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Alaska Criminal Justice Commission

# Domestic Violence Workgroup

**Meeting Summary**

**Friday, June 5, 2020, 10:00 a.m.**

Via Zoom

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<u>Commissioners Present</u>: Sean Case, Brenda Stanfill

<u>Participants</u>: Troy Payne, Laura Brooks, Avi Sloane, Colleen Ouzts, Tory Shanklin, Charlotte Rand, Suzi Pearson, Rachel Greenberg

<u>Staff</u>: Staci Corey, Teri Carns, Barbara Dunham, Susanne DiPietro

**Follow-up from last meeting: Fairbanks PACE DV Program**

Commission research analyst Staci Corey explained that there had been some additional questions at the last meeting regarding the pilot DV PACE program in Fairbanks, and she had followed up with Sheri White, the lead PO for the program. The group had wanted to know about the number of referrals to the program. PO White had some numbers but never a final report was never requested. Between January 2012 and August 2013 there were 134 referrals. There were 39 people accepted into the program total. Three people out of the total 39 in the program had committed a violent re-offense, two of whom were absconders from the program at the time of the offense.

APD Captain Sean Case, Commissioner and workgroup chair, wondered why referrals went down over time. Brenda Stanfill, Commissioner and executive director at the Interior Alaska Center for Nonviolent Living in Fairbanks, explained that the DA in Fairbanks at the time did not like the program, and started using it as a bargaining chip to get people to agree to plea deals.

Sean wondered if there was any information on the 37 of 39 who completed the program. Brenda said she recalled a presentation from the AG's office that showed the results were promising despite low enrollment numbers. She thought the results might be out there somewhere, even though there was no final report. She suggested following up with the AG's office.

Sean wondered what the core components of the program were. Brenda noted that like the regular PACE program, which is used for other types of offenses around Alaska, the idea was to have swift and certain consequences for program violations. The program had MOAs with various organizations. Brenda's organization provided victim services, and made sure the participant attended the program. The PO made the decision when the participant could move back home. A lot of participants were third-time offenders (felony level). They had been ordered to DV programs before and this program was the first time anyone got through to them. She heard positive feedback from the participants. It would be interesting to know what happened to the participants between program completion and now.

Charlotte Rand from the Department of Law said she could check to see if there was any more information on the program. Brenda suggested asking if there was a final report.

Sean asked why the Fairbanks DA hadn't liked the program. Brenda said that the DA had not been shy about expressing his opinion on the matter so she didn't think she was divulging anything not public.

Essentially he did not believe in programs, and thought there was too much programming for the participants and the requirements were too onerous. He also thought there was too much paperwork involved.

**Pennsylvania Lethality Assessment Program**

Staci explained that Brenda was interested in learning more about the Pennsylvania Lethality Assessment Program (LAP), and Staci had sent the group a memo about it. It started in Pennsylvania in 2012, based on a Maryland program started in 2005. Law enforcement officers responding to a DV call complete an 11-question screening tool for the victim, a process that takes less than 15 minutes. It is different from the ODARA in that it focuses on the risk of lethality for the victim rather than the risk of reoffending for the offender.

The program began as a pilot program in 12 counties with 20 law enforcement agencies. The program is now being used in 49 out of 67 counties and by 360 law enforcement agencies. The Pennsylvania Coalition did a study looking at the program's outcomes over five years, between 2012 and 2017. In that time there were over 14,000 screenings, 69% of which were assessed as high danger. Of those assessed as high danger, 63% spoke with an advocate, and 63% of those people accessed services. Law enforcement agencies not participating in the LAP expressed concerns about a lack of ancillary services in their area, and the added time to complete the assessment. Crime solutions also did a study based on a similar program, which it found promising within a 7-month follow-up period.

Staci explained that her research on this had been somewhat brief, so if the group wanted to know more, she could try to get in touch with people involved in the LAP. She noted the same tool is also used in other locations, and some locations have blended using the LAP with the ODARA.

Sean wondered if the study look at the demographics of the offenders, and whether there were any potential racial disparities in how the program was implemented. Staci said she did not see anything on that in the report, but could try to look into it. Brenda wondered whether the tool might be used in a court setting, and Staci said she could also check on that. Brenda thought that would be helpful. She liked that the program connected victims with services but was interested to know how it would impact victims going forward.

