

Alaska Criminal Justice Commission
Victims' Rights and Services Workgroup

Meeting Summary

Friday, November 15, 2019, 10:00 a.m.

Alaska Mental Health Trust and Teleconference

Commissioners: Brenda Stanfill, Sean Case, Steve Williams

Participants: Mike Ramsay, Brad Myrstol, Avi Sloane, Troy Payne, Regina Largent, Taylor Winston, Michelle Evans, Charlotte Rand, Susie Frenzel, Ingrid Johnson, Alana Marquardt, Al Wall, Sam Duke

Staff: Barbara Dunham, Staci Corey

AJC Handbook and Other Materials for Victims

Commissioner Brenda Stanfill explained that there were several types of informative materials given to or available to victims, such as the victims' handbook from the Alaska Judicial Council from 2001. She also knew that the Anchorage Police Department (APD) has a little blue handbook for DV cases. Some part of that is read to victims when officers respond to DV calls.

Barbara Dunham, project attorney for the Commission, explained that she hadn't been aware that the Judicial Council's handbook existed, even though she is employed by the Council [the Judicial Council staffs the Commission]. She thought it contained some useful information although it was a bit lengthy and would need to be updated with new contact information. The Office of Victims' Rights (OVR), for example, did not exist at the time of publication. She wondered whether the group thought it would be worth updating or going in a different direction.

Susie Frenzel, Victim-Witness Program Coordinator for the Department of Law, said that Law also has a handbook with even more information, as well as separate pamphlets for things like domestic violence (DV), consent, and safety planning. All of this information is on their website under the "victim resource" tab.

Michelle Evans, victim advocate with Victims for Justice (VFJ), said she worked with APD's homicide unit to update their handbook for victims of homicide, which APD hands out to families when they respond to homicides. They have copies in the VFJ office too.

Taylor Winston, executive director of OVR, suggested that the Alaska Network on Domestic Violence and Sexual Assault (ANDSVA) and Standing Together Against Rape (STAR) may also have brochures or handbooks.

Brenda suggested pulling everything available together to see what was out there; it sounded like Law's website might be the most complete.

Susie said Katie Tepas had also sent the Department of Public Safety's (DPS) blue book to Law to update, which may be same thing as APD's blue book. Brenda asked Commissioner/APD Captain Sean Case who APD gave the little blue books to. Sean, who had brought a copy of the blue book to pass around

said they were given to all DV victims and maybe stalking victims depending on the case. Taylor noted the book he brought needed updating.

Michelle said that the Anchorage DV/SA task force updated the little blue book in 2019, but the officers didn't like it because it was too large. They are now already revising it. Brenda asked if the new version would be smaller. Michelle thought that was one of the things they were looking at. Sean explained that officers already have a lot to carry and having something that fits in a pocket works best.

Ingrid Johnson from the UAA Justice Center said that advocate Lisa Alana in Nome has a comprehensive list of local resources for Nome as well as statewide and national resources. She includes survivor and advocacy groups and updates it on a regular basis.

Brenda wondered if any victims use 211 or if advocates ever use 211. Taylor said OVR typically refers people to victim services directly, but for other types of services, will refer people to 211.

Taylor said that she would like a list of citizen activist groups or grassroots support groups, as victims often ask OVR staff what they themselves can do to help other. A lot of victims don't know how to have an impact, and individually they are not as powerful as a group. She thought it was helpful for victims to feel like they were making a difference. Barbara noted that the keynote speaker at the Council on Domestic Violence and Sexual Assault (CDVSA) conference that week had mentioned conducting a survey of victims regarding what helped them to heal; the victims surveyed all had varied responses but all mentioned activism, organizing or helping others as being something that helped them heal.

Taylor agreed, saying she advises victims of violent crime to try to find a way to improve the system or improve things for another victim as a means of using their emotional energy in a positive way. Working with other victims in this way also functions as a support group.

