Alaska Criminal Justice Commission

Victims' Rights and Services Workgroup

Meeting Summary

Wednesday September 25, 2019, 10:00 a.m.

Denali Commission Conference Room
410 L Street, Anchorage
And Teleconference

Commissioners present: Sean Case, Shelley Hughes, Brenda Stanfill, Joel Bolger

Participants: Taylor Winston, Sam Duke, Tory Shanklin, Buddy Whitt, Michal Bowers, Bill Morse, Mike Ramsay, Angela Pointer, Kim Stone, Barbara Johnson, Lauree Morton, Kate Hudson, Geran Tarr, Jackie Boyers

Staff: Susanne DiPietro, Staci Corey, Barbara Dunham

Pretrial Delay

Justice Bolger provided the group with some background on the issue of pretrial delay. This has been a concern for as long as he has been with court system. The Supreme Court has adopted time standards for how long cases should take to resolve: 75% of felony cases should be resolved within 120 days. He didn't know if the court system had ever been able to meet that standard.

The Criminal Justice Working Group (CJWG) has been working on this issue over the last few years. One issue driving delay is the timeliness of discovery. In 2013 the CJWG began looking at ways to make that process faster; an experimental project in Juneau tried out an electronic discovery system, which was expanded statewide.

In 2014, the group started to tackle delay itself. Everyone recognizes that pretrial delay causes harm to victims, but it also increases the prison population. In 2014, pretrial defendants made up an increasing share of the prison population.

Since he became the chief justice in 2018, he has been discussing this issue around the state. There are no easy solutions. Delayed discovery is a major issue. Some law enforcement agencies don't prepare discovery right away until case is certain to go to trial. Late discovery disrupts trial schedules.

Another major issue is defense counsel being prepared. The public defenders have crushing caseloads, especially with regard to felonies, which require the most skilled attorneys. Judge MacDonald's order reflects a frustration that is characteristic of high volume courts around the state. Places with lower volume are better able to speed up trials; those places also seem to have more cooperation between agencies and the judges are more able to be firm about going to trial. It is more difficult to maintain an efficient pace with large backlogs and high caseloads.

Justice Bolger concluded that pretrial delay was a concern of the court system, and he would definitely approve of efforts to fix it and would welcome any ideas to do so.

Judge Morse explained that about two years ago, the defense bar, state agencies, and victims' rights representatives came together to try to tackle pretrial delay. He issued an order last October that was intended to address certain problems. One problem identified was that there were a lot of non-substantive calendar hearings, which were typically nothing more than continuances and a waste of everyone's time. His order tried to eliminate those as much as he could.

He also made changes to the pre-indictment process. After a person has been arrested, they are assigned an attorney, but the establishment of trust between defendant and attorney takes time. Attorneys have difficulty getting into prison and getting adequate time in prison with their client. They need time for that and time to receive and review discovery to give their client informed advice. Most felony cases get resolved prior to indictment—at least two thirds are dismissed, have the charges reduced, or have a change of plea— but the parties can't get to that point until discovery is complete.

Anchorage used to have Tuesday and Thursday pre-indictment hearings (PIHs) involving many cases at a time. Essentially, it was an expensive way to arrange attorney-client meetings. His order changed the schedule to one PIH per week, and allowed continuances by email. That change has freed up some lawyer time, but case resolutions have not necessarily sped up.

Judge Morse noted that a court rule requires trial dates to be set at arraignment. Everyone working in the criminal justice system knows that the date set at arraignment will almost certainly not be the actual trial date, but that isn't widely known among the public. Any substantive motions stop the clock. The date is continually recalculated.

The post-indictment process under the new order in Anchorage involves a discovery hearing, at which the parties will pick a trial month, and commit to get the case tried within that month. The hope with that system was to minimize the numerous trial-setting conferences which allowed the parties to kick the case down the road. The new rule has freed up clerical staff and it is now simpler to calculate the speedy trial date.

There is now one pretrial conference a couple weeks before the set trial month. The parties can bring up any problems at that conference. One problem is witness availability. There are issues with getting police officers to trials, though that is no one's fault. There were more cases resolved this year than last year.

Judges in Anchorage are trying not to allow continuances, but there are still problems. Late discovery is still happening. (A lot of camera footage gets collected haphazardly, for example. The defense needs to look at any available footage to see if it's exculpatory. He reasoned that judges could try to set a cutoff date for discovery, but if late discovery is exculpatory or inculpatory, not allowing it in would create an injustice.

