

Alaska Criminal Justice Commission
Domestic Violence Workgroup

Meeting Summary

Wednesday, February 9, 2022, 10:00 a.m.

Via Zoom

Commissioners Present: Sean Case, Kelli Toth (for Senator Reinbold), Blaze Bell

Participants: Dr. Troy Payne (AJiC), Brenda Stanfill (ANDVSA), Diane Casto (CDVSA), Colleen Ouzts (ANJC), Marlene Mack (ANJC), Victoria Shanklin (Victims for Justice), Becky Carlson, Katie Tepas, Rhonda McCarty (APD), Amanda Sialofi, Monica Elkinton (Muni prosecutor's office), Sarah Stanley (Muni Prosecutor), Brad Myrstol (Justice Center), Sgt. Mitchell, Karl Clark, Chrissie Messer (BBNA), Loren Rancourt, Laura Brooks (DOC)

Staff: Barbara Dunham, Teri Carns, Staci Corey, Zoe Lowery

Commissioner Case opened the meeting at 10:00 a.m. Participants introduced themselves.

Approval of previous meeting summary

Members approved the summary of the January 13, 2022 meeting.

Revised Sections of DV Report

Tribal Diversion: Ms. Dunham said that the revised section G clarified the fact that law enforcement must offer diversion to a tribe, and that the victim must be consulted before this can happen. The report notes that there has not been any civil diversion of a DV case to a tribe. New language in the section also clarifies the process for protective orders from tribes.

Mandatory Arrest: Participants reviewed the commentary about mandatory arrest in the report and the conclusions. Ms. Carns said her research did not find anything helpful for the point that people removed from group homes because of DV-qualifying acts should be allowed to return with permission of the victim(s) and home. Ms. Tepas said that the Alaska Supreme Court rulings and statutes covered the situation, including the recent passage of SB 120 which would allow individuals in these situations to be diverted to a crisis stabilization center. Dr. Payne noted that current law does allow the courts discretion in these and other cases. Ms. Dunham proposed leaving the wording as is in both the report and conclusions. Members concurred.

Recommendation to add two crimes to DV list: Members discussed addition of "Destroying a communications device" and "child endangerment" to the list of DV-flagged offenses.

“Destroying a communication device” is not currently a crime, though it used to be a municipal crime in Anchorage. The current crimes of criminal mischief or interference with a DV report might cover this situation in some circumstances. Ms. Casto asked whether criminal mischief was often charged. Ms. Elkinton explained that the Muni charged it only if the device was damaged so that it couldn’t be used, but not if a cord was pulled from a wall, or a device was taken away. Ms. TePas said it was a frequent charge in AST cases.

Ms. Stanfill said that the DV flag is used for negotiating pleas; a defendant might plead to a charge if the DV flag was removed. Ms. Tepas noted that the “interference with a report of DV” included only reports of DV to law enforcement, not to any other person. Members discussed using phones to track people; Ms. Tepas said that AS 11.41.270 covered that situation.

Ms. Stanfill said that she was concerned about attaching a DV flag to child endangerment because of the unintended consequences of that designation. There could be situations where the victim is trying to get away from a situation and needs to put kids in a car. She said that a variety of negative effects followed convicting someone of a DV offense, and that she was uncertain about the value of the proposal. Ms. Shanklin and Ms. Casto said that they agreed. Mr. Rancourt noted that Alaska’s definition of DV is already very broad. Ms. Casto agreed and added that the vagaries of the legislative process also argued against making the revisions. Ms. Bell did not have any comments at this time. Commissioner Case suggested that the recommendation could be withdrawn. Ms. Dunham said that she could do that, and members concurred that they preferred that action.

Members discussed the Workgroup’s recommendation that communities wishing to make use of victim-centered risk assessments should have funding support from the legislature, as needed. They concurred that the recommendation should be forwarded to the full commission.

Batterers Intervention Programs: Commissioner Case noted there had been a lot of discussion on this issue at the last meeting, and wondered if anyone wanted to offer any suggestions to revise the report. His thought was that there was not a lot to add to the report at this point because the working group convened by CDVSA was in the process of reviewing this issue in depth. There was no objection to leaving this section of the report as is.

Public Comment

Loren Rancourt commented about the cost, lack of due process, and inconvenience of the BIP completion requirement for return of custody of a child. He added that a condition for participation in the BIP program is that he admit to a crime, and that he did not commit a crime.

There were no other public comments.

Approval of report and recommendations

Commissioner Case asked for approval of the report. Ms. Stanfill said that while the state has invested funds for prevention of violence, she would not describe the commitment as “significant.” Ms. Casto concurred, and noted that the state had made strides to prevent violence on a relatively small budget. Ms. Stanfill said that she had other small editorial changes to suggest, and would send them to Ms. Dunham. Ms. Dunham said that she would make the changes discussed during the meeting, and send a final draft of the report to members for a final review.

Commissioner Case said that it was an excellent report, and would continue to be valuable to many people. He noted that this is likely to be the workgroup’s last meeting, and thanked members,

participants, and staff for their work to prepare the report. Ms. Dunham thanked the group and staff for their thoughtfulness and work.

The meeting adjourned at 10:50 a.m.

Alaska Criminal Justice Commission
Domestic Violence Workgroup

Meeting Summary

Thursday, January 13, 2022, 10:00 a.m.

Via Zoom

Commissioners Present: Sean Case, Senator Reinbold

Participants: Dr. Troy Payne (AJiC), Brenda Stanfill (ANDVSA), Diane Casto (CDVSA), Colleen Ouzts (ANJC), Harlyn Andrew (ANJC)

Staff: Susanne DiPietro, Teri Carns, Staci Corey, Barbara Dunham, Zoe Lowery

Commissioner Case opened the meeting at 10:00 a.m. Participants introduced themselves.

Approval of previous meeting summaries

Commissioner Reinbold moved that the meeting summaries for July 8, 2021, and October 26, 2021 be approved. They were approved without objections.

Revisions to draft report

Participants reviewed drafts of Sections H and G that included minor changes made in response to comments by ACJC commissioners at its December 2, 2021 meeting. They approved the changes.

Brenda Stanfill questioned whether law enforcement has the authority to refer DV cases for civil diversion; she thought it had to come from the District Attorney's office. AJC staff would follow up on this.

Mandatory Arrest Participants reviewed changes suggested by Commissioner Rhoades that were specifically related to people arrested for DV who have a mental illness or developmental disability and live in a group home or institution with the victim. They agreed that the paragraph on this topic warranted more in-depth study, and that it might need a separate report. Ms. Stanfill noted that the term "behavioral health" as used in the suggested revisions was extremely broad and could cover more situations than intended. AJC staff would research the current DV release statute to see if any revisions had been made since the topic was discussed as part of an ACJC recommendation in 2016.

Ms. Casto suggested that a sentence in the main discussion of mandatory arrests could broadly address situations in which mandatory arrests had unintended negative consequences, and the group agreed with this approach. Ms. Dunham said she would revise the paragraph and send it out to the group for review. Commissioner Reinbold said she would like to discuss this topic more with Commissioner Rhoades.

Draft Recommendations

Ms. Dunham said that the members of the Alaska Criminal Justice Commission (ACJC) had reviewed the DV Workgroup's proposed recommendations at the December 2, 2021 plenary meeting. Some members were interested in further time to review the recommendations, and there had been some pushback about the recommendations.

Ms. Stanfill asked what pushback there had been. Commissioner Case noted that at the plenary meeting, Commissioner Cherot said that she thought that the two offenses that were proposed as additions to the list of DV crimes, child endangerment and destruction of a communications device, were already in the law, and did not need to have a DV flag in order to be charged and prosecuted. Commissioner Case noted there had also been some pushback earlier last year that the recommendation regarding use of a victim-centered risk assessment was too vague and/or broad.

Commissioner Reinbold said that it was important to take in what Commissioner Cherot had to say, but that she would like to have the views of prosecutors and law enforcement personnel on the need to include the additional offenses. Commissioner Case said that having them flagged specifically as DV charges allowed law enforcement to pay more attention to them, and that specific bail requirements for DV cases become applicable. Ms. Stanfill said she liked these recommendations, and noted that if they were taken up by the legislators they would be more fully fleshed out. Commissioner Reinbold didn't think there was a rush to make the recommendations and suggested working on them a bit more. Members agreed to spend further time on this set of recommendations, and consider presenting them to the full commission at the March 17 meeting.

Batterer's Intervention Programs

Ms. Dunham said that she had provided workgroup members with a written statement by Commissioner Rhoades outlining her concerns with Batterers Intervention Programs (BIPs), along with scholarly articles she had included. Her two questions were a) whether the ACJC should recommend against a mandatory sentencing condition of participation in a state-approved BIP program in all DV assault convictions; and b) whether the ACJC should take a position about the appropriateness of ordering individuals with mental health disorders that affect cognition to complete a BIP as a condition of sentence. Ms. Dunham said that Commissioner Rhoades wanted these questions discussed in the report, and that she (Ms. Dunham) had not yet had an opportunity to research them.

Commissioner Case said that he agreed that these were issues, but that his perspective diverged from that of Commissioner Rhoades from there. He noted that the group had had a lot of discussions in the past that BIP providers in the state were using a modified Duluth model. He wanted to hear from Ms. Casto because he knew the CDVSA was doing a lot of work in this area.

Ms. Casto noted that the BIPs were governed by DOC's regulations, and that new programs were approved by CDVSA; there were currently nine such programs in the state. Ms. Casto said that the regulations governing BIPs were out of date in a number of ways, and that CDVSA has a 28-member multi-disciplinary workgroup (including Dr. Troy Payne, Brenda Stanfill, and Commissioner Case) that has been meeting monthly since April 2021. The workgroup has been researching the topic and plans to have a set of recommendations to improve programming by October 2022. CDVSA has also contracted

with the UAA School of Social Work to assist with research. CDVSA has a new program coordinator position in the budget for FY23 to implement these programs. Ms. Casto noted they are looking at the different needs for urban and rural areas. She said they are currently on hiatus from accepting new applicants for BIPs until they have strong programming. She said they are working closely with DOC as the new regulations will have to go through them.

Ms. Casto said that only .8% of CDVSA funding goes to BIPs; most of CDVSA's funds go to victims' services. However, she also sees a need to look at prevention, and at ways to respond to people charged with and convicted of domestic violence, in part because most of them were dealing with traumas themselves.

Commissioner Case said that the group would consider this topic on the agenda for the next meeting on February 9 at 10:00 a.m. The question for this issue is whether there was enough information on BIPs in the report as is.

Public Comment

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

Commissioner Case thanked participants for their time and contributions, and adjourned the meeting at 11:10 a.m.

Alaska Criminal Justice Commission
Domestic Violence Workgroup

Meeting Summary

Tuesday, October 26, 2021, 10:00 a.m.

Via Zoom

Commissioners Present: Sean Case, Senator Reinbold (and Kellie Toth)

Participants: Dr. Brad Myrstol, Dr. Troy Payne, Malan Paquette, Tory Shanklin, Becky Carson, (APD DV unit), Amanda Sialofi (ANJC), Amanda Fisher

Staff: Susanne DiPietro, Teri Carns, Staci Corey, Barbara Dunham, Zoe Lowery

Barbara Dunham opened the meeting at 10:07 a.m. She noted that the Chair, Commissioner Sean Case, would be about fifteen minutes late.

Report and Recommendations Drafts

Ms. Dunham said that the members of the Alaska Criminal Justice Commission (ACJC) had reviewed the DV Workgroup's proposed recommendations at their August 23, 2021 meeting, and agreed that they would like to see more detailed versions. She said that the Commission's Annual Report for 2020 would be published on November 1, and that the Commission would review and publish the DV report at a later date. The recommendations are being considered separately from the body of the report.

Review of report

Members reviewed the report section by section. They approved the Executive Summary. Ms. Carns noted a shorter one-to-two paragraph abstract would be added to the report.

Section 2, *DV in Alaska*, included new information from the 2020 Alaska Victimization Survey. Ms. Dunham noted the workgroup's report is only covering the findings related to intimate partner violence from the Victimization Survey. Members discussed this in detail. Ms. Dunham said this is a survey of adult women in Alaska and has been conducted every five years starting in 2010. Dr. Payne and Dr. Myrstol suggested that readers be given more context for viewing the results of the survey so that they would be less likely to draw unwarranted conclusions, especially since the survey is only conducted every five years. Dr. Payne suggested reaching out to Dr. Ingrid Johnson (P.I. on the project) to see if she had any input on the wording. Victoria Shanklin with Victims for Justice suggested adding more figures to show the data visually. Dr. Payne said the AVS website has some examples of visualizations of the data.

Ms. Shanklin noted that a survey through CDVSA found that shelters were reporting greater use of their services during the pandemic period. Dr. Myrstol described the current findings from the Victimization

survey as providing a “research agenda” for further work. That work could take into account other information such as Ms. Shanklin’s reports and additional data. Multiple regression and other techniques could be used to determine factors besides the COVID-19 pandemic that could account for some of the changes between earlier victimization surveys and the 2020 Alaska survey. Dr. Myrstol emphasized the need to note that women in institutions were not included in the survey. Ms. DiPietro said that staff would edit the report to reflect the discussion. Dr. Myrstol recommended putting limitations at the end so people do not get lost in the caveats.

Because the rest of the body of the report was unchanged except for minor editing, members moved to review of the *Findings and Conclusions* section. Commissioner Case said that the ACJC members preferred to have the recommendations separate from the findings and conclusions.

Discussion of Findings and Conclusions

Ms. Dunham noted that one of the findings, #2.) b., encourages communities to find ways to share data to “ensure swift and coordinated responses while maintaining individual privacy and confidentiality.” She suggested that members could consider whether this would be an appropriate recommendation. Commissioner Case and Ms. Shanklin said that this has been a controversial topic because of victim safety issues. Staff will research the topic to see how other jurisdictions share data.

Commissioner Case said Ms. Paquette, a member of the public, could comment at this point. Ms. Paquette said that the courts, Parole Board, DOC and other institutions often do not track people with aliases well, so that they are released without notice to victims. Commissioner Case said he was looking into this concern. Ms. Dunham noted that not all people released go through the Parole Board process, and that the problem could be broader.

Ms. DiPietro asked if the Victims’ Crime Compensation Board had been consulted about Finding #5.) a, “The VCCB should adopt a liberal interpretation of ‘cooperation.’ Ms. Shanklin said that Victims for Justice works with the VCCB often, and that this is a national problem. Because DV is often not reported, it becomes difficult for victims to receive compensation for injuries and losses. There are also other barriers for victims. Commissioner Case noted this came about as the workgroup has heard some victims have had challenges getting support from VCCB. Ms. DiPietro said that it would be important to hear from VCCB before a finding was included in the report.

Recommendations

Commissioner Case asked if there was any discussion of the recommendations as presented. No members had comments. Commissioner Case said that this would be on the December 2, 2021 agenda for the ACJC plenary meeting. Commissioner Case noted both the report and the recommendations could go forward to the plenary meeting once edits were complete and reviewed by the workgroup first via email.

Public Comment

Commissioner Case noted that Ms. Paquette had commented earlier in the meeting. There were no other public comments.

Appendices

Ms. Dunham said that the report would have separate appendices for each community, showing resources and programs.

Adjourn

The meeting adjourned at 11:10 a.m.

Alaska Criminal Justice Commission
Domestic Violence Workgroup

Meeting Summary

Thursday, July 8, 2021, 1:00 p.m.

Via Zoom

Commissioners Present: Sean Case, Scotty Barr

Participants: Kelly Howell, Troy Payne, Suzi Pearson, Malan Paquette, Tory Shanklin, Marlene Mack, Diane Casto

Staff: Staci Corey, Barbara Dunham

Report Draft

Barbara Dunham, project attorney for the Commission, explained that she had updated the draft with tracked changes, but that it still needed some work.

Report Draft - Data

Ms. Dunham explained that the section discussing the Alaska Victimization Survey (AVS) was updated to use data from the reports rather than the online dashboard, because the dashboard data was not weighted and therefore could not be extrapolated to the general population.

The section discussing data from a study on reports to the Alaska State Troopers (AST) was updated to clarify the areas served by AST and formatting was cleaned up. Anchorage Police Department (APD) Captain Sean Case, commissioner and workgroup chair, noted that regarding the data on the race of suspects and victims in this study, Alaska Native people were disproportionately overrepresented both as victims and suspects. He wondered if this was something to highlight. Kelly Howell, special assistant to the Commissioner for the Department of Public Safety (DPS), noted that this information was also highlighted in a later section, which might be sufficient.

Dr. Troy Payne, director of the Alaska Justice Information Center (AJiC) said that was a difficult question, and noted that there is overrepresentation of Alaska Native people in the criminal justice system in general, so the report shouldn't give the impression that it's a DV-specific problem. If it was going to be highlighted, it should have that context. Commissioner Case said that was a good idea.

Commissioner Case noted that the AST study showed that 13% of reports in the study involved suspects with a prior DV conviction, while the study of reports to APD showed that half of all suspects had a prior arrest. Dr. Payne said the difference between these two studies was likely due to the fact that the former involved convictions while the latter involved arrests.

Dr. Payne noted that in the last meeting there had been discussion about the number of arrestees in the APD data who had also been victims. AJiC was able to run that analysis and found that 43% of arrestees in 2019 had also been victims.

Report Draft – Data/Protective Orders

Ms. Dunham explained that at the last meeting the group had discussed protective orders and noted that it would be helpful to have data on the orders that were granted, broken down by emergency (72-hour), short-term (20-day), and long-term (one-year) orders. Staff had been able to obtain that information and it was now included in the report, along with data on how many of each order were in place at any given time.

Commissioner Case noted that emergency orders were not often used in Anchorage because if a domestic violence incident occurs, officers will bring the defendant to jail, rendering the emergency order unnecessary. He wondered whether emergency orders were beneficial in other places, and if so, whether it would be beneficial to use it more. The emergency orders have their limitations; for example, child custody orders are not a part of emergency orders.

Ms. Howell noted that DPS also has protective order data in APSIN which shows how many are active and inactive. She pulled up the APSIN report from FY19, and it showed zero emergency orders. She didn't have a good answer as to whether anything should be changed. Emergency orders are an important tool, and troopers are trained on them, but she would talk to DPS' DV specialist Katie TePas about it.

Commissioner Case wondered whether emergency orders might be useful when a trooper or officer responds to a DV call where there is not enough evidence to arrest someone but it is a domestic disturbance and the couple or family has a prior history of DV. Those are situations that make officers nervous. The language of the statute says that a petitioner of a protective order must be a victim of a crime of domestic violence, and he wondered whether that eligibility should be widened. It would be a more proactive way of separating people for safety purposes.

Commissioner Scotty Barr, victim advocate for the Commission from Kotzebue said he was not sure whether these orders were in use in his region but anecdotally, he'd heard that such orders need to be signed off by a judge, and it can take time to get the paperwork turned in and for the judge to approve it. He wondered if there might be a way for a trooper to bypass that system. If the situation escalates the defendant will be arrested, but the troopers might not be there immediately if the situation is in a remote area; with weather delays in some cases it could be days. On the other hand having an order in place might not stop the person anyway. These cases could also be confusing for officers and sometimes it can be difficult to assess who is at fault.

Ms. Dunham noted that there were only a handful of emergency orders granted per year, and the data included location data; in the last three fiscal years, emergency orders had been granted in Anchorage, Hoonah, Juneau, Kenai, Ketchikan, Kotzebue, Petersburg, Sitka, Unalaska, and Utqiagvik.

Commissioner Case wondered if the statutory language could be modified to make emergency orders easier to use in rural Alaska and if so whether that would be beneficial. Commissioner Barr thought there was always room for improvement. Commissioner Case said he would try to talk to some people about this idea, noting that he would not want to try to fix something that isn't broken.

Commissioner Barr noted that drugs and alcohol are also often involved in these cases, and was interested in information on that. Ms. Dunham noted that that information might be available in the AST study, though it would not cover all of Alaska. She could look up that information.

Report Draft – Location-specific data

Ms. Dunham said that at the last meeting, the group had said that it would be helpful to have location-specific data. She explained that she had the idea to create an appendix for each location for which there was enough data, and showed the group an example based on Bethel. She wondered if the group thought this would be helpful. Commissioner Case said it would probably be helpful to have data on the overall number of DV cases, he was not sure if protective order data would help.

Ms. Howell thought it would be helpful, so people could see what need exists for their community. She thought it would need context, including the overall number of cases filed. Tory Shanklin, executive director of Victims For Justice, agreed that it would be helpful especially as different communities are developing different tribal response plans, and as tribal courts take on more, more knowledge is better. Commissioner Barr agreed. He noted that Maniilaq is the main resource in Kotzebue, for example it provides a shelter for DV victims. He was not sure if they have this data. He thought it would be beneficial for rural communities.

Report Draft – Data/Rural Alaska and Impact on Alaska Native People

Ms. Dunham explained that she had rewritten this section based on feedback at the last meeting, but thought that this section still needed help. She would continue to work on it but encouraged anyone with feedback to let her know how it could be improved. She noted that she had added information on missing and murdered indigenous persons (MMIP) and data on homicide as it relates to domestic violence. Commissioner Case said he would like additional data on homicides, maybe including a comparison to other types of homicide. Ms. Dunham thought that information was available and wondered whether there should be a separate section on homicide.

Dr. Payne noted that AJiC had a study on homicides with a longer history, going back to the 70s. He thought the linkage between homicide and DV was really for female victims. Female victims of homicide are much more likely to be killed by partners than male victims of homicide; 39% of female victims and 8% of male victims were killed by intimate partners. For any female homicide victim, the most likely cause of her death is IPV.

Ms. Howell suggested rewording the sentence about VPSO training. It was true that the troopers receive two weeks that VPSOs do not receive, but VPSOs also have an additional two weeks of training that troopers don't. She thought it was important to acknowledge that, the training for VPSOs is substantial and different from what troopers get. She wanted to make sure the report was accurate as to the level of professionalism of VPSOs. She was not sure how to word it but that was something that stood out.

Report Draft – Best Practices, Current Practices

Ms. Howell said she didn't have an update on the status of DPS' fatality review team, but knew that DV still a priority for DPS. The project was one of a number of things under evaluation by the new leadership at DPS.

Regarding the section on DV courts, Diane Casto, executive director of CDVSA, recommended reaching out to Michelle Bartley at the Court System. Commissioner Case said he knew that SouthCentral Foundation had some DV diversion programs, and he could send information on those.

Ms. Casto said she would like to provide more info on perpetrator rehabilitation; CDVSA has a big workgroup with 25 members working on this issue and she could provide more information.

Recommendations

Ms. Dunham explained that she added two recommendations to the final section, one regarding employment for men arrested for DV and one to make it easier for victims and survivors to access reimbursement funds from the VCCB. She asked the workgroup whether these recommendations, along with the recommendations that were in the previous draft, should be included in the report and sent to the full Commission for approval. She also wondered if there were any other suggestions for recommendations.

Commissioner Case wondered whether there were any legislative changes that should be recommended. One thing that came to mind was the fact that there was no state statute restricting firearm access for people convicted of DV, there was only a federal statute. Another suggestion was to add child endangerment to the list of DV crimes. He also noted that destroying a communication device, which used to be a municipal crime, had been useful to law enforcement, and now that the municipalities were using the state statutes, there was really no state equivalent.

Commissioner Case also suggested a recommendation regarding the public safety response in strangulation cases. He thought the response should be more comprehensive, on par with the response in sexual assault cases. He would welcome any thoughts on a recommendation for the response to strangulation. Ms. Dunham said she thought she had read about an upcoming study on strangulation, which she could try to find. She knew it was a big risk factor.

Commissioner Case said he liked the recommendations, but one issue with broad recommendations like this they might not be specific enough to apply or to implement in certain locations. He liked the recommendations but realized there were limitations. Dr. Payne said that was not necessarily terrible. Aspirational recommendations at least acknowledge that the need exists.

Ms. Dunham said she would put the recommendations on the agenda for the August plenary meeting.

Public Comment

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

Future Meetings and Tasks

Ms. Dunham explained that she was leaving her position. Her plan was to get the report as close to finished as possible, and she would send that to the group before she left. The Judicial Council would continue to provide staffing for the Commission and workgroup and would work with Commissioner Case to arrange the next meeting.

Alaska Criminal Justice Commission
Domestic Violence Workgroup

Meeting Summary

Tuesday, June 22, 2021, 10:00 a.m.-12:00 p.m.

Via Zoom

Commissioners Present: Sean Case

Participants: Katie TePas, Troy Payne, Tory Shanklin, Suki Miller, Laura Brooks, Rhonda Street, Malan Paquette, Karl Clark, Marlene Mack

Staff: Staci Corey, Teri Carns, Barbara Dunham

Introductions

Anchorage PD Captain Sean Case, Commissioner and workgroup chair, said that the bulk of the meeting would involve looking at the draft report that Commission project attorney Barbara Dunham had sent to the group. He noted that this would be the last year to make recommendations from the Commission, and there would be an opportunity to do so in this report.

Draft Report Discussion

Introduction

Ms. Dunham explained that she encouraged comments of any kind, including on the report's presentation and layout, because the more visually appealing the report was, the more people would read it. Katie TePas from the Alaska State Troopers (AST) said that she had looked over the report and had some comments on wording which she would send separately. She noted that in the introduction to the report, the definition of domestic violence did not include all relationships covered under the statute; the group agreed adding the language "including but not limited to" would help clarify this.

Data section

Ms. Dunham said that the first substantive section, "Domestic Violence In Alaska by the Numbers" was dedicated to data available on DV in Alaska. Most of the data that had previously been published on DV, along with some new analyses from the Commission and from the Alaska Justice Information Center (AJiC) were included in this section. Ms. Dunham noted that the report did not include all the data available, so if the group was interested in other data it could possibly be included.

