



ALASKA OFFICE OF VICTIMS' RIGHTS ANNUAL REPORT TO THE ALASKA LEGISLATURE

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INTRODUCTION

The Alaska Office of Victims' Rights (OVR) serves three functions: 1) to preserve and protect crime victim rights under the Alaska Constitution and statutes; 2) to investigate, as an ombudsman, complaints by crime victims concerning criminal justice agencies; and 3) to participate in community and government advocacy groups to improve crime victim experiences in the criminal justice system.

Created by the Alaska Legislature in 2001, OVR is an independent agency within the legislative branch of state government. OVR's placement in the legislative branch avoids conflicts in state government and ensures OVR's independence to investigate criminal justice agencies and make appropriate recommendations. Alaska Statute 24.65, *et seq.* (effective July 1, 2002) provides authority for OVR's investigative powers and responsibilities.

OVR remains a national leader in victim advocacy. It is one of the first law offices in the nation to have comprehensive investigative tools and powers, with legislative oversight, to advocate for crime victims' legal rights. OVR provides victims with a variety of services including information, education, investigation, and courtroom advocacy. In providing these services, OVR maintains a philosophy of cooperation and collaboration when working with criminal justice agencies, the courts, and crime victims.

MISSION STATEMENT

The Alaska Office of Victims' Rights provides free legal services to victims of crime to protect their rights under the Alaska Constitution and statutes. OVR advances and protects these rights in court when necessary and authorized by law.

OVERVIEW OF THE ALASKA OFFICE OF VICTIMS' RIGHTS

1. *Advocacy on Behalf of Crime Victims - Jurisdiction*

OVR assists crime victims by advocating for and enforcing Alaska's constitutional and statutory protections. Empowered by the Alaska Legislature, OVR functions as the legal advocate in state court for crime victims of all felony offenses, all Class A misdemeanors involving domestic violence, and all class A misdemeanors involving crimes against the person under AS 11.41. A felony is an offense for which a jail sentence of more than one year is authorized. Class A misdemeanors are crimes punishable by up to one year in jail and up to a \$5,000 fine. Crime victims may file a written request for OVR assistance to ensure their legal rights as crime victims are not denied.

2. *Investigating Complaints by Victims*

Crime victims may file a written complaint with OVR stating that they have been denied the rights established by Article 1, Section 24 of the Alaska Constitution or by Alaska Statutes 24.65.010-24.65.250. OVR is empowered to investigate complaints regarding victim contacts with criminal justice agencies and take appropriate action on behalf of crime victims. In conducting an investigation OVR may:

- (a) make inquiries and obtain information considered necessary from justice agencies;
- (b) hold private hearings; and
- (c) notwithstanding other provisions of law, have access at all times to records of justice agencies, including court records of criminal prosecutions and juvenile adjudications, necessary to ensure that the rights of crime victims are not being denied; with regard to court and prosecution records, the Victims' Advocate is entitled to obtain access to every record that any criminal defendant is entitled to access or receive. A.S. 24.65.120(b).

Some examples of information and records available to OVR are police reports, witness statements, lab reports, photos, taped statements, grand jury proceedings and exhibits, officers' notes, scene diagrams, dispatch records, autopsy reports, pre-sentence reports, physical evidence and more. All information and records obtained during any investigation (which may include records subpoenaed by OVR) are confidential as required by A.S. 24.65.110(d) and A.S. 24.65.120(c).

3. *Obtaining Information from Criminal Justice Agencies*

A subpoena is a legal order requiring a person to appear at a specified time and place in order to provide documents and evidence or to answer questions under oath. The Victims' Advocate is authorized by law to issue subpoenas to any person for any records or any object so long as the Victims' Advocate reasonably believes such items may provide information relating to a matter under investigation by OVR. The Victims' Advocate may also require the appearance of any person to give sworn testimony if he reasonably believes that person may have such information. A.S. 24.65.130.

If a person refuses to comply with a subpoena, the Victims' Advocate may file a motion with the superior court requesting a judge to issue a court order directing obedience to the subpoena. If the person persists in not complying, the person may be held in contempt of court and could be fined or jailed until the subpoena is honored. A.S. 24.65.130(b); see also A.S. 24.65.120.

4. *Information and Records Obtained by OVR are Confidential*

OVR is obligated to maintain strict standards of confidentiality with respect to its records, investigations, and communications with clients. OVR is required by law to keep confidential all

matters and information related to the performance of its duties, as well as maintain the confidentiality of the identities of all complainants or witnesses coming before OVR, except insofar as disclosure of such information may be necessary to enable OVR to carry out its mission and to support its recommendations. OVR may not disclose a confidential record obtained from a court or justice agency. A.S. 24.65.110(d); AS 24.65.120(c).

5. *Publication of OVR Findings Following an Investigation*

Within a reasonable time after a formal investigation is completed, and after OVR reports its opinion and recommendations to the pertinent justice agency, the Victims' Advocate may present the opinion and recommendations to the governor, the legislature, a grand jury, the public, or any combination thereof. OVR must include with the opinion any reply made by the justice agency. Written consent from the complainant to release OVR's report must be obtained prior to release of any such report. AS 24.65.160.

6. *OVR May Not Interfere with the Criminal Justice System*

OVR is required by law to ensure that its exercise of discretion does not interfere with any ongoing criminal investigation by a police agency or any criminal proceeding by the prosecutor's office. Additionally, the Victims' Advocate must ensure OVR employees do not make public statements that lawyers are prohibited from making under the Alaska Rules of Professional Conduct. Finally, OVR may not prevent or discourage a crime victim from providing evidence, testifying or cooperating in a criminal investigation or criminal proceeding. A.S. 24.65.100(b).

7. *OVR has Broad Civil and Criminal Immunity*

Under OVR Act, a proceeding of or decision made by the Victims' Advocate or his staff may be reviewed in superior court only to determine if it is contrary to the statutes that created OVR. The Act also provides that the conclusions, thought processes, discussions, records, reports and recommendations, and information collected by the Victims' Advocate or his staff are not admissible in a civil or criminal proceeding and are not subject to questioning or disclosure by subpoena or discovery. Additionally, a civil lawsuit may not be brought against the Victims' Advocate or a member of his staff for anything said or done in the performance of OVR's duties or responsibilities. A.S. 24.65.180; A.S. 24.65.190; A.S. 24.65.200.

8. *It is a Crime to Fail to Comply with OVR's Lawful Demands*

Alaska law provides:

A person who knowingly hinders the lawful actions of the victims' advocate or the staff of the victims' advocate, or who knowingly refuses to comply with their lawful demands, is guilty of a misdemeanor and upon conviction may be punished by a fine of not more than \$1,000. A.S. 24.65.210.

