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TO: Alaska Criminal Justice Commission

FROM: National Crime Victim Advocate Anne Seymour
Consultant, The Pew Charitable Trusts, Public Safety Performance Project

SUBJECT: Victim/Survivor/Advocate Roundtables Summary Report and Priorities

Crime victims, survivors and victim advocates are important stakeholders in the work of the Alaska Criminal Justice Commission. Two Roundtable discussions were held in September 2015 to provide survivors and advocates with an overview of the Commission's work to date and future activities, and to seek their input in establishing priorities for crime victims and those who serve them in Alaska for review by the Commission. The Roundtable discussions were augmented by interviews with five survivors and nine victim advocates in Anchorage and Fairbanks.

There were 18 survivors, advocates and justice professionals at the Fairbanks Roundtable on September 16, and 11 survivors, advocates and justice professionals at the Bethel Roundtable on September 18. The second Roundtable sought to identify issues and concerns of victims and advocates in remote and bush jurisdictions in Alaska. Victim advocates at both Roundtables represented both community and system-based victim assistance services. A list of Roundtable participants is included at the end of this memorandum.

Welcome and Overview

At the Fairbanks Roundtable, Commission Member Brenda Stanfill, Executive Director of the Interior Alaska Center for Nonviolent Living, welcomed participants on behalf of the Commission and emphasized the importance of the Roundtables in identifying the most important needs of Alaska crime victims, as well as gaps in victim services. Commission Member Senator John Coghill noted that effective justice reform efforts require input and support from those most directly affected by crime – victims and survivors – and the victim assistance professionals who serve them.

At both Roundtables, Terry Schuster of The Pew Charitable Trusts provided an overview of the Commission's work and initial findings to date (a summary of this presentation has been emailed to all Roundtable participants).

Victim/Survivor/Advocate Roundtable Priorities

There are ten priorities for the Commission's consideration that would improve victim safety, services and support in Alaska:

1. Victim assistance services in remote and bush communities in Alaska should be strengthened to promote justice, healing and wellness, including (but not limited to) augmenting the leadership of village elders to support prevention efforts and victims who need help; the creation of "safe homes" for victims and survivors within villages; the encouragement and implementation of restorative justice practices that hold offenders accountable and promote victim safety and community involvement; expanded outreach to increase awareness of available victim services; and statewide training of Community Health Aides and Public Health Nurses to conduct basic rape kit examinations in villages.
2. Programs and services focused on crime prevention and bystander intervention should be strengthened to ultimately contribute to less crime and fewer victims in Alaska.
3. Basic victim services during the pretrial phase of criminal justice processes should be created to ensure victim notification, involvement and safety.
4. Evidence-based and culturally-competent programming and supervision for offenders should be developed and expanded, including batterers' intervention, restorative community service, and expanded supervision options for certain misdemeanor offenses.
5. The Alaska Department of Corrections should improve its capacity to monitor inmate communications (including telephone calls and visits) to prevent unwanted offender contact with victims and violation of no-contact orders.
6. During the parole and reentry phase of the criminal justice system, crime victims should also be considered clients; educated about their role and rights; and included in case planning.
7. Institutionalized training for criminal justice professionals should be regularly offered to teach about victims' rights; victim sensitivity; victim trauma (including the neurobiology of trauma, PTSD, and invisible disabilities); how to talk to victims; trauma-informed responses to victims; cultural diversity and competence; and crime prevention and bystander intervention.
8. Law enforcement officers who respond to domestic violence calls should receive additional training and oversight on how to determine which person is the primary aggressor, to avoid situations in which victims are misidentified as offenders.
9. Increased services for child victims and witnesses in Alaska should be provided to address their myriad trauma and safety needs.

10. Efforts should be undertaken in Alaska to improve language accessibility in all criminal justice communications and documents.

Victim/Survivor Issues Unique to Remote and Bush Communities in Alaska

The advice offered at the Bethel Roundtable to “think about bush regions differently than you might think of urban areas” is very important for the Commission to consider. As one participant noted, “there is no comparison.”

The dynamics in isolated communities in Alaska are different from other regions of the state. The majority of villages have fewer than 500 residents and there is often over-crowding. In many cases, victims and offenders are within the same family or are neighbors. There may be “contradictory dynamics” with some families seeking healing and other families being very upset and angry in the aftermath of crime. In cases involving suicide or homicide, everyone is affected, and behavioral health providers try to facilitate healing within villages after violent deaths.