**Draft Workgroup Recommendation: Bail Conditions**

Commission project attorney Barbara Dunham explained that she had circulated two draft recommendations based on discussions at the previous meetings.

The first draft recommendation was to make bail conditions accessible to law enforcement officers statewide. Barbara noted that this recommendation was nearly complete, with a couple of outstanding questions. First, she wondered whether the group thought this recommendation should be directed at the legislature, which could pass a law requiring courts to enable this, or the court system, which could adopt a court rule to require all courts to enable this. She also wondered whether the recommendation should specifically recommend the Fairbanks model as a model for this type of information sharing or whether it should be left open as to how to achieve the desired outcome.

Susanne DiPietro, executive director of the Alaska Judicial Council and staff to the Commission, suggested checking in with the court system. She understood that in the past, expanding the Fairbanks model wasn't feasible for other places. It may be possible to do now with efiling. Teri Carns, research analyst with the Judicial Council and staff to the Commission, said she thought that was one goal of the move toward efiling.

Brenda said she knew that the court system receives federal funds each year for the STOP program, and wondered if those funds could be used to enable this project. Susanne noted those funds have been used for training in the past. In any event, the court system should be involved.

Brenda said she knew that cost had been a concern about making this happen in the past and she had mixed emotions about that. She thought this recommendation needed to be made, without worrying about whether we can afford it. Susanne agreed, but thought it would be good to get more information from court system.

Sean thought the Fairbanks model would be challenging for remote locations. He thought the group could agree on the basic idea, but that the model might have to be different for different districts. He agreed it would be beneficial to reach out to the court system.

Susanne said she could reach out to the court system after this meeting to get their input. She thought the group could still push out this recommendation and didn't need to wait for that input. Sean agreed, and thought that the recommendation should be made to the legislature. He asked if there was any objection to moving this recommendation to the full commission, with the understanding that the recommendation will be made to the legislature, and the Commission will get more information from the court system before the full commission meeting. There was no objection from the group.

**Draft Workgroup Recommendation: Coordinated Community Response (part 1)**

Barbara explained that this draft recommendation was much more of a draft than the first recommendation. The ideas discussed around Coordinated Community Response (CCR) in the group had been less defined, but she tried to include the ideas the group had been discussing.

Sean wondered if the Fairbanks DV PACE pilot project would be considered a CCR-type project. Brenda said the national model for CCR was a planning group, and involved doing research, trying to get a sense of the numbers involved in DV cases in the given area. Data collection was a big part of the CCR group in Fairbanks, as well as the confidentiality piece, so that members of the group could share information. She thought that addressing those two pieces would be helpful in organizing a CCR team. The recommendation should enable CCR efforts that have teeth.

Sean noted that Dr. Troy Payne from UAA/AJIC was planning to talk about data next, and he suggested that the group hear from Troy first, then come back to discussing the CCR idea.

**Data**

Troy noted that data access is always an issue. He was particularly concerned that if the Commission winds down, he and other researchers will lose their ability to maintain access to data. When agencies are willing and able to partner with researchers, they can do some pretty great things, which is what AJIC is doing with APD now.

APD gave AJIC information on cases for the last 20 years (1/1/2000-12/31/2019) that were flagged as incidents of DV by APD officers. (They haven't negotiated getting data for this year but AJIC would be interested in looking at it given COVID.) The data set includes reports of over 90,000 incidents, which average to about 13 per day. The data includes information on anyone attached to the reports, demographics, and how often there are repeat arrestees.

Troy explained that he would be able to give a more formal presentation later, but could share some preliminary data. The data show that one third of arrestees are arrested more than once, and two thirds of

arrests are repeat arrestees. That concept is a little hard to wrap your brain around, but it mirrors what researchers see in other domains. A smaller number of people draw attention on a repeated basis, and a larger number don't.

Troy noted that because the data set spans 20 years, they could look at whether victims later become arrestees. The data show that about 40% of arrestees have also been victims, but he has not yet done the analysis to know the timeline on which that happens. The data also show that both arrestees and victims are disproportionately nonwhite. The average age of arrestees and victims is around 32. One third of victims are male, while 70% of arrestees are male.

