

What Older Abuse Victims Would Like Courts to Know About Safety and Access to Justice

PRESENTED BY RHONDA MARTINSON, J.D.

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Presentation Description

In 2018 and 2019, as part of a national video production project Lifting the Voices of Older Survivors, the presenter coordinated and conducted interviews of older adults who had been victims of intimate partner violence, stalking, sexual assault, abuse by adult children, and financial exploitation.

This presentation will highlight what was identified by survivors themselves, as well as by their families and support persons, as things that did or did not make court feel accessible and safe.

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After this presentation, participants will:

- ❑ Be aware of issues and experiences of older crime victims that detract from expectations of safety, security, and justice within the courthouse.
- ❑ Have new resources – in the voices of older crime victims themselves – that can be used in community education and local training
- ❑ Learn from these survivors, as well as other communities, about strategies to address these issues and experiences.

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Introduction

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Introduction to Project

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Lifting Up the Voices of Older Survivors (LUVS)

This video project:

- Elevates the resiliency of older survivors of abuse and exploitation while combating ageist assumptions about victims.
- Highlight the impact of elder abuse on older adults and their families as well as effective interventions.
- Survivors are moving through the healing process and are ready to speak out to help others.

In your work or personal life, you may encounter older victims who are being harmed or exploited.

- They may present with common signs of trauma such as shock, confusion, fear and anxiety.
- It is crucial to meet older victims where they are. Deciding how to address elder abuse, especially when the person causing the harm is a spouse, partner, family member or caregiver, is complicated.
- Often response systems are under-resourced and professionals lack training to address elder abuse. Services and responses often fail to address the diverse needs of persons. These videos and discussion guides are designed to strengthen communication and collaboration among professionals to enhance victim safety and quality of life.

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Charlotte and Howard: Financial Exploitation by a Befriender
Charlotte and Howard discuss financial exploitation.
May 24, 2019



Donna: Coercive Control and Abuse in an Intimate Partner Relationship
Donna shares her experience with coercive control and abuse in an intimate partner relationship.
May 24, 2019



Jewel: Intimate Partner Violence Including Economic Abuse
Jewel shares her experience with intimate partner violence, including economic abuse, and how she sought help from her family.
May 24, 2019

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Leonard and Meneteer: Financial Exploitation by Strangers
Leonard and Meneteer discuss financial exploitation by strangers.
May 24, 2019



Linda: Sexual Assault by a Neighbor
Linda shares her experience with sexual assault by a neighbor.
May 24, 2019



Mariana: Financial Exploitation by a Befriender
Mariana shares her experience with financial exploitation by a befriender.
May 24, 2019

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Mary Ann: Stalking in Later Life by an Acquaintance
Mary Ann shares her experience with stalking in later life by an acquaintance.
May 24, 2019



Mary Lou: Intimate Partner Violence in Later Life
Mary Lou shares her experience with intimate partner violence in later life.
May 24, 2019



Tammy: Sexual and Physical Abuse in an Intimate Partner Relationship
Tammy shares her experience with sexual and physical abuse in an intimate partner relationship.
May 24, 2019

Stories

LEONARD, CHARLOTTE AND HOWARD, AND LINDA

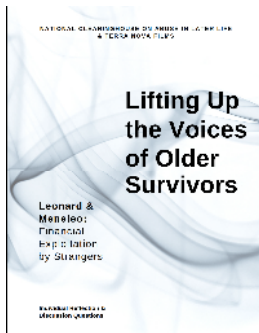
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Leonard



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Discussion Leonard



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Additional Issues

- Initially:
 - Perceived lessened credibility
 - Lack of urgency
- Anything else?

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Helpful Strategies and Approaches During Leonard's Court Experience

- Prosecutor talked to Leonard and his family before court about what they wanted, and did try to get money back before sentencing.
- Leonard and his family were allowed into the courtroom first.
- Leonard's children were allowed to give a victim impact statement.
- Leonard's family was allowed to video the proceedings on a cell phone for a family member who couldn't be there.
- Court officers were present during sentencing and were ordered to take the defendant into custody immediately after sentencing was pronounced. Leonard and his family stayed and witnessed this.
- A quiet place in a hallway was found for Leonard and his family to debrief afterward.

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Other Communities and Experiences



"Courtroom dynamics often scared, embarrassed, discouraged or felt disrespectful . . . so that they would be reluctant to call law enforcement or participate with prosecutions in the future."

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Other Communities and Experiences



In a series of interviews with victims and criminal justice professionals sharing their overall impression of or frustration with victims' court experience, a victim-witness coordinator in the district attorney's office, referring to her 20 years of experience working with victims and witnesses on criminal cases, said,

"If I were in court as a witness, I would hate just the rude feel of it."

