

Alaska Criminal Justice Commission  
Domestic Violence Workgroup

**Meeting Summary**

**Thursday, December 19, 2019, 10:00 a.m.-2:00 p.m.**

Snowden Training Center, 820 W 4th Ave, Anchorage

And teleconference

Commissioners Present: Sean Case, Brenda Stanfill, Samantha Cherot

Participants: Sam Duke, Troy Payne, Avi Sloane, Suzi Pearson, Sarah Stanley, Rebekah Moras, Becky Tuominen, Rhonda Street, Katie Tepas, Tori Shanklin, Diane Schenker

Staff: Teri Carns, Staci Corey, Barbara Dunham

**Literature Review – Impact of Arrest on Recidivism**

Dr. Troy Payne explained that AJIC had offered to do a literature review at the last meeting. They decided on a narrow focus, looking at the impact of arrest on recidivism.

Avi Sloane, research professional at AJIC, explained that the first major study on the impact of arrest on domestic violence recidivism was an experimental design study in Minneapolis published in 1984. In that study, officers responding to calls for misdemeanor domestic violence incidents would either arrest the suspect, send the suspect away for eight hours, or provide advice or counseling. The type of response for a given call was determined randomly. The results showed that those who were arrested had the lowest re-arrest rates. This study led jurisdictions around the country to implement mandatory arrest laws for domestic violence cases.

There was no replication of this experiment until the early 90s, when a program called SARP attempted to re-create the Minneapolis experiment in five other cities around the country. The results of the SARP studies were mixed, and on the whole showed a moderate trend toward lower re-offense rates when the suspect was arrested. However, arrest increased the likelihood of failure for some groups. One SARP study showed that arrest increased the long-term re-offense rates for suspects who were unemployed. The researchers theorized that there was less of a deterrent effect for that group because they had less to lose than employed people. Another study found that arrest shortened the time to re-offense for suspects who were African-American, unemployed, or less-educated.

One SARP study as well as subsequent studies in the 2000s found that arrest decreased the likelihood that victims or witnesses would contact police again in the future. This effect was particularly pronounced for people in non-white racial groups. Decreased reporting is a concern because studies also show that intimate partner violence and homicide are more likely to occur when victims do not call the police.

Studies looking at jurisdictions that imposed mandatory arrests found that dual arrest was more likely in those jurisdictions, increasing the likelihood that more victims are arrested when a mandatory arrest policy is in place. This is particularly a concern for same-sex relationships. A study analyzing

victim interviews suggested that mandatory arrest policies make victims more likely to fear that they will be arrested or treated as a suspect if they call law enforcement.

Victims are also not always satisfied with an arrest; arrest is a one-size-fits-all response to a problem that is variable. Victims do not always want a suspect arrested, and will be less prone to calling the police if they have no control over what happens next. Victims tend to be more satisfied if they more power over the situation, and more satisfaction with law enforcement means they will be more likely to contact law enforcement again.

There are also potential long-term impacts of arrest. One critique of the Minneapolis and SARP studies was that they only looked at subsequent re-offense for a short time period after the initial offense (6 to 18 months, depending on the study). A long-term study of domestic violence cases in Milwaukee found that within a 23-year follow-up period, suspects who were arrested were the more likely to have been murdered than other suspects. The researchers hypothesized that the experience of going to jail led to their further involvement in crime. In the same follow-up period, victims of suspects who were arrested had higher mortality rates than other victims. The researchers did not offer theories as to why.

Avi concluded that overall the impact of arrest in domestic violence cases is complicated. Arrest moderately reduces the incidence of subsequent re-arrest for some populations, while other populations might have increased risk. Prior arrest history and general police intervention are better predictive factors for re-offending than arrest. Law enforcement is less likely to learn about future offenses if mandatory arrest deters future reporting. Finally, arrests may have serious, unintended long-term consequences.

Teri Carns from the Judicial Council asked whether the Milwaukee study looked at the timeframe of when the arrested suspects had been murdered. Avi said he didn't know off the top of his head. Brenda Stanfill asked if those suspects had been murdered by their partner. Avi said not necessarily, but some of them could have been.

Katie Tepas from DPS asked whether there were any studies that looked at the effect of conviction. Avi was not sure. Katie said she would be curious to know; arrest was only one piece of the picture.

Troy encouraged the group to think about what the research meant from a policy perspective. It was unlikely that there was any political will in Alaska to change the arrest laws. The question for this group was what to do with this information. The goal in doing this review was to make sure that the consequences of arrest were not unequivocally terrible, and that was what they were able to confirm—there was some deterrent effect. The research showing unintended consequences might lead them to look at what to do in the post-arrest, post-release period—what happens after a suspect has been arrested and bailed out.

Teri noted that Alaska was a mandatory arrest jurisdiction, but also has a safety valve provision, which allows officers to call a prosecutor to get permission \*not\* to arrest. Sean Case, captain at APD and member of the Commission, confirmed that sometimes this happens. Municipal Prosecutor Sarah Stanley said they get those calls; most of the non-arrest is approved where probable cause is questionable. Anecdotally, she estimated that if she got maybe six calls in one week, in maybe one or two of those cases she would approve non-arrest. She added that if there was no probable cause at all, mandatory arrest doesn't come into play.

