

Alaska Criminal Justice Commission

# Victims' Rights and Services Workgroup

## Meeting Summary

Wednesday, September 2, 9:00 a.m.

Via Zoom

Commissioners Present: Steve Williams, Scotty Barr, Sean Case

Participants: Rachel Gernat, Ingrid Cumberlandidge, Victoria Shanklin, Mike Ramsay, Laurie Orell, Susie Frenzel, Taylor Winston, Troy Payne, Nancy Meade, Michelle Hale, Randi Breager

Staff: Staci Corey, Barbara Dunham

### Introductions

Commissioner and workgroup chair Steve Williams explained that the group worked on the draft recommendation at the last meeting, and this meeting was convened to provide a last look at the draft before it went to the full Commission.

Steve suggested modifying the agenda to approve the summary of the August 20 meeting. The agenda as modified and the summary were approved without opposition.

### Draft recommendation

#### *Recommendation 2: Victim Advocates Working in Partnership with Law Enforcement*

Commission project attorney Barbara Dunham explained that she had edited the previous draft of the recommendation based on the group's discussion at the August 20 meeting. She walked the group through the changes. The recommendation was edited to apply to all victims, not just those of violent crime, and to recommend that materials provided to victims be relevant to the victim's location. The wording was strengthened to require this of all law enforcement agencies, and also require that agencies partner with advocacy organizations. The new draft also added language about the need for resources for this endeavor and removed language relating to the advocate privilege statute. Many of the suggestions in this section came from Commissioner/APD captain Sean Case and OVR attorney Megan Hiser.

Randi Breager from DPS asked if the requirement of giving information to victims would apply to all victims, and if so, how that would work in locations that have online reporting for some crimes. Steve said yes, it would apply to all victims. He noted that the group had been discussing providing information that could direct victims to a website. Randi suggested that if an agency had online reporting for some crimes, that reporting interface could redirect to that website, and that could address that requirement.

Taylor Winston from OVR wondered what crimes were reported online, and thought it would be weird to have felony crime victims fill out a form. She wondered if an officer would respond to that. If an officer responds at some point, they could hand the victim information. Or when someone files online, they could receive an autoreply with resources.

Randi said she was not sure what APD does in terms of reporting a felony. DPS has been discussing moving online for some reporting but hasn't yet done so.

Taylor said that from a victims' rights perspective, she would advocate for equal treatment. She understood there were limited resources, but if it was a felony level, it would be a little bit shocking to report online.

Steve noted that this recommendation was an expression of policy intent; recommendations can't always dive into the weeds of implementation. The recommendation would generate conversations within agencies as to how to implement it, how to bring the policy intent into practice.

Sean moved to approve recommendation 2 and Mike Ramsay from DOC seconded the motion. The commissioners/commissioner representatives present approved the recommendation unanimously except for Randi, who abstained because she was new to the group.

*Recommendation 3: Separate Victim-Witness Coordination and Paralegal Duties to Improve Communication to Victims.*

Barbara explained that she had also edited this section to reflect the discussion at the last meeting. The parts of the recommendation calling for motions to continue to be in writing and fixed dates for parole hearings were removed (to be discussed at a later date). The remaining part called for victim-witness and paralegal duties at the Department of Law to be split into separate jobs. This part was expanded with language calling the victim-witness job a "coordinator" and using language from the federal victim-witness coordinator's job description.

Susie Frenzel from the Department of Law said she had concerns about this, noting that she hadn't participated in this group recently. This has been a subject of discussion at Law internally, but they concluded they were going to run into challenges because paralegals gather a lot of information during their first contact with witnesses, discussing things such as prior bad acts. These are legal practices, and she didn't think it would improve efficiency. She didn't think leadership from Law had had a chance to look at this recommendation. Charlotte Rand from the department of Law said that she also hadn't seen this recommendation before. Barbara noted that there had not been any participants from Law in this group since April.

Steve said that the recommendation was motivated by observations the group had made about there being one position in Department of Law, that when victims want to call in and want to find out status of case, or have other questions, it seems like that there are not enough resources to respond to that need because of the volume of work. So if there was a coordinator position just focused on providing information responding to those types of calls, it would be better for victim and also for the workforce.