THE OVR TEAM

OVR is a team of legal professionals comprised of the following individuals:

Taylor E. Winston, Executive Director

Ms. Winston grew up in Texas. She graduated with a Bachelor of Arts in Political Science, a Bachelor of Fine Arts in Journalism, and a Bachelor of Business Administration from Southern Methodist University in 1985. She earned her Master of International Affairs from Columbia University in 1988. After graduate school, Ms. Winston worked as an international trade program analyst at the U.S. General Accounting Office in Washington D.C. for several years before attending Georgetown Law Center. She earned her Juris Doctorate from Georgetown in 1997. That same year, she moved to Alaska to clerk for Superior Court Judge Larry Card in Anchorage. Following her clerkship, she was an associate at the law firm of Atkinson, Conway and Gagnon. In 1999, Ms. Winston became an assistant district attorney for the State of Alaska. Ms. Winston primarily prosecuted domestic violence assaults, sexual assaults, sexual abuse of minors and homicide cases. During her thirteen-year career as an assistant district attorney, she served two years in the Bethel DA's office and 11 years in the Anchorage DA's Office, where she supervised the Special Assaults Unit for six years. Ms. Winston has been a member of the Alaska Bar since 1997 and is also a member of the U.S. District Court of Alaska and the U.S. Supreme Court.

Katherine J. Hansen, Senior Victims' Rights Attorney

Ms. Hansen has been a staff attorney at the Alaska Office of Victims' Rights since January 2004. Ms. Hansen first came to Alaska with her family at age five. Raised in the Fairbanks area, she graduated from the University of Alaska Fairbanks with a Bachelor of Science degree in 1993. She graduated *cum laude* from Suffolk University Law School in Boston in 1997. She returned to Alaska to clerk for Superior Court Judge Larry Zervos in Sitka. Ms. Hansen became an assistant district attorney in the Fairbanks office, serving Fairbanks and the surrounding area, including Tok, Delta, Nenana, Fort Yukon and Galena. She then transferred to the Bethel office, serving the Bethel community and its 56 outlying villages. From Bethel, in 2000, she went on to the civil division of the Department of Law. There she represented the Department of Health and Human Services in its efforts to protect abused and neglected children. Ms. Hansen is the senior staff attorney at OVR.

Shaun M. Sehl, Associate Victims' Rights Attorney

Ms. Sehl grew up in Minnesota. She attended Loyola College in Baltimore, Maryland, graduating in 1988, and University of Oregon School of Law, graduating in 1993. Ms. Sehl came to Alaska in September 1993 to serve as the first on-site Law Clerk for Judge Curda in Bethel, Alaska. In the fall of 1994, she became the Law Clerk and Visiting Magistrate for the judges in the Second Judicial District, including Nome, Kotzebue and Barrow, and regularly traveled to all three locales. In 1996, Ms. Sehl became the first on-site Assistant Attorney General in Bethel, representing the Department of Health and Social Services in Child in Need of Aid and Juvenile Delinquent Cases. In 1998, Ms. Sehl moved to the Bethel District Attorney's

Office, serving as a prosecutor until December 1999. Ms. Sehl returned to Minnesota from 2000 to 2007 to work in the private sector with other family members in a start-up import business. Ms. Sehl returned to Anchorage in February 2007 to take her current position with the Office of Victims' Rights.

Irene S. Tresser, Associate Victims' Rights Attorney

Ms. Tresser grew up in Berkeley, California. She graduated from UC Santa Barbara in 1997 with a Bachelor of Arts Degree in English, French and Philosophy. She received her Juris Doctorate from UC Davis in 1990. She has clerked for several judges, including Justice Robert Rose of the Nevada Supreme Court and Judge John W. Sedwick of the United States District Court in Alaska, and served as a staff attorney for the Ninth Circuit Court of Appeals in San Francisco. Ms. Tresser has been an Alaska resident since the early 1990s. She possesses significant experience in legal research and writing and in appellate matters at all levels of the Alaska court system. She is a member of the Bar in Alaska, California and Nevada.

Joseph Young, Investigator

Mr. Young joined the Alaska Office of Victims' Rights in January 2012. Mr. Young retired from the Anchorage Police Department with 22 years of service. He served as a patrol officer, a major theft detective, burglary detective, crime prevention specialist and spokesperson. He functioned as a Field Training Officer and taught at the police academy. In the private sector, he owned and operated a workplace safety and security company. Prior to joining OVR, Mr. Young served for 17 years as the business manager of the Alaska Peace Officers Association – an organization of local, state and federal law enforcement personnel (including correction officers and prosecutors). Mr. Young holds the degree of Master of Business Organizational Management.

Canice Bryson, Office Manager/Paralegal

Canice Bryson joined the staff of the Office of Victims' Rights in 2005. Upon arriving in Alaska in 1995, Ms. Bryson returned to college and received associate degrees in paralegal studies and accounting. In 2000, Ms. Bryson received her Professional Legal Secretary certificate from the National Association of Legal Professionals, and she regularly attends continuing legal education classes. Ms. Bryson has significant experience working in the legal profession. Since 1998, she has worked for several sole-practitioner attorneys in the areas of family law, probate, contracts, and personal injury.

Dana Murphy-Hoffman, Special Projects Coordinator

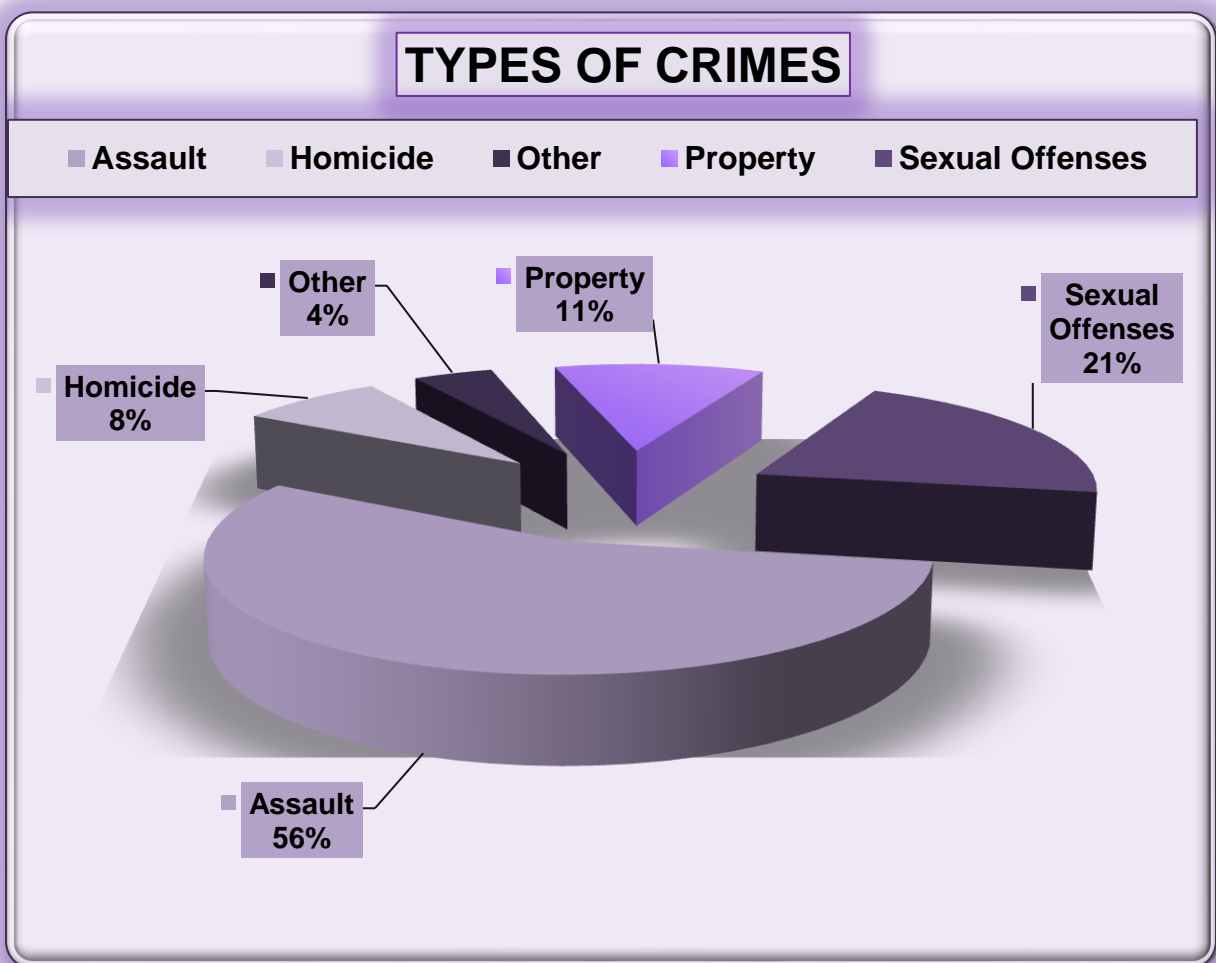
Dana Murphy-Hoffman joined the Alaska Office of Victims' Rights in June 2006. Before joining the office, she worked with the Alaska Court System for seven years. Ms. Murphy Hoffman worked as a Judicial Assistant in the District Court and served under Judge Peter Ashman, Judge Samuel D. Adams and Judge Gregory Motyka. Ms. Murphy-Hoffman served on several planning committees for the Alaska Court System and has over ten years of experience as a legal secretary. Ms. Murphy-Hoffman's duties as Special Projects Coordinator include the Domestic Violence Fatality Review Committee. She is responsible for the