Crime and victimization in bush regions of Alaska are detrimentally affected by very high and disproportional rates of alcohol abuse, which includes both biological and psychological factors; racial disparities in Alaska’s justice system; disproportionate numbers of Alaska Natives who are victims and convicted offenders; and high rates of poverty and unemployment, among other factors.

Some participants felt that law enforcement interactions with villages “are not positive.” There is often a lack of understanding about court and criminal justice processes; sometimes innocent people simply plead guilty because they don’t understand the process. This can result in people getting trapped in the system and being re-arrested over and over again, and victims who often feel “like they are the one in trouble.” In addition, Alaska State Troopers have many roles. For example, the Alaska Wildlife Trooper who issues citations or confiscates nets is the same person to call for domestic violence and sexual assault, which creates a barrier to reporting such crimes.

Outreach to victims in remote regions is difficult and expensive. Current efforts to partner with tribal councils and Alaska Legal Services to promote awareness of victim services need to be expanded.

Battered women face many barriers to justice and healing:

- When judges allow an offender to stay in the home, the victim (often with children) has to leave
- The alleged perpetrator may be a person in a leadership position in the village

- The cost of flying out of villages to seek safe shelter and supportive services is often prohibitive
- It is difficult in villages to maintain confidentiality; “everyone knows who is coming in or out on planes; and everyone knows when a Trooper is called to a home”
- A permanent move from a village to a larger community is difficult and expensive
- Fatality reviews in domestic violence-related homicides are not available in rural/remote Alaska

There is also a lack of Batterers Intervention Programs in remote/bush regions of Alaska. In many cases, convicted batterers are ordered to attend and pay for anger management classes (NOTE: such classes are inconsistent with national research which shows that intimate partner violence results from power and control issues and not anger issues).

Historically in Alaska villages, communities and families were the “arbiters of accountability.” It was stated that the “imposition of the Western justice system has disrupted that,” and suggested that current justice reform efforts provide an opportunity to explore and re-empower local communities to re-assume their role in accountability. For some offenders, “being accountable to their own family and community can be more meaningful than revolving jail doors.” Restorative justice practices provide a strong foundation for such an accountability model, including healing circles and restorative community service that allows offenders to fulfill their community service obligations in ways that benefit their communities and/or victims (such as sex offenders in Bethel who provide salmon to the Tundra Women’s Coalition shelter).

Suggestions for promoting justice, healing and wellness for victims/survivors and bush communities include:

- Increase awareness that “Western ways are not tribal ways”
- Validation that residents “know their history, pain and traumatic experience”
- Broader use of village elders in supporting young people in the community, including those who have been victimized
- Create a system of “safe homes” in villages where victims can access safe shelter and support (there is currently a handful of “safe homes” in remote Alaska communities)
- Promote restorative justice practices and programs (that have strong roots in indigenous communities)
- Provide Tribal Courts with the authority to develop and impose unique sentences that are tailored to each case and community
- Develop Batterers Intervention Programs for remote communities that are evidence-based, culturally competent, and no-cost to clients
- Develop opportunities for offenders to perform restorative community service that benefits their communities and victims

Rape Kit Examinations

There is currently no capacity to conduct rape kit examinations in remote/bush villages, with Community Health Aides saying this is beyond the scope of their work. Adults and children who are sexually assaulted in these communities must travel to hub hospitals for exams which, in the aftermath of sexual assault, is highly traumatic and can contribute to the contamination of evidence (such as the victim's clothing). In addition, such travel may take days due to inclement weather or other factors unique to remote Alaska. The onsite provision of rape kit exams, with follow-up medical care at health facilities in larger communities offered to victims, would reduce unnecessary victim trauma and improve evidence in sexual assault cases. Community Health Aides and Public Health Nurses in Alaska villages can be trained to conduct basic rape kit examinations and preserve evidence for investigations and prosecutions.

Victim assistance services in remote and bush communities in Alaska should be strengthened to promote justice, healing and wellness, including (but not limited to) augmenting the leadership of village elders to support prevention efforts and victims who need help; the creation of "safe homes" for victims and survivors within villages; the encouragement and implementation of restorative justice practices that hold offenders accountable and promote victim safety and community involvement; expanded outreach to increase awareness of available victim services; and statewide training of Community Health Aides and Public Health Nurses to conduct basic rape kit examinations in villages.

Prevention and Bystander Intervention

One of the most significant budget cuts in Alaska is the \$2.7 million reduction in prevention programs and services. The *Alaska Safe Children's Act* which, among other activities, teaches students about dating violence and prevention, was signed into law in July 2015 with no appropriations for implementation. Alaska survivors spoke eloquently about how their chronic victimizations might have been prevented if someone who knew what was happening to them had said something, offered help or otherwise intervened. And participants from remote/bush regions indicated that prevention budget cuts have detrimentally affected their ability to teach children how to be sober and how to ask for help when they are victimized.

