

Alaska Criminal Justice Commission  
Domestic Violence Workgroup

**Meeting Summary**

**Monday, March 16, 10:00 a.m.**

Teleconference

Commissioners Present: Sean Case, Brenda Stanfill

Participants: Laura Brooks, Rebekah Moras, Monica Elkinton, Katie TePas, Tori Shanklin, Troy Payne

Staff: Susanne DiPietro, Teri Carns, Staci Corey, Barbara Dunham

**APD DV Data Project**

Sean Case, ACJC Commissioner, workgroup chair and Anchorage Police Department (APD) Captain, explained that APD and AJIC signed an MOU to do a deep dive into APD's data on DV cases, looking back 20 years. This dataset will be more inclusive than the statewide data AJIC evaluated a few months ago. They will be looking for patterns, and whether there is anything APD should focus on to try to reduce the incidence of DV. Sean thought it would be beneficial to have a neutral analysis from a third party.

Brenda Stanfill, ACJC Commissioner and Executive Director of the Interior Alaska Center for Non-Violent Living, asked whether there were specific things that AJIC would be looking at. Sean said they would be looking across the board. The data will focus on typical offenses such as assaults. They will have access to victim, offender, and witness information. Sean thought that people working in the DV field each have a specific view of what the DV problem is. This is a broader look, not based on any assumptions; the research may not be able to answer that fundamental question of what our DV problem is but he thought it was worth a shot.

**Information about ODARA**

ACJC Research Analyst Staci Corey explained that she had been reaching out to people in jurisdictions that use the ODARA risk assessment tool, particularly trying to reach victim advocates to learn more about their experience with it. She found locations in Iowa, Maine, and North Dakota. She could also reach out to other locations around the country that use the ODARA if the workgroup was interested in hearing from other jurisdictions. ACJC Project Attorney Barbara Dunham had circulated Staci's memo on the subject prior to the meeting.

Staci found that people in Iowa and Maine have been using the ODARA for a few years, and they consider it a success. In Johnson County, Iowa, law enforcement officers use ODARA on all DV calls. The county also has a collaborative DART response team model. Advocates find that using the ODARA helps with training, and it allows everyone to speak the same language when discussing things like bail release

conditions. Advocates find that it also puts less pressure on victims to convince people of the seriousness of their situation.

When Johnson County first started to use the tool there were some concerns that asking about a defendant's criminal history, because it might treat minorities disproportionately. But they looked into the background of the tool and found that it had been validated in Toronto, which is a diverse city, and the validation study found no disparate impact to minorities. But any jurisdiction implementing the ODARA would do well to also offer training on implicit bias.

Another concern from Johnson County was that the ODARA score is put in the charging document, and therefore becomes public. Reporters started reporting the scores, without really providing the right context of what they mean. Officials from the county met with reporters, who agreed to stop reporting the scores.

Staci explained that in Maine, the ODARA is used throughout the state. A couple of years ago, a statewide survey of advocates and law enforcement officials revealed that they found the ODARA helpful in setting bail and safety planning.

In Minot, North Dakota, they just started using the ODARA a few months ago. Minot also has a high-risk team. They haven't come across any concerns regarding the ODARA yet, and will be expanding its use. The advocate Staci spoke to suggested she follow up with them in a few months.

Susanne DiPietro, executive director of the Judicial Council and staff to the Commission, asked whether any of the advocates Staci spoke to had any concerns about administering the ODARA on scene. There had been speculation in the workgroup that it would be difficult for victims to answer those questions right after an incident. Staci said she had asked people about that. None of the people she spoke to had any concerns; some said they had already been asking those types of questions anyway. Those she talked to said that the ODARA helps everyone get on the same page, allows more focus on the victim, and results in less haggling about release conditions.

Brenda asked if the ODARA was only being used for male defendants. Staci said there were currently studies being done to validate the ODARA for female defendants and same sex couples. Some locations are already doing or working towards that.

Sean asked what reasons people were giving for starting to use the ODARA. Staci said it seemed like most jurisdictions saw it as a law enforcement tool that was helpful set release conditions. Some other places were using it on the parole/probation, but the tool was not designed/validated for that.