Data section - Victimization

The first part of the data section looked at victimization in Alaska, specifically looking at the data from the Alaska Victimization Survey (AVS). Ms. Dunham said there was a lot more in the AVS than what was included in the report, and wondered if there should be more included. Ms. TePas said the AVS would soon be updated with data from the 2020 survey, and wondered what the timeframe was for the report. Ms. Dunham said that she had heard that Dr. Ingrid Johnson, who was doing the 2020 analysis, was anticipating

releasing results in mid-September. There was no particular deadline for this report, and if the intent was to have something like a complete record of all aspects of DV in Alaska, then it might make sense to wait on publishing to be able to include the updated AVS data. Ms. TePas thought it would be better to wait and put the update in. Commissioner Case agreed, saying he knew there was a lot of interest in the 2020 data, particularly given the effects of the pandemic.

Data section – Reports to Law Enforcement

Ms. Dunham said that the second section looked at reports to law enforcement. There are two sources for this data, one study from the UAA Justice Center on reports to AST and the analysis on reports to APD that AJiC had presented to this workgroup. AJiC Director Dr. Troy Payne noted that the study on reports to AST had been referred to as “rural” but this was not really accurate as 40% of those reports were from Palmer and Fairbanks, which most Alaskans would not consider rural. This reference was removed.

Laura Brooks, Director of Health and Rehabilitative Services at DOC, agreed with Commissioner Case that it was important to emphasize the fact that, of the reports to AST, 36% involved a suspect who had previously committed at least one other DV incident against the same victim.

Ms. Dunham said that while the draft report had stated that of the suspects in the APD data, 40% had also been a victim. AJiC had not actually done that analysis, so she removed that statement from the draft report. Dr. Payne said that after reviewing the draft report he and his colleague couldn’t find that analysis. Commissioner Case said he remembered talking about something along those lines at a previous meeting. Dr. Payne said AJiC staff would take a look at their data to see if they could do the analysis.

Data section – Case Processing

Ms. Dunham said that the next data section looked at case processing for DV. Data from the court system showed that statewide, the number of DV cases and the share of DV cases had increased in recent years. Ms. TePas said that for this data it would help to have it broken down by region, especially if communities are looking to add coordinated community response teams. Commissioner Case agreed, noting that one thing nice about this group is that people from all over Alaska can use this group for information; when started this group there was a lot that was unknown, and this groups has pulled information together.

Ms. Dunham explained that she had provided the group with supplementary information on protective orders, and wanted to know whether the group thought any of the information should be included in the report. One thing that stood out to her was that there were thousands of protective orders filed for every year, with relatively few violations charged. There was also a lot of difference in the number of violations charged per location, with relatively few charged in locations such as Anchorage. And there was change over time in some locations, with the number of violations charged decreasing significantly in Juneau in particular.

Commissioner Case said he was interested in comparing the violations charged and filed with the number of arrests for violations; he thought there would be more arrests than violations. Ms. TePas agreed, and noted that in 2020, it would be expected to see lower numbers, because there were fewer DV reports generally during the pandemic. Some people were not reporting because they did not want their partner to go to jail during the pandemic.

Ms. TePas also noted there was a difference between long-term orders and 20-day orders; and would expect fewer 20-day orders compared to long-term orders. Ms. Dunham said that the reported data

from the court system did not break down protective orders by the type of order, but it was possible the court system had that information, and that was something she could ask about.

Marlene Mack, victim service provider at ANJC, said that in her experience victims can be unsure of how/when to report violations, and also agreed that some people may not want to report their partner because they didn't want them to go to jail.

Ms. Brooks agreed that 2020 might be an anomaly, and she was also curious what happened in Utqiagvik that saw such a dramatic increase in violations filed in FY 17. She thought that if she was in one of these communities, she would find this information useful. Dr. Payne suggested that the change might be due to certain repeat offenders; if one person was repeatedly charged with multiple violations of the course of a year, that one person could really bump the numbers.

Tory Shanklin, Executive Director of Victims for Justice, said that while generally she was a fan of data, there were a lot of caveats to the protective order data, and she wanted to make sure the data was presented so they would not be misinterpreted.

Ms. TePas said that the regional protective order information could also be used by those communities to what might be needed for a coordinated community response. Protective orders offer people some protection, and if people are filing for orders but there are few violations, that could be something the community wants to dig into. The report might say something like: we don't have all the answers, but here's something your community could look at.

Dr. Payne said that there could be multiple explanations behind the data, noting that some locations have stable numbers, while some are all over the place. Paperwork handling could vary according to location, as could collaborations between law enforcement and DOC. He suggested just reporting numbers of orders filed for and numbers of violations charged. Communities could use that information to determine what's important to them.

Suki Miller, advocate at STAR, said she was in favor of noting that these numbers include repeat violations. If communities know they may have a couple of people who are responsible for the majority of the violations, they could improve or target their response more efficiently.

Ms. Dunham suggested adding more information about this to the narrative of the report, and putting the comparative location data in the appendix. On that note, Ms. TePas thought the narrative on page 8 that explains what protective orders do was too simplistic.

Regarding data on DV case dispositions, Dr. Payne suggested putting more information in visual form in order to compare DV case dispositions to non-DV case dispositions; it was better not to make the reader do the math.

Data section – Rural Alaska

Ms. Dunham said that a lot of the information in this section came from news articles from the ADN collaboration with ProPublica. Ms. TePas wondered if news articles should be cited in a data section. Ms. Dunham said that the reporters for those articles had consulted with the Commission on how to look at Alaska data. Some of the information they have reported is not available in other formats. Dr. Payne thought that it was fine to cite to news articles for the facts they contain. However he did not always agree with their tone, and thought that saying that some villages had no law enforcement presence "whatsoever" was too absolutist.

Ms. Shanklin wondered if there was any language or data from the federal MMIP working group that could be cited for this section. Ms. Dunham said she could ask. Ms. TePas thought that was a good idea; there was a lot of money coming into the rural areas from federal funds. She also noted that AST has updated VPSO #s, which she could provide an update on just before publication.

Ms. Dunham noted that the data section concluded with some data on recidivism. She noted that comparisons to national data hadn't been included, and wondered if the group had any thoughts on that. Dr. Payne thought that it would involve going down a deep rabbit hole, and it was probably better not to. Ms. Mack agreed.

Pilot Projects

Ms. Dunham explained that the next section of the report looked at pilot projects that had been tried in Alaska. She had tried to include all projects that the group had discussed and any other projects from Alaska in the last 20 or so years. She encouraged group members to let her know if there were others that should be included.

One of the pilot programs was the Alaska Domestic Violence and Sexual Assault Intervention Program (ADVSAIP), which Ms. Shanklin explained started as a state project, then became more of an Anchorage-focused project. Ms. Shanklin said that ADVSAIP does provide emergency financial assistance, though right now it's only for the Anchorage area. She thought there might be a report put out a couple of years ago on the project but she was not sure about that report's reliability.

Ms. Miller added that the ADVSAIP was a half-municipal, half-state project, and the state later dropped out. She thought it might still have some funding for statewide services through CDVSA, but that was something to double check.

Rhonda Street noted that the program had two DV investigators and two compliance officers, and it looked like the report merged the two positions. Ms. Dunham said she would fix that and email Ms. Street to verify the information.

Ms. Dunham noted that another of the pilot programs was the Fairbanks Coordinated Community Response Project, which was left blank. She had received information on that project from Brenda Stanfill and would add it to the report.

There was also a separate Fairbanks DV probation project. Ms. TePas thought there might be some data from that project. Dr. Payne said it had been analyzed by a former UAA researcher but not published, and he had already tried reaching out to that person and received no response. Ms. TePas said she would try to ask Dr. Andre Rosay about it. Teri Carns, researcher for the Alaska Judicial Council, suggested asking Judge Seekins about it as well. Commission research analyst Staci Corey said that the PO on the project had sent her some internal progress reports.

Best Practices

The next section of the report looked at best practices from around the U.S., most of which had been discussed in previous workgroup meetings. Ms. Dunham noted that there was a section on fatality review teams, and that DPS had announced it would form such a team earlier in the year. Ms. TePas said that given the change in leadership at DPS, they were in process of reevaluating things, so she would double check with the Commissioner's office to see if that was still the plan.

DV courts were also included in this section. Ms. TePas mentioned that the Department of Law had been doing some tribal diversion in some communities; she was not sure if they had data, but suggested adding some information on that. Ms. Carns suggested contacting Rob Henderson who had been the point person for that project at the Department of Law for more information. Ms. TePas suggested also reaching out to the department to see what was currently operating.

Current Response –Mandatory arrest

Ms. Dunham said that the next section looked at Alaska’s current response to DV. This section began with a description of mandatory arrest. Ms. Dunham said that the academic consensus around mandatory arrest was that on the whole, it might be more harmful than helpful, and it had been suggested that the report could be worded to more clearly suggest that.

Dr. Payne said that AJiC had presented on this topic to the group. Overall, some studies show a small positive effect, but studies also show an increased failure (re-offense) rate for unemployed and African American suspects. Mandatory arrest policies also make victims less likely to report offenses, an effect that can be exacerbated in nonwhite populations. They can also lead to more dual arrests (arrests of both parties), and are associated with less victim satisfaction. In short, mandatory arrest can be a real mixed bag. Its impact on unemployed people is significant, as it increases re-arrest by almost a factor of two. The academic consensus is that it is not great.

Ms. TePas said that in the absence of Alaska-specific data, she thought the current wording of this section was sufficient. Dr. Payne noted that it was not possible to conduct a study in Alaska given the statute. Ms. TePas wondered if that was something this group could recommend. Dr. Payne said the original Minneapolis study that inspired nationwide mandatory arrest policies was a randomized control trial, allowing comparisons between cases where the suspect was arrested and cases where the suspect wasn’t arrested that had similar criteria. This allows the researchers to look at the impact of arrest. That couldn’t be done in Alaska right now because the current law requires arrest, and researchers can’t just ask police not to arrest a portion of suspects. That said, he thought this might be an area where Alaska is not all that different from other places, so an Alaska-specific study might not be strictly necessary. The study by Maxwell et al., cited in the report, studied multiple jurisdictions, and was a fairly solid study. He recognized that this was a difficult topic and the statute was unlikely to change.

Ms. Shanklin asked whether there was any data on the number of times officers call prosecutors to get an override of the mandatory arrest policy. Ms. Dunham said that when prosecutors had spoken with the workgroup, they reported anecdotally that it was rare; she could try asking prosecutors if they have any data.

Commissioner Case said he didn’t think anyone wanted to try to recommend changing the statute, but since we know of the negative impacts, there might be ways to try to minimize those impacts, and it might be beneficial to include some of that information. Dr. Payne said that was a fair point, particularly for unemployment. It was hard to say whether the data about impacts on the nonwhite population would translate to similar impacts to the Alaska Native population. That tends to be the case in other areas but there was no way to really know.

Current Response –VOCA, Tribal resources, Shelters, VCCB, Prevention

Ms. Dunham noted that the section on victim advocates included a mention of the recent issue with VOCA funding. Ms. Shanklin said she could send some information. The cut this year will be a 5% cut

rather than the 30% that had been announced. A permanent fix to the federal funding will take a while to go through. Ms. TePas suggested asking Diane Casto from CDVSA about it; she knew that there was also a plan to try to use CARES act funds to bridge the gap. Ms. Brooks agreed, saying CDVSA had been doing a lot of work to minimize that impact.

Ms. Dunham said she had also included information on tribal service providers for victim advocacy services. Ms. TePas and Ms. Shanklin suggested checking in with Tami Jerue at the Alaska Native Women's Resource Center, Ingrid Cumberlandidge with the MMIP project, and the Alaska Native Justice Center to double check this section.

Ms. Dunham said there was a section on shelters, and she wondered if this should be folded into the section on advocates. Ms. TePas noted that not all places have an actual shelter; in some locations, advocacy services will put people in hotels. She wouldn't necessarily say there were shelters in every area with an ANDVSA organization, and there were other ways to get housing too, including supportive housing programs and the housing voucher program. Finding housing was the number one concern for many victims. Ms. Dunham said she would expand the section to cover the concept of shelter more broadly.

Ms. Dunham noted that there was a section on the VCCB, which requires victims to report to and cooperate with law enforcement to be eligible for compensation. Because not all victims want to report to or cooperate with law enforcement, this was not necessarily a victim-centered approach, and it had been suggested that this report recommend changing the eligibility. Ms. Shanklin noted that the requirements were linked to federal funding, and also noted that this was partially a practice issue—how the incident is reported by law enforcement matters. She was not sure if the law could be changed. In the past Alaska has allowed some wiggle room, other states have been more strict about the interpretation to the federal requirement. The report could try to recommend using broad interpretation. Ms. TePas thought it was worth exploring, and agreed it could also be a training issue—officers should know that the impacts of their report are broad.

Ms. Dunham said the section on batterer intervention programs (BIPS) needed some more information on programming specifically for Alaska Native people. Ms. TePas said she knew there was a lot of information on the Family Wellness Warriors, it was just a matter of finding it. Commissioner Case said he had a meeting lined up with SouthCentral Foundation and could ask, and Ms. Shanklin suggested talking to Polly Andrews there.

The final part of the current responses section looked at prevention. A lot of this information had already been reported in the Commission's annual reports. Ms. TePas suggested verifying this information with Ann Rausch at CDVSA, and noted that also the Pathways leadership committee. Outside of CDVSA there were programs from DHSS and the Department of Education including the 4th R program and the requirements of the safe children's act and Bree's Law.

Recommendations

Ms. Dunham noted that the conclusion emphasized some of the points that had stood out to Commissioner Case, and made some recommendations painted in broad strokes. Ms. TePas noted that one of the recommendations was for a crisis response and swift consequences for transgressors, and recalled Commissioner Case's note that misdemeanor cases take too long to resolve. She wondered whether DV courts could move more quickly, and wondered if that was an idea to flesh out. She thought most people were aware of how long cases take to resolve, and wondered if a more concrete recommendation was

possible. Commissioner Case suggested getting more research on DV courts. Ms. Brooks noted that specialty courts are not cheap; they take a lot of buy-in and can be a heavy lift to get started. That was something to take into consideration. Not every community has the resources to stand that kind of thing up. It was a sound idea, but she suggested being prepared for questions along those lines.

Public Comment

Malan Paquette from Anchor Point said this discussion brought up a lot of thoughts related to growing up in Alaska. She was not sure what the discussion on the VCCB was about but from her interaction with them, it was like dealing with an insurance company. They were poking into her claims like an insurance company—“why do you need help?”. The process was absurdly difficult, and you really need an advocate or attorney to help you. She also suggested that the VCCB change the cover of its brochure. She had heard they were going to revise it and she was looking forward to that. More broadly, Alaska is massively underserved. It was important to connect people to resources. There is a state directory, and she would encourage each agency to look at how they are presented in there. She hoped this report would help people make informed decisions. She noted that she had a booth at the Anchor Point farmer’s market with information for victims of fraud.

Future Meetings and Tasks

Commissioner Case suggested that after Ms. Dunham amended the report, the group could have more of a conversation on recommendations. The next meeting was set for July 8th at 1 pm.

Alaska Criminal Justice Commission
Domestic Violence Workgroup

Meeting Summary

Monday, March 22, 2021, 10:00 a.m

Via Zoom

Commissioners Present: Sean Case

Participants: Katie TePas, Victoria Shanklin, Malan Paquette, Colleen Ouzts, Rachel Gernat, Carmen Lowry, Marlene Mack ANJC, Laura Brooks, Troy Payne, Diane Casto, Stephanie Claiborne

Staff: Staci Corey, Teri Carns, Barbara Dunham

Introductions

Commissioner Sean Case, workgroup chair, explained that the Commission was set to start winding down, and today's meeting would be about how this workgroup would wrap up its work. He asked if there were any comments on the summary of the previous meeting. There were none.

Report Outline

Commission project attorney Barbara Dunham explained that she had drafted an outline for a report that would summarize what the workgroup has learned since it began meeting. She encouraged group members to provide feedback and identify any gaps in the proposed outline.

The report would begin with available data on the prevalence of domestic violence, beginning with what we know about victimization through the Alaska Victimization Survey. Katie TePas with the Department of Law noted that the 2020 survey was concluded and that the analysis was expected to be published later this year. Ms. Dunham said the data section would continue with information on crime reports and cases filed, and also make note of several studies conducted by researchers at UAA.

Ms. Dunham said that the report would continue with studies on pilot projects that have been conducted in Alaska, many of which had been discussed in the workgroup. The report would go on to note several national best practices which have been discussed in the workgroup. This section would include a discussion on risk assessments, which staff researcher Staci Corey had already written based on her research. The report would then walk the reader through Alaska's current DV response based on what the workgroup had discussed over the last year and a half. The report could potentially conclude with recommendations.

Carmen Lowry, executive director of ANDVSA, noted that CDVSA had data on the usage rate for their services, and wondered if that might be included.

Susanne DiPietro, executive director of the Alaska Judicial Council, suggested talking about the project to put bail conditions in Fairbanks on a central server—even though it applies to all offenses, it was

developed mainly for DV VCORs. She suggested also including a mention of why it would be hard to implement statewide and wondered if the Commission's recommendation mentioned those difficulties. Ms. Dunham said that it did.

Commissioner Case asked if anyone objected to the idea of a report. There was no objection. Commissioner Case suggested that it might be better to first put together the report, then work on recommendations.

Diane Casto, executive director of the CDVSA, asked about the timing of the report. Ms. Dunham said that it would be ideal to finish this summer. Ms. Casto confirmed Ms. Lowry's comment that CDVSA has data from all of its grantees, and said it will have data for FY 21 by this summer.

Regarding interventions, Ms. Casto said that the CDVSA was in the process of forming a workgroup, and she anticipated the workgroup would look at changing intervention programming in Alaska. The goal would be to implement data-informed DV perpetrator rehabilitation. That group will begin to meet next month.

Commissioner Case said that his understanding was that intervention programming was based solely on one model that was modified by individual programs. He suggested including in the report a discussion of how intervention programs are approved for court ordered programming, and why judges assign the programs they assign. Ms. Casto said that was one of the things this new group would look at.

Ms. DiPietro asked whether the programming requirements were in DOC regulations. Ms. Casto said they were, but DOC also had an MOU with CDVSA that CDVSA would approve programming. Laura Brooks, director of Health and Rehabilitative Services at DOC agreed, and appreciated Commissioner Case bringing up the issue of how programs are approved. Programs can be very disparate, even if they are all based on the same model. Ms. Casto agreed. CDVSA has an MSW student working on the survey of current programs. No one in Alaska is doing a pure Duluth model program.

Regarding recommendations, Ms. Brooks said it was her hope to offer DV intervention programming in all DOC facilities; currently it was only offered in three facilities. They have been very reluctant to expand because they wanted to ensure they had effective programming to offer. That could be the basis of a recommendation, that whatever programming is eventually endorsed by the CDVSA group be offered in all facilities. It would need to be funded.

Rachel Gernat, representative of ANDVSA, said she was on the Council when revising the regulations was being discussed; it took a long time to revise the regulations, with a whole subgroup working on it. It seemed appropriate to include in this new report that this is an important component. The number of programs was definitely an issue as was how those programs "get on the list" of court-approved programs.

Ms. Dunham wondered about the timing of CDVSA's new workgroup. Ms. Casto said they were in the process of hiring a facilitator, whose contract will be for 12 to 18 months. They are giving themselves time to be thorough, and to look at every aspect of intervention programming and what it should look like. This process will also include looking at the regulations; the work that had previously been done regarding regulations, which Ms. Gernat was referring to, never got finalized.

Collen Ouzts from the Alaska Native Justice Center (ANJC) said that ANJC just completed an impact report for 2020 noting that it has served several hundred victims in the past year; it will be finalized soon, and she offered to share it if it would be helpful for this group's report.

Ms. TePas wondered how far back Ms. Dunham had wanted to look for Alaska-based DV studies, noting that there were more studies than what was listed. Ms. Dunham said she had included studies from the last 20 years.

Ms. DiPietro asked when the Victim Protection Act was passed. Ms. TePas said it was passed in 1996, and was a broad bill that implemented mandatory arrest among other things. Ms. DiPietro thought that would be worth mentioning. It was a huge change, and also implemented protective orders; before victims just had to get a civil order from a judge using a lawyer. It would be helpful background for people who are just coming into this.

Ms. DiPietro wondered whether there were any studies on mandatory arrest in Alaska. Ms. TePas and Commissioner Case said they were not aware of any. Ms. Dunham noted that AJiC had conducted a lit review of mandatory arrest studies around the country which it had presented to the group last year.

Ms. DiPietro also suggested including some of the perspectives in the Commission's Victims' Survey.

Public Comment

Malan Paquette said she was an advocate, "locally grown" in Alaska, and had interacted with the court system in these matters. This included an event involving a sibling in the 90s. That person continues to reoffend, and the original victims are not notified. She wondered about the duty to notify. She thought victims should be notified. She understood that things have changed substantially since the 90s. It was difficult for victims who don't know how to approach the justice system. She wondered if any of the pilot programs have included a victim's voice. She noted that once a case is closed, and the defendant reoffends with a new victim, that the court doesn't hear from the original victim, so the court doesn't understand the defendant's pattern of offending over time. Some of this is administrative—people have aliases, and that information needs to be included. Different databases should be linked up. She appreciated the efforts of this workgroup, and wanted to continue to participate. On the Alaska public notice page, not all events come up using the search function.

Future Meetings and Tasks

Ms. Dunham said staff would complete a draft report in a month and a half, to two months. Commissioner Case said that the workgroup would then meet about two weeks later, to give members time to read the draft. Group members can also think about recommendations at that time.

Alaska Criminal Justice Commission
Domestic Violence Workgroup

Meeting Summary

Monday, February 8, 2021, 10:00 a.m.-12:00 p.m.

Via Zoom

Commissioners Present: Sean Case, Randi Breager (serving as proxy for DPS Commissioner Amanda Price)

Participants: Suki Miller, Tammy Ashley, Katie TePas, Marlene Mack, Becky Tuominen, Avi Slone, Troy Payne, Carmen Lowry, Tory Shanklin, Diane Casto, Colleen Ouzts

Staff: Teri Carns, Staci Corey, Barbara Dunham

Introduction

APD Captain Sean Case, member of the Alaska Criminal Justice Commission and workgroup chair, noted this workgroup had been meeting for quite some time. The group had heard a lot about existing research from Judicial Council staff; the Alaska Justice Information Center (AJiC) was looking at data; and the group had looked at the risk screening tools such as the DA-LE and ODARA, and other DV programs from around the country. His question for the group was: if we have the ability to do a randomized control trial, what would be beneficial? He noted that everyone present has a different perspective but could all agree that the goal is to reduce victimization.

Fatality Review Board

Judicial Council/Commission staff member Teri Carns noted that DPS had recently announced the formation of a DV fatality review board. She wondered what they are doing, and whether this pilot project might overlap. Randi Breager, special assistant to DPS Commissioner Price, said she was pulling that fatality review board together. It was in the beginning stages, and they would be using a national technical assistance provider. They will identify a multidisciplinary group to participate. It will involve in-depth case assessments of DV homicides and near-homicides. She didn't think there would be much overlap, since they would not be looking at a large data set but a few cases. Rob Henderson from the UAA Justice Center is participating. DPS can give this group updates.

Commissioner Case asked if they would be looking at current cases. Ms. Breager said they would not, that they will be looking back. They wouldn't want to interfere in active prosecution efforts, so they will work with the Department of Law to identify cases. She knew that there had been an effort in Anchorage to do this, but they had struggled to identify appropriate cases, which is why DPS decided to take the effort statewide. The fatality review board members will first get training from the technical assistance provider, and she was hoping they would be able to do their first review in about May or June.

APD-AJiC Study

Commissioner Case agreed that it didn't look like there would be much crossover with a pilot project. He is an advocate of getting victims to resources as soon as possible, so for the pilot project he was thinking about ways to identify victims who most need help immediately after an incident occurs. Mostly

that would involve looking at assessments for victims, though he was also thinking about programming for offenders.

Dr. Troy Payne from AJiC said that one thing they were interested in was whether the response has an impact? Therefore they were thinking of a randomized control trial. The first step would be to determine eligibility to screen people in, then the response would be randomly assigned. For example, using an assessment/ screening tool compared to the current practice of not using one. The study can be simple or complex in how it is set up. One thing they were trying to work though is whether this pilot project is possible and what outcomes could be measured.

Victim Contact

Ms. Carns said she knew that victims don't always want to participate in or respond to interventions. She was interested in hearing from providers what the barriers are to getting information to victims and what would give them the ability to be receptive to the initial engagement.

Suki Miller from STAR said that it was a little different from the STAR perspective, since they were typically dealing with DV in the context of sexual assault and strangulation. They have a really hard time hearing back from clients. They use a screening survey from CDVSA, which was seven questions, and is now two. Even with just two questions, it is very difficult to get responses. The survey is first given at the SART. STAR then follows up later with a packet, which includes the client survey.

Marlene Mack from ANJC said that a lot of information is given to victims after an incident. ANJC provides a lot of support, including people who are trained to help with the paperwork. She was curious to know what cultural training is available for officers. Things like eye contact are not common in Alaska Native cultures. She thought victims can be overwhelmed by the process and vocabulary they are not familiar with. ANJC staff go through the process with them in steps.

Commissioner Case asked Ms. Mack how they get in touch with clients. Ms. Mack said that ANJC has recently really beefed up its response. They do a lot of social media, along with building partnerships with community agencies and programs, making sure everyone knows what they do. Statewide, they have started reaching out to communities in Bristol Bay, and Utqiagvik. Word of mouth has been beneficial. Their partnership with Alaska Legal Services has been helpful in expanding their reach statewide.

Carmen Lowry from ANDVSA said one issue getting information back from victims has to do with internet and phone access in rural areas. The move to remote access for services during the pandemic has hindered their ability to connect. Ms. Mack agreed, noting that having to find connectivity puts an additional burden on the victim, and connectivity such as internet and fax can be cost prohibitive.

