

Alaska Criminal Justice Commission

Victims' Rights and Services Workgroup

Meeting Summary

Wednesday, February 5, 10:00 a.m.

Loussac Library, 3600 Denali St, Anchorage, and teleconference

Participants: Brenda Stanfill, Karla Hart, Kate Hudson, Rebekah Moras, Laurie Orell, Tori Shanklin, Sam Duke, Mike Ramsay, Kim Stone, Taylor Winston, Buddy Whitt, Barbara Johnson

Staff: Susanne DiPietro, Staci Corey, Barbara Dunham

Tribal Victim Assistance Micro-Grant Program

Laurie Orell, Program Manager with the Denali Commission, explained that this program started in January of this year. The program has \$7 million out of tribal set-aside money designated by VAWA to spend on micro-grants for tribes looking to provide victim assistance services. Right now she is developing training and looking for a technical assistance provider to help people apply for the grants and build capacity to administer them. This is in the planning stage, and later they will be putting out a notice of funding opportunity for the grants. These are federal funds, which come with some stipulations but also some flexibility. She encouraged anyone interested to reach out to her for more information.

Brenda Stanfill, Commissioner and workgroup chair, asked whether this was a one-time program. Laurie said that right now, it was considered a pilot, but there was hope it could be transformed into a long-term program. Currently the grant cycle for the pilot runs for 3 years.

Kim Stone with the Department of Law asked whether individual tribes need to apply. Laurie said that applicants could be individual tribes, tribal consortiums, and tribal governments working in partnership with nonprofits. Tribes can also apply directly to DOJ. If a tribe has already applied for a grant under the VAWA tribal set-aside, they are not eligible for the first round of grants.

Laurie explained that the funds have broad use, and eligible services included awareness campaigns, shelter services, and victim advocates. The funds can't be used for primary prevention, or new construction (although renovation of existing structures would be okay). Brenda asked whether there were any restrictions on renovation, as that has been an issue with federally funded housing grants; it would be helpful not to have restrictions. Laurie said she wasn't sure about that and would have to look into it.

Laurie said that national technical assistance (TA) providers would not be effective, rather she is looking for a statewide tribally-based organization that can provide training and TA. This provider would put together a team, which could then reach out to tribes to talk about needs, and how to apply. This is very different from the usual DOJ approach (i.e. webinars). This will involve more one-on-one conversations. There is a tight timeline to get this in place; the provider can't be a for-profit organization.

Brenda noted that there were some really strong tribally-based entities out there, such as Healing Native Hearts, Yupik Women's Coalition, and the Alaska Native Women's Resource Center. Laurie said she had reached out to those and other entities.

Kim wondered whether the grants could cover direct victim compensation. Laurie said she would have to look into that too. The grants can't be used for VPSOs, troopers, or jails—the intent is to keep this funding source separate from law enforcement.

Brenda asked whether there was a cap on the grant. Laurie said that the cap was \$350,000 for the three-year term. Brenda was concerned that \$125k per year was not going to go very far. Laurie said the grants were intended to go to very small communities that don't have access to or capacity for bigger funds.

Brenda asked whether, in the case of a group that represents a lot of communities, it would be eligible only for one grant, or if there would be one for each community. Laurie said each would have to apply on its own. For example, the South Central Foundation is not eligible this year because it already applied, but if they partnered with a local tribal community and that community was the lead, it would probably be okay, although she cautioned that she was still working through some of the details as to how to make this work. The intent behind the program is to get smaller communities to apply on their own and build some capacity. The TA component was designed to reach out to those communities to identify their needs and address what it would take to get them to apply.

Brenda wondered what administrative requirements the grants had. She knew they can be a hindrance, a lot of paperwork can be involved in these things, and it can take time to do follow-up. Laurie said that was another thing she was working through. She had heard that administration for federal grants can be difficult, and had also heard that finding matching funds is hard to do— these were things she was looking at.

Kim said that small tribes often rely on a consortium for the capacity to apply to things like this, she wondered if there was a way to lift the cap in those situations. Laurie said that the thinking behind this program was that those consortiums can already go directly to DOJ, and that this would get smaller communities to apply. Right now it is largely the big organizations that are applying to DOJ, and they are hearing that money doesn't get out to smaller communities as much. DOJ was still doing grant opportunities for larger communities and organizations too. There would be tribal consultations with DOJ next week; she would send Barbara the information about it to pass on to the group.