Another aspect of pretrial delay related to caseloads. Attorneys working for the Public Defender Agency, the Office of Public Advocacy, and the Department of Law are all under enormous pressure. They are in trial constantly, which is not sustainable. They simply can't do four murder trials back to back. Often they get burned out; sometimes they quit. Maintaining adequate staffing in Anchorage and in Bethel is particularly difficult. The Kodiak public defender office was cut down to one person who had to do everything from answer the phones to making bail motions, and had no time to prepare for trial.

Judge Morse gave the example of a sexual assault case in which the defendant refused to waive rule 45. The defense attorney said they were totally not prepared, and couldn't do it. That was a very skilled lawyer who had only been able to work on the case for 15 hours in one year. The judge said the defendant could enforce his rights and the case is currently at the court of appeals. There were, however, two rights at stake, and the question was which trumps—the right to a speedy trial or the right to an adequate defense? It was unclear how much judges can push lawyers who are not ready.

Taylor Winston wondered whether, since the new PIH order, Judge Morse had been able to sit down with the agencies to see if it was working. Judge Morse said he hadn't though he had made it clear that he wanted that feedback. He said he was willing to meet with the defense bar noted that Judge Easter was also meeting with the line practitioners.

Taylor said she would coordinate a meeting with the defense bar as she felt she had seen some abuses. She had also spoken to Judge Easter, and had viewed some of the trial calls and discovery hearings. Unfortunately the discovery hearings were not working as intended. She attended some in Judge Saxby's courtroom, were there were 80 hearings on for that day—basically the same old pretrial hearings. She had also observed the same old practice of one person from an agency office bringing a whole box of files.

Judge Morse said he had considered making those hearings optional, and agreed that number was ridiculous. He noted that all judges are different, and some are more lenient than others. It was a chicken and egg problem. The more that happens, the more time those hearings take, and the more attorneys don't want to go in person.

Taylor said it was also inefficient, since lawyers in rubber stamp hearings aren't doing substantive work. Fixing this requires behavior change on everyone's part—there has to be a will to change. Appreciate willingness to tackle problem. There was also the issue of discovery reports. They are still required, but nobody doing was doing them.

Judge Morse said he had suggested getting rid of them, but practitioners said they were useful, and they are just doing them via email. It was hard to get attorneys to change their ways. Taylor said she just wanted to highlight some issues because they might not get back to Judge Morse. She felt like the practitioners were falling back into old patterns. But she thought Judge Easter was doing a good job trying to keep things going. She thought moving trial call up would help, with a status hearing month before. Judge Morse noted that Judge Easter had just decided to move trial call up to the first week of the month before the set trial month.

Sean Case asked why there were more cases going to trial in Anchorage now. Judge Morse said he could think of several reasons anecdotally. There have been more murders, which typically go to trial. In sex assault cases, the– penalties are quite high so the defendant has more incentive to take their chances at trial. There has also been a recent rash of vehicle thefts, and the state is coming down harder on those cases so more are going to trial.

Judge Morse added that in Anchorage, the municipality handles misdemeanor cases, so new state DAs don't have the opportunity to learn on misdemeanors. Lower felonies are given to new lawyers who may be going to trial more. Public defenders were doing the same, and starting out with felonies is a hard ask for fresh lawyers, and can contribute to burnout. There was also the culture in the prosecutor's office and the amount of discretion given to lawyers. He thought they might have been more hard-nosed recently,

and there have been more acquittals in the last year, which really shouldn't be happening. Taylor noted that the prosecutor's office had a larger percentage of new lawyers and there is very little experience left there, meaning there is no mentoring on how to make screening decisions.

Justice Bolger explained that the court system has decided that no case should be postponed due to a lack of court resources. If a case needs to go to trial, the court system will find that case a judge and a courtroom. The court system wants to make sure that it's not the hold up. Judge Morse said that to facilitate this, civil judges and pro-tem judges will be assigned to criminal cases.

Rep. Geran Tarr asked why sex offenses seemed to go to trial more or take more time to resolve. Judge Morse said that when he started as a PD in 1980, the penalties for sex offenses were much lower. They have since increased a lot. Susanne DiPietro said they increased by about 200%. Judge Morse said that if the minimum is 20 or 30 years, for some people that is basically a life sentence, and they don't want to plead to that, even if the case against them is solid.