Troy explained that they have a large amount of information, and are just starting to get into the data. They will issue reports over the summer/fall. He encouraged members of the group to ask if they specific questions related to the data, whether now or later. One thing they are not able to answer is the relationship between people involved in an incident. That data is not captured. It's a limitation because the DV statute is so broad, it can include a variety of situations/relationships.

Troy noted that AJIC's researchers have a lot of work ahead of them; Avi Sloane is doing most of the analysis. For this group and its recommendations, the key is that they can't do any of this work without access to data from the agency. He though that was a role this group can play in terms of coming up with a recommendation.

Sean noted that the relationship between individuals involved in a DV incident was something he would like to see APD start reporting. In looking at other agencies around the country, a lot of other places report based on relationship- e.g. assaults/crimes with intimate partners. That will require a change in how APD does its reporting, and getting officers to understand value of the information. Troy noted that it is always hard to compare data across jurisdictions, and there are many different definitions of DV. At the reporting stage, it might not be clear what exactly what the relationship is, and it could be difficult to ensure accuracy.

Sean wondered whether the data allowed AJIC to differentiate situational violence from violence as part of a pattern of power and control. Troy said probably not. The data can tell that an incident happened but can't say why. They might be able to make some inferences. For example, if the same victim and suspect come to APD's attention frequently, and if the roles of victim and suspect switch frequently, that is probably situational violence. Also it might not be an either/or situation, both dynamics can be true within this population.

Sean asked whether the data on gender and race were consistent with what AJIC has found before? Troy said yes, those data track previous studies pretty closely. People involved in these cases are disproportionately Alaska Native or black, and 70% of arrestees are male. AJIC will also be breaking down offenses by demographic, which will show things like whether women are being arrested for the same crimes as men.

Sean said the statistic that jumped out to him the most was the fact that 40% of arrestees have also been victims. That lends some credibility to the idea that responding to just one individual or looking at an individual just one way is not enough. The programming approach has to be holistic, looking at the entire environment and relationship. Troy said that of all the people in the dataset, 80% have been in more than one role, whether as an arrestee, victim, witness, of "person mentioned." There are a variety of patterns e.g. a person who is a victim as a child is later arrested as an adult.

Tory Shanklin of Victims For Justice asked whether, during the 20 years the data was collected, mandatory arrests were always in place. Sean said yes, virtually all the same statutes were in place all 20

years. Troy noted that one thing that has changed is society's perceptions of DV, which could influence an officer's behavior, or practices, including even just whether they are checking the DV box.

Brenda noted that DV advocates often talk about resistive/reactive violence. She wondered whether there was any way to look at the 40% of arrestees who have also been victims to determine how many times they might have been a victim before becoming an offender. Troy said yes, there are dates associated with all incidents/arrests. AJIC can figure out when people change roles.

Brenda wondered if there was also way to see whether a screening had been done for determining who is the primary aggressor. Troy said he didn't have that information. He also wanted to note all this is very preliminary, and that AJIC will be able to report things much more clearly in coming weeks/months.

Brenda wondered whether similar information could be obtained from other agencies. Sean said he would hope so. The data AJIC was looking at comes from APDs reports—they are not looking at narratives, but data from check boxes. For other agencies, it would depend on their reporting system. He assumed that other agencies would have similar systems as APD; it would also depend on when the agency started doing electronic reports.

Brenda also wondered whether there was any way to tie the APD data back to Department of Law data, to look at charging decisions and court case outcomes. Troy said that working with Dept. of Law data is difficult. They changed data systems recently. From July 2014 onward the Commission does have court system data, and it would be possible to link that data up with the APD to see what charges were filed in court. There is a step in between of what happened with the prosecutor, and that would probably mean making some guesses. That process could be error prone. Troy would be interested in doing that in a second stage of analysis. That would be another plug for the Commission, since AJIC would not be able to do any linkage analysis without the Commission's statute mandating the sharing of this data.

Brenda asked whether, if the Commission goes away, the agencies wouldn't have to give information to anyone. Susanne said yes, although she was not sure how a repeal of the Commission's statute would work. Also if the Commission goes away, the legislature can take that statute and have another group collect the same data. Troy added that it was not necessarily the case that the agencies are reluctant to share data, but having a state statute that authorizes the release of information makes it easier for the agencies to share CJIS data, because of the way the CJIS statutes are written. The presence of a statute makes things much easier for agencies, and less risky for audit purposes.