The "Green Dot" program (<http://greendotalaska.com/>) has been recently introduced in Alaska. Green Dot seeks to prepare "organizations and communities to implement a strategy of violence prevention that consistently, measurably reduces power-based personal violence" through "strategic planning, bystander mobilization, persuasive communication, coalition building, etc."

There is strong support among survivors and advocates for programs and services focused on crime prevention and bystander intervention, which ultimately can contribute to less crime and fewer victims.

Victims and the Criminal Justice System in Alaska

Pretrial Concerns

The speed at which pretrial hearings occur often precludes any meaningful involvement of victims, resulting in a lack of victim notification of pretrial proceedings and an opportunity to be heard. Despite the state constitutional right of Alaska victims to a speedy disposition, there are often ongoing continuances that result in cases taking years to reach a resolution.

Victim/survivor safety is the most salient concern during the pretrial phase. An alleged offender's conditions of release (which often include safety provisions) are not consistently tracked and enforced and not always available to law enforcement in the field (a pilot program in Fairbanks is seeking to address this concern).

When the victim is in a remote village, "more often than not the perpetrator will be released to the village" during the pretrial phase. While there are "no contact" orders most of the time, they are "unrealistic" and difficult to enforce in small communities, particularly those without a Village Public Safety Officer or other law enforcement presence.

Basic victim services during the pretrial phase of criminal justice processes should be created to ensure victim notification, involvement and safety.

Probation and Community Supervision

Conditions of probation and parole are "often not consistent," which makes it difficult to effectively supervise offenders and hold them accountable. It was noted that "electronic monitoring doesn't always seem to work," particularly when clients are on work release in the community. One participant asked, "What is the point of an ankle bracelet if they (the probationer) can go from Anchorage to the Mat-Su Valley?"

Many offenders are released from probation supervision without having fulfilled their conditions ordered by the court. In isolated villages, there may be disparate "layers" of offender supervision from the Western court, tribal structure and families of victims and offenders; it was noted that "victims don't always feel protected in these situations."

District Attorneys are often reliant on community agencies to inform them of probation violations. It was expressed that many District Attorneys lack resources to file PTRPs (petition to revoke probation) and there is too often "no real response" even if a PTRP is filed.

While Alaska victims have the right to be notified of and address the court during revocation hearings, they are seldom aware of or heard from during revocation proceedings.

The lack of probation in misdemeanor cases is a significant problem in Alaska, as the majority of domestic violence and DUI cases, as well as some property crimes, are misdemeanors. Options

for offender supervision that provide reasonable protection and safeguard other victims' rights should be expanded.

Prisons

Concerns were expressed about prisons' lack of ability to effectively diagnose Fetal Alcohol Syndrome Disorder and the lack of effective services for inmates with FASD.

The many prisoners with mental health challenges and the lack of providers to serve inmates with substance abuse and other mental health problems were also of concern. When an offender is deemed incompetent with charges dismissed and released to the community, there is a "lack of safety for victims as well as the perpetrators."

At the Fairbanks Roundtable, there was consensus that no-contact orders are not consistently enforced by the Department of Corrections (DOC). Some victims report unwanted contact from inmates; the DOC does not track three-way calling that can result in unwanted contact; and victims with no-contact orders are sometimes allowed to visit their offender in prison. The lack of consistency in monitoring inmate telephone calls can also contribute to victim/witness intimidation.

Victims are not always notified by the DOC when an inmate is moved to a halfway house or put on electronic monitoring in the community and this "can be very terrifying" for victims. If victims are unaware of the DOC's Victim Information and Notification Everyday (VINE) program or have not kept their contact information up-to-date, they do not receive notification of the status and/or release of their offender.

The Alaska Department of Corrections should improve its capacity to monitor inmate communications (including telephone calls and visits) to prevent unwanted offender contact with victims and violation of no-contact orders.

Parole and Reentry

The Parole Board has the capacity to require and enforce conditions of supervision that are often stronger than those provided by courts, including conditions related to victim safety. Effective parole supervision is dependent on the parole officer and his/her training; when the offender is viewed as the only "client," it can pose difficulty for victims who are advocating for their rights, including reasonable protection and safety. During the parole and reentry phase of the criminal justice system, crime victims should also be considered clients; educated about their role and rights; and included in case planning.