Al Wall, deputy commissioner of the Department of Health and Social Services (DHSS) said that CDVSA also has a comprehensive list of resources for victims. Brenda said that Diane Casto, executive director of the CDVSA, would be able to provide that. Al said that DHSS also has a list of resources online and in print of grantees that do mental health work.

Susie said that she and Mike Ramsay upgraded VINE to include information on service providers, so that victims have a link that information when they get VINE notifications and can use the information to find services. They are trying to get the word out to get other agencies and services so that the notifications can link people to all available resources. Brenda suggested sending Barbara an email to get something out to the workgroup's email list.

Brenda wondered whether there were any brochures or resources for victims of property crime. Taylor said that every law enforcement officer should be handing every victim of every felony one of OVR's brochures. OVR is one of the only places for property crime victims to go. They tend to fall through the cracks and treated as if their situation isn't important. For the people affected, what happened to them is important, especially things like a home invasion. Items taken can have sentimental value. In cases involving car theft or where a car is held in evidence, the victim loses their means of transportation, which can be particularly frustrating when cases drag through the system. The Violent Crimes Compensation Board (VCCB) doesn't help property crime victims. She thought there should be more awareness as to what property crime victims go through. She understood that violent crimes presented more of a personal safety issue, but people who commit property crimes also commit violent offenses.

Brenda asked what services OVR offered property crime victims. Taylor said that they provided the same services as they would to any other victim: representation in a criminal case, help them find out

what's going on with an investigation, helping them understand the process, and advocating for criminal charges to be filed if they haven't been. They can try to help them get property held in evidence returned (for all crimes) and help them get restitution.

Regina Largent, staff to Senator Hughes, asked if getting property held in evidence back involved their attorneys filing motions. Taylor said that was the case. Regina wondered if a legislative change might help. Taylor thought that legislative and court rule changes might help. Sen. Dyson helped push through a return of property bill a few years ago, which was starting to be used more. Taylor knew of one victim whose car was in evidence without any charges being filed for 5 months; OVR requested a hearing on it. The problem for the prosecution is that they want to avoid a *Thorne* instruction, which allows the defendant to argue that evidence lost or destroyed should be presumed favorable to the defendant. But with pretrial delay, it can seem to the victim like the evidence is kept forever.

Taylor recalled a case from when she was a prosecutor in which a woman had her car stolen from the shop where it was being worked on, it was used in a series of crimes including a homicide, though no one was ever charged with theft. The car sat in evidence for five years, and she was making payments on it for that time. Since no theft was ever charged, the woman was not even technically considered a victim of crime.

Brenda asked group members to let Barbara know if they know of other brochures or handbooks available for victims, and said the group would review all materials pooled together.

Violent Crimes Compensation Board Overview

Michelle explained that VFJ, CDVSA, VCCB and the Council of State Governments' Justice Center have all partnered to be proactive to get victims information about VCCB's ability to help. In 2020 they will be rolling out training opportunities for anyone who assists victims, including schools, hospitals, and faith communities. They will try to get basic information on the VCCB to the larger community first, and then the next phase will be to reach out to individual agencies to go more in-depth.

Michelle said she brought some flyers they have developed for the project, which spotlights missed opportunities to help victims. For example, over for over 4,000 aggravated assaults reported, there were only 108 applications to the VCCB for assistance following an aggravated assault. Over a thousand rapes were reported with only 161 applications to the VCCB for assistance following a rape. On the other hand, there were 47 murders reported with 111 applications to the VCCB for assistance following a murder (usually there is more than one victim eligible for assistance following murder, as victims in this category include immediate family).

Brenda asked if the VCCB was successful in spreading the word and a thousand or more additional victims applied for assistance, whether that would affect the VCCB's funding. Alana Marquardt with the VCCB said yes, they would need more funding. They currently receive a mix of federal grants and state funds.

Alana gave an overview of the VCCB. She explained that each state has a compensation program like the VCCB to alleviate the difficulties victims face. Now in its 47th year, the VCCB give financial assistance to victims of violent crime to cover things like medical and dental expenses, lost wages, funeral costs, cleanup costs, childcare, and costs associated with trial attendance. They can pay out up to \$40,000 per victim per incident, or \$80,000 if there are multiple immediate family members of a deceased victim.

