

Alaska Criminal Justice Commission  
Victims' Rights and Services Workgroup

**Meeting Summary**

**Monday April 20, 10:00 a.m.**

Teleconference/Zoom

Commissioners Present: Brenda Stanfill, Sean Case, Nancy Dahlstrom, Steve Williams, Shelley Hughes,

Participants: Tory Shanklin, Erin Terry, Charlotte Rand, Pearl Younker, Tami Jerue, Michelle Evans, Susie Frenzel, Michelle Hale, Mike Ramsay, Barbara Johnson, Kim Stone, Taylor Winston, Carmen Lowry, Karl Clark, Blair Christiansen, Dawn Shewmaker

Staff: Staci Corey, Susanne DiPietro, Barbara Dunham

**Follow-up From Previous Meeting: 211**

ACJC project attorney Barbara Dunham reminded the group that at the last meeting, the group decided it wanted to know more about the 211 information service run by the United Way. Specifically, the group wanted to know more about how it conducted outreach to rural areas, and whether they might have any data on how many victims access their service. She explained that she spoke to Sue Brogan of the Anchorage United Way about these things.

For outreach, they have regularly calendared mailings to all of their contacts and partners in rural communities. They send materials to law enforcement, clinics, health aides, and any partners they have in their database such as Alaska Housing Finance Corp, Public Assistance, and DHSS. They also respond to any requests for information and update their database annually, which is another opportunity to reach out to their partners. Their coverage in rural Alaska is not 100% and resources there are limited, but Sue thought they had fairly good coverage.

The data they capture has some constraints; they have the phone service as well as an online searchable database. Because the phone service is confidential, they have no way of knowing whether someone is accessing both services at the same time, or if someone accesses either or both services multiple times. They record zip code, needs and referrals, so may be able to pull data related to victim services that way. It would have to be a specific request. They could, for example, give the number of referrals to victim advocacy services in a given area.

Ms. Brogan also explained that 211 partners with other agencies to serve their needs. For example, Recover Alaska has a function on their website allowing visitors to search for addiction and recovery services (a "get help here" button). This search function uses 211's database. 211 also has contracted with the Anchorage municipal Aging and Disability Office to do some initial screening for their services. The office provides 211 with the script to ask the screening questions and then 211 passes that information on to the office.

Brenda Stanfill, ACJC Commissioner and workgroup chair, said it sounded like there might be an opportunity to partner with 211 for victim services. Barbara said it would certainly need to involve more

conversation but agreed there might be a way to use their existing infrastructure if the group was interested in going in that direction.

Tory Shanklin, executive director of Victims for Justice, said it would be good to think of 211 as a service with a broad scope. Their ability to make appropriate referrals for victim services has been mixed, and their staff is not trained in using victim-centered and victim sensitive language. 211 can be very helpful for people, including victims, struggling with financial hardship. A separate victim navigator would be able to provide more specific and victim-centered services.

### **Follow-up From Previous Meeting: VPSOs**

Barbara Dunham reminded the group that at the last meeting the group wanted to know more about how VPSOs interact with victims. She explained that she had reached out to VPSO coordinators and had forwarded a response from one of them. Her impression from the VPSOs was that in some respects they may have a better relationship with victims than other law enforcement officers due to the close knit nature of Alaska's smaller communities. It was clear that the VPSOs were being trained to hand out the DV booklets in DV cases and to explain procedures to victims particularly in those cases.

Brenda said she thought it was interesting to compare the federal and state victims' rights statutes. She said it looked like state law enforcement, similar to federal law enforcement, was supposed to give out information on violent crime compensation, and wondered whether that meant that officers should hand out Violent Crimes Compensation Board (VCCB) forms.

Taylor Winston of the Office of Victims' Rights (OVR) said she was not sure if officers were required to give VCCB forms out. They are required to give DV victims the DV booklet and tell all victims about OVR. She also thought VCC had trouble getting police reports.

Pearl Younker from the VCCB said that police are supposed to tell victims of violent crime about the VCCB, though they don't have to give them anything. The VCCB has provided cards to law enforcement all over the state. She agreed that the VCCB has been struggling to get police reports.

Taylor said that it was hard to track how people find OVR—not everyone remembers. She believed it was not generally the practice of law enforcement to give written and oral information to victims other than in DV/SA cases.