Tory Shanklin from Victims for Justice said that ease of connecting with clients depends on whether it is initial or continuing contact. If VFJ gets contact information from the police [as part of their partnership with APD] that is more beneficial, because the victim doesn't have to take everything in right away. VFJ has also into the same issues with rural technology.

Tammy Ashley from ANJC noted that there is now a court kiosk at ANJC/CITC where any participant is able to participate in a court hearing virtually as well as file court paperwork electronically. This helps with access and the staff member working with the participant is able to attend and support the participant if the support is requested.

Katie TePas from the Alaska State Troopers asked whether the Commission's Victims' Rights and Services Workgroup had addressed this issue. Commission project attorney Barbara Dunham explained

that workgroup had had some discussion about victim navigators, but otherwise was not really talking about the immediate victim response.

Commissioner Case thought the question was: if a victim wants contact, how do we keep them involved, both with the criminal case and with advocacy and access to services?

Dr. Payne said he could see the ability to contact victims at all as a potential outcome measure — if there is a change to the immediate response to an incident, that might then change the ability to do long-term follow-up.

Ms. TePas said that years ago there was a project in the Valley to have advocacy workers embedded with law enforcement. She thought it might not have been as successful as hoped. From AST's perspective, it might be a struggle to implement a pilot program in rural areas.

Ms. Carns said that was a project from 1997. The outcome measure was a reduction in DV. There was no control, and involved misdemeanants, so there was no good way to follow up. Victims really liked the project; however, that was not measured. The PO assigned to the project was a person they felt they could rely on and trust. She would have to revisit some notes to recall the details. It might be a model for this project. But if the original question was what can be done at first contact, this project involved later follow-up contact. It seemed like a lot of people here were already doing that.

Ms. TePas noted that the SAKI project was looking at ideas of justice from a victim's perspective. There are different ideas of whether justice is served. Victims primarily want to be heard and supported.

Ms. TePas also noted that there are booklets that officers are required to provide. She often hears that this is not a good time to read a book to people, but changing that would require a statutory change. Becky Tuominen from APD said that when APD responds, they also provide booklets, and just hope they respond. By the time her team reviews cases, often victims have recanted or won't respond. It feels like they lose the window of opportunity. It might be beneficial to have someone embedded to be there for the initial response.

Multi-Disciplinary Response and Screening Tools

Ms. TePas said that the use of a screening tool for high risk cases is the national standard. That addresses some of what the group is talking about, although doesn't address a victim advocate joining law enforcement. Typically the tool is used to find cases that are then referred to a high risk response team.

Ms. Shanklin said she had looked into a lot of examples of multidisciplinary teams. The important thing is trust, that victims trust the team. That requires someone being there from the beginning. A lot of research supports this.

Commissioner Case wondered about the number of participants that would be in a potential pilot project, noting that the new DPS project was statewide in part because there were not enough lethal or near-lethal cases at the local level. Would a lethality assessment yield more cases? Ms. TePas said she knew the DALE screens in about 30% of cases.

Commissioner Case wondered who would be part of the multidisciplinary response. Ms. Shanklin said that studies on the multidisciplinary approach were partly based on the embedded advocate model. The key was information sharing; the advocate really just needs information that victim is there and needs help.

Ms. Lowry thought a coordinated community response team could be effective. Part of the issue is whether victims even have access to law enforcement. In rural areas they don't. One question might be how to get any response to rural areas. Ms. Mack said she had mixed feelings about involving law enforcement because the response should provide a safe refuge for victims, and troopers are not always seen as safe. It would require work with the tribe and the community, and any project would need to get community buy-in. They would want someone to work with the community and help them craft the response that they want. Without the support of the community, it would not be sustainable.

Ms. Shanklin said that the MMIP workgroup is doing a lot of work on building these models for each community as well.

Ms. Mack said one program that might be a good model is the [Blueprint for Safety](#), a program from Minnesota that is culturally appropriate, and has had a lot of success. All law enforcement officers are trained on the approach. She offered to send information on the program to assess whether it might be appropriate for APD.

Ms. Carns wondered whether the question was what tool a pilot program should use at the first point of contact. Commissioner Case said that was definitely part of it if the pilot program is going to involve a study— if so the question was how do people get in the study. Should the program use DALE or ODARA? That dovetails into the list of questions that he sent out. Would tinkering with the existing assessment tools work?

Dr. Payne said one thing a study could do was simply take an existing assessment tool and apply it in Alaska, to see if it meets the same outcomes that other places have seen. It could also involve running an assessment that has been tweaked and determining whether that one is better. The big question is if we do this, do we have better outcomes compared to no change? Assessments look simple, but getting them out in the field and getting officers to use them is difficult. This conversation has been useful in talking about how to get outcomes, and has made clear that even assessing outcomes will be difficult.

Commissioner Case agreed. He noted Ms. Miller's comment that STAR's survey was narrowed down to two questions. He has noticed that in law enforcement there are generally diminishing returns after two questions. He wondered if the pilot project should use DALE or another tool. Ms. Carns imagined that there are a lot of pressing concerns at the immediate crime scene, such as children to care for, and it could be very difficult to concentrate on answering. She wondered if there were any models of just two questions.

Ms. Shanklin also wondered about the cultural relevancy of tools from elsewhere—for example, some tools asked about guns, which are more common in Alaska.

Dr. Payne agreed that asking lots of questions is hard. If there are multiple questions, however, the impact of one question not having an impact is less. For example, one bad question out of 12 would not have as much of an effect as one bad question out of two. It might be worth talking more about how officers are thinking and reporting on these things. Answers to a lot of these questions might come up organically at the scene.

Ms. Miller said there were advocates at STAR who get a better response rate than others. They are better at asking questions and developing a relationship with the victim. Whoever is administering the questions should be trained. She was also interested in looking at questions associated with high risk circumstances such as food insecurity, job loss, and pregnancy.

Commissioner Case said he knew there has been a significant shift in the past 20 years toward thinking that DV can be more situational. He wondered if there was an Alaska study on point. Dr. Payne

said there are typically not a lot of Alaska-based studies on any given issue. Anchorage would be similar enough to most other places, but rural Alaska would be different. Further to Ms. Miller's point, he noted that studies have linked unemployment to DV.

Ms. Tepas said she preferred the DALE because it was shorter, and she thought the tool would need to have a direct nexus to criminal cases. With the DALE, if the score is below a 7, and the officer doesn't agree with the result, the officer can override the score and classify the case as high risk. Regarding the relevance of some questions to Alaska like the question on guns, when she provides training on the DALE she will note that access to a gun might not be significant but that officers could also ask if there are other considerations like if the person has made threats with/about the gun. She also noted that DALE has been heavily researched, and if a tool is going to be implemented in Alaska, and if it's going to be used in setting bail conditions, it should be evidence-based. Judges will be more likely to pay attention to the score if it is evidence-based.

Commissioner Case wondered if Alaska's courts would be interested in this. Diane Casto from the CDVSA said that in her previous conversations with the Court System on this there was hesitation on the Court's part about using something like this, but there was also some interest in exploring it. Ms. TePas agreed, and added that if the group wanted to move forward it should include other partners like the Department of Law; they have been supportive of a potential pilot of DALE, but have some concerns, and they wouldn't want to be surprised. Recently OVW issued an RFP for a grant for the creation of high risk teams. If a community could apply that would kick off a pilot program.

Ms. Casto said she wanted to note that the Court is not against this per se. She thought the right approach was to really look at what will be used, and get everyone on the same page. Judges have a lot to consider, and they will want something that will be useful for them.

Dr. Payne agreed a pilot project should use a multidisciplinary team; in addition to this group, Law, DOC, and maybe others should be included. If the project is going to use a risk assessment tool, what risks will it be assessing? Is it to find people for intensive services? Will it have downstream impact? It's easier to convince people of downstream impacts when tools have been validated elsewhere.

Ms. Carns noted that staff research analyst Staci Corey had looked at what populations the existing tools were validated on. She had prepared a memo that looks at the ethnicity of the population where the validation studies were done, and it looked as if they were fairly well balanced for ethnicity.

Pilot Project

Ms. TePas said she was in favor of a pilot. She thought it should be done in an urban area, a small hub, and a rural area. Each area will have differences in implementation, which will be key. She was also interested in analyzing outcomes.

Commissioner Case asked how outcomes should be measured. Dr. Payne said the question to ask was what does success look like? He could see a lot of potential measures. One thing to keep in mind was that if this was going to be a randomized control trial, it would need to measure both the treatment and control. Some things are easier, such as looking at charges filed. Others are more difficult, such as victim satisfaction. It will depend on exactly how the intervention occurs—after officers conduct the assessment, then what?

Ms. Carns said that one value of using a tested instrument is that there will be other studies, which have outcome measures, so the project wouldn't necessarily need to start from ground zero. She felt optimistic that something could be determined.

Ms. Lowry said that if the project would be a randomized control trial, she would want real clarification on the implications of withholding beneficial intervention. That was the difficult thing about randomized control trials, they should be done in an equitable way, making sure people are not at risk.

Dr. Payne said that if UAA is involved, any study will go through their IRB, which governs research ethics and compliance. He noted that the project would compare some new intervention to what is being done normally. So it would not involve doing nothing in response to reported incidents or DV, but rather doing something new or the current response. There could be harms associated with the new response, though hopefully not. That was one reason why a randomized control trial should be done when possible. He thought any negative effects from a new intervention would be unlikely if the project were using instruments tested thoroughly elsewhere. It was important to think about the ethics, thought, which was one reason why some things can never be the subject of a randomized control trial.

Ms. Carns asked if the study would be going forward. Dr. Payne said he and Commissioner Case were discussing the idea, but haven't not gotten to a research plan yet.

Ms. Lowry observed that Dr. Ingrid Johnson would soon be coming out with the results of the victimization survey, and wondered to what degree that information would inform this project. Ms. Casto noted that Dr. Johnson had two forthcoming studies, one on sexual victimization, and the broader Alaska Victimization Survey which includes DV. Ms. Lowry said she was referring to the latter, noting that information should be put to use to honor victims' willingness to share their stories. Ms. Casto noted that the survey this year included more questions about whether the person reported the abuse, and whether they needed and/or accessed services.

Dr. Payne said that if this project moved forward it would use that data; there were a variety of ways it could be useful but it was hard to anticipate how.

Ms. Miller said that while a study should be evidence-informed, a different ethnic makeup and significant military presence made Alaska unique, and she was not sure about copying what another community has done if it was not similar to Alaska. Ms. TePas said she understood that concern but also wanted people to embrace the pilot project, and if it doesn't use an evidence-based method that has been tried elsewhere, they might not support it.

Commissioner Case said he agreed with both perspectives. He was definitely mindful of improving the law enforcement response to the Alaska Native community. Dr. Payne said that the differences between Alaska and elsewhere presented a reason to conduct a pilot study to determine whether interventions from elsewhere can work in Alaska. One issue is that Alaska Native people aren't found elsewhere, so wouldn't be included in currently available studies.

Ms. Dunham said she did not send the DALE questionnaire itself to the group because the group that developed it preferred that it not be distributed without training. It was a simple form, with 11 questions, plus space for why the score should be overridden if the officer believed the case to be high risk despite a lower score. Ms. TePas noted that in using the DALE, troopers are trained to make sure to ask all the questions in order. Not all victims are willing to share the answer to every question.

Commissioner Case asked how long the training for the risk assessment would take. Ms. Corey said the ODARA training could be completed online, and that she was not sure for the DALE but the training would have to be through the Geiger Center. Ms. TePas said she talked with the Geiger Center. They have two levels, a basic training that takes one to two hours and a "train the trainer" that takes four hours. Most officers in the state will be familiar with some of the questions, since they already have a lethality card they ask questions off of. She noted the DALE is focused on IPV, not all DV.

Ms. Corey noted in response to discussion about Alaska developing its own tool, that there is an example from Arizona which developed its own tool; which took about three years to develop. They suggested working with Jackie Campbell, who came up with the DA from which the DALE is derived.

Public Comment

Malan Paquette from Anchor Point said she had been looking at previous meetings, and has been working on anti-fraud resources. The thought one thing the discussion was leaving out is when law enforcement will not take a report, the report will not exist. She said the APSC thinks it is acceptable not to issue a report number. Many state services are required to document every contact, while law enforcement is not required to document every contact, so they can disallow reporting at any juncture. Ms. Paquette said DPS has no interest in stopping this, and will just refer people to the attorney general's office. In the context of DV, little issues will not be documented, and thus will not document a person's history of DV. Ms. Paquette said she felt this group was off base, and needed to look at officer conduct instead. There is also an alias issue. There are citizens who support Alaska policy reform. Also, the paper directory of state officials does not list enough contacts for DOC and DPS. Online resources are not helpful because not everyone has access to the internet.

Future Meetings and Tasks

The next meeting was set for March 22 at 10am.

Alaska Criminal Justice Commission
Domestic Violence Workgroup

Meeting Summary

Monday, December 7, 2020, 10:00 a.m.

Via Zoom

Commissioners Present: Sean Case, Randi Breager (on behalf of Commissioner Price)

Participants: Katie TePas, Tory Shanklin, Avi Slone, Troy Payne, Rachel Gernat, Diane Casto, Suki Miller

Staff: Staci Corey, Susanne DiPietro, Barbara Dunham

DV Data Update

Dr. Troy Payne of the UAA Justice Information Center (AJiC) explained that AJiC has been analyzing domestic violence (DV) data from the Anchorage Police Department (APD) for several months now. AJiC research professional Avi Slone did the lion's share of the analysis. The basic idea for the analysis was to get a picture of DV offending over a long time period.

Dr. Payne said the data was taken from every APD report of DV from 1999 to 2019. Reports differ from calls for service. Not every call for service results in a report; sometimes officers respond to a call and determine there is no crime, and the parties involved just receive a warning. For incidents that result in reports, the information reported includes the date, call type, and whether drugs or alcohol were involved.

For this analysis, DV was defined by AS 18.66.990, which states that DV is a crime committed by a household member against another household member, which can include relatives, current and former roommates, and current and former dating partners. So the data was broader than just intimate partner violence. Occasionally the data turned up incidents with no offender and/or no victim; AJiC limited its analysis to cases where there was information for both, and only cases where a suspect was arrested and charged.

In the dataset, nearly half of reports were called in as disturbances, 10% were called in as assaults, and the rest were called in as "other" which included a wide variety of crimes. Once officers arrived to the call, they categorized nearly three fourths of incidents as assaults.

Half of all incidents involve a repeat offender, many of whom have a prior offense in the past three years. A slightly smaller proportion of the assaults involved repeat offenders, and of those repeat offenders the prior offenses were older, perhaps because the original assault charge was more likely to lead to a term of incarceration.

The majority of offenders were between the ages of 25 and 44. The race of victims and offenders follows other crime patterns in Alaska. Two thirds of the offenders were male and two thirds of the victims were female. It was difficult to tell from the data about the relationship between people in incidents and

data about the victims as they relate to offenders. In cases where there are multiple offenders or victims, the analysis can become quite tricky.

Dr. Payne explained that the next stage of analysis would be more descriptive of how DV offending looks over time. AJiC would like input from this group as to what other things the researchers should look into.

Commissioner, workgroup chair, and APD Captain Sean Case said that APD's reports have a tab that allows reporting officers to describe the relationship between the victim(s) and suspect(s). Most officers do not fill it out. It was a data quality problem. Randi Breager, special assistant to DPS Commissioner Amanda Price, asked whether there were any discussions at APD about making fields mandatory? Commissioner Case said APD will be transitioning to the NIBRS reporting system next year, and that was something they would be discussing.

Dr. Payne said these incidents can be very complex if they involve multiple people—not all incidents involve just one victim and one offender. That can make reporting difficult. Ms. Breager agreed and noted that there were the same issues for the Alaska State Troopers (AST). Many reports do involve just two people. It would be helpful though to get data on the types of relationships involved and a racial breakdown between victims and suspects. She had the same questions about that for AST data. Dr. Payne said it was definitely in the analysis plan to look at incidents with a single offender.

Commissioner Case said another data quality issue was when an incident didn't have a victim or offender—he looked into those cases, and often there was no crime—e.g. it was a disturbance call involving a fight between roommates but there was no crime to be charged. Ms. Breager said that was also tricky, since a having a history of nonreported incidents can be part of a pattern. Dr. Payne said AJiC also had address data, and that was something they could look into.

Commissioner Case said that he was interested in looking at the time it took repeat offenders to reoffend, that 0-3 year time frame can encompass a lot of reoffending. He wondered whether the researchers could look at how many contacts a person has before that offense or re-offense happens. He wanted to think about what could be done prior to multiple contacts and prior to behavior escalating.

Barbara Dunham, project attorney for the Commission, asked whether the data on repeat offenders included all offense or just looked within this data set (i.e. at only DV crimes). Dr. Payne said it was the latter. Katie TePas from the Department of Public Safety asked whether it would be possible to tell what the new offense type was for a reoffender. Dr. Payne said they could look into that, and look for evidence of escalation. Ms. TePas also suggested looking at how many have VCORs. Ms. Dunham suggested that it might be interesting to get broader criminal history data for a subset of the reoffenders. Dr. Payne said it might also be possible to tap DOC data to get sense of how long people are incarcerated and consequently whether they have an opportunity to reoffend. It would be technically complicated.

Ms. DiPietro asked how the data related to charges filed. Dr. Payne said the data had the arrest tracking number (ATN) for every arrest. Court system data also have ATNs so it would be possible to integrate the data with court system data to see what happens to those charges, i.e. how they are disposed. It would be easier to integrate than DOC data.

Ms. DiPietro noted that the Commission now has court system filing data. It would be interesting to see who is filing cases, officers or prosecutors. Also looking at patterns in terms of how law enforcement response lines up with legal system response, particularly when looking at race. Commissioner Case said that DAs and prosecutors have been doing the case filing, saying that officer-filed cases are error-prone.

Ms. TePas noted that because of mandatory arrest, most cases should result in an arrest. She was interested in looking at cases where there should be arrest but there wasn't, (usually where the officer called a prosecutor to get permission not to arrest), also at cases where there mutual aggressors, and getting a better picture of the relationships involved.

Ms. DiPietro said she was interested in the number of cases dismissed at arraignment. She thought that was a fairly common practice generally and wondered whether it was also common with DV cases.

Dr. Payne said he'd been on a ride along a couple years ago, and found that DV cases can be very tricky—there can be mutual aggressors, and the officers arrest people who they think should be arrested, but the case can fall in a legal grey area when it comes to charging. Arrest is definitely a useful tool to get people separated but the legal case may be difficult to prove. Commissioner Case suggested looking at how often these cases are disposed as disorderly conduct.

Commissioner Case said he and AJiC would continue to keep the group updated on the research. He was excited to see more data come out and make use of it. Diane Casto, executive director of the CDVSA, agreed and thanked APD and AJiC for data that will help everyone working in this area.

Ms. TePas asked if there was any way to determine if officers notify victims of their rights. Dr. Payne said that was not the data AJiC had. Ms. TePas said she had spent some time looking at the descriptive analysis in DV reports a while ago, and found that not all officers were giving the notification, or at least were not documenting it. Dr. Payne said that was a common practice and that information would probably be in the report narratives, but it was not searchable.

Dr. Payne noted that most people in the general population don't come into contact with police. It is rare that someone does. Having multiple contacts is even rarer. So that in itself is a concern warranting a response. Most people are only in this dataset once. People who are in the dataset twice are rare, and those people deserve extra attention.

Commissioner Case noted that for victim notification, APD has a large booklet it hands out. It can be challenge for victims to read through it and remember where it is several days later. That was one reason why he want to get them hooked into victim services. On Thanksgiving he went to two very similar DV calls. The first call was to respond to an incident involving a non-cohabiting dating couple. The suspect was on meth and acting unstable, so APD arrested him and confiscated his gun. Before they left, the victim had the suspect walk through her house to make sure he didn't leave anything so he had no excuse to come back. She was happy to get him finally out of her house and make a clean break.

Several hours later, Commissioner Case responded to a similar situation, this time involving a husband and wife who had been in a relationship for three years. The situation ended in the abuser's suicide. The victim spoke to him about how long it took her to get to the point of getting a restraining order and finally getting fed up and calling APD, but she also felt at a loss because didn't know what to do without him, and was devastated. The similarities and differences between the two cases highlighted for him how difficult these cases are, and it was one reason why he wanted to get to a better understanding of how to reach people earlier in the cycle of violence.

High Risk Response Teams

Commissioners Case said he'd circulated two assessments, each slightly different—one was a lethality assessment and one assessed the likelihood of re-offense. He was interested in identifying cases where a response team would need to intervene sooner rather than later. He wanted to identify what

information was relevant in an assessment, and to look at how the Commission could build on its recommendation of connecting law enforcement to victim advocates.

Ms. Dunham explained that the recommendation that that recommendation had come from the Victims' Rights and Services Workgroup, and was a recommendation that the legislature facilitate advocates working in partnership with law enforcement. The recommendation did not recommend one specific model for partnership but cited the partnership with APD and Victims for Justice as an example.

Ms. TePas said she thought any risk assessment tool needed to be fairly simple, and something that would help officers communicate to a judge or magistrate what the risk was when setting conditions of release. More stringent conditions of release to separate a victim and a suspect might give the victim more time to complete an effective separation. She thought the group should look at who will be using the tool and what is the intent.

Commissioner Case said he was reminded of the effort a few years ago to improve law enforcement response to strangulation. Blue cards were sent to all officers to assist them in getting the right information for a strangulation case. One question might be what can be done with the investigation of DV cases; maybe a tool could be a template of what questions officers should be asking in all these cases. Officers learn to be efficient and only ask question related to getting probable cause for the incident they're responding to, and they tend to cut out questions that look into the history of the parties involved. They stop asking questions that are relevant for the big picture.

Ms. TePas said that AST has a checklist it has been using now for a few years. It has some questions about lethality, and some designed to gather 404b evidence. She thought for patrol, something simpler would be better such as the DALE (Danger Assessment for Law Enforcement). A simple assessment will need some follow-up questions. There is also the primary aggressor questioning that officers have to do. But she thought there were ways to simplify the questions and make them specific to lethality, that will help prosecutors.

Rachel Gernat noted that she currently represents ANDVSA, but she used to be a prosecutor. For strangulation, they really had to go through the checklist, but once officers were trained on it, it was easier to charge. In terms of a lethality assessment, she saw that as less of a way to get 404b evidence and more of a way to assess immediate danger. She also thought assessments could be a way of prioritizing cases for prosecution and prioritizing victim services—cases needing more/immediate attention. If the Commission's recommendation to add victim coordinator positions at the Department of Law, it might be useful for that person.

Ms. TePas explained that the DALE gives a score, and if the score is 7 and above, that's high risk. It raises the question of who is tracking the high risk people, and who will organize meetings to address those cases. She thought having high risk teams was a way to do that.

Commissioner case asked Ms. TePas to see if she could get authorization to share the AST checklist. He suggested that group members take a look at that, along with the assessments sent today, and look at what will be helpful to advocates and prosecutors. Putting all three lists together, using the perspectives of the group, is this adequate? If the Commission can make a recommendation that will improve investigations, that will help get these cases prosecuted.

Ms. Casto noted that this also goes back to comments earlier about the data—by doing these assessments, Alaska will have the information needed to better pinpoint what services are needed going forward.

Dr. Payne echoed Ms. TePas' comment that whatever would be used in the field must be simple—not just for officers but also for victims. In reading the circulated lethality screen he wondered if it might have an effect on victims. When a victim sits down and answers these questions it might lead them to see things in a different light. He was interested if there was research on that and offered to look into it.

Ms. TePas said that when she worked on developing housing vouchers for DV victims, the term settled on was three years. There were discussions on that timeframe, but she thought there was research on it showing three years was an appropriate length of time to help victims get to a different place. It was important to remember that change doesn't happen overnight.

Commission staff member Staci Corey recalled that in May she sent out a memo on the Pennsylvania assessment program. From that assessment around 70% of cases were classified as high danger, and of those 2/3 of victims agreed to call a hotline, and 2/3 of those who called the hotline were connected to services. She thought there was data on this.

DV Safety Plans

Commissioner Case said there were states that require officers to help develop safety plans on scene. Advocates probably will have an opinion on this. He wondered if there were things like this that other states were doing that could be beneficial. He was not advocating anything in particular just looking to get feedback.

Tory Shanklin from Victims for Justice thought that safety planning generally was a good thing. The sooner you can get advocates involved the better. Roles should be designated between officers and advocates, and attention should be paid to information sharing so appropriate information can be handed over to the advocate. Commissioner Case thought it would be interesting to look at what questions could be asked in a risk assessment and what advocates need to know, and whether there was another step between the officer and advocate that could help.

Ms. Shanklin said she also appreciated the conversation about looking at the practicality of giving information to the victim. Legally giving them the booklet is adequate but it was important to know whether a victim could process the information in that time.

Suki Miller from STAR said she and Ms. Shanklin have had conversations about how to facilitate warm handoffs to advocates and to which agency. It would be better to give victims one simple card rather than a 40-page booklet.

Commissioner Case wondered if it would be out of the question to have the officer make the call at the time of the incident. Ms. TePas said it was not out of the question but it might be good to look at whether it's statutorily allowed. Ms. Dunham noted that the officer calling the advocate on scene and handing the phone to the victim was the DC Safe model, which the group had discussed at an earlier meeting.

Ms. Corey reminded the group that there is a webinar on Thursday about lethality assessments and what is appropriate for each community, put on by the Geiger Center. Ms. TePas noted the Geiger Center developed the DALE. Regarding safety plans, she would guess that proposal might not be well received by officers; advocates will have more time, and be able to develop a better relationship with the victim.

Ms. Casto agreed with these comments, and thought the primary need was to make sure victims are connected to advocacy groups. The question is more who can do that quickly—who is going to reach out and make that call. She agreed with Ms. Shanklin that people often are not thinking clearly after trauma.

Each person is different and might not be ready to make a call in the moment. She thought overall Alaska has a good system but people often fall through the cracks.