The crimes for which they will provide compensation include murder, manslaughter, criminally negligent homicide, assault, kidnapping, sexual assault, sexual abuse of a minor, robbery, driving under the

influence, and arson, as well as federal crimes. The crime must have occurred in Alaska, must have been reported to a law enforcement officer within five days, and the victim must cooperate with law enforcement and prosecutors. Victims typically need to make a claim for compensation within two years. Victims must not have contributed to the crime, something determined on a case by case basis.

Alana said that in the last fiscal year, the VCCB received over one thousand applications from 95 communities, dispensing over one million dollars. That number is still much lower than number of victims who report crimes each year. Law enforcement agencies are required to inform victims about the VCCB, and hospitals are required to display information on the VCCB. Their collaboration with the other agencies Michelle mentioned was an exiting opportunity to spread the word further. Often victims are not aware of the VCCB and hopefully this increased effort will mean more victims will contact them. They were also working with IT to get more of their information online, and were hoping to provide more web-based services.

Alana said the VCCB also had some statute changes in the works, which would, among other things, add stalking to the list of crimes covered, and expanding the reporting timeframe. The board does sometimes waive that timeframe already.

Brad Myrstol, director of the Justice Center at UAA, wanted to know about the background on the five-day reporting requirement. He thought it might explain why so few sexual assault victims applied for assistance. He also wondered if there needed to be a legal finding of guilt for the VCCB to compensate people for their loss. Alana said that the crime doesn't have to be charged or a defendant convicted, though it does have to be reported. They often use the police report to determine eligibility. The reporting time frame requirement was at least a decade old, and none of the present staff were around when it was instituted. She agreed that it was problematic for DV/SA cases, which was one of the reasons they were trying to change the law. The board can currently waive the time frame on a case-by-case basis.

Al asked who, in the case of murder of manslaughter, would be eligible for compensation. Alana said eligibility was restricted to immediate family: spouses, children, and siblings, although the board can also extend eligibility to grandparents and grandchildren on a case-by-case basis.

Regina asked what would happen in cases where parents were not engaged or did not apply for compensation on behalf of a child victim. Alana said the board wouldn't disadvantage a child victim if the child's parents were not cooperating. Guardians can apply on behalf of children. The VCCB is a payer of last resort, so if a child is in OCS custody, OCS might have to pay for what they can first.

Taylor asked if, after compensating a victim up front, the VCCB then files restitution claims from the defendant on a routine basis. Alana said the VCCB had been filing restitution claims for about ten or eleven years now. It depends on when they get an application; if the case has already been disposed, then it's too late. After each board meeting, staff will look through all cases that have been approved for compensation to see whether they were disposed, and if not, they will submit the restitution request.

Taylor asked if there was a way for applicants to access their claims to see their status. Alana said a limited amount of information was available on their website, though not much is visible. Taylor said what was available now was often helpful but sometimes it would help to also see the specific amount awarded so that when a victim asks for additional compensation via the restitution process, the court will know how much they would already be receiving so the restitution order does not overpay.

Taylor asked if someone from Alaska was harmed out of state, whether the VCCB would cover that. Alana said that was among the statutory changes they were asking for. Those cases are rare—they would cover cases where the harm occurred in a country without a compensation program. The board has

already approved such a case two or three times ad hoc. Regina asked whether that bill was already drafted and if they were working with a legislator. Alana said they were, it was in the process of a Department of Law review.

Barbara asked what the board meeting process was like. Alana explained that her job was to look at the applications and check eligibility requirements, look into possible reasons for waiving the requirements, gather any necessary information such as receipts, summarize the crime and the victims' expenses, and make a recommendation to the board. The board meets six to seven times per year to decide on applications received since the previous meeting. Alana said staff felt this wasn't really enough meetings and were trying to push for monthly meetings. They can meet telephonically now. One member lives in Fairbanks, and the other two live in Anchorage. They try to meet every 45 days, but their last meeting was in October and they won't have one in December. They have been hearing concerns that the board does not meet often enough.

