

support and advocacy
for survivors of violence and trauma



Witness Justice e-Newsletter

January 2009

In This Issue ...

[First Live Discussion Forum on TrainingForums.org](#)

[Changing Systems, Changing Lives: One Picture is Worth...](#)

[Heard But Not Seen: Victim's Voice Identification Leads to Landmark Court Decision](#)

[Board Member Profile of the Month: Lukas Strout](#)

[It's All About Risking Connections®: Program Launches New Website](#)

[WJ - Where We've Been](#)

[Useful Resources](#)

[Calendar of Events](#)

Free e-Learning Courses for Service Providers

The logo for Training Forums.org, with "Training" in white and "Forums.org" in white on a dark blue background.

TrainingForums.org was designed especially for service providers working with survivors of trauma.

Take the first of three interactive and informative online courses

First Live Discussion Forum on TrainingForums.org

TrainingForums.org is pleased to announce the launch of a community forum offering a place to learn from experts, discuss issues, share ideas, and exchange information that will expand professional knowledge, while building social and professional networks. These forums will feature leading national experts on a full range of issues and topics that domestic violence service providers care about and are interested in.

The first topic, [Trauma-Informed Environments for the Domestic Violence Survivor - Focus on Shelters](#), is being hosted by Diana Christen. Diana is the Executive Director of the Family Life Center, a Certified Domestic/Sexual Violence Center and Emergency Shelter in Bunnell, Florida.

that are **free** and easy to use!

Trauma and Trauma-Informed Care

At TrainingForums.org, you can also be a part of the **free** interactive forum discussions! Forums are hosted by leading experts to facilitate learning and information exchange.

Please login to <http://trainingforums.org>, signup and join the discussion. Diana Christen will be responding to questions and comments during the first few weeks. Feel free to tap her knowledge and become part of the collective discussion.

Have a forum topic you'd like to see on the boards? E-mail trainingforums@witnessjustice.org.



Join Our List

[Join Our Mailing List!](#)

Quick Links

- [Witness Justice](#)
- [TrainingForums.org](#)
- [Team Heal Trauma](#)
- [National Center for Trauma-Informed Care](#)
- [Office on Violence Against Women](#)

Changing Systems, Changing Lives

One Picture is Worth...

Changing Systems

If a picture is worth a thousand words, then for family members of crime and accident victims, that picture may cause despair, anguish, and trauma. For this reason, the publication of autopsy images has become a "hot stove" issue at the point where FOIA, privacy rights, and the first amendment converge.

Much of the controversy began with the accidental death of NASCAR driver Dale Earnhardt at the 2001 Daytona 500. Speculation raged about the possible failure of his car's safety belts, and local media asked to examine the autopsy photographs. This led the State of Florida to pass groundbreaking legislation barring the public examination of autopsy photographs; subsequently, several other states have passed such "Dale Earnhardt" laws.

In at least one case, and for at least one victim's family, the "Dale Earnhardt" law came a bit late. In Michigan, a mother heard about autopsy photographs of her deceased daughter being shown as part of a court-ordered morgue tour for teens caught with alcohol - the catalyst for a Michigan law forbidding the "public display" of autopsy photographs that identify victims by "name, face, or other identifying physical feature" without the expressed, written consent of the next of kin. The act also provides for civil penalties when such photographs are displayed without the proper authorization.

Yet doesn't the public have a right to know? Don't reporters have a right to access public reports, such as autopsy reports, and subsequently, have a right to publish them? Don't medical examiners have the right to use autopsy photographs for educational purposes? Court battles across the country have been based on these questions, and recent court decisions favor open access to documents such as autopsy and toxicology reports.

Start Talking About Trauma-Informed Care

Visit DaretoTransform.ning.com

Revolutionizing Mental Health and Human Services

Verizon Velocity

Purchase qualifying Verizon products to help us meet our fund-raising goals! We can earn up to \$65 with one purchase. Current or new Verizon customers can participate. Just call the special Verizon Velocity number below and provide our special tracking code. It's that easy.