administration of the individual teams conducting each fatality review and drafting team reports. Ms. Murphy-Hoffman has worked with the Domestic Violence Review Team for the past six years.

LEGAL SERVICES PROVIDED BY OVR

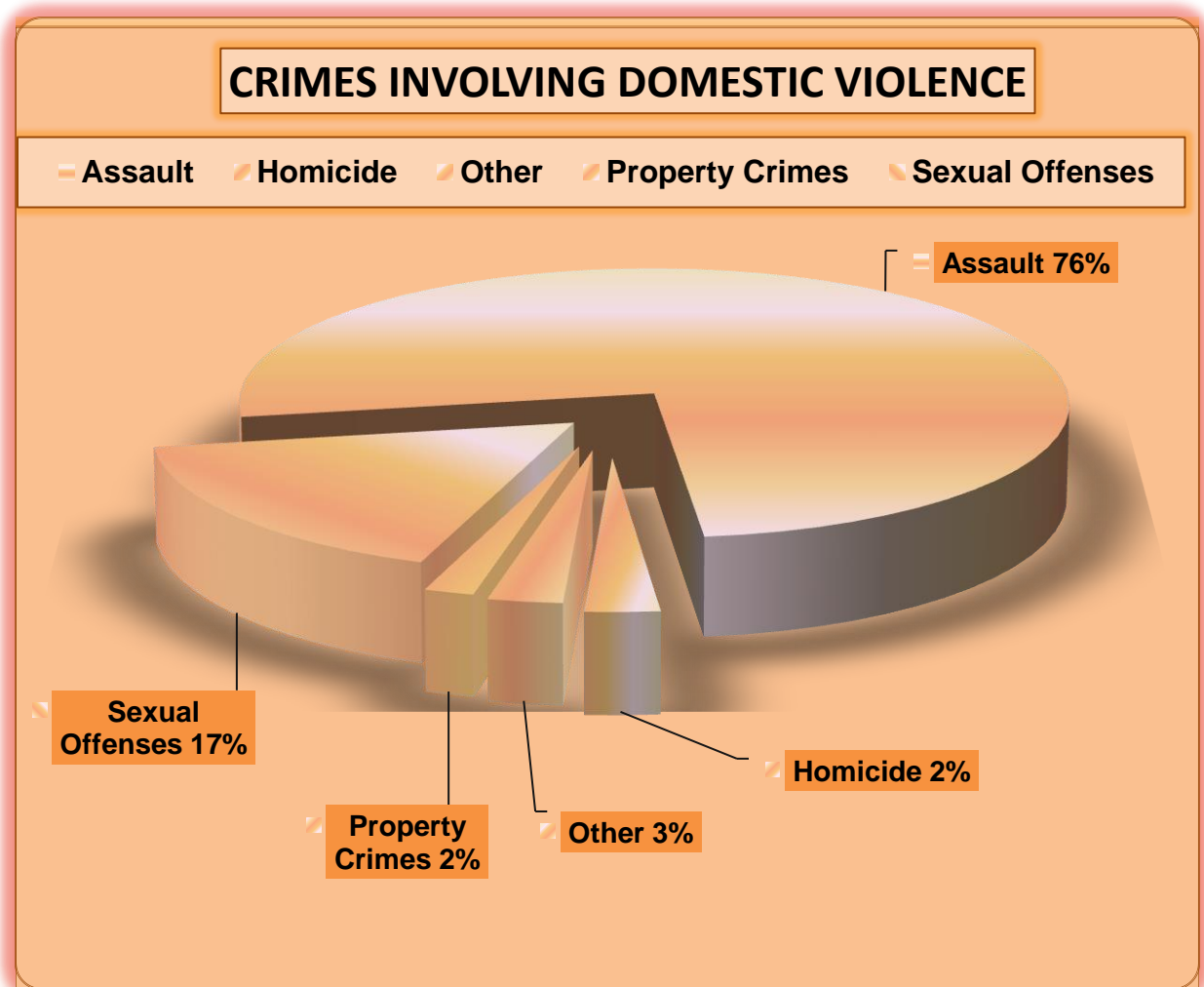
The following information pertains to the legal cases handled by OVR during the current reporting period of July 1, 2012 through June 30, 2013. During this period, 255 cases were opened by OVR requiring active legal assistance on behalf of crime victims.

OVR Opened 255 New Cases between July 1, 2012 and June 30, 2013.