After the board makes its decision, the finance department gets its payments out in about two weeks. They can pay to creditors directly if the victims have already paid up front. Victims who are denied can file an appeal within 30 days to an administrative law judge. The judge then writes a recommendation to board, and the board then makes a final determination at its next meeting.

Brenda asked for typical reasons why people would be denied. Alana said denials would be based on things like health expenses already being fully covered by insurance, or evidence that the crime did not occur. In the latter instance the board will usually give the victim the benefit of the doubt.

Brenda asked how they evaluated the requirement that victims cooperate with an investigation. Alana said that she knew that requirement was contrary to what is commonly known about DV victims, and was something the board struggled with. If they hear from law enforcement that the victim has asked for the case to be closed, that would be a reason. Or if the victim recanted.

Brenda asked whether a DV victim could be denied compensation if they request contact with person who did harm. Alana said they might, though it would depend on the nature of the contact requested. Brenda asked if they would follow up with the victim on that. Alana said that in some cases they would reach out and tell the victim the board might deny them because of the information they have. If they get new information the case doesn't always have to go through the appeal process if there is a good reason for reconsideration—appeals take a long time, and it is an intensive process. The board doesn't always get whole story initially. If a victim follows up after a claim denied, the board may just take it up at the next meeting.

Taylor asked whether the board would look at whether the victim posted bail for the offender. Alana said they would. Sometimes when they follow up on that they find that bail was not actually posted. They will take the victim's word for it.

Brenda asked how intensively the board reviews the application packet after the staff make recommendations. Alana said the board members get a packet about two weeks before their meeting with a narrative and payment summary. Typically the board agrees with staff recommendations, and sometimes they will follow up with email questions. Sometimes they like to see medical records, or proof that lost wages were connected to the crime.

Brenda asked how often, once a determination is made, the notification to the victim gets returned as not delivered. Alana said maybe 10-15% of their correspondence was returned as undeliverable. Sometimes a victim's phone or address will change. If they were staying at a shelters, there's no way to follow up if the victims is no longer there. They have been wanting to do their notifications electronically.

They now have an online application through myAlaska but it is clunky; they want to overhaul their system so everything can be submitted electronically. They just got a VCCB cellphone and are hoping to use text more often; that way victims can send pictures more easily.

Brenda asked where the applications come from. Alana said the largest portion, about two fifths, of the applications are from Anchorage, followed by Fairbanks. The rest was spread out throughout the state. They did receive applications from smaller communities, and received applications from 95 different communities last year. She believed the volume of applications was at least somewhat related to local knowledge of the program. They recently met with law enforcement in Juneau; officers there thought the VCCB was only for DV/SA victims. They are hoping, as part of this new partnership, to present at the police academy. Michelle added that the VCCB also reports the number of applications by legislative district in its yearly report, available on its website.

Alana encouraged those present to follow up with any questions they might think of later.

Public Comment

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

Sequential Intercept Model for Victims

Brenda explained that the workgroup had decided to focus on improving communications for victims, and that to orient the group's thoughts on this she had asked Barbara to put together a sequential intercept model for victims. She apologized for the use of the word "victim", since some people don't identify as victims and/or prefer the word "survivor". But this helps with clarity. The group would walk through the model and at each intercept, identify what the group knew, what it didn't know, and possible solutions or recommendations.

Barbara explained that the sequential intercept model was developed as a way to look at interventions for criminal defendants and people who have been convicted; she had adapted it to look at the system from the victims' perspective as best she could. Steve said that the intercepts in the model were points at which you could potentially set up services or a diversion program for people who have come into contact with the criminal justice system. These points may or may not align with points where it would be appropriate to address the needs of victims.

