

Alaska Criminal Justice Commission
Domestic Violence Workgroup

Meeting Summary

Monday, December 7, 2020, 10:00 a.m.

Via Zoom

Commissioners Present: Sean Case, Randi Breager (on behalf of Commissioner Price)

Participants: Katie TePas, Tory Shanklin, Avi Slone, Troy Payne, Rachel Gernat, Diane Casto, Suki Miller

Staff: Staci Corey, Susanne DiPietro, Barbara Dunham

DV Data Update

Dr. Troy Payne of the UAA Justice Information Center (AJiC) explained that AJiC has been analyzing domestic violence (DV) data from the Anchorage Police Department (APD) for several months now. AJiC research professional Avi Slone did the lion's share of the analysis. The basic idea for the analysis was to get a picture of DV offending over a long time period.

Dr. Payne said the data was taken from every APD report of DV from 1999 to 2019. Reports differ from calls for service. Not every call for service results in a report; sometimes officers respond to a call and determine there is no crime, and the parties involved just receive a warning. For incidents that result in reports, the information reported includes the date, call type, and whether drugs or alcohol were involved.

For this analysis, DV was defined by AS 18.66.990, which states that DV is a crime committed by a household member against another household member, which can include relatives, current and former roommates, and current and former dating partners. So the data was broader than just intimate partner violence. Occasionally the data turned up incidents with no offender and/or no victim; AJiC limited its analysis to cases where there was information for both, and only cases where a suspect was arrested and charged.

In the dataset, nearly half of reports were called in as disturbances, 10% were called in as assaults, and the rest were called in as "other" which included a wide variety of crimes. Once officers arrived to the call, they categorized nearly three fourths of incidents as assaults.

Half of all incidents involve a repeat offender, many of whom have a prior offense in the past three years. A slightly smaller proportion of the assaults involved repeat offenders, and of those repeat offenders the prior offenses were older, perhaps because the original assault charge was more likely to lead to a term of incarceration.

The majority of offenders were between the ages of 25 and 44. The race of victims and offenders follows other crime patterns in Alaska. Two thirds of the offenders were male and two thirds of the victims were female. It was difficult to tell from the data about the relationship between people in incidents and

data about the victims as they relate to offenders. In cases where there are multiple offenders or victims, the analysis can become quite tricky.

Dr. Payne explained that the next stage of analysis would be more descriptive of how DV offending looks over time. AJiC would like input from this group as to what other things the researchers should look into.

Commissioner, workgroup chair, and APD Captain Sean Case said that APD's reports have a tab that allows reporting officers to describe the relationship between the victim(s) and suspect(s). Most officers do not fill it out. It was a data quality problem. Randi Breager, special assistant to DPS Commissioner Amanda Price, asked whether there were any discussions at APD about making fields mandatory? Commissioner Case said APD will be transitioning to the NIBRS reporting system next year, and that was something they would be discussing.

Dr. Payne said these incidents can be very complex if they involve multiple people—not all incidents involve just one victim and one offender. That can make reporting difficult. Ms. Breager agreed and noted that there were the same issues for the Alaska State Troopers (AST). Many reports do involve just two people. It would be helpful though to get data on the types of relationships involved and a racial breakdown between victims and suspects. She had the same questions about that for AST data. Dr. Payne said it was definitely in the analysis plan to look at incidents with a single offender.

Commissioner Case said another data quality issue was when an incident didn't have a victim or offender—he looked into those cases, and often there was no crime—e.g. it was a disturbance call involving a fight between roommates but there was no crime to be charged. Ms. Breager said that was also tricky, since a having a history of nonreported incidents can be part of a pattern. Dr. Payne said AJiC also had address data, and that was something they could look into.

Commissioner Case said that he was interested in looking at the time it took repeat offenders to reoffend, that 0-3 year time frame can encompass a lot of reoffending. He wondered whether the researchers could look at how many contacts a person has before that offense or re-offense happens. He wanted to think about what could be done prior to multiple contacts and prior to behavior escalating.

Barbara Dunham, project attorney for the Commission, asked whether the data on repeat offenders included all offense or just looked within this data set (i.e. at only DV crimes). Dr. Payne said it was the latter. Katie TePas from the Department of Public Safety asked whether it would be possible to tell what the new offense type was for a reoffender. Dr. Payne said they could look into that, and look for evidence of escalation. Ms. TePas also suggested looking at how many have VCORs. Ms. Dunham suggested that it might be interesting to get broader criminal history data for a subset of the reoffenders. Dr. Payne said it might also be possible to tap DOC data to get sense of how long people are incarcerated and consequently whether they have an opportunity to reoffend. It would be technically complicated.

