

Alaska Criminal Justice Commission
Domestic Violence Workgroup

Meeting Summary

Tuesday, June 22, 2021, 10:00 a.m.-12:00 p.m.

Via Zoom

Commissioners Present: Sean Case

Participants: Katie TePas, Troy Payne, Tory Shanklin, Suki Miller, Laura Brooks, Rhonda Street, Malan Paquette, Karl Clark, Marlene Mack

Staff: Staci Corey, Teri Carns, Barbara Dunham

Introductions

Anchorage PD Captain Sean Case, Commissioner and workgroup chair, said that the bulk of the meeting would involve looking at the draft report that Commission project attorney Barbara Dunham had sent to the group. He noted that this would be the last year to make recommendations from the Commission, and there would be an opportunity to do so in this report.

Draft Report Discussion

Introduction

Ms. Dunham explained that she encouraged comments of any kind, including on the report's presentation and layout, because the more visually appealing the report was, the more people would read it. Katie TePas from the Alaska State Troopers (AST) said that she had looked over the report and had some comments on wording which she would send separately. She noted that in the introduction to the report, the definition of domestic violence did not include all relationships covered under the statute; the group agreed adding the language "including but not limited to" would help clarify this.

Data section

Ms. Dunham said that the first substantive section, "Domestic Violence In Alaska by the Numbers" was dedicated to data available on DV in Alaska. Most of the data that had previously been published on DV, along with some new analyses from the Commission and from the Alaska Justice Information Center (AJiC) were included in this section. Ms. Dunham noted that the report did not include all the data available, so if the group was interested in other data it could possibly be included.

Data section - Victimization

The first part of the data section looked at victimization in Alaska, specifically looking at the data from the Alaska Victimization Survey (AVS). Ms. Dunham said there was a lot more in the AVS than what was included in the report, and wondered if there should be more included. Ms. TePas said the AVS would soon be updated with data from the 2020 survey, and wondered what the timeframe was for the report. Ms. Dunham said that she had heard that Dr. Ingrid Johnson, who was doing the 2020 analysis, was anticipating

releasing results in mid-September. There was no particular deadline for this report, and if the intent was to have something like a complete record of all aspects of DV in Alaska, then it might make sense to wait on publishing to be able to include the updated AVS data. Ms. TePas thought it would be better to wait and put the update in. Commissioner Case agreed, saying he knew there was a lot of interest in the 2020 data, particularly given the effects of the pandemic.

Data section – Reports to Law Enforcement

Ms. Dunham said that the second section looked at reports to law enforcement. There are two sources for this data, one study from the UAA Justice Center on reports to AST and the analysis on reports to APD that AJiC had presented to this workgroup. AJiC Director Dr. Troy Payne noted that the study on reports to AST had been referred to as “rural” but this was not really accurate as 40% of those reports were from Palmer and Fairbanks, which most Alaskans would not consider rural. This reference was removed.

Laura Brooks, Director of Health and Rehabilitative Services at DOC, agreed with Commissioner Case that it was important to emphasize the fact that, of the reports to AST, 36% involved a suspect who had previously committed at least one other DV incident against the same victim.

Ms. Dunham said that while the draft report had stated that of the suspects in the APD data, 40% had also been a victim. AJiC had not actually done that analysis, so she removed that statement from the draft report. Dr. Payne said that after reviewing the draft report he and his colleague couldn’t find that analysis. Commissioner Case said he remembered talking about something along those lines at a previous meeting. Dr. Payne said AJiC staff would take a look at their data to see if they could do the analysis.

Data section – Case Processing

Ms. Dunham said that the next data section looked at case processing for DV. Data from the court system showed that statewide, the number of DV cases and the share of DV cases had increased in recent years. Ms. TePas said that for this data it would help to have it broken down by region, especially if communities are looking to add coordinated community response teams. Commissioner Case agreed, noting that one thing nice about this group is that people from all over Alaska can use this group for information; when started this group there was a lot that was unknown, and this groups has pulled information together.

Ms. Dunham explained that she had provided the group with supplementary information on protective orders, and wanted to know whether the group thought any of the information should be included in the report. One thing that stood out to her was that there were thousands of protective orders filed for every year, with relatively few violations charged. There was also a lot of difference in the number of violations charged per location, with relatively few charged in locations such as Anchorage. And there was change over time in some locations, with the number of violations charged decreasing significantly in Juneau in particular.