Public Comment

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

Future Meetings and Tasks

Tasks: Dr. Payne offered to do research on the effect answering risk assessment questions would have on victims, and Ms. TePas would determine whether she could circulate AST's checklist. If that was distributed, Commissioner Case asked group members to read the checklist and come back with their recommendations on the checklist and how to add to it.

Next meeting: Monday, February 8 from 10:00 to 12:00.

Alaska Criminal Justice Commission
Domestic Violence Workgroup

Meeting Summary

Wednesday, September 16, 2020, 10:00 a.m.

Via Zoom

Commissioners Present: Sean Case, Scotty Barr

Participants: Diane Casto, Kimberly Myles, Troy Payne, Katie TePas, Tory Shanklin, Charlotte Rand, Becky Tuominen

Staff: Staci Corey, Barbara Dunham

Introductions

Commissioner and workgroup chair Sean Case asked if there were any corrections for the meeting minutes for the June and July meetings. There were none.

Update: Bail Conditions Recommendation

Sean explained that the bail conditions recommendation went to the full Commission, was modified slightly after the first meeting, and was approved last week. The revisions addressed objections from court system, explaining that the Fairbanks model is costly and staff intensive for the court system. The recommendation was also revised to add that state agencies and the court system should work together to find a solution.

Workgroup recommendation: Coordinated Community Response and High-Risk Response Teams

[Information included on the agenda:

- *Coordinated Community Response Team: A multi-disciplinary gathering of professionals who work with domestic violence cases in a given city or town.*
 - *Reviews available data, identifies long- and short-term trends*
 - *Addresses systemic issues, implements policy changes*
 - *Members can include all professionals working with DV such as advocates, prosecutors, probation officers, public defenders, law enforcement officers, judges, and healthcare workers*
 - *Variant: Fatality reviews*
- *High-Risk Response Team: A group focused on individual cases that are at risk for extreme violence.*
 - *Immediate and ongoing response to people harmed by domestic violence*
 - *Cases identified using a lethality or risk assessment tool*
 - *Members are people in a position to help those harmed by domestic violence such as advocates, social workers, and healthcare workers]*

Sean explained that the recommendation the workgroup had approved on CCR teams was circulated to the full Commission, and he got a lot of questions beforehand, with feedback from some Commissioners that they thought the recommendation was too broad. He decided to withdraw the recommendation.

Sean said there were two avenues for multidisciplinary teams. He knew that former Commissioner Brenda Stanfill had been excited about how the CCR team worked in Fairbanks. This group had also expressed interest in the idea of a high-risk response team, which would incorporate a lethality assessment or ODARA. He wondered which avenue the group wanted to prioritize from a statewide perspective. Over the course of the last year the group has had a lot of presentations relating to both.

Katie TePas from DPS said that from a law enforcement perspective, she would prefer a high risk team. She also thought that a coordinated community response team would allow communities to have their own decision about what they need, and they could also individually decide to do high risk.

Sean asked Katie about the lethality assessment, a copy of which had been circulated. Katie said that the instrument she was familiar with was different, and was called the Danger Assessment for Law Enforcement (DALE). If the case gets a certain score, it would trigger team members meeting with the victim. DALE yields about 30% of cases identified as high risk. Implementing its use would require staffing, and agency participation. She didn't remember how often the DALE team would meet. Sean asked whether it was primarily victim-focused or whether any component was offender-focused. Katie said it was victim-focused. One question was whether the score could be used to set bail conditions; the group would need to talk to Law about whether that would be admissible.

Diane Casto from the Council on Domestic Violence and Sexual Assault (CDVSA) said she thought the group should decide whether the focus should be on victims or perpetrators. CDVSA is trying to improve perpetrator services. A high-risk response team could put some additional force behind getting a perpetrator to get services and follow through on certain obligations. If that would not be part of the team, she would want the group to explore perpetrator issues separately.

Sean said there were two kinds of assessments; lethality assessments were more focused on the victim and the ODARA was more focused on the offender. He knew from Dr. Troy Payne's work on APD's data, a lot of the same people were repeatedly involved in these cases, and some alternated between being victims and offenders. He asked Troy whether he had any opinion on which assessment would help look at cases more holistically.

Troy said he would be cautious about using a risk assessment geared toward assessing risk to victims to also focus on offenders. If a tool is not validated for that purpose, using it would be risky. Generally, you want the risk assessment to predict the thing you're trying to prevent. He suggested looking at the purpose of the team or project. If it was to direct resources toward victims, the project should use the lethality screen. He had not done a deep dive into risk assessments. He was still working the APD data, and didn't want to get into findings yet. Generally speaking a risk assessment tool can improve the accuracy of professional judgment. He would suggest not getting too concerned about which assessment is absolutely the best, one would not necessarily be better than another, so long as it was validated for the purpose for which it was used.

Katie said she had emailed the group a model assessment that could be used, in which a certain score leads to a follow-up call. She wondered whether there were two paths. One would be to use a lethality assessment in the field to assist the victim, then as part of the broader response post-arrest agencies could use the ODARA. The workgroup could recommend both.

Laura Brooks from DOC said that she had been working with Diane to try to figure out how to bolster what DOC does for DV offenders in custody. She thought an assessment tool would be part of that. DOC's focus has been on DV programming, and she was less clear about DOC's history of using assessments in the DV context but felt that was a missing piece.

Diane said that there is an assessment component within the BIPs, but that is used after the person is already into the program, rather than to determine if the person is suitable for the program. She agreed there should be something for both victims and perpetrators. She wanted to make sure the group would be looking at both.

Sean asked where the CDVSA was at regarding changes to the BIPs. Diane said they were in the process of looking at the BIPs but COVID slowed that down. There are 3 institutional and 6 community-based programs, and all have issues in terms of being evidence-based and having evaluations/monitoring. CDVSA is going to put together a group to identify a new program and assessments and they are hoping to finish the project this year.

Laura said that once the best evidence-based BIP model has been identified, DOC's goal was to try to put it into all or most facilities. It will require an assessment to prioritize people on waitlists.

Sean noted that this workgroup had talked about several programs in this group, and wondered if CDVSA was looking at any of those. Diane said they have looked at a few programs. Most people are currently using the Duluth model or a modified Duluth model. In Juneau, they are using a program from Georgia, which has been successful. There also need to be programs that are culturally relevant. The regulations need to be updated because they are really outdated.

Sean said he was hearing that the group was interested in two different tracks, one on victims and one on offenders. He noted that the expertise within the group was in dealing more with victims.

Suzi Pearson from AWAIC said that AWAIC used to have a pilot program where they would respond to DV calls as they were happening. It was a research project to last three years and was a collaboration with APD & MOA. Once APD identified a DV case and who the victim was they would contact a hotline that was specifically for the victim, who would talk to an advocate for immediate intervention and support. If staffing was available then an advocate would respond in person to the call. She was not sure what the assessment instrument used was. The idea was to understand what victims needed and wanted. Eventually the project morphed into the Alaska DV/SA Intervention Project. There might be data on the original pilot project from 2007-2008.

Tory Shanklin from Victims for Justice noted that a meeting in that group was happening during the same time as this meeting, but the project looks very different now. Suzi noted that the grant had changed.

Tory recalled that this group had previously discussed mandatory arrests. Sean said the group had been talking about mandatory arrests in the context of diversion, and thinking about different types of offenders; some have been previously victims. He thought going in other directions might be easier, and accomplish more on the whole.

Katie said that SB 120, which had just been passed, addressed alternatives to arrest, and also altered mandatory arrest—using an alternative to arrest in a DV context where arrest would otherwise be mandatory has to be approved by prosecution. Laura thought that was a step in the right direction although she was concerned that the contemplated alternative, a crisis stabilization center, did not yet exist. Sean agreed that it sounded like it might be a while before the crisis stabilization centers were up and running.

Sean asked if anyone want to focus on CCR teams or if everyone was on board with focusing on high risk teams. There was no objection from the group. Sean said it sounded like Diane and CDVSA were working on the offender end of things, and thought this group should come up with an outline for the victim end: how an assessment should be used, what type of wraparound services should be provided, and what that would look like.

Public Comment

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

Future Meetings and Tasks

Sean said he would talk with Katie to come up with a more tangible proposal for a meeting in December. He would also reach out to other group members to get their input.

The next meeting was set for December 7 at 10:00.

Alaska Criminal Justice Commission
Domestic Violence Workgroup

Meeting Summary

Wednesday, July 29, 2020, 10:00 a.m.

Via Zoom

Commissioners: Sean Case, Scotty Barr

Participants: Rhonda Street, Becky Tuominen, Diane Casto, Katie TePas, Brad Myrstol, Troy Payne, Tori Shanklin, Charlotte Rand, Kaci Schroeder

Staff: Staci Corey, Teri Carns, Barbara Dunham

Workgroup recommendation: Bail Conditions

Commission staff attorney Barbara Dunham had circulated a revised draft of this recommendation, with very few changes other than leaving it open as to whether the legislature or court system should enact this change, as well as the method to be used to make it more adaptable to different locations. APD Captain Sean Case, Commissioner and workgroup chair, asked whether there were any objections to sending this recommendation to the full Commission, and there were none.

Workgroup recommendation: Coordinated Community Response (CCR)

Barbara explained that she added a section at the end of the draft recommendation to reflect discussion from the previous meeting that participants thought that data collection was a key component of CCR teams.

Sean said he wanted to discuss victim access to law enforcement, the ease with which information gets to advocates, and the frequency with which advocates get involved. Connecting victims to advocates in the context of sexual assault was working well. This was not the case for other crimes, for which officers will give the victim a card with OVR's number and leave. APD has DV follow-up officers, who were at the meeting, and they are able to contact many of the victims, but they are not advocates. He wondered how to get victims connected to services, and whether advocates should be on call 24/7.

Diane Casto from the CDVSA said that right now most DV programs don't have enough advocates to cover all cases or to reach out to victims immediately. She agreed there was a need to have advocates be more easily accessible to victims, but that would need more resources. She noted that the CCR recommendation called to support and fund CCR teams.

Katie TePas from DPS said that for the troopers, the point of contact is the DV booklet—they read the booklet, and provide the victim with a contact number. They should always be referring a victim to a local agency that way. Echoing what Diane said about funding, she thought it was important to be thoughtful about resources and how to find something that works in rural and urban areas, where the nature of law enforcement contact would be different. She recalled there was a lot of discussion about having a 1-800 number during the previous administration.

Diane said that there had been a big push for that as part of the previous administration's Public Safety Action Plan, but there was pushback from local DV programs because their grants require having a local hotline. They were thinking of solutions but it was never funded before the administration ended. She added that there was also the issue of virtual or telephonic support; by necessity, DV programs have been doing much more virtually because of the pandemic. Before there might have been pushback on expanding virtual offerings that but now programs are discovering they have the ability to do that, although it might not be the best. She still believed having a 1-800-number would be beneficial.

Commissioner Scotty Barr asked how many DV programs were in rural communities; he knew they were in larger communities. He believed rural areas were seeing more and more cases because of a lack of law enforcement. DV can be worse in rural communities because they are remote and there is no road access, and it takes a day or two to fly out there, or more depending on weather.

Diane explained that CDVSA funds 26 DV programs around the state, which are mostly in hub communities, with some in smaller communities. There were not as many in the rural communities as she would like. One bright spot is that there are a number of new programs being funded by tribal set-aside federal funds. A long list of different communities have received this money. There was a need to make sure people are getting connected to those programs.

Katie asked Diane to send the list. She noted that the troopers have a list of DV programs, and she gives a presentation on them each year to hundreds of troopers representing rural Alaska. She added that in the past, when communities have tried CCR teams there have been concerns about sharing case information. She knew that the definition of a CCR team can be very broad. Child fatality review committees have confidentiality in statute. The recommendation might need some language about that.

Rhonda Street from APD said that at every call officers do read the little blue book with AWAIC (Anchorage's DV) program contact information, and AWAIC has advocates in the courthouse 7 days a week. But AWAIC won't reach out; a victim has to contact them. When her team does follow-up work they try to give the victim that information again.

Scotty said that his observation was that a vast majority of DV cases are alcohol- or drug-related, particularly in larger communities that have more alcohol and drug access. Most people experiencing violence from family members are not going to speak up, and will try to resolve it by themselves. But when alcohol is involved, things can get out of hand quickly and fast.

Katie said she could send Scotty some research on AST cases. It was a little dated but has the number of DV cases with alcohol and drug involvement.

Tory Shanklin from Victims for Justice explained that her organization worked in partnership with APD to connect victims to services. VFJ focuses on crime other than DV because other agencies specialize in DV, but referrals to their services are not as strong as they could be. There is the little blue book, but it has an overwhelming amount of information for a brain in trauma. It places the burden on the victim to seek assistance. She suggested looking at how to reduce that burden. She also agreed a lot could be done with service delivery over the phone, and sometimes that's what the victim prefers; it can be more confidential.

Katie said it sounded like the group was discussing two different ideas. In her mind CCR teams look at systemic issues. But it also sounded like the group was talking about high risk teams, which connect individuals to resources.

Sean asked Rhonda if she had a sense how often victims wanted to connect to services when they re-contact them. Rhonda said that sometimes they were surprised about being contacted, and some don't want to talk. Around 30-40% have questions and want to talk to someone. She didn't know whether any of those people actually call the services they're referred to, but they do express interest in those services.

Katie noted that troopers are also required to offer a victim transport to a safe place such as a shelter or relative in addition to providing the booklet. She agreed with Tory that when officers/troopers are reading the booklet to victims, the victims are in trauma and not retaining the information.

Sean asked whether, in terms of this recommendation, the group wanted to spend more time thinking about a high risk team/way to connect victims to advocates—he thought the group sounded pretty interested in that. He wondered if this recommendation should move forward as is, and noted that the funding issue was also an open question.

Diane thought this recommendation gives a broad scope, but with that it was hard to tell what these teams would actually look like. It was more of a broader concept. It would need funding but legislation would need to work out the kinks.

Scotty asked whether the recommendation was calling for a CCR team in each hub, or each village.

Sean said it was basically asking for legislative support for the concept, and it would depend on what the legislature does with it. The question was whether the recommendation should be more specific about what the group actually wants.

Tory thought it should be clearer. She kept going back to the information sharing piece and what that would look like.

Diane agreed, and noted the group might want to consider federal confidentiality laws. If the recommendation is just intended to be a broad concept, it was fine as is, but it would take a lot more work getting into the nitty gritty. Also she didn't want to take out the reference to funding because it would clearly take funding.

Katie asked what the Commission needed to do in terms of detail, what the legislature would like to see, and whether the inclusion of "funding" would make it more difficult. Kaci Schroeder from the Department of Law said she didn't think it needed to be terribly detailed; including "funding" might make it a little more difficult, but the idea should see general support.

Sean said he wanted to move the recommendation forward to the full Commission, and asked whether there was any objection to keeping the "funding" line. There was no objection to moving the recommendation forward or keeping the "funding."

Barbara asked whether the group would also look at a separate recommendation on high risk/victim connection teams. Sean said yes— that would be a much more complicated recommendation and a subject for a future meeting. The group could focus more on rural areas in that recommendation.

Public Comment

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

Future Meetings and Tasks

Diane said that the CDVSA had been doing a lot of work looking at batterer intervention programs, and while the project have been delayed by COVID, she would probably be ready to tell the group about it at the next meeting. They were in the process of pulling information together to come up with specific recommendations.

The next meeting was set for September 16 from 10-12.

Alaska Criminal Justice Commission
Domestic Violence Workgroup

Meeting Summary

Friday, June 5, 2020, 10:00 a.m.

Via Zoom

Commissioners Present: Sean Case, Brenda Stanfill

Participants: Troy Payne, Laura Brooks, Avi Sloane, Colleen Ouzts, Tory Shanklin, Charlotte Rand, Suzi Pearson, Rachel Greenberg

Staff: Staci Corey, Teri Carns, Barbara Dunham, Susanne DiPietro

Follow-up from last meeting: Fairbanks PACE DV Program

Commission research analyst Staci Corey explained that there had been some additional questions at the last meeting regarding the pilot DV PACE program in Fairbanks, and she had followed up with Sheri White, the lead PO for the program. The group had wanted to know about the number of referrals to the program. PO White had some numbers but never a final report was never requested. Between January 2012 and August 2013 there were 134 referrals. There were 39 people accepted into the program total. Three people out of the total 39 in the program had committed a violent re-offense, two of whom were absconders from the program at the time of the offense.

APD Captain Sean Case, Commissioner and workgroup chair, wondered why referrals went down over time. Brenda Stanfill, Commissioner and executive director at the Interior Alaska Center for Nonviolent Living in Fairbanks, explained that the DA in Fairbanks at the time did not like the program, and started using it as a bargaining chip to get people to agree to plea deals.

Sean wondered if there was any information on the 37 of 39 who completed the program. Brenda said she recalled a presentation from the AG's office that showed the results were promising despite low enrollment numbers. She thought the results might be out there somewhere, even though there was no final report. She suggested following up with the AG's office.

Sean wondered what the core components of the program were. Brenda noted that like the regular PACE program, which is used for other types of offenses around Alaska, the idea was to have swift and certain consequences for program violations. The program had MOAs with various organizations. Brenda's organization provided victim services, and made sure the participant attended the program. The PO made the decision when the participant could move back home. A lot of participants were third-time offenders (felony level). They had been ordered to DV programs before and this program was the first time anyone got through to them. She heard positive feedback from the participants. It would be interesting to know what happened to the participants between program completion and now.

Charlotte Rand from the Department of Law said she could check to see if there was any more information on the program. Brenda suggested asking if there was a final report.

Sean asked why the Fairbanks DA hadn't liked the program. Brenda said that the DA had not been shy about expressing his opinion on the matter so she didn't think she was divulging anything not public.

Essentially he did not believe in programs, and thought there was too much programming for the participants and the requirements were too onerous. He also thought there was too much paperwork involved.

Pennsylvania Lethality Assessment Program

Staci explained that Brenda was interested in learning more about the Pennsylvania Lethality Assessment Program (LAP), and Staci had sent the group a memo about it. It started in Pennsylvania in 2012, based on a Maryland program started in 2005. Law enforcement officers responding to a DV call complete an 11-question screening tool for the victim, a process that takes less than 15 minutes. It is different from the ODARA in that it focuses on the risk of lethality for the victim rather than the risk of reoffending for the offender.

The program began as a pilot program in 12 counties with 20 law enforcement agencies. The program is now being used in 49 out of 67 counties and by 360 law enforcement agencies. The Pennsylvania Coalition did a study looking at the program's outcomes over five years, between 2012 and 2017. In that time there were over 14,000 screenings, 69% of which were assessed as high danger. Of those assessed as high danger, 63% spoke with an advocate, and 63% of those people accessed services. Law enforcement agencies not participating in the LAP expressed concerns about a lack of ancillary services in their area, and the added time to complete the assessment. Crime solutions also did a study based on a similar program, which it found promising within a 7-month follow-up period.

Staci explained that her research on this had been somewhat brief, so if the group wanted to know more, she could try to get in touch with people involved in the LAP. She noted the same tool is also used in other locations, and some locations have blended using the LAP with the ODARA.

Sean wondered if the study look at the demographics of the offenders, and whether there were any potential racial disparities in how the program was implemented. Staci said she did not see anything on that in the report, but could try to look into it. Brenda wondered whether the tool might be used in a court setting, and Staci said she could also check on that. Brenda thought that would be helpful. She liked that the program connected victims with services but was interested to know how it would impact victims going forward.

Draft Workgroup Recommendation: Bail Conditions

Commission project attorney Barbara Dunham explained that she had circulated two draft recommendations based on discussions at the previous meetings.

The first draft recommendation was to make bail conditions accessible to law enforcement officers statewide. Barbara noted that this recommendation was nearly complete, with a couple of outstanding questions. First, she wondered whether the group thought this recommendation should be directed at the legislature, which could pass a law requiring courts to enable this, or the court system, which could adopt a court rule to require all courts to enable this. She also wondered whether the recommendation should specifically recommend the Fairbanks model as a model for this type of information sharing or whether it should be left open as to how to achieve the desired outcome.

Susanne DiPietro, executive director of the Alaska Judicial Council and staff to the Commission, suggested checking in with the court system. She understood that in the past, expanding the Fairbanks model wasn't feasible for other places. It may be possible to do now with efilings. Teri Carns, research analyst with the Judicial Council and staff to the Commission, said she thought that was one goal of the move toward efilings.

Brenda said she knew that the court system receives federal funds each year for the STOP program, and wondered if those funds could be used to enable this project. Susanne noted those funds have been used for training in the past. In any event, the court system should be involved.

Brenda said she knew that cost had been a concern about making this happen in the past and she had mixed emotions about that. She thought this recommendation needed to be made, without worrying about whether we can afford it. Susanne agreed, but thought it would be good to get more information from court system.

Sean thought the Fairbanks model would be challenging for remote locations. He thought the group could agree on the basic idea, but that the model might have to be different for different districts. He agreed it would be beneficial to reach out to the court system.

Susanne said she could reach out to the court system after this meeting to get their input. She thought the group could still push out this recommendation and didn't need to wait for that input. Sean agreed, and thought that the recommendation should be made to the legislature. He asked if there was any objection to moving this recommendation to the full commission, with the understanding that the recommendation will be made to the legislature, and the Commission will get more information from the court system before the full commission meeting. There was no objection from the group.

Draft Workgroup Recommendation: Coordinated Community Response (part 1)

Barbara explained that this draft recommendation was much more of a draft than the first recommendation. The ideas discussed around Coordinated Community Response (CCR) in the group had been less defined, but she tried to include the ideas the group had been discussing.

Sean wondered if the Fairbanks DV PACE pilot project would be considered a CCR-type project. Brenda said the national model for CCR was a planning group, and involved doing research, trying to get a sense of the numbers involved in DV cases in the given area. Data collection was a big part of the CCR group in Fairbanks, as well as the confidentiality piece, so that members of the group could share information. She thought that addressing those two pieces would be helpful in organizing a CCR team. The recommendation should enable CCR efforts that have teeth.

Sean noted that Dr. Troy Payne from UAA/AJIC was planning to talk about data next, and he suggested that the group hear from Troy first, then come back to discussing the CCR idea.

Data

Troy noted that data access is always an issue. He was particularly concerned that if the Commission winds down, he and other researchers will lose their ability to maintain access to data. When agencies are willing and able to partner with researchers, they can do some pretty great things, which is what AJIC is doing with APD now.

APD gave AJIC information on cases for the last 20 years (1/1/2000-12/31/2019) that were flagged as incidents of DV by APD officers. (They haven't negotiated getting data for this year but AJIC would be interested in looking at it given COVID.) The data set includes reports of over 90,000 incidents, which average to about 13 per day. The data includes information on anyone attached to the reports, demographics, and how often there are repeat arrestees.

Troy explained that he would be able to give a more formal presentation later, but could share some preliminary data. The data show that one third of arrestees are arrested more than once, and two thirds of

arrests are repeat arrestees. That concept is a little hard to wrap your brain around, but it mirrors what researchers see in other domains. A smaller number of people draw attention on a repeated basis, and a larger number don't.

Troy noted that because the data set spans 20 years, they could look at whether victims later become arrestees. The data show that about 40% of arrestees have also been victims, but he has not yet done the analysis to know the timeline on which that happens. The data also show that both arrestees and victims are disproportionately nonwhite. The average age of arrestees and victims is around 32. One third of victims are male, while 70% of arrestees are male.

Troy explained that they have a large amount of information, and are just starting to get into the data. They will issue reports over the summer/fall. He encouraged members of the group to ask if they specific questions related to the data, whether now or later. One thing they are not able to answer is the relationship between people involved in an incident. That data is not captured. It's a limitation because the DV statute is so broad, it can include a variety of situations/relationships.

Troy noted that AJIC's researchers have a lot of work ahead of them; Avi Sloane is doing most of the analysis. For this group and its recommendations, the key is that they can't do any of this work without access to data from the agency. He thought that was a role this group can play in terms of coming up with a recommendation.

Sean noted that the relationship between individuals involved in a DV incident was something he would like to see APD start reporting. In looking at other agencies around the country, a lot of other places report based on relationship- e.g. assaults/crimes with intimate partners. That will require a change in how APD does its reporting, and getting officers to understand value of the information. Troy noted that it is always hard to compare data across jurisdictions, and there are many different definitions of DV. At the reporting stage, it might not be clear what exactly what the relationship is, and it could be difficult to ensure accuracy.

Sean wondered whether the data allowed AJIC to differentiate situational violence from violence as part of a pattern of power and control. Troy said probably not. The data can tell that an incident happened but can't say why. They might be able to make some inferences. For example, if the same victim and suspect come to APD's attention frequently, and if the roles of victim and suspect switch frequently, that is probably situational violence. Also it might not be an either/or situation, both dynamics can be true within this population.

Sean asked whether the data on gender and race were consistent with what AJIC has found before? Troy said yes, those data track previous studies pretty closely. People involved in these cases are disproportionately Alaska Native or black, and 70% of arrestees are male. AJIC will also be breaking down offenses by demographic, which will show things like whether women are being arrested for the same crimes as men.

Sean said the statistic that jumped out to him the most was the fact that 40% of arrestees have also been victims. That lends some credibility to the idea that responding to just one individual or looking at an individual just one way is not enough. The programming approach has to be holistic, looking at the entire environment and relationship. Troy said that of all the people in the dataset, 80% have been in more than one role, whether as an arrestee, victim, witness, or "person mentioned." There are a variety of patterns e.g. a person who is a victim as a child is later arrested as an adult.

Tory Shanklin of Victims For Justice asked whether, during the 20 years the data was collected, mandatory arrests were always in place. Sean said yes, virtually all the same statutes were in place all 20

years. Troy noted that one thing that has changed is society's perceptions of DV, which could influence an officer's behavior, or practices, including even just whether they are checking the DV box.

