

Alaska Criminal Justice Commission
Victims' Rights and Services Workgroup

Meeting Summary

Thursday, April 1, 2021

10:00 a.m. – 12:00 p.m.

Via Zoom

Commissioners Present: Steve Williams, Mike Ramsay (serving as proxy for DOC Commissioner Nancy Dahlstrom), Alex Cleghorn

Participants: Nancy Meade, Travis Welch, Kaeli Snyder, Taylor Winston, Laurie Orell, Victoria Shanklin, Rachel Gernat, Troy Payne, Dawn Shewmaker, MaryBeth Gagnon, Andrew Gonzalez, Carmen Lowry, Suki Miller, Andree McLeod, Tami Jerue

Staff: Staci Corey, Barbara Dunham

Introductions

There were no additions or objections to the meeting agenda, and the approval of the February 2 meeting summary was held off until the next meeting.

Alaska Victimization Survey Dashboard

Andrew Gonzalez, research professional with the Alaska Justice Information Center (AJiC) explained that the Alaska Victimization Survey (AVS) began in 2010. The survey asks questions of a sample of adult women residing in Alaska, and includes questions on intimate partner violence, stalking, and sexual violence. Statewide surveys were conducted in 2010 and 2015, and regional surveys were conducted between 2011 and 2014. A 2020 statewide survey is complete and responses are currently being analyzed by Dr. Ingrid Johnson.

The AVS dashboard is an interactive visual representation of the data from the AVS concerning intimate partner violence (IPV), using information collected between 2010 and 2015. Anyone with the link (<https://uaa.alaska.edu/ajic/dashboards/avs>) can access the dashboard. There is a lot of content available on the dashboard, which has six pages. Mr. Gonzalez explained that for this presentation he would focus on the first page, but concepts would apply to the other pages (and AJiC's other dashboards).

Each page has descriptive text at the top explaining what the page is about. The idea behind the dashboard is to "liberate" the data to make it more accessible to a variety of users. The dashboard therefore pulls out key findings for big-picture takeaways, but also allows users to drill down for more detail.

Each page has a key finding—on the first page, which is a summary of IPV responses, the key finding is that 6/10 respondents have experienced IPV in their lifetime. Each page is also dynamic, allowing results to be broken down by race, age, and income, or a combination of filters. This allows for tailored analysis; for example, one can see how results change by income group. The chart will change according

to the filter selected. Adjusting the filter will change the title, and users can download the resulting chart or take a screenshot with an accurate title.

The first page detail goes into forms of IPV (coercive control and entrapment, psychological aggression, physical violence. Hovering over the figure will pop out text that explains what each part of the figure is visualizing, and also give the numbers for each category, as well as the percentage. The download option is at the bottom of the page, and users can download the charts into a pdf, or into a Powerpoint slide. Users can incorporate this information into their own work.

Dr. Troy Payne, director of AJiC, said that AJiC would like input from users on this dashboard, and encouraged the group to share what's useful and what's not if they use it. AJiC will be updating the dashboard with 2020 data this year.

Commissioner and workgroup chair Steve Williams asked if there would be anything new in the results of the 2020 survey. Mr. Gonzalez said that he understood that the survey was more expansive than in previous years, with additional questions including some related to COVID and victim services. Dr. Johnson would be able to explain further. Dr. Payne explained that Dr. Johnson was now running through the analyses, and would be able to talk about it later in the year.

Victims' Video

Commissioner Williams explained that that this was a continuation of the conversation from the last meeting, Judge Stephens had recommended developing informational videos for victims regarding the criminal justice process, and a small group headed by Taylor Winston was going to meet in between meetings and look at the idea further.

Ms. Winston, executive director of the Office of Victims' Rights, said that the group had met once to brainstorm ideas and identify next steps. They talked about topics to cover and what length the videos should be. They decided on several videos less than five minutes long to make the content easier to digest.