Commissioner Case said he was interested in comparing the violations charged and filed with the number of arrests for violations; he thought there would be more arrests than violations. Ms. TePas agreed, and noted that in 2020, it would be expected to see lower numbers, because there were fewer DV reports generally during the pandemic. Some people were not reporting because they did not want their partner to go to jail during the pandemic.

Ms. TePas also noted there was a difference between long-term orders and 20-day orders; and would expect fewer 20-day orders compared to long-term orders. Ms. Dunham said that the reported data

from the court system did not break down protective orders by the type of order, but it was possible the court system had that information, and that was something she could ask about.

Marlene Mack, victim service provider at ANJC, said that in her experience victims can be unsure of how/when to report violations, and also agreed that some people may not want to report their partner because they didn't want them to go to jail.

Ms. Brooks agreed that 2020 might be an anomaly, and she was also curious what happened in Utqiagvik that saw such a dramatic increase in violations filed in FY 17. She thought that if she was in one of these communities, she would find this information useful. Dr. Payne suggested that the change might be due to certain repeat offenders; if one person was repeatedly charged with multiple violations of the course of a year, that one person could really bump the numbers.

Tory Shanklin, Executive Director of Victims for Justice, said that while generally she was a fan of data, there were a lot of caveats to the protective order data, and she wanted to make sure the data was presented so they would not be misinterpreted.

Ms. TePas said that the regional protective order information could also be used by those communities to what might be needed for a coordinated community response. Protective orders offer people some protection, and if people are filing for orders but there are few violations, that could be something the community wants to dig into. The report might say something like: we don't have all the answers, but here's something your community could look at.

Dr. Payne said that there could be multiple explanations behind the data, noting that some locations have stable numbers, while some are all over the place. Paperwork handling could vary according to location, as could collaborations between law enforcement and DOC. He suggested just reporting numbers of orders filed for and numbers of violations charged. Communities could use that information to determine what's important to them.

Suki Miller, advocate at STAR, said she was in favor of noting that these numbers include repeat violations. If communities know they may have a couple of people who are responsible for the majority of the violations, they could improve or target their response more efficiently.

Ms. Dunham suggested adding more information about this to the narrative of the report, and putting the comparative location data in the appendix. On that note, Ms. TePas thought the narrative on page 8 that explains what protective orders do was too simplistic.

Regarding data on DV case dispositions, Dr. Payne suggested putting more information in visual form in order to compare DV case dispositions to non-DV case dispositions; it was better not to make the reader do the math.

Data section – Rural Alaska

Ms. Dunham said that a lot of the information in this section came from news articles from the ADN collaboration with ProPublica. Ms. TePas wondered if news articles should be cited in a data section. Ms. Dunham said that the reporters for those articles had consulted with the Commission on how to look at Alaska data. Some of the information they have reported is not available in other formats. Dr. Payne thought that it was fine to cite to news articles for the facts they contain. However he did not always agree with their tone, and thought that saying that some villages had no law enforcement presence "whatsoever" was too absolutist.

Ms. Shanklin wondered if there was any language or data from the federal MMIP working group that could be cited for this section. Ms. Dunham said she could ask. Ms. TePas thought that was a good idea; there was a lot of money coming into the rural areas from federal funds. She also noted that AST has updated VPSO #s, which she could provide an update on just before publication.

Ms. Dunham noted that the data section concluded with some data on recidivism. She noted that comparisons to national data hadn't been included, and wondered if the group had any thoughts on that. Dr. Payne thought that it would involve going down a deep rabbit hole, and it was probably better not to. Ms. Mack agreed.

Pilot Projects

Ms. Dunham explained that the next section of the report looked at pilot projects that had been tried in Alaska. She had tried to include all projects that the group had discussed and any other projects from Alaska in the last 20 or so years. She encouraged group members to let her know if there were others that should be included.

One of the pilot programs was the Alaska Domestic Violence and Sexual Assault Intervention Program (ADVSAIP), which Ms. Shanklin explained started as a state project, then became more of an Anchorage-focused project. Ms. Shanklin said that ADVSAIP does provide emergency financial assistance, though right now it's only for the Anchorage area. She thought there might be a report put out a couple of years ago on the project but she was not sure about that report's reliability.