Sean wondered whether the APD data could be linked with the prosecution data for municipal prosecutors. Teri said that the Judicial Council did get some of that information from Seneca Theno a couple of years ago, and offered to look that information up and provide it to the group.

**Coordinated Community Response (Part 2)**

Sean thought Troy's data was interesting, and gave him some things to think about. He would love for the CCR recommendation to be more directed, and thought it might be hard for the legislature to wrap its arms around if left vague. He thought the workgroup may need to refine what the recommendation was asking for so the legislature really knows what the Commission wants it to do, including thinking about funding. He asked for the group's thoughts on how to refine the recommendation.

Brenda said it might not necessarily need funding; in Fairbanks, the CCR team there found that they didn't necessarily need funding, because the people involved were already doing the work. What was needed was data. For example, they didn't even know what the general rates of DV are in Fairbanks. Maybe funding could go to something like AJIC to get that data. The other important piece was the confidentiality

piece; without it, people didn't want to be honest about what their agency was doing. She thought the recommendation could just focus on the pieces that CCR needs to survive. Funding might go to a place to collect and organize data.

Tory said it made sense to focus on the data piece, as it was hard to conceive of what the recommendation was specifically talking about regarding a CCR effort and what it would look like statewide.

Sean said he was hearing that there needed to be more work done on this recommendation, and asked if anyone wanted to push it forward now; the group agreed to keep working on it.

Brenda thought that at a minimum there should be something in place so that people working in the DV field can be informed about what is going on in the community. For Fairbanks, she has been going to the courthouse to look up cases and looking at the police blotter every day to get a sense of the numbers. If the Commission really wanted to make changes, practitioners need to understand that data. Sean agreed, noting that it can be difficult for one agency or organization alone to wrap its arms around the data.

Troy agreed, saying one way to get the data would be to require agencies to report all DV incidents. The lack of data is hard for practitioners, it took APD some time to figure out how to extract its data and not every agency has APD's resources. It is difficult because of the way the statutes are structured; there are no specific crimes of domestic violence, but rather underlying crimes such as assault are just given a DV flag. That flag doesn't specify the relationship involved in the offense. Also because Alaska is a mandatory arrest state, if a crime is charged with a DV flag, someone has to get arrested. That might affect how officers are classifying things on the ground.

Susanne asked whether it would be helpful to be able to distinguish intimate partner violence from other types of DV, or whether there was an issue with the flag. Troy said that the various indicators of DV don't always agree- e.g. at arrest, court filing, or disposition, there might be a DV flag associated with a case but it might not be flagged that way at each step. There are reasons that may be, such as new information coming to light about the relationship. Susanne noted the burden was on the prosecution to decide whether the DV flag applies and that there are times when the DV flag can drop out as part of a plea deal.

Tory said that a lot of victim's rights statutes are based on whether a charged crime is flagged as a DV crime, so if there is a change in the definition of DV, it would affect access to those rights.

Brenda said she was not thinking of changing the definition, but noted that strategies are different for different types of relationships. She didn't see the DV flag drop very often in Fairbanks; she thought that Law does occasionally drop the flag if the plea agreement drops the offense to one that can't be DV-related. She didn't often see them just taking the flag off. There just needs to be a way to capture the data. It doesn't necessarily have to be collected in real time, but she collects data every day because information can disappear. Once a year, she tries to put together a picture of what happened. It takes hours. Also she is not considered a neutral party. It would be so much better to have that data collected in an organized way.

Troy suggested discussing this offline further, as the Commission may already have some data that could be helpful just using what is regularly provided to the Commission.

**Future Meetings and Tasks**

The group agreed that the conditions of release recommendation was ready to go. Susanne offered to get Teri, Troy, and Brenda together to come up with an approach for data collection before the next workgroup meeting, which was set for Monday July 13.

Brenda said she had also been talking with CDVSA, which was looking at BIP models but has stalled a bit with the pandemic. Diane Casto of the CDVSA wanted this group to have BIPs on its radar, as there would be a better chance of coming up with an evidence-based BIP with the Commission's backing. Sean agreed to put BIPs on the agenda.

**Public Comment**

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