The first intercept was Intercept 0/Community, looking at the period of time before a victim decides to engage with the criminal justice system.

Ingrid said that in the models of health context, people use the concept of problem definition. In order to report a crime, people who have experienced a crime need to identify the crime as something deserving of a response from the criminal justice system—that what has happened is a crime, and if the person reports, it will help them. It was a question of awareness.

Regina said there also might be cultural or social barriers to reporting. In some places in rural Alaska victims can be shunned if they report.

Ingrid said that some victims might rather seek justice outside the model we have, such as a restorative justice model, but don't have those other options.

Taylor said that on the flip side of that, some victims believe the criminal justice system is intended to be punitive, not rehabilitative. It is a general misunderstanding that may compound other issues.

Brenda said that the medical system is another intercept point, a place where victims go to get help for what happened to them—that would be another place to target communication efforts. Ingrid agreed, saying that was one of the primary ways to identify whether violence occurred.

Brenda asked what we don't know—what do victims need? Ingrid said that was something UAA will try to get at with the next Alaska Victimization Survey (AVS) next year. The survey is limited only to adult women but will be collecting generic information on reporting, asking things like whether the respondent reported the crime, and if not, why not. Taylor asked whether they would also be asking the people who did report whether they would do so again. Ingrid said they would, and they would also ask whether they accessed shelter, legal assistance, and medical care, and how satisfied they were with those services.

Brenda wondered whether property crimes were as underreported as other crimes. Ingrid said that national data show the most-reported crime was motor vehicle theft at 75% (probably because of insurance). For other crimes, the reporting rate is around 50%.

Barbara wondered whether there was a statewide list of what services were available where, and whether 911 or another number was the emergency number in a particular area. Brenda said she wasn't sure, and that could go on the list of things we don't know. She did know that more services are now available with more federal money coming into the state. The native women's coalition would know more about the federal side of things. Taylor said it would also be good to know what services are available when things are dealt with in tribal courts. Susie said she knew that Kim Stone from the Department of Law worked on state-tribal agreements, and could follow up on this too.

Brenda asked the group to share ideas for possible solutions at this intercept. She thought that raising public awareness was important. Barbara noted that was a theme that came out in responses to the victim's survey—people were not aware of what services or help was out there.

Taylor said that service providers on their own all do what they can. She noted that April is a big month for violence awareness: there could be a concerted effort in that month to raise awareness about services for all crimes, on radio, TV, letters to the editor, etc., to get the word out as much as possible. Brenda said there were mini grants available for this already. Michelle noted that VFJ had received some grants for this purpose, but it would be great if it became something bigger.

Regina noted that every rural community has radio access, and thought there could be a whole series of PSAs.

Susie thought there should also be more direct outreach in smaller communities, so that messaging went not just to leaders, but many key community members—people will listen to messaging from people they know.

The next intercept was Intercept 1/Law Enforcement, looking at what happens once a crime is reported to law enforcement.

Sean said that the system we have now is essentially one in which a cop shows up, files a report, and goes away. After that, people tend to call the officer or agency who responded, as that is who they've been in contact with and who comes to mind. Law enforcement needs a better way to connect victims to victim services. Cops on the street don't have time to answer calls and email if most of the time, they are out on a call. The booklet is typically not useful. They also have a challenge CJIS (confidential) information and sharing that with non-governmental bodies. They need a way to loop back around to those victims after

the initial call. Sometimes the information they need is best presented at the time of the call, but often it's not.

Susie said she and Charlotte had been going around and talking with community organizations, and they often hear people ask for a victim service provider or advocate to be embedded with law enforcement, something like what the FBI has. In that system, the service provider is an employee of the FBI.

Sean said that APD was in the process of trying to get someone from VFJ embedded with them. One issue was that there are laws about what information they can share. They currently have social workers embedded and would love to have a victim advocate embedded too. It would be better for officers, and victims will have someone else to contact.

Taylor said she had also heard that embedding an advocate is a positive thing. She wondered how to get officers to hand out OVR information to all victims who qualify for their services. She said APD had never asked for OVR brochures or cards. Sean said all patrol officers work for him, so he would tell them to do it.