Ms. Miller added that the ADVSAIP was a half-municipal, half-state project, and the state later dropped out. She thought it might still have some funding for statewide services through CDVSA, but that was something to double check.

Rhonda Street noted that the program had two DV investigators and two compliance officers, and it looked like the report merged the two positions. Ms. Dunham said she would fix that and email Ms. Street to verify the information.

Ms. Dunham noted that another of the pilot programs was the Fairbanks Coordinated Community Response Project, which was left blank. She had received information on that project from Brenda Stanfill and would add it to the report.

There was also a separate Fairbanks DV probation project. Ms. TePas thought there might be some data from that project. Dr. Payne said it had been analyzed by a former UAA researcher but not published, and he had already tried reaching out to that person and received no response. Ms. TePas said she would try to ask Dr. Andre Rosay about it. Teri Carns, researcher for the Alaska Judicial Council, suggested asking Judge Seekins about it as well. Commission research analyst Staci Corey said that the PO on the project had sent her some internal progress reports.

Best Practices

The next section of the report looked at best practices from around the U.S., most of which had been discussed in previous workgroup meetings. Ms. Dunham noted that there was a section on fatality review teams, and that DPS had announced it would form such a team earlier in the year. Ms. TePas said that given the change in leadership at DPS, they were in process of reevaluating things, so she would double check with the Commissioner's office to see if that was still the plan.

DV courts were also included in this section. Ms. TePas mentioned that the Department of Law had been doing some tribal diversion in some communities; she was not sure if they had data, but suggested adding some information on that. Ms. Carns suggested contacting Rob Henderson who had been the point person for that project at the Department of Law for more information. Ms. TePas suggested also reaching out to the department to see what was currently operating.

Current Response –Mandatory arrest

Ms. Dunham said that the next section looked at Alaska’s current response to DV. This section began with a description of mandatory arrest. Ms. Dunham said that the academic consensus around mandatory arrest was that on the whole, it might be more harmful than helpful, and it had been suggested that the report could be worded to more clearly suggest that.

Dr. Payne said that AJiC had presented on this topic to the group. Overall, some studies show a small positive effect, but studies also show an increased failure (re-offense) rate for unemployed and African American suspects. Mandatory arrest policies also make victims less likely to report offenses, an effect that can be exacerbated in nonwhite populations. They can also lead to more dual arrests (arrests of both parties), and are associated with less victim satisfaction. In short, mandatory arrest can be a real mixed bag. Its impact on unemployed people is significant, as it increases re-arrest by almost a factor of two. The academic consensus is that it is not great.

Ms. TePas said that in the absence of Alaska-specific data, she thought the current wording of this section was sufficient. Dr. Payne noted that it was not possible to conduct a study in Alaska given the statute. Ms. TePas wondered if that was something this group could recommend. Dr. Payne said the original Minneapolis study that inspired nationwide mandatory arrest policies was a randomized control trial, allowing comparisons between cases where the suspect was arrested and cases where the suspect wasn’t arrested that had similar criteria. This allows the researchers to look at the impact of arrest. That couldn’t be done in Alaska right now because the current law requires arrest, and researchers can’t just ask police not to arrest a portion of suspects. That said, he thought this might be an area where Alaska is not all that different from other places, so an Alaska-specific study might not be strictly necessary. The study by Maxwell et al., cited in the report, studied multiple jurisdictions, and was a fairly solid study. He recognized that this was a difficult topic and the statute was unlikely to change.

Ms. Shanklin asked whether there was any data on the number of times officers call prosecutors to get an override of the mandatory arrest policy. Ms. Dunham said that when prosecutors had spoken with the workgroup, they reported anecdotally that it was rare; she could try asking prosecutors if they have any data.

Commissioner Case said he didn’t think anyone wanted to try to recommend changing the statute, but since we know of the negative impacts, there might be ways to try to minimize those impacts, and it might be beneficial to include some of that information. Dr. Payne said that was a fair point, particularly for unemployment. It was hard to say whether the data about impacts on the nonwhite population would translate to similar impacts to the Alaska Native population. That tends to be the case in other areas but there was no way to really know.