Brenda noted that DV advocates often talk about resistive/reactive violence. She wondered whether there was any way to look at the 40% of arrestees who have also been victims to determine how many times they might have been a victim before becoming an offender. Troy said yes, there are dates associated with all incidents/arrests. AJIC can figure out when people change roles.

Brenda wondered if there was also way to see whether a screening had been done for determining who is the primary aggressor. Troy said he didn't have that information. He also wanted to note all this is very preliminary, and that AJIC will be able to report things much more clearly in coming weeks/months.

Brenda wondered whether similar information could be obtained from other agencies. Sean said he would hope so. The data AJIC was looking at comes from APDs reports—they are not looking at narratives, but data from check boxes. For other agencies, it would depend on their reporting system. He assumed that other agencies would have similar systems as APD; it would also depend on when the agency started doing electronic reports.

Brenda also wondered whether there was any way to tie the APD data back to Department of Law data, to look at charging decisions and court case outcomes. Troy said that working with Dept. of Law data is difficult. They changed data systems recently. From July 2014 onward the Commission does have court system data, and it would be possible to link that data up with the APD to see what charges were filed in court. There is a step in between of what happened with the prosecutor, and that would probably mean making some guesses. That process could be error prone. Troy would be interested in doing that in a second stage of analysis. That would be another plug for the Commission, since AJIC would not be able to do any linkage analysis without the Commission's statute mandating the sharing of this data.

Brenda asked whether, if the Commission goes away, the agencies wouldn't have to give information to anyone. Susanne said yes, although she was not sure how a repeal of the Commission's statute would work. Also if the Commission goes away, the legislature can take that statute and have another group collect the same data. Troy added that it was not necessarily the case that the agencies are reluctant to share data, but having a state statute that authorizes the release of information makes it easier for the agencies to share CJIS data, because of the way the CJIS statutes are written. The presence of a statute makes things much easier for agencies, and less risky for audit purposes.

Sean wondered whether the APD data could be linked with the prosecution data for municipal prosecutors. Teri said that the Judicial Council did get some of that information from Seneca Theno a couple of years ago, and offered to look that information up and provide it to the group.

Coordinated Community Response (Part 2)

Sean thought Troy's data was interesting, and gave him some things to think about. He would love for the CCR recommendation to be more directed, and thought it might be hard for the legislature to wrap its arms around if left vague. He thought the workgroup may need to refine what the recommendation was asking for so the legislature really knows what the Commission wants it to do, including thinking about funding. He asked for the group's thoughts on how to refine the recommendation.

Brenda said it might not necessarily need funding; in Fairbanks, the CCR team there found that they didn't necessarily need funding, because the people involved were already doing the work. What was needed was data. For example, they didn't even know what the general rates of DV are in Fairbanks. Maybe funding could go to something like AJIC to get that data. The other important piece was the confidentiality

piece; without it, people didn't want to be honest about what their agency was doing. She thought the recommendation could just focus on the pieces that CCR needs to survive. Funding might go to a place to collect and organize data.

Tory said it made sense to focus on the data piece, as it was hard to conceive of what the recommendation was specifically talking about regarding a CCR effort and what it would look like statewide.

Sean said he was hearing that there needed to be more work done on this recommendation, and asked if anyone wanted to push it forward now; the group agreed to keep working on it.

Brenda thought that at a minimum there should be something in place so that people working in the DV field can be informed about what is going on in the community. For Fairbanks, she has been going to the courthouse to look up cases and looking at the police blotter every day to get a sense of the numbers. If the Commission really wanted to make changes, practitioners need to understand that data. Sean agreed, noting that it can be difficult for one agency or organization alone to wrap its arms around the data.

Troy agreed, saying one way to get the data would be to require agencies to report all DV incidents. The lack of data is hard for practitioners, it took APD some time to figure out how to extract its data and not every agency has APD's resources. It is difficult because of the way the statutes are structured; there are no specific crimes of domestic violence, but rather underlying crimes such as assault are just given a DV flag. That flag doesn't specify the relationship involved in the offense. Also because Alaska is a mandatory arrest state, if a crime is charged with a DV flag, someone has to get arrested. That might affect how officers are classifying things on the ground.

Susanne asked whether it would be helpful to be able to distinguish intimate partner violence from other types of DV, or whether there was an issue with the flag. Troy said that the various indicators of DV don't always agree- e.g. at arrest, court filing, or disposition, there might be a DV flag associated with a case but it might not be flagged that way at each step. There are reasons that may be, such as new information coming to light about the relationship. Susanne noted the burden was on the prosecution to decide whether the DV flag applies and that there are times when the DV flag can drop out as part of a plea deal.

Tory said that a lot of victim's rights statutes are based on whether a charged crime is flagged as a DV crime, so if there is a change in the definition of DV, it would affect access to those rights.

Brenda said she was not thinking of changing the definition, but noted that strategies are different for different types of relationships. She didn't see the DV flag drop very often in Fairbanks; she thought that Law does occasionally drop the flag if the plea agreement drops the offense to one that can't be DV-related. She didn't often see them just taking the flag off. There just needs to be a way to capture the data. It doesn't necessarily have to be collected in real time, but she collects data every day because information can disappear. Once a year, she tries to put together a picture of what happened. It takes hours. Also she is not considered a neutral party. It would be so much better to have that data collected in an organized way.

Troy suggested discussing this offline further, as the Commission may already have some data that could be helpful just using what is regularly provided to the Commission.

Future Meetings and Tasks

The group agreed that the conditions of release recommendation was ready to go. Susanne offered to get Teri, Troy, and Brenda together to come up with an approach for data collection before the next workgroup meeting, which was set for Monday July 13.

Brenda said she had also been talking with CDVSA, which was looking at BIP models but has stalled a bit with the pandemic. Diane Casto of the CDVSA wanted this group to have BIPs on its radar, as there would be a better chance of coming up with an evidence-based BIP with the Commission's backing. Sean agreed to put BIPs on the agenda.

Public Comment

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

Alaska Criminal Justice Commission
Domestic Violence Workgroup

Meeting Summary

Monday, April 27, 2020, 10:00 a.m.-12:00 p.m.

Via Zoom

Commissioners Present: Sean Case, Brenda Stanfill

Participants: Michelle Hale, Rhonda Street, Avram Slone, Troy Payne, Katie TePas, MaryBeth Gagnon, Tory Shanklin, Brad Myrstol, Colleen Ouzts, Suzi Pearson

Staff: Teri Carns, Staci Corey, Barbara Dunham

Follow-up from last meeting: ODARA

ACJC research analyst Staci Corey said that she was asked to do some follow-up research following the last meeting on the use of the ODARA risk assessment tool. Workgroup members wanted to know more about what settings the tool can be used in and whether it can be used for female offenders and offenders in same sex relationships. Staci spoke with Dr. Zoe Hilton, one of the researchers who developed the ODARA, who explained that the tool can be used in a variety of settings, anywhere the offender's risk level is a relevant consideration. This includes bail, conditions of release, probation supervision levels, parole decisions, treatment decisions, and victim safety planning. Dr. Hilton also said using the tool helps communication between agencies, getting everyone on the same page about the risk level of the offender.

Staci explained that there is promising evidence that the tool is valid for female offenders, but practitioners using the ODARA shouldn't use the actuarial tables that typically accompany the ODARA because women have lower rates of DV in general. There have been some studies showing that it can, however, be used to compare other female offenders to each other, for the purposes of allocating resources and determining appropriate programming. There is no good research on using the ODARA for offenders in same sex relationships.

In Fairbanks, the ODARA was used as a component of an intensive DV probation program modeled on the HOPE program in Hawaii. Staci spoke with Sheri White, the lead probation officer for the program. The program was aimed at people convicted of DV misdemeanors who were assessed as high risk. The idea was to break the cycle of domestic violence before the person reached the felony level. The program received referrals from the DA's office, and used the ODARA to assess risk. It was scored without talking to the offender or victim.

The Fairbanks project also included random UAs, probation officer meetings, court-ordered treatment like mental health or substance abuse treatment, and Batterers' Intervention Program. They also reached out to victims and connected victims with advocacy services. It included an evaluation project with the Justice Center, which produced a preliminary report; the researcher who authored the report is no longer with the Justice Center. Dr. Troy Payne with the Justice Center said he had reached out to that former faculty member, noting that for contract projects such as this it was not unusual for reports not to be published.

Staci noted that the evaluation component was going to have a victim survey and would include a comparison group, following the program group and comparison group for four years after the termination of probation. The preliminary report outlines the variables to be collected.

Ms. White thought the program was effective; of all participants, only two reoffended and those two were in abscond status and did not really participate. She said the program helped identify chronic DV offenders in the area. The drawbacks were that it was only for male offenders, and that it was occasionally used as a bargaining chip to reduce charges. The model was later adopted as a felony-level program for people convicted of felonies with SUD issues.

Staci explained that the program ran from 2011-2014. Katie Tepas with the Department of Public Safety explained that it had been part of Gov. Parnell's Choose Respect initiative, so it was a state-funded pilot program. There was a steering committee to guide it. She thought the funding was cut when Choose Respect ended. She thought one of the highlights of the program was that it ensured someone would be in contact with the victim. Staci added that Sherri told her the POs would reach out to victims and developed a relationship with them, and some of them were even in contact even after the program ended. Victims often felt more comfortable talking to the POs than people at other agencies.

Teri Carns, researcher with the Judicial Council, noted that the Fairbanks program had echoes of a similar program conducted in Palmer in 1997 and 1998. The Palmer program had a similar effect, with victims feeling more comfortable approaching probation officers than law enforcement officers. The Fairbanks program was also reminiscent of the North Pointe targeted approach. It had elements of focused policing and coordinated community response, and should also yield good data. It sounded like people in Fairbanks were enthusiastic about this program, and she thought it might be worth starting up again.

Katie said she couldn't speak for DOC; it was ultimately for them to decide. Brenda Stanfill, ACJC Commissioner and executive director of the Interior Alaska Center for Nonviolent Living, said that those in Fairbanks who had a hand in the program were really sad to see it go, especially because they worked hard to get it set up. She thought it was effective but agreed the issue of it being used as a bargaining chip was a problem. The program needed more buy-in from the local DA. The reason they couldn't get the proposed research off the ground was because they didn't have enough referrals and couldn't fully populate the program. Victims really liked it and offenders would eventually come to like it and buy in. There needed to be a carrot to incentivize participation other than a plea bargaining chip. There was no reason a person would choose accountability if they don't have to.

Sean Case, ACJC Commissioner and APD Captain asked what the program capacity was. Brenda thought the program had a capacity of up to 60 people but it couldn't get up there; it usually had only around 20 in the program. She said out of 300 or so offenders a year that go through the process, around one third of them scored high enough to be in that program. The problem was with requiring the program.

Katie thought that was correct, the program was never able to fully actualize the numbers. She thought DOC also had some preliminary data on the program. Teri suggested also asking Judge Ben Seekins, who had participated in the program and looked on it favorably.

Sean asked about the timing of the ODARA component. Brenda said that post arrest, the DA's office would complete the ODARA. If the arrestee had been charged with a DV misdemeanor and was assessed as being the highest risk, they were supposed to be referred to the project automatically. But if an arrestee was charged with a DV felony, and was able to get that bargained down to a misdemeanor by agreeing to participate in the program, the person would then just fail and flat time, often spending just 3 months in jail instead of 9 in the program or longer in jail if convicted of a felony.

Follow-up from last meeting: Achieving Change Through Values-Based Behavior (ACTV)

Teri explained that the ACTV program was based on acceptance commitment therapy (ACT), and early studies show that it has been successful in several settings. It reduced recidivism slightly and people were more satisfied with the program than with other programs, and people who completed the program had fewer domestic violence incidents.

ACTV was most successful when it was used for chronic DV offenders who were incarcerated and had not been successful in other programs. Out of 23 participants, all but one participant completed, and participants had lower recidivism in the 12 months after completing. One interesting thing about that program was that participants were 52% Native American, even though Native Americans only accounted for 4% of that prison's population. That might suggest that a number of Native American people dropped out of other programs and landed in jail and had to do this program. It also appeared to be more successful for this population, suggesting that it could be more culturally appropriate.

The researchers studying ACTV are hoping to have more data by this summer, and will hopefully have more data about the victim perspective. The researchers were not available to talk to the workgroup today.

Teri added that the program is something that could be used by existing BIPs. It could also be facilitated by correctional officers, because there is no need to have a professional certification to administer the program. It lasts 24 weeks, with sessions lasting 1 or 2 hours per week. Commission project attorney Barbara Dunham noted that more details on how the program operates can be found on page 95 of the 2017 study that she had sent to the group in advance of the meeting.

Brenda noted that, regarding the jail study, a 12-month follow-up period was not long. She also wanted to know how victims were involved. The advantage of the Duluth model was that it does have accountability and victim check-ins and involvement. Teri agreed that although recidivism often happens within the first year of release, it would be best to know how participants fared longer than that. The other studies on ACTV show significantly fewer charges, including for DV, for all participants, even for people who dropped out.

Follow-up from last meeting: Creating Healthy Relationships

Teri explained that this program involved treating couples together. One early study looked at couples who were randomly assigned to the program following a self-report of perpetrating a physical assault. The study showed large and statistically significant reductions in violence, including for many women. It was interesting to compare this study of one study of a program that used ACT with both men and women, although separately. It might be worth exploring the two. Creating Healthy Relationship does involve having the couple do programming together, though often that is not allowed per regulations that are in place in many states. Both models showed success.

Brenda pointed out that treating couples for domestic violence together would run contrary to a federal statute, and would mean will losing all federal DV money. There is evidence that shows treating couples together is not safe. For many years her organization has offered a group just for partners. She agreed that support for victims was important but thought that programming should not be court-ordered for victims.

Teri noted that Creating Healthy Relationships screens participants carefully for only those who are situationally violent, not those with chronic anger. It was only for people using violence on an irregular basis. It was true that for "characterlogically" violent people, couples counseling would be inappropriate.

Sean noted that Teri's memo stated that studies show that between 50 to 80% of domestic violence is situational. Teri said that was true and that she could write a more detailed memo about how that is determined. Sean agreed that would be helpful.

Brenda asked about the study of the program in which 2/3 of participants were women. Teri said that was a study of an ACT program in which all people in the program had been found to be assaultive, and participants were not treated as couples. Brenda wondered if there were any studies on that same program that were just male-based, observing that women tend to use violence for different reasons, and therefore programming may not transfer to wider applicability for men. Teri said that the study of the ACT program with 2/3 women involved participants who were randomly assigned. There were subsequent studies with participants who were all men, one involving large numbers. She said she would look for more information on those studies.

Follow-up from last meeting: DC Safe

Barbara explained that she had spoken with one of the founders of the DC Safe program, Natalia Otero, who is willing to be a resource for any community that wants to improve their program. To get DC Safe up and running, it required every program that might be first responder for domestic violence, like law enforcement, child protective services, schools, emergency departments to sign a common MOU to agree to have the same protocol to respond to a DV incident. It took about two years to get all the agreements. It has helped to have everyone have a common goal and be on the same page.

The DC Safe protocol has any first responders encountering an incident of domestic violence to ask some basic questions and then call the DC Safe hotline, which is staffed 24 hours a day. The victim can also speak with someone on the hotline. DC Safe has advocates on call who can provide immediate follow-up for more serious cases or follow-up in 1-2 days if it is not as serious. They help with immediate safety planning for the next 24-48 hours and then focus on a long-term safety plan. Partner agencies have agreed to prioritize and fast-track any processing necessary for the safety plan—for example the school system would transfer children from one school to another immediately or law enforcement would apply for a warrant immediately.

The hotline is situated in the courthouse, so first responders calling the hotline could also use the advocates on the phone to look up active court cases and protective orders if necessary.

Sean wondered if this program was primarily for folks who are high risk, and if this program operated outside the criminal justice system. Barbara said the initial response protocol was for any domestic violence situation, but there would specifically be a follow-up team for the high risk cases. The program is victim-centered; the law enforcement response is related but separate. The hotline is a tool for officers to use to help victims when they respond to a domestic violence situation.

Follow-up from last meeting: Fatality Reviews

Barbara explained that she had sent out a memo outlining different models of fatality reviews. A fatality review happens when there has been a fatal DV incident and a team reviews the case to see if there are ways to change the response to prevent similar fatalities in the future. Some states will do a thorough review of 1-2 cases per year. Other states might look at all DV cases within a given timeframe to analyze trends in the data. Typically fatality review teams will issue a report with recommendations.

Barbara noted that there is a fatality review statute for Alaska as well as a provision in the Anchorage code, details of which are in the memo. The statute either allowed a statewide review or allowed municipalities to convene their own teams. A team was convened in Anchorage a few years ago, but

reportedly that team had trouble with participation. Barbara was not able to find a report from that group, but she understood that Suzi Pearson had been involved and invited her to share her thoughts on the experience if she liked.

Suzi Pearson, executive director of AWAIC, confirmed that she had been involved with the Anchorage effort and they had reviewed three cases. One of the barriers to success was the fact that they only considered cases that had gone completely through the entire judicial process, meaning that the cases were 8 to 10 years old. That made it hard to gather information; people involved in the case were hard to find because they had retired, etc. Participation was also challenging, as it was challenging trying to get all members together at the same time, and there were a lot of changes in membership too, so there were also issues with consistency. The group has not met in several years. They did issue a report in 2014 or 2015. They were just looking at Anchorage cases.

Brenda asked Katie whether there had been issues with setting up a statewide process. Katie said that she thought that one concern was the factor Suzi talked about; to be effective, current cases should be looked at, so looking at cases 8-10 years after the fact is an issue. Some time back there had been a statewide training on how to do these reviews held in Anchorage, and Anchorage was the only place where it really took off.

Brenda wondered whether there was any research on fatality reviews. Barbara said that she was not able to find any research in terms of reducing fatality rates. One study simply came to the conclusion that fatality reviews needed to have some mechanism to enable agencies to actually enact the recommendations made by the fatality review team. Other than that, there did not appear to be any academic studies.

Coordinated Community Response

Brenda observed that discussions in this group kept coming back to models that use coordinated community response, and she thought that might be a more effective area to focus on. She understood why fatality reviews would have to wait until the defendant's appeal was done, but thought it might not be an effective thing to focus on for that reason.

Katie said she thought the Fairbanks coordinated community response pilot project was very effective, and she also thought that Kodiak and Bethel currently had similar projects. It might be good to hear from them. Brenda noted that one big issue with coordinated community response is having partners willing to implement it. A coordinated community response team can meet all they want, but to be effective, it would need buy-in from the DA's office. These types of projects can be personality driven, and if it's just one personality keeping it going, it can be hard to maintain long term.

Sean wondered whether changes had been made as a result of the Fairbanks project. Brenda said yes, several things had changed, such as how law enforcement handled things like female arrests, and cases involving strangulation. They came up with new protocols for strangulation, and the statewide model was based on what they had developed in Fairbanks. There were changes to how advocacy worked. They were able to do a lot of things as long as organizations were willing to participate, make changes, and not take criticism personally.

Data, Reports, and COVID-19

Troy said that regarding fatality reviews, some of the data AJIC has gotten from APD could shed some light on that sort of thing- e.g. patterns leading up to homicide events. It was unclear whether they would be able to do that but he said he would look into it.

Brenda asked Troy to describe in greater detail the research they have done up to now. Troy said they were looking at every DV-flagged incident from 2000-2019, along with every person attached to that event. By looking at everyone attached to a police report, they hope to get data on repeat victimization and repeat offending. One thing they don't have is the relationship between individuals, which will be a limitation of the data. Getting nearly two decades of data has yielded a fair number of incidents, and could even be a way to find multi-generational abuse. AJIC is still trying to identify its research questions.

Troy said he would also like to extend the data through the current year to see the impact of COVID-19. Sean said that APD has seen sexual assaults go down significantly, and there are also fewer DV reports. It will be interesting to see what happens when things are back open—is this an actual decline or is it less reporting? Barbara said that was contrary to news reports from other places where they are seeing increases in DV. Sean said APD was not seeing that in calls for service, though it might show up later when reports get classified.

Suzi said that AWAIC initially didn't see an increase in demand for services, but in the last two weeks they have seen a 25% increase in crisis calls. They also expect to see an increase as restrictions lift. Brenda said that at IACNVL they were not seeing as many fear-based assaults; the cases they were seeing were more serious. They have heard of situations where people are not being put in jail. She also thought people might be afraid to call for help. There were many unknowns. She agreed that AJIC should extend its data collection, but also thought there might be more qualitative data related to COVID as time goes on, and there might be more qualitative than quantitative. Sean thought that might also be the case for sexual assault cases. There might be a snapback after this initial dip in reports.

Troy noted that Dr. Ingrid Johnson was currently working on the next Alaska Victim Survey, and would be doing the survey in the next few months. She was looking at whether she could easily add COVID questions to that. It will be interesting to see effects of COVID on crime generally. He agreed it would make sense to see a snapback when people have more freedom to report. But he just didn't know, since this was such a new circumstance.

Workgroup recommendation

Sean noted that this group had now met several times, and had gotten a lot of good information on what's going on in the state and around the country. The question now was what is the most promising direction to go in. What could this group recommend?

Barbara explained that the ACJC existed to make recommendations to the state legislature and agencies as to how to change laws, policies, and practices. Typically workgroups will craft a recommendation, which will then go to the full Commission for approval. Once approved, the recommendation will be sent to the legislature or relevant agency.

Brenda said she kept coming back to offender accountability. She was interested in wrapping BIPs in a wider community response, and wanted to think about what offender accountability truly looks like, whether pre- or post-conviction. She really wanted to see what the data looks like. As Judge Rhoades once pointed out to her, she might have skewed perspective from working at a shelter where she sees many serious cases. She was interested in looking at the whole spectrum of offenses, how to intervene early, and avoid repeat offenses.

Teri said that what has struck her in looking at various DV programs was that the key was to have a wider community involvement in responding to DV. The true Duluth model does not just include offender education; it was built on coordinated community response. That was similar to focused policing, as well as the Fairbanks DV PACE program. Coordinated community response seems to be very difficult to

implement but also very important. She thought the group could spend more time focusing on that, and how it gets done in other places.

Teri added that another thing that seems hugely important is considering victims. No matter what the state does, if victims are not on board with the response, it won't help much. The impression she had was that victims often don't report DV because they were concerned about not being believed, and perhaps might not want the person arrested. Even if the victim does call and the perpetrator is arrested and actually goes through a BIP, many perpetrators are still in contact with the victim. Unless we spend more time thinking about the needs of victims, we might not be successful with offenders.

Teri also wondered whether the Alaska Victimization Survey (AVS) included questions about services. Troy said that if a respondent said they had been victimized, two of the follow-up questions were about whether the victim needed services and whether they were able to access them. Teri said this was something she could look into.

Brenda thought Teri brought up a really interesting topic, one which was always challenging. The state is the one pressing charges, so the victims' voice ends there. Some victims might say "thank you for prosecuting" while others might say "I hate that you prosecuted." She was interested in trying to really capture the needs of victims and the full range of victims. Right now the focus seems to be on a small percentage of cases.

Katie said that the AVS was more about understanding the rates of victimization. She believed that not every question asked in the survey was eventually analyzed or reported on. Troy said this was true, and it had to do with the volume of respondents and the ability to get sound statistical information. Katie noted that Dr. Johnson was also separately working on another project for the sexual assault kit initiative, which included victim interviews and surveys. That project will have some data on whether victims were able to access services, however the victims in that project are sexual assault victims and not necessarily DV victims (although some sexual assaults are also DV incidents).

Katie also said that for her, a priority focus in terms of offender accountability would be to enable widespread law enforcement access to conditions of release.

Sean asked who would be involved in a coordinated community response program. Brenda said that when they had a similar project in Fairbanks, the participants had included law enforcement, the DA, victim advocates, BIPs, Probation, and a forensic nurse. Other groups wanted to join at the time, but based on what they were trying to work on with that project, they did not expand the membership.

Katie said that coordinated community response for DV could work in a similar fashion to Child Advocacy Centers; depending on what needs discussing the team might invite people as temporary members. Success in this model usually comes from identifying one or two issues and just working on that: tracking the problem, then adjusting the solution and following through with implementation. It should not be just a wide-ranging DV group, but focused on one or two concrete issues, as voted on by the group. It does have to have a person who corrals members and tracks data; it could be very labor intensive.

Brenda said that one challenge of coordinated community response was maintaining confidentiality, which is why the Fairbanks project involved a smaller group. There was no statute for preserving confidentiality and granting immunity for participants, so they couldn't look at open cases. They didn't want the information gathered to be part of discovery. Sean asked if they only looked at data? Brenda said they looked at specific cases if they were closed.

Sean said he was interested in reading up more about ACTV. Brenda said there were some good YouTube videos, which might be easier to digest. Teri noted that at the moment, one of the chief researchers was at home with three kids while overseeing two full randomized trials, so she was unable to talk to the group today. However, she expects to have a lot more data by the summer, in 2 or 3 months.

Sean said that he knew that conditions of release were being shared with law enforcement in Fairbanks, and wondered how that was working. Brenda said it was working really well. Katie said that expanding that program would ultimately be a question for the court system. Her understanding was that the idea was to expand the program statewide, but the court system wanted to wait until its e-filing project was done. The troopers regularly have issues with not knowing release conditions in real time. In Fairbanks, courts enter information into an interface, which can be pulled by APSIN. The court system database and APSIN don't interact.

Teri recalled that there was a similar program in Anchorage 20 years ago, which she thought was successful but eventually defunded. She agreed the court system was waiting for e-filing.

Katie noted that in some smaller communities, they can also make sharing conditions of release happen, but otherwise it was generally an issue statewide.

Sean thought that there was a lot of expertise in this group, and that the group could probably talk for months and months, but thought that the group was ready to look at possible recommendations.

Public Comment

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

Future Meetings and Tasks

Barbara noted that the next plenary meeting was at the end of May, and that any recommendation should ideally be finalized by the August meeting.

