

**1/28/10  
CRIMINAL  
JUSTICE  
PRESENTA  
TION**

<target><bill></bill><subject>1-28-10 CRIMINAL JUSTICE  
PRESENTATION</subject><comm>HFIN26</comm></target>

# Strategic Plan to End the Epidemic of Sexual Assault and Domestic Violence

## PURPOSE

Within a decade, end the epidemic of sexual assault and domestic violence and make Alaska the national leader in fighting these scourges

## STRATEGIC OBJECTIVES

1. Break the cycle of abuse using a comprehensive public education and prevention campaign to promote a culture of respect that does not tolerate violence against women and children.
2. Deter, segregate, and treat sex offenders so they pose no risk of harm to women and children.
3. Establish a law enforcement presence in every community that desires one to improve public safety.
4. Increase victim service so more have a safe place to go and the services they need to heal.
5. Coordinate and streamline efforts among all stakeholders to more effectively combat violence against women and children.

## GUIDING PRINCIPLES

- A culture of responsibility – the answers and resources cannot come from government alone
- Community ownership over solutions
- Partnership between NGOs and state, local, federal, and tribal organizations
- Culturally tailored programs
- Youth leadership in developing and executing programs
- Support only programs with proven effectiveness
- Use metrics to measure success

## SUPPORTING GOALS

- Heighten public awareness of the problem
- Make violence against women and children culturally unacceptable
- Evaluate, develop, and implement prevention programs and continue to support programs with proven effectiveness
- Enact legislation that will enhance public safety
- Increase the proportion of incidents reported and suspects arrested, prosecuted, and punished
- Lower recidivism levels
- Make law enforcement more responsive through training
- Ensure shelter beds or safe houses are available to every woman and child in need
- Link victims to medical care, legal services, and opportunities to establish independence from abusive relationships

## CRIME STATISTICS

- The Alaska per capita rape rate is the worst in the nation -- two and half times the national average. *Source: Alaska Network on Domestic Violence and Sexual Assault, 2006 Annual Report: Working in Alaska Communities for Safety, Justice, Advocacy and Education (2006).*
- Rape is a greater percentage of all violent crimes reported in Alaska than it is nationally, at 12% of all violent crime in Alaska compared to 6% of violent crime in the United States. *Source: Alaska Senate Judiciary Committee's Report and Recommendations: Reducing Sexual Assault in Alaska (2009).*
- The Alaska per capita child sexual assault rate is also the worst in the nation -- almost six times the national average. *Source: Alaska Network on Domestic Violence and Sexual Assault, 2006 Annual Report: Working in Alaska Communities for Safety, Justice, Advocacy and Education (2006).*
- Outside of Anchorage, 55% of sexual assault victims are under the age of 15; 30% are between 13 and 15 years old and 25% of victims are between 6 and 12 years old. *Source: Studies by Alaska State Troopers and Anchorage Police Department, compiled by UAA Justice Center (2009).*

- Alaska has the highest rate per capita of men murdering women. *Source: Alaska Network on Domestic Violence and Sexual Assault, 2006 Annual Report: Working in Alaska Communities for Safety, Justice, Advocacy and Education (2006).*
- In nearly one-quarter of sexual assault cases the victim was incapacitated due to alcohol or drug use. *Source: Alaska Sexual Assault Nurse Examiner Study, Reprinted in Andre Rosay, Sexual Assault in Alaska: Slide Show Presentation to Alaska State Legislature Senate Judiciary Committee (August 2009), available at <http://justice.uaa.alaska.edu/vaw/2009-08.jc-vaw-sexualassault.pdf>.*
- Two-thirds of domestic violence victims reported that alcohol had been a factor. *Source: U.S. Department of Justice, Bureau of Justice Statistics, Crime Characteristics: Summary Findings (2009), available at [http://www.ojp.usdoj.gov/bjs/cvict\\_c.htm](http://www.ojp.usdoj.gov/bjs/cvict_c.htm).*
- Boys who witness domestic violence are twice as likely to abuse their own partners and children when they become adults. *Source: Strauss, Gelles, and Smith, Physical Violence in American Families: Risk Factors and Adaptations to Violence in 8,145 Families (1990).*
- Villages with law enforcement presence have a 40% lower rate of serious injury caused by an assault compared to villages without local law enforcement. *Source: Wood and Gruenwald, Local Alcohol Prohibition, Police Presence and Serious Injury in Isolated Alaska Native Villages (2006).*