Taylor said she prosecuted sex cases for over a decade, and when she started first-degree sexual assault carried a sentence of 8 years; the sentence then went up dramatically over time. She supervised those units even after the sentences went up, and the DAs were still able to reach plea deals in plenty of cases. But people tend to burn out if that's their only caseload. The DA's office disbanded the specialty unit, but sex offense cases do require a certain level of training. Less expertise on the DA side incentivizes defendants to go to trial. She didn't think going back to an eight-year sentence would solve anything.

Sean wondered how Alaska compares to other states in terms of pretrial delay. Judge Morse said he didn't know. Justice Bolger said the court system looked at time to disposition in other states 20 years ago when it set the felony standard he'd mentioned previously.

Taylor said OVR would be launching a statewide investigation into pretrial delay, and would be looking at standards around the country, as well as case studies.

Susanne added that she'd looked at this when she worked at the court system, and found that staff turnover is big driver of delay. Defense attorneys find conflicts, attorneys might quit, and judges retire. When that happens basically the case has to start over so the new attorney or judge can get caught up to speed and do an independent review.

Judge Morse said that conflicts within the Public Defender Agency often occur because the PDA also represents people in child protection cases. In his view this was essentially an artificial conflict, and the legislature should do something about it.

Changes to Consent Law

Rep. Tarr explained that there had been some discussion in the legislature last session on revising the legal definition of consent. She'd been asked to hold off on her efforts then, but since that time her staff has been working with Sen. Hughes' staff. She was also looking to do outreach to involve members of the community. Her office was hosting a public event on Oct. 10 with STAR; their staff would share their concerns, and the event would also try to engage the community. It would be a statewide teleconference.

Rep. Tarr added that this was something that she wanted to get right, and to think through any implications of changing the law. She welcomed questions, suggestions, and involvement from the workgroup members.

Sen. Hughes noted that her office was also working on this, and had been doing research. She also wanted to look at trafficking. She noted the problem raised by deputy attorney general John Skidmore was that lawmakers had to be careful, otherwise a changing the definition could capture people who shouldn't be captured. She noted other states were looking at this, and the Dept. of Law was going to issue a report.

Rep. Tarr said she thought the report had been sent out. One reason this was so exciting is that it will take a lot of stakeholder input to get it done. She was happy to work with Sen. Hughes and anyone else who wants to be part of the process.

Review of HB 12, HB 14, and HB 49

Buddy Whitt, staff to Sen. Hughes, explained that he had offered at the last meeting to provide an overview of new legislative provisions enacted in the last session that affect victims. He'd brought a handout to summarize all the changes made by HB 12, HB 14, and HB 49.

Buddy explained that HB 12, sponsored by Rep. Chuck Kopp, was drafted in reaction to the case of *Whalen v. Whalen,* in which the Alaska Supreme Court ruled that a victim of domestic violence is unable to receive an extension or renewal of a protective order based upon the same incident of violence as the original order. HB 12 changed the statute to expressly allow for extensions, renewals, or subsequent protective orders under those circumstances.

The bill also changed the maximum length of time for protective orders for victims of stalking or sexual assault from 6 months to 1 year, and clarified that an extension or renewal of a protective order for victims of stalking, sexual assault, or domestic violence begins on the last day of the current protective order. The need for the latter change was brought to lawmakers' attention by ANDVSA, which pointed out the ambiguity in the previous version of the statute. HB 12 passed unanimously, and had an immediate effective date.

HB 14, sponsored by Rep. John Lincoln, was drafted to address the loopholes discovered as a result of the Justin Schneider case. Buddy highlighted two pieces: first, prosecutors must make every reasonable effort to confer with a victim concerning a proposed plea agreement before entering into the plea agreement, ask whether the victim is in agreement with the proposed plea agreement, and record whether the victim is in agreement. Second, the court may reschedule hearings on plea agreements as needed to allow the prosecutor to comply with the requirement to confer with the victim.

Susanne asked whether those requirements applied to all cases. Buddy said no, only felonies, sex offenses, and offenses involving domestic violence.

Brenda asked whether the law provided for any expectation as to timeline or procedure. Would prosecutors have to just call and if they don't reach the victim, just say they tried to call? Buddy said his understanding was that there was no procedure dictated, and that the Dept. of Law can decide how to define "every reasonable effort."