Sean said he would work with Barbara to write up draft recommendations regarding bail conditions and coordinated community response. Sean thought that legislators were operating under the assumption that law enforcement had access to bail conditions and were shocked that they did not; he thought the Commission could use the Fairbanks model as a template. Katie offered to check in with FPD or AST on the Fairbanks model and to also check in with Law. She thought a successful model would be one that allowed officers to get information on release conditions in real time including any changes implemented in real time.

Regarding coordinated community response, Brenda said that would have to look different in different places—the Commission should look at how the educational piece ties in but still recommend something flexible enough to fit each community. That might not involve picking one program, but a way to tie a program into the coordinated response. She also suggested checking in with the CDVSA.

The next workgroup meeting was set for Friday, June 5 from 10-12.

Alaska Criminal Justice Commission
Domestic Violence Workgroup

Meeting Summary

Monday, March 16, 10:00 a.m.

Teleconference

Commissioners Present: Sean Case, Brenda Stanfill

Participants: Laura Brooks, Rebekah Moras, Monica Elkinton, Katie TePas, Tori Shanklin, Troy Payne

Staff: Susanne DiPietro, Teri Carns, Staci Corey, Barbara Dunham

APD DV Data Project

Sean Case, ACJC Commissioner, workgroup chair and Anchorage Police Department (APD) Captain, explained that APD and AJIC signed an MOU to do a deep dive into APD's data on DV cases, looking back 20 years. This dataset will be more inclusive than the statewide data AJIC evaluated a few months ago. They will be looking for patterns, and whether there is anything APD should focus on to try to reduce the incidence of DV. Sean thought it would be beneficial to have a neutral analysis from a third party.

Brenda Stanfill, ACJC Commissioner and Executive Director of the Interior Alaska Center for Non-Violent Living, asked whether there were specific things that AJIC would be looking at. Sean said they would be looking across the board. The data will focus on typical offenses such as assaults. They will have access to victim, offender, and witness information. Sean thought that people working in the DV field each have a specific view of what the DV problem is. This is a broader look, not based on any assumptions; the research may not be able to answer that fundamental question of what our DV problem is but he thought it was worth a shot.

Information about ODARA

ACJC Research Analyst Staci Corey explained that she had been reaching out to people in jurisdictions that use the ODARA risk assessment tool, particularly trying to reach victim advocates to learn more about their experience with it. She found locations in Iowa, Maine, and North Dakota. She could also reach out to other locations around the country that use the ODARA if the workgroup was interested in hearing from other jurisdictions. ACJC Project Attorney Barbara Dunham had circulated Staci's memo on the subject prior to the meeting.

Staci found that people in Iowa and Maine have been using the ODARA for a few years, and they consider it a success. In Johnson County, Iowa, law enforcement officers use ODARA on all DV calls. The county also has a collaborative DART response team model. Advocates find that using the ODARA helps with training, and it allows everyone to speak the same language when discussing things like bail release

conditions. Advocates find that it also puts less pressure on victims to convince people of the seriousness of their situation.

When Johnson County first started to use the tool there were some concerns that asking about a defendant's criminal history, because it might treat minorities disproportionately. But they looked into the background of the tool and found that it had been validated in Toronto, which is a diverse city, and the validation study found no disparate impact to minorities. But any jurisdiction implementing the ODARA would do well to also offer training on implicit bias.

Another concern from Johnson County was that the ODARA score is put in the charging document, and therefore becomes public. Reporters started reporting the scores, without really providing the right context of what they mean. Officials from the county met with reporters, who agreed to stop reporting the scores.

Staci explained that in Maine, the ODARA is used throughout the state. A couple of years ago, a statewide survey of advocates and law enforcement officials revealed that they found the ODARA helpful in setting bail and safety planning.

In Minot, North Dakota, they just started using the ODARA a few months ago. Minot also has a high-risk team. They haven't come across any concerns regarding the ODARA yet, and will be expanding its use. The advocate Staci spoke to suggested she follow up with them in a few months.

Susanne DiPietro, executive director of the Judicial Council and staff to the Commission, asked whether any of the advocates Staci spoke to had any concerns about administering the ODARA on scene. There had been speculation in the workgroup that it would be difficult for victims to answer those questions right after an incident. Staci said she had asked people about that. None of the people she spoke to had any concerns; some said they had already been asking those types of questions anyway. Those she talked to said that the ODARA helps everyone get on the same page, allows more focus on the victim, and results in less haggling about release conditions.

Brenda asked if the ODARA was only being used for male defendants. Staci said there were currently studies being done to validate the ODARA for female defendants and same sex couples. Some locations are already doing or working towards that.

Sean asked what reasons people were giving for starting to use the ODARA. Staci said it seemed like most jurisdictions saw it as a law enforcement tool that was helpful set release conditions. Some other places were using it on the parole/probation, but the tool was not designed/validated for that.

Sean asked how these jurisdictions were defining success, and whether they were looking at recidivism. Staci said it sounded more like people in those locations found the tool helpful for setting bail release conditions, getting everyone on the same page, and helping victims understand why the release conditions are set—e.g. “this person is high risk and this is a serious situation.” It helps everyone involved understand the severity of the situation, and is helpful for safety planning.

Brenda asked whether implementing the ODARA required a lot of extra time for training, particularly for law enforcement officers. Staci said that one location got their training down to an hour.

Those using the tool said it helped to have good relationships among agencies. They try to train everyone who might see the score: judges, child services workers, prosecutors, victim advocates, and law enforcement. Everyone who might see the score should know what it means (e.g. that 7 means high risk).

Regarding conditions of bail release, Sean said that in his experience with the Municipality of Anchorage, the Muni was good about keeping no contact orders in place. He wondered if Katie TePas with the Department of Public Safety thought that was true for state cases as well, and whether state prosecutors keep no contact orders in place. Katie said that she thought it was something they consider on a case-by-case basis. She has heard from troopers in the field that there can be some creative conditions of release to try to make things work, like a no-contact order that still allows the victim and defendant to share a car. Orders like that probably comes at the request of a victim who wants some contact. She thought some kind of screening tool at bail might be helpful, but she couldn't speak for the Department of Law.

Katie also noted that she mentioned at a previous meeting that it is very helpful to law enforcement when conditions of release are entered into APSIN. This is done in Fairbanks using information sent from the court system. She thought the biggest issue statewide was lack of consistent access to those conditions.

Susanne said that she hadn't thought about reporting scores in a charging document. To her that seemed like a wrinkle.

Monica Elkinton, an Anchorage municipal prosecutor, said she also had questions about that. She noted that many DV offenders are also assigned pretrial risk assessment scores. She hasn't seen those scores published widely. Someone could theoretically dig through the paper files but she didn't think it was a problem.

Susanne noted that the pretrial risk assessment tool is validated on Alaska's population. To the extent that ODARA would be used for release conditions, she was interested in how those two assessments might interact. She thought it could sew some confusion. She was not as concerned about reporters misunderstanding the score; they are typically happy to take any corrections.

Brenda recalled that there was a pilot project through Choose Respect in which she thought ODARA was used, although it was used after arrest. The score determined whether the defendant qualified for the project. She was not as concerned about whether the score was public information, and would rather focus on how it might affect the victim. If someone is charged with a crime, their name and offense are already public information. Katie noted that project was a tool for DOC to use, not for law enforcement.

Katie wondered whether there might be more than one ODARA. Barbara said she thought it was just the one tool, but she had read anecdotal reports of some users winnowing the ODARA down to only a few questions. Katie said the version she was familiar with had 13 questions, which was a lot to ask officers, and wouldn't necessarily support them asking that many questions. Staci said that from what she found, there was only one ODARA that was validated for use by law enforcement, and that had 13 questions.

Barbara said she had not sent out all the information Staci had collected on the ODARA prior to the meeting but sent it out during the meeting.

Katie said she was just concerned looking at the questions about childcare and substance use, but she might support its use in asking for more stringent conditions.

Sean said that using the tool for victim advocacy purposes would still be better than where we're at right now. He wanted to find ways to shock victims who are at more risk up with services more immediately.

Tory Shanklin from Victims for Justice said she was more interested in using the ODARA for safety planning. She thought that the use of the pretrial risk assessment tool has left a bad taste for people in Anchorage.

Brenda thought the experience with the risk assessment might be different around the state. In Fairbanks she has seen a positive response to having more information at the release decision. She wondered whether Sean thought it would only be used for law enforcement.

Sean said he just want to look at how the tool was used, how it was effective, and whether anything that other jurisdictions were doing could be helpful for Alaska. He thought everyone should take a look at the tool itself to see if it was something Alaska might want to use. Brenda suggested also reaching out to the DOC office in Fairbanks to see how their use of the tool went. She believed the person to contact was Sheri White. Staci offered to reach out to her.

Ideas to Improve Immediate Victim Response

Barbara explained that the two things the workgroup had expressed interest in at the last meeting were how to improve the immediate response for victims directly after an incident of domestic violence, and how to improve programming for people charged with or convicted of DV crimes. She had compiled a list of programs or ideas for each category to generate discussion; if the workgroup wanted to learn more about one particular idea or program staff could do more in-depth research.

First on the list for immediate victim response was the ODARA or other danger or lethality assessments, as well as coordinated response teams or high-risk review teams. A high-risk review team would need an assessment of some sort to identify high-risk cases. Another idea was implementing a system for screening victims for traumatic brain injuries. Traumatic brain injuries can occur either if a victim receives blunt force trauma to the head or if a perpetrator strangles a victim and cuts off the victim's airway. People with TBIs can behave in unexpected ways and this can cause some victims with TBIs to be labeled as "difficult."

An idea that began in Montana was to issue laminated copies of protective orders (called Hope Cards in the Montana program) to victims so that they can easily get those orders enforced; laminating the copy ensures that it won't fade to illegibility or be easily lost.

Katie said that in Alaska, all protective orders should be in APSIN, so the victim doesn't have to have it on them, although that did not necessarily apply to tribal orders or orders from other states. Susanne wondered whether there might be times in rural areas where law enforcement can't access APSIN. Katie said that might happen sometimes, but for the most part, officers should be able to pull up state protective orders readily.

Barbara said that another idea was to have a modified protective order that allowed some form of contact between parties, which enables cohabiting or coparenting but still provides a certain level of protection. It sounded like from the discussion earlier that judges in Alaska are already working out how to do that. Finally, a program in the Washington, DC area called DC Safe was a 24-hour call center and embedded advocate program. The call center was available for warm hand-offs so advocates at the center could talk to victims directly after officers respond to an incident.

Barbara asked whether the group wanted to look into any of these ideas further. Brenda said she would like to hear more about DC Safe. Sean thought that an assessment of some sort was needed, and he also liked the idea of a coordinated response team and a high-risk review team. That kind of approach has shown to be promising in Anchorage.

Susanne asked if the Anchorage review team had any data. Sean didn't think so. That team has two investigators embedded at the municipal prosecutor's office, who review DV cases and refer issues to two officers who are in enforcement.

Katie asked whether the data-sharing project discussed earlier in the meeting was going to be looking at data specific to that unit. Sean said yes and no: cases with a DV flag and related VCORs will be in the data, which will include reports from the DV review team, but AJIC would not be looking at narratives at this point.

BIP-Type Programming Ideas

Barbara explained that she had listed a number of programs for people who commit domestic violence, all of which were either evidence-based or had some evidence of promising practices. The top two had the most robust research behind them:

- Offender-Focused Domestic Violence Initiative (North Carolina)
- Achieving Change Through Values-Based Behavior (Iowa)
- ManAlive (San Francisco)
- Resolve to Stop the Violence (San Bruno jail, CA)
- DV Risk and Needs Assessment (Colorado)
- STOP (San Diego)
- Creating Healthy Relationships (couples-based)

Teri Carns, research analyst for the Judicial Council, explained that the North Carolina program was based on similar programs aimed at reducing group/gang violence. A crucial part of the program was to create a database to track offenders and victims. A second crucial piece tracked offenders in a program similar to Alaska's PACE probation program; a first offense gets a very specific warning that next time there will be certain response—and there is. Another component of the program is a safety circle. The victim is asked to designate a number of people who can go check on them if they are not heard from.

Teri said the North Carolina program has been very effective, but it is very intensive to implement. Alaska may not be ready for such a program. It might be possible to implement some forms of it. It is similar to a pilot program run in Fairbanks, which as Teri understood it had only stopped due to a lack of funding.

Dr. Troy Payne, professor at AJIC, echoed what Teri had said that the program relies on data analysis. He was familiar with violence reduction program the North Carolina program was based on as he had been working with similar ideas in a program in Cincinnati. That kind of data analysis is also similar to what AJIC will be looking at with its analysis of APD's data. This kind of program can be very effective if the local situation calls for it, and data can tell whether that is the case. AJIC will be looking at things like whether the same people are involved in multiple incidents. They will be trying to build the type of informational foundation that could be used to support that type of programming.

Teri said that sounded promising, and also noted that the component of the program calling for first-time warnings followed by a guaranteed response adheres to the principle of swift, certain, and fair punishment, which evidence has shown works in a number of contexts. She added that the dynamics in urban areas are going to be very different than in rural areas. Troy agreed.

Katie wondered how this type of program would work for rural Alaska. Teri thought the idea had some possibility because of the strong community ties already there. This kind of program is not only helpful to reduce violence but victims also really like it. They feel as though there is accountability right from the beginning. It is also less disruptive, because victims don't have to go to shelters as often. Implementing this kind of program would need to be carefully thought out. In a smaller community, it might be easier to find a network to support the victim.

Barbara explained that the Achieving Change Through Values-Based Behavior program was based on Acceptance and Commitment Therapy (ACT) and was developed specifically for Iowa. Similar to Alaska, Iowa also performed the Results First analysis on its programming and came to the conclusion that the Duluth model of batterer intervention programming was not effective.

Susanne said that was correct, and that was the reason the DOC commissioner there asked local researchers at the University of Iowa to develop a new program. There has been some initial evaluation of the program that showed promise, though it was still early days. She wondered whether the model could be used outside of the prison context. Barbara said she believed that the therapeutic model the program was based on, ACT, could be applied in a wide range range of circumstances, similar to cognitive behavioral therapy.

Sean was asked where the Creating Healthy Relationships program was based. Barbara said she'd have to look that up again. Sean said he would be interested to know more.

Susanne asked Brenda whether she knew if CDVSA was interested in looking at something like ACT or reevaluating the BIPs. Brenda said that CDVSA was in the process of looking at the BIP regulations. From a victim services standpoint, while any program needs to have something for the offender, there also needs to be a victim service component and she believed that when she looked at it, that the ACT program did not have a victim service component. A lot can go wrong while an offender is in a program,

and that can be a very dangerous time for the victim. She thought that Alaska should find something that is effective for offenders but also helps victims.

Brenda also wanted to point out that we have to be careful with couples therapy because that might cause programs to lose VAWA funds. She would definitely want to see more research on that.

Susanne said she was curious about the Iowa program, and wondered if anyone was interested in hearing about it from someone with direct knowledge about the program for the next meeting. Staff could track down the researchers. Brenda said that you could never have too much knowledge, and having a direct conversation would be beneficial.

Other Ideas

Barbara asked whether anyone had other ideas. Katie noted that there have been discussions in the past about fatality reviews, and suggested adding that to the list. Susanne wondered how the data was reported from a project like that. Katie said she was not sure if one had ever been done in Alaska, perhaps one had been done at the municipal level. Brenda said that there had been a group in Anchorage, and she thought they might have completed a case. Suzi from AWAIC might know more. She thought the statute creating the review was only for the municipality; to take it statewide the Commission might recommend a statute to access state data.

Barbara said that in what she had read about fatality reviews, states that implement these reviews typically only look at a few cases a year, and are confidential. Findings are reported out with sanitized information so that they cannot be traced to one particular case, to maintain family privacy. The knowledge gained was more qualitative than quantitative because not many cases were looked at. The idea is to identify what went wrong in that case and how similar failures could be prevented in the future.

Susanne wondered how many DV fatalities in Alaska occurred each year. Troy said that was something AJIC looked into for the report coming out soon— it will be published in the very near future. They looked at data from 1976-2016. The report might not be published by the next meeting but he could let staff know if it wasn't.

Brenda said that if the information was gleaned from the supplemental homicide report, it might not be all-encompassing. Troy said it was a flawed data source; there are codes for relationships, but the data collection may not be entirely reliable. It would provide a minimum number, but doesn't capture all cases. Data often isn't updated during the course of an investigation if a relationship is not inputted immediately. This was a nationwide problem, not just in Alaska.

Future Meetings and Tasks

Sean said that the group would keep the next meeting date (April 27) for now.

Brenda noted that CDVSA just finished hosting four statewide stakeholder meetings to determine their future course of action. It would be good to cross reference what they're doing at the next meeting.

Public Comment

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

Alaska Criminal Justice Commission
Domestic Violence Workgroup

Meeting Summary

Thursday, December 19, 2019, 10:00 a.m.-2:00 p.m.

Snowden Training Center, 820 W 4th Ave, Anchorage

And teleconference

Commissioners Present: Sean Case, Brenda Stanfill, Samantha Cherot

Participants: Sam Duke, Troy Payne, Avi Sloane, Suzi Pearson, Sarah Stanley, Rebekah Moras, Becky Tuominen, Rhonda Street, Katie Tepas, Tori Shanklin, Diane Schenker

Staff: Teri Carns, Staci Corey, Barbara Dunham

Literature Review – Impact of Arrest on Recidivism

Dr. Troy Payne explained that AJIC had offered to do a literature review at the last meeting. They decided on a narrow focus, looking at the impact of arrest on recidivism.

Avi Sloane, research professional at AJIC, explained that the first major study on the impact of arrest on domestic violence recidivism was an experimental design study in Minneapolis published in 1984. In that study, officers responding to calls for misdemeanor domestic violence incidents would either arrest the suspect, send the suspect away for eight hours, or provide advice or counseling. The type of response for a given call was determined randomly. The results showed that those who were arrested had the lowest re-arrest rates. This study led jurisdictions around the country to implement mandatory arrest laws for domestic violence cases.

There was no replication of this experiment until the early 90s, when a program called SARP attempted to re-create the Minneapolis experiment in five other cities around the country. The results of the SARP studies were mixed, and on the whole showed a moderate trend toward lower re-offense rates when the suspect was arrested. However, arrest increased the likelihood of failure for some groups. One SARP study showed that arrest increased the long-term re-offense rates for suspects who were unemployed. The researchers theorized that there was less of a deterrent effect for that group because they had less to lose than employed people. Another study found that arrest shortened the time to re-offense for suspects who were African-American, unemployed, or less-educated.

One SARP study as well as subsequent studies in the 2000s found that arrest decreased the likelihood that victims or witnesses would contact police again in the future. This effect was particularly pronounced for people in non-white racial groups. Decreased reporting is a concern because studies also show that intimate partner violence and homicide are more likely to occur when victims do not call the police.

Studies looking at jurisdictions that imposed mandatory arrests found that dual arrest was more likely in those jurisdictions, increasing the likelihood that more victims are arrested when a mandatory arrest policy is in place. This is particularly a concern for same-sex relationships. A study analyzing

victim interviews suggested that mandatory arrest policies make victims more likely to fear that they will be arrested or treated as a suspect if they call law enforcement.

Victims are also not always satisfied with an arrest; arrest is a one-size-fits-all response to a problem that is variable. Victims do not always want a suspect arrested, and will be less prone to calling the police if they have no control over what happens next. Victims tend to be more satisfied if they more power over the situation, and more satisfaction with law enforcement means they will be more likely to contact law enforcement again.

There are also potential long-term impacts of arrest. One critique of the Minneapolis and SARP studies was that they only looked at subsequent re-offense for a short time period after the initial offense (6 to 18 months, depending on the study). A long-term study of domestic violence cases in Milwaukee found that within a 23-year follow-up period, suspects who were arrested were the more likely to have been murdered than other suspects. The researchers hypothesized that the experience of going to jail led to their further involvement in crime. In the same follow-up period, victims of suspects who were arrested had higher mortality rates than other victims. The researchers did not offer theories as to why.

Avi concluded that overall the impact of arrest in domestic violence cases is complicated. Arrest moderately reduces the incidence of subsequent re-arrest for some populations, while other populations might have increased risk. Prior arrest history and general police intervention are better predictive factors for re-offending than arrest. Law enforcement is less likely to learn about future offenses if mandatory arrest deters future reporting. Finally, arrests may have serious, unintended long-term consequences.

Teri Carns from the Judicial Council asked whether the Milwaukee study looked at the timeframe of when the arrested suspects had been murdered. Avi said he didn't know off the top of his head. Brenda Stanfill asked if those suspects had been murdered by their partner. Avi said not necessarily, but some of them could have been.

Katie Tepas from DPS asked whether there were any studies that looked at the effect of conviction. Avi was not sure. Katie said she would be curious to know; arrest was only one piece of the picture.

Troy encouraged the group to think about what the research meant from a policy perspective. It was unlikely that there was any political will in Alaska to change the arrest laws. The question for this group was what to do with this information. The goal in doing this review was to make sure that the consequences of arrest were not unequivocally terrible, and that was what they were able to confirm—there was some deterrent effect. The research showing unintended consequences might lead them to look at what to do in the post-arrest, post-release period—what happens after a suspect has been arrested and bailed out.

Teri noted that Alaska was a mandatory arrest jurisdiction, but also has a safety valve provision, which allows officers to call a prosecutor to get permission *not* to arrest. Sean Case, captain at APD and member of the Commission, confirmed that sometimes this happens. Municipal Prosecutor Sarah Stanley said they get those calls; most of the non-arrest is approved where probable cause is questionable. Anecdotally, she estimated that if she got maybe six calls in one week, in maybe one or two of those cases she would approve non-arrest. She added that if there was no probable cause at all, mandatory arrest doesn't come into play.

Katie said she thought it was probably the same for the State Troopers; they are instructed to request non-arrest for unique fact circumstances. One example might be where the suspect has

significant injuries and needs to go to the ER first. Troy observed that when he has gone on ride-alongs, has seen these requests in cases where it truly is a difficult call. Rhonda Street with APD said that for most DV reports, probable cause is clear; maybe two to three times a week they will see a case where that call was made. Rebecca Tuominen, also with APD, said she recalled one case where non-arrest was requested because a mother of twins was the suspect and she was still breast feeding.

Sean said that requests for non-arrest might also be made in a dual arrest situation—no one likes those. Katie wondered whether the studies about victims being more likely to be arrested in dual arrest situations had any information on whether that jurisdiction had principal physical aggressor training. Avi couldn't recall specifically; his impression was that dual arrest occurred in cases where officers 'just want to be sure' and so arrest both parties. Sarah said that dual arrests were very rare in Anchorage.

Laura Brooks from DOC said that another scenario in which there are unintended consequences of mandatory arrest is when the suspect is an elderly person with dementia. DOC sees these cases maybe once per month. Usually it stems from a situation where an elderly wife wants help getting her husband to calm down, but when the police arrive, they have to make an arrest. Once a criminal case is started, that suspect is ordered to undergo a competency evaluation, and with the waitlist for the evaluation, the case pends for weeks until it is ultimately dismissed. She believed that DOC was a really inappropriate placement for such individuals, and couldn't imagine this was what was intended by the mandatory arrest law. These suspects can't be released back to their same home, so they stay for weeks in DOC custody until the case is dismissed.

Katie said that the troopers were trained that such a fact pattern warrants a no-arrest phone call. They also are taught to think about what happens next, particularly if the victim might not be safe. Sometimes they will contact Adult Protective Services, or another family member. But the responding officer might not necessarily recognize the signs of dementia. Laura said she appreciated that training, and thought it was something that other law enforcement agencies might be missing.

Teri wondered whether the dementia situation could be served by the new crisis stabilization center. Sean said the center had not been implemented yet. Laura said that was a good point—that scenario would be a good case for that service, which was intended to be a "no wrong door" facility. In meantime, DOC is still seeing about one of these cases per month.

Shirley Moses from the Healing Native Hearts Coalition said there was a care coordinator working with this population in Fairbanks; they try to identify these histories and log them into law enforcement databases so that first responders have that information and can deal with the situation appropriately, and they work with Adult Protective Services.

Presentations from Agencies/Organizations

Brenda Stanfill: State-Funded Batterer's Intervention Programming

Brenda is a Commissioner as well as the executive director of the Interior Alaska Center for Non-Violent Living in Fairbanks, which offers batterers intervention programs (BIPs).

She noted that the Council on Domestic Violence and Sexual Assault was not able to be at this meeting so she resurrected an old presentation that she had done with them. She explained that as it relates to BIPs, domestic violence was defined as "a pattern of assaultive and coercive behaviors" (including physical, sexual, emotional, and economic assault/coercion). It was not a one-time incident (also called situational violence). Both are classified as crimes of domestic violence in criminal law. BIPs are trying to address those who fall under the "pattern" definition of domestic violence. A lot of

people are referred to BIPs following situational or one-time violence, but the programs are just not geared towards that. It is still worth screening the cases, however.

BIPs provide services to the person arrested or the primary aggressor in a relationship. They try to address the root cause of the person's behavior, and they also provide a link for victims to services. For people enrolled in the BIP, their agency gets information on how to contact their victim, refer them to services, provide support, and answer questions. The intervention side of the program is kept separate from the victim side of the program, and the victims' information is kept totally confidential. The program also has a monitoring component; they can track a participant's attendance and alert the court if the participant is court ordered to be there and doesn't show up or commits a new offense.

Completing a BIP also allows a person to overcome the rebuttable presumption against granting joint custody in child custody cases.

BIPs were defined in the Alaska Administrative Code in the late 80s. They must be gender specific, and run a minimum of 24 weeks. (Most run around 36 weeks.) They must use individual service plans, assessments, homework, and healthy confrontation as an educational tool. Programs must address participants' substance use and mental health issues, and will often ask participants to take care of that first and then come back. Written discharge plans are required; in Brenda's program in Fairbanks, participants must pass a test to be discharged. Programs monitor participants' recidivism at 6, 12, and 18 months—typically they check with the victim, look on Courtview, and contact the participant. Recently Brenda's program looked at everyone who completed the program within a 10-year period and found that something happens after 5 years, and the recidivism rate increases.