Barbara Dunham, project attorney for the Commission, noted that the description of the micro-grants program listed a number of crimes, and she wondered whether grantees would have to provide services to victims of all those crimes— for example, would a DV shelter need to help victims of all crimes, or could it just focus on victims of DV crimes? Laurie said that grantees could focus on just one type of crime such as elder abuse, or trafficking. Also, the crimes covered by the grant were not limited to that list. Brenda asked if this included property crime. Laurie said she was pretty sure that was allowed but she would follow up. She didn't want to let the list inhibit people from applying for the grant.

Brenda asked whether, if a tribe was going to have hard time administering a grant, another nonprofit could be the fiscal agent. Laurie said yes, although the tribe would have to apply; grants were

currently administered like that in some places. The TA provider will also help build capacity for that. One administrative challenge is the data requirement from DOJ; standard reporting requirements would still be in place, and the TA should help with that too.

Laurie said that in terms of outreach, she was developing a communication list, and would love to get contact information for everyone in the workgroup. She is developing a communication plan. Information will also be on the Denali Commission's website and grants.gov. The application will not be through grants.gov, but can be emailed directly to the Denali Commission. She had heard that is a challenge to get through the grants.gov process.

Kim wondered whether the micro-grants could fund tribal courts. Laurie believed there was a different fund for tribal courts, but would need to clarify that. Each pot of funds has tribal set-aside dollars.

Victims' Rights Week

Tori Shanklin, executive director of Victims for Justice, explained that Victims' Rights Week would be April-19th-25th. This is a nationally driven campaign, and VFJ was coordinating things for Alaska. There would be things going on statewide, including marches in the Aleutians. In Anchorage there would be a tree ceremony on April 20 for victims of violent crime. The ceremony provides a visual representation of the impacts of crime. VFJ also hosts the victim service awards, which is available for people statewide. The idea is to honor the work being done, and draw attention to work that still needs to be done. There will also be general PSAs. VFJ has been taking the lead on this project but Victims' Rights Week covers all crimes.

Draft Recommendation

Brenda reminded the group that at the last meeting, the group brainstormed victim needs at every intercept of the criminal justice system, and put those ideas up on poster. Barbara Dunham had boiled those thoughts down to a draft recommendation document. Brenda suggested working through this document to see if there are any questions that need to be looked at, or if we missed capturing anything from the last meeting. The draft made recommendations in four different categories: public outreach, victim advocates working in partnership with law enforcement, improved communications, and victim navigators.

Karla Hart, staff to Rep. Geran Tarr, said that Rep. Tarr has been talking with mental health advocates about mental health navigators. She wondered whether there was a need for a higher-level navigator system; perhaps a victim navigator and mental health navigator system could be integrated.

Taylor Winston, executive director of the Office of Victim's Rights, said she appreciated those thoughts, but thought that significant work needs to be done for victim issues—mental health is very broad. There was probably a need for navigators for a number of things. Karla said that was fair enough, she was just throwing the idea out there. Brenda said it was something to think about—maybe not one navigator do it all, but it was worth talking about the concept of creating a new entity that doesn't exist.

Tori asked what the next steps would be if the Commission forwards a recommendation to the legislature. Brenda said once the workgroup is done with the recommendation, the Commission can kick it back to the workgroup for edits or approve it. Once it's approved it will get sent to the Legislature. The

original intent of having two legislators on the Commission was that the legislators could carry the recommendations as legislation, but that doesn't always work out. Any legislator can pick up a recommendation. If something doesn't need legislative fix, the Commission can make recommendations to a department.

Susanne DiPietro, executive director of the Alaska Judicial Council, added that the Commission has broad authority to make recommendations to the legislature and the governor/agencies. Barbara Dunham noted that the likelihood of a recommendation getting picked up by a legislator really depended on whether it was something the legislators wanted to work on—she thought that there might be more interest in victims' services than other criminal justice issues.

Brenda wondered if anyone in the group had any additions to the four basic categories of recommendation. No one had any additions.

- *Public outreach*

The main recommendation in this category was to create a month-long, statewide public awareness campaign to let the general public know that there are resources available for victims of crime and where to find more information. Brenda noted that VJF had already made a lot of effort in this area already, which was much appreciated. One of the questions for this recommendation was which agency should be responsible for it.