Michal Bowers asked if there were any definition changes. Buddy said yes, to the definition of "dangerous instrument," though he didn't go into that on the handout.

Buddy went on to explain that HB 49, initially sponsored by the governor, was the bill that effectively repealed and replaced SB 91. The Senate Judiciary Committee included several provisions that were not in the original bill, many of which were victim-focused. These included:

- Repealed the marriage defense.
- Made the safety of the victim an explicit consideration for judges in deciding on a defendant's release before trial.
- Created a presumption of a no contact order as a condition of probation for sex offenses and domestic violence offenses.
- Required prosecutors to notify the victim of a sex offense or a crime involving domestic violence if the offender is discharged from a pretrial treatment program for noncompliance.
- Required the victim notification system (VINE) to include information on the availability of protective orders for victims of stalking, sexual assault and domestic violence. Also, VINE will include information on victims' resources including the Council on Domestic Violence and Sexual Assault, the Office of Victims' Rights, and the Violent Crimes Compensation Board.
- Required that sexual assault examination kits be sent for processing within 30 days of collection and results must be shared with victims within 14 days. This originated with a bill sponsored by Representative Tarr that was adopted into HB 49.
- Required mandatory reporters to report if any harm to a child appears to be the result of a suspected sex offense and if so, shall immediately report the harm to the nearest law enforcement agency. Effective date is September 1, 2020 to allow adequate time for implementation of training modules and training itself. Training will be completed prior to the start of the 2020 school year.

Updates from Previous Meeting

Mike Ramsay said that he had brought copies of DOC's policies and procedures, and DOC's Victim Rights to Notification form. He also noted that at the last meeting, the workgroup had discussed the possibility of changing the name of the VINE services to make it more clear what they do. However he had raised this with representatives from the national VINE organization and they were very opposed.

Mike also gave an update on HB 49. The funding for implementation was in place, and DOC was currently discussing the logistics of implementation with the national VINE organization. They were on schedule, and had not yet encountered any problems with implementation. They just need to make sure that the new verbiage added to the notifications is clear and concise.

Michal explained that HB 49 included a new duty for the Department of Law to notify victims when a defendant is discharged from pretrial treatment for noncompliance. This was being rolled out to paralegals, and Law would also discuss it at the paralegal and attorney conference in October; they will have special trainings on this.

Sen. Hughes asked how the treatment providers would know to notify the Department of Law. Michal said her understanding was that the treatment program would only be approved in the first place if it has a system in place to notify Law as required. They were still working through the details. She clarified that this was only required for substance abuse programs for pretrial defendants. Theoretically other types of programs would also be required to do this but there were not that many other types of program offered

pretrial. Buddy added that the statute did not specify the type of program that would have to comply with the law, but that it definitely only applied to pretrial programs.

Taylor said she had an update on Dan Sullivan's bill, SB 1959. It was not passed yet but would updating VAWA to provide federal money to the states to give victims legal help. The type of legal help covered would be broad: criminal cases, civil cases, divorce, custody, protective orders, housing, benefits, identity theft, domestic violence, dating violence, stalking, and sexual assault would all be covered.

Taylor had also mentioned at the previous meeting that she kept a running list of victim issues that OVR encounters at every point in the system:

- Pretrial delay: As Taylor mentioned earlier in the meeting, OVR was planning to do an in-depth investigation into this, although there was not a lot of staff time to spare on it.

- Off-record/oral motions to continue: Often what happens is a stand-in attorney appears at a pretrial hearing and asks for a continuance. The assigned attorney is not there, and often the other side has no objection, but no notice or consideration is given to the victim. It's hard on victims to show up to these hearings only to have nothing happen. This situation makes it hard for judges to be in compliance with the law providing that the court "shall make findings" on the record as to the victims' position concerning a continuance. In practice, the victim is not even part of the conversation, let alone the judge making findings on the victim's position.

- Timely return of property: Property victims are underrepresented. Advocacy organizations focus on DV/SA crimes, and rightfully so, but there is a lot of hardship for victims of property crime. For example there was a victim of a random shooting whose car had been seized, and the victim can't get their car back. The timely return or property would help victims' dignity, and reduce the cost of storage.

- Victim notification and constructive notice: Taylor said there were still issues with communication. She admitted that victims can be hard to reach; some don't set up their voicemail, their voicemail is full, or they've changed numbers. Sometimes VINEWatch has notification glitches.