**Simply call:
1-888-695-5299 and
give Tracking Code:
12250**

Shop Today for WJ!

Earn money for WJ when you shop online. It's as easy as clicking on the icon below...



DOWNLOAD THE NEW iGive TOOLBAR

With the new toolbar you can now earn money for WJ just by searching the internet!!

The court in one seminal Michigan case - *Swickard v. Wayne County Medical Examiner* - ruled that the release of autopsy reports and toxicology tests is not a violation of the decedent's or his/her family's right to privacy nor does it violate the doctor-patient privilege. This case is cited in other similar cases nationwide as a precedent, leading many jurisdictions to allow open access to reports.

But not photographs.

While protecting the public's right to access public reports through FOIA, courts have tended to bar public access to autopsy photographs. The United States Supreme Court, in discussing the Vincent Foster case, noted that a decedent's family should have "refuge from a sensation-seeking culture." Therefore, the Court weighed the family's right to privacy against the public's right to know, and found that in the Foster case, the former outweighed the latter. This decision, and many others, concern primarily photographs, suggesting that the graphic nature of photographs makes them much more damaging to relatives than written reports.

Some states have followed this reasoning; others have not. In Florida - one of the most restrictive states with regard to medical examiner's records - autopsy reports, including diagrams of injuries, are routinely released to the media. But not photographs. In 1992, a New Jersey court found that autopsy photographs were not public records and hence not available to the public, while in 1996, a Texas court ruled that they were public records.

It is a balancing act. On one scale rests the free flow of information and the right to know. On the other, the protection of family members from finding graphic autopsy photographs displayed on, say, a website. The fulcrum for such court decisions is the notion that publication of graphic autopsy photos without consent violates a decedent's family's right to privacy.

Advocating for Change

Who may access public documents, such as autopsy reports and photographs, and what exactly can be obtained through FOIA? For state records, such as autopsy reports, this question is answered at the State level through laws, such as Michigan's law prohibiting the "public display" of autopsy photographs, or court decisions, such as *Swickard v. Wayne County Medical Examiner*. Some states, such as Florida and Michigan, have reached legal compromise between the right to privacy and the right to know by allowing public access to autopsy reports while prohibiting public access to photographs. Other States have other arrangements. [The Reporters Committee for Freedom of the Press](#) provides an ["Open Government Guide"](#) that presents detailed information about what public records are "open" in each state.

If your state doesn't already have one and you believe it should, contact

your state representative and suggest a bill that would regulate public access to and/or publication of identifiable autopsy photographs. Because for families of crime and accident victims, a picture may be worth a thousand words...and a thousand tears.

Editor's note: each month, the column "Changing Systems - Changing Lives," will explore a topic raised by readers, discuss issues relevant to that topic, and provide suggestions for effecting change in trauma-informed care systems. Witness Justice invites suggestions for future topics; please email suggestions to editor@witnessjustice.org.

Heard But Not Seen: Victim's Voice Identification Leads to Landmark Court Decision

An assailant may wear a disguise or a mask so his victim cannot see him. He may wear gloves so he won't leave behind fingerprints. But his crime may leave a different kind of print, one pressed or burned into the mind of his victim: his voice. And like a record that skips, skips, skips, his victim's mind will likely replay that voice - the soundtrack of his assault - again, again, and again...

The sun had yet to rise on a crisp March morning in 2005 when Jamie Nielson arrived at the Sin Gin gas station in Lakewood, New Jersey. A light snow covered the parking lot like a thin layer of gossamer. Nielson parked his garbage truck next to the station under a light. The clock read 4:15am - the gas station wouldn't open for another forty-five minutes, so Nielson listened to the radio while he waited. A few pleasant minutes before most of the world awoke.