Barbara Dunham noted that the recommendation sounded like the successful Choose Respect campaign, and she wondered which agency coordinated that. Susanne said it was governor's office, and it was spearheaded by Katie Tepas. Brenda said that the campaign also had a dashboard with goals and objectives of things that should change—it has not been updated in last few years, and no one really knows where the state is at for those benchmarks. She added that a nonprofit such as hers could do PSAs, but would never have the power or reach of the governor's office that Choose Respect did. That campaign was heard and people felt like something was happening; both reporting and requests for services increased. She thought Alaska would benefit from strong state effort on this, and thought that victims would like to know that the state is paying attention to victim needs.

Steve Williams COO of the Alaska Mental Health Trust, agreed, and thought it might be prudent to look at what Choose Respect accomplished, maybe an inventory of what's been done. He also thought the public outreach project could be done in partnership with another entity. He didn't want to assume that it should be a state agency.

Taylor said that she would want to make sure that whatever the organization taking point may be, that it not be in an organization that is limited only to DV/SA—while many victims have experienced those crimes, there are also many other victims. All victims are victims per state statute. There is trauma associated with every type of crime.

Tori added that she would also want to make sure that everything was looked at through the lens of racial equity, and to make sure that the campaign reached everyone, statewide.

Brenda asked if anyone had thoughts on whether PSAs should direct people to a website or hotline number. Sam Duke wondered if it would be similar to the court system's self-help center. Susanne noted that no one thought that the self-help center would work because it operated by phone and email only. But it did work-- even people in rural areas had access to telephones, and if they didn't have a computer, they knew someone who had a computer—this is a model that can work in rural Alaska. Not as easily as in cities, but it still can be a good model. On other hand, Susanne, said, victim services were not really in the court system's wheelhouse. Sam thought it might work if it was just a service that would point people in the right direction.

Susanne said that if it was just a matter of hosting a website she could ask the Council to host. Tori wondered what people know about the 211 system and how that operates. VFJ refers people to it a lot. Brenda suggested inviting 211 representatives to a future meeting. Steve said 211 was a statewide resource operated by the United Way. He thought the group should hear from 211, to know what's already out there, and whether they are already hearing from victims, and have any data. His intuition would say that victims thinking about where to get help would first think about going to law enforcement or the courts. Taylor agreed, especially if the case is already in court. She suggested the campaign could also have tab on law enforcement websites. That might get folks whose cases are not yet in court.

Tori wondered if it needed to get to that level of detail. Susanne said that the more detailed the recommendation is, the more likely it will be taken up. Brenda added that the full Commission often asks for more detail. Susanne said that the group could also make a broad recommendation that someone do this. Tori thought the recommendation should definitely identify who should helm the project.

Barbara Dunham suggested that the group might also want to think about what the overall message of the public outreach campaign would be as well as what the rest of recommendation will say—for example, if one recommendation is to create victim navigators, the outreach campaign might want to spread awareness about that.

Brenda said that it might also be good to have both a phone line and a website. Sam said that a website could start the filtering process to point people in the right direction. Susanne noted that the upkeep of a website could be a big task. Kim thought a large part of this was awareness, getting at a lot of what the group has already talked about, in that victims are not in a good space to hear things immediately after the crime—this would be a way to educate the general public so they have these services in mind when things happen to them, or their friends will know. People don't always pay attention to brochures they are given at the time. Sam said that would be the helpful part of a self-help website or number police can just hand people the url or number.

Brenda said it sounded like the group needed to hear from the folks at 211, that primary goal of the outreach campaign was to increase awareness in the general public, that we should make sure we are thinking about racial equity, and that this effort will be inclusive of all crimes. This recommendation could potentially send victims to a website and perhaps a phone number/person to contact.

Tori said it would be good to know the extent to which 211 works with tribes. Steve said he could work with Barbara to get some of these answers, and suggested that the group also needed to think about what information people are looking for. Susanne said that there are the results from the survey, and

feedback from the listening sessions. It would also be helpful to get data from 211 about what types of questions people are asking them.

Rebekah Moras, policy advocate with ANDVSA, asked whether the outreach campaign would be using just a website, or also social media? Brenda was inclined to think broadly, and thought the group should also think about texting—a lot of agencies haven't caught up to that.

