

Alaska Criminal Justice Commission
Domestic Violence Workgroup

Meeting Summary

Monday, February 8, 2021, 10:00 a.m.-12:00 p.m.

Via Zoom

Commissioners Present: Sean Case, Randi Breager (serving as proxy for DPS Commissioner Amanda Price)

Participants: Suki Miller, Tammy Ashley, Katie TePas, Marlene Mack, Becky Tuominen, Avi Slone, Troy Payne, Carmen Lowry, Tory Shanklin, Diane Casto, Colleen Ouzts

Staff: Teri Carns, Staci Corey, Barbara Dunham

Introduction

APD Captain Sean Case, member of the Alaska Criminal Justice Commission and workgroup chair, noted this workgroup had been meeting for quite some time. The group had heard a lot about existing research from Judicial Council staff; the Alaska Justice Information Center (AJiC) was looking at data; and the group had looked at the risk screening tools such as the DA-LE and ODARA, and other DV programs from around the country. His question for the group was: if we have the ability to do a randomized control trial, what would be beneficial? He noted that everyone present has a different perspective but could all agree that the goal is to reduce victimization.

Fatality Review Board

Judicial Council/Commission staff member Teri Carns noted that DPS had recently announced the formation of a DV fatality review board. She wondered what they are doing, and whether this pilot project might overlap. Randi Breager, special assistant to DPS Commissioner Price, said she was pulling that fatality review board together. It was in the beginning stages, and they would be using a national technical assistance provider. They will identify a multidisciplinary group to participate. It will involve in-depth case assessments of DV homicides and near-homicides. She didn't think there would be much overlap, since they would not be looking at a large data set but a few cases. Rob Henderson from the UAA Justice Center is participating. DPS can give this group updates.

Commissioner Case asked if they would be looking at current cases. Ms. Breager said they would not, that they will be looking back. They wouldn't want to interfere in active prosecution efforts, so they will work with the Department of Law to identify cases. She knew that there had been an effort in Anchorage to do this, but they had struggled to identify appropriate cases, which is why DPS decided to take the effort statewide. The fatality review board members will first get training from the technical assistance provider, and she was hoping they would be able to do their first review in about May or June.

APD-AJiC Study

Commissioner Case agreed that it didn't look like there would be much crossover with a pilot project. He is an advocate of getting victims to resources as soon as possible, so for the pilot project he was thinking about ways to identify victims who most need help immediately after an incident occurs. Mostly

that would involve looking at assessments for victims, though he was also thinking about programming for offenders.

Dr. Troy Payne from AJiC said that one thing they were interested in was whether the response has an impact? Therefore they were thinking of a randomized control trial. The first step would be to determine eligibility to screen people in, then the response would be randomly assigned. For example, using an assessment/ screening tool compared to the current practice of not using one. The study can be simple or complex in how it is set up. One thing they were trying to work though is whether this pilot project is possible and what outcomes could be measured.

Victim Contact

Ms. Carns said she knew that victims don't always want to participate in or respond to interventions. She was interested in hearing from providers what the barriers are to getting information to victims and what would give them the ability to be receptive to the initial engagement.

Suki Miller from STAR said that it was a little different from the STAR perspective, since they were typically dealing with DV in the context of sexual assault and strangulation. They have a really hard time hearing back from clients. They use a screening survey from CDVSA, which was seven questions, and is now two. Even with just two questions, it is very difficult to get responses. The survey is first given at the SART. STAR then follows up later with a packet, which includes the client survey.

Marlene Mack from ANJC said that a lot of information is given to victims after an incident. ANJC provides a lot of support, including people who are trained to help with the paperwork. She was curious to know what cultural training is available for officers. Things like eye contact are not common in Alaska Native cultures. She thought victims can be overwhelmed by the process and vocabulary they are not familiar with. ANJC staff go through the process with them in steps.

Commissioner Case asked Ms. Mack how they get in touch with clients. Ms. Mack said that ANJC has recently really beefed up its response. They do a lot of social media, along with building partnerships with community agencies and programs, making sure everyone knows what they do. Statewide, they have started reaching out to communities in Bristol Bay, and Utqiagvik. Word of mouth has been beneficial. Their partnership with Alaska Legal Services has been helpful in expanding their reach statewide.

Carmen Lowry from ANDVSA said one issue getting information back from victims has to do with internet and phone access in rural areas. The move to remote access for services during the pandemic has hindered their ability to connect. Ms. Mack agreed, noting that having to find connectivity puts an additional burden on the victim, and connectivity such as internet and fax can be cost prohibitive.

