

RECOMMENDATION TO THE ALASKA LEGISLATURE
FROM THE ALASKA CRIMINAL JUSTICE COMMISSION

Recommendations 7, 8, and 9-2020, adopted September 10 and October 15, 2020:

**Recommendations to Improve Communication
for Victims of Crime**

Introduction

A person who has been the victim of a crime in Alaska often faces numerous barriers to help, healing, and understanding their rights. Through listening sessions, online surveys, and meeting with stakeholders from around the state, the Alaska Criminal Justice Commission has found that there is room for improvement at every stage of a victim's interaction with the criminal justice system.¹ Many of the gaps in services that victims experience are in essence gaps in communication. This document makes several recommendations for ways Alaska can improve services for victims of crime.

Background

Listening Sessions

Beginning in January 2019, the Commission held victim listening sessions in Juneau, Fairbanks, Ketchikan, Bethel, Anchorage, and at the Alaska Federation of Natives (AFN) Convention in Fairbanks. Attendance varied at each session, with participants representing victims of a variety of crimes. A common theme at all listening sessions concerned communication and follow-up from law enforcement and prosecutors. Many participants stated they had difficulty ascertaining the status of their case, believed that no one followed up on their report of a crime, or felt like they weren't being taken seriously.

Participants also spoke about the difficulty of navigating the legal system and not understanding the process. Some noted that the trauma of experiencing crime made it difficult for them to retain information or to know what to do in times of crisis. Many suggested that there could be better ways of informing victims of crime what services are available to them and reaching out to them about their case.

Victim Surveys

In mid-May 2019, Commission staff launched an online survey for victims of crime in Alaska. The survey asked respondents about their location, what helped or would have helped them immediately after the crime or long-term, what helped or would have helped them to understand the criminal justice process, whether they were able to access services, and anything else they thought the Commission should know.

¹ Not everyone who has been affected by criminal activity wishes to be referred to as a victim. Some might prefer the term "survivor," for example. For the sake of clarity, however, this recommendation uses the term "victim."

Survey respondents were from all over the state and had experienced many different types of crime. Many respondents expressed problems with communication from police or prosecutors, saying they were unsure what had happened after they reported a crime or were unsure what was happening with the criminal case in the court system. Many wanted more information in general about how the criminal justice system worked. These responses included the following²:

- *I wish I knew more about what is happening with my trial. I wish I knew why some decisions were made during the entire trial. I want to know why my trial is still active after 5 years.*
- *I have no idea what's going on with my pending court case. A new DA was apparently assigned but I found this out from CourtView. No one told me. I wish I never filed charges against my rapist. Nobody gives a [hoot] about me or keeping me informed even though I'm supposed to testify against him in trial sometime. It feels like being victimized over and over again when you're blown off by staff or treated rudely.*
- *I was confused, intimidated, and had no idea what to expect in the process, and was forced to try and figure it out on my own reading stuff online....The legalese involved in trying to read about court procedures is overwhelming. Having someone to TALK to would make it more accessible.*

Some felt that police or prosecutors did not conduct a thorough enough investigation, and some felt that the consequences the defendant faced were inadequate; these problems also related to communication in that better communication from the officials involved could have helped the victims understand why a certain course of action had been taken. These responses included the following:

- *[It would have helped if] they would [have] arrested the defendant for violating a restraining order but instead they didn't charge him, [and] a month later, my family member was killed.*
- *[It would have helped if] the police and detectives were more responsive. Assigned me an official that was off for the three days following [the] break-in. Our family are now detectives. We are the ones following leads, talking to people and giving information to the detectives. At this time I have not heard from police or detective in over three weeks.*
- *We were excluded from the criminal case even after requesting to be involved. [The] first time [the] DA contacted us was after a plea deal had been struck reducing two felony assault charges down to a misdemeanor charge of assault in the fourth degree.*

² Quotations from the survey responses have been lightly edited for clarity and to remove potentially identifying information.

Many survey respondents indicated that they needed services, whether in the form of advocacy, housing, financial support, counseling, or legal services. Many said they had not been able to access needed services or that they had experienced barriers to accessing services. These responses included the following:

- *Mental health options for dealing with the trauma [would have helped long-term].*
- *Getting all the resources [immediately after the crime occurred would have helped me to] begin healing. Free counselling, services offering safety [and] services to help recover from trauma.*
- *Financial assistance to move out of a shared house and to hide from my abuser [would have helped me immediately after the crime].*

Finally, many respondents said that they felt there had been a lack of respect for their experiences and rights as victims; some said that they felt that defendants had more rights than they did. Some felt as though they had not been taken seriously when they reported the crime committed against them. These responses included the following:

- *Victims have rights. Please stop victimizing them further by allowing defendants to run the show. A timely trial is important for closure and healing.*
- *When I reported [being raped] to the police department, the police department in [Northwest Alaska] ignored my case.... The court refused to believe me when I reported it.*
- *I feel like I continue to be victimized and the criminal is having more rights and services than myself. I would like my possessions back that were taken and being held [as evidence].*

Workgroup Meetings

To respond to the concerns shared in both the listening sessions and the survey responses, the Commission convened a workgroup comprised of Commissioners, victim advocates, and interested members of the public. The workgroup met several times and identified improved communication with victims as a priority. The workgroup then developed the following recommendations.

Recommendation 7-2020: Public Outreach (Approved on 9/10/20)

People often have trouble retaining information directly after experiencing a traumatic event such as becoming the victim of a crime. Victims receive a lot of information directly after a crime occurs and they may not be able to process that information. The Commission received feedback from victims that they were not aware that help was available to them after the crime occurred.