  Some hearings like bail hearings and changes of plea happen so quickly that victims are only notified an hour before the hearing. Victims can't be constantly on call. For bail hearings, 48-hour notice would be great. For changes of plea, 4-5 days would be ideal. In misdemeanorland things tend to move quickly. Prosecutors and judges forget about victim notification. The logistics can be tricky, and it's hard to put the brakes on proceedings if all parties are present in the courtroom.

  There also needed to be a better system for calling in to hearings. There have been issues with not victims not being put on the line when they should have been. Often there are block hearings with many cases set at once and figuring out who is calling in for what is tricky.

- Restitution: There are difficulties actually getting restitution when it's ordered. The restorative justice act was a good step, but was still not funded, and it also needs amendment to reflect that Law no longer collects restitution. If funded, that bill would get money to victims up front, before the defendant is ordered to pay restitution. Sen. Hughes noted she was willing to work on this.

- Juvenile Justice: There is no timeline to resolve these cases like rule 45 in adult cases. Nothing moves the case forward, and serious cases are timing out.

- Victims' rights statutes: Statutes often use the language "if the victim requests," and Taylor suggested taking out that language. She thought it should be like a Miranda warning, that law enforcement should always have to explain what a victim's rights are and victims should be given option to opt out.

- Truth in sentencing: The sentence handed down by the judge is not what the defendant serves. Even if a defendant is given a lengthy sentence, parole, Nygren credit, EM, and home confinement can all reduce the days a person spends in prison. DOC was now tasked with giving victims information on this but it was not announced in public. Victims can feel like they're in a shell game if agreed to plea based on sentence.

  Sen. Hughes asked if the amendment in HB 49 changed this: it requires the court to state the defendant's approximate minimum time served after parole and other considerations. She noted it was struggle even to get that. Taylor said she hadn't gone to court lately, and would look out for that. It was certainly a big step in the right direction.

- Bail: Victims have complaints about low bail in serious cases. Victims are surprised that people charged with serious crimes are released. If defendants are released OR or released by a magistrate at a middle of the night hearing, it is still bail, and victims have right to be heard for any bail hearing.

Public Comment

Angela Pointer thanked the group for the opportunity to speak. Her son was killed, and trial hadn't started; she been dealing with this for a year. She did the Commission's online survey and decided to come to the meeting. She had no one to talk to, and was learning things on her own. She could relate to everything on Taylor's list. No one gave her any information when her son died.—she had to go find the information. There was no one to explain what to expect. She goes to court hearings and no one knows who she is. It is frustrating, and she leaves court irritable every time.

Taylor and Michal both offered to help. Angela said she was not there to point fingers, but just wanted to point out the total lack of communication. She felt as a victim, she didn't have rights—the defendants each have rights but she didn't. She was not sure who to call to get in touch with the prosecutor. She did get hooked up with VINEWatch but didn't have one point of contact.

Sen. Hughes asked if OVR could be that point of contact. Taylor said yes, OVR would have one attorney assigned to the case. Michal said that also didn't mean the DAs still don't have a responsibility. If OVR is assisting someone the DA's office will and should still help. Paralegals should be explaining these things too.

Angela said she was born and raised in Alaska and found the experience very frustrating. She wanted to see a conviction, but the defendants were kids too. She was part of a homicide support group, where people share information. She wanted an official person to talk to. In terms of going to court, she was not always sure of the point of the hearings but wanted to be there, and wanted the defendants to know she was there. Parking at the courthouse is expensive, and she has to take off work.

Sam Duke said there was no clearinghouse for information. As a victim, his life got turned upside down, and until he got connected with Victims For Justice, he'd felt lost. Michelle at VFJ was very helpful. A lot of it had to do with it being an active case; not everyone knows what's going on. He knew law enforcement was trying to solve the case, but victims do get lost. He appreciate being able to participate in this meeting. Juvenile cases are different— there are layers of confidentiality, and even less communication from authorities.

Taylor said there was really no place to go for information on juvenile cases: finding out when hearings are, where discovery is, etc. Those cases were even frustrating being on the inside.