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Article 1, Section 9 of Wisconsin's Constitution

This state shall treat crime victims . . . with fairness, dignity and respect for their privacy.

This state shall ensure crime victims have . . . timely disposition of the case; opportunity to attend court proceedings unless the trial court finds sequestration is necessary to a fair trial for the defendant; reasonable protection from the accused throughout the criminal justice process; notification of court proceedings; the opportunity to confer with the prosecution; the opportunity to make a statement to the court at disposition; restitution; compensation; and information about case outcome and release of the accused.

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Other Strategies and Approaches

Regarding victims and offenders in close quarters:

- Meet with/educate judges and others in chain of command
- Call sensitive crime cases/cases with vulnerable victims first
- Even small changes in the physical environment can make a difference
- Take advantage of court officers' experience in observing social interaction, body language, etc. and in skills such as engaging with court participants and spectators, etc.
- Anything else?

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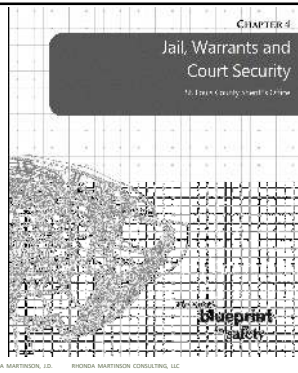
Other Strategies and Approaches

Overall:

- Recognize that court officers and court clerks have somewhat of an “ambassador to the courthouse” impact on older crime victims
- Include court officers and court clerks in any coordinated community response approach, any team approach, and any other focused effort on responding to crime victims.

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Example



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Example (continued)

"Justice requires truth in a setting that respects the rights of all. The courthouse is a place where harm will be redressed without fear of retaliation, a setting where truth can be spoken."

Creating a Safe, Secure Courthouse

Ensure visibility of court officers. Observable court security reassures victims and witnesses, and puts defendants on notice that safety is a priority. Maintain occasional presence at lower traffic areas of the courthouse such as offices and the law library. Make court officers aware of hostilities towards service providers, such as domestic violence advocates, abuser treatment program staff, lawyers, judges and other court staff.

Review the daily calendar, prioritize high risk cases, and add security when appropriate.

Position two officers when available at OFF/HRO court in order to maintain security for inside the courtroom and the hallway where an inordinate amount of intimidation occurs.

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Example (continued)

Inside the courtroom, be alert to intimidating acts by defendants and spectators, including smirking, gestures of disgust or prolonged staring at witnesses, as well as order violations. Immediately report such conduct to the judge and prosecutor.

Have an officer available to escort a victim or witness to their car if there are safety concerns based on the facts of the case or behavior exhibited in the courthouse.

Encourage and cultivate relationships between court bailiffs and community partners. Bailiffs should be familiar with victim advocates who regularly attend court. Advocates are a source of information and can advise court officers of potentially volatile situations. Depending on the seriousness of a situation, advocates or other community partners might also need an escort inside the courthouse when requested. Utilize court security bailiffs that are familiar with volatile cases.

<https://www.theduluthmodel.org/wp-content/uploads/2017/03/5-Duluth-Jail-Warrants-Chapter-4.pdf>

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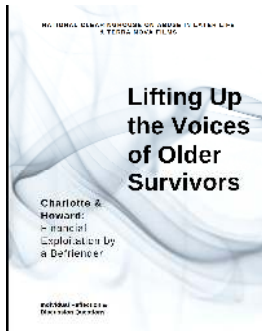
Charlotte and Howard



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Discussion

Charlotte and Howard



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Additional Issues

After the case was charged and their names publicized, Charlotte and Howard experienced:

- ❑ Calls from family and friends expressing/implying concern as to whether they were all right, could take care of themselves, etc.
- ❑ Professional embarrassment and concern that their counseling practice would be affected
- ❑ Attempts at phone scams, apparently from individuals who saw their names and the amount of money involved in the story of exploitation who presumably thought they'd be easy marks for additional exploitation and scams.

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Additional Issues

Anything else?