Ms. DiPietro asked how the data related to charges filed. Dr. Payne said the data had the arrest tracking number (ATN) for every arrest. Court system data also have ATNs so it would be possible to integrate the data with court system data to see what happens to those charges, i.e. how they are disposed. It would be easier to integrate than DOC data.

Ms. DiPietro noted that the Commission now has court system filing data. It would be interesting to see who is filing cases, officers or prosecutors. Also looking at patterns in terms of how law enforcement response lines up with legal system response, particularly when looking at race. Commissioner Case said that DAs and prosecutors have been doing the case filing, saying that officer-filed cases are error-prone.

Ms. TePas noted that because of mandatory arrest, most cases should result in an arrest. She was interested in looking at cases where there should be arrest but there wasn't, (usually where the officer called a prosecutor to get permission not to arrest), also at cases where there mutual aggressors, and getting a better picture of the relationships involved.

Ms. DiPietro said she was interested in the number of cases dismissed at arraignment. She thought that was a fairly common practice generally and wondered whether it was also common with DV cases.

Dr. Payne said he'd been on a ride along a couple years ago, and found that DV cases can be very tricky—there can be mutual aggressors, and the officers arrest people who they think should be arrested, but the case can fall in a legal grey area when it comes to charging. Arrest is definitely a useful tool to get people separated but the legal case may be difficult to prove. Commissioner Case suggested looking at how often these cases are disposed as disorderly conduct.

Commissioner Case said he and AJiC would continue to keep the group updated on the research. He was excited to see more data come out and make use of it. Diane Casto, executive director of the CDVSA, agreed and thanked APD and AJiC for data that will help everyone working in this area.

Ms. TePas asked if there was any way to determine if officers notify victims of their rights. Dr. Payne said that was not the data AJiC had. Ms. TePas said she had spent some time looking at the descriptive analysis in DV reports a while ago, and found that not all officers were giving the notification, or at least were not documenting it. Dr. Payne said that was a common practice and that information would probably be in the report narratives, but it was not searchable.

Dr. Payne noted that most people in the general population don't come into contact with police. It is rare that someone does. Having multiple contacts is even rarer. So that in itself is a concern warranting a response. Most people are only in this dataset once. People who are in the dataset twice are rare, and those people deserve extra attention.

Commissioner Case noted that for victim notification, APD has a large booklet it hands out. It can be challenge for victims to read through it and remember where it is several days later. That was one reason why he want to get them hooked into victim services. On Thanksgiving he went to two very similar DV calls. The first call was to respond to an incident involving a non-cohabiting dating couple. The suspect was on meth and acting unstable, so APD arrested him and confiscated his gun. Before they left, the victim had the suspect walk through her house to make sure he didn't leave anything so he had no excuse to come back. She was happy to get him finally out of her house and make a clean break.

Several hours later, Commissioner Case responded to a similar situation, this time involving a husband and wife who had been in a relationship for three years. The situation ended in the abuser's suicide. The victim spoke to him about how long it took her to get to the point of getting a restraining order and finally getting fed up and calling APD, but she also felt at a loss because didn't know what to do without him, and was devastated. The similarities and differences between the two cases highlighted for him how difficult these cases are, and it was one reason why he wanted to get to a better understanding of how to reach people earlier in the cycle of violence.

High Risk Response Teams

Commissioners Case said he'd circulated two assessments, each slightly different—one was a lethality assessment and one assessed the likelihood of re-offense. He was interested in identifying cases where a response team would need to intervene sooner rather than later. He wanted to identify what

information was relevant in an assessment, and to look at how the Commission could build on its recommendation of connecting law enforcement to victim advocates.

Ms. Dunham explained that the recommendation that that recommendation had come from the Victims' Rights and Services Workgroup, and was a recommendation that the legislature facilitate advocates working in partnership with law enforcement. The recommendation did not recommend one specific model for partnership but cited the partnership with APD and Victims for Justice as an example.

Ms. TePas said she thought any risk assessment tool needed to be fairly simple, and something that would help officers communicate to a judge or magistrate what the risk was when setting conditions of release. More stringent conditions of release to separate a victim and a suspect might give the victim more time to complete an effective separation. She thought the group should look at who will be using the tool and what is the intent.

Commissioner Case said he was reminded of the effort a few years ago to improve law enforcement response to strangulation. Blue cards were sent to all officers to assist them in getting the right information for a strangulation case. One question might be what can be done with the investigation of DV cases; maybe a tool could be a template of what questions officers should be asking in all these cases. Officers learn to be efficient and only ask question related to getting probable cause for the incident they're responding to, and they tend to cut out questions that look into the history of the parties involved. They stop asking questions that are relevant for the big picture.

