

Alaska Criminal Justice Commission  
Domestic Violence Workgroup

Meeting Summary

Wednesday, September 16, 2020, 10:00 a.m.

Via Zoom

Commissioners Present: Sean Case, Scotty Barr

Participants: Diane Casto, Kimberly Myles, Troy Payne, Katie TePas, Tory Shanklin, Charlotte Rand, Becky Tuominen

Staff: Staci Corey, Barbara Dunham

**Introductions**

Commissioner and workgroup chair Sean Case asked if there were any corrections for the meeting minutes for the June and July meetings. There were none.

**Update: Bail Conditions Recommendation**

Sean explained that the bail conditions recommendation went to the full Commission, was modified slightly after the first meeting, and was approved last week. The revisions addressed objections from court system, explaining that the Fairbanks model is costly and staff intensive for the court system. The recommendation was also revised to add that state agencies and the court system should work together to find a solution.

**Workgroup recommendation: Coordinated Community Response and High-Risk Response Teams**

*[Information included on the agenda:*

- *Coordinated Community Response Team: A multi-disciplinary gathering of professionals who work with domestic violence cases in a given city or town.*
  - *Reviews available data, identifies long- and short-term trends*
  - *Addresses systemic issues, implements policy changes*
  - *Members can include all professionals working with DV such as advocates, prosecutors, probation officers, public defenders, law enforcement officers, judges, and healthcare workers*
  - *Variant: Fatality reviews*
- *High-Risk Response Team: A group focused on individual cases that are at risk for extreme violence.*
  - *Immediate and ongoing response to people harmed by domestic violence*
  - *Cases identified using a lethality or risk assessment tool*
  - *Members are people in a position to help those harmed by domestic violence such as advocates, social workers, and healthcare workers]*

Sean explained that the recommendation the workgroup had approved on CCR teams was circulated to the full Commission, and he got a lot of questions beforehand, with feedback from some Commissioners that they thought the recommendation was too broad. He decided to withdraw the recommendation.

Sean said there were two avenues for multidisciplinary teams. He knew that former Commissioner Brenda Stanfill had been excited about how the CCR team worked in Fairbanks. This group had also expressed interest in the idea of a high-risk response team, which would incorporate a lethality assessment or ODARA. He wondered which avenue the group wanted to prioritize from a statewide perspective. Over the course of the last year the group has had a lot of presentations relating to both.

Katie TePas from DPS said that from a law enforcement perspective, she would prefer a high risk team. She also thought that a coordinated community response team would allow communities to have their own decision about what they need, and they could also individually decide to do high risk.

Sean asked Katie about the lethality assessment, a copy of which had been circulated. Katie said that the instrument she was familiar with was different, and was called the Danger Assessment for Law Enforcement (DALE). If the case gets a certain score, it would trigger team members meeting with the victim. DALE yields about 30% of cases identified as high risk. Implementing its use would require staffing, and agency participation. She didn't remember how often the DALE team would meet. Sean asked whether it was primarily victim-focused or whether any component was offender-focused. Katie said it was victim-focused. One question was whether the score could be used to set bail conditions; the group would need to talk to Law about whether that would be admissible.

Diane Casto from the Council on Domestic Violence and Sexual Assault (CDVSA) said she thought the group should decide whether the focus should be on victims or perpetrators. CDVSA is trying to improve perpetrator services. A high-risk response team could put some additional force behind getting a perpetrator to get services and follow through on certain obligations. If that would not be part of the team, she would want the group to explore perpetrator issues separately.

Sean said there were two kinds of assessments; lethality assessments were more focused on the victim and the ODARA was more focused on the offender. He knew from Dr. Troy Payne's work on APD's data, a lot of the same people were repeatedly involved in these cases, and some alternated between being victims and offenders. He asked Troy whether he had any opinion on which assessment would help look at cases more holistically.

