

Alaska Criminal Justice Commission  
Sex Offenses Workgroup

Meeting Summary for December 8, 2016

9:00 a.m. at CIRI  
725 E Fireweed Ln #800  
Anchorage, AK 99503

Commissioners present: Trevor Stephens, Brenda Stanfill, Greg Razo.

Meeting Participants: Taylor Winston, OVR; John Skidmore, Kaci Schroeder, Law; Aliza Kazmi, ANDVSA; Terra Burns, CUSP; Shannon Cross-Azbill, DJJ; Laura Brooks, DOC.

Staff: Staci Corey, Barbara Dunham.

**Focus areas and data collection**

The group began with a general discussion of what the group should focus on in coming meetings. John Skidmore asked what specific offenses the group should look at—there are the sex offenses listed in article 4 of AS 11.41, but there are other offenses that could be classified as sex offenses in other areas of the statutes.

Barbara Dunham suggested a focus on rural areas of the state. Taylor Winston said she would be surprised if there were any legislative solutions there. As a prosecutor in the Y-K delta region she saw that these problems tended to exacerbate themselves. Victim safety was a huge problem because victims tended to be intimidated. She mentioned an example where a mother, who had been sexually abused as a child, reported her daughter's sexual abuse and was then shunned in her village.

Aliza Kazmi said she was also aware of these problems, and thought there was room for improvement in the education of DAs—in how to be trauma-informed and not exacerbate the trauma of victim-witnesses. She suggested there could be better use of the executive directors of organizations that work with victims of sex assault as expert witnesses.

Aliza also noted that data collection was important. Much of the law enforcement data is voluntary, and so could be improved. The CDVSA has been collecting data as well. She would like to see data on the effectiveness of sex offender treatment programs, and the correlation of sex assault with substance abuse. She also would like to seek explanations for the results of a recent UAA survey which showed that sex assault had been going down on campus—she would like to know why that is.

Brenda Stanfill said that some of the legislative interest in having a report from this workgroup stemmed in looking at convictions of younger offenders and the age differential between the offender and victim.

John said that he has data on what cases are referred for prosecution, what cases are accepted, and the outcome of those cases. Law is working on a better data management system. He thought that any discussions of SB91 in the legislature prior to enactment wouldn't necessarily dictate what this group does, and that the legislature would likely want a "big picture" report.

Judge Stephens observed that the recent UAA study [on recidivism] had data that broke down into classifications. Brenda noted that the study didn't narrow down to specific offenses. Taylor said there was

a large variance in severity in offenses within a specific offense or classification, though in practice the prosecutor would deal with these cases differently. She would be interested in seeing if there were any correlations with offender ages. John thought he might be able to get data on ages. Laura Brooks concurred in gathering the most accurate data possible. She has heard about anecdotal evidence of offenders in their 50s tending to be repeat offenders, but the group could benefit from knowing what's really going on.

Terra Burns asked whether it would be possible to look at the data by location or village, noting the differences in jurisdictions. John replied that venue-specific data would be available going forward, though the data was not categorized this way in the past.

### **Juvenile offenders**

Shannon Cross-Azbill informed the group that DJJ can't take young kids who are sexually acting out; they are not found competent and so not in the DJJ system. This is especially hard to deal with in rural Alaska, where it is a struggle to get OCS involved in such cases. She also thought that it might be helpful to have more guidance on which cases to refer to the adult system, and noted that there are some older boys in DJJ custody who refuse treatment.

Taylor observed that juvenile sex offenders a bit of a "third rail" but probably something the group should talk about. There are some very sophisticated teenagers out there.

Brenda asked for clarification on which juveniles would be waived into adult court. Group members noted that those 16 and older are auto-waived if they are charged with an A or unclassified felony. Brenda then wondered who the 16-and-older offenders were who were still in DJJ custody and refusing treatment. Shannon said that often they were offenses varied but were sometimes juveniles charged with SAM (not an A or unclassified) where the victim was a family member. Some of these cases can be serious and she was worried about offenders who age out of the system and are released untreated.

