

Alaska Criminal Justice Commission  
Domestic Violence Workgroup

**Meeting Summary**

**Tuesday, November 12, 2019, 2:00-4:00 p.m.**

Alaska Mental Health Trust Authority, Anchorage, and Teleconference

Commissioners: Sean Case, Brenda Stanfill

Participants: Katie Tepas, Rhonda Street, Becca Tuominen, Diane Casto, MaryBeth Gagnon, Rebekah Moras, Suki Miller, Lauree Morton, Charlotte Rand, Kimberly Miles, Colleen Ouzts, Sam Duke, Tory Shanklin, Suzi Pearson, Avi Slone, Jackie Boyer, Heather Hagelberger, Troy Payne, Janet Johnston

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

**Introductions**

Captain Sean Case of the Anchorage Police Department (APD) explained that he was the law enforcement representative for the Criminal Justice Commission (Commission) and chair of this workgroup. His motivation in chairing this workgroup came from the fact that the system for addressing the problem of domestic violence hadn't changed much since the 1980s when Minneapolis started the first of the mandatory arrest programs. There had been attempts to do things differently with DV; some have worked, some may not have worked. He asked those present to share their affiliation and what they wanted to get out of the workgroup.

Brenda Stanfill explained that she was the executive director of the Interior Alaska Center for Nonviolent Living and the victim representative for the Commission. She said her interest was in addressing the offender-side gap in the system. Her organization and others like it get victims into services, but then often ignore the person doing harm. The funds currently designated for intervention for the person doing harm comes out of the funds for victims' services. Ignoring the root of the problem won't make progress. She thought Alaska needed to start thinking about trauma not just on the victim side but also regarding the person doing harm.

Katie Tepas said she was with the Alaska State Troopers and had been working on these issues since the Parnell Administration. It was frustrating that there had been many start-stop efforts over the years, and she was hopeful this group could produce lasting change.

Rhonda Street said she was an APD investigator working on domestic violence crimes and that she works with both victims and suspects. She was interested in developing a batterers' program that actually works.

Becca Tuominen she was also an APD investigator and also used to work in probation. She wanted to develop more partnerships with the court system.

Diane Casto explained that she was the executive director of the Council on Domestic Violence and Sexual Assault (CDVSA), which funds the Batterers' Intervention Programs around the state using general funds and DOC grants. She has recently been looking into best practices and informed practices around the country. CDVSA is collecting data right now and working with DOC to change regulations. The last attempt to change regulations didn't go anywhere. More recently the CDVSA worked with the judicial council to do a survey of all of the batterer's intervention programs. CDVSA would also be hosting a meeting with all the DV/SA grantee programs in the next two days.

MaryBeth Gagnon explained that she was the criminal justice planner at CDVSA, and was excited to see an interest in evidence-based programs. She noted that geographic challenges it make difficult to provide services to everyone in Alaska.

Rebekah Moras explained that she was the new public policy specialist for the Alaska Network on Domestic Violence and Sexual Assault (ANDVSA).

Suki Miller said she was a program director at Standing Together Against Rape (STAR), where they have noticed an increased demand for services this year over last year.

Lauree Morton said she was the advocacy initiatives director at ANDVSA.

Charlotte Rand said she was a special assistant to the Attorney General at the Department of Law, focusing on sexual assault, domestic violence, and sex trafficking. She was there to listen and pass on potential recommendations to the Attorney General.

Kimberly Miles said she was an advocate case manager at the Alaska Native Justice Center (ANJC), which provides services for victims and reentrants. She wanted to see more services for both populations.

Colleen Ouzts said that she was an advocacy paralegal at ANJC.

Teri Carns explained that she was a staff member of the Alaska Judicial Council which provided staffing for the Commission. She worked on the evaluation of the batterers' intervention programs with the CDVSA. She had done a lot of research into these issues over the years, and was there as resource, supplementing Troy Payne and the Alaska Justice Information Center (AJIC).

Staci Corey explained that she was also a staff member of the Council and provided research and analysis for the Commission.

Sam Duke said he was there as an interested member of the public.