Katie said she thought it was probably the same for the State Troopers; they are instructed to request non-arrest for unique fact circumstances. One example might be where the suspect has

significant injuries and needs to go to the ER first. Troy observed that when he has gone on ride-alongs, has seen these requests in cases where it truly is a difficult call. Rhonda Street with APD said that for most DV reports, probable cause is clear; maybe two to three times a week they will see a case where that call was made. Rebecca Tuominen, also with APD, said she recalled one case where non-arrest was requested because a mother of twins was the suspect and she was still breast feeding.

Sean said that requests for non-arrest might also be made in a dual arrest situation—no one likes those. Katie wondered whether the studies about victims being more likely to be arrested in dual arrest situations had any information on whether that jurisdiction had principal physical aggressor training. Avi couldn't recall specifically; his impression was that dual arrest occurred in cases where officers 'just want to be sure' and so arrest both parties. Sarah said that dual arrests were very rare in Anchorage.

Laura Brooks from DOC said that another scenario in which there are unintended consequences of mandatory arrest is when the suspect is an elderly person with dementia. DOC sees these cases maybe once per month. Usually it stems from a situation where an elderly wife wants help getting her husband to calm down, but when the police arrive, they have to make an arrest. Once a criminal case is started, that suspect is ordered to undergo a competency evaluation, and with the waitlist for the evaluation, the case pends for weeks until it is ultimately dismissed. She believed that DOC was a really inappropriate placement for such individuals, and couldn't imagine this was what was intended by the mandatory arrest law. These suspects can't be released back to their same home, so they stay for weeks in DOC custody until the case is dismissed.

Katie said that the troopers were trained that such a fact pattern warrants a no-arrest phone call. They also are taught to think about what happens next, particularly if the victim might not be safe. Sometimes they will contact Adult Protective Services, or another family member. But the responding officer might not necessarily recognize the signs of dementia. Laura said she appreciated that training, and thought it was something that other law enforcement agencies might be missing.

Teri wondered whether the dementia situation could be served by the new crisis stabilization center. Sean said the center had not been implemented yet. Laura said that was a good point—that scenario would be a good case for that service, which was intended to be a “no wrong door” facility. In meantime, DOC is still seeing about one of these cases per month.

Shirley Moses from the Healing Native Hearts Coalition said there was a care coordinator working with this population in Fairbanks; they try to identify these histories and log them into law enforcement databases so that first responders have that information and can deal with the situation appropriately, and they work with Adult Protective Services.

## **Presentations from Agencies/Organizations**

### Brenda Stanfill: State-Funded Batterer's Intervention Programming

Brenda is a Commissioner as well as the executive director of the Interior Alaska Center for Non-Violent Living in Fairbanks, which offers batterers intervention programs (BIPs).

She noted that the Council on Domestic Violence and Sexual Assault was not able to be at this meeting so she resurrected an old presentation that she had done with them. She explained that as it relates to BIPs, domestic violence was defined as “a pattern of assaultive and coercive behaviors” (including physical, sexual, emotional, and economic assault/coercion). It was not a one-time incident (also called situational violence). Both are classified as crimes of domestic violence in criminal law. BIPs are trying to address those who fall under the “pattern” definition of domestic violence. A lot of

people are referred to BIPs following situational or one-time violence, but the programs are just not geared towards that. It is still worth screening the cases, however.

BIPs provide services to the person arrested or the primary aggressor in a relationship. They try to address the root cause of the person's behavior, and they also provide a link for victims to services. For people enrolled in the BIP, their agency gets information on how to contact their victim, refer them to services, provide support, and answer questions. The intervention side of the program is kept separate from the victim side of the program, and the victims' information is kept totally confidential. The program also has a monitoring component; they can track a participant's attendance and alert the court if the participant is court ordered to be there and doesn't show up or commits a new offense.

Completing a BIP also allows a person to overcome the rebuttable presumption against granting joint custody in child custody cases.

BIPs were defined in the Alaska Administrative Code in the late 80s. They must be gender specific, and run a minimum of 24 weeks. (Most run around 36 weeks.) They must use individual service plans, assessments, homework, and healthy confrontation as an educational tool. Programs must address participants' substance use and mental health issues, and will often ask participants to take care of that first and then come back. Written discharge plans are required; in Brenda's program in Fairbanks, participants must pass a test to be discharged. Programs monitor participants' recidivism at 6, 12, and 18 months—typically they check with the victim, look on Courtview, and contact the participant. Recently Brenda's program looked at everyone who completed the program within a 10-year period and found that something happens after 5 years, and the recidivism rate increases.

Brenda explained that program evaluation was required but was difficult to do. There was no required standard, e.g. whether the success metric was recidivism or victim safety or something else. Each program does evaluation a little differently.

The BIP requirements are located in DOC's regulations, and DOC technically has the final say in approval of programs. If a state-approved program exists, courts must refer to that program. The CDVSA reviews applications, makes recommendations to DOC, and monitors on-going programs and grant funding.

BIP program goals were to maintain the safety of victims and their children, holding perpetrators accountable, and stopping domestic violence. The programs need to maintain contact with the victim; if they can't contact the victim for three weeks, they will say the perpetrator is non-compliant. While provided out of the same agency, the victim services units and BIP units don't share information. BIPs report non-compliance to the DAs, where theoretically the perpetrator's order to attend the BIP will be enforced by the court. If there is no follow-through, that makes it more dangerous for the victim. The perpetrator thinks they can get away with violence.