Troy said he would be cautious about using a risk assessment geared toward assessing risk to victims to also focus on offenders. If a tool is not validated for that purpose, using it would be risky. Generally, you want the risk assessment to predict the thing you're trying to prevent. He suggested looking at the purpose of the team or project. If it was to direct resources toward victims, the project should use the lethality screen. He had not done a deep dive into risk assessments. He was still working the APD data, and didn't want to get into findings yet. Generally speaking a risk assessment tool can improve the accuracy of professional judgment. He would suggest not getting too concerned about which assessment is absolutely the best, one would not necessarily be better than another, so long as it was validated for the purpose for which it was used.

Katie said she had emailed the group a model assessment that could be used, in which a certain score leads to a follow-up call. She wondered whether there were two paths. One would be to use a lethality assessment in the field to assist the victim, then as part of the broader response post-arrest agencies could use the ODARA. The workgroup could recommend both.

Laura Brooks from DOC said that she had been working with Diane to try to figure out how to bolster what DOC does for DV offenders in custody. She thought an assessment tool would be part of that. DOC's focus has been on DV programming, and she was less clear about DOC's history of using assessments in the DV context but felt that was a missing piece.

Diane said that there is an assessment component within the BIPs, but that is used after the person is already into the program, rather than to determine if the person is suitable for the program. She agreed there should be something for both victims and perpetrators. She wanted to make sure the group would be looking at both.

Sean asked where the CDVSA was at regarding changes to the BIPs. Diane said they were in the process of looking at the BIPs but COVID slowed that down. There are 3 institutional and 6 community-based programs, and all have issues in terms of being evidence-based and having evaluations/monitoring. CDVSA is going to put together a group to identify a new program and assessments and they are hoping to finish the project this year.

Laura said that once the best evidence-based BIP model has been identified, DOC's goal was to try to put it into all or most facilities. It will require an assessment to prioritize people on waitlists.

Sean noted that this workgroup had talked about several programs in this group, and wondered if CDVSA was looking at any of those. Diane said they have looked at a few programs. Most people are currently using the Duluth model or a modified Duluth model. In Juneau, they are using a program from Georgia, which has been successful. There also need to be programs that are culturally relevant. The regulations need to be updated because they are really outdated.

Sean said he was hearing that the group was interested in two different tracks, one on victims and one on offenders. He noted that the expertise within the group was in dealing more with victims.

Suzi Pearson from AWAIC said that AWAIC used to have a pilot program where they would respond to DV calls as they were happening. It was a research project to last three years and was a collaboration with APD & MOA. Once APD identified a DV case and who the victim was they would contact a hotline that was specifically for the victim, who would talk to an advocate for immediate intervention and support. If staffing was available then an advocate would respond in person to the call. She was not sure what the assessment instrument used was. The idea was to understand what victims needed and wanted. Eventually the project morphed into the Alaska DV/SA Intervention Project. There might be data on the original pilot project from 2007-2008.

Tory Shanklin from Victims for Justice noted that a meeting in that group was happening during the same time as this meeting, but the project looks very different now. Suzi noted that the grant had changed.

Tory recalled that this group had previously discussed mandatory arrests. Sean said the group had been talking about mandatory arrests in the context of diversion, and thinking about different types of offenders; some have been previously victims. He thought going in other directions might be easier, and accomplish more on the whole.

Katie said that SB 120, which had just been passed, addressed alternatives to arrest, and also altered mandatory arrest—using an alternative to arrest in a DV context where arrest would otherwise be mandatory has to be approved by prosecution. Laura thought that was a step in the right direction although she was concerned that the contemplated alternative, a crisis stabilization center, did not yet exist. Sean agreed that it sounded like it might be a while before the crisis stabilization centers were up and running.

Sean asked if anyone want to focus on CCR teams or if everyone was on board with focusing on high risk teams. There was no objection from the group. Sean said it sounded like Diane and CDVSA were working on the offender end of things, and thought this group should come up with an outline for the victim end: how an assessment should be used, what type of wraparound services should be provided, and what that would look like.

### **Public Comment**

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

### **Future Meetings and Tasks**

Sean said he would talk with Katie to come up with a more tangible proposal for a meeting in December. He would also reach out to other group members to get their input.

The next meeting was set for December 7 at 10:00.