In terms of content, they tried to figure out what questions victims are asking. They want to make sure the videos are culturally competent, and will meet needs of people in both urban and rural areas. They decided to start with three primary topics. The first would be an overview of victims' rights – a lot of victims don't know their rights, and they can't exercise a right if they don't know it exists. The second would be an overview of the criminal justice process to give an idea what's coming. The third would be for bail, which is early on in the process, and at which a victim has a right to be heard. The group also talked about resources, noting that they can be referred to within the videos. The effort would start small, and expand over time. The group also talked about having them translated into various languages.

Ms. Winston said the group consisted of Tory Shanklin and Paula Dobbyn from Victims for Justice, Commissioner and ANJC Legal and Policy Director Alex Cleghorn, Katie TePas with the Department of Public Safety, and Suki Miller from STAR. They will meet again at 1pm on April 5.

Victim Advocate Privilege

Barbara Dunham, project attorney for the Commission, explained that this issue had been raised in the workgroup last year. There is a statute granting legal privilege to confidential conversations between domestic violence and sexual assault (DVSA) advocates and their victim clients. This privilege, similar to

an attorney-client privilege, allows DVSA advocates and victims to have confidential conversations without worrying about whether their conversation is subject to subpoena or discovery as part of a criminal investigation. The statute only applies to advocates who have received 40 or more hours of DVSA advocacy training and who work in organizations that primarily serve DVSA victims. The question that was raised last year was whether this privilege should be extended to advocates who are not necessarily DVSA advocates.

Dawn Shewmaker, Victim-Witness Coordinator for the US Attorney's Office, noted that she had no privilege or confidentiality whatsoever. She explained that it can be a little or a lot complicated to form a rapport with a victim and be a source of trust; she has to get to know them without having them tell her their story. She has learned how to walk that line, but if the privilege were expanded, she thought it could only be a benefit to victims. It would allow victims to open up and discuss matters freely without worrying about jeopardizing the criminal case.

Tory Shanklin, executive director of Victims for Justice, said she appreciated this being brought up, and this was something VFJ have been discussing for several years. VFJ doesn't specialize in DVSA, so the current privilege statute doesn't apply to them. When they were beginning their partnerships with the Fairbanks and Anchorage police departments, it was an issue. She didn't necessarily understand the distinction between advocates. She thought something was needed to protect agencies—if VFJ were to get a subpoena, she worried they might be forced to hand over records. It puts victims in a vulnerable situation.

Commissioner Williams wondered why the current statute only covered DVSA advocates. Rachel Gernat with ANDVSA said she was not sure without looking at the statute's legislative history. She noted that DVSA advocates go through a specific training in order to be qualified to be work in the field. There are a lot of types of advocate, and not all of them necessarily need confidential communication.

Ms. Shanklin noted that VFJ's advocates have also gone through a 40-hour training. She understood that there are people who just call themselves advocates who would not necessarily need this. But there are advocates who have gone through the training, but don't have the protection of the statute because they do not work for an organization whose "primary" purpose is to serve DVSA victims.

Ms. Gernat thought Ms. Shanklin made a good point—the word "primary" was key. The issue is based in what is discoverable. Any notes by an advocate or someone associated with the case can be discovered.

Commissioner Cleghorn said that he would also like to include tribes in this discussion. As written, the term "victim counseling center" would not include tribes. Ms. Shanklin thought that was a good point, especially that there are now a lot of tribal victim programs with additional federal resources coming in.

Kaeli Snyder, Victim Specialist with the FBI, explained that she was new to Alaska, and that she had previously worked in Oregon as an advocate planted in the DA's offices. There, none of the advocates who placed in government agencies had privilege, while those who were in private non-profit organizations did. Having one of each kind of advocate working together was helpful. As someone who did not have privilege in the DA's office, she was never subpoenaed, and was able to explain to victims that communications were not necessarily confidential and that she was similar to a mandated reporter. She was still able to help victims get restraining orders and other assistance. Ms. Shewmaker asked what kind of

organizations Ms. Snyder worked with, and Ms. Snyder said she had worked with multiple kinds of agencies, not just those focused on DVSA.