Tory Shanklin said she was the executive director of Victims for Justice. Around 20% of their cases related to DV. She was interested in looking at evidence-based practices and early intervention.

Suzi Pearson said she was the executive director of Abused Women's Aid In Crisis (AWAIC), the only emergency shelter in Anchorage, which also provides case management and programming. She was interested in looking at ways to hold offenders accountable.

Avi Sloane said he was a researcher with AJIC.

Jackie Boyer said she was staff to Rep. Geran Tarr.

Heather Hagelberger said she was an advocate project coordinator with ANJC.

Dr. Troy Payne said that he was a professor at the UAA Justice Center and AJIC. He explained that AJIC provides technical assistance regarding data for the Commission, some of which he would share today. He had a lot of talented colleagues at the Justice Center, most of whom were at a conference and couldn't be at today's meeting. The Justice Center and AJIC were available to help inform policy and practice.

Janet Johnston said she was with the Anchorage Health Department, which was involved in the municipality's DV/SA intervention program.

Sean said he was most interested in working with moderate-risk offenders, rather than the most serious offenders or those who are unlikely to recidivate. He thought a one-size-fits-all model won't work, because DV is a crime that involves relationships, and relationships are complicated. That was one reason mandatory arrest actually might not work.

Brenda said that the group would probably have different opinions on that, and that would definitely be something to find data on. Sean agreed. He also noted that was typical with Commission workgroups, that there were a lot of different perspectives, which was a good thing, but there was also a tendency to spin wheels. He hoped everyone would come to this workgroup from the perspective of trying to accomplish something.

## **Data on DV**

Troy said that this workgroup had developed out of discussions at the last Commission meeting, and at the time he noted that AJIC already had some data on this, things that had already been circulated. He worked up three two-page research briefs. This data was not intended to answer all questions, but was meant to generate questions. One problem in working with DV data was the broad definition of DV in Alaska's statutes. It can apply to intimate partner and family violence but can also extend to things like violence between roommates or even former roommates.

The data came from two sources, the court system and the Department of Public Safety (DPS). Each source flags cases with a DV indicator. It was not clear when exactly the indicator was set for the court system and for DPS it would be checked at disposition. The two data sets don't always agree on every case. For today's purposes, he had labeled a case a DV case if either database marked the case as a DV case.

Troy said AJIC came up with a data set of over 120,000 cases disposed between July 1, 2014, and June 30, 2019. Of those cases, over 23% were classified as DV cases, while over 24% included felony or misdemeanor assault charges. These two groups overlapped significantly; nearly 70% of the assault cases included one or more domestic violence charges. Because Alaska's legal definition of DV covers a wide

range of relationships, it made sense that a large proportion of assaults were between people with some prior relationship and that relationship would likely put them in the DV category.

While nearly 60% of DV cases involved at least one misdemeanor assault charge, there was also a diversity of charges; after misdemeanor and felony assault, criminal mischief was the next most common. The DV cases in this dataset contained over 700 different charges. Half of the cases had one charge, and the average number of charges was less than two. More than two-thirds of the DV cases resulted in a conviction on at least one charge and more than one-third resulted in a conviction on all charges.

Brenda asked whether the two-thirds of cases that result in guilt for one or more charges included all cases that started with a DV arrest. Troy said that the pool of cases consisted only of cases in which charges had been filed.

Susanne DiPietro noted that since two-thirds of the cases had a conviction on at least one charge, the remaining one third would not have had a conviction on any charge. She asked whether the third of cases that did not result in a conviction on at least one charge were all dismissals. Troy said that a small handful were acquittals or cases where no complaint was filed, and the lion's share were dismissals.

Sean wondered how this compared to other states. Troy was not sure.

Brenda said she appreciated having this data. She thought there would be more dismissals. Katie observed that the data did not capture cases that were sent to law enforcement for review that did not result in an arrest or any charges filed. Troy said that was correct, and that it was safe to think of this pool of data as cases that have been filed in court.

