

Alaska Criminal Justice Commission  
Victims' Rights and Services Workgroup

**Meeting Summary**

**Wednesday, December 16, 10:30 a.m. – 12:00 p.m.**

Via Zoom

Commissioners Present: Steve Williams, Randi Breager (on behalf of DPS), Mike Ramsay (on behalf of DOC), Sean Case

Participants: Deanna Davis, Victoria Shanklin, Troy Payne, MaryBeth Gagnon, Nancy Meade, Rachel Gernat, Taylor Winston, Malan Paquette, Ingrid Cumberlidge, Travis Welch

Staff: Staci Corey, Barbara Dunham

**Introductions, Agenda and Previous Meeting Summaries**

Randi Breager, special assistant to the Commissioner for DPS, moved to approve the agenda and Mike Ramsay, criminal justice specialist for DOC, seconded the motion. The agenda was approved without opposition.

Commissioner Sean Case moved to approve the meeting summary for August 20, 2020 and Ms. Breager seconded the motion. The summary was approved without opposition.

Commissioner Case moved to approve the meeting summary for October 8, 2020 and Mr. Ramsay seconded the motion. The summary was approved without opposition.

Commissioner and workgroup chair Steve Williams said the purpose of the meeting was to look at where the group left off at the end of summer. Several items that the group worked on were approved by the full Commission and included in this year's annual report, while some items the group had discussed were tabled. The approved recommendations were circulated to the group for reference. The annual report has been released, and was available on the Commission's website. The Commission has also met to discuss its plan for the next year. The Commission is scheduled to sunset in June 2021 and has a year from that date to continue to conduct work and wind down. The Commission decided it would still issue an annual report, and agreed that the workgroups should continue and aim to complete recommendations in time to be included in that report. Today the task was to decide what topics the group should work on and a timeline.

Commissioner Williams asked if any members of the public had questions. Malan Paquette said she had concerns about numbers for state agencies such as OVR, DOC, and Law not being in the paper state directory. She said the next publication of that directory would be in February. Commissioner Williams thanked her for her comments, and noted that issues of how to get information and access to services to victims has been topic of discussion of this group. Some of the recommendations that the Commission has adopted speak to that idea generally, though not the concern Ms. Paquette raised specifically.

**Review of Existing Agenda Items Tabled for Further Work**

Commissioner Williams explained that the group had last discussed these items in August.

*Motions to continue/Pretrial delay:* Commission project attorney Barbara Dunham explained that this item was related to keeping victims apprised of the criminal case process as well as the time it takes to

resolve criminal cases. There are rules for how long a criminal case should take, but those rules can be waived if an attorney asks for a continuance (a delay) and a judge agrees. While prosecutors are supposed to inform judges of the victim's thoughts on any substantial delay in certain cases, this often does not happen.

Ms. Dunham explained that in workgroup meetings earlier this year, Office of Victims' Rights (OVR) Executive Director Taylor Winston suggested making a recommendation that all motions to continue should be in writing. The group had discussed whether this might reduce delays or increase them, and whether there might be another solution to giving victims more of a voice in the process or to speeding up trials.

Ms. Winston said she was also a member of the Court System's Criminal Rules Committee, which had received a request from Chief Justice Bolger to look at the pretrial delay issue. Workgroups were set up earlier this month, and will probably get started after holidays. She had also been speaking with the municipal prosecutor and John Murtaugh about requiring motions to continue to be in writing. General rules govern the timing of motions, but motions to continue could be on a tighter timeframe.

Ms. Winston suggested there were other ways to address this with policy such as not allowing off record continuances by email, which don't show up in CourtView and aren't communicated to the victim—even if OVR has entered an appearance they don't always get notice (it depends on the attorney). There were also court policies such as training judges to ask whether the prosecutor has contacted the victim and to give victims an opportunity to speak. Victims can be too intimidated to speak up in hearings. It is rare for judges to bring up the victim on their own.

Ms. Winston thought it would be instructive for people to sit in on or listen to pretrial and discovery hearings. Recently she sat in on one in which the public defender didn't even know whether discovery was complete or when they might be ready for trial – on a 2016 case. Prosecutors can be similarly unprepared. She thought the courts need to hold practitioners accountable. Judges should also create a record; if a judge questions the motion or denies the continuance that would create a record. Right now typically motions to continue are met with no opposition and no questioning from judges.