Brenda explained that there were several limitations to the BIPs. For one thing, there was no stick, i.e. no real enforcement. In her experience in Fairbanks, PTRPs were not always filed when the BIP reports non-compliance; if one was filed, it might not be adjudicated until 6 months down road or longer, by which time the perpetrator may be off probation. There was also no carrot: there was no benefit to incentivize participating like getting one's license back.

Staffing could also be a limitation, because running a BIP takes the right person, someone who is comfortable with confrontation. The program also had a cultural limitation. BIPs use components of the Duluth model for their program, which was more geared towards middle-class white men. Others don't always respond to the program in the way they are supposed to. Brenda explained that she had

attended a presentation from a mens' group Atlanta, where it was explained that it wasn't effective to lecture a man about not oppressing others when he is also being oppressed.

The structure of a BIP is to have regular peer groups with a facilitator. The curriculum is ongoing, so participants can start any time. The BIP curriculum addresses 8 key themes:

- (1) Nonviolence;
- (2) Non-Threatening Behavior;
- (3) Respect;
- (4) Trust & Support;
- (5) Honesty & Accountability;
- (6) Sexual Respect;
- (7) Partnership; (includes parenting, economic, shared responsibilities)
- (8) Negotiation & Fairness

Methods vary. The idea is to get them to recognize when they are using power and control. Often participants will think of themselves as the victim. Homework is required by regulation, but requiring homework may not be effective. Sometimes the victims will complete the homework for the perpetrator.

#### Denise Charles: Privately-Funded Batterer's Intervention Program

Denise Charles is the director of the Men & Women Center, which has been operating in Anchorage for 21 years. She explained that the Center offers a BIP that works very similarly to the state-funded BIPs. They start everyone with 12 weeks of education, then use a process group for the remainder of program, which is 36 weeks total. They will also work with women. Often women perpetrators can be convicted for reactive violence, but they still need some help figuring out how to be healthy in a relationship.

Brenda asked what model they used. Denise said it was a modified Duluth model; they use some of the Duluth ideas like the power and control wheel, and also add psych ed and cognitive behavioral therapy.

Teri said that her impression was that the only people in BIPs were those identified as high risk through an assessment. Denise said that was not necessarily the case, and that the Center also works with first-time offenders who might have a lot of needs to be addressed. Brenda asked whether all participants were court ordered. Denise said that some were self-referred. Brenda said that participants in her program were mostly court-ordered, and that often participation in a BIP is used as a bargaining tool in the plea bargaining process, so that first-time offenders will agree to a plea if prosecutors allow them to forgo BIP participation. This means that BIPS often miss those first-time offenders. She also noted that if someone was ordered to her program that was truly not appropriate, she will write to the prosecutor to see about the getting condition to participate removed.

Denise said that participants are also sent to her program for a 12-week anger management class for first-time DV offenses (other programs are not necessarily state-approved for anger management). That can be problematic as the anger management program is not mandated to communicate with victims and 12 weeks is not enough time to get someone to make a lasting change.

Denise added that for enforcement, someone from the prosecutor's office monitors her program for noncompliance, and she considered that process to be pretty effective.

Teri noted that the Judicial Council had recently worked with CDVSA to inventory all the BIPs (state-funded and privately-funded) in Alaska and she appreciated Denise's response to the Council's survey. From that response, she had noted that it looked like around 50% of participants in the program are in a continuing relationship. Denise said that was true, although it didn't really affect the nature of the program. Regardless of the relationship they will contact the victim and ask if the victim wants services. They can get a lot of resistance, as victims don't always want to participate, saying "it's his problem."

Brenda said that was why they keep the victim services program and BIP separate—there is a lot of lack of trust in the system, and they need to tell victims that their participation is absolutely confidential. Her organization also has a partner's group. Victims often don't want to engage if they are not with the person anymore.

Denise said that the Men and Women Center tracks participation; of the participants referred, 50% show up, and about 50% of those who do start the program actually graduate. They also do see people return to repeat the program. Katie asks what the consequences were for people who did not show up or did not graduate. Denise wasn't sure; they send the information to the prosecutor's office but they don't hear about anything subsequent. Katie thought that for reducing recidivism, accountability was key. Denise said that follow-up by the prosecutor's office was a lot better now with a new person to track these cases at prosecutor's office—there had been a backlog. Sarah said that for the municipality of Anchorage, if a PTRP is filed, the defendant is given a chance to go to the program before the revocation is adjudicated, and they set the case on for status hearings to ensure compliance.

#### Laura Brooks: DOC

Laura Brooks is the operations manager of the division of Health and Rehabilitation Services at DOC. She explained that DOC has had a longstanding partnership with CDVSA to work on DV issues statewide, and noted that Alaska has the highest or near highest rates for DV in the country. People in DOC's institutions are a captive audience and represent an opportunity to address DV among perpetrators, but programming is limited; DOC only offers DV programming in some facilities.

DOC also struggles with addressing the high-cycling misdemeanor population; many people who are booked into jail bail out, so it is hard to plan programming for the pretrial population. They can bail out without warning and can often be sentenced to time served. Typically the defense bar doesn't advise clients to participate in DV or SA programming while pretrial. DOC can offer pretrial defendants anger management programming, but that isn't adequate to address DV.