Survey Data – Questions and Next Steps

Barbara Dunham said that at the last meeting, she had given a quick overview of the memo she'd sent out with data from the victim survey and victim listening sessions. At that meeting it was decided that workgroup attendees would review the memo before this meeting and come up with any follow up questions. No one had any follow up questions. Ms. Dunham asked what the group thought should be done with the information, noting that issuing a separate report or including the information in the Commission's annual report were both options.

Sen. Hughes thought a separate report, like a condensed version of the memo, would be appropriate, with something like an executive summary in the annual report that would refer to a future larger report. She explained that she had been going to national conferences on criminal justice and raising victim issues, and noted not a lot of people were hearing that. She was not anti-offender, and thought it was important to put people on the right path and turn things around. Public policy needed to strike a balance. It would be helpful to have a victim report for the legislature.

Sean thought one of the biggest takeaways from the memo was that so many things come down to communication. Even if a respondent said they wanted more investigation of a case, that's also an issue of communication. At APD they have starting use the phrase "close the loop" to describe circling back to the victim with results. He thought communication was key to improving things for victims.

Tory Shanklin said that along the same lines, officers and are paralegals not necessarily trained in talking to victims. There are professional victim advocates who do this, but the burden is on victims to find victim advocates. They often don't find and advocate until a year down the road. There should be an earlier intervention which . However, handing people brochures immediately after a crime, when they are in a state of trauma, is not effective.

Sean wondered what was the best point to reach out to people. Tory said that some police departments in the lower 48 have embedded victim advocates who go out to calls or are in the office who can reach out. Grants are available to implement this kind of project. Something needs to happen earlier on to flag victims who need help. In Fairbanks, law enforcement had a simple consent release form for victims to sign that would allow them to pass their information to Victims For Justice, although this system is no longer in place. There needed to be a way to get the burden off of the victim.

Michal said that a consistent message across the board would be helpful. Often victims will hear information in multiple ways from multiple people.

Tory thought that the multidisciplinary team approach used by SART was good model. It connected victims to a range of services but was only available for one type of crime.

Brenda Stanfill reiterated that the former Fairbanks process of using an easy release for troopers was effective, troopers faxed it to advocates which allowed them to reach out. The troopers said there was a legislative problem with it, so there might be a quick fix. It makes a big difference when there is a victim advocate in early court proceedings.

Susanne wondered if the Fairbanks process had been used for every case. Brenda said it was for DV/SA cases. Taylor noted that victims of property crime only have one service, which was OVR.

Barbara said it sounded like the workgroup was on board with the idea of including a summary of the victim survey/listening session data and issuing a report at a later date.

Facilitated Discussion: Priorities and Goals

Susanne explained that the Commission would be putting together a work plan for the Commission as a whole, coming up with a list of priorities/projects for the coming year. This workgroup should identify one or two priorities.

By way of background, Susanne reminded the group that Commission had made recommendations regarding victims in the 2018 annual report, and also held victim roundtables in 2015. The 2014 roundtables were led by a national victim rights advocate, and some recommendations from that process also went into the 2015 report. Those recommendations had a heavy focus on strengthening supports in rural Alaska.

Susanne also noted that there was limited staff capacity, and that one or two big projects from this workgroup would probably be reasonable to manage. She asked the agency representatives on the workgroup to list their top priority.

Sean said that no one was designed to be a centralized coordinator in the criminal justice system. The system is intended to be swift, certain, and proportionate, but is none of those things. He thought having a victim navigator could make the biggest impact. Sen. Hughes agreed.

Taylor said pretrial delay would be her top priority.

Kim Stone thought that victims often believe that the prosecutor is representing the victim, and that is a source of confusion. The victim navigator really could clear that up. It could be a court system position; someone not only there to explain things to victims but also to be an advocate.

Michal noted that VINEWatch sends out a notification immediately upon registering, and people who register then tend to latch onto the person who signed their name in that first notification. Turnover with paralegals has been astronomical. Her priority would be training for newer paralegals and attorneys and in general expanding the capacity of the DA's office to communicate with victims.

Sen. Hughes wondered if there was a way to merge these ideas—what if the first name someone gets is the navigator instead of a paralegal?

Brenda said she liked the navigator idea but would broaden the topic to victim communication generally.

Taylor noted that there were tens of thousands of victims in the state every year. There were also different kinds of advocacy; emotional support was one, but victims also needed to talk to someone with legal/criminal justice knowledge. She thought victims need all of that but didn't know whether that could be one person.