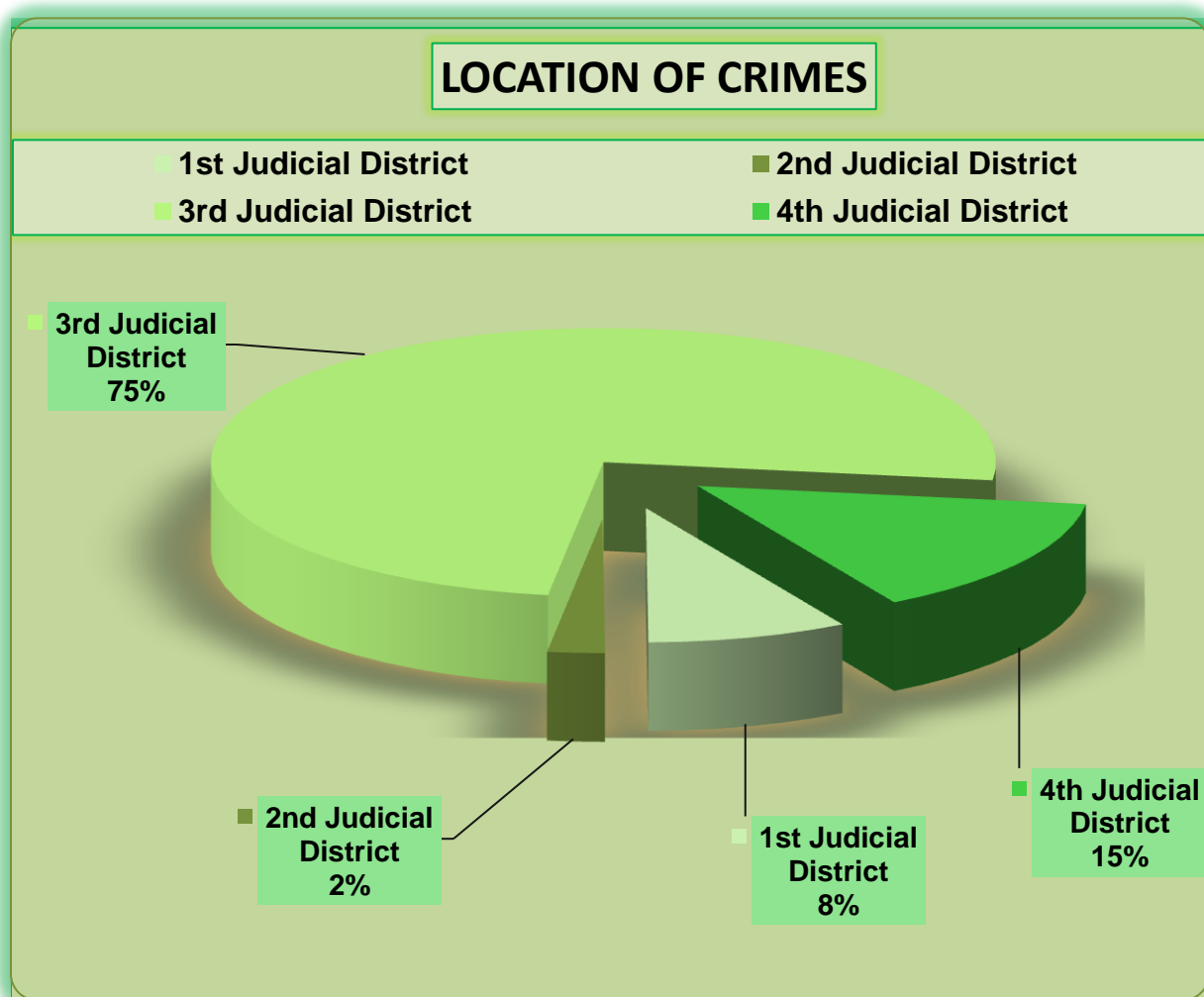


OVR primarily assisted victims who experienced crimes against the person. These crimes involve homicide, kidnapping, assault, robbery and sexual offenses. Fifty-six percent (56%) of OVR's caseload involved crimes of assault. Twenty-one percent (21%) of OVR's caseload centered on sexual abuse of minors and sexual assault crimes.

OVR continues to assist a high number of victims of domestic violence. The number of domestic violence cases handled by OVR in the current reporting year increased from the previous year. Forty-four percent (44%) of OVR's caseload involves domestic violence crimes. Of the crimes of domestic violence, a large majority (76%) of those were assault crimes.

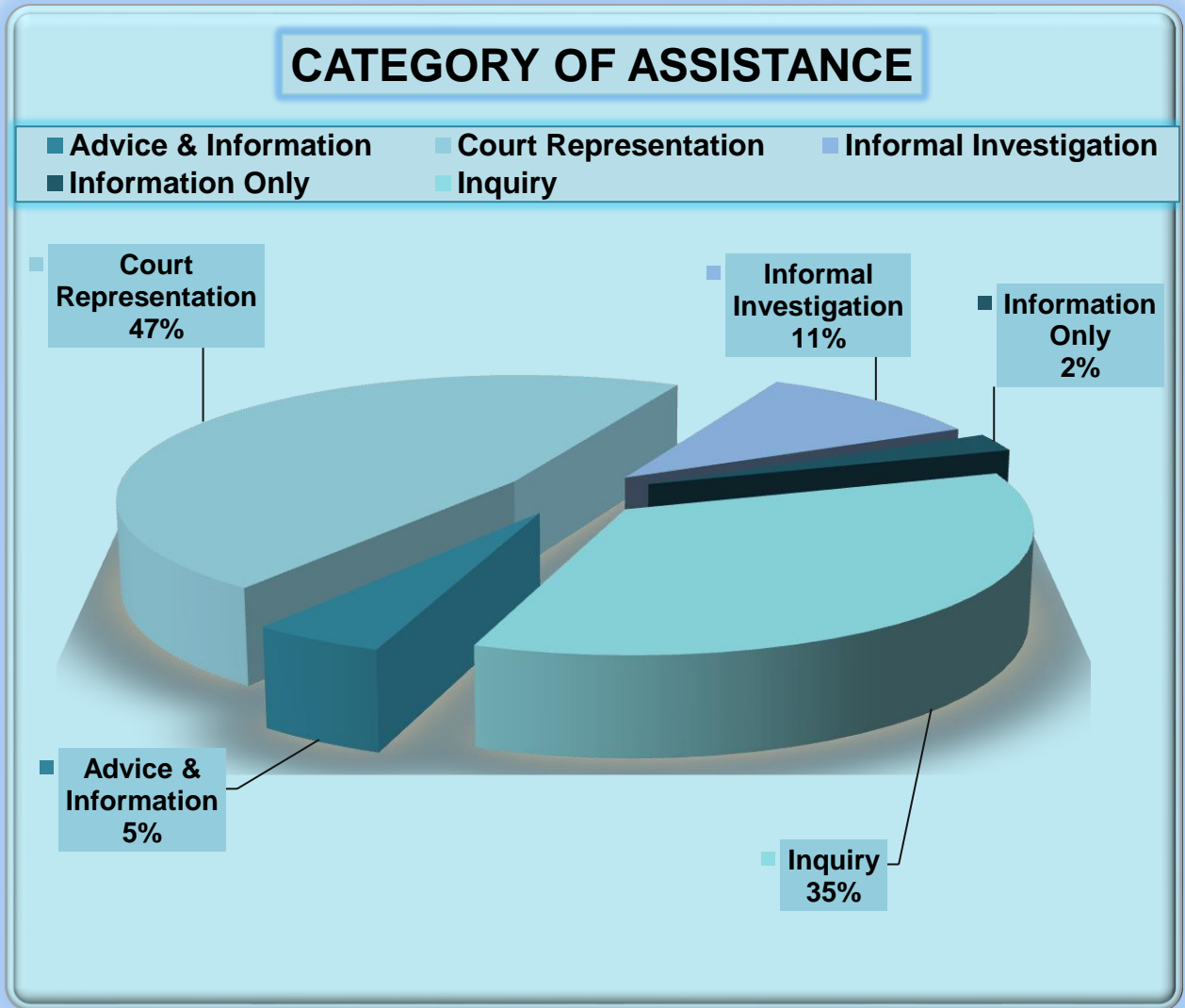


The majority of OVR cases originated in the Third Judicial District. This district comprises the most populated regions of the state — Anchorage, the Matanuska-Susitna Valley, and the Kenai Peninsula.