The truck door opened and it started. The punches. The blows from a blunt object wrapped in a wool hat. The yelling. The voice with an ominous threat: "Give me the money, you mother...or I'll kill you." Neilson hooked his arm in the steering wheel, but he was pulled from the truck and hurled onto the cold pavement.

One assailant searched the truck while the other beat Neilson as he lay on the pavement. The threats continued. "You mother..." The punches continued. The bewildered driver tried to find refuge under his truck, but one of his attackers pulled him back out and the beating continued. And so did the threats - "You mother..." Everything seemed a blur, like watching something through a blood-streaked camera lens. Fade to black.

When he regained consciousness, Neilson called 911 then passed out again. The two assailants took \$40 to \$50, credit cards, and some papers. The beating left Neilson with a broken jaw, a broken nose, an injured shoulder, and numerous cuts on his head. And a voice - an angry, threatening voice - recorded in his mind's memory: "Give me the money, you mother...or I'll kill you. I want the money. Give me the money from the truck."

Lakewood police arrived on the scene, where Neilson gave a general description. A BOLO ('be on the look-out') alert followed, and an officer spotted two men fitting Neilson's description walking down Route 9. When they saw the police car turn, the two men bolted in different directions. The officer chased one of the men and ultimately apprehended him in the parking lot of a local shopping mall. His pants had dark stains that DNA testing later identified as Neilson's blood. The man confessed to his part in the incident and identified the second man, the man who pounded Neilson as he lay on the pavement, as Kevin C. Williams. Almost two weeks after the assault, police arrested Williams.

Two years later at Williams' trial, Jamie Neilson would recount the incident in front of a jury, but he couldn't identify the defendant sitting across the courtroom as one of his assailants. Not visually. During cross-examination, Neilson explained that "everything happened so quick, I didn't see a face...I know it was happening to me, but I did not see a face." But Neilson also explained that his mind had made a sound recording of his attacker's voice: "the voice is burnt in me. If I heard his voice, I could tell you who it is." He went on to describe the voice and the words he heard, over and over again that night.

After testifying, Neilson asked the judge if he could remain in the courtroom during the trial, and the judge consented, requesting that he sit in the back of the courtroom. He watched. He listened. And then he heard the voice as the defendant testified.

The next day, despite an objection from the defense, Jamie Neilson testified that the voice he heard in the courtroom during testimony the day before was the same voice he heard that March morning. Under cross-examination, he repeated what he knew to be true: the voice of the defendant matched the voice of his assailant.

A conviction and a sentence followed. While Neilson's voice ID presented a strong argument to the jury, the prosecution enjoyed a strong case that included other compelling evidence - the other assailant's confession and the DNA found on Williams' clothes. Still, the voice identification became a key bone of contention during the appeal. Despite the defendant's claim that Neilson's presence in the courtroom and subsequent testimony violated his rights, the New Jersey State Appeals Court maintained that a public trial is just that, a public trial. Besides, New Jersey's Victim's Rights Amendment protects a victim's right to remain in the courtroom during a trial. And the Appeals Court also ruled that his testimony after hearing the voice didn't violate the defendant's rights or unfairly prejudice the jury.

Because, as the Appeals Court recognized, sometimes a victim may hear what he does not see. Their decision may allow other victims to listen, to hear, and to tell juries about what crime has "burnt" in their memories.

Board Member Profile of the Month

Lukas Strout

Question: anthropology and victims services have what in common?

Answer: People. And Lukas Strout. Anthropology is devoted to the study of people, and victims services are devoted to helping people. These two fields are all about people, and so is Lukas Strout.

Strout, a certified Victim Services Practitioner, earned a BA in Anthropology from Pennsylvania's Clarion University and went on to earn an MA in Applied Anthropology from the University of Maryland. In 2004, he joined the Durham, North Carolina, police department, devoting himself to anthropology of another sort - as a Victim / Witness Services Advocate. The Victim Services Unit works with survivors of violent crimes. His fluency in both English and Spanish has proven to be a vital tool in working with members of Durham's Hispanic population - approximately ten percent of the city's aggregate.