Taylor noted that sex offense victims get a lot of support. In that arena, law enforcement has been good at developing relationships with other providers. Brenda agreed and said that the SART model is a good example of what can happen with you merge advocacy, medical, and law enforcement personnel. Often the victim develops a relationship with the advocate right away and knows who to call.

Brenda explained that in Fairbanks, the troopers used to send victim information (with their signed consent) to advocates. That system worked well but was apparently against the law. Having the ability to reach out was key—it was a way to reach out to the victim rather than have the victim reach out to advocates.

Sean said that one problem with getting information to victims is that often the law enforcement case is pending, and victims don't have access to that information while the investigation is happening.

Charlotte agreed that SA victims get a lot of attention but noted they also have a lot more going on. She thought having an embedded advocate was a great idea, and wondered what it might look like.

Sean said that not every agency will agree to it, but he has found that embedding has always been beneficial for both sides. An embedded advocate would have access to the police department, probably at the sergeant level. They would probably be on the receiving end of "you're not investigating"-type calls, and would be better able to respond to those. The embedded advocate would be able to develop a relationship with officers and could relay information to victims. He also thought it was beneficial to get advocates in the field.

Sean explained that officers arriving on scene have more of a focus on victim needs for DV and sexual assault cases. For DV cases, they know they will have to make a mandatory arrest, and for sexual assault cases, they are a "big deal" requiring a lot of officer attention. In other cases, officers arrive on the scene and focus on putting a case together. An embedded victim advocate would have a different focus.

Regina said that it might impact the discovery process if an advocate was embedded within the department. Sean said that APD was getting legal advice on that.

Brenda said another model was to have an advocate on an on-call basis; the officer would call in the advocate to wrap up things for the victim when the officers were almost done at the scene.

The next intercept, Intercept 2/ Pretrial, dealt with the later investigation and arrest (if this was not done immediately, pretrial hearings, and potential bail release for the defendant.

Brenda said this was the area that victims don't know a lot about. She asked if law enforcement officers typically notify victims when an arrest is made or not made. Sean said generally not, unless it was a more serious case involving a detective, then it might be different. But generally there is no follow up with the victim.

Taylor said that victims have a right to participate in bail hearing. Sean said that officers will particularly explain this to victims of DV crimes and ask if they want to participate. Otherwise no one is notifying victims of a right to participate.

Brenda said it also sounded like there was a gap when someone was released pursuant to the bail schedule; victims are not notified if someone bails out after initial detention without a hearing. Taylor said the victim still has a right to be heard even if the bail schedule applies. She has raised the issue of the right of a victim to be heard before any bail release, including bail schedule release. It seemed to her that her concerns were ignored because getting the victims input for releases pursuant to the bail schedule was seen as inefficient. But nevertheless it was a constitutional right.

Brenda said that another big gap is that bail conditions are not available to law enforcement officers. Law enforcement has access to these conditions in Fairbanks, but that was the only place she knew of—this seemed to be both a gap and a solution.

Michelle said she thought they were doing this in Anchorage. Taylor said that the municipality has someone in the prosecutor's office who will enter bail conditions for DV cases. In cases where officers don't have electronic access to that information, there is a paper copy of the order the victim might have, but she knew of cases where the officer didn't pay attention to the paper copy the victim had. She thought the bail conditions should just be made public.

Brenda wondered whether, if a case is assigned to pretrial enforcement, PED connects to the victim. Mike Ramsay, from the Victim Service Unit at DOC, said that if a victim's information is on ACOMS, they should be making contact; he could look into it.

Steve noted the group had been talking about a lack of awareness about what the criminal justice process is. He noted that it applies not just to one type of case. He thought the group might think about what needs to get communicated and when, and who would communicate. Also how – paper? Electronic? Also most of this discussion has been reactive—he thought the approach could be proactive, a public health approach.