Brenda wondered whether there was any reason the mandate couldn't be broader, or whether the booklet could be expanded to add VCCB information and given to every victim of violent crime.

Tory said that the VCCB's information was already in the little blue book. But she wasn't sure whether giving more information to a victim at the time of the crime would be helpful, as victims may be too traumatized to process what they're being given.

Taylor said it was really difficult with victims of violent crimes, and agreed that additional information at the time of the crime might not be well received, and likened it to having a love one die in a hospital and being asked how you want to deal with the bill. On the other hand, property crime victims would probably want more information at the time—different victims will have a different mindset. She thought the collaboration between APD and VFJ sounded promising. One problem with getting information to victims is that a case may be in investigation status for a long time, so the DA's office is not even engaged. Having advocates step in when the police are still investigating helps with that.

Brenda said she had just flipped to statute AS 18.67.175(b), which states that law enforcement officers are supposed to provide victims with VCCB forms. She wondered whether this was possible for rural officers.

Pearl said that the VCCB would be happy to send out forms to anyone who wants them, but it's hard to know who wants them.

Taylor said the same was true for OVR's outreach materials. They try to contact every agency in the state.

Tory said that it was important to note that victim advocates struggle with completing the VCCB paperwork. Getting victims paperwork is one thing, but filling out the paperwork and getting the required documentation is overwhelming, and victims usually need help with that. VFJ is working on a training to help people fill out that paperwork. It is also important not to overwhelm the VCCB with inappropriate applications.

Barbara Johnson of 49<sup>th</sup> Rising explained that she was a victim who was handed a whole folder just after the crime, and she didn't open the folder until two years later. She just focused on things like hospital bills. She couldn't say why, but it was just overwhelming. She also struggled with the VCCB application. She agreed that people may struggle with the form and noted that they may also not have English as a first language.

Brenda wondered what the DA's office typically does. Susie Frenzel from the Department of Law said that their victim-witness paralegals do provide information to victims about VCCB as a standard practice, but it would be rare for them to help a victim with an application form. Brenda wondered whether they track how many applications they sent to victims, and whether they get to victims in rural communities. Susie said they did not track that, although they will document whether they told the victim or sent them the information in the victim contact file. They have the forms at all of the DA's offices around the state, and will also send the brochure and application form to any victim that is not in a hub community.

Brenda asked whether Law would be able to release a victim's name to a victim service provider. Susie said it would if the victim gave consent. Law just onboarded a victim advocate from VFJ in their department, which would be a step in that direction.

Sen. Shelley Hughes, ACJC Commissioner ex officio, said that given Barbara Johnson's earlier comment about being overwhelmed, she was thinking of a way to simplify the initial information—something like just a simple card that says “for help, call this number.” She thought it was important to think about victims being overwhelmed, and was concerned that with too much information, victims might even be less likely to reach out. She wondered whether there was a way to study whether giving out just a simple phone number would help.

Tami Jerue from the Alaska Native Women's Resource Center said she hated to throw another idea into the mix, but wanted to note that there is also a lot of new federal money coming in for victims in rural Alaska, some of it similar to what the VCCB offers. She thought the group needed to figure out how to help direct people to whatever services are needed and available. People in rural Alaska might not have an officer respond to a crime, so the group should also think about how to get victims referred to programs if they can't get a police report number. In addition to the challenge of connecting victims to services, there were some broader questions that need answering.

Taylor said that even for OVR staff it was a challenge trying to keep all of the relevant organizations straight. It definitely can be confusing for victims, who are dealing with their trauma and also likely

experiencing their first introduction into the criminal justice system. If they call one entity and hear “we can’t help you,” that victim may shut down and not seek help elsewhere. She agreed with the idea of trying to simplify the process, and thought that there should be one common point of entry. There is a system in place for sexual assaults, with each case referred to a SART. The process is less direct for DV. If a person is a victim of arson or burglary or DUI, where are the connector points? In the best case scenario, the victim will find a service or someone in law enforcement will connect the victim to a service like the new partnership between VFJ and APD. Not every case gets to the DA’s office so not every victim will be contacted by a victim/witness paralegal.