Current Response –VOCA, Tribal resources, Shelters, VCCB, Prevention

Ms. Dunham noted that the section on victim advocates included a mention of the recent issue with VOCA funding. Ms. Shanklin said she could send some information. The cut this year will be a 5% cut

rather than the 30% that had been announced. A permanent fix to the federal funding will take a while to go through. Ms. TePas suggested asking Diane Casto from CDVSA about it; she knew that there was also a plan to try to use CARES act funds to bridge the gap. Ms. Brooks agreed, saying CDVSA had been doing a lot of work to minimize that impact.

Ms. Dunham said she had also included information on tribal service providers for victim advocacy services. Ms. TePas and Ms. Shanklin suggested checking in with Tami Jerue at the Alaska Native Women's Resource Center, Ingrid Cumberlandidge with the MMIP project, and the Alaska Native Justice Center to double check this section.

Ms. Dunham said there was a section on shelters, and she wondered if this should be folded into the section on advocates. Ms. TePas noted that not all places have an actual shelter; in some locations, advocacy services will put people in hotels. She wouldn't necessarily say there were shelters in every area with an ANDVSA organization, and there were other ways to get housing too, including supportive housing programs and the housing voucher program. Finding housing was the number one concern for many victims. Ms. Dunham said she would expand the section to cover the concept of shelter more broadly.

Ms. Dunham noted that there was a section on the VCCB, which requires victims to report to and cooperate with law enforcement to be eligible for compensation. Because not all victims want to report to or cooperate with law enforcement, this was not necessarily a victim-centered approach, and it had been suggested that this report recommend changing the eligibility. Ms. Shanklin noted that the requirements were linked to federal funding, and also noted that this was partially a practice issue—how the incident is reported by law enforcement matters. She was not sure if the law could be changed. In the past Alaska has allowed some wiggle room, other states have been more strict about the interpretation to the federal requirement. The report could try to recommend using broad interpretation. Ms. TePas thought it was worth exploring, and agreed it could also be a training issue—officers should know that the impacts of their report are broad.

Ms. Dunham said the section on batterer intervention programs (BIPS) needed some more information on programming specifically for Alaska Native people. Ms. TePas said she knew there was a lot of information on the Family Wellness Warriors, it was just a matter of finding it. Commissioner Case said he had a meeting lined up with SouthCentral Foundation and could ask, and Ms. Shanklin suggested talking to Polly Andrews there.

The final part of the current responses section looked at prevention. A lot of this information had already been reported in the Commission's annual reports. Ms. TePas suggested verifying this information with Ann Rausch at CDVSA, and noted that also the Pathways leadership committee. Outside of CDVSA there were programs from DHSS and the Department of Education including the 4th R program and the requirements of the safe children's act and Bree's Law.

Recommendations

Ms. Dunham noted that the conclusion emphasized some of the points that had stood out to Commissioner Case, and made some recommendations painted in broad strokes. Ms. TePas noted that one of the recommendations was for a crisis response and swift consequences for transgressors, and recalled Commissioner Case's note that misdemeanor cases take too long to resolve. She wondered whether DV courts could move more quickly, and wondered if that was an idea to flesh out. She thought most people were aware of how long cases take to resolve, and wondered if a more concrete recommendation was

possible. Commissioner Case suggested getting more research on DV courts. Ms. Brooks noted that specialty courts are not cheap; they take a lot of buy-in and can be a heavy lift to get started. That was something to take into consideration. Not every community has the resources to stand that kind of thing up. It was a sound idea, but she suggested being prepared for questions along those lines.

Public Comment

Malan Paquette from Anchor Point said this discussion brought up a lot of thoughts related to growing up in Alaska. She was not sure what the discussion on the VCCB was about but from her interaction with them, it was like dealing with an insurance company. They were poking into her claims like an insurance company—“why do you need help?”. The process was absurdly difficult, and you really need an advocate or attorney to help you. She also suggested that the VCCB change the cover of its brochure. She had heard they were going to revise it and she was looking forward to that. More broadly, Alaska is massively underserved. It was important to connect people to resources. There is a state directory, and she would encourage each agency to look at how they are presented in there. She hoped this report would help people make informed decisions. She noted that she had a booth at the Anchor Point farmer’s market with information for victims of fraud.

Future Meetings and Tasks

Commissioner Case suggested that after Ms. Dunham amended the report, the group could have more of a conversation on recommendations. The next meeting was set for July 8th at 1 pm.