DOC has DV programs in Goose Creek and Lemon Creek, and has some programming in Wildwood and Fairbanks. They have a hard time finding providers. They don't have a program for women at Hiland, nor do they have a program at Spring Creek, which houses people serving long-term sentences; it's generally very difficult to find providers there.

DOC is working on developing a program for victims; there are female and male offenders with significant trauma history. DOC's intervention for this population has thus far been at the crisis intervention level. DOC has trouble finding the resources to deal with deep trauma. They are developing a pilot program for Hiland that will recognize participants' complex trauma history. DOC is very dedicated to evidence-based practices such as using cognitive-behavioral therapy to make sure its programs are effective. One way to gauge effectiveness is recidivism, and they are trying to get programs to measure recidivism using a 3-year standard.

Laura explained that there had been a huge effort to update and revise the BIP regulations about 4 to 5 years ago, and she was not sure why that project stalled. DOC has resurrected the effort and is working with CDVSA on it.

Teri wondered whether, if there is programming offered in institutions, how well DOC is able to track whether participants continue with programming after release. Laura said it depends on the program. For DV programs, they are partnering with CDVSA about how to improve in that. Transitions out to the community are always difficult, because people are often not released to the same community where the facility is.

Laura said DOC was also trying to grow the peer mentoring piece. They have federal grants to develop peer mentoring and community case management, focusing on those who are 90 days pre-release.

Sean asked what a typical sentence might be for a first- or second-time offense DV assault. Sarah said that the sentence for a first-time offense could be suspended, and the sentence for a second-time offense could be 20 to 30 days. Sean asked what services a person might get in jail if they were serving 30 days or less. Laura said it would not be much. Programs are typically longer than 30 days. For a sentence under 30, they would not get an LSI-R risk assessment. There were limits on what DOC can provide in a short timeframe. Teri noted that per HB 49, LSI-Rs were required for people staying longer than 90 days.

Sean asked whether there were any services for victims, if the offender is incarcerated for longer than 30 days. Laura said there was no outreach other than to tell them about VINE. They don't offer mediation or anything like that.

Brenda said there was a program at the Fairbanks Correctional Center that allows people to start the program while they are in custody, and once they are released, they can move to the same program in the community; the two programs are synced. Even then it's still hard to get people to show up while they are in the community. But some people do opt in for 2 to 3 weeks, so they might at least get to the point where they think "maybe this isn't normal."

Troy noted that it was universally difficult to get people into programming when they are serving short stints in prison, no matter where in the US.

Sarah noted that sometimes a person on probation has to put their community treatment on hold while in custody for other crime.

Laura said that DOC was trying to get something in place for pretrial defendants along the lines of psych ed. She thought the model of having an education component before the group therapy component was a great model. The pretrial population is not necessarily motivated to do anything because the court hasn't told them to do anything. DOC was planning pilot programs to see if there was any interest.

Laura explained that prioritizing an individual's needs varies with the facility. Everyone gets a brief screen for physical health, mental health, and substance use. Referrals depend on what's available in the facilities. A 24-hour acute psychiatric facility is available in Anchorage, while at the Yukon-Kuskokwim facility, there was just one nurse there during the day. For individual programs they tend to triage by high needs/high risk. Right now, there were no waitlists for DV programs at DOC facilities.

### Tori Shanklin: Victims for Justice

Tori Shanklin is the executive director of Victims For Justice, a nonprofit which helps victims of crime in Alaska. Tori explained that VFJ specializes in helping victims of crimes, especially homicide; about 20% of their total caseload includes DV-related crime. They work statewide but primarily in Anchorage. They accompany people to court, and explain rights what their rights are and what the criminal justice processes entail. They don't do prevention work. They work with partners to provide victims soft handoffs to people who specialize in services that the victims need. They also partner with APD, prosecutors, and the VCCB. Right now they are working with the VCCB to provide training for service providers across the state on how to help victims access VCCB funds.

- Rebekah Moras: ANDVSA

Rebekah is a policy specialist with the Alaska Network on Domestic Violence and Sexual Assault (ANDVSA), a state coalition of about 20 programs (with more about to come on board). Most programs offer dual DV/SA services; AWAIC is the only program with a DV-only focus. ANDVSA works on strategic planning for prevention and partnership, and supports the member programs. They are working with the Alaska Native Women's Resource Center on bringing attention to the problem of missing and murdered indigenous women. They also work closely with CDVSA. Rebekah added that she was very new to this position and she welcomed ideas for partnership.

Brenda added that ANDVSA also has a pro bono legal services project, which a lot of her clients access. Rebekah agreed that was a big component of what ANDVSA does.

### Suzi Pearson: AWAIC

Suzi Pearson is the executive director of AWAIC, a domestic violence shelter in Anchorage. Suzi noted that the Alaska Victimization Survey found that nearly 50% of women in Anchorage had experienced domestic violence, sexual assault, or both in their lifetime. An estimated 8,000 women experienced one or both in a 12-month period. AWAIC has been operating for over 40 years, and they are the only shelter in Anchorage and one of more than 20 shelters in the state. AWAIC's core focus is on providing shelter and intervention, but their programming geared toward prevention is increasing as part of a growing realization that prevention is the only way to stop the generational cycle of violence.

AWAIC has a 52-bed emergency shelter that has been at or over capacity for more than half the time in the last decade. They are seeing an ever-increasing demand for their services especially in emergency services. In addition to the shelter, they have a 10-bed transitional housing facility, rapid rehousing grants, rental assistance, case management, legal advocacy, and wraparound support.