Sean wondered whether Troy had information on the length of incarceration for DV cases and the portion of that time that was spent pretrial. Troy said it was theoretically possible to get that information, but he didn't it in today's data. He did have some recidivism data but was not able to determine whether the people in that data set were in jail. Sean said the interesting for him was whether defendants were being released immediately post-arrest. If the group wanted to look at moving away from mandatory arrest, the question would be how much would that increase the risk to the public? If most defendants are released immediately, then maybe there would be little to no difference in risk. Troy said he could try to pursue getting that information from DOC, though DOC fields a lot of requests and it would be on their time schedule.

Brenda thought it would be good data to have. She asked what Sean was thinking in regards to mandatory arrest, noting that there would probably be concerns about that in this group. Sean said that doing something different for DV cases might involve not arresting defendants, since that has been the traditional approach. A significant concern would be whether that person would then reoffend. But if defendants are not staying in jail anyway, that risk already there.

Katie said that she would be one of those who would have concerns about eliminating mandatory arrest. She saw the need to think about the whole system.

Susanne said that the Commission did have sentence data, which would not be hard to get. The hard part is how to display that data, because in sentencing averages are almost meaningless since sentences depend on many different factors. Teri noted that sentence data was different from length of stay data.

Troy said he was hearing the beginnings of research questions. At this point he could analyze data forever, and wanted to know what would be most useful to the group.

Sean thought that looking at Assault 4 was important, and length of sentences for that offense, along with prior history. Information on average length of stay is interesting but more useful if informed by prior history.

Troy noted that other countries use a harm index for DV offenses. The index looks at harm score for the whole case as a way to get around looking at only the most serious offense in the case. It better accounts for facts on the ground.

Brenda said in the past advocates have observed that defendants are not always getting convicted on a DV charge—for example, they would be allowed to plea to a VCOR (violation of conditions of release) rather than the underlying charge for which the defendant violated their conditions of release. She wondered if a harm index could clean up that issue. Troy said it was possible by looking at arrest charges, rather than conviction charges. It was true that convictions are often based on what the DA and PD agree to, which can make people queasy if they are new to the system. It is easier to prove a VCOR and prosecutors wouldn't have to rely on victim testimony.

Katie said that was also an area to look at: whether conditions of release are actually working, and helping keep victims safe.

Troy said that there was a lot of information that doesn't make its way into databases. At some point it might be worth looking into court files and police reports, though that might be a larger project.

Troy explained that his next handout looked at demographic data on the FY 2015 conviction cohort. This data primarily used DPS data, and if a case had a DV flag at either arrest or conviction, it was included among the DV cases. The data showed that 54% of DV cases for the FY 2015 conviction cohort had Alaska Native or American Indian defendants, while 34% had white or Caucasian defendants. Almost the inverse was true for non-DV cases in the same cohort; 54% of non-DV cases had white or Caucasian defendants while 32% of non-DV cases had Alaska Native or American Indian defendants.

The average age for both DV and non-DV defendants in this cohort was similar (32.3 years and 32 years, respectively). There was a greater percentage of female defendants among the non-DV defendants as compared to the DV defendants.

Teri noted that the total overall justice-involved population tended to be mostly Alaska Natives and Caucasians, and other ethnic groups were typically a much smaller share.

Brenda wondered whether there was demographic data for people who weren't convicted. Troy said there was. Sean wondered if there was demographic data on the victims. Troy said that the data he looked at did not have information on victims.

Brenda said this data underscored the need to find culturally sensitive programming for those doing harm. The power/control model that many programs use is not very applicable to oppressed people, so that model didn't necessarily work for Alaska. Teri wondered if culturally sensitive programs were available. Brenda said she had been doing a lot of reading on programs used in various jurisdictions and it was a struggle to find something that looked right for Alaska.

Diane noted that the programming that exists now was a one-size-fits-all model per regulation. One thing that struck her the most in performing a literature review was that the question was not "do these programs work or not work?" It was more that some pieces of some programs work sometimes for some people in some circumstances. She thought the group should think about variables like risk, lethality, gender and culture. Solutions will have to be creative, have options, and have a good assessment tool. The intervention should suit the person and have evidence it will be successful.