Commissioner Williams said that he agreed with Ms. Gernat's suggestion to look at the legislative history of the current law. He wondered what other additional information was needed. Ms. Shewmaker suggested looking at how the Oregon or Washington statutes are worded. Those states also have a number of tribal organizations, and may have also addressed that aspect. Ms. Snyder noted that Oregon's statute was relatively new.

MaryBeth Gagnon from the CDVSA agreed with looking at the legislative history. In her experience, "victim counselor" and "victim counseling center" could even be too vague. She also agreed that looking at other states' statutes can be helpful. The current statute seems vague and antiquated. She suggested reaching out to New Mexico, Wyoming, and Hawaii as well.

Victim Navigators

Ms. Dunham explained that this was also a topic that the group had discussed last year. She summarized a memo she had circulated on the topic. There are a number of victim service organizations in Alaska, and several ways that victims could be connected to those organizations. The Commission has already recommended developing partnerships between law enforcement and victim advocates, and creating new victim coordinator positions within the Department of Law. The memo gave examples of victim navigator programs in other states, including programs housed in legal services organizations and programs housed in prosecutors' offices. The question for the group was whether Alaska needed an additional victim navigator resource.

Commissioner Cleghorn said that this idea tied into a lot of what the Commission heard in its victim listening sessions, about how victims perceive the justice process and access information and services. He thought this was a promising idea. He liked the legal services idea but also would like to hear what non-legal organizations thought.

Ms. Winston noted that it is in the law that every law enforcement officer should be telling victims about OVR and giving them OVR's contact information in writing and orally, as should the Department of Law. Hypothetically if that were done every time (and maybe if OVR's material were revised) they could refer victims to services—they already do that often. The trouble is they have no idea how much officers are following this law. OVR will provide brochures and training to any officer/office who wants it. Even if they receive the information from an officer, victims can't always recall they did receive the information because of the trauma they have just experienced. Turnover at the Department of Law also makes it difficult to keep tabs on what information has been imparted. The criminal justice system is a bewildering process, and having one or two different funnels, wherever they are housed, will help. But there is existing infrastructure that could be used.

Ms. Shanklin suggested also thinking about strengthening relationships between law enforcement officer and victim service providers, and thought having soft handoff was key. If officers are just checking off a box, and victims are handed information in a moment of trauma, it may not help, since they may not be able to process the information. It needs to be continually introduced in multiple ways. There is lots of work being done out there, and people able to do this work, but it needs to be easier to access.

Ms. Gernat wanted to reiterate what Ms. Winston said, that there is a law already in place. She would not want to put more of a burden on victim service agencies. Law enforcement officers and prosecutors already have the inside information on the investigation and prosecution, the processes that victims will have questions about. Providing that information is not the victim advocate's job. She suggested looking at ways to ensure that agencies are doing what they are supposed to do.

Ms. Winston said that there were multiple places that could provide information. She wondered whether better meetings among victim services agencies might help.

Ms. Shewmaker said that a lot of the complaints victims have on the state side relate to a lack of information about what's happening with the criminal case. Non-governmental service organizations like victim advocacy organizations have to do same thing the victim would do, which is call the state agency for answers. Having people within those offices will ensure victims can get that information. She was not sure if adding a position for someone outside a state agency would address the issue.

Commissioner Williams suggested that for next meeting, the group could take a look at the law in terms of what information must be provided, and the group could map these ideas out.

Federal MMIP Program and Victim Assistance Grants

Tami Jerue, executive director of the Alaska Native Women's Resource Center (ANWRC), explained that Alaska's Missing and Murdered Indigenous Persons (MMIP) office was started as part of larger nationwide movement focusing on Missing and Murdered Indigenous Women, and the intersections with DV/SA and other victimization of indigenous people. There has been more focus on this issue starting about five years ago, but this issue is not new. A federal executive order from the previous administration created 11 coordinator positions in states with high numbers of MMIW. Alaska was included, even though legally tribal lands are a little different here, likely because of AG Barr's visit to the state. Ingrid Cumberlidge is Alaska's coordinator.