Sean asked how these jurisdictions were defining success, and whether they were looking at recidivism. Staci said it sounded more like people in those locations found the tool helpful for setting bail release conditions, getting everyone on the same page, and helping victims understand why the release conditions are set—e.g. “this person is high risk and this is a serious situation.” It helps everyone involved understand the severity of the situation, and is helpful for safety planning.

Brenda asked whether implementing the ODARA required a lot of extra time for training, particularly for law enforcement officers. Staci said that one location got their training down to an hour.

Those using the tool said it helped to have good relationships among agencies. They try to train everyone who might see the score: judges, child services workers, prosecutors, victim advocates, and law enforcement. Everyone who might see the score should know what it means (e.g. that 7 means high risk).

Regarding conditions of bail release, Sean said that in his experience with the Municipality of Anchorage, the Muni was good about keeping no contact orders in place. He wondered if Katie TePas with the Department of Public Safety thought that was true for state cases as well, and whether state prosecutors keep no contact orders in place. Katie said that she thought it was something they consider on a case-by-case basis. She has heard from troopers in the field that there can be some creative conditions of release to try to make things work, like a no-contact order that still allows the victim and defendant to share a car. Orders like that probably comes at the request of a victim who wants some contact. She thought some kind of screening tool at bail might be helpful, but she couldn't speak for the Department of Law.

Katie also noted that she mentioned at a previous meeting that it is very helpful to law enforcement when conditions of release are entered into APSIN. This is done in Fairbanks using information sent from the court system. She thought the biggest issue statewide was lack of consistent access to those conditions.

Susanne said that she hadn't thought about reporting scores in a charging document. To her that seemed like a wrinkle.

Monica Elkinton, an Anchorage municipal prosecutor, said she also had questions about that. She noted that many DV offenders are also assigned pretrial risk assessment scores. She hasn't seen those scores published widely. Someone could theoretically dig through the paper files but she didn't think it was a problem.

Susanne noted that the pretrial risk assessment tool is validated on Alaska's population. To the extent that ODARA would be used for release conditions, she was interested in how those two assessments might interact. She thought it could sew some confusion. She was not as concerned about reporters misunderstanding the score; they are typically happy to take any corrections.

Brenda recalled that there was a pilot project through Choose Respect in which she thought ODARA was used, although it was used after arrest. The score determined whether the defendant qualified for the project. She was not as concerned about whether the score was public information, and would rather focus on how it might affect the victim. If someone is charged with a crime, their name and offense are already public information. Katie noted that project was a tool for DOC to use, not for law enforcement.

Katie wondered whether there might be more than one ODARA. Barbara said she thought it was just the one tool, but she had read anecdotal reports of some users winnowing the ODARA down to only a few questions. Katie said the version she was familiar with had 13 questions, which was a lot to ask officers, and wouldn't necessarily support them asking that many questions. Staci said that from what she found, there was only one ODARA that was validated for use by law enforcement, and that had 13 questions.

Barbara said she had not sent out all the information Staci had collected on the ODARA prior to the meeting but sent it out during the meeting.

Katie said she was just concerned looking at the questions about childcare and substance use, but she might support its use in asking for more stringent conditions.

Sean said that using the tool for victim advocacy purposes would still be better than where we're at right now. He wanted to find ways to shock victims who are at more risk up with services more immediately.

Tory Shanklin from Victims for Justice said she was more interested in using the ODARA for safety planning. She thought that the use of the pretrial risk assessment tool has left a bad taste for people in Anchorage.

Brenda thought the experience with the risk assessment might be different around the state. In Fairbanks she has seen a positive response to having more information at the release decision. She wondered whether Sean thought it would only be used for law enforcement.

Sean said he just want to look at how the tool was used, how it was effective, and whether anything that other jurisdictions were doing could be helpful for Alaska. He thought everyone should take a look at the tool itself to see if it was something Alaska might want to use. Brenda suggested also reaching out to the DOC office in Fairbanks to see how their use of the tool went. She believed the person to contact was Sheri White. Staci offered to reach out to her.