Taylor noted that the idea for an awareness month in April that she mentioned earlier would be a PSA campaign targeting everyone, not just victims but also anyone who might be victimized in the future.

Brenda clarified that today's discussion wasn't just for victims of DV or sexual assault; the points at which people noted there are more services for those victims were meant to highlight that such services should be expanded to other victims.

Troy Payne, professor at UAA, said he will spend 15 weeks explaining to students what the criminal justice process looks like. He thought Steve made a good point—different people will need different layers of information. Communication efforts should also account for trauma. A trauma-informed approach will need to communicate ideas multiple times. He thought it would need to be a combination of public education and specifically delivered information to someone who needs it.

Brenda asked when the Department of Law usually contacts victims. Susie said they try to do so before usually bail hearings and arraignments. The victims can choose whether to opt in to VINEWatch – advocates and law enforcement can use the service too. As soon they as can contact a victim, they will offer the service to them. They have a flag if in their case management system if someone is registered for VineWatch or has been offered it. Michelle said she found the Anchorage office to be very responsive when they reach out to register victims or/check if a victim is registered. Taylor agreed.

The next intercept discussed was Intercept 3/Trial/Sentencing.

Barbara explained that HB 49 had changed the law to require that judges estimate a defendant's release date on the record at sentencing. Regina explained that Sen. Hughes had proposed this change; judges would have to state the earliest potential release date. Barbara said she was not sure whether judges were complying with this new requirement.

Brenda asked who notifies victims about sentencing hearings, noting they were often not timely. Susie said the Department of Law was responsible, but change of plea hearings can often happen very quickly, sometimes 24 hours after they are requested. Taylor agreed, noting that a case can be dragging, then a change of plea is suddenly set—usually courts only catch/account for victim participation if OVR is participating on the victim's behalf. Courts are just not asking that question.

Taylor said that another problem was off-record continuances—victims don't know when they're coming. For example there was a homicide sentencing set for this month. The victim wanted to know if this hearing was really, because the victim wanted to prepare a statement, and warn the rest of the victim's family. The prosecutor had told the victim that the prosecutor heard the defendant want a continuance. OVR had to file motion to figure out whether this was true. Taylor suggested that one solution was to require all continuances to be in writing, not just in email, but to go on the public docket.

Susie said another problem Law runs into is changing victim phone numbers; if a victim's number changes, they can't contact the victim. If the person is staying at a shelter, they can try to call the shelter and leave a message. They do make paralegals show their work (i.e. what steps they took to try to contact the victim). Their last resort is the last known mailing address. Having more victim/witness paralegals would help.

The next intercept was at Intercept 4/Detention/Parole, looking at the period during which a defendant is incarcerated.

Mike said that DOC does contact victims for parole hearings, and victims can attend on the phone or in person. DOC will send out a victim notification form, and the victim can use that to check what things they want to be notified about. DOC determines the identity of the victim from the police report, and the victim's information is entered in ACOMS. In cases of homicide, this is done for the next of kin. It is the victim's choice to fill out the form to get notifications, and to get VINELink. If the victim has not been automatically entered in the system, they can call the victim service unit and they can put the person in the system. They will also contact people signed up through VINE to see if they got the notification form and offer it again if not.

Brenda asked if VINEWatch will continue after trial and sentencing. Susie said that Law will offer to turn it off. Taylor added that if the victim chooses to continue with VINEWatch they will get notified of any post-conviction hearings but won't be automatically linked to VINELink to get notified of parole hearings, escapes, etc.

Taylor said that for the most part, DOC is good about notifications. But one issue was that victims will get “week of” notifications for parole hearings and won’t get the exact date and time until much closer—she didn’t understand why it can’t be a set time and date at the first notification. She thought there would be more victim participation in parole hearings if there was more certainty.

Brenda suggested that advertising the existence of VINELink might be something to include in the PSA effort. Mike said he had VINELink brochures and materials to pull from.

The next intercept was Intercept 5/Community Supervision, looking at what happens when people are on probation and/or parole.