Susanne reminded the group that there had been a cultural navigator at the courthouse in Bethel who was a Yupik speaker. There was a video people could watch as well as the cultural navigator to talk to. In the final analysis, it was not what victims needed. People found the navigator helpful, but that person was underutilized. What people wanted was legal advice, but because the navigator was a court system employee that person could not be an advocate. Ultimately the project was not successful and shelved.

Susanne said it seemed like the ideas on table centered on communication, whether as individual advocacy or general information, and pretrial delay. She asked the participants to clarify their ideas.

Sean thought it was about getting people the information they needed at the right moment in time and referred to the right resources. He liked the idea of having an embedded person in APD. There needed to be someone to reach out to the victim and point them to what they need. It would not necessarily have to involve in-depth hand-holding. There are services out there; victims needed to be channeled to the right resource, to prevent information overload.

Taylor agreed and envisioned someone who could be a conduit from general information to point the victim to further information services. They could also be informed of services on a website, with a video. Most people know about the court system, so that might be a place to house the idea.

Sen. Hughes wondered if a call center could be the answer: 907-VICTIMS.

Kim said this discussion brought to mind the concept of intercepts as a way of looking at a person's interactions with the criminal justice system at various points. The role this new service might provide is to be there at every intercept. It could explain the role of every agency, and how the system works. It was important to have someone at every intercept.

Michal said the key thing was to get good contact information for the victim.

Sen. Hughes suggested the idea could incorporate a release of information, like what had been used in Fairbanks.

Susanne said she was hearing that what was needed was a service for victims to be able to reach out and get help at any time, but also that certain victims need to be reached out to.

Brenda said there might be some low-hanging fruit along these line, like looking at opening VINEWatch up to advocates. So many victims don't even know about it. There needed to be better communication between advocates, law enforcement, and prosecutors, plus a 24-7 hotline with answers and warm handoffs. She thought the group also needed to talk about what statutory changes might be needed.

Susanne said that the group should also talk about barriers to that communication, like whether releases of information were needed. It sounded like the group wanted to come up with a call center-style idea.

Buddy thought the group should keep in mind that not everyone trusts "the system"—he was not sure if someone is handed a number to call, they will follow through. He suggested that the onus be on the system to make first contact, especially for violent crime. He said it was also important to recognize the high number of crimes against women and children in rural communities; getting information to those communities in a timely manner could be a challenge.

Susanne noted that the court system hosts the family law self-help center. Some said it wouldn't work. The center does not take in-person appointments, and only has information online and a call center. People do call and go online.

Sen. Hughes agreed with Buddy, and thought the rural piece was key. Rural justice was being highlighted in the news recently, and there is interest in the legislature. There was an opportunity to act now. She thought there needed to be someone in the community, not just a call center.

Buddy noted that the Crisis Now model for responding to those in a behavioral health crisis was being developed for use in Alaska. It was a model that could help someone in a crisis pretty efficiently and immediately. Some of those elements could be used.

Brenda said she also still wanted to think about pretrial delay. But she thought there needed to be research and wondered where to start. She assumed the group would need a lot of data.

Susanne noted that Criminal Justice Working Group has been working on this issue for a while. She also noted that the pilot project described by Judge Morse was just for Anchorage, where the problem might be worse. There is data on how long cases take, and how many hearings there are per case, on average. There were myriad reasons for the delay, and almost all of them were systemic or incentivized by the system. One thing this group could do is focus on the victim piece of pretrial delay. The whole project of pretrial delay is huge.

Sen. Hughes wondered if it would make sense to let the Criminal Justice Working Group focus on this. Taylor said that group was not focused on victims. She thought it made sense to carve out a piece of the problem. She thought there were things that could mitigate the pain of pretrial delay somewhat, such as having fewer hearings, and more meaningful hearings. Susanne suggested picking two or three things to mitigate the pain and uncertainty of delay.

Barbara summarized the discussion: the workgroup's priorities were: 1) develop a plan for a call center/victim navigator service, and 2) look at the parts of pretrial delay can be addressed to help victims.

Sen. Hughes asked whether the plan would address rural Alaska too. Susanne said yes, that would be part of the call center/victim navigator idea, ensuring that the plan would include what would work best for rural Alaska. Sen. Hughes thought that the Commission might get some ideas at AFN. She was hearing that many people are not reporting to law enforcement; victims might need someone else to go to first.

The group agreed the next meeting would be November 15.