Ms. Jerue explained the Ms. Cumberlidge had put together a broad working group made up of federal, state and local law enforcement officers from around the state, tribal judges, and victims' groups like ANWRC and VFJ. The group was also working with the cold case office in the FBI. One of the working group's tasks has been to come up with pilot project response plans. It has been a challenging group to put together because these groups are not used to working together, law enforcement agencies are used to having their own agenda, and not all tribal communities have their own law enforcement. It was now becoming more coherent, and members were expanding their thinking, and building relationships. Ms. Jerue thought there was real value in that. They have now confirmed that this effort will continue to be funded in the current administration.

Ms. Jerue explained that OVC funding was also coming into Alaska's many tribal communities. Set-aside finding has been approved since 2018. This allowed tribes to apply for VOCA funding specifically set aside for tribes. It has opened up a wide door for creating programs that have never before been seen in Alaska. There are some programs that have done a lot of work, others that need to build capacity. ANWRC is the technical assistance provider for these grants, and trains tribes on how to apply. Going forward the dream would be that these new services would intersect with other tribal resources and nontribal resources. Some tribes would be more open to that than others. It would take some joint efforts and learning. One challenge under this system is that each tribe's grant funds a unique program—each applied for a specific

project. One key difference from other programs is that services funded by these grants can be provided to victims who have not made a report to law enforcement.

Ms. Dunham asked how this was different from the program the Denali Commission was funding. Laurie Orell with the Denali Commission said that they have microgrants within the set aside, with the intention of building new programs. They have a notice of funding opportunity open now, and she would be happy to discuss it with anyone who has questions. More information is available at: <https://www.denali.gov/tribal-victims-of-crime-funding-opportunity/>

Ms. Shewmaker asked if anyone was tracking everything the tribes were doing. Ms. Jerue said not yet, but her organization was trying to lay that out. They were working with grants managers to create a thorough list. Ms. Shewmaker said that her office has cases from all over Alaska, and has additional attorneys for rural Alaska now. If they get a case with a victim in one of the tribal service areas, it would be great to reach out to whoever is already in place and work with them to provide information to the victim. Ms. Jerue said that her organization could do some of that, and ANJC was working on it as well. This was something they were trying to shore up, working toward a network of victim advocates who can help prosecution, and push for accountability,

Commissioner Cleghorn added that one of ANJC's OVC deliverables was to create an asset map, what resources for victims are available. It was not statewide, but for the Anchorage service unit. He encouraged anyone with questions to reach out to him.

Ms. Jerue also shared her contact information in case anyone had any questions: tami.jerue@aknwrc.org or their main number 907-328-3990. The website is www.aknwrc.org.

Ms. Dunham said that this might be an opportunity to leverage these significant new resources coming into the state, and wondered whether the Commission could make a recommendation as to how these services could further interface with state services and create a cross-jurisdictional infrastructure for victim services. She encouraged anyone with recommendation ideas to send them to her.

Public Comment

Malan Paquette from Anchor Point said that she had served in victim services and also access them herself. On the topic of the victims' video, she thought the short video concept was good; given that there is limited internet availability in the state, some people might be downloading the videos, and it is difficult to download long videos.

Ms. Paquette also suggested including information on Vinelink. She has had difficulty contacting Vinelink in Alaska. She encouraged group members to look into this for themselves. She also wanted to alert the group to HB 106, which creates a law enforcement protocol for missing persons under 21. It would be heard in the House State Affairs Committee today at 3:00 pm with public testimony. Also in the same committee was HB 118 expanding prisoner access to computers, which she considered too risky. She thought there needed to be computers in schools, not prisons.