While Durham, home to sports giants such as the Duke Blue Devils and the Durham Bulls, does not suffer the crippling crimes rates of other metropolitan areas such as Detroit, recent statistics place the mid-sized city above the national average for violent crimes, creating a significant need for a person of Strout's expertise.

In addition to his work with survivors of violent crimes, Strout has been active in the field of trauma-informed services. He is a steering committee member of the Mental Health Association - Durham. He also played a key role in the Durham policed department's 2007 summer food drive - an effort to support Central and Eastern North Carolina's food bank for the summer.

TIC is all about people. And so is Lukas Strout.

It's All About Risking Connections®: Program Launches New Website

The January 2009 edition of the Sidran Institute's online newsletter contains a wealth of useful information about the Institute, upcoming events, a book review, and an article about "The New Risking Connection.®"

The newsletter's "front page" article - "The New Risking Connection®" - provides an overview of the Risking Connections® program and its philosophy. "Often the people you care for have been wounded by trauma," the article notes, "and trauma cannot heal in isolation." Therefore, "trauma that occurs in relationships must be healed in relationships" - apparently one of the program's key tenets. Risking Connections® is a Sidran Institute program devoted to the transformation of trauma-informed care.

The article also contains links to the program's new website, launched last November, which is designed to function as a "gateway to a Risking Connection community." If healing trauma is in part about connections, this website is a good place to begin.

Where We've Been...

November 20 - Board Member Maria Tarajano Rodman presented "[*The Model of Growth and Recovery' and the Impact of Domestic Violence/ IPV*](#)" at the Women's Health Info Series webcast conducted by the Association of Maternal and Child Health Programs.

November 20 & 21 - Board Member Kathleen O'Hara presented *Emotional and Psychological Boundaries of Victim Service Providers* and *Modern Meditation: A Three-Step Method for Stress Management and Relaxation* at the [Tenth Annual Pennsylvania Pathways for Victim Services](#).

December 17 - Witness Justice was invited by the director of the U.S. Department of Health and Human Services' Center for Mental Health Services to be a part of the CMHS/SAMHSA discussion meeting of national leaders to contribute important ideas and information for the Obama Administration.

December 21 - Board Member Mildred Muhammad was interviewed by William Kellibrew. [Click here](#) to read the transcript of "*Mildred Muhammad - Up Close and Personal.*"

January 8 - Board Member Alexis A. Moore contributed a series of nine articles on cyberstalking at [About.com: Women's Issues](#), in recognition of National Stalking Awareness Month.

Upcoming Publication - Witness Justice will be referenced in the

Domestic Violence Sourcebook, Third Edition - a volume in Omnigraphic's *Health Reference Series*. The sourcebook will be published in April 2009.

Useful Resources

[Crime Victim Organization Network](#)

[National Stalking Awareness Month](#)

Calendar of Events

January 26 & 27 - [Community Reintegration Summit: Service Members and Veterans Returning to Civilian Life](#), Washington, D.C.

March 23 & 24 - Witness Justice will attend the Second [NASMHPD](#) (National Association of State Mental Health Program Directors) States Dialogue Conference to discuss the progression of trauma-informed care.

October 25 - [Team Heal Trauma](#), Witness Justice's charity running team, runs the 34th Annual Marine Corps Marathon, Washington, D.C.

Witness Justice is a national nonprofit organization created by survivors for survivors. Our mission is to advocate for and support victims of violence and trauma. For more information, visit www.WitnessJustice.org.

[Forward email](#)

✉ **SafeUnsubscribe®**

This email was sent to hwest@witnessjustice.org by info@witnessjustice.org.
[Update Profile/Email Address](#) | Instant removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).

Email Marketing by



Witness Justice | PO Box 475 | Frederick | MD | 21705-0475