AWAIC serves around 1600 people per year for needs related to domestic violence, and they partner with ANJC and STAR to help victims of human trafficking and sexual assault. They had to turn away 800 people last year either due to a lack of resources or because they were ineligible for services.

Suzi explained that AWAIC's prevention and education work included youth outreach, presentations to the community and training professionals. Two staff work in prevention and they are can't take in all requests, especially for youth groups. That program has grown 200% in the last two years.

They partner with a variety of groups; for example: referring people to ANDVSA's pro bono network, hosting an ACMH counselor on site (which helps ensure safety), and embedding an advocate

at CITC. They also partner with other shelter spaces to provide emergency cold weather shelter such as church, Catholic Social Services, Beans, and Covenant House.

AWAIC mostly relies on grants and donations, having the benefit of great relationships in the community. They need more paraprofessionals—for prevention in particular—people who have some education or experience in social services. Right now, they can't accommodate the demand for prevention and outreach. They are expanding their shelter facility to meet demand. The expanded facility will have 15 beds and an on-site shelter for men (right now they are given vouchers to stay at hotels/hostels), and it will have space for partner organizations. That should be done in November 2020.

#### Tami Jerue: Alaska Native Women's Resource Center

Tami is the executive director of the Alaska Native Women's Resource Center, which was formed from a grassroots effort in 2013. They are one of several tribal advocacy organizations around the state, and they work with tribes on addressing the high rates of domestic violence and sexual assault that Alaska Natives experience. Tami explained that there are many barriers to addressing those rates including a lack of accountability, and lack of services. These were complex issues compounded by rural isolation and a lack of law enforcement.

ANWRC provides technical assistance and training to Alaska Native communities all over Alaska, and is involved in policy and advocacy work at the state level. They have limited resources and don't do direct service. They try to work with the private, public, and non-profit sectors in Alaska to help them get a greater understanding of tribal issues and the lack of resources in Alaska Native communities.

Brenda asked if they did any work with tribal court compacting for diversion. Tami said yes, they did a lot of work with the tribal courts. Some courts work with DV, some have diversion agreements, and some are just forming, figuring out what they need to address accountability. ANWRC also works with tribes on developing their tribal codes or ordinances.

Tami said she wanted to echo the need for culturally relevant BIPs, especially for rural areas, so that people get the opportunity for behavior change. Programming for offenders has struggled with issues of diversity and accessibility.

Katie asked whether Tami had any recommendations for BIPs that would work for Alaska Natives, and wondered whether there were any programs for Native Americans in the lower 48 that might work. Tami said there was not a whole lot out there. There was a project in the Dakotas but that was specifically based on Lakota Sioux values. There were related projects in Alaska such as traditional men's houses, which give men guidance on how to be good men. Those were not funded. Tami noted that communities don't necessarily want to lose men to the criminal justice system, what they really want is to change their behavior.

Brenda asked whether Tami had any thoughts on mandatory arrest, and whether that policy affected whether people were willing to call law enforcement. Tami recalled having a conversation with the Alaska Attorney General in the late 70s about that, as part of an effort trying to get laws changed nationwide. At time, the thought was that mandatory arrest was a proactive idea, but over the years we've learned that often when law enforcement arrives, people just want help with de-escalation. When someone ends up being put in jail, people learn that that's the consequence of calling so the next time, they don't call. She added that mandatory arrest can often lead to women/victims being arrested for defensive or retaliatory violence. She would support changing the law, but she was not sure what the answer is. She noted that people can't get services once they're arrested.

### Shirley Moses: Healing Native Hearts

Shirley Moses is the director of the Healing Native Hearts tribal coalition, based in the TCC region. It is one of 19 such coalitions in the US, and is funded by the Office on Violence Against Women. It was formed about three years ago. Healing Native Hearts offers support, resources, training, and technical assistance to Alaska's villages. They work with the village to identify what is needed, which is different for every village. They work in partnership with shelters and other DV programs. They provide culturally relevant training.

Healing Native Hearts also has two advocates, who are trained in advocacy and SART services, and one is trained in legal services. Shirley explained that this is an area they want to build on; their advocates can enhance the response to DV/SA, as well as human trafficking. They are also working on a documentary on missing and murdered indigenous women.

### Alaska Domestic Violence and Sexual Assault Intervention Program (ADVSAIP)

Suzi explained that this program was a partnership with Anchorage Public Health, APD, and municipal prosecutors. It grew out of an effort in Anchorage to identify what more is needed for accountability and victims services in domestic assault cases. Three years ago the state invested funds to make this program operate statewide, but that funding was not renewed, so the program now only operates in Anchorage. Barbara Dunham explained that Janet Johnston from Anchorage Public Health had forwarded some data associated with the project that she could send to the rest of the group.

Rhonda Street with APD explained there were two APD compliance officers who work in the municipal prosecutor's office as part of this program. The officers are plainclothes, and investigate whether people are complying with conditions or release. Becca Tuominen, also with APD, said the two officers handled about 500-600 active DV cases. Any time they get a report of noncompliance, those officers are sent out.

Rhonda explained that she and Becca were DV investigators. They read all reports in DV cases and flag cases that need more investigation; they can re-interview people, apply for search warrants, and follow up with victims at the courthouse. Becca said that in essence they try to make sure the case is a prosecutable one. They also follow up with medical records. Rhonda added that they also listen to jail calls between the victim and defendant. They take walk-in questions.