Ms. TePas said that AST has a checklist it has been using now for a few years. It has some questions about lethality, and some designed to gather 404b evidence. She thought for patrol, something simpler would be better such as the DALE (Danger Assessment for Law Enforcement). A simple assessment will need some follow-up questions. There is also the primary aggressor questioning that officers have to do. But she thought there were ways to simplify the questions and make them specific to lethality, that will help prosecutors.

Rachel Gernat noted that she currently represents ANDVSA, but she used to be a prosecutor. For strangulation, they really had to go through the checklist, but once officers were trained on it, it was easier to charge. In terms of a lethality assessment, she saw that as less of a way to get 404b evidence and more of a way to assess immediate danger. She also thought assessments could be a way of prioritizing cases for prosecution and prioritizing victim services—cases needing more/immediate attention. If the Commission's recommendation to add victim coordinator positions at the Department of Law, it might be useful for that person.

Ms. TePas explained that the DALE gives a score, and if the score is 7 and above, that's high risk. It raises the question of who is tracking the high risk people, and who will organize meetings to address those cases. She thought having high risk teams was a way to do that.

Commissioner case asked Ms. TePas to see if she could get authorization to share the AST checklist. He suggested that group members take a look at that, along with the assessments sent today, and look at what will be helpful to advocates and prosecutors. Putting all three lists together, using the perspectives of the group, is this adequate? If the Commission can make a recommendation that will improve investigations, that will help get these cases prosecuted.

Ms. Casto noted that this also goes back to comments earlier about the data—by doing these assessments, Alaska will have the information needed to better pinpoint what services are needed going forward.

Dr. Payne echoed Ms. TePas' comment that whatever would be used in the field must be simple—not just for officers but also for victims. In reading the circulated lethality screen he wondered if it might have an effect on victims. When a victim sits down and answers these questions it might lead them to see things in a different light. He was interested if there was research on that and offered to look into it.

Ms. TePas said that when she worked on developing housing vouchers for DV victims, the term settled on was three years. There were discussions on that timeframe, but she thought there was research on it showing three years was an appropriate length of time to help victims get to a different place. It was important to remember that change doesn't happen overnight.

Commission staff member Staci Corey recalled that in May she sent out a memo on the Pennsylvania assessment program. From that assessment around 70% of cases were classified as high danger, and of those 2/3 of victims agreed to call a hotline, and 2/3 of those who called the hotline were connected to services. She thought there was data on this.

DV Safety Plans

Commissioner Case said there were states that require officers to help develop safety plans on scene. Advocates probably will have an opinion on this. He wondered if there were things like this that other states were doing that could be beneficial. He was not advocating anything in particular just looking to get feedback.

Tory Shanklin from Victims for Justice thought that safety planning generally was a good thing. The sooner you can get advocates involved the better. Roles should be designated between officers and advocates, and attention should be paid to information sharing so appropriate information can be handed over to the advocate. Commissioner Case thought it would be interesting to look at what questions could be asked in a risk assessment and what advocates need to know, and whether there was another step between the officer and advocate that could help.

Ms. Shanklin said she also appreciated the conversation about looking at the practicality of giving information to the victim. Legally giving them the booklet is adequate but it was important to know whether a victim could process the information in that time.

Suki Miller from STAR said she and Ms. Shanklin have had conversations about how to facilitate warm handoffs to advocates and to which agency. It would be better to give victims one simple card rather than a 40-page booklet.

Commissioner Case wondered if it would be out of the question to have the officer make the call at the time of the incident. Ms. TePas said it was not out of the question but it might be good to look at whether it's statutorily allowed. Ms. Dunham noted that the officer calling the advocate on scene and handing the phone to the victim was the DC Safe model, which the group had discussed at an earlier meeting.

Ms. Corey reminded the group that there is a webinar on Thursday about lethality assessments and what is appropriate for each community, put on by the Geiger Center. Ms. TePas noted the Geiger Center developed the DALE. Regarding safety plans, she would guess that proposal might not be well received by officers; advocates will have more time, and be able to develop a better relationship with the victim.

Ms. Casto agreed with these comments, and thought the primary need was to make sure victims are connected to advocacy groups. The question is more who can do that quickly—who is going to reach out and make that call. She agreed with Ms. Shanklin that people often are not thinking clearly after trauma.

Each person is different and might not be ready to make a call in the moment. She thought overall Alaska has a good system but people often fall through the cracks.

Public Comment

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

Future Meetings and Tasks

Tasks: Dr. Payne offered to do research on the effect answering risk assessment questions would have on victims, and Ms. TePas would determine whether she could circulate AST's checklist. If that was distributed, Commissioner Case asked group members to read the checklist and come back with their recommendations on the checklist and how to add to it.

Next meeting: Monday, February 8 from 10:00 to 12:00.