Tory Shanklin from Victims for Justice said that ease of connecting with clients depends on whether it is initial or continuing contact. If VFJ gets contact information from the police [as part of their partnership with APD] that is more beneficial, because the victim doesn't have to take everything in right away. VFJ has also into the same issues with rural technology.

Tammy Ashley from ANJC noted that there is now a court kiosk at ANJC/CITC where any participant is able to participate in a court hearing virtually as well as file court paperwork electronically. This helps with access and the staff member working with the participant is able to attend and support the participant if the support is requested.

Katie TePas from the Alaska State Troopers asked whether the Commission's Victims' Rights and Services Workgroup had addressed this issue. Commission project attorney Barbara Dunham explained

that workgroup had had some discussion about victim navigators, but otherwise was not really talking about the immediate victim response.

Commissioner Case thought the question was: if a victim wants contact, how do we keep them involved, both with the criminal case and with advocacy and access to services?

Dr. Payne said he could see the ability to contact victims at all as a potential outcome measure — if there is a change to the immediate response to an incident, that might then change the ability to do long-term follow-up.

Ms. TePas said that years ago there was a project in the Valley to have advocacy workers embedded with law enforcement. She thought it might not have been as successful as hoped. From AST's perspective, it might be a struggle to implement a pilot program in rural areas.

Ms. Carns said that was a project from 1997. The outcome measure was a reduction in DV. There was no control, and involved misdemeanants, so there was no good way to follow up. Victims really liked the project; however, that was not measured. The PO assigned to the project was a person they felt they could rely on and trust. She would have to revisit some notes to recall the details. It might be a model for this project. But if the original question was what can be done at first contact, this project involved later follow-up contact. It seemed like a lot of people here were already doing that.

Ms. TePas noted that the SAKI project was looking at ideas of justice from a victim's perspective. There are different ideas of whether justice is served. Victims primarily want to be heard and supported.

Ms. TePas also noted that there are booklets that officers are required to provide. She often hears that this is not a good time to read a book to people, but changing that would require a statutory change. Becky Tuominen from APD said that when APD responds, they also provide booklets, and just hope they respond. By the time her team reviews cases, often victims have recanted or won't respond. It feels like they lose the window of opportunity. It might be beneficial to have someone embedded to be there for the initial response.

Multi-Disciplinary Response and Screening Tools

Ms. TePas said that the use of a screening tool for high risk cases is the national standard. That addresses some of what the group is talking about, although doesn't address a victim advocate joining law enforcement. Typically the tool is used to find cases that are then referred to a high risk response team.

Ms. Shanklin said she had looked into a lot of examples of multidisciplinary teams. The important thing is trust, that victims trust the team. That requires someone being there from the beginning. A lot of research supports this.

Commissioner Case wondered about the number of participants that would be in a potential pilot project, noting that the new DPS project was statewide in part because there were not enough lethal or near-lethal cases at the local level. Would a lethality assessment yield more cases? Ms. TePas said she knew the DALE screens in about 30% of cases.

Commissioner Case wondered who would be part of the multidisciplinary response. Ms. Shanklin said that studies on the multidisciplinary approach were partly based on the embedded advocate model. The key was information sharing; the advocate really just needs information that victim is there and needs help.

Ms. Lowry thought a coordinated community response team could be effective. Part of the issue is whether victims even have access to law enforcement. In rural areas they don't. One question might be how to get any response to rural areas. Ms. Mack said she had mixed feelings about involving law enforcement because the response should provide a safe refuge for victims, and troopers are not always seen as safe. It would require work with the tribe and the community, and any project would need to get community buy-in. They would want someone to work with the community and help them craft the response that they want. Without the support of the community, it would not be sustainable.

Ms. Shanklin said that the MMIP workgroup is doing a lot of work on building these models for each community as well.

Ms. Mack said one program that might be a good model is the [Blueprint for Safety](#), a program from Minnesota that is culturally appropriate, and has had a lot of success. All law enforcement officers are trained on the approach. She offered to send information on the program to assess whether it might be appropriate for APD.

Ms. Carns wondered whether the question was what tool a pilot program should use at the first point of contact. Commissioner Case said that was definitely part of it if the pilot program is going to involve a study— if so the question was how do people get in the study. Should the program use DALE or ODARA? That dovetails into the list of questions that he sent out. Would tinkering with the existing assessment tools work?