- *Advocates working with law enforcement*

Tori explained that VFJ is trying to sign an MOU with APD to work with them on assisting victims. However, statute and policy are getting in the way, and they are struggling to get the information sharing piece in place. The victim needs to approve getting help from them before they can be given the victim's information. For example in sex offense cases, no one is given the victim's name until they appear as part of the SART team and the victim signs a consent to receive services.

Brenda suggested hearing from DPS about this. In Fairbanks they used to have the victim sign a form and then fax it to the advocates, but then they were told that was not legal. Susanne asked whether that was because of a statute or internal policy. Brenda was not sure.

Tori was also not sure where exactly the holdup was coming from, but they were hoping to use a similar waiver system. Even that method was not ideal—it was another thing for officers to carry. But the MOUs keep getting turned down by lawyers.

Brenda noted that having an embedded advocate was also a problem because then anything they discuss with the victim could potentially be discoverable. She has tried to bring up the idea of a warm handoff, but has gotten pushback. It would help to get statewide support for something like this. She also suggested looking around the country for best practices.

Tori said she had been looking into models around the country and found a promising practice in New York. Advocates and law enforcement work as a partnership- advocates are not going out on calls, but 24-48 hours later they follow up. There are also grants that advocacy agencies can apply for, but the agencies don't have the capacity to apply. Sam wondered if there was an option for the police chaplain to do some follow-up. Tori thought that was also something to look into.

Susanne said she thought it was important to find out exactly what the barrier is for the waiver—she would like to talk to those lawyers. If a statute needs to be changed, the Commission can recommend it. Brenda agreed that it sounded like the next step was to identify the barrier.

Barbara Dunham wondered if it had anything to do with CJIS data. Tori said that VFJ's advocates were now CJIS-cleared. It might also be an issue of liability. Kim said that if an advocate was embedded, there might be an issue with the advocate becoming a witness. Tori explained that VFJ was not asking to go with officers to the crime scene, or even to get information about the crime from the officers.

Susanne said that DV/SA advocates have an exception, that they cannot be witnesses. Kim said that sounded like a legislative fix. Taylor said that OVR's statute also says their attorneys can't be called as witness. Brenda noted that DV/SA advocate information is privileged, which is different from

confidentiality. Taylor said that OVR has non-reciprocal discovery, meaning that they can get information about the case from the prosecution but do not have to provide information to the parties. Without some protections in statute she could see victim advocate information becoming a litigation point in a criminal case.

Susanne wondered if defense attorneys would ask for the information. Brenda said that the reason DV/SA advocates got their information privileged was because they were being asked for it—defense attorneys would ask things like “did she cry?”, etc., mostly based on outdated ideas about how victims should behave. Knowing that attorneys could ask about that kind of thing hinders advocate from working with people.

Susanne said it sounded like there were a couple of issues, one being whether a consent form is discoverable, and the second issue being whether there is an confidentiality or privilege attached to the victim-advocate relationship.

Barbara Johnson with 49th Rising explained that she was calling in from Kalskag, and noted that a lot of this discussion involved areas where police respond to crime, and she wondered how something like this would work in the villages. Brenda said that all law enforcement officers have a duty to give information on where to get help to DV victims but she was not sure if that applies to VPSOs and VPOs. Kim said she would need to look at the definition of a law enforcement officer. Susanne said that in many cases there wasn't a VPO or VPSO at the village, so she wasn't sure how a victim would get connected to victim advocates if law enforcement officers are not there. Brenda suggested reaching out to VPSOs and VPOs to see how they give DV information to victims

Barbara Johnson said that she had travelled around several villages and noticed that there is a big gap in both services and awareness compared to road system communities. Very few people were taking advantage of services. There are informal safehouses that people know to go to. The experience in Fairbanks is very different. Tori said it would be interesting to see if things are improved by the micro-grants, and wondered what data would be tracked.

Brenda said it was always a challenge to know what resources are out there. Barbara Johnson said that each village is so different, and that sharing information can be a double-edged sword. This is something you'd definitely want to work with local partners on. Also, law enforcement is not always what victims want; often they just want to be safe, and want the conduct to stop. Brenda said that was something to keep in mind about the consent issue and post-offense outreach.