## **IMPLEMENTATION**

### **I. BREAK THE CYCLE OF ABUSE USING A COMPREHENSIVE EDUCATION AND PREVENTION CAMPAIGN TO PROMOTE A CULTURE OF RESPECT THAT DOES NOT TOLERATE VIOLENCE AGAINST WOMEN AND CHILDREN**

#### **A. Statewide Education Efforts**

*Rationale: All members of society must consider violence against women and children unacceptable, and all must believe it is something that can be stopped. Schools, media, and high-profile public engagements can be used to transmit the message that sexual assault and domestic violence are intolerable in our society and that every individual and group must identify its role in combating these problems.*

1. Develop, coordinate, and broadcast public service announcements. For example, the Governor, DPS, LAW, and CDVSA have coordinated with the Alaska Network on Domestic Violence and Sexual Assault to launch the "Real Alaskan Men Choose Respect Campaign."

2. Cabinet members engage in public outreach to raise awareness and change attitudes about sexual assault and domestic violence. For example, the Governor held a major press event to highlight the epidemic. The Attorney General has discussed the epidemic in speeches and has been interviewed by reporters and talk show hosts. Commissioner Masters frequently speaks throughout the state about the Governor's initiative and the epidemic.
3. Develop partnerships with Native organizations to work together on prevention solutions. An excellent example is CDVSA's Tribal and State forums, which seek to devise programs and strategies to break the cycle of violence.

#### **B. Locally-Targeted Education Efforts**

*Rationale: There is a growing realization that to reduce violence against women and children we need to prevent violence before it occurs rather than intervening after lives are shattered. To do this we must develop a prevention strategy seeking to bring about change in individuals, relationships, communities, and society. Cultural change is most effective from the ground up and requires a coordinated effort among local communities, nonprofits, and government.*

1. Work with tribal, non-profit and religious organizations to raise awareness of the problem, especially among youth, and stigmatize violence against women and children. Under the legislature's guidance, CDVSA is in the process of developing and implementing a plan to "promote education and programs to prevent future incidents of domestic violence and sexual assault." And, as discussed in more detail below, the Governor's budget requests the creation of a DV/SA coordinator. Part of the coordinator's portfolio will be to take a leading role in these outreach efforts.
2. Cultivate youth leaders through schools and community groups and incorporate youth leaders in developing primary prevention strategies. For example, CDVSA partners with the Alaska Network on Domestic Violence and Sexual Assault on developing prevention programs for schools and youth.

## **II. DETER, SEGREGATE, AND TREAT OFFENDERS SO THEY POSE NO RISK OF HARM TO WOMEN AND CHILDREN**

### **A. Enact Legislative Changes To Protect Alaskans**

*Rationale: Alaska needs tough laws in the nation to send a message that violence against women and children will not be tolerated and to ensure that offenders no longer pose a risk to others, either because they are behind bars or because they have been rehabilitated. Although the Alaska legislature has already enacted stringent laws, more can be done to punish offenders and protect victims.*

1. Toughen penalties for crimes of sexual assault by making it an aggravating factor if the defendant sexually assaulted the victim while knowing the person was vulnerable due to use of alcohol or drugs. More specifically, the Governor has sponsored SB 222 and HB 298 to make it an aggravating factor if the defendant was convicted of any crime and the defendant knew that the victim was vulnerable due to use of alcohol or drugs.
2. Expand laws to protect children from online sexual predators. The Governor has sponsored SB 222 and HB 298, which prohibit suspended imposition of sentences for people convicted of human trafficking, possession or distribution of child pornography, and distribution of indecent materials to minors; these bills make it against the law not just to possess child pornography but also to access it on a computer with the intention of viewing it; and they empower courts to prohibit sex offenders, in cases involving children, from using a computer or communicating with children under 16 years old.
3. Enhance protection and processing of DNA and other forensic evidence to ensure the actual perpetrator is held accountable. To help accomplish this goal, the Governor has sponsored HB 317 and SB 241 would adopt standards for evidence retention and post-conviction DNA testing. The Senate Judiciary Committee Report found that proper examination of DNR evidence is critical to sexual assault prosecutions and that the backlog in getting the evidence processed is causing significant delays in prosecuting cases.
4. Close loopholes that allow convicted sex offenders from other states to escape registering in Alaska (if they are registered as sex offenders in other states, they must register here, even if the sex crime they were convicted of does not have an exact equivalent in Alaska). SB 222 and HB 298 accomplish this goal.