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Helpful Strategies and Approaches During Charlotte and Howard's Court Experience

- ❑ There had been positive public messages about going to the prosecutor's office with elder exploitation/financial abuse cases
- ❑ The judge in this case had received training on elder abuse, older crime victims, etc.
- ❑ Accommodation of Howard's illness by allowing video testimony from Howard's home
 - Officer present at the home
 - Charlotte remained at home but "sequestered" in another room
 - Headphones used to enhance Howard's hearing/understanding of proceedings

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Helpful Strategies and Approaches During Charlotte and Howard's Court Experience

- During this process, the lower level of Charlotte and Howard's home flooded. Neighbors pitched in and:
 - Brought food so Charlotte didn't have to leave Howard to shop for food
 - Brought fans to dry out lower level
 - Sealed doors leading to upper levels to prevent mold/mildew odors
- After the defendant was convicted, Charlotte partnered with the prosecutor to appear before lawmakers, policymakers, advocacy groups, etc. regarding statutory language that would make it easier for a party to propose and a judge to authorize the taking of a deposition instead of in-court witness testimony in cases such as Howard's. She received an award for her advocacy efforts and has appeared at national trainings to tell of her experience.

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Other Communities and Experiences

Presenters Interviews with Victims and Victim Advocates in Michigan and California

- Fear of being arrested in court based on false allegations by the abuser
- Fear of being embarrassed in court with embarrassing information brought or revealed by the abuser
- Fear of being physically intimidated by the abuser

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Other Strategies and Approaches

- Victim advocates are prepared to explain to victims how threats to reveal embarrassing information in court will be dealt with, and to include attention to social media when safety planning with victims.
- Court officers are supported by policy and protocol regarding how to respond, e.g., to someone using a phone to intimidate someone in court.
- Court officers and judges periodically discuss what to do and know what to expect of one another to handle intimidating or disruptive courtroom dynamics

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Other Strategies and Approaches

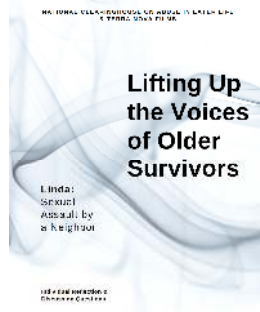
- ❑ Prosecutor office websites include information on what victims should do if intimidated, and success stories on holding abusers accountable for this behavior.
- ❑ Inclusion of examples of good responses by court officers in local trainings.
- ❑ Connecting victims with advocacy, law enforcement, and legal assistance when threatened with false reports.
- ❑ Anything else?

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Linda



Discussion Linda



Additional Issues

After charges were filed and while waiting for the disposition of the case, Linda was diagnosed with breast cancer.

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Helpful Strategies and Approaches During Linda's Court Experience

- Linda's son provided invaluable initial support and safety:
 - Drove to her home immediately to pick her up to stay with him
 - Had her house cleaned while she was away
 - Paid for and had delivered a portable air conditioner so she wouldn't again have to use a window air conditioner, which is how the perpetrator gained entry to her home.

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Helpful Strategies and Approaches During Linda's Court Experience

- System partners kept in close communication, kept her apprised, listened to her – for example, after receiving her cancer diagnosis, Linda did not want any continuances or postponements of the case.
 - Law enforcement
 - Forensic nursing
 - Advocacy
 - Prosecution

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Helpful Strategies and Approaches During Linda's Court Experience

- ❑ Members of Linda's church accompanied her to hearings
- ❑ No one assumed Linda would be reluctant to give a victim impact statement. Linda wanted to face the defendant and to tell the judge in her own words what happened. She also wanted to and gave a brief interview to a local news crew afterward.
- ❑ The court let Linda's son provide a victim impact statement from his perspective as Linda's only family support person.

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Helpful Strategies and Approaches During Linda's Court Experience

- ❑ Linda asked and was allowed to participate in local advocacy training and was proud to receive her sexual assault advocate certificate. She has spoken publicly of her experience at her church and at public events related to sexual assault.
- ❑ Subsequently, as the public became aware of what happened, Linda received many letters and Facebook messages of support and encouragement.
- ❑ Linda remains in contact with those involved in her case.

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Other Video Resources

National Clearinghouse on Abuse in Later Life Video Library of service providers, victim advocates, and other subject matter experts discussing providing services to older survivors of abuse.

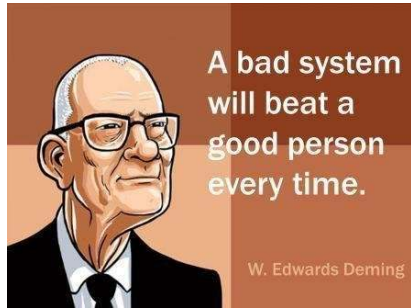
<https://www.ncall.us/resources/video-library/>

Elder Justice Initiative's "Critical Elements of a Successful Elder Abuse or Neglect Prosecution"

<https://www.justice.gov/elderjustice/prosecutor-training-resources>

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Remember



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And a Good System



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Tuffy Lovekins



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Thank you

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Violence Against Women

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