Barbara explained that HB 49 instituted a new requirement that DOC notify victims that they can get a civil protective order once any court-ordered condition of probation that operates as a protective order expires. Mike said that probation/parole officers will have contact information for victims. They will have a checklist to complete to make sure they are following all requirements.

Taylor said that restitution is a big issue for victims. POs are supposed to make payment plans for restitution. She thought it was something that needs more attention and/or oversight. Mike agreed, and said there have been complaints. DOC’s policy is that POs should do the payment plans. Barbara noted that people convicted of misdemeanors are not actively supervised by a PO, so there is no one setting up payment plans for them.

Taylor said there were inherent problems about restitution; it has to be filed at the right time within the case, and there are also deadlines for PFD garnishment. She thought there should be more checks on that system to make sure that process was working well. She had a client who would have to wait another whole year to get restitution because the order didn’t get to the right people at the right time. Susie noted that it was difficult to get information from the courts about restitution.

Barbara said she believed there were only 1.5 FTE’s at the court system devoted to restitution collection services. Taylor thought they needed more; the court needs more resources to ensure that restitution order is completed well and given to the restitution department. She knew of situations where the court orally orders one thing and the written order is different.

Taylor explained that there was a 90-day window to ask for restitution post-sentencing, and she thought there was more that everyone involved could do to follow up with victims. Susie said that Law’s paralegals are trained to have that conversation early on with the victim, and to explain that if the victim doesn’t have documentation, it can’t be submitted to court.

Brenda thought of a question for Intercept 1: If a case is not accepted for prosecution, how are victims notified? Susie said that if law enforcement makes the decision, their office does it; if the case has been sent to a DA, the DA’s office will do it. Taylor said that victims don’t necessarily have a say in the decision to go forward. OVR will get involved if a case is declined, and can sometimes get a case reopened.

Brenda asked if it notification was done by phone. Susie said it was, though they notify the victim in person if it is a sex offense.

The next intercept looked at the long term needs of victims.

Brenda said that cases that go on for a long time with a very marginalized victim often result in the victim getting labelled as a “bad victim”. Also, advocacy agencies are crisis-oriented and not focused on

long term needs. Housing is very important. Agencies and organizations can't communicate with a victim if the victim has no housing.

Barbara said that there are some resources out there—there just needed to be communication about them.

Charlotte said that in some cases, a restorative justice approach might be better or more appropriate for some victims.

Brenda said that some regulations, like those governing the VCCB, can be adjusted to meet long-term needs.

Taylor said that at some point in the process, someone needs to bond with the victim. Even people who have been marginalized who feel valued, and have a good person to contact, will be reachable. That kind of connection requires time and energy. The human aspect will keep them connected, and more trusting of professionals.

Susie said that Law wanted to see service providers come to the Department, perhaps for a monthly teleconference training, as a way to put word out about what services are out there.

Brenda said that at the last meeting, the group had been talking about creating a victim navigator—the issue of human connection has come up at every point. This group could perhaps build on VFJ's work with APD, and maybe come up with a pilot project.

Michelle said that VFJ was also working with CDVSA and UAA. Even if they can embed an advocate, they can't serve everyone. But they can connect and follow up. They are partnering with UAA to do a study on how it will work.

Brenda said she would be interested in finding data on victims of property—what makes them feel better. Taylor said getting their stuff back, and restitution would be a start. Property victims also get frustrated at not being heard. Brenda said the group would also follow up with restitution.

Future Meetings and Tasks

Barbara noted that the next meetings for this group had been scheduled for February 5, March 25, and May 6. Brenda said the group would stick with those dates. She wondered if the group wanted to try to get something done for this session or the next. Taylor suggested taking the time to really think about a recommendation and get something done for the next session. Susie agreed.

Michelle asked whether the Commission was still getting survey responses. Barbara said they were still trickling in; the survey is still open. Staff was also working on compiling an agency-specific summary of comments that would be useful/pertinent to that agency.