Sarah said she was not sure what the Municipal Prosecutor's office would do without them. She added they also have full time staff person who can enter bail conditions and no-contact flags into APSIN. Katie thought that entering the conditions of release was huge, since it offered real-time accountability, at least for municipal cases in Anchorage, and they were also doing this in Fairbanks. This was a major gap for other locations.

Katie asked whether Rhonda and Becca investigate misdemeanors or felonies. Becca said they do both, any case that is flagged as a DV case.

Rhonda and Becca were asked how, when reviewing DV case reports, they determine what needs attention. Becca said they look for completeness, and whether the case has what's needed to get to probable cause. They pay attention to the severity of the crime and whether the accused has repeat offenses. Rhonda said they particularly look for strangulation and second-degree assaults. The officers who responded to the call or the DA assigned to the case may have flagged the case with concerns, and had no time to investigate themselves.

Brenda asked whether reviewing these cases helps in situations where the victim is arrested. Becca said she couldn't recall a recent dual arrest case. Rhonda said that was the kind of case they would look into further. Sarah added that at the Muni, if they see such a case, they will dismiss the charges against the victim.

Sean noted that sometimes those cases involve situations where the right person was arrested on that particular night, but overall, that person is the victim. He would guess those case get screened out.

Charlotte Rand, Susie Frenzel: Department of Law/Special Projects

Charlotte Rand explained that she works on special projects for the Attorney General. When AG Clarkson started, he expressed a strong interest in sex trafficking. We know trafficking is happening, but are not seeing a lot of prosecution. Law wants to build the state's capacity to successfully investigate and prosecute sex trafficking, in part by working with federal and state law enforcement officers. Federal law enforcement has a robust trafficking team that helps victims in addition to investigation and prosecution. The state is trying to build on that model. Prosecutors are getting training. There are elements that are similar to DV cases such as safety issues, and the victim being isolated by the perpetrator. They are trying to get baseline data; some data already exists from Covenant House and the CDVSA, which they are trying to improve on.

Charlotte said that for DV cases, Susie Frenzel coordinates the victim-witness paralegals, who act as liaison between the victim and the prosecutor. Barbara wondered how many of their cases were DV cases; Charlotte said she wasn't sure but could find out.

Brenda wondered whether it was possible for AJIC to take a look at prosecution data, perhaps tracking cases from arrest to prosecution. Troy said that was possible to an extent. In the past they've analyzed cases filed, and they could follow those cases through to disposition.

Teri added that in the past, the Judicial Council has gotten Law data about the number of cases that came in, and the number screened out, by type of offense. Charlotte said that Law does have that data and said that Troy or Teri could send her an email with data requests.

Sophie Stratton: Law/Prosecutor perspective

Sophie Stratton is a prosecutor in the Special Victims Unit for the state at the Anchorage DA's office; before that she prosecuted DV cases for the Municipal Prosecutor. She thought it was rewarding, complex work. She believed the criminal justice system was best deterrent available, but that focusing on rehabilitation was best real solution to prevent future crime. She tries to think about what would be the best solution in the long-term in all her cases. If the state is just incarcerating people without providing an opportunity for rehabilitation, the cycle will continue. She also knew, however, that rehabilitation is difficult to achieve. She knew that efforts should target those in middle ground in terms of risk: people who can be rehabilitated but are not so low risk that they will self-correct, and not so high-risk that they need isolation.

She noted that there were evidentiary rules that were helpful in prosecuting DV cases, such as being able to use a defendant's prior bad acts in some circumstances, and prior inconsistent statements are not hearsay. APD records audio for victim statements, which can be used along with grand jury testimony.

Sophie noted that there were also issues with DV prosecution in Anchorage. The Municipal Prosecutor suffered from a shortage of resources, with four DV prosecutors taking on a caseload of

200 cases each, which is unwieldy. These cases are complex, and need a lot of victim/witness interaction. It's also resource-intensive for the defense. All prosecutors in Anchorage are asked to do a lot with limited resources, and she thought that also held true for defense attorneys working at the Denali Law Group, Public Defender, and Office of Public Advocacy. In the Anchorage SVU, there are eight attorneys, three of which focus on sexual assault, while the rest focus on felony-level DV, carrying 100-200 cases each. Those cases include all DV cases per the statute; at least 60% of the cases involve intimate partner violence.

Sophie explained that there were also issues with victim contact. At the Muni, attorneys do a lot of the victim contact; there is one grant-funded position for victim notification, and substantive questions go to the attorney. In the DA's office, there are victim/witness paralegals who take the majority of victim contact. Their policy is if the DA talks to a victim, the paralegal is there too. She thought cases were easier to prosecute when the prosecutor contacts the victim directly. She refers people to OVR, which is good for explaining the criminal justice system and advocating for the victim's interest, and to VFJ which can help with applications to the VCCB.

Sophie observed that victims can feel revictimized by the criminal justice system. Bail no-contact orders are hard to understand, and victims have a hard time engaging in services. In the pretrial period, victims have often lost support from the defendant partner, and often find that prosecution is not as important to them as returning to normalcy. This is why providing victims with wraparound services is key. DV cases are far more difficult to prosecute without a cooperative witness.