Dr. Payne said one thing a study could do was simply take an existing assessment tool and apply it in Alaska, to see if it meets the same outcomes that other places have seen. It could also involve running an assessment that has been tweaked and determining whether that one is better. The big question is if we do this, do we have better outcomes compared to no change? Assessments look simple, but getting them out in the field and getting officers to use them is difficult. This conversation has been useful in talking about how to get outcomes, and has made clear that even assessing outcomes will be difficult.

Commissioner Case agreed. He noted Ms. Miller's comment that STAR's survey was narrowed down to two questions. He has noticed that in law enforcement there are generally diminishing returns after two questions. He wondered if the pilot project should use DALE or another tool. Ms. Carns imagined that there are a lot of pressing concerns at the immediate crime scene, such as children to care for, and it could be very difficult to concentrate on answering. She wondered if there were any models of just two questions.

Ms. Shanklin also wondered about the cultural relevancy of tools from elsewhere—for example, some tools asked about guns, which are more common in Alaska.

Dr. Payne agreed that asking lots of questions is hard. If there are multiple questions, however, the impact of one question not having an impact is less. For example, one bad question out of 12 would not have as much of an effect as one bad question out of two. It might be worth talking more about how officers are thinking and reporting on these things. Answers to a lot of these questions might come up organically at the scene.

Ms. Miller said there were advocates at STAR who get a better response rate than others. They are better at asking questions and developing a relationship with the victim. Whoever is administering the questions should be trained. She was also interested in looking at questions associated with high risk circumstances such as food insecurity, job loss, and pregnancy.

Commissioner Case said he knew there has been a significant shift in the past 20 years toward thinking that DV can be more situational. He wondered if there was an Alaska study on point. Dr. Payne

said there are typically not a lot of Alaska-based studies on any given issue. Anchorage would be similar enough to most other places, but rural Alaska would be different. Further to Ms. Miller's point, he noted that studies have linked unemployment to DV.

Ms. Tepas said she preferred the DALE because it was shorter, and she thought the tool would need to have a direct nexus to criminal cases. With the DALE, if the score is below a 7, and the officer doesn't agree with the result, the officer can override the score and classify the case as high risk. Regarding the relevance of some questions to Alaska like the question on guns, when she provides training on the DALE she will note that access to a gun might not be significant but that officers could also ask if there are other considerations like if the person has made threats with/about the gun. She also noted that DALE has been heavily researched, and if a tool is going to be implemented in Alaska, and if it's going to be used in setting bail conditions, it should be evidence-based. Judges will be more likely to pay attention to the score if it is evidence-based.

Commissioner Case wondered if Alaska's courts would be interested in this. Diane Casto from the CDVSA said that in her previous conversations with the Court System on this there was hesitation on the Court's part about using something like this, but there was also some interest in exploring it. Ms. TePas agreed, and added that if the group wanted to move forward it should include other partners like the Department of Law; they have been supportive of a potential pilot of DALE, but have some concerns, and they wouldn't want to be surprised. Recently OVW issued an RFP for a grant for the creation of high risk teams. If a community could apply that would kick off a pilot program.

Ms. Casto said she wanted to note that the Court is not against this per se. She thought the right approach was to really look at what will be used, and get everyone on the same page. Judges have a lot to consider, and they will want something that will be useful for them.

Dr. Payne agreed a pilot project should use a multidisciplinary team; in addition to this group, Law, DOC, and maybe others should be included. If the project is going to use a risk assessment tool, what risks will it be assessing? Is it to find people for intensive services? Will it have downstream impact? It's easier to convince people of downstream impacts when tools have been validated elsewhere.

Ms. Carns noted that staff research analyst Staci Corey had looked at what populations the existing tools were validated on. She had prepared a memo that looks at the ethnicity of the population where the validation studies were done, and it looked as if they were fairly well balanced for ethnicity.

Pilot Project

Ms. TePas said she was in favor of a pilot. She thought it should be done in an urban area, a small hub, and a rural area. Each area will have differences in implementation, which will be key. She was also interested in analyzing outcomes.

Commissioner Case asked how outcomes should be measured. Dr. Payne said the question to ask was what does success look like? He could see a lot of potential measures. One thing to keep in mind was that if this was going to be a randomized control trial, it would need to measure both the treatment and control. Some things are easier, such as looking at charges filed. Others are more difficult, such as victim satisfaction. It will depend on exactly how the intervention occurs—after officers conduct the assessment, then what?