Troy agreed. In the corrections context, this was called the risk-need-responsivity principle. Interventions that are successful account for risk, look at the individual's needs and are responsive to those needs.

Brenda said there also needed to be a system of accountability. Often people are in intervention programs because they are court-ordered. The court tells them to go, but no one watches to see if they do. If no one follows up, it can reinforce to the victim that there is no accountability.

Colleen wondered whether there was any data on substance use in DV cases. Troy said that information wasn't available in the data he had today, unless a DV case included a controlled substances charge, but that would be a poor approximation. Katie noted that DPS and the Justice Center did a study of DV cases from 2008-2011 that had some information on that. Susanne noted that the Commission had just completed a study of risk factors among people incarcerated or supervised by DOC that indicated a high prevalence of substance use.

Teri said that in the survey of batterers' intervention programs she mentioned earlier showed that 70-80% percent of participants had substance use problems. Most studies she was familiar with showed that 60-70% of justice-involved individuals have mental health issues and 80% have substance use problems. There was no reason to assume things would be different for people in DV cases.

Troy said the last of his handouts provided estimates of recidivism in DV cases. He specifically looked at whether, among the conviction cohort from FY 2015, there had been a re-arrest by the end of FY 2019. He specifically looked at re-arrests for DV assault, meaning an arrest associated with at least one DV charge and at least one assault charge.

Of those who were originally convicted of a domestic violence offense in FY 2015, 60% were rearrested and 35% were re-arrested for a DV assault. This painted a grim picture but the result was not that different for people who were originally convicted of a non-DV assault: 58% of people convicted of non-DV assault were rearrested and 26% were re-arrested for DV assault. Of the total pool of people convicted on a non-DV charge 49% were re-arrested and 15% were re-arrested for a DV assault.

Troy noted that this recidivism data doesn't account for time spent at risk. The FY 2015 could include people who were in jail for the whole follow-up period. It was therefore safe to say that this recidivism data represented a floor.

Sean asked whether there was any information available on recidivism and the success of intervention programs. Troy said that AJIC had been hoping to get federal funds to study that, but unfortunately the funding wasn't granted. Studying that would be a substantial project.

Teri said that based on the survey of CDVSA programs, it seemed as though every one of them was different. In the survey, they asked the how often the providers changed their program, and some programs change their model yearly. It would be very dicey to try to measure the success of these programs over time. Troy said that was one reason why it was so frustrating that the proposed study was not funded—they had developed a plan for that. They will try again, hopefully coming up with an even stronger proposal. But they would be a ways out from having usable data.

Sean said it looked like any impact to DV crime rates would also have an impact on violent crime rates. Troy said it was fair to say that violent crime statistics are driven by assault crimes, and assault crimes are generally driven by DV.

Katie wondered whether it was possible to break down the data by the type of relationship involved. Troy said that information was not in the databases/readily available; getting that information would require going into police reports. Susanne said you could also probably get that information from the court file complaint.

Katie said one question for the group is whether to focus on all DV cases or intimate partner violence (IPV) only.

Brenda said she wanted to know who in the cohort was high- or low-risk, and how many people in the group were counted more than once. Troy said it was possible to see how often a person was arrested over time, which was an imperfect proxy for risk.

Katie wondered whether it was possible to \ calculate time at risk? Troy said yes, it was possible to get information on how long a person was in the community and able to recidivate. But that information would have to come from a special request to DOC, which has limited resources for pulling data. Brenda said it seemed like it was worth getting. Teri noted that DOC's data analysts will be booked once the legislative session starts, so if the workgroup wanted that information it should ask for it as soon as possible.

Sean said that at the top of the meeting, a lot of people mentioned best practices, and noted that it was a challenge to take best practices from elsewhere if circumstances in Alaska were quite different; also, there didn't seem to be a lot out there on cause and effect.

Troy said that AJIC could do a systematic review of the available literature, though some work had already been done by WSIPP in Washington and Results First in Alaska.