Sophie said that Law tracks DV dismissals so they can potentially be used as evidence of prior bad acts in future cases. They also have access to prior police reports for cases that were not prosecuted. Also, DV cases are not taken off Courtview if they are dismissed without prejudice. There is no communal tracking system for old cases for both the State and Muni offices, so if one agency wants to know about a defendant's old cases from the other, they have to call and ask.

Follow-up investigation is huge in DV cases; often there are jail call confessions, which they can request from DOC. Night-of photos are not always the best evidence since physical signs of injury are not immediately apparent; follow-up photos and medical records help. Compliance checks are huge.

The time it takes to resolve cases can be a barrier to prosecution; some cases take 12-18 months to resolve. That is a long time to go with a no contact order. Other jurisdictions have expedited dockets for DV, some within the 6-8 week timeframe for one, which would engender much better cooperation. The logistics for that here would be difficult.

When cases go to trial, educating juries about what DV looks like is an uphill battle. The Choose Respect campaign helped—getting those stats to the population at large was important.

Teri asked whether a time to disposition average of 12-18 months was for felonies? Sophie said yes, and that the average time for misdemeanors was more like 9-12 months. Sarah added that DV cases were more likely to go to trial. Sophie noted that some misdemeanors resolve at arraignment, which could skew the average. Troy said that the data could probably account for cases that went to a plea deal or trial. Teri suggested working on getting that data for the group. Brenda noted that she frequently sees cases consolidated, and other cases dismissed. Troy said that was also something that could be accounted for.

Sean asked whether it was common to see victims ask for the no-contact order to be lifted? Sophie said yes, and estimated that happened in about two-thirds of cases. Typically she will not request bail hearing, because she didn't want to be responsible for something happening—having

pending cases is a risk factor for violence. There were a lot of reasons someone might ask for the order to be lifted, such as for the sake of the children, finances, or being in a reconciliation phase of the relationship.

#### Samantha Cherot: Public Defender

Samantha Cherot is Alaska's Public Defender. She explained that the Public Defender Agency represents indigent defendants across state in criminal, child protection, juvenile, and civil commitment cases. Their attorneys frequently see in their clients the effects of intergenerational trauma and substance abuse.

The PDA has 10 AmeriCorps volunteers throughout state that serve as client navigators. They work with clients daily to help them obtain services, housing, and benefits. They serve about 800 clients; last year, they helped 400 clients apply for substance use disorder treatment. For clients in Veterans' Court, they help with access to DV programming and anger management, which can be cost-prohibitive. Veterans' Court also offers clients an opportunity to create reunification plans and engage in couples counseling for DV-involved couples who want to remain a couple.

Nestlyn Barcelona explained that she is an advocate working with parents in CINA (child protection) cases for the PDA. CINA cases often stem from child safety issues related to parents' substance use disorders and DV; often the DV is related to substance use, as well as childhood trauma and inappropriate responses to stress. The PDA partners with community agencies to resolve these cases. Resolution can be a long process, because not everyone is ready to change. It takes patience and time and involves difficult conversations for both victims and perpetrators.

The PDA sees it as important to help its clients break the cycle of intergenerational trauma. The idea is to connect them to services and help them form better relationships. They find that it's hard for Alaska Natives to get culturally relevant programming, which is one reason why they use CITC a lot. Their programs include Parent's Journey and healthy relationship courses. These programs help clients identify triggers and alternative ways to handle crisis. They also have parent navigators who go into a client's home to model appropriate behavior. Often men are afraid of reaching out; CITC has great mentors who develop relationships their.

The PDA also sends clients to classes at the SouthCentral Foundation, which has classes such as the Family Wellness Warriors Initiative which helps people grapple with DV, substance use disorders, and trauma. AK Youth and Family has several federally granted family and individual therapy programs and peer navigators. The PDA's hope is that if they connect clients to services, they will be less likely to see state intervention in the future.

Brenda wondered about trying to implement programming for people between arrest and conviction, and whether, if there were pretrial diversion or a therapeutic court, they thought that would be beneficial? Samantha said for the PDA, that would be a case-by-case determination; if a person was wrongfully charged or over-charged, maybe not, but in other instances clients could benefit from resources. They want help, and don't want to sit around doing nothing while their case is pending.

Brenda said she also heard that the SEJ dispositions were heard not being used, and wondered if Samantha knew why not. Samantha thought that it just wasn't offered that often, but said she could look in to it. She had seen deferred sentencing agreements but SEJs were rare. Barbara noted that was backed up by the Commission's data showing that they were used in only a fraction of eligible cases. Troy added that SIS cases were also fairly rare.

Sarah said she couldn't speak for the Department of Law, but the Muni does offer deferred sentencing for DV cases—usually just first-time offenses. If a person can successfully go without reoffending, the Muni will ask for a dismissal. Troy wondered whether that was a factor that could affect average time to resolution. Sarah thought it probably would.

Sean asked whether it was common for people in Muni cases to stay in jail through trial or disposition. Sarah said no, they usually bail out. Bail can range from \$1000 unsecured to \$300 cash with PED supervision. Sean asked whether this meant that DV defendants were often out of jail relatively quickly. Sarah said yes, although having a bail condition of EM or PED monitoring can slow release down if the appropriate office was not open. Samantha pointed out that bail conditions usually prohibit defendants from returning home if they are released.

### **Public Comment**

Sam Duke said that in observing criminal justice policy discussions he had noticed a lot of reactionary talk, and thought it would be interesting to see more discussions about prevention.