Barbara asked whether the Dept of Law had numbers on juveniles charged with sex offenses. John explained that he had some data but did not have it all- they would only have records when a juvenile adjudication was contested or a juvenile was waived into adult court. Shannon said that DJJ would probably be able to get numbers on initial charges and their outcomes- she will look into what data is tracked at DJJ. John volunteered to talk with DJJ representatives about what kind of data would be helpful.

### **Treatment**

Barbara asked whether the group would be interested in looking at treatment, and there was general assent. Brenda said she was interested in looking at whether there was any difference in treatment in DOC custody versus treatment in the community. She noted there were wait times to get into treatment. Laura noted that when judgments are written in sex offense cases, the order to complete treatment doesn't usually specify that it must be done in custody. Inpatient treatment within DOC is at Lemon Creek, in a separate unit with very intensive programming. Some offenders don't want to do this, and complete their treatment requirement in the community, which requires less work.

John wondered whether there was data on where offenders were getting treatment, and whether there was any data on treatment capacity, which will be needed for recommendations. Laura said there was such data, and noted that any recommendations to change in-custody treatment would have to come with a

fiscal note. The in-custody program could be built up with the appropriate resources. The wait lists for in-custody treatment actually aren't that long because there aren't that many offenders signing up. Treatment in the community is contracted with outside vendors, but there are not many providers who want to offer sex offender treatment.

Judge Stephens said that he always orders treatment if the sentence is long enough, and makes it clear in his orders that treatment is a condition of probation, and the offender can be violated for not getting treatment, even if the offender is still in custody. He clearly states in the order that the offender must do treatment both in and out of custody- they are two separate conditions. It could be a judicial or prosecutorial education issue. John agreed, and said that was why collecting data was important.

Greg Razo wondered whether there were any existing reports on sex offender treatment. Laura said she had a white paper on the topic which she can circulate to the group. Barbara noted that the Results First Initiative will soon have data on the cost-effectiveness of state-run treatment programs. John observed that many outpatient programs are not state-run. Terra said she thought it would be helpful to have data on non-state-run programs, as some offenders might be more likely to comply with treatment orders if the state was not the provider.

### **Sex trafficking**

Terra asked whether the group would be interested in looking at sex trafficking laws. The sex trafficking law was changed in 2012 to broadly redefine sex trafficking in a way that doesn't follow the federal definition. Women who are working together for safety can now be charged with sex trafficking. She would rather see the law focus on victims of fraud and coercion. The current law discourages sex workers from reporting crimes because they don't want to get their friends in trouble. She has draft language of a potential fix that she can send to the group.

Staci Corey noted that the recent DPS report has data on sex trafficking reports, and the yearly DPS Crime in Alaska report has data on arrests for sex trafficking. Terra said that John has also provided her with similar data from Law which she has compiled into a database.

### **Other issues**

Greg said he would be interested in discussing reentry issues. The problem of sex offenders being displaced as a result of treatment obligations is pervasive. Offenders from villages are trapped in the city without resources or prosocial connections. Brenda suggested getting data on this, perhaps from Partners.

Staci recently sat in on a webinar on the circles of support model for sex offender treatment—it might be something that could work in rural areas.

Judge Stephens noted that there used to be more emphasis on safety planning in PSRs.

Brenda wondered whether it would be worth looking at historical data when there were shorter sentences. Judge Stephens said it would be interesting to look at recidivism rates. Brenda thought that the longer sentence lengths might deter reporting in some cases. Barbara offered to provide the group with a legislative history of the 2006 laws and why they were enacted. Greg thought the group could get national numbers from Pew, and Staci said she had some national data as well.

### Next Steps

- John will get data from Law on sex offenders generally
- Shannon will get data on juvenile offenders from DJJ
- Laura will get data on treatment rates from DOC
- Terra will get data on sex trafficking numbers
- Barbara will circulate the white paper from DOC, the Circles of Support information, a study on sex assault in rural Alaska, historical data from UAA, and a legislative history of the 2006 laws.

The group agreed to have meetings track with the Commission meetings. Next meeting is February 23, 2016, location TBD.