### **Ideas to Improve Immediate Victim Response**

Barbara explained that the two things the workgroup had expressed interest in at the last meeting were how to improve the immediate response for victims directly after an incident of domestic violence, and how to improve programming for people charged with or convicted of DV crimes. She had compiled a list of programs or ideas for each category to generate discussion; if the workgroup wanted to learn more about one particular idea or program staff could do more in-depth research.

First on the list for immediate victim response was the ODARA or other danger or lethality assessments, as well as coordinated response teams or high-risk review teams. A high-risk review team would need an assessment of some sort to identify high-risk cases. Another idea was implementing a system for screening victims for traumatic brain injuries. Traumatic brain injuries can occur either if a victim receives blunt force trauma to the head or if a perpetrator strangles a victim and cuts off the victim's airway. People with TBIs can behave in unexpected ways and this can cause some victims with TBIs to be labeled as "difficult."

An idea that began in Montana was to issue laminated copies of protective orders (called Hope Cards in the Montana program) to victims so that they can easily get those orders enforced; laminating the copy ensures that it won't fade to illegibility or be easily lost.

Katie said that in Alaska, all protective orders should be in APSIN, so the victim doesn't have to have it on them, although that did not necessarily apply to tribal orders or orders from other states. Susanne wondered whether there might be times in rural areas where law enforcement can't access APSIN. Katie said that might happen sometimes, but for the most part, officers should be able to pull up state protective orders readily.

Barbara said that another idea was to have a modified protective order that allowed some form of contact between parties, which enables cohabiting or coparenting but still provides a certain level of protection. It sounded like from the discussion earlier that judges in Alaska are already working out how to do that. Finally, a program in the Washington, DC area called DC Safe was a 24-hour call center and embedded advocate program. The call center was available for warm hand-offs so advocates at the center could talk to victims directly after officers respond to an incident.

Barbara asked whether the group wanted to look into any of these ideas further. Brenda said she would like to hear more about DC Safe. Sean thought that an assessment of some sort was needed, and he also liked the idea of a coordinated response team and a high-risk review team. That kind of approach has shown to be promising in Anchorage.

Susanne asked if the Anchorage review team had any data. Sean didn't think so. That team has two investigators embedded at the municipal prosecutor's office, who review DV cases and refer issues to two officers who are in enforcement.

Katie asked whether the data-sharing project discussed earlier in the meeting was going to be looking at data specific to that unit. Sean said yes and no: cases with a DV flag and related VCORs will be in the data, which will include reports from the DV review team, but AJIC would not be looking at narratives at this point.

### **BIP-Type Programming Ideas**

Barbara explained that she had listed a number of programs for people who commit domestic violence, all of which were either evidence-based or had some evidence of promising practices. The top two had the most robust research behind them:

- Offender-Focused Domestic Violence Initiative (North Carolina)
- Achieving Change Through Values-Based Behavior (Iowa)
- ManAlive (San Francisco)
- Resolve to Stop the Violence (San Bruno jail, CA)
- DV Risk and Needs Assessment (Colorado)
- STOP (San Diego)
- Creating Healthy Relationships (couples-based)

Teri Carns, research analyst for the Judicial Council, explained that the North Carolina program was based on similar programs aimed at reducing group/gang violence. A crucial part of the program was to create a database to track offenders and victims. A second crucial piece tracked offenders in a program similar to Alaska's PACE probation program; a first offense gets a very specific warning that next time there will be certain response—and there is. Another component of the program is a safety circle. The victim is asked to designate a number of people who can go check on them if they are not heard from.

Teri said the North Carolina program has been very effective, but it is very intensive to implement. Alaska may not be ready for such a program. It might be possible to implement some forms of it. It is similar to a pilot program run in Fairbanks, which as Teri understood it had only stopped due to a lack of funding.

Dr. Troy Payne, professor at AJIC, echoed what Teri had said that the program relies on data analysis. He was familiar with violence reduction program the North Carolina program was based on as he had been working with similar ideas in a program in Cincinnati. That kind of data analysis is also similar to what AJIC will be looking at with its analysis of APD's data. This kind of program can be very effective if the local situation calls for it, and data can tell whether that is the case. AJIC will be looking at things like whether the same people are involved in multiple incidents. They will be trying to build the type of informational foundation that could be used to support that type of programming.