Gaps in Victim Services

Law Enforcement and Domestic Violence

While dual arrests in domestic violence cases are not a big problem, there is “sometimes a lack of training on how to determine who the primary physical aggressor is” that can lead to the arrest of the wrong person. A “huge number” of Alaska Native women are being arrested on domestic violence charges in Anchorage; they often plead guilty so they can return home and protect their children, resulting in collateral consequences that can affect their ability to find jobs and housing. Law enforcement officers who respond to domestic violence calls should receive additional training and oversight on how to determine which person is the primary aggressor, to avoid situations in which victims are misidentified as offenders.

Concerns were also expressed about domestic violence victims who don’t report crimes because they don’t want the perpetrator to be arrested.

Training on Victims’ Rights and Victim Sensitivity

While there is training provided to some Alaska justice professionals about victims’ rights and victim sensitivity, it is not consistent across the state. In addition, one victim advocate noted that “it’s not only training that’s important, but also the *willingness* to be sensitive to victims’ concerns and needs.”

Collectively, Roundtable participants and interviewees strongly support training for law enforcement, prosecutors, judges, and community/institutional corrections professionals about victims’ rights; victim sensitivity; victim trauma (including the neurobiology of trauma, PTSD, and invisible disabilities); how to talk to victims; trauma-informed responses to victims; cultural diversity and competence; and crime prevention and bystander intervention.

Services for Child Victims

There was strong consensus about the lack of services for Alaska children who are victims of and witnesses to crime. Very few shelters have services for children, despite the fact that 44 percent of shelter residents statewide are children. The generational impact of trauma on children is a significant issue, with concerns expressed that this can lead to the creation of new perpetrators and victims. Increased services for child victims and witnesses in Alaska should be provided to address their myriad trauma and safety needs.

Language Access

The lack of language accessibility in Alaska’s justice system, victim assistance and social service programs is a “huge problem for immigrant and indigenous communities.” One in five children in Anchorage is an English Language Learner (ELL). While Alaska’s court system is working to improve language accessibility, criminal justice system documents (including those specific to

victims' rights, safety and services) lack language access. In addition, there is no emergency telephone number in any language other than English. Efforts should be undertaken in Alaska to improve language accessibility in all criminal justice communications and documents.

Other Issues

There is a significant lack of resources for Alaska crime victims other than survivors of domestic violence and sexual assault, i.e., victims of homicide, serious assault, robbery, child abuse, drunk driving, trafficking and property crimes.

Concerns were expressed about how the Victims of Crime Compensation Board determines who has access to victim funds. Many marginalized victims have been denied access to these funds due to behavior that the Board didn't like, or because they received funds for a prior victimization.

There is a significant need for expert witnesses who can testify on behalf of the prosecution in criminal cases (currently, lack of funding is the main barrier to greater use of expert witnesses).

Campuses of higher education in Alaska need to develop the infrastructure to support Title IX compliance with Federal law (this work is currently underway, and Pew Consultant Anne Seymour is following-up on this issue with referrals and resources).

Fairbanks Roundtable Participants

Gail Brimner, DOC Victim Services Unit
Robin Bronen, Alaska Institute for Justice
John Coghill, Alaska State Senate and Commission Member
Ruth Cresenzo, National Guard Special Victims Counsel
Pat Fox, MADD
Mary Beth Gagnon, Council on Domestic Violence and Sexual Assault
Mary Geddes, Alaska Criminal Justice Commission
Lonzo Henderson, DOC Division of Parole
Kate Hudson, Violent Crimes Compensation Board
Robyn Langlie, Victims for Justice
Teresa Lowe, YKHC
Gregg Olson, Fairbanks District Attorney
Keeley Olson, S.T.A.R.
Sarah Possenti, Alaska Parole Board
Heather Shadduck, Office of Senator Pete Kelly
Brenda Stanfill, Interior Alaska Center for Nonviolent Living and Commission Member
Octavia Thompson, Alaska National Guard Sexual Assault Prevention and Response
Taylor Winston, Office of Victims' Rights

Bethel Roundtable Participants

Eileen Arnold, Tundra Women's Coalition
Augusta Askeak, Tundra Women's Coalition
Gail Brimner, DOC Victim Services Unit
Marilyn Casteel, Safe and Fear-free Environment
Ray Daw, YKHC
Michelle DeWitt, BCSF
Liz Dillon, Elder
Michael Gray, District Attorney
Elizabeth Sunnyboy, Elder
Julene Webber, Adult Probation
Freda Westman, Alaska DPS - CDVSA