Brenda explained that program evaluation was required but was difficult to do. There was no required standard, e.g. whether the success metric was recidivism or victim safety or something else. Each program does evaluation a little differently.

The BIP requirements are located in DOC's regulations, and DOC technically has the final say in approval of programs. If a state-approved program exists, courts must refer to that program. The CDVSA reviews applications, makes recommendations to DOC, and monitors on-going programs and grant funding.

BIP program goals were to maintain the safety of victims and their children, holding perpetrators accountable, and stopping domestic violence. The programs need to maintain contact with the victim; if they can't contact the victim for three weeks, they will say the perpetrator is non-compliant. While provided out of the same agency, the victim services units and BIP units don't share information. BIPs report non-compliance to the DAs, where theoretically the perpetrator's order to attend the BIP will be enforced by the court. If there is no follow-through, that makes it more dangerous for the victim. The perpetrator thinks they can get away with violence.

Brenda explained that there were several limitations to the BIPs. For one thing, there was no stick, i.e. no real enforcement. In her experience in Fairbanks, PTRPs were not always filed when the BIP reports non-compliance; if one was filed, it might not be adjudicated until 6 months down road or longer, by which time the perpetrator may be off probation. There was also no carrot: there was no benefit to incentivize participating like getting one's license back.

Staffing could also be a limitation, because running a BIP takes the right person, someone who is comfortable with confrontation. The program also had a cultural limitation. BIPs use components of the Duluth model for their program, which was more geared towards middle-class white men. Others don't always respond to the program in the way they are supposed to. Brenda explained that she had

attended a presentation from a mens' group Atlanta, where it was explained that it wasn't effective to lecture a man about not oppressing others when he is also being oppressed.

The structure of a BIP is to have regular peer groups with a facilitator. The curriculum is ongoing, so participants can start any time. The BIP curriculum addresses 8 key themes:

- (1) Nonviolence;
- (2) Non-Threatening Behavior;
- (3) Respect;
- (4) Trust & Support;
- (5) Honesty & Accountability;
- (6) Sexual Respect;
- (7) Partnership; (includes parenting, economic, shared responsibilities)
- (8) Negotiation & Fairness

Methods vary. The idea is to get them to recognize when they are using power and control. Often participants will think of themselves as the victim. Homework is required by regulation, but requiring homework may not be effective. Sometimes the victims will complete the homework for the perpetrator.

Denise Charles: Privately-Funded Batterer's Intervention Program

Denise Charles is the director of the Men & Women Center, which has been operating in Anchorage for 21 years. She explained that the Center offers a BIP that works very similarly to the state-funded BIPs. They start everyone with 12 weeks of education, then use a process group for the remainder of program, which is 36 weeks total. They will also work with women. Often women perpetrators can be convicted for reactive violence, but they still need some help figuring out how to be healthy in a relationship.

Brenda asked what model they used. Denise said it was a modified Duluth model; they use some of the Duluth ideas like the power and control wheel, and also add psych ed and cognitive behavioral therapy.

Teri said that her impression was that the only people in BIPs were those identified as high risk through an assessment. Denise said that was not necessarily the case, and that the Center also works with first-time offenders who might have a lot of needs to be addressed. Brenda asked whether all participants were court ordered. Denise said that some were self-referred. Brenda said that participants in her program were mostly court-ordered, and that often participation in a BIP is used as a bargaining tool in the plea bargaining process, so that first-time offenders will agree to a plea if prosecutors allow them to forgo BIP participation. This means that BIPs often miss those first-time offenders. She also noted that if someone was ordered to her program that was truly not appropriate, she will write to the prosecutor to see about the getting condition to participate removed.

Denise said that participants are also sent to her program for a 12-week anger management class for first-time DV offenses (other programs are not necessarily state-approved for anger management). That can be problematic as the anger management program is not mandated to communicate with victims and 12 weeks is not enough time to get someone to make a lasting change.

Denise added that for enforcement, someone from the prosecutor's office monitors her program for noncompliance, and she considered that process to be pretty effective.

Teri noted that the Judicial Council had recently worked with CDVSA to inventory all the BIPs (state-funded and privately-funded) in Alaska and she appreciated Denise's response to the Council's survey. From that response, she had noted that it looked like around 50% of participants in the program are in a continuing relationship. Denise said that was true, although it didn't really affect the nature of the program. Regardless of the relationship they will contact the victim and ask if the victim wants services. They can get a lot of resistance, as victims don't always want to participate, saying "it's his problem."

Brenda said that was why they keep the victim services program and BIP separate—there is a lot of lack of trust in the system, and they need to tell victims that their participation is absolutely confidential. Her organization also has a partner's group. Victims often don't want to engage if they are not with the person anymore.

Denise said that the Men and Women Center tracks participation; of the participants referred, 50% show up, and about 50% of those who do start the program actually graduate. They also do see people return to repeat the program. Katie asks what the consequences were for people who did not show up or did not graduate. Denise wasn't sure; they send the information to the prosecutor's office but they don't hear about anything subsequent. Katie thought that for reducing recidivism, accountability was key. Denise said that follow-up by the prosecutor's office was a lot better now with a new person to track these cases at prosecutor's office—there had been a backlog. Sarah said that for the municipality of Anchorage, if a PTRP is filed, the defendant is given a chance to go to the program before the revocation is adjudicated, and they set the case on for status hearings to ensure compliance.

Laura Brooks: DOC

Laura Brooks is the operations manager of the division of Health and Rehabilitation Services at DOC. She explained that DOC has had a longstanding partnership with CDVSA to work on DV issues statewide, and noted that Alaska has the highest or near highest rates for DV in the country. People in DOC's institutions are a captive audience and represent an opportunity to address DV among perpetrators, but programming is limited; DOC only offers DV programming in some facilities.

DOC also struggles with addressing the high-cycling misdemeanor population; many people who are booked into jail bail out, so it is hard to plan programming for the pretrial population. They can bail out without warning and can often be sentenced to time served. Typically the defense bar doesn't advise clients to participate in DV or SA programming while pretrial. DOC can offer pretrial defendants anger management programming, but that isn't adequate to address DV.

DOC has DV programs in Goose Creek and Lemon Creek, and has some programming in Wildwood and Fairbanks. They have a hard time finding providers. They don't have a program for women at Hiland, nor do they have a program at Spring Creek, which houses people serving long-term sentences; it's generally very difficult to find providers there.

DOC is working on developing a program for victims; there are female and male offenders with significant trauma history. DOC's intervention for this population has thus far been at the crisis intervention level. DOC has trouble finding the resources to deal with deep trauma. They are developing a pilot program for Hiland that will recognize participants' complex trauma history. DOC is very dedicated to evidence-based practices such as using cognitive-behavioral therapy to make sure its programs are effective. One way to gauge effectiveness is recidivism, and they are trying to get programs to measure recidivism using a 3-year standard.

Laura explained that there had been a huge effort to update and revise the BIP regulations about 4 to 5 years ago, and she was not sure why that project stalled. DOC has resurrected the effort and is working with CDVSA on it.

Teri wondered whether, if there is programming offered in institutions, how well DOC is able to track whether participants continue with programming after release. Laura said it depends on the program. For DV programs, they are partnering with CDVSA about how to improve in that. Transitions out to the community are always difficult, because people are often not released to the same community where the facility is.

Laura said DOC was also trying to grow the peer mentoring piece. They have federal grants to develop peer mentoring and community case management, focusing on those who are 90 days pre-release.

Sean asked what a typical sentence might be for a first- or second-time offense DV assault. Sarah said that the sentence for a first-time offense could be suspended, and the sentence for a second-time offense could be 20 to 30 days. Sean asked what services a person might get in jail if they were serving 30 days or less. Laura said it would not be much. Programs are typically longer than 30 days. For a sentence under 30, they would not get an LSI-R risk assessment. There were limits on what DOC can provide in a short timeframe. Teri noted that per HB 49, LSI-Rs were required for people staying longer than 90 days.

Sean asked whether there were any services for victims, if the offender is incarcerated for longer than 30 days. Laura said there was no outreach other than to tell them about VINE. They don't offer mediation or anything like that.

Brenda said there was a program at the Fairbanks Correctional Center that allows people to start the program while they are in custody, and once they are released, they can move to the same program in the community; the two programs are synced. Even then it's still hard to get people to show up while they are in the community. But some people do opt in for 2 to 3 weeks, so they might at least get to the point where they think "maybe this isn't normal."

Troy noted that it was universally difficult to get people into programming when they are serving short stints in prison, no matter where in the US.

Sarah noted that sometimes a person on probation has to put their community treatment on hold while in custody for other crime.

Laura said that DOC was trying to get something in place for pretrial defendants along the lines of psych ed. She thought the model of having an education component before the group therapy component was a great model. The pretrial population is not necessarily motivated to do anything because the court hasn't told them to do anything. DOC was planning pilot programs to see if there was any interest.

Laura explained that prioritizing an individual's needs varies with the facility. Everyone gets a brief screen for physical health, mental health, and substance use. Referrals depend on what's available in the facilities. A 24-hour acute psychiatric facility is available in Anchorage, while at the Yukon-Kuskokwim facility, there was just one nurse there during the day. For individual programs they tend to triage by high needs/high risk. Right now, there were no waitlists for DV programs at DOC facilities.

Tori Shanklin: Victims for Justice

Tori Shanklin is the executive director of Victims For Justice, a nonprofit which helps victims of crime in Alaska. Tori explained that VFJ specializes in helping victims of crimes, especially homicide; about 20% of their total caseload includes DV-related crime. They work statewide but primarily in Anchorage. They accompany people to court, and explain rights what their rights are and what the criminal justice processes entail. They don't do prevention work. They work with partners to provide victims soft handoffs to people who specialize in services that the victims need. They also partner with APD, prosecutors, and the VCCB. Right now they are working with the VCCB to provide training for service providers across the state on how to help victims access VCCB funds.

- Rebekah Moras: ANDVSA

Rebekah is a policy specialist with the Alaska Network on Domestic Violence and Sexual Assault (ANDVSA), a state coalition of about 20 programs (with more about to come on board). Most programs offer dual DV/SA services; AWAIC is the only program with a DV-only focus. ANDVSA works on strategic planning for prevention and partnership, and supports the member programs. They are working with the Alaska Native Women's Resource Center on bringing attention to the problem of missing and murdered indigenous women. They also work closely with CDVSA. Rebekah added that she was very new to this position and she welcomed ideas for partnership.

Brenda added that ANDVSA also has a pro bono legal services project, which a lot of her clients access. Rebekah agreed that was a big component of what ANDVSA does.

Suzi Pearson: AWAIC

Suzi Pearson is the executive director of AWAIC, a domestic violence shelter in Anchorage. Suzi noted that the Alaska Victimization Survey found that nearly 50% of women in Anchorage had experienced domestic violence, sexual assault, or both in their lifetime. An estimated 8,000 women experienced one or both in a 12-month period. AWAIC has been operating for over 40 years, and they are the only shelter in Anchorage and one of more than 20 shelters in the state. AWAIC's core focus is on providing shelter and intervention, but their programming geared toward prevention is increasing as part of a growing realization that prevention is the only way to stop the generational cycle of violence.

AWAIC has a 52-bed emergency shelter that has been at or over capacity for more than half the time in the last decade. They are seeing an ever-increasing demand for their services especially in emergency services. In addition to the shelter, they have a 10-bed transitional housing facility, rapid rehousing grants, rental assistance, case management, legal advocacy, and wraparound support.

AWAIC serves around 1600 people per year for needs related to domestic violence, and they partner with ANJC and STAR to help victims of human trafficking and sexual assault. They had to turn away 800 people last year either due to a lack of resources or because they were ineligible for services.

Suzi explained that AWAIC's prevention and education work included youth outreach, presentations to the community and training professionals. Two staff work in prevention and they are can't take in all requests, especially for youth groups. That program has grown 200% in the last two years.

They partner with a variety of groups; for example: referring people to ANDVSA's pro bono network, hosting an ACMH counselor on site (which helps ensure safety), and embedding an advocate

at CITC. They also partner with other shelter spaces to provide emergency cold weather shelter such as church, Catholic Social Services, Beans, and Covenant House.

AWAIC mostly relies on grants and donations, having the benefit of great relationships in the community. They need more paraprofessionals—for prevention in particular—people who have some education or experience in social services. Right now, they can't accommodate the demand for prevention and outreach. They are expanding their shelter facility to meet demand. The expanded facility will have 15 beds and an on-site shelter for men (right now they are given vouchers to stay at hotels/hostels), and it will have space for partner organizations. That should be done in November 2020.

Tami Jerue: Alaska Native Women's Resource Center

Tami is the executive director of the Alaska Native Women's Resource Center, which was formed from a grassroots effort in 2013. They are one of several tribal advocacy organizations around the state, and they work with tribes on addressing the high rates of domestic violence and sexual assault that Alaska Natives experience. Tami explained that there are many barriers to addressing those rates including a lack of accountability, and lack of services. These were complex issues compounded by rural isolation and a lack of law enforcement.

ANWRC provides technical assistance and training to Alaska Native communities all over Alaska, and is involved in policy and advocacy work at the state level. They have limited resources and don't do direct service. They try to work with the private, public, and non-profit sectors in Alaska to help them get a greater understanding of tribal issues and the lack of resources in Alaska Native communities.

Brenda asked if they did any work with tribal court compacting for diversion. Tami said yes, they did a lot of work with the tribal courts. Some courts work with DV, some have diversion agreements, and some are just forming, figuring out what they need to address accountability. ANWRC also works with tribes on developing their tribal codes or ordinances.

Tami said she wanted to echo the need for culturally relevant BIPs, especially for rural areas, so that people get the opportunity for behavior change. Programming for offenders has struggled with issues of diversity and accessibility.

Katie asked whether Tami had any recommendations for BIPs that would work for Alaska Natives, and wondered whether there were any programs for Native Americans in the lower 48 that might work. Tami said there was not a whole lot out there. There was a project in the Dakotas but that was specifically based on Lakota Sioux values. There were related projects in Alaska such as traditional men's houses, which give men guidance on how to be good men. Those were not funded. Tami noted that communities don't necessarily want to lose men to the criminal justice system, what they really want is to change their behavior.

Brenda asked whether Tami had any thoughts on mandatory arrest, and whether that policy affected whether people were willing to call law enforcement. Tami recalled having a conversation with the Alaska Attorney General in the late 70s about that, as part of an effort trying to get laws changed nationwide. At time, the thought was that mandatory arrest was a proactive idea, but over the years we've learned that often when law enforcement arrives, people just want help with de-escalation. When someone ends up being put in jail, people learn that that's the consequence of calling so the next time, they don't call. She added that mandatory arrest can often lead to women/victims being arrested for defensive or retaliatory violence. She would support changing the law, but she was not sure what the answer is. She noted that people can't get services once they're arrested.

Shirley Moses: Healing Native Hearts

Shirley Moses is the director of the Healing Native Hearts tribal coalition, based in the TCC region. It is one of 19 such coalitions in the US, and is funded by the Office on Violence Against Women. It was formed about three years ago. Healing Native Hearts offers support, resources, training, and technical assistance to Alaska's villages. They work with the village to identify what is needed, which is different for every village. They work in partnership with shelters and other DV programs. They provide culturally relevant training.

Healing Native Hearts also has two advocates, who are trained in advocacy and SART services, and one is trained in legal services. Shirley explained that this is an area they want to build on; their advocates can enhance the response to DV/SA, as well as human trafficking. They are also working on a documentary on missing and murdered indigenous women.

Alaska Domestic Violence and Sexual Assault Intervention Program (ADVSAIP)

Suzi explained that this program was a partnership with Anchorage Public Health, APD, and municipal prosecutors. It grew out of an effort in Anchorage to identify what more is needed for accountability and victims services in domestic assault cases. Three years ago the state invested funds to make this program operate statewide, but that funding was not renewed, so the program now only operates in Anchorage. Barbara Dunham explained that Janet Johnston from Anchorage Public Health had forwarded some data associated with the project that she could send to the rest of the group.

Rhonda Street with APD explained there were two APD compliance officers who work in the municipal prosecutor's office as part of this program. The officers are plainclothes, and investigate whether people are complying with conditions or release. Becca Tuominen, also with APD, said the two officers handled about 500-600 active DV cases. Any time they get a report of noncompliance, those officers are sent out.

Rhonda explained that she and Becca were DV investigators. They read all reports in DV cases and flag cases that need more investigation; they can re-interview people, apply for search warrants, and follow up with victims at the courthouse. Becca said that in essence they try to make sure the case is a prosecutable one. They also follow up with medical records. Rhonda added that they also listen to jail calls between the victim and defendant. They take walk-in questions.

Sarah said she was not sure what the Municipal Prosecutor's office would do without them. She added they also have full time staff person who can enter bail conditions and no-contact flags into APSIN. Katie thought that entering the conditions of release was huge, since it offered real-time accountability, at least for municipal cases in Anchorage, and they were also doing this in Fairbanks. This was a major gap for other locations.

Katie asked whether Rhonda and Becca investigate misdemeanors or felonies. Becca said they do both, any case that is flagged as a DV case.

Rhonda and Becca were asked how, when reviewing DV case reports, they determine what needs attention. Becca said they look for completeness, and whether the case has what's needed to get to probable cause. They pay attention to the severity of the crime and whether the accused has repeat offenses. Rhonda said they particularly look for strangulation and second-degree assaults. The officers who responded to the call or the DA assigned to the case may have flagged the case with concerns, and had no time to investigate themselves.

Brenda asked whether reviewing these cases helps in situations where the victim is arrested. Becca said she couldn't recall a recent dual arrest case. Rhonda said that was the kind of case they would look into further. Sarah added that at the Muni, if they see such a case, they will dismiss the charges against the victim.

Sean noted that sometimes those cases involve situations where the right person was arrested on that particular night, but overall, that person is the victim. He would guess those case get screened out.

Charlotte Rand, Susie Frenzel: Department of Law/Special Projects

Charlotte Rand explained that she works on special projects for the Attorney General. When AG Clarkson started, he expressed a strong interest in sex trafficking. We know trafficking is happening, but are not seeing a lot of prosecution. Law wants to build the state's capacity to successfully investigate and prosecute sex trafficking, in part by working with federal and state law enforcement officers. Federal law enforcement has a robust trafficking team that helps victims in addition to investigation and prosecution. The state is trying to build on that model. Prosecutors are getting training. There are elements that are similar to DV cases such as safety issues, and the victim being isolated by the perpetrator. They are trying to get baseline data; some data already exists from Covenant House and the CDVSA, which they are trying to improve on.

Charlotte said that for DV cases, Susie Frenzel coordinates the victim-witness paralegals, who act as liaison between the victim and the prosecutor. Barbara wondered how many of their cases were DV cases; Charlotte said she wasn't sure but could find out.

Brenda wondered whether it was possible for AJIC to take a look at prosecution data, perhaps tracking cases from arrest to prosecution. Troy said that was possible to an extent. In the past they've analyzed cases filed, and they could follow those cases through to disposition.

Teri added that in the past, the Judicial Council has gotten Law data about the number of cases that came in, and the number screened out, by type of offense. Charlotte said that Law does have that data and said that Troy or Teri could send her an email with data requests.

Sophie Stratton: Law/Prosecutor perspective

Sophie Stratton is a prosecutor in the Special Victims Unit for the state at the Anchorage DA's office; before that she prosecuted DV cases for the Municipal Prosecutor. She thought it was rewarding, complex work. She believed the criminal justice system was best deterrent available, but that focusing on rehabilitation was best real solution to prevent future crime. She tries to think about what would be the best solution in the long-term in all her cases. If the state is just incarcerating people without providing an opportunity for rehabilitation, the cycle will continue. She also knew, however, that rehabilitation is difficult to achieve. She knew that efforts should target those in middle ground in terms of risk: people who can be rehabilitated but are not so low risk that they will self-correct, and not so high-risk that they need isolation.

She noted that there were evidentiary rules that were helpful in prosecuting DV cases, such as being able to use a defendant's prior bad acts in some circumstances, and prior inconsistent statements are not hearsay. APD records audio for victim statements, which can be used along with grand jury testimony.

Sophie noted that there were also issues with DV prosecution in Anchorage. The Municipal Prosecutor suffered from a shortage of resources, with four DV prosecutors taking on a caseload of

200 cases each, which is unwieldy. These cases are complex, and need a lot of victim/witness interaction. It's also resource-intensive for the defense. All prosecutors in Anchorage are asked to do a lot with limited resources, and she thought that also held true for defense attorneys working at the Denali Law Group, Public Defender, and Office of Public Advocacy. In the Anchorage SVU, there are eight attorneys, three of which focus on sexual assault, while the rest focus on felony-level DV, carrying 100-200 cases each. Those cases include all DV cases per the statute; at least 60% of the cases involve intimate partner violence.

Sophie explained that there were also issues with victim contact. At the Muni, attorneys do a lot of the victim contact; there is one grant-funded position for victim notification, and substantive questions go to the attorney. In the DA's office, there are victim/witness paralegals who take the majority of victim contact. Their policy is if the DA talks to a victim, the paralegal is there too. She thought cases were easier to prosecute when the prosecutor contacts the victim directly. She refers people to OVR, which is good for explaining the criminal justice system and advocating for the victim's interest, and to VFJ which can help with applications to the VCCB.

Sophie observed that victims can feel revictimized by the criminal justice system. Bail no-contact orders are hard to understand, and victims have a hard time engaging in services. In the pretrial period, victims have often lost support from the defendant partner, and often find that prosecution is not as important to them as returning to normalcy. This is why providing victims with wraparound services is key. DV cases are far more difficult to prosecute without a cooperative witness.

Sophie said that Law tracks DV dismissals so they can potentially be used as evidence of prior bad acts in future cases. They also have access to prior police reports for cases that were not prosecuted. Also, DV cases are not taken off Courtview if they are dismissed without prejudice. There is no communal tracking system for old cases for both the State and Muni offices, so if one agency wants to know about a defendant's old cases from the other, they have to call and ask.

Follow-up investigation is huge in DV cases; often there are jail call confessions, which they can request from DOC. Night-of photos are not always the best evidence since physical signs of injury are not immediately apparent; follow-up photos and medical records help. Compliance checks are huge.

The time it takes to resolve cases can be a barrier to prosecution; some cases take 12-18 months to resolve. That is a long time to go with a no contact order. Other jurisdictions have expedited dockets for DV, some within the 6-8 week timeframe for one, which would engender much better cooperation. The logistics for that here would be difficult.

When cases go to trial, educating juries about what DV looks like is an uphill battle. The Choose Respect campaign helped—getting those stats to the population at large was important.

Teri asked whether a time to disposition average of 12-18 months was for felonies? Sophie said yes, and that the average time for misdemeanors was more like 9-12 months. Sarah added that DV cases were more likely to go to trial. Sophie noted that some misdemeanors resolve at arraignment, which could skew the average. Troy said that the data could probably account for cases that went to a plea deal or trial. Teri suggested working on getting that data for the group. Brenda noted that she frequently sees cases consolidated, and other cases dismissed. Troy said that was also something that could be accounted for.

Sean asked whether it was common to see victims ask for the no-contact order to be lifted? Sophie said yes, and estimated that happened in about two-thirds of cases. Typically she will not request bail hearing, because she didn't want to be responsible for something happening—having

pending cases is a risk factor for violence. There were a lot of reasons someone might ask for the order to be lifted, such as for the sake of the children, finances, or being in a reconciliation phase of the relationship.

Samantha Cherot: Public Defender

Samantha Cherot is Alaska's Public Defender. She explained that the Public Defender Agency represents indigent defendants across state in criminal, child protection, juvenile, and civil commitment cases. Their attorneys frequently see in their clients the effects of intergenerational trauma and substance abuse.

The PDA has 10 AmeriCorps volunteers throughout state that serve as client navigators. They work with clients daily to help them obtain services, housing, and benefits. They serve about 800 clients; last year, they helped 400 clients apply for substance use disorder treatment. For clients in Veterans' Court, they help with access to DV programming and anger management, which can be cost-prohibitive. Veterans' Court also offers clients an opportunity to create reunification plans and engage in couples counseling for DV-involved couples who want to remain a couple.

Nestlyn Barcelona explained that she is an advocate working with parents in CINA (child protection) cases for the PDA. CINA cases often stem from child safety issues related to parents' substance use disorders and DV; often the DV is related to substance use, as well as childhood trauma and inappropriate responses to stress. The PDA partners with community agencies to resolve these cases. Resolution can be a long process, because not everyone is ready to change. It takes patience and time and involves difficult conversations for both victims and perpetrators.

The PDA sees it as important to help its clients break the cycle of intergenerational trauma. The idea is to connect them to services and help them form better relationships. They find that it's hard for Alaska Natives to get culturally relevant programming, which is one reason why they use CITC a lot. Their programs include Parent's Journey and healthy relationship courses. These programs help clients identify triggers and alternative ways to handle crisis. They also have parent navigators who go into a client's home to model appropriate behavior. Often men are afraid of reaching out; CITC has great mentors who develop relationships their.

The PDA also sends clients to classes at the SouthCentral Foundation, which has classes such as the Family Wellness Warriors Initiative which helps people grapple with DV, substance use disorders, and trauma. AK Youth and Family has several federally granted family and individual therapy programs and peer navigators. The PDA's hope is that if they connect clients to services, they will be less likely to see state intervention in the future.

Brenda wondered about trying to implement programming for people between arrest and conviction, and whether, if there were pretrial diversion or a therapeutic court, they thought that would be beneficial? Samantha said for the PDA, that would be a case-by-case determination; if a person was wrongfully charged or over-charged, maybe not, but in other instances clients could benefit from resources. They want help, and don't want to sit around doing nothing while their case is pending.