Katie wondered whether APD had relevant data. Rhonda said she wasn't sure off the top of her head, but the health department might. The domestic violence and sexual assault intervention program was

funded through the Anchorage Health Department. There were also two officers working undercover full time looking for people who might be violating the conditions of their release. Katie said she would be curious to know more. Rhonda said she would try to get more information.

Troy noted that he did not have any data on victims, and getting that information would probably involve data sharing, probably with law enforcement. It would be helpful to have data on re-victimization in particular. Teri said some of that information was available through the information provided by the batterers' intervention programs. The survey of those programs found that more than 50% of the people in the intervention programs were still in a relationship with the victim, at the victim's request. She thought it was hugely important to get information on. Troy said it was also important to know if people convicted of repeat domestic violence had an ongoing relationship or serial victims.

Diane said that CDVSA's grantees collect data on all victims who come through funded programs. CDVSA is trying to up its data game. They are in the process of figuring out what they need to be asking. They would not have data linking victims and offenders.

Troy said he was happy to take any additional data questions any time, and if people thought of questions later they could send them through Barbara.

### **Workgroup goals**

Sean asked everyone for their thoughts on what the workgroup should accomplish.

Brenda said the idea of revisiting mandatory arrest held significant concerns for her. She said that when that policy was implemented, DV deaths went down, and when the shelters opened, male deaths decreased. She thought this spoke to the concept that separating people helps in reducing lethality. She wanted to focus on accountability- looking at when someone who can be rehabilitated should be shown leniency and when someone who needs isolation should face significant jail time. She explained that conditions of bail release are made available to law enforcement in Fairbanks, she thought that policy should be implemented everywhere.

Katie said she would not want to start by looking at mandatory arrest. She noted there had been various efforts in the recent past that have not gone anywhere yet. There was talk of using the ODARA assessment tool for DV offenders and starting a program that would operate like PACE for DV offenders, and she wanted to know what happened with that. DOC was looking at ACES among offenders and addressing trauma. She also wondered if the Anchorage DV/SA intervention project could go statewide. The WSIPP study found a containment model effective. The Department of Law has tribal diversion, and someone should evaluate whether that was working. There was the concept of a specialized DV court. She thought that DV needed to be addressed by more than one program, which was why her list was long. The group should also decide whether it wanted to look at high, medium, or low risk individuals.

Diane said it would be great to look into all of those things, but whatever comes out of this group, she really wanted to stick with it. She thought perpetrator rehabilitation was key, and nothing was going to be solved if those doing harm were left in the corner. Programming should not be one-size-fits-all. She thought the group could start with a few data-informed projects. Batterers intervention programs were always the last to be funded, and the last to get attention.

Suki wondered whether there was research on interventions that did work—i.e., who were the one-time offenders. Troy said he was sure some of that research exists, though it was not at the top of his mind. He thought a lit review might be in order.

Lauree agreed with Diane that whatever this group opts to do, it should be given a full opportunity for success. Barbara explained that Commission itself had a limited shelf life and could only make recommendations to policymakers. This group would need to make it clear to the legislature and/or administration that its proposals should be viewed as long-term.

Lauree wondered whether someone from DOC would be joining the group. Susanne said the Commission and designee participation in the workgroups was voluntary but staff could certainly encourage attendance.

Colleen agreed with Diane, and also liked Katie's idea of developing a DV court.

Rebekah said this group should also ensure the participation of Alaska Natives. Those voices should also be at the table.

Charlotte wondered whether there was a way to get at DV before it happens, looking at prevention. Diane said there were programs in place and she also had ideas for improvement in that area.

### **Public Comment**

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

### **Future Meetings and Tasks**

Sean said it sounded like the group needed a literature review on DV. Diane said that Barbara had sent an email containing a link to a lot of good information. Barbara said she could re-send the link and note which titles were the best reads.

Brenda suggested getting an introduction from people working in the field as to what they are already doing, so the group can become familiar with what's offered throughout the state. Presenters could be from tribal, state, or federal programs.

Sean said it sounded like that and a literature review would be on the agenda for the next meeting.

The group agreed to next meet on December 19 from 10am-2pm.