OVR continues to represent clients in court, distribute information, conduct trainings, and pursue investigations on behalf of crime victims across the state of Alaska. Approximately one-half of OVR's caseload requires in-court representation of crime victims. OVR also provides substantial informational services for Alaska crime victims by responding to general inquiries and providing case specific advice.

OVR tracked crime victim data according to judicial district. OVR handled 21 cases in the First Judicial District, 6 cases in the Second Judicial District, 191 cases in the Third Judicial District, and 37 cases in the Fourth Judicial District. In each judicial district, OVR primarily served victims of sexual offenses and physical assault.



REPRESENTATION OF CRIME VICTIMS IN ALASKA COURTS

The information below summarizes the assistance provided to crime victims by OVR during the last fiscal year:

Advice and Information:

Twelve (12) crime victims sought advice or information from OVR. This means that after speaking with OVR lawyers and staff, the crime victims filed formal written documents (standard OVR complaint forms) with OVR. These cases were easily resolved and involved minimal document collection and preparation. Primarily they involved individuals who needed information about how the judicial system operates and wished to have a third party look over their case to determine whether it proceeded as other cases in similar situations.

Inquiry:

Ninety (90) crime victims came to OVR with particular problems or concerns regarding active criminal cases. These clients filed formal written requests with OVR. These cases required OVR to seek documentary evidence from justice agencies. In addition, these cases required significant hands-on involvement with the victims by OVR attorneys and staff. Often these cases require the development of a cooperative relationship between OVR, the client, and the justice agencies involved.

Informal Investigation:

Twenty-seven (27) crime victims came to OVR with significant problems or concerns regarding active criminal cases during the current reporting period. These clients filed formal written requests with OVR, and their cases required OVR to seek documentary evidence from justice agencies. These cases were significant in terms of the number of documents collected and reviewed, the time commitment required from OVR lawyers and staff, and the level of inquiry into justice agency affairs. These cases did not result in the publication of a formal report pursuant to AS 24.65.160, but were resolved through informal means and communication with participating criminal justice agencies.

Formal Investigation:

None of OVR cases during the instant reporting period resulted in progression to the formal investigation stage described in AS 24.65.160.

Court Representation:

One hundred twenty (120) clients came to OVR with significant problems or concerns regarding active criminal cases and the desire to participate in court proceedings. In addition to requesting documentary evidence from judicial agencies, these cases gave rise to an OVR attorney presence in the courtroom on behalf of the victim and their interests. Examples of court representation include cases in which OVR staff attorneys spoke on behalf of crime victims at hearings involving bail, change of plea, sentencing, as well as at trial, including juvenile adjudications.

Contacts

Two hundred thirty-two (232) persons contacted OVR for information, legal advice, or referrals to other victim service agencies. Many of these individuals were not eligible to file a complaint or to request OVR services due to lack of OVR jurisdiction. These figures are not included in the total number of new cases opened during the reporting period given that these contacts did not result in a new OVR case being opened.

Therefore, during the current reporting period, OVR served 487 Alaska residents through OVR's services, and information and referrals provided.

OVR EDUCATION AND TRAINING

OVR staff continues to maintain their expertise in crime victim advocacy and to receive training in areas which enhance our ability to better serve victims in Alaska. OVR also provides training to criminal justice professionals in Alaska to further the interests of Alaska crime victims. The following information summarizes the trainings attended and provided by OVR during the current reporting period.

<u>Date</u>	<u>OVR Trainings Attended</u>
August 28, 2012	<p>“17th Annual Informal Discussion with the U.S. Court of Appeals for the 9th Circuit”</p> <p>Kathy Hansen attended this program, which focused on appellate practice before the United States Court of Appeals for the Ninth Circuit, including appellate motion practice “do’s and don’ts” for appellate briefs and appellate oral arguments.</p>
September 24-27, 2012	<p>JustWare Annual Training Conference</p> <p>Taylor Winston and Canice Bryson participated in a week-long conference to learn more about the case management system OVR ultimately instituted.</p>
October 17, 2012	<p>“Grace Under Fire: When Judges Face Public Pressure”</p> <p>Kathy Hansen and Shaun Sehl attended this Alaska Bar Association’s Continuing Legal Education program.</p>
November 15, 2012	<p>“2013 Annual Ethics Updates: This Would Never Happen in Civil and Criminal Practice”</p> <p>Shaun Sehl attended the Alaska Bar Association’s Continuing Legal Education program, which focused on ethical considerations in criminal and civil practice.</p>
January 9-11, 2013	<p>Legislative Staff Orientation and Legislative Ethics Law</p> <p>Taylor Winston participated in this orientation training which provided an overview of legislative process and services offered in the legislative branch. The training also included the mandatory legislative ethics law for legislative branch employees.</p>

February 12, 2013

Legislative Ethics Law

Kathy Hansen, Shaun Sehl, Joseph Young, Dana Murphy-Hoffman and Canice Bryson completed their mandatory legislative ethics training with the Office of Legislative Ethics.

February 27, 2013

Victim Restitution

The Chief Assistant Attorney of the Collections and Support Section of the Department of Law provided training to the entire OVR staff about process they use to collect and distribute restitution owed to a crime victim by a criminal defendant.

May 6, 2013

Violent Crimes Compensation Board

Taylor Winston, Kathy Hansen, Irene Tresser, and Shaun Sehl attended a training presented by representatives of the Violent Crime Compensation Board about changes to Board policies.

June 3-7, 2013

JustWare Case Management System

The entire OVR staff received on-site training by New Dawn Technologies regarding JustWare, OVR's new case management system. Canice Bryson and Taylor Winston also received additional administrator training related to the new system.

Date

OVR Trainings Provided

August 10 & 11, 2012

2012 Governor's Family Picnic, Anchorage and Mat-Su Valley

Taylor Winston and Dana Murphy-Hoffman attended the Governor's Family Picnics and distributed information and materials regarding crime victim's rights at a table with other organizations providing services in the community.

August 10, 2012

Anchorage Sexual Assault Nurse Examiners

Taylor Winston met with the Sexual Assault Response Team's nurse examiners to provide training on crime victims constitutional and statutory rights' and what services OVR provides to crime victims.

August 20, 2012

Alaska State Crime Lab Mock Trial

Taylor Winston participated in a mock trial, filling the prosecutor's role. The mock trial is a component of the training and certification

process for DNA and biological evidence analysts at the Alaska State Crime Lab.

September 13, 2012

Standing Together Against Rape (STAR)

Taylor Winston provided training to new STAR advocates on crime victims' constitutional and statutory rights and what services OVR provides to crime victims.

December 4, 2012

Alaska Association of Chiefs of Police (AACOP) Leadership Conference

Taylor Winston provided information to chiefs of police from around the state about the requirements law enforcement officers have as they pertain to victims' rights and how OVR handles confidential police reports and other investigative materials.