Brenda said she also heard that the SEJ dispositions were heard not being used, and wondered if Samantha knew why not. Samantha thought that it just wasn't offered that often, but said she could look in to it. She had seen deferred sentencing agreements but SEJs were rare. Barbara noted that was backed up by the Commission's data showing that they were used in only a fraction of eligible cases. Troy added that SIS cases were also fairly rare.

Sarah said she couldn't speak for the Department of Law, but the Muni does offer deferred sentencing for DV cases—usually just first-time offenses. If a person can successfully go without reoffending, the Muni will ask for a dismissal. Troy wondered whether that was a factor that could affect average time to resolution. Sarah thought it probably would.

Sean asked whether it was common for people in Muni cases to stay in jail through trial or disposition. Sarah said no, they usually bail out. Bail can range from \$1000 unsecured to \$300 cash with PED supervision. Sean asked whether this meant that DV defendants were often out of jail relatively quickly. Sarah said yes, although having a bail condition of EM or PED monitoring can slow release down if the appropriate office was not open. Samantha pointed out that bail conditions usually prohibit defendants from returning home if they are released.

Public Comment

Sam Duke said that in observing criminal justice policy discussions he had noticed a lot of reactionary talk, and thought it would be interesting to see more discussions about prevention.

Workgroup goals

Sean noted that the workgroup had developed a long list at the last meeting about what the workgroup was interested in looking at, and that it was helpful to hear what programs and services are out there today. For him, what struck him most in looking at the data was the overrepresentation of the Alaska Native population among arrestees. He also wanted to look at what happens when a victim and offender want help immediately; the system was not designed for that. He wondered how they could get access to services at the time of arrest, and whether that could prevent compounding problems downstream.

Teri asked whether he was referring to people accessing services as a couple. Sean said yes, often the parties want to get back together. He thought that Anchorage was doing a good job in terms of following through with prosecution, perhaps better than in most parts of the country. But not when the couple wants to stay together.

Teri wondered how shelters such as AWAIC saw this dynamic play out. Suzi said that AWAIC mostly dealt with emergent issues, but noted that people do go back to their abusive partners. There can be significant substance misuse issues within the relationship, and people can be codependent. People who are using stay with who they know.

Brenda said that she often sees a vicious cycle involving delays in case processing, which leads victims to stop responding to law enforcement and prosecutors, which leads to the case being dismissed, and then the victim thinks there is no accountability for the defendant. When someone calls for help, they want assistance to get through the night. They're not in for a 12-month process.

Brenda added that victims are often tossed between the civil and criminal side of things, and they can find that hard to navigate. She wondered whether it would be helpful to look at a sequential intercept model for DV victims, starting with childhood, looking for opportunities to intervene. She was not sure about diversion on the night of, but thought there was a need to do something between arrest and conviction. Sean wondered about intervening at arraignment; at that point the defendant has been in jail overnight. They are now sober, are probably bailing out, and probably have a no contact order in place. Brenda thought there might be more victim involvement in an intervention at that point.

Sean wondered whether the effort should be victim-focused. Brenda thought the victim should be the primary focus along with rethinking batterers' intervention programming. She also thought that success should not be measured only in terms of recidivism.

Teri said she had been looking at BIP models over the last 8 months—there are a number of models out there. There are a lot of resources in Anchorage and more throughout the state. The question was how to fit those resources into a model that is useful, and can break down silos. She was interested to hear how much work is being done with case management at the PDA. She had heard that it was difficult for the PDA to get in touch with clients at shelters such as AWAIC. Suzi explained that they had to maintain confidentiality to maintain their funding, but knew that could be frustrating for partners who just want to help their clients. Brenda noted that the confidentiality helped protect the clients—they could always sign a release.

Teri thought it might help to think about victim needs as having two very different branches. If victims show up to services, they can get help. It is hard to reach those who don't want to participate in services or prosecution. The group might want think about what's more important: working with people who voluntarily go to services, or reaching the people who don't.

Brenda said the group should also think about programming for offenders. The Results First initiative led to diminished use of the BIPs. If courts aren't going to refer people to the BIPs, there should be something else in place.

Sean said that DV was different from most other crimes because the victim and offender have an ongoing relationship. And offenders who were probably victims at some point in their life. His thought was to create a response that would address both parties' needs simultaneously. It wouldn't be for all cases, but an option for couples who will get back together.

Samantha asked what the requirements were for deferred sentencing agreements with the Muni. Sarah said it depended on the case, but typically defendants would have to satisfy the requirements of any open OCS case and complete anger management. Samantha wondered if that process can be used to involve the victim also.

Becca wondered whether an intervention program could act like the homelessness intervention team; they would have 24-48 hours to get to the root of the problem, assess the situation for lethality, and follow up.

Troy said there was also the model of the problem-solving court, which staffs people trained to assess risk levels. These kinds of courts have been evaluated well. They are tricky to pull off, and more feasible in Anchorage or other urban areas. It's hard to do in rural areas because they are resource-intensive. Charlotte suggested looking at the CRP model.

Teri noted that problem-solving courts serve relatively few people compared to the magnitude of the issue, particularly if the focus was on the broad swath of moderate-risk offenders. She also thought there was more infrastructure being developed in rural areas with tribal courts.

Troy said at a basic level, they were talking about way to provide behavioral health services. Teri said that it would also require resources for victims such as financial support and housing. In order to benefit from behavioral health treatments such as cognitive behavioral therapy, people need to have their more immediate needs take care of first.

Sarah reminded the group to keep in mind that no one can oblige victims to participate in anything. The state or municipal prosecutor only has leverage over defendants. Teri added that much

of the federal money distributed under VAWA is meant to ensure the safety of the victims, placing the responsibility of helping victims outside the criminal justice system.

Brenda thought that was a good reason to focus on the offender. At her organization she serves the people who grew up in their shelter 20 years ago. She thought it was crucial to address ACEs. She also thought there was a need to normalize the idea that not everyone knows how to have a healthy relationship. Very few people actually make it through the BIPs; there was a need to start thinking about them differently—what we are doing now is not effective.

Future Meetings and Tasks

Sean said the workgroup would skip the meeting planned for January and resume meeting in March. In the meantime, he would work with Barbara to identify program models that have elements of what the workgroup had discussed.

Brenda said that whatever the group comes up with, it would be necessary to ensure that the Department of Law would sign on to it. Charlotte said she couldn't offer any guarantees. Brenda said that she would like to know more about dismissed cases. Troy said he could try to request the data from Law and the Muni.

Alaska Criminal Justice Commission
Domestic Violence Workgroup

Meeting Summary

Tuesday, November 12, 2019, 2:00-4:00 p.m.

Alaska Mental Health Trust Authority, Anchorage, and Teleconference

Commissioners: Sean Case, Brenda Stanfill

Participants: Katie Tepas, Rhonda Street, Becca Tuominen, Diane Casto, MaryBeth Gagnon, Rebekah Moras, Suki Miller, Lauree Morton, Charlotte Rand, Kimberly Miles, Colleen Ouzts, Sam Duke, Tory Shanklin, Suzi Pearson, Avi Slone, Jackie Boyer, Heather Hagelberger, Troy Payne, Janet Johnston

Staff: Teri Carns, Staci Corey, Susanne DiPietro, Barbara Dunham

Introductions

Captain Sean Case of the Anchorage Police Department (APD) explained that he was the law enforcement representative for the Criminal Justice Commission (Commission) and chair of this workgroup. His motivation in chairing this workgroup came from the fact that the system for addressing the problem of domestic violence hadn't changed much since the 1980s when Minneapolis started the first of the mandatory arrest programs. There had been attempts to do things differently with DV; some have worked, some may not have worked. He asked those present to share their affiliation and what they wanted to get out of the workgroup.

Brenda Stanfill explained that she was the executive director of the Interior Alaska Center for Nonviolent Living and the victim representative for the Commission. She said her interest was in addressing the offender-side gap in the system. Her organization and others like it get victims into services, but then often ignore the person doing harm. The funds currently designated for intervention for the person doing harm comes out of the funds for victims' services. Ignoring the root of the problem won't make progress. She thought Alaska needed to start thinking about trauma not just on the victim side but also regarding the person doing harm.

Katie Tepas said she was with the Alaska State Troopers and had been working on these issues since the Parnell Administration. It was frustrating that there had been many start-stop efforts over the years, and she was hopeful this group could produce lasting change.

Rhonda Street said she was an APD investigator working on domestic violence crimes and that she works with both victims and suspects. She was interested in developing a batterers' program that actually works.

Becca Tuominen she was also an APD investigator and also used to work in probation. She wanted to develop more partnerships with the court system.

Diane Casto explained that she was the executive director of the Council on Domestic Violence and Sexual Assault (CDVSA), which funds the Batterers' Intervention Programs around the state using general funds and DOC grants. She has recently been looking into best practices and informed practices around the country. CDVSA is collecting data right now and working with DOC to change regulations. The last attempt to change regulations didn't go anywhere. More recently the CDVSA worked with the judicial council to do a survey of all of the batterer's intervention programs. CDVSA would also be hosting a meeting with all the DV/SA grantee programs in the next two days.

MaryBeth Gagnon explained that she was the criminal justice planner at CDVSA, and was excited to see an interest in evidence-based programs. She noted that geographic challenges it make difficult to provide services to everyone in Alaska.

Rebekah Moras explained that she was the new public policy specialist for the Alaska Network on Domestic Violence and Sexual Assault (ANDVSA).

Suki Miller said she was a program director at Standing Together Against Rape (STAR), where they have noticed an increased demand for services this year over last year.

Lauree Morton said she was the advocacy initiatives director at ANDVSA.

Charlotte Rand said she was a special assistant to the Attorney General at the Department of Law, focusing on sexual assault, domestic violence, and sex trafficking. She was there to listen and pass on potential recommendations to the Attorney General.

Kimberly Miles said she was an advocate case manager at the Alaska Native Justice Center (ANJC), which provides services for victims and reentrants. She wanted to see more services for both populations.

Colleen Ouzts said that she was an advocacy paralegal at ANJC.

Teri Carns explained that she was a staff member of the Alaska Judicial Council which provided staffing for the Commission. She worked on the evaluation of the batterers' intervention programs with the CDVSA. She had done a lot of research into these issues over the years, and was there as resource, supplementing Troy Payne and the Alaska Justice Information Center (AJIC).

Staci Corey explained that she was also a staff member of the Council and provided research and analysis for the Commission.

Sam Duke said he was there as an interested member of the public.

Tory Shanklin said she was the executive director of Victims for Justice. Around 20% of their cases related to DV. She was interested in looking at evidence-based practices and early intervention.

Suzi Pearson said she was the executive director of Abused Women's Aid In Crisis (AWAIC), the only emergency shelter in Anchorage, which also provides case management and programming. She was interested in looking at ways to hold offenders accountable.

Avi Sloane said he was a researcher with AJIC.

Jackie Boyer said she was staff to Rep. Geran Tarr.

Heather Hagelberger said she was an advocate project coordinator with ANJC.

Dr. Troy Payne said that he was a professor at the UAA Justice Center and AJIC. He explained that AJIC provides technical assistance regarding data for the Commission, some of which he would share today. He had a lot of talented colleagues at the Justice Center, most of whom were at a conference and couldn't be at today's meeting. The Justice Center and AJIC were available to help inform policy and practice.

Janet Johnston said she was with the Anchorage Health Department, which was involved in the municipality's DV/SA intervention program.

Sean said he was most interested in working with moderate-risk offenders, rather than the most serious offenders or those who are unlikely to recidivate. He thought a one-size-fits-all model won't work, because DV is a crime that involves relationships, and relationships are complicated. That was one reason mandatory arrest actually might not work.

Brenda said that the group would probably have different opinions on that, and that would definitely be something to find data on. Sean agreed. He also noted that was typical with Commission workgroups, that there were a lot of different perspectives, which was a good thing, but there was also a tendency to spin wheels. He hoped everyone would come to this workgroup from the perspective of trying to accomplish something.

Data on DV

Troy said that this workgroup had developed out of discussions at the last Commission meeting, and at the time he noted that AJIC already had some data on this, things that had already been circulated. He worked up three two-page research briefs. This data was not intended to answer all questions, but was meant to generate questions. One problem in working with DV data was the broad definition of DV in Alaska's statutes. It can apply to intimate partner and family violence but can also extend to things like violence between roommates or even former roommates.

The data came from two sources, the court system and the Department of Public Safety (DPS). Each source flags cases with a DV indicator. It was not clear when exactly the indicator was set for the court system and for DPS it would be checked at disposition. The two data sets don't always agree on every case. For today's purposes, he had labeled a case a DV case if either database marked the case as a DV case.

Troy said AJIC came up with a data set of over 120,000 cases disposed between July 1, 2014, and June 30, 2019. Of those cases, over 23% were classified as DV cases, while over 24% included felony or misdemeanor assault charges. These two groups overlapped significantly; nearly 70% of the assault cases included one or more domestic violence charges. Because Alaska's legal definition of DV covers a wide

range of relationships, it made sense that a large proportion of assaults were between people with some prior relationship and that relationship would likely put them in the DV category.

While nearly 60% of DV cases involved at least one misdemeanor assault charge, there was also a diversity of charges; after misdemeanor and felony assault, criminal mischief was the next most common. The DV cases in this dataset contained over 700 different charges. Half of the cases had one charge, and the average number of charges was less than two. More than two-thirds of the DV cases resulted in a conviction on at least one charge and more than one-third resulted in a conviction on all charges.

Brenda asked whether the two-thirds of cases that result in guilt for one or more charges included all cases that started with a DV arrest. Troy said that the pool of cases consisted only of cases in which charges had been filed.

Susanne DiPietro noted that since two-thirds of the cases had a conviction on at least one charge, the remaining one third would not have had a conviction on any charge. She asked whether the third of cases that did not result in a conviction on at least one charge were all dismissals. Troy said that a small handful were acquittals or cases where no complaint was filed, and the lion's share were dismissals.

Sean wondered how this compared to other states. Troy was not sure.

Brenda said she appreciated having this data. She thought there would be more dismissals. Katie observed that the data did not capture cases that were sent to law enforcement for review that did not result in an arrest or any charges filed. Troy said that was correct, and that it was safe to think of this pool of data as cases that have been filed in court.

Sean wondered whether Troy had information on the length of incarceration for DV cases and the portion of that time that was spent pretrial. Troy said it was theoretically possible to get that information, but he didn't it in today's data. He did have some recidivism data but was not able to determine whether the people in that data set were in jail. Sean said the interesting for him was whether defendants were being released immediately post-arrest. If the group wanted to look at moving away from mandatory arrest, the question would be how much would that increase the risk to the public? If most defendants are released immediately, then maybe there would be little to no difference in risk. Troy said he could try to pursue getting that information from DOC, though DOC fields a lot of requests and it would be on their time schedule.

Brenda thought it would be good data to have. She asked what Sean was thinking in regards to mandatory arrest, noting that there would probably be concerns about that in this group. Sean said that doing something different for DV cases might involve not arresting defendants, since that has been the traditional approach. A significant concern would be whether that person would then reoffend. But if defendants are not staying in jail anyway, that risk already there.

Katie said that she would be one of those who would have concerns about eliminating mandatory arrest. She saw the need to think about the whole system.

Susanne said that the Commission did have sentence data, which would not be hard to get. The hard part is how to display that data, because in sentencing averages are almost meaningless since sentences depend on many different factors. Teri noted that sentence data was different from length of stay data.

Troy said he was hearing the beginnings of research questions. At this point he could analyze data forever, and wanted to know what would be most useful to the group.

Sean thought that looking at Assault 4 was important, and length of sentences for that offense, along with prior history. Information on average length of stay is interesting but more useful if informed by prior history.

Troy noted that other countries use a harm index for DV offenses. The index looks at harm score for the whole case as a way to get around looking at only the most serious offense in the case. It better accounts for facts on the ground.

Brenda said in the past advocates have observed that defendants are not always getting convicted on a DV charge—for example, they would be allowed to plea to a VCOR (violation of conditions of release) rather than the underlying charge for which the defendant violated their conditions of release. She wondered if a harm index could clean up that issue. Troy said it was possible by looking at arrest charges, rather than conviction charges. It was true that convictions are often based on what the DA and PD agree to, which can make people queasy if they are new to the system. It is easier to prove a VCOR and prosecutors wouldn't have to rely on victim testimony.

Katie said that was also an area to look at: whether conditions of release are actually working, and helping keep victims safe.

Troy said that there was a lot of information that doesn't make its way into databases. At some point it might be worth looking into court files and police reports, though that might be a larger project.

Troy explained that his next handout looked at demographic data on the FY 2015 conviction cohort. This data primarily used DPS data, and if a case had a DV flag at either arrest or conviction, it was included among the DV cases. The data showed that 54% of DV cases for the FY 2015 conviction cohort had Alaska Native or American Indian defendants, while 34% had white or Caucasian defendants. Almost the inverse was true for non-DV cases in the same cohort; 54% of non-DV cases had white or Caucasian defendants while 32% of non-DV cases had Alaska Native or American Indian defendants.

The average age for both DV and non-DV defendants in this cohort was similar (32.3 years and 32 years, respectively). There was a greater percentage of female defendants among the non-DV defendants as compared to the DV defendants.

Teri noted that the total overall justice-involved population tended to be mostly Alaska Natives and Caucasians, and other ethnic groups were typically a much smaller share.

Brenda wondered whether there was demographic data for people who weren't convicted. Troy said there was. Sean wondered if there was demographic data on the victims. Troy said that the data he looked at did not have information on victims.

Brenda said this data underscored the need to find culturally sensitive programming for those doing harm. The power/control model that many programs use is not very applicable to oppressed people, so that model didn't necessarily work for Alaska. Teri wondered if culturally sensitive programs were available. Brenda said she had been doing a lot of reading on programs used in various jurisdictions and it was a struggle to find something that looked right for Alaska.

Diane noted that the programming that exists now was a one-size-fits-all model per regulation. One thing that struck her the most in performing a literature review was that the question was not "do these programs work or not work?" It was more that some pieces of some programs work sometimes for some people in some circumstances. She thought the group should think about variables like risk, lethality, gender and culture. Solutions will have to be creative, have options, and have a good assessment tool. The intervention should suit the person and have evidence it will be successful.

Troy agreed. In the corrections context, this was called the risk-need-responsivity principle. Interventions that are successful account for risk, look at the individual's needs and are responsive to those needs.

Brenda said there also needed to be a system of accountability. Often people are in intervention programs because they are court-ordered. The court tells them to go, but no one watches to see if they do. If no one follows up, it can reinforce to the victim that there is no accountability.

Colleen wondered whether there was any data on substance use in DV cases. Troy said that information wasn't available in the data he had today, unless a DV case included a controlled substances charge, but that would be a poor approximation. Katie noted that DPS and the Justice Center did a study of DV cases from 2008-2011 that had some information on that. Susanne noted that the Commission had just completed a study of risk factors among people incarcerated or supervised by DOC that indicated a high prevalence of substance use.

Teri said that in the survey of batterers' intervention programs she mentioned earlier showed that 70-80% percent of participants had substance use problems. Most studies she was familiar with showed that 60-70% of justice-involved individuals have mental health issues and 80% have substance use problems. There was no reason to assume things would be different for people in DV cases.

Troy said the last of his handouts provided estimates of recidivism in DV cases. He specifically looked at whether, among the conviction cohort from FY 2015, there had been a re-arrest by the end of FY 2019. He specifically looked at re-arrests for DV assault, meaning an arrest associated with at least one DV charge and at least one assault charge.

Of those who were originally convicted of a domestic violence offense in FY 2015, 60% were rearrested and 35% were re-arrested for a DV assault. This painted a grim picture but the result was not that different for people who were originally convicted of a non-DV assault: 58% of people convicted of non-DV assault were rearrested and 26% were re-arrested for DV assault. Of the total pool of people convicted on a non-DV charge 49% were re-arrested and 15% were re-arrested for a DV assault.

Troy noted that this recidivism data doesn't account for time spent at risk. The FY 2015 could include people who were in jail for the whole follow-up period. It was therefore safe to say that this recidivism data represented a floor.

Sean asked whether there was any information available on recidivism and the success of intervention programs. Troy said that AJIC had been hoping to get federal funds to study that, but unfortunately the funding wasn't granted. Studying that would be a substantial project.

Teri said that based on the survey of CDVSA programs, it seemed as though every one of them was different. In the survey, they asked the how often the providers changed their program, and some programs change their model yearly. It would be very dicey to try to measure the success of these programs over time. Troy said that was one reason why it was so frustrating that the proposed study was not funded—they had developed a plan for that. They will try again, hopefully coming up with an even stronger proposal. But they would be a ways out from having usable data.

Sean said it looked like any impact to DV crime rates would also have an impact on violent crime rates. Troy said it was fair to say that violent crime statistics are driven by assault crimes, and assault crimes are generally driven by DV.

Katie wondered whether it was possible to break down the data by the type of relationship involved. Troy said that information was not in the databases/readily available; getting that information would require going into police reports. Susanne said you could also probably get that information from the court file complaint.

Katie said one question for the group is whether to focus on all DV cases or intimate partner violence (IPV) only.

Brenda said she wanted to know who in the cohort was high- or low-risk, and how many people in the group were counted more than once. Troy said it was possible to see how often a person was arrested over time, which was an imperfect proxy for risk.

Katie wondered whether it was possible to calculate time at risk? Troy said yes, it was possible to get information on how long a person was in the community and able to recidivate. But that information would have to come from a special request to DOC, which has limited resources for pulling data. Brenda said it seemed like it was worth getting. Teri noted that DOC's data analysts will be booked once the legislative session starts, so if the workgroup wanted that information it should ask for it as soon as possible.

Sean said that at the top of the meeting, a lot of people mentioned best practices, and noted that it was a challenge to take best practices from elsewhere if circumstances in Alaska were quite different; also, there didn't seem to be a lot out there on cause and effect.

Troy said that AJIC could do a systematic review of the available literature, though some work had already been done by WSIPP in Washington and Results First in Alaska.

Katie wondered whether APD had relevant data. Rhonda said she wasn't sure off the top of her head, but the health department might. The domestic violence and sexual assault intervention program was

funded through the Anchorage Health Department. There were also two officers working undercover full time looking for people who might be violating the conditions of their release. Katie said she would be curious to know more. Rhonda said she would try to get more information.

Troy noted that he did not have any data on victims, and getting that information would probably involve data sharing, probably with law enforcement. It would be helpful to have data on re-victimization in particular. Teri said some of that information was available through the information provided by the batterers' intervention programs. The survey of those programs found that more than 50% of the people in the intervention programs were still in a relationship with the victim, at the victim's request. She thought it was hugely important to get information on. Troy said it was also important to know if people convicted of repeat domestic violence had an ongoing relationship or serial victims.

Diane said that CDVSA's grantees collect data on all victims who come through funded programs. CDVSA is trying to up its data game. They are in the process of figuring out what they need to be asking. They would not have data linking victims and offenders.

Troy said he was happy to take any additional data questions any time, and if people thought of questions later they could send them through Barbara.

Workgroup goals

Sean asked everyone for their thoughts on what the workgroup should accomplish.

Brenda said the idea of revisiting mandatory arrest held significant concerns for her. She said that when that policy was implemented, DV deaths went down, and when the shelters opened, male deaths decreased. She thought this spoke to the concept that separating people helps in reducing lethality. She wanted to focus on accountability- looking at when someone who can be rehabilitated should be shown leniency and when someone who needs isolation should face significant jail time. She explained that conditions of bail release are made available to law enforcement in Fairbanks, she thought that policy should be implemented everywhere.

Katie said she would not want to start by looking at mandatory arrest. She noted there had been various efforts in the recent past that have not gone anywhere yet. There was talk of using the ODARA assessment tool for DV offenders and starting a program that would operate like PACE for DV offenders, and she wanted to know what happened with that. DOC was looking at ACES among offenders and addressing trauma. She also wondered if the Anchorage DV/SA intervention project could go statewide. The WSIPP study found a containment model effective. The Department of Law has tribal diversion, and someone should evaluate whether that was working. There was the concept of a specialized DV court. She thought that DV needed to be addressed by more than one program, which was why her list was long. The group should also decide whether it wanted to look at high, medium, or low risk individuals.

Diane said it would be great to look into all of those things, but whatever comes out of this group, she really wanted to stick with it. She thought perpetrator rehabilitation was key, and nothing was going to be solved if those doing harm were left in the corner. Programming should not be one-size-fits-all. She thought the group could start with a few data-informed projects. Batterers intervention programs were always the last to be funded, and the last to get attention.

Suki wondered whether there was research on interventions that did work—i.e., who were the one-time offenders. Troy said he was sure some of that research exists, though it was not at the top of his mind. He thought a lit review might be in order.

Lauree agreed with Diane that whatever this group opts to do, it should be given a full opportunity for success. Barbara explained that Commission itself had a limited shelf life and could only make recommendations to policymakers. This group would need to make it clear to the legislature and/or administration that its proposals should be viewed as long-term.

Lauree wondered whether someone from DOC would be joining the group. Susanne said the Commission and designee participation in the workgroups was voluntary but staff could certainly encourage attendance.

Colleen agreed with Diane, and also liked Katie's idea of developing a DV court.

Rebekah said this group should also ensure the participation of Alaska Natives. Those voices should also be at the table.

Charlotte wondered whether there was a way to get at DV before it happens, looking at prevention. Diane said there were programs in place and she also had ideas for improvement in that area.

Public Comment

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

Future Meetings and Tasks

Sean said it sounded like the group needed a literature review on DV. Diane said that Barbara had sent an email containing a link to a lot of good information. Barbara said she could re-send the link and note which titles were the best reads.

Brenda suggested getting an introduction from people working in the field as to what they are already doing, so the group can become familiar with what's offered throughout the state. Presenters could be from tribal, state, or federal programs.

Sean said it sounded like that and a literature review would be on the agenda for the next meeting.

The group agreed to next meet on December 19 from 10am-2pm.