several No-Contact Orders very well.” ∞

## SEX TRAFFICKING UPDATE



Keys has spent remarkably little time in prison in spite of a criminal history going back three decades, beginning when he was convicted of aggravated robbery in 1985.

### Hopkins man will serve no prison time

On December 7, a 58-year-old Hopkins man who previously had faced prostitution and sex trafficking charges was sentenced in Hennepin County District Court for a conviction stemming from a domestic-assault arrest. Originally, **Joseph Nathan Keys** had been charged with two felonies—domestic assault by strangulation and making terroristic threats—but the former charge was dismissed in exchange for a guilty plea to the latter charge. Under the sentence imposed by Judge Fred Karasov, Keys will serve no prison time if he follows his conditions of probation for the next three years; he will serve two years in prison only if he violates those conditions.

Keys has spent remarkably little time in prison in spite of a criminal history going back three decades, beginning when he was convicted of aggravated robbery in 1985. His convictions include fourth-degree criminal sexual conduct, kidnapping, passing a forged check, engaging in prostitution and fleeing an officer. In 2008, Keys was charged in Hennepin County with misdemeanor domestic assault, but that charge was later dismissed. In March 2012, Keys was back in court to face seven felony counts that included soliciting, promoting and profiting from prostitution and engaging in the sex trafficking of a minor. Keys agreed to plead guilty to a single felony—fifth-degree drug possession—and aiding/abetting prostitution of an individual older than 18, a misdemeanor. In a dispositional departure, Judge Jamie Anderson sentenced Keys in December 2012 only for the misdemeanor charge, imposing a 17-month prison term.

Over the course of his 30-year criminal history, Keys' longest sentence has been 48 months, for his fourth-degree criminal sexual conduct conviction in 1989. He received a 43-month sentence in 1999 for simple robbery, but subsequent convictions—for sale of a simulated controlled substance, theft, prostitution and making terroristic threats—have resulted in sentences no longer than 17 months. If history is any indication, Keys' rap sheet will continue to grow.

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### Sex trafficking funding doubles in MN

And now, for some late-breaking good news to start the year: Public funding of shelters for sexually trafficked youths in Minnesota will double to \$3.3 million in 2016. All told, [seven facilities across the state](#) will receive funding from the state Department of Human Services for beds, medical care and other services.

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