### **Workgroup goals**

Sean noted that the workgroup had developed a long list at the last meeting about what the workgroup was interested in looking at, and that it was helpful to hear what programs and services are out there today. For him, what struck him most in looking at the data was the overrepresentation of the Alaska Native population among arrestees. He also wanted to look at what happens when a victim and offender want help immediately; the system was not designed for that. He wondered how they could get access to services at the time of arrest, and whether that could prevent compounding problems downstream.

Teri asked whether he was referring to people accessing services as a couple. Sean said yes, often the parties want to get back together. He thought that Anchorage was doing a good job in terms of following through with prosecution, perhaps better than in most parts of the country. But not when the couple wants to stay together.

Teri wondered how shelters such as AWAIC saw this dynamic play out. Suzi said that AWAIC mostly dealt with emergent issues, but noted that people do go back to their abusive partners. There can be significant substance misuse issues within the relationship, and people can be codependent. People who are using stay with who they know.

Brenda said that she often sees a vicious cycle involving delays in case processing, which leads victims to stop responding to law enforcement and prosecutors, which leads to the case being dismissed, and then the victim thinks there is no accountability for the defendant. When someone calls for help, they want assistance to get through the night. They're not in for a 12-month process.

Brenda added that victims are often tossed between the civil and criminal side of things, and they can find that hard to navigate. She wondered whether it would be helpful to look at a sequential intercept model for DV victims, starting with childhood, looking for opportunities to intervene. She was not sure about diversion on the night of, but thought there was a need to do something between arrest and conviction. Sean wondered about intervening at arraignment; at that point the defendant has been in jail overnight. They are now sober, are probably bailing out, and probably have a no contact order in place. Brenda thought there might be more victim involvement in an intervention at that point.

Sean wondered whether the effort should be victim-focused. Brenda thought the victim should be the primary focus along with rethinking batterers' intervention programming. She also thought that success should not be measured only in terms of recidivism.

Teri said she had been looking at BIP models over the last 8 months—there are a number of models out there. There are a lot of resources in Anchorage and more throughout the state. The question was how to fit those resources into a model that is useful, and can break down silos. She was interested to hear how much work is being done with case management at the PDA. She had heard that it was difficult for the PDA to get in touch with clients at shelters such as AWAIC. Suzi explained that they had to maintain confidentiality to maintain their funding, but knew that could be frustrating for partners who just want to help their clients. Brenda noted that the confidentiality helped protect the clients—they could always sign a release.

Teri thought it might help to think about victim needs as having two very different branches. If victims show up to services, they can get help. It is hard to reach those who don't want to participate in services or prosecution. The group might want think about what's more important: working with people who voluntarily go to services, or reaching the people who don't.

Brenda said the group should also think about programming for offenders. The Results First initiative led to diminished use of the BIPs. If courts aren't going to refer people to the BIPs, there should be something else in place.

Sean said that DV was different from most other crimes because the victim and offender have an ongoing relationship. And offenders who were probably victims at some point in their life. His thought was to create a response that would address both parties' needs simultaneously. It wouldn't be for all cases, but an option for couples who will get back together.

Samantha asked what the requirements were for deferred sentencing agreements with the Muni. Sarah said it depended on the case, but typically defendants would have to satisfy the requirements of any open OCS case and complete anger management. Samantha wondered if that process can be used to involve the victim also.

Becca wondered whether an intervention program could act like the homelessness intervention team; they would have 24-48 hours to get to the root of the problem, assess the situation for lethality, and follow up.

Troy said there was also the model of the problem-solving court, which staffs people trained to assess risk levels. These kinds of courts have been evaluated well. They are tricky to pull off, and more feasible in Anchorage or other urban areas. It's hard to do in rural areas because they are resource-intensive. Charlotte suggested looking at the CRP model.

Teri noted that problem-solving courts serve relatively few people compared to the magnitude of the issue, particularly if the focus was on the broad swath of moderate-risk offenders. She also thought there was more infrastructure being developed in rural areas with tribal courts.

Troy said at a basic level, they were talking about way to provide behavioral health services. Teri said that it would also require resources for victims such as financial support and housing. In order to benefit from behavioral health treatments such as cognitive behavioral therapy, people need to have their more immediate needs take care of first.

Sarah reminded the group to keep in mind that no one can oblige victims to participate in anything. The state or municipal prosecutor only has leverage over defendants. Teri added that much

of the federal money distributed under VAWA is meant to ensure the safety of the victims, placing the responsibility of helping victims outside the criminal justice system.

Brenda thought that was a good reason to focus on the offender. At her organization she serves the people who grew up in their shelter 20 years ago. She thought it was crucial to address ACEs. She also thought there was a need to normalize the idea that not everyone knows how to have a healthy relationship. Very few people actually make it through the BIPs; there was a need to start thinking about them differently—what we are doing now is not effective.

### **Future Meetings and Tasks**

Sean said the workgroup would skip the meeting planned for January and resume meeting in March. In the meantime, he would work with Barbara to identify program models that have elements of what the workgroup had discussed.

Brenda said that whatever the group comes up with, it would be necessary to ensure that the Department of Law would sign on to it. Charlotte said she couldn't offer any guarantees. Brenda said that she would like to know more about dismissed cases. Troy said he could try to request the data from Law and the Muni.