Ms. Carns said that one value of using a tested instrument is that there will be other studies, which have outcome measures, so the project wouldn't necessarily need to start from ground zero. She felt optimistic that something could be determined.

Ms. Lowry said that if the project would be a randomized control trial, she would want real clarification on the implications of withholding beneficial intervention. That was the difficult thing about randomized control trials, they should be done in an equitable way, making sure people are not at risk.

Dr. Payne said that if UAA is involved, any study will go through their IRB, which governs research ethics and compliance. He noted that the project would compare some new intervention to what is being done normally. So it would not involve doing nothing in response to reported incidents or DV, but rather doing something new or the current response. There could be harms associated with the new response, though hopefully not. That was one reason why a randomized control trial should be done when possible. He thought any negative effects from a new intervention would be unlikely if the project were using instruments tested thoroughly elsewhere. It was important to think about the ethics, thought, which was one reason why some things can never be the subject of a randomized control trial.

Ms. Carns asked if the study would be going forward. Dr. Payne said he and Commissioner Case were discussing the idea, but haven't not gotten to a research plan yet.

Ms. Lowry observed that Dr. Ingrid Johnson would soon be coming out with the results of the victimization survey, and wondered to what degree that information would inform this project. Ms. Casto noted that Dr. Johnson had two forthcoming studies, one on sexual victimization, and the broader Alaska Victimization Survey which includes DV. Ms. Lowry said she was referring to the latter, noting that information should be put to use to honor victims' willingness to share their stories. Ms. Casto noted that the survey this year included more questions about whether the person reported the abuse, and whether they needed and/or accessed services.

Dr. Payne said that if this project moved forward it would use that data; there were a variety of ways it could be useful but it was hard to anticipate how.

Ms. Miller said that while a study should be evidence-informed, a different ethnic makeup and significant military presence made Alaska unique, and she was not sure about copying what another community has done if it was not similar to Alaska. Ms. TePas said she understood that concern but also wanted people to embrace the pilot project, and if it doesn't use an evidence-based method that has been tried elsewhere, they might not support it.

Commissioner Case said he agreed with both perspectives. He was definitely mindful of improving the law enforcement response to the Alaska Native community. Dr. Payne said that the differences between Alaska and elsewhere presented a reason to conduct a pilot study to determine whether interventions from elsewhere can work in Alaska. One issue is that Alaska Native people aren't found elsewhere, so wouldn't be included in currently available studies.

Ms. Dunham said she did not send the DALE questionnaire itself to the group because the group that developed it preferred that it not be distributed without training. It was a simple form, with 11 questions, plus space for why the score should be overridden if the officer believed the case to be high risk despite a lower score. Ms. TePas noted that in using the DALE, troopers are trained to make sure to ask all the questions in order. Not all victims are willing to share the answer to every question.

Commissioner Case asked how long the training for the risk assessment would take. Ms. Corey said the ODARA training could be completed online, and that she was not sure for the DALE but the training would have to be through the Geiger Center. Ms. TePas said she talked with the Geiger Center. They have two levels, a basic training that takes one to two hours and a "train the trainer" that takes four hours. Most officers in the state will be familiar with some of the questions, since they already have a lethality card they ask questions off of. She noted the DALE is focused on IPV, not all DV.

Ms. Corey noted in response to discussion about Alaska developing its own tool, that there is an example from Arizona which developed its own tool; which took about three years to develop. They suggested working with Jackie Campbell, who came up with the DA from which the DALE is derived.

Public Comment

Malan Paquette from Anchor Point said she had been looking at previous meetings, and has been working on anti-fraud resources. The thought one thing the discussion was leaving out is when law enforcement will not take a report, the report will not exist. She said the APSC thinks it is acceptable not to issue a report number. Many state services are required to document every contact, while law enforcement is not required to document every contact, so they can disallow reporting at any juncture. Ms. Paquette said DPS has no interest in stopping this, and will just refer people to the attorney general's office. In the context of DV, little issues will not be documented, and thus will not document a person's history of DV. Ms. Paquette said she felt this group was off base, and needed to look at officer conduct instead. There is also an alias issue. There are citizens who support Alaska policy reform. Also, the paper directory of state officials does not list enough contacts for DOC and DPS. Online resources are not helpful because not everyone has access to the internet.

Future Meetings and Tasks

The next meeting was set for March 22 at 10am.