Brenda agreed it was about trying to find the right access point. She asked Barbara Johnson whether she thought it would help to get phone call two days after the crime. Barbara said that for her, it would have been very helpful, though it would not be a one-size-fits-all solution. She thought the idea of having one phone number to call would be really useful, as just a simple connection to what’s out there. Simplifying would be good.

Dawn Shewmaker, victim-witness coordinator with the US Attorney’s office in Alaska, explained that she had only been in Alaska for two years. She moved here from Massachusetts where they had a social worker embedded with law enforcement, and that social worker went out on calls for any crime with a victim. They provided resources when they responded to the call, and then followed up a couple of days later.

### **Federal Victim Response**

Erin Terry, victim specialist with the FBI, explained that she had been working in victim services since 2007, including experience with state agencies, which has been helpful. In her position with the FBI, she sits in the FBI office, which investigates a variety of crimes. Her caseload includes crimes like parental kidnapping, human trafficking, and bank robbery. She has access to the FBI database, so she can see what is being actively investigated.

One of her primary responsibilities is to fulfill the FBI’s obligation to notify victims of their rights, which is one of the first things she does. She joins agents when they are doing initial interviews, and will get initial information from victims like their mailing address, plus a general sense of what’s going on with them, and what they need to get into healthier place. Erin’s role has her ideally placed to access the information that victims have given to law enforcement and follow up with the victims. During the investigation phase of the case, she connects them to state services and explains what do to access those services, as well as any federal resources.

As the case moves to the prosecution phase, Erin hands the case off to Dawn in the US Attorney’s office. She is frequently on phone with Dawn, whose role officially starts at indictment, although they both jump in as needed before or after that point. She thought there was a huge need for a similar service on the state side. She noted that she doesn’t have a counterpart with troopers or local law enforcement. She gets a lot of referrals for state cases when VFJ is at capacity. She thought it would be a good idea to have a position like hers in every state and local law enforcement agency: someone to provide initial notifications, make gentle follow-up call, and provide services based on what victims say they need—a victim-centered approach.

Dawn explained that as soon as the defendant is charged she will step in to the case, with a warm handoff from Erin. She does a lot of things but foremost she lets the victims know what their rights are (as set out in the Crime Victims’ Rights Act) and how they can access those rights. If they don’t afford the victims those rights, they can file complaint or lawsuit. Her office has a notification system that is similar to the VINE system, and she ensures that everyone is entered in to that system.

Dawn said she'll typically ask the victim to think about what kind of contact they want from her office. Some people want to know about every hearing, some don't want any contact at all. She will often attend hearings with the victims or attend for the victims and contact them afterward and update them. She also explains the federal process to victims and lets them know what to expect. She tries to ensure they are connected to resources, including counseling as necessary. She will help with writing victim impact statements, and collecting documentation for restitution. She can also help with safety and relocation.

Dawn explained that victim-witness coordination is her whole role; she is not a paralegal and doesn't have other duties. She is involved in any case with a victim: human trafficking, embezzlement, civil rights. In cases where the charge is felon in possession but there is an underlying state crime with a victim, she will reach out to that victim, and keep them apprised of federal case. This is not required but the Alaska office has decided to provide this service.

Taylor asked if they had an idea of the volume of their caseloads. Erin said it was hard to say, but estimated that she gets about 1-2 big cases a year, and has about 80-120 active cases with consistent follow-up. They cover the whole state, and they do have to set priorities. Not all cases make it to Dawn's desk because not every case will be prosecuted. She also collaborates with her counterparts all over the world (having that network is helpful).

Dawn said she covers the whole state too. She had 78 active cases about a month ago. Some cases might have only one victim but multiple people to contact; for example a case with a child victim will require being in contact with OCS, the child's family, and others. She is in contact with about 300 people. Needs vary with the case. Her case load is likely going to go up. With increased funding for services in rural Alaska, the USAO has hired four new attorneys to focus on rural cases, and is going to hire another to focus on missing and murdered indigenous women. She is only one person, so she might need to make a pitch for more help.

Brenda said one of the problems with linking victim services to law enforcement has been issues with confidentiality, and wondered how that works in the federal system. Erin said they have a really fluid handoff from the FBI agents, and she is often there with an agent at the initial interview. The agent can just tell the victim that "there are things you should know as a victim, here's Erin to explain them to you." The agent also has to remain somewhat neutral, and they record everything. Erin will get permission from the victim to refer them to another service. That service may then need to get a release from the victim to continue to communicate with Erin.