Commissioner Williams asked who was participating on the criminal rules committee. Ms. Winston replied that the Public Defender Agency, Office of Public Advocacy, Department of Law, Municipal Prosecutor, private defense attorneys, OVR, and the judiciary were all represented in the committee as a whole, which was also divided into working groups.

Nancy Meade, general counsel for the Court System, added that the committee tried to have balance with representation from four judges, four prosecutor positions and four defense positions, people who are experts. She suggested that it would be good to allow that group to think through this issue first. Pretrial delay has been an issue for a long time, not just in Alaska.

Dr. Troy Payne, director of the Alaska Justice Information Center (AJiC), said that AJiC intended to look at time to disposition in some detail in the next year, and planned to work with these stakeholders to try to come up with some explanations for why this is happening. They have done some work on it already. It was far less common than you'd think that courts are able to dispose cases in a timely manner. Certain thresholds were set by the Alaska Supreme Court that just are not being met. The analysis will be complicated and will take time, but there was a need for data on what is causing pretrial delay.

Commissioner Williams agreed with Ms. Meade that there seems to be work being done on this topic already, and he was not sure if it was a good use of resources to duplicate efforts. The rules committee is probably the more appropriate place. That said, this workgroup is interested in the issue and he thought that the group would want to be kept apprised, and to know if there was anything this workgroup could do to supplement the committee's work. Commissioner Case agreed. This was a complicated issue that would eat up a lot of time. This group has been pushing for increased communication, and he thought the group

should continue to look at that and focus on putting victims in contact with resources. Ms. Breager agreed, and thought there was enough on the workgroup's agenda. Mr. Ramsay agreed that it would be good to be kept apprised of what the committee is doing.

Ms. Winston said that seemed reasonable. She noted that there was another avenue of changing policy through the Criminal Justice Working Group as well. This group could stay tuned in in case any legislative fix was identified. She and Ms. Meade agreed to keep the group informed.

*Fixed dates for parole hearings:* Ms. Dunham explained that the group had discussed the difficulty in scheduling for victims who want to attend parole hearings. Hearings are set for a certain week, but not a particular day or time in that week. The problem with trying to set a certain day is that there can be last minute changes due to requests for a continuance from the person up for parole or their attorney. Also, some hearings run long, which can bump other hearings out.

Mr. Ramsay agreed. He thought it was worth further discussion, and suggested having someone from the parole board participate in the future discussions.

Ms. Breager noted that a lot of energy had been invested into the VINE system, and wondered if that notified victims about parole hearings. Ms. Winston said she didn't think so. VINELink usually just gives notifications when a person is in or out of custody. VINEWatch is linked to CourtView, which does not have parole hearing information. Victims do get notice when the incarcerated person has applied for parole, and when the hearing is set, usually about 30 days out. They are not given a date and time until just before, either the week before or week of. This can be difficult for victims, especially if the hearing location is far away or there is a delay in the mail.

Commissioner Williams said it also sounded like a challenge when things happen that change up the schedule that week. He thought the group could find an appropriate middle ground for this. Ms. Breager said it seemed like a common difficulty—there were many ways for things to fall through the gaps. She suggested looking into whether VINE might be a consistent way to provide notification.

Commissioner Williams thought this could be just a policy change, or it could be recommendation. He asked if the group wanted to keep this issue on the agenda to see if it can find some improvements or efficiencies. Mr. Ramsay said he would be happy to do that, and thought the group might be collectively able to come up with something that works better for victims. Commissioner Case agreed; he liked using this platform to discuss issues that come up, and noted that sometimes finding a solution doesn't always mean making a recommendation, which can actually add to agency workloads in some cases. Just having these conversations can help move things forward.

Ms. Paquette said she thought it was very important to notify victims of these hearings, and wondered if there was also a way to have victims attend telephonically. She suggested that 800 numbers should be available in the paper directory. Notifying people is a good way to mitigate further harm to victims. She added that aliases often do not appear on CourtView.

Commissioner Williams said it sounded like the group wanted to keep this issue on the agenda.

### **Public Comment**

Ms. Paquette said that state agencies were often all talk no action. There was a disturbing drawing on the Violent Crimes Compensation Board (VCCB) brochure, and she thought the VCCB should remove it from the brochure. She thought that OVR's brochure was wasting a lot of ink, and did not have a state emblem. OVR needed to embrace being a state agency. She wanted to emphasize that the directory of state officials was only published twice per year. She thought Mr. Ramsay should have more support with a bigger Victim's unit, and that his number should be on a magnet, and distributed around state. She also thought that Alaska natives should be participating in this group.