December 6, 2012

Anchorage Assistant District Attorneys

OVR provided of overview of OVR's services to a group of new assistant district attorneys in the Anchorage Office. Prosecutors also had an opportunity to talk directly with the all OVR members.

January 10, 2013

Legislative Staff Orientation

Taylor Winston presented an overview of OVR and victims' rights in Alaska to incoming legislative staff members.

April 23, 2013

Fairbanks Interior Academy; Fairbanks District Attorney's Office; Stevie's Place

Taylor Winston traveled to Fairbanks to provide separate trainings to law enforcement, prosecution and advocates. Ms. Winston provided training to law enforcement officers at the Interior Academy about victims' rights and the requirements law enforcement officers have as they pertain to OVR and to victims' rights. She provided training to the District Attorney Office in Fairbanks about OVR's services, topics specifically related to prosecutors, the scope of our representation of victims and discovery. She also taught a program about the constitutional rights of crime victims to the legal advocates and staff members at the Child Advocacy Center.

May 2, 2013

Alaska Network on Domestic Violence and Sexual Assault

Taylor Winston conducted a teleconference training to legal advocates located around the state. This training provided information about OVR mission as well as its policies, procedures and services.

May 21, 2013

Alaska Peace Officers Association (APOA) Conference

Taylor Winston provided training to law enforcement officers at the APOA conference in Kenai. The presentation focused on OVR's handling of confidential materials, victims' rights and the requirement law enforcement officers have as they pertain to OVR and to victims' rights.

OVR AND SYSTEM/COMMUNITY-BASED ADVOCACY GROUPS

OVR continues its work with system and community-based advocacy groups on behalf of Alaska crime victims. Community-based advocacy groups are citizen advocates and professionals dedicated to improving the lives of crime victims. System-based advocacy groups are legal and law enforcement professionals employed by state and local government.

System-Based Advocacy Groups

OVR participates in the Criminal Justice Working Group's Efficiencies Committee and Prevention-Retention Committee. The CJWG is comprised of policymakers and top administrators who collaborate on ways to improve Alaska's criminal justice system. The CJWG works to develop long-range policies and also to resolve shorter-term problems in the criminal justice system. OVR's participation allows us to have input regarding crime victim issues which arise in the criminal justice system..

OVR serves as a member on the Office of Victims of Crime's Wraparound Victim Legal Assistance Grant Steering Committee. The Steering Committee members are working together to develop a comprehensive and collaborative model for delivering wraparound pro bono legal services to all crime victims and to develop referral protocols to meet the wide range of crime victims legal needs related to their victimization.

OVR participates in the Alaska Bar Association's Criminal Rules Committee, which consists of representatives from the Department of Law, the defense bar, the court system, the Anchorage Municipal Prosecutor's Office, and the bench. This committee meets approximately three to four times per year to evaluate Alaska Criminal Rules and offer proposed changes to the rules which would better serve the criminal justice process.

OVR serves as a member of the Forensic Science Task Force. The Department of Law leads this multi-disciplinary group charged with reviewing and improving procedures for the retention of property during the course of the criminal case and appeal. Investigator Joseph Young attended the Task Force's January 8, 2013 meeting.

OVR works closely with the Anchorage Domestic Violence Fatality Review Team (DVFRT), created by the Municipality of Anchorage to review cases and make system-wide recommendations relevant to domestic violence fatalities. OVR attends meetings of the Anchorage Domestic Violence, Sexual Assault and Child Abuse Caucus, and serves on the law and legal subcommittee of the caucus.

Over the course of this reporting year, OVR's Executive Director attended Bench Bar meetings, and met with representatives from the Department of Law, the Department of Corrections victims' services, the Federal Bureau of Investigation (FBI), and the Special Victims' Counsel for the Air Force at Elmendorf Air Force Base. OVR Staff attorneys met with representatives from the Probation Office of the Department of Corrections, Office of Special Prosecutions and Appeals of the Department of Law and JAG officers from the Joint Services Committee Sexual Assault Subcommittee of the Department of Defense. OVR attends meetings in support of the work of the State of Alaska Executive Branch to increase public awareness concerning domestic violence and sexual assault crimes in Alaska. OVR's Executive Director also met with representatives from the state Ombudsman's office and the Office of the Governor. OVR supports the Governor's Choose Respect campaign and has participated in activities related to this initiative.

Community-Based Advocacy Groups

OVR engages in outreach to community-based advocacy and victim support groups and supports their efforts. Over the course of this reporting year, the OVR Executive Director attended meetings of the Anchorage Domestic Violence, Sexual Assault and Child Abuse Caucus and has met with representatives from Alaska Native Justice Center (ANJC), Abused Women's Aid in Crisis (AWAIC), Aiding Women in Abuse and Rape Emergencies (AWARE), the Alaska Network on Domestic Violence and Sexual Assault (ANDVSA), Standing Together Against Rape (STAR), Safe and Fear-free Environment (SAFE), and the Violent Crimes Compensation Board (VCCB). OVR coordinates with Victims for Justice and served on its Task Force for the 2013 National Crime Victims' Rights Week.

OVR seeks to continue its partnership with community and system based advocacy groups to improve the experience of crime victims in the criminal justice process. OVR continues to reach out to the community. This year Special Projects Coordinator Dana Murphy-Hoffman participated in the Project Homeless Connect in Anchorage (raising awareness of OVR legal services), the Primary Prevention Summit Meeting and Anchorage Domestic Violence, Sexual Assault and Child Abuse Caucus related to Green Dot Training.

Furthermore, OVR assisted the Alaska Legal Services Corporation along with the Municipality of Anchorage Prosecutor's Office and the State of Alaska, Department of Health and Human Services, (among others) in attaining grant funding.

OVR AND THE DOMESTIC VIOLENCE FATALITY REVIEW COMMITTEE

The Alaska Office of Victims' Rights Executive has been involved with the Domestic Violence Fatality Review Committee for years. During the current reporting period, OVR continues to supply administrative support to the DVFRT Advisory Committee and the Review Teams. OVR Special Projects Coordinator, Dana Murphy-Hoffman continues to work closely with the DVFRT. The DVFRT Review Teams complete cases reviews and formulate system-wide recommendations to submit to the DVFRT Advisory Committee. Ms. Murphy-Hoffman has made an outstanding contribution to the DVFRT in her work at the Alaska Office of Victims' Rights.

The Anchorage Domestic Violence Fatality Review Committee continued its vital work to understand and improve system wide responses to domestic violence. The DVFRT completed an entire review of a domestic violence homicide this reporting year.

OVR continues to work with the DVFRT to understand domestic violence crime and improve system-wide responses for crime victims. OVR remains committed to this project in order to help victims of domestic violence in Anchorage and throughout the state.

RURAL ALASKA OUTREACH

OVR continued its educational outreach to communities outside of the metropolitan area of Anchorage.

During the 2013 reporting period, OVR's Executive Director traveled to Fairbanks, Juneau, and Kenai to provide information about OVR and listen to the concerns of victim advocates, medical providers and law enforcement.