Teri said that sounded promising, and also noted that the component of the program calling for first-time warnings followed by a guaranteed response adheres to the principle of swift, certain, and fair punishment, which evidence has shown works in a number of contexts. She added that the dynamics in urban areas are going to be very different than in rural areas. Troy agreed.

Katie wondered how this type of program would work for rural Alaska. Teri thought the idea had some possibility because of the strong community ties already there. This kind of program is not only helpful to reduce violence but victims also really like it. They feel as though there is accountability right from the beginning. It is also less disruptive, because victims don't have to go to shelters as often. Implementing this kind of program would need to be carefully thought out. In a smaller community, it might be easier to find a network to support the victim.

Barbara explained that the Achieving Change Through Values-Based Behavior program was based on Acceptance and Commitment Therapy (ACT) and was developed specifically for Iowa. Similar to Alaska, Iowa also performed the Results First analysis on its programming and came to the conclusion that the Duluth model of batterer intervention programming was not effective.

Susanne said that was correct, and that was the reason the DOC commissioner there asked local researchers at the University of Iowa to develop a new program. There has been some initial evaluation of the program that showed promise, though it was still early days. She wondered whether the model could be used outside of the prison context. Barbara said she believed that the therapeutic model the program was based on, ACT, could be applied in a wide range of circumstances, similar to cognitive behavioral therapy.

Sean was asked where the Creating Healthy Relationships program was based. Barbara said she'd have to look that up again. Sean said he would be interested to know more.

Susanne asked Brenda whether she knew if CDVSA was interested in looking at something like ACT or reevaluating the BIPs. Brenda said that CDVSA was in the process of looking at the BIP regulations. From a victim services standpoint, while any program needs to have something for the offender, there also needs to be a victim service component and she believed that when she looked at it, that the ACT program did not have a victim service component. A lot can go wrong while an offender is in a program,

and that can be a very dangerous time for the victim. She thought that Alaska should find something that is effective for offenders but also helps victims.

Brenda also wanted to point out that we have to be careful with couples therapy because that might cause programs to lose VAWA funds. She would definitely want to see more research on that.

Susanne said she was curious about the Iowa program, and wondered if anyone was interested in hearing about it from someone with direct knowledge about the program for the next meeting. Staff could track down the researchers. Brenda said that you could never have too much knowledge, and having a direct conversation would be beneficial.

### **Other Ideas**

Barbara asked whether anyone had other ideas. Katie noted that there have been discussions in the past about fatality reviews, and suggested adding that to the list. Susanne wondered how the data was reported from a project like that. Katie said she was not sure if one had ever been done in Alaska, perhaps one had been done at the municipal level. Brenda said that there had been a group in Anchorage, and she thought they might have completed a case. Suzi from AWAIC might know more. She thought the statute creating the review was only for the municipality; to take it statewide the Commission might recommend a statute to access state data.

Barbara said that in what she had read about fatality reviews, states that implement these reviews typically only look at a few cases a year, and are confidential. Findings are reported out with sanitized information so that they cannot be traced to one particular case, to maintain family privacy. The knowledge gained was more qualitative than quantitative because not many cases were looked at. The idea is to identify what went wrong in that case and how similar failures could be prevented in the future.

Susanne wondered how many DV fatalities in Alaska occurred each year. Troy said that was something AJIC looked into for the report coming out soon— it will be published in the very near future. They looked at data from 1976-2016. The report might not be published by the next meeting but he could let staff know if it wasn't.

Brenda said that if the information was gleaned from the supplemental homicide report, it might not be all-encompassing. Troy said it was a flawed data source; there are codes for relationships, but the data collection may not be entirely reliable. It would provide a minimum number, but doesn't capture all cases. Data often isn't updated during the course of an investigation if a relationship is not inputted immediately. This was a nationwide problem, not just in Alaska.

### **Future Meetings and Tasks**

Sean said that the group would keep the next meeting date (April 27) for now.

Brenda noted that CDVSA just finished hosting four statewide stakeholder meetings to determine their future course of action. It would be good to cross reference what they're doing at the next meeting.

## **Public Comment**

There was an opportunity for public comment but none was offered.