The Commission therefore recommends creating a statewide public awareness campaign to let the general public know that there are resources available for victims of crime and where to find more information. Care should be taken to reach everyone, statewide, and include people of all ethnicities.

This effort should reach the general public as a way to build awareness of the services that are available to victims of all crimes. Having a simple outreach campaign to raise awareness of where people should go if they become the victim of a crime should help victims, their friends, and their family remember that there are resources available.

The Commission recommends that the Office of Victims' Rights (or another state agency) take the lead on this campaign in collaboration with local and nonprofit organizations.

Recommendation 8-2020: Victim Advocates Working in Partnership with Law Enforcement (Approved on 9/10/20)

Many victims are not able to connect to available services immediately after a crime occurs. Respondents to the Commission's survey often noted that they weren't aware help was available immediately after the crime occurred, and that having immediate access to services would have helped them. Having mechanisms in place that would both enable victims to easily reach out to service providers and enable service providers to reach out to victims will help get victims access to services more quickly.

The Commission recommends that law enforcement agencies work in partnership with victim advocates and victim service agencies in two ways: first, by providing all victims of crime with simple contact information after a crime occurs, and second, by inviting victim advocates to work with law enforcement officers to proactively reach out to victims of all crimes.

Providing information to victims of crime about where to get help dovetails with a requirement, already in statute, that law enforcement officers provide all victims with information about the Office of Victims' Rights. In addition to the Office of Victims' Rights, additional resources are available to victims depending on their geographical location in the state. Victims should be aware of the services available to them in their area.

The Commission recommends that law enforcement agencies and victim service providers and advocacy agencies collaboratively develop a simple handout or card with a website, phone number, and address that will direct victims to relevant services. This information should be specific to the region in which the victim lives. Law enforcement officers should be required to distribute these handouts or cards to all crime victims.

Some victims experience significant trauma and may not be in a place to receive information directly after a crime occurs. These victims may benefit from receiving a phone call from a victim advocate in the day or two following the crime. The Commission recommends that the legislature require all law enforcement agencies to partner with a victim advocacy organization to conduct this outreach. The partnership can be as simple as requiring officers to offer to contact a local advocacy group on behalf of the victim.

The Commission suggests that law enforcement agencies look to the recent partnership between the Anchorage Police Department and Victims for Justice. In this partnership, APD officers responding to the scene of a crime will ask victims if they wish to be contacted by an advocate. At the end of the officer's shift, the officer will hand the contact information for the victim and basic information about the crime to a VFJ advocate. The information shared is limited; this avoids complications due to limits on law enforcement data sharing in active cases.

These partnerships will require state resources to be successful. The Commission believes that connecting victims of crime to services is a vital public safety function and these partnerships should be adequately resourced.

Recommendation 9-2020: Establish Victim Coordinator Positions to Improve Communication to Victims (Approved 10/15/20)

The Commission has heard consistent and strong messages, (through public comment, victim listening sessions, and surveys) that victims of crime are frustrated because they do not know the status of their court case, understand court processes or how to access services and supports to address the collateral consequences of being victimized. For example, they often did not know when or if a case was filed, when or whether they would have the opportunity to testify or address the court, or the court process and ultimate resolution of the case. For crime victims, dealing with this kind of uncertainty impacts their personal lives and schedules, and is barrier to personal resolution and healing.

AS 12.61.015 requires prosecuting attorneys to make a reasonable effort, when requested, to notify or confer with victims of domestic violence and felony crimes about certain aspects of the criminal case. The Department of Law employs paralegals to contact these victims, to connect victims to an automated hearing notification service so that victims may be informed of upcoming hearings, and to field questions about the criminal justice process generally and the case against the defendant. In addition, paralegals are required to perform traditional paralegal duties designed to comply with the defendant's due process rights, such as obtaining and providing the defense with all material required to be discovered pursuant to Rule 16; drafting necessary notice pleadings such as notice of experts and 404(b) notices; and locating and issuing subpoenas for *all* witnesses necessary for hearings and trials. Finally, paralegals are also required to fulfill the state's chief support role for prosecutors, performing duties including, but not limited to, conducting legal research, organizing and analyzing evidence, assembling exhibits, preparing affidavits and other routine pleadings, and obtaining other information for case preparation. Paralegals play an important role in criminal case processing and bear a heavy workload for all criminal prosecutions, not simply those with traditional victims involved.

Therefore, the Commission recommends that the Legislature appropriate funding to the Department of Law, Criminal Division to establish Victim Coordinator positions (Coordinators) to assist all crime victims. Once charges have been filed, these Coordinators would be assigned cases, receive victim contact information from the prosecutor and serve as the point of contact for the crime victim concerning routine scheduling matters and general victim notification requirements until case resolution by the Court. They would reach out to the victim, making reasonable efforts to ensure that the victim is aware of the Victim Coordinator's role and the victim's ability to opt in or out of continued contact with the Coordinator. The assigned paralegal would still primarily fulfill the traditional role of working with the victim concerning the substantive matters of the case.

Examples of the position duties/responsibilities for victims who opt-in for continued contact with the Coordinator, include but are not limited to:

- Ensuring that the victim receives sufficient advance notice of hearings, whether through an automated system, e-mail notification or phone calls, to prepare for and attend the hearing, if desired;
- Answering the victim's general questions about the criminal justice process, including changes of plea, trials, sentencing, and any post-trial procedures such as parole, restitution, and probation;
- Providing the victim information and referrals to appropriate services and supports to address any difficulties experienced as a direct result of the crime (medical, mental health, financial, shelter, childcare, employment, etc.);
- When appropriate, attending court hearings to help the victim understand what is happening; and
- Providing information and referral to victim advocacy services.

NOTE: As an employee of the Department of Law, the Victim Coordinator shall not serve as a victim advocate.