Dawn added that they don't have any confidentiality with the victim, which is something they let the victim know up front. That was a struggle for her when she came to this role. Anything the victim says to her about the case is discoverable. Inevitably their story will not be quite the same each time they tell it and that information has to go to the defense. So she tries not to get that information from them, and has a conversation about what they can and cannot talk about. She has to walk the line of forming a rapport with them but stopping them from telling her all details about what happened. This was why it was important to get the victim in touch with other services.

Erin said she was working with the same constraints. She tries to make it clear that she is not a victim advocate. She will try to make a referral to a program that can have privileged conversations with the victim. Those options might be limited if the victim is for some reason not eligible for a state program.

Brenda noted that the fact that Dawn does not do paralegal work was different from how the Dept of Law operates. Susie said that was true, that Law's victim-witness paralegals have a lot paralegal duties, like managing discovery. It was a big difference. Taylor wondered whether Law ever contemplated having

designated positions, so that there were victim-witness specialists who only had one hat. Susie said Law was having those conversations and exploring the idea right now.

Dawn said that when she moved here surprised there was not a dedicated person at the state level for victim issues. In Massachusetts there was a victim advocate embedded at the court system who had limited confidentiality.

### **Follow-up From Previous Meeting: Embedding advocates –legal issues**

Sean Case, ACJC Commissioner and APD Captain, said that VFJ and APD had signed an agreement to have VFJ's advocates embedded with APD. He explained that APD attorney Blair Christiansen was on the line to here to talk about the legal issues involved with the agreement.

Blair said that there were challenges to getting the agreement in place. APD doesn't release information on open investigations except to other law enforcement agencies. They will only release information once the case is closed. So there was no legal basis to release information to victim advocates. They created a release form so could APD could release victim information to VFJ so VFJ advocates can contact the victim. They also had no mechanism for providing advocates with police reports. So victims will sign the release for basic information, then the VFJ advocate will be able to access the full police report when the case is closed. Initially they were hoping to have a VFJ office actually located in APD headquarters, but there were challenges with CJIS access, and APD was not physically set up to segregate them. APD also didn't want victim records within their facility or under their control, because they didn't want those records to be discoverable. They wanted a clear wall between law enforcement information and advocate information.

Sean explained that per the agreement, VFJ advocates will be coming in to APD headquarters for the briefing between shifts. Officers will give the victim information on VFJ, and explain the release. Then the officers will provide the advocates with name and contact information of the victim, and basic information on the crime so that the advocate has some idea of what getting they are getting into for their call. The advocate will be following up within 24-72 hours. Post-COVID, they should have some data on the program in about 6 months.

Brenda asked whether the advocates would just come in for the shift briefing. Sean said yes, and that there will either be a basket with release forms or the officers leaving their shift will hand the release forms to the advocate. The goal at the beginning was to have VFJ have office space there, and while that is not the model now, they might move toward that in the future.

Blair thought VFJ having an office at APD was a realistic goal, if they could resolve the issue of keeping the records for the two entities separate. She thought it was something they could do long-term.

Brenda asked Erin to explain more about the nature of her employment. Erin said she was employed by the FBI, and has the same security clearance as anyone working for the FBI. She is funded separately through the Office of Victims of Crime, rather than through law enforcement funding. OVC pays for her salary as well as travel, which means that local leadership is not tempted to save money by not sending her out on calls. The FBI has to be frugal like any other agency when spending money on investigations, so it is helpful that she is funded separately. Her security clearance gives her access to the law enforcement database, which is important, but it means she is not an advocate, she does represent the department. Records of her interactions with victims will all go in the case file, for example if victims provide additional information about the crime, she will notify the agent on the case. Otherwise she doesn't maintain her own records. She could be called to the stand during trial, which requires its own training.

Dawn added that she keeps a basic call log for each case, with very basic entries such as “status update” or “discussed referrals,” since the call log could also be discovered. If the victim does start to relate information about the crime, she will stop them, then talk to the agent on the case, who will probably need to call the victim and follow up. She could also be called as a witness during trial.