5. Modify the bail statutes to protect the victims of the crime and the general public. The Governor will soon introduce a Bail Bill that seeks to accomplish this goal. Under this bill, a person charged with serious crimes, like a sexual assault felony or a defendant charged with domestic violence who has been convicted of domestic violence within the five preceding years, would have burden of proof to establish that his or her release would not be dangerous to the victim or the public, and would assure the person's appearance in certain cases. Currently, the State has the burden to make this showing.

## **B. Improve Prosecution**

*Rationale: Bringing offenders to justice deters future violent acts and sends a strong message that violence against women and children is unacceptable. While most prosecutions result in guilty pleas or convictions, increasing the rates at which incidents are reported and referred for prosecution will help us hold more offenders accountable. Creating a law enforcement presence in every community will also deter violence, increase reporting rates, and improve evidence collection necessary for more and more successful prosecutions.*

1. The Governor's budget requests \$75 million for a new crime lab to help us process the evidence needed to win convictions in sexual assault cases and \$92.8K for a forensic scientist at the crime lab
2. Department of Law has issued specific SA/DV prosecution policies and guidelines for sexual assault and domestic violence cases
3. Prosecutors are being trained in tough plea negotiations and the Governor's budget seeks an additional \$75K for additional training.
4. The Department of Law has hired a cybercrimes prosecutor to prosecute child pornography.
5. DPS has reorganized its Computer and Financial Crimes Unit so that investigators can focus solely on computer crimes against children.
6. The Governor's budget requests \$2.3 million in General Funds to make permanent 17 prosecutor and victim-witness paralegal positions at the Department of Law, which were previously funded on an interim basis through federal grants.
7. The Governor's budget requests \$656,000 in General Funds to make permanent DPS's cold case unit, which had been funded by federal grant money.

8. To ensure forensic evidence is gathered the Governor's budget requests \$12.3K for 350 pediatric sexual assault kits and \$150K for SART exams. The Senate Judiciary Committee report found that when victims receive a medical forensic exam, it more than doubled the likelihood that the case was accepted for prosecution.

### **C. Reduce Recidivism Rates**

*Rationale: The majority of batterers return to their families, and the cycle of violence continues unbroken. It is in the state's interest to reduce recidivism. Otherwise, victims will continue to be harmed and offenders will continue to be arrested and imprisoned at the state's expense. Programs to reduce recidivism will help heal families and save the state money in the long run.*

1. DOC is working collaboratively with DPS's VPSO program to provide effective supervision for probationers and parolees in rural communities.
2. The Criminal Justice Working Group is reviewing ways to improve DOC's prisoner re-entry programs, including after-care programs for substance abuse treatment, halfway house beds, mental health clinicians in correctional facilities, re-entry case workers, and coordination among stakeholders.
3. The Criminal Justice Working Group is reviewing reforms to the probation system to reduce recidivism rates by imposing swift punishments for probation violations. According to the Senate Judiciary Committee Report, nationally 45% of prisoners serving time for rape or sexual assault committed their crime while on probation or parole.

## **III. ESTABLISH A LAW ENFORCEMENT PRESENCE IN EVERY COMMUNITY THAT DESIRES ONE**

### **A. Add 150 More VPSO Positions Over the Next Ten Years**

*Establishing a law enforcement presence in every village that desires one will prevent offenses from happening and facilitate investigation and prosecution for the offenses that do occur. UAA Justice Center studies show that in villages where a VPSO was available, rates of serious assault declined 40% and a case was over three times more likely to be prosecuted. But increasing the number of VPSO positions alone will not suffice. Local communities must collaborate by identifying qualified candidates, providing VPSO facilities, and supporting VPSOs' efforts.*

1. The Governor's budget requests adding 15 VPSOs per year (at cost of \$1.26 million annually) for 10 years so that every community of a certain size that desires a VPSO shall have one if the community puts forward a qualified individual. The Governor's budget also requests a merit increases (at a cost of \$129.9K) for VPSOs and an increase in the VPSO COLA (at a cost of \$93.9K). The Senate Judiciary Committee Report also recommends that the State hire more VPSOs because the Committee found that it will likely increase prosecution and conviction and because law enforcement presence has been shown to lower the rates of serious assault.
2. To secure housing for VPSOs, the Governor's budget requests \$1 million for VPSO housing grants and loans in AHFC programs.

**B. Hire Additional Investigators for Sexual Assault Investigations**

*Rationale: Maintaining VPSOs in rural communities will increase safety and ensure incidents of violence are investigated promptly. However, in many cases additional resources will be required to investigate, collect evidence, and prepare cases for referral to prosecutors. By hiring troopers specifically trained to investigate sexual assault and domestic violence incidents, we will maximize the number of incidents that result in convictions, ultimately deterring future offenders.*

1. The Governor's budget requests three additional Trooper DV/SA investigators at a cost of \$500K.
2. Use AARA (JAG stimulus) to hire 8 DV/SA investigators. Three of the investigators will be hired by municipal governments to work AST multijurisdictional task forces.