OVR's rural Alaska outreach effort expands and strengthens OVR's network of community and system-based advocacy groups, medical providers, law enforcement, court system and Department of Law personnel to further the interests of crime victims statewide. OVR respectfully recognizes and supports the work of victim advocates and legal professionals in remote communities and their commitment to improving public safety.

In Juneau, Ms. Winston met with directors of several community-based organizations including the Violent Crimes Compensation Board (VCCB), Alaska Network on Domestic Violence and Sexual Assault (ANDVSA), and Aid to Women in Abuse and Rape Crisis (AWARE). She also had the opportunity to do outreach with the Juneau's District Attorney's Office, the Juneau Police Department and the Superior Court judges.

In Fairbanks, Ms. Winston presented materials on crime victims' rights to legal advocates and staff members of Stevie's Place, the child advocacy center. She listened to firsthand

accounts of the difficulties and successes of helping victims of violence, particularly children, in the criminal justice system.

In Kenai, OVR's Executive Director met with law enforcement and the District Attorney's Office. The subject of OVR presentation was the rights of crime victims, practical conflict resolution skills and an overview of the services available through OVR.

OVR seeks to work with others – in a spirit of cooperation and collaboration – to improve crime victims' experiences in the criminal justice system in communities throughout Alaska. OVR remains committed to implementing suggestions for improving access to legal services to crime victims in less populous regions of the state.

LAW ENFORCEMENT OUTREACH

OVR's Executive Director Taylor Winston and Investigator Joseph Young established personal dialogues with numerous police chiefs, deputy chiefs, captains and lieutenants throughout Alaska in the reporting year. Ms. Winston and Mr. Young met with law enforcement agencies. Mr. Young initiated personal contacts with police chiefs from Cordova, Homer, Kenai, Palmer, Seward, Soldotna, Wasilla and Yakutat. Ms. Winston also initiated personal contacts with police chiefs in Juneau and Fairbanks

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| July 2012 | Ms. Winston and Mr. Young met with an Alaska State Trooper (AST) detachment captain and a District Attorney to discuss OVR's purpose, regulations, and statutory basis for attaining criminal justice records. This was an excellent and productive session. |
| August 2012 | Ms. Winston and Mr. Young met with AST Major and counsel for the Department of Public Safety to establish systematic access to law enforcement reports from all the detachments throughout the state. |
| December 2012 | Ms. Winston and Mr. Young attended the AACOP Executive Directors' Executive Development Conference for Law Enforcement Leadership. This event is jointly sponsored by the Alaska Police Standards Council, Alaska Association of Chiefs of Police, and the FBI National Academy Associates. Law enforcement executives from across the state attend this annual conference. Between sessions, Ms. Winston and Mr. Young interacted directly with a number of attendees. |
| January 2013 | Ms. Winston met with the Chief of the Juneau Police Department to discuss police notification to victims of OVR, how that notification process could be made easier for officers, and the handling of and access to police reports. |
| February 2013 | Ms. Winston and Mr. Young met with an AST detachment lieutenant regarding concerns about the length of time taken to investigate serious |

injury and fatality accidents. New AST processes and procedures have been implemented which should assist in minimizing lags in the investigation.

- April 2013 Ms. Winston met with the Chief of the Fairbanks Police Department to discuss police notification to victims of OVR, how that notification process could be made easier for officers, and the handling of and access to police reports.
- May 2013 Ms. Winston and Mr. Young travelled to the Alaska Peace Officers Association Crime Conference. This annual, week-long, multi-track training event draws attendees from all across the state. In addition to Ms. Winston provide training to attendees, Ms. Winston and Mr. Young had an opportunity to interact directly with a number of officers between sessions.
- June 2013 OVR, after consultation with various law enforcement officers around the state, printed and distributed newly designed OVR contact notification cards. These colorful business card-sized handouts should be easier for the law enforcement officers to give to victims and for victims to keep close at hand. A supply of cards was sent to each police department and AST detachment throughout the state along with an explanation letter detailing statutory notification requirements.

Additionally, Mr. Young continued to engage directly with Law Enforcement personnel throughout Alaska and established an extensive network of contacts. He is diligent in developing and maintaining amiable, professional relationships. OVR seeks to continue to work with law enforcement in the year ahead in a constructive manner to advance the interests of crime victims and improve the administration of justice.

OF INTEREST

The following section provides members of the Alaska Legislature and the public information about developments in the area of victims' rights in Alaska and a glimpse of the specific work of OVR in an effort to improve the lives of crime victims in Alaska.

PROTECTING CRIME VICTIMS' PRIVACY RIGHTS

During the past year, the Alaska Office of Victims' Rights (OVR) has continued to fight to preserve crime victims' constitutional and statutory right to privacy throughout the criminal justice process. As reported in last year's annual report, criminal defense attorneys routinely file discovery requests for private information from crime victims. These requests are most often filed in domestic violence, sexual assault and child sexual abuse cases.

In support of these motions, criminal defendants assert, in the most general terms, that these crime victims may have difficulty perceiving reality due to alcoholism, combative natures, or possible (although not necessarily confirmed) mental health diagnosis. For example, in the case of N. G., the trial court granted the defense's motion to compel. The court ordered N. G., a victim of a brutal physical and sexual assault, to provide all her mental health, medical and substance abuse treatment records to the court for in camera review. Even more invasive, the court ordered N. G. to compile a list of all of her providers and file this list with the court to facilitate the court's efforts to locate these records. N. G.'s treatment providers are not mentioned anywhere in the investigative report.

Given the marked increase in motion work, the disparate decisions are being meted out at the trial court level because Alaska law was unclear, and given the fact that this issue is one of the greatest import to crime victims' sense of fair treatment by the criminal justice system, OVR filed an application for relief to the Alaska Court of Appeals at the request of N. G.

On December 14, 2012, the Alaska Court of Appeals issued an appellate opinion in the case of *N.G. v. Superior Court*, 291 P.3d 328 (Alaska App. 2012). The decision was favorable for crime victims on several fronts. First, the appeals court, at least implicitly, recognized that a victim has the right to seek and obtain appellate relief to protect her constitutional and statutory legal rights during the course of a criminal prosecution. *N.G.* at 330. Second, the appeals court upheld an evidentiary privilege, the psychotherapist-patient privilege, for a crime victim, interpreting "confidential communications" within the context of that privilege very broadly. *N.G.* at 334 and 339. The decision to protect the evidentiary privilege is consistent with the appeal court's previous decisions to uphold the privilege for criminal defendants. *See Allred v. State*, 554 P.2d 411, 422 (Alaska 1976); *M.R.S. v. State*, 897 P.2d 63, 64 (Alaska 1995); *State v. R.H.*, 683 P.2d 269 (Alaska App. 1984). Third, the *N.G.* decision sets forth at least minimal standards for similar discovery requests, providing guidance to criminal trial judges and attorneys statewide. *N.G.* at 337 – 339. The *N.G.* court reversed the trial court's ruling, finding that the defense's "offer of proof was insufficient to justify an in camera examination of N. G.'s privileged records." *N.G.* at 340. The *N.G.* opinion suggests the court may in the future employ a strict scrutiny analysis, or some other protective standard, before allowing a victim's privilege to be pierced. *N.G.* at 338.