- *Improve interagency communications*

One thing mentioned in previous meetings was the need to have bail conditions communicated to law enforcement. This is currently being done in Fairbanks. Susanne explained that this was tricky to accomplish—for one thing, bail conditions change. Barbara added that the judges who impose bail conditions also need to agree to a standardized set of bail conditions so that the information can be transmitted electronically more easily.

Taylor said that you would have trouble just in Anchorage getting that kind of agreement. Judges don't like to be so constrained. But if officer don't have access to the bail conditions, they can't enforce

them. She thought this was key. She added that victims have difficulty getting notice of bail hearings where bail conditions are changed. It is also difficult to get victims notice of OR releases, or when people are released when their charges are dropped because they have been found incompetent to stand trial. It's also hard for law enforcement to find those things out.

Susanne said that the Fairbanks model started because local law enforcement wanted to access bail orders. They didn't want to arrest people without probable cause. So in the courtroom, clerks are entering the bail conditions, which required extra people to input the data—that was the biggest barrier. She believed they added one in-court clerk to every courtroom. Also, judges really want to craft conditions specific to the case. Barbara wondered if the standardized conditions could focus on just the ones that are necessary to law enforcement. Other specific conditions could be added to the bail order if the case warranted.

Susanne said that there was another system in Nome: the court faxes orders to the police department, and police department employee enters the conditions in a database. This solution was not quite as immediate.

Tori said there was a similar arrangement for the municipal cases in Anchorage, but she believed it was only for DV/SA cases. But she thought there were still problems with getting systems to communicate.

Brenda noted that there were standard conditions for bail schedule releases.

Kim said that the Department of Law's victim-witness paralegals do share information on bail conditions. That helps for victim knowledge but doesn't solve the issue of officers' knowledge. Tori said she was working with the Anchorage DA's office and Susie Frenzel on improving that link.

Brenda noted that tied into the recommendation to increase the number of victim-witness paralegals. She wondered if Law saw a need for that. Kim said that she could not speak for the Department of Law on that. Brenda said that she heard from victims that there can be a delay in getting those notifications from Law. Kim said she could get more information on what might help. Law is also dealing with turnover, just like other departments.

Susanne wondered if paralegals are already looking at the bail order, whether that might be a place to get that information entered into the law enforcement database. Kim said that was something she would need to think about; she could see some issues arising.

Taylor wondered if there was a way to just scan in the order directly. Courts don't always send bail orders over to the prosecutor right away, although the courts are moving to a paperless system. Scanning the order in would save in-courts time from typing. She thought a long-term solution would be to have a way to just access the information electronically, in the same way that information is available in the federal system. Kim said she thought that Kenai had maybe gotten there already; the court system and DA and law enforcement have a unified interface. Susanne said that was right, that Kenai was the pilot site for statewide e-filing. Taylor said she'd heard there were glitches. Sam said that Kenai has been doing better but is still struggling—the problem is information flow.

Brenda said it sounded like more information was needed about that project – maybe the solution was just a statewide database.

Brenda wondered how quickly victims get the information when defendants are released pre-trial. Mike Ramsay said that they are notified immediately as long as the victim signs up for VINE and the defendant's information is in ACOMS. Notification about whether someone has been released isn't contingent on any legal status, so it doesn't matter if the defendant is pre-trial. But anyone wanting notification has to sign up anew after every arrest, even if they have been registered for notifications for that person before.

Brenda said that it would be good to find out what happens when a suspect is released per the bail schedule. Susanne said she was under the impression that officers just take them in to a DOC facility to pay bail if a cash bail is required. Mike said he thought there should be a record in ACOMS.

Public Comment

Amber Christiansen explained that she was the director of Native Student Services at UAA and that she would like to be on the mailing list for this group. She had heard the group's discussion about representation in rural communities, and she wanted to stress that importance. There was extensive need. There was one rural police force with officers who had all been convicted of DV. People are extremely likely to be sexually assaulted in villages. She was happy to support the initiatives in this workgroup and to make connections to rural communities. Brenda thanked her and said she was welcome to participate.

Kate Hudson of the Violent Crimes Compensation Board said that she would be resigning as of next week. The VCCB is moving to Anchorage.

Future Meetings and Tasks

Brenda noted that March 25 and May 6 were the next scheduled meetings; hopefully these recommendations could come together in that time and then get sent out to the rest of the Commission after that.