**IV. ENSURE VICTIMS HAVE A SAFE PLACE TO GO AND THE SERVICES THEY NEED TO HEAL**

**A. Increase Availability of Civil Legal Services for Victims**

*Rationale: A study conducted by economists found that increased provision of legal services for victims of domestic violence contributes to the decline of domestic violence rates. Civil legal services offer victims help with practical matters – like protective orders, custody disputes, and child support – that give victims options and increase their safety over the long term.*

1. The Governor's budget requests an additional CINA attorney (at a cost of \$200K) to remove children from violent homes.

2. Strengthen domestic violence pro bono representation by increasing number and skill of volunteer attorneys and expand number of victim advocates. To accomplish this goal, LAW has held over a dozen meetings with legal service providers, victim advocates, and the court system to find ways to increase legal representation for victims. LAW will continue to work closely with all stakeholders to make sure victims seeking protective orders are represented.
3. Obtain commitments from leading Alaska law firms to devote a certain number of hours every month to pro bono legal work on behalf of victims of domestic violence and sexual assault. The Attorney General has begun an outreach effort to the legal community to meet this goal.

#### **B. Increase Shelter Capacity to Meet Needs of Battered Women**

*Rationale: The ability to leave a dangerous situation and have a safe place to stay will reduce the number of violent incidents. Further, counseling services provided by shelters inform victims of their rights and options to escape abusive relationships. Increasing facilities and training staff will enhance shelters' ability to provide these crucial functions.*

1. Provide an additional \$381,000 to increase the capacity of shelters – increasing the number of beds, training, and services available to victims, so that they can escape abusive situations.

### **V. COORDINATE AND STREAMLINE EFFORTS AMONG STAKEHOLDERS**

#### **A. Create a Domestic Violence and Sexual Assault Coordinator To Establish Partnership Among Agencies and Federal, Tribal, and Non-Profit Stakeholders on Efforts To Combat DV/SA**

*Rationale: Efforts to address the problems of domestic violence and sexual assault exist, but more can be done to coordinate between government agencies, tribes, NGOs, and other stakeholders to improve and streamline these efforts. A coordinator would be the necessary link between these stakeholders, would identify and cultivate new resources, and would keep sustained focus on the issue.*

1. The Governor's budget requests \$200K to create a new coordinator position that will oversee this comprehensive plan to end the epidemic of DV/SA. More specifically, the coordinator will establish partnership and form work groups with NGOs, tribal entities, and federal agencies to maximize effectiveness and minimize duplication in efforts to combat domestic violence and sexual assault.

2. The coordinator will consult with stakeholders to develop and implement additional programs to carry out the Governor's initiative.
3. The coordinator will improve the state's existing programs and efforts as they relate to domestic violence and sexual assault, including prosecution, corrections, provision of services to victims, and education.
4. The coordinator will work with CDVSA, DPS, and the UAA Justice Center (or other research organizations) in establishing studies and research necessary for baseline data to measure success and fully understand the extent of victimization in Alaska. This action is consistent with the Senate Judiciary Committee's recommendation set out in its recent Report and Recommendations.

### **Addendum: Budget**

The budget pieces of the plan at this point in time include all the efforts that were in the base budget for FY 10, i.e., funding for DPS, LAW, CDVSA, sex offender treatment in DOC and in DHSS for juveniles, etc. **PLUS** new increments of:

- \$200k            Child Protection Attorney in Kenai
- \$2.2 million   Prosecutors and staff who work primarily on sexual assault and domestic violence cases. Making these positions permanent and funding them with state dollars. We cannot afford to lose these resources.
- \$200k            SA / DV Coordinator
- \$656.5k        Cold case unit – Critical unit to solving homicides, many of which involve domestic violence and sexual assault. We cannot afford to lose these resources.
- \$150k            Sexual assault exam costs
- \$75k             SA / DV Prevention training
- \$500k            3 SA / DV investigators at DPS
- \$381.9k         Shelters
- \$651.4k         Replace reduced PFD felon funds for CDVSA
- \$12.3k           350 pediatric sexual assault kits
- \$92.8k           Forensic scientist at the crime lab
- \$129.9k         Merit increases for VPSO positions
- \$93.9k           VPSO COLA
- \$1.261.5        15 new VPSO's
- \$75 million     Crime Lab
- \$1.0 million    VPSO housing loans and grants
- \$86k             New and improved crime lab equipment