Brenda said that for a time in Fairbanks, law enforcement had a release that victims could sign, and that release would be given to an advocate who would follow up directly. They have now been told they can’t do that. She wondered if Blair knew why that would be. Blair said she was not aware of any reason why that would not be allowed. If a person agrees to sign a release, then the agency should be free to release that information. Taylor agreed and said she was not aware of any legal barrier that would prevent an advocate contacting a victim after the victim signs a release to allow that.

Blair said that Sean could send the group a copy of the release that APD and VFJ will be using; she was happy to help with technical issues for other agencies who want to implement this model. She added that if a victim signs a release, APD can send out the entire report to the advocate when the case is closed.

Michelle Evans from VFJ said that VFJ initially had high hopes of being more embedded, but had to start with getting referrals. At that moment she had a referral sitting on her desk. But she thought that at least going to building will be a visual reminder to officers that VFJ will be there to offer services.

Taylor asked whether VFJ would only get referrals for the types of cases VFJ has typically handled, or whether they would get referrals from all victims.

Michelle said she didn’t have enough information to go on yet, but they had discussed that if an officer felt like a victim who was outside their usual service area needed help, VFJ would do an appropriate handoff. For example in DV cases they would transition the victim to a service like AWAIC. VFJ already gets calls from other types of victims but they always try to give them good referrals.

Brenda said it sounded like this partnership just started, and she would be interested in hearing how it’s going at a later meeting.

Erin added that the FBI has program called Elevate, which helps law enforcement agencies develop a victim specialist program like hers, which includes training at Quantico. The program includes training on how two agencies such as a victim advocacy organization and local law enforcement can merge their operations.

#### **Follow-up From Previous Meeting: Kenai e-filing**

Barbara Dunham explained that she had gotten in touch with the Kenai branch of the court system. They were busy with COVID- related adjustments but were interested in thinking about how e-filing could work with victim notification at a later date.

#### **Follow-up From Previous Meeting: Bail schedule releases and victim notifications**

Barbara Dunham said that at the last meeting the group had wondered whether or how victims get notified of a defendant being released on bail if the defendant was arrested but then released on the bail schedule and never actually booked into jail. She had spoken more with Mike Ramsay at DOC about this, who said that defendants should be entered into ACOMS (DOC’s database) when they are arrested, even if they are not booked into jail. Once they are entered into ACOMS, a victim will be notified of the persons release if the victim is signed up for VINE.

Taylor observed that bail schedule releases can happen quickly, and it might be too quick to get someone signed up for VINE. She wondered whether law enforcement officers tell victims about VINE. She remained concerned about the constitutionality of bail schedules; the Alaska Constitution says victims have a right to be heard before bail releases. She understood that the current practice was a very different approach. VINE is a great resource, but she was concerned that victims are not getting plugged in to VINE quickly enough, before the defendant is released.

Brenda said that sounded like a big issue. She recalled that advocates came out against bail schedules when they started, and they received quite a bit of pushback because the idea was that defendants eligible for the bail schedule didn't need to be held.

Taylor said it was a safety issue, and early releases can be a huge problem. She also still thought it was a constitutional issue. Barbara Dunham noted that the constitution also said that defendants had a right to reasonable bail. Taylor said that if the system is functioning properly, there should be an opportunity for the victim to be heard which would still allow for reasonable bail. She knew there were logistical problems, for example in the case of defendants arrested in the middle of the night. It might put an added burden on law enforcement officers. But they could just tell the victim "there will be a bail hearing with a magistrate later tonight, do you want a call?" It does add a layer for everyone, but it would be a way to balance both rights. She understood that it is hard on the system to book people in for just a short time, especially with COVID.

Brenda said this should go on the next agenda, and suggested having conversations offline to maybe come up with some ideas.

#### **Draft recommendation (cont.)**

Barbara Dunham explained that she hadn't changed the content of the draft recommendations from the last meeting, although she had added information to the background section that was derived from the information collected in the victim surveys and listening sessions. Sen. Hughes suggested that in the opening paragraph of the draft, instead of "healing" it should say "help, healing, and understanding their rights". Also, in the recommendations themselves, she suggested adding a provision that suggested researching or studying how much information was appropriate to give to a victim initially after a crime.

The meeting was running out of time, so it was decided to take up the draft recommendation at the next meeting.

#### **Public Comment**

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

#### **Future Meetings and Tasks**

Brenda decided the group would still meet on May 6 as originally planned to discuss the draft recommendation.