Unfortunately, more work is needed in this area. The *N.G.* opinion left open the question of whether and what situations may present in the future that would allow the court to pierce the privilege. *N.G.* at 337. Since the *N.G.* decision was published, the defense has filed a new motion to compel. In support of that motion, defense called an expert witness to speak to the general effects of substance abuse and mental health diagnosis on a witness' ability to accurately perceive. That motion, and a motion to reconsider, have both been denied by the trial court in the *N.G.* case. It is unclear at this time if defense in *N.G.* will file a new motion to compel and attempt to provide additional testimony in support of that motion, file a petition for review with the Court of Appeals, or simply move forward to trial and appeal the issue post-conviction.

State wide, the defense bar continues to file motions, as a routine practice, asking courts to violate the victim's privilege and right to privacy. This is occurring despite legislative measures that have been previously enacted to protect crime victim privacy. [For example, A.S. 12.45.049 victim counselor privilege.] OVR will continue to enter limited appearances for crime

victims in individual criminal cases where a victim's privilege and privacy need protection. Overall, the *N.G.* decision is cited favorably by trial courts in denying these type motions.

NEW LEGISLATION AFFECTING VICTIMS

On June 11, 2013, Governor Sean Parnell signed into law Senate Bill 22, which was the governor's comprehensive crime bill. The crime bill contains the following provisions which will affect crime victims in Alaska. Of particular interest are the following provisions:

- Defendants convicted of a sexual felony and sentenced under A.S. 12.55.125(i) ability to have his /her case referred by a trial court judge to a three-judge panel for sentencing has been curtailed. The legislature made it clear that it was never its intent to allow such referral. Referral to a three-judge panel gives a defendant an opportunity to receive a sentence below the presumptive ranges required in A.S. 12.55.125(i). *A.S. 12.55.165, A.S. 12.55.175* .The amendments address courts trying to circumvent the sentences required under A.S. 12 .55.125(i) by referring sexual offense cases to a three-judge panel.
- Several additional crimes, distribution of child pornography, felony sex trafficking and felony human trafficking, have been added to the group of crimes in which there is no statute of limitations. Other crimes in this group include murder, attempted murder, solicitation or conspiracy to commit murder, unlawful exploitation of a minor, felony sexual abuse of a minor and felony sexual assault, and kidnapping. *A.S. 12.10.010*.
- The crime of sexual assault in the third degree was amended to make it also a crime when 1) an offender, while employed as a probation or parole officer, engages in sexual penetration with a person with reckless disregard that the person is on probation or parole and 2) an offender, while employed as a juvenile probation officer or facility staff member, engages in penetration with a person 18 or 19 years old with reckless disregard that the person is committed to the custody or probationary supervision of the Department of Health and Social Services. Similarly, sexual assault in the fourth degree was amended to make it also a crime when there is sexual contact by probation/parole officers and juvenile probation officers or facility staff. *A.S. 11.41.425 (a) (5)-(6) and A.S. 11.41.427 (a)(4)-(5)*.
- The crime of Unlawful Contact in the First Degree was amended to now make it also a crime if a defendant contacts a victim or witness when the court has ordered no contact with a victim or witness while the defendant is on official detention. *A.S. 11.56.750 (a)(1)(A) and (B)*. In short, a defendant now can be charged with unlawful contact when he makes or attempts to make direct or indirect contact from jail.
- In cases involving non-domestic violence stalking a judicial officer can now order a defendant to participate in an electronic monitoring system with a GPS-type device while on release from custody. *See A.S.12.30.016(e)(4)*. Similarly, in a case involving a crime of domestic violence pre-trial, post-trial or pending appeal, a judicial officer also can order a defendant to participate in a electronic monitoring system with GPS technology while on release. *A.S. 12.30.027(a)(4)*.

- Defendants arrested for a domestic violence crime or for violating a condition of release in a domestic violence case may not be released from custody before going before a judicial officer for arraignment. *A.S. 12.30.061(e)*. This change will prevent defendants from bailing out prior to their first appearance in court which in the past had left victims without notice of the defendant being out of custody.
- Victims, if they request, can receive copies of letters of support submitted to the court to consider in sentencing a defendant. *A.S. 12.55.023(a)(5)*.
- A defendant cannot receive a suspended imposition of sentence (SIS) in a case involving the crime of sex trafficking. *A.S. 12.55.085(f)*.
- The Violent Crimes Compensation Board now may order the payment of compensation for the additional crimes of unlawful exploitation of a minor, human trafficking and some degrees of sex trafficking. *A.S. 18. 67.101. See also A.S. 18.67.010-180*.
- With regards to the retention election of judges, the judicial council is now required to provide information to the public which includes the judge's consideration of victims when imposing sentence on defendants convicted of crimes involving victims. *A.S. 22.10.150*.
- The court may not accept a pre-sentence report that does not include a victim's impact statement unless the report explains why the victim or the victim's representative could not be interviewed. *Criminal Rule 32.1*.

GOALS AND REFLECTIONS

OVR reaches out to Alaska residents in rural communities to assist and inform them about their Alaska Constitutional and statutory rights.

OVR works successfully with community-based advocacy groups and system-based groups to improve the criminal justice system and the experience for crime victims. OVR makes a positive contribution to the resolution of legal issues, particularly in cases involving domestic violence and sexual assault crimes.

OVR serves individual clients before the court mindful of the principles embodied in the Alaska Constitution of dignity, respect and fairness.

Fundamentally, if OVR amplifies the voice of a crime victim in order to have his or her voice considered before the court, it improves the administration of the criminal justice system and helps victims achieve restorative justice.

OVR celebrated its tenth anniversary in 2012. As I began my first year as OVR's Executive Director, one of my focuses was to address some organizational and technological concerns within the office. Much effort was spent this year researching, acquiring and

implementing a new case management system, which will be more efficient and provide better and more complete data as well as faster and easier access to information. We also undertook a major project to electronically archive closed files from 2002-2007. Our mission to serve individual crime victims, and educate victims and agencies alike continued. Great strides have been made over the years in the area of victims' rights, however, some hurdles still remain regarding the recognition and enforcement of victims' rights in Alaska. Lack of knowledge and understanding about victims' rights is the primary source of non-compliance by criminal justice agencies and the court system. One of our missions at OVR is to educate as many groups and agencies as possible about the rights victims have and to encourage those entities not only to support but follow the laws. Crime victim advocacy in Alaska clearly benefits from cooperation and collaboration between the Alaska Office of Victims' Rights (OVR), advocacy groups, criminal justice agencies, and the court system. We will continue to reach out to these groups by providing education and materials, and to engage in dialogues in an effort to better victims' experience with the criminal justice system. Additionally, we will continue our efforts to raise victim awareness about the rights they have, OVR's mission, and reach out to victims of felony property crimes in hopes their voices can be heard more often.

I am grateful to the residents of Alaska and Alaska Legislature for the opportunity to serve as the Executive Director and Victims' Advocate of OVR. I believe the objectives outlined above were largely achieved during this reporting year and I remain confident that OVR will continue its mission to vigilantly protect victims' rights in accordance with Alaska's Constitution and statutes, and will seek to improve the experience of crime victims in criminal justice process.