Commissioner Williams said he appreciated Ms. Paquette's comments, and noted that ANJC has a representative on the Commission. The need for the inclusion of the Alaska Native community can never be overstated. He added that issues of communication were a common thread for this group. He encouraged Ms. Paquette to work directly with OVR and the VCCB on improving their communication tools.

### **Review of Existing Agenda Items Tabled for Further Work, cont.**

*Victim Navigators:* Ms. Dunham explained that this idea had been discussed the least in the group previously. The idea was to have someone a victim could call to link to services and explain processes for people who had not been connected to services through law enforcement or a prosecutor's office or some other means. There had also been some discussion about helping victims navigate post-conviction processes including restitution.

Commissioner Williams said it was important to keep in mind that the Commission had already approved two recommendations that overlap with this concept. The first was to foster partnerships between law enforcement officers and victim advocates to connect victims to services at the first response. The recommendation also discussed providing victim services information relevant to the region of the state, both on paper and online. Commissioner Case said the recommendation also talked about law enforcement having a direct link to victim services. Commissioner Williams said the other recommendation was to establish victim coordinator positions at the Department of Law. Both recommendations have been adopted by the Commission. The navigator concept was less concrete and he wondered if the commissioners had any opinions on how to approach it.

Commissioner Case said he would like to go through the process of looking at how cases proceed in urban environments and rural environments. He thought the group should talk about tangible needs, and what was needed to make the victim navigator work in a rural versus urban environment. Mr. Ramsay agreed, and thought the topic was appropriate for further discussion.

Ms. Breager said she always liked to look at how we can use what we have. In this case, she thought that would involve determining the core needs, and looking at what is required by law. She felt as though there was a robust system already in place, with the ANWRC, ANJC, and VFJ, all of whom do great work. She wondered how to support what already exists. Marybeth Gagnon from the CDVSA agreed, and thought it was always a great idea to look at how to build on what we have. Tory Shanklin from VFJ said she also agreed, and noted that a lot of federal victim assistance dollars have gone out to rural areas.

Rachel Gernat with the ANDVSA agreed that Alaska have great agencies and organizations and the group should look into how to tap into those resources, but judging from the comments from victims the Commission has received, these assets were still not working as they should. Each organization has a lot of work to do, and new laws and requirements add to their load. She did not want to slight what anyone was doing, but these organizations cannot do all that really needs to be done without assistance. Having someone to check in with—someone who can explain the process, and refer the victim to the appropriate person who can help them—would be a way to support the people doing those jobs. It can only be a benefit to victims to increase the number of people doing this work.

Ms. Breager agreed, and said she definitely did not want to pile on work for people who are already doing a lot, rather she wanted to increase their support. She wondered whether it would create confusion by having too many offices to talk to. The criminal justice system is overwhelming, and she liked the idea of a victim navigator. She wondered if there was someone who can navigate those multiple systems. She thought the agencies need more staff, and more support.

Ms. Gernat mentioned that if the person is housed at the Department of law, communication with the victim, can cause discovery issues.

Commissioner Williams said it sounded like this was the start of this conversation: what is the work and who needs to do the work? He said this would be kept on the agenda and the group would look at it as a system—not just the state system—and look at what was needed and not needed.

### **Identification/Discussion of new recommendation(s) for potential work**

Commissioner Williams explained that Judge Trevor Stephens, a commissioner had proposed an idea for making a “victims’ video” that would explain criminal justice processes—the court system already has other similar videos. Commissioner Williams suggested getting someone from the court system for the next meeting, and looking at the other videos in the meantime. Ms. Meade agreed the idea should be kept on the agenda, as she knew that Judge Stephens gave it a lot of thought, and said she would coordinate with him. Ms. Winston agreed it was a good idea, and suggested that multiple videos might be in order given the complexity of the topic.

Ingrid Cumberlidge explained that she was the federal MMIP Coordinator, and noted that Ms. Shanklin had mentioned the federal dollars flowing into rural areas. She explained that right now Operation Lady Justice was looking for recommendations on training and ways to support the new employees who will be hired with the new funding. If this group had any recommendations, they are looking for ways to support victim services and making that connection to victims.

Ms. Dunham added that another item that had been discussed previously but was inadvertently left off the agenda was the issue of expanding legal privilege for all victim advocates in addition to DV/SA victim advocates.

Commissioner Williams said he would work with Ms. Dunham to set up future meeting dates.