### **Addendum: Recent Actions Taken To End the DV/SA Epidemic**

- CDVSA has devised a strategic plan to develop prevention programs
- The Network, in collaboration with the State, has launched a PSA campaign
- To devise metrics that will measure the initiatives outcomes, cabinet members have met with the United Way and the Mental Health Trust; LAW is working on forming a committee to monitor the initiatives impact on DV and SA rates
- DPS has received ARRA funding for five investigators in ABI and three municipal investigators for multi-jurisdictional task force and is in the process of hiring
- LAW has hired a new cybercrime prosecutor
- DPS has reorganized its Computer and Financial Crimes Unit so that investigators can focus solely on computer crimes against children
- The Criminal Justice Working Group is reviewing ways to reduce recidivism through improved prisoner re-entry services and by imposing swift and consistent penalties for probation violations
- The Attorney General has discussed the DV/SA epidemic at speeches, has conducted several radio interviews, and has been interviewed by editorial boards and reporters
- CDVSA has acquired \$290K in the FY10 budget for research and studies; the Governor's requested budget seeks \$290K for CDVSA's operating budget to continue funding for research and studies
- The Attorney General and Commissioner Masters have met with DOJ officials to raise awareness and secure funding for programs

## **Addendum: Proposed Legislation**

### **I. Changes In Crimes and Sentences Involving Sexual Assault and Domestic Violence**

- This bill would make 5 important changes to our current laws:
  1. Prohibit suspended imposition of sentences for people convicted of human trafficking, possession or distribution of child pornography, and distribution of indecent materials to minors.
  2. Make it against the law not just to possess child pornography but also to access it on a computer with the intention of viewing it.
  3. Courts could prohibit sex offenders, in cases involving children, from using a computer or communicating with children under 16 years old.
  4. Sentences for sex offenses could be increased through new "aggravating factors," including the defendant's knowledge that the victim had consumed drugs or alcohol, or a previous dating relationship with the victim.
  5. Anyone required to register as a sex offender in another state would have to register in Alaska.

### **II. A Revision of Bail Laws**

- A comprehensive review of our bail statutes has not occurred since the 1960s; reorganization and updating of this law is overdue.
- Although the substantive provisions are generally similar to current law, there are some differences.
- Under this bill, a person charged with serious crimes, like a sexual assault felony or a defendant charged with domestic violence who has been convicted of domestic violence within the five preceding years, would have burden of proof to establish that his or her release would not be dangerous to the victim or the public, and would assure the person's appearance in certain cases.
- Currently, the State has the burden to make this showing

- The bill also provides that once convicted of sex-related felonies, perpetrators could not be released pending sentencing or an appeal.

### **III. Specific Procedures for Post-Conviction DNA Testing**

- This bill is prompted by the State's victory in the *Osborne* case.
- The bill adopts new requirements for preservation of evidence and biological material in certain cases by all law enforcement agencies in the state.
- It also adopts a procedure for a person convicted of a felony against a person to apply for post-conviction DNA testing.
- More specifically, the bill requires municipal police departments, courts and state agencies to retain DNA evidence for post-conviction testing and cold case prosecution.

### **IV. The Alaska Scientific Crime Detection Laboratory in Anchorage**

- The state would issue \$75 million in certificates of participation for the lab in order to effectively conduct examinations of evidence and expedite the processing of a large backlog of evidence in criminal cases. Using certificates of participation spreads the cost out over time so that both this generation of Alaskans and the next will help pay for this important facility and reap its benefits.
- Over 50% of submitted cases to the Crime Lab are DV/SA related
- The new lab will DPS to bring in cutting edge technologies and DNA techniques

Alaska State Legislature  
HOUSE FINANCE COMMITTEE

Agenda  
1:30 PM

Thursday, January 28, 2010

Criminal Justice Presentation by Commissioners

Presenters:

Dan Sullivan, Attorney General, Department of Law  
Joseph Masters, Commissioner, Department of Public Safety  
Joe Schmidt, Commissioner, Department of Corrections

Available for questions:

Rick Svobodny, Deputy Attorney General, Criminal Division,  
Department of Law  
Annie Carpeneti, Assistant Attorney General, Department of  
Law  
Sam Edwards, Deputy Commissioner, Department of  
Corrections

Available for questions via Teleconference:

Dwayne Peoples, Deputy Commissioner, Department of  
Corrections

*Director Council -*

*Sandra Saman yego -*