Sean noted that his takeaway from going to listening sessions around the state, people really want to have someone to answer their phone call to get their questions answered. The solution didn't need to be too specific but this recommendation addresses that overwhelming concern.

Mike note the concerns raised in previous meetings regarding workload, this would be a solution but it would require resources.

Steve wondered if there was anything that could be done to make this recommendation less of a concern for Law.

Susie said she appreciated the background and said she had heard these complaints before, but in the last few years the department has really been making strides. They now have an advocate embedded in the Anchorage DAs office, and have expanded the use of VINEWatch. They have had these discussions but after looking at all the duties and responsibilities of the position and information gathered at the front end of the legal case, she didn't think this was the right decision. She would need to discuss this with leadership at Law.

Steve said that the Commission has spent a lot of time and energy to try and hear the needs of victims, and that the Commission is charged with trying to improve the process and the system for all. He said it was great to hear of the pilot project and the expanded use of VINE. He asked the commissioners what they thought.

Sean said that the process of the full Commission meeting would be to rehash everything and allow everyone's say, and thought that this discussion could take place at the full Commission. He thought that the group had taken the time to put a good product forward knowing it would get modified.

Commissioner Scotty Barr agreed that the recommendation should be forwarded to the full Commission. His biggest concern was that when he went through the appointment process, that was the first time he had heard of the Commission, but now realized it been around for some time. He was representing rural communities, not knowing what the Commission really does and trying to understand as quickly as he could to represent his community. He thought the Commission should try to advertise to more communities like Bethel, Nome, and Barrow. People in Kotzebue are interested in this Commission and he would try to get comments from them.

Steve said he was not surprised by Scotty's comments; the Commission has tried over the years to be inclusive of rural communities and has tried to do outreach in hub communities, but has struggled. The Commission went to Kotzebue about five years ago; this was definitely something the Commission needed to continue to work on.

Mike said he understood the concerns raised by Law but also understood wanting to move forward with the completed recommendation. He thought the recommendation should go forward with an opportunity for Law to bring forward its concerns.

Randi was supportive of moving the recommendation forward if there was still opportunity for Law to consider the recommendation and explain their position to the full Commission. Steve agreed and said he would hope that Law would take a look at the recommendation and give it some critical thought.

Susie said she disagreed with the recommendation at this point but had no other comments without input from leadership at Law.

Sean moved to send the recommendation to the full Commission and Scotty seconded the motion. The commissioners/commissioner representatives present all voted to approve the recommendation, with the exception of Randi and Susie, who abstained.

Steve encouraged Susie to have this conversation with the leadership at Law. He asked Barbara to include a sample job description when sending the recommendation. He noted that the other recommendations that the group had discussed were in the "parking lot" to be discussed at a later date. He expressed appreciation for everyone's work.

## **Public Comment**

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

## **Future Meetings and Tasks**

Michelle Hale from Rep. Geran Tarr's office said that Rep. Tarr was holding a meeting on her draft legislation related to consent. It would be online on September 22 at 6:00 p.m. She encouraged anyone interested to go to Rep. Tarr's Facebook page for more information.

Mike said he spoke with Jeff Edwards about the parole board calendar. The problem with having a fixed date and time is that there are issues with the offender asking for a continuance or postponement on the day of a scheduled hearing. An additional problem is that hearings are set for a 30 minute time slot, but some hearings go for two hours, which can set other hearings back.

Taylor suggested talking about these issues at a later meeting, as she had some thoughts. She also wanted the workgroup to know that the was part of the criminal rules committee has been instructed by Chief Justice Bolger to identify rule changes to help alleviate some of the problems related to pretrial delay by next May. Hopefully this will also help with the pretrial continuance issue discussed at the previous meeting. She also wanted to comment that it was concerning that Law had not been part of the workgroup given that Law has so many requirements related to victims. It would be helpful to have someone from Law consistently be a part of these meetings.

Steve said he would Barbara on scheduling a future workgroup meeting to discuss what's been tabled. For the recommendations sent forward, the full Commission meeting would be next Thursday and he encouraged members to participate.