



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

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By: Taylor E. Winston
Executive Director
Alaska Office of Victims' Rights
1007 West Third Avenue, Suite 205
Anchorage, Alaska 99501-1936
Phone: 907-754-3460
Fax: 907-754-3469
ovr.akelg.gov

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INTRODUCTION

The Alaska Office of Victims' Rights (OVR) serves three functions: 1) to preserve and protect crime victims' 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 advocacy groups and government committees and workgroups to improve crime victims' experience 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) to make inquiries and obtain information considered necessary from justice agencies;
- (b) to hold private hearings; and
- (c) notwithstanding other provisions of law, to 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 this fiscal year 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, 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, 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.

Shannon Eddy, Victims' Rights Attorney

Ms. Eddy grew up primarily in the Northwest. She attended Western Washington University and graduated in 1997 with a Bachelor of Arts in Communications. After graduating from the University of Oregon School of Law in 2003, she moved to Alaska to clerk for Superior Court Judge Michael Wolverton. Ms. Eddy worked as an Assistant District Attorney in Anchorage and in Kodiak. She also worked for the Office of Special Prosecutions in the alcohol interdiction unit. In March of 2011, Ms. Eddy became the first lawyer in the state to work out of a woman's shelter in Dillingham with Alaska Legal Services Corporation. She represented domestic violence and sexual assault survivors in obtaining protective orders and in custody cases. Ms. Eddy returned in Anchorage in March of 2012 to continue the same practice on behalf of the Alaska Network of Domestic Violence and Sexual Assault. Ms. Eddy joined the Office of Victims' Rights in August 2015.

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.

Jenni Summers, Legal Secretary/Special Projects Coordinator

Mrs. Summers joined OVR in May 2014. Mrs. Summers grew up in Southern California where she was a police officer from 1996 to 2002. From 2002 to 2004, she worked as the Substance Abuse Program Coordinator and Case Manager at two separate domestic violence shelters in Joshua Tree, CA and Oceanside, CA. In 2004, she became an Investigator conducting background investigations for Federal Security Clearances. She continued in her role as an investigator until 2012 when she and her family moved to Anchorage. At that time, she took a position in the DV Unit at the Anchorage Municipal Prosecutors Office. She joined OVR in 2014. Mrs. Summers holds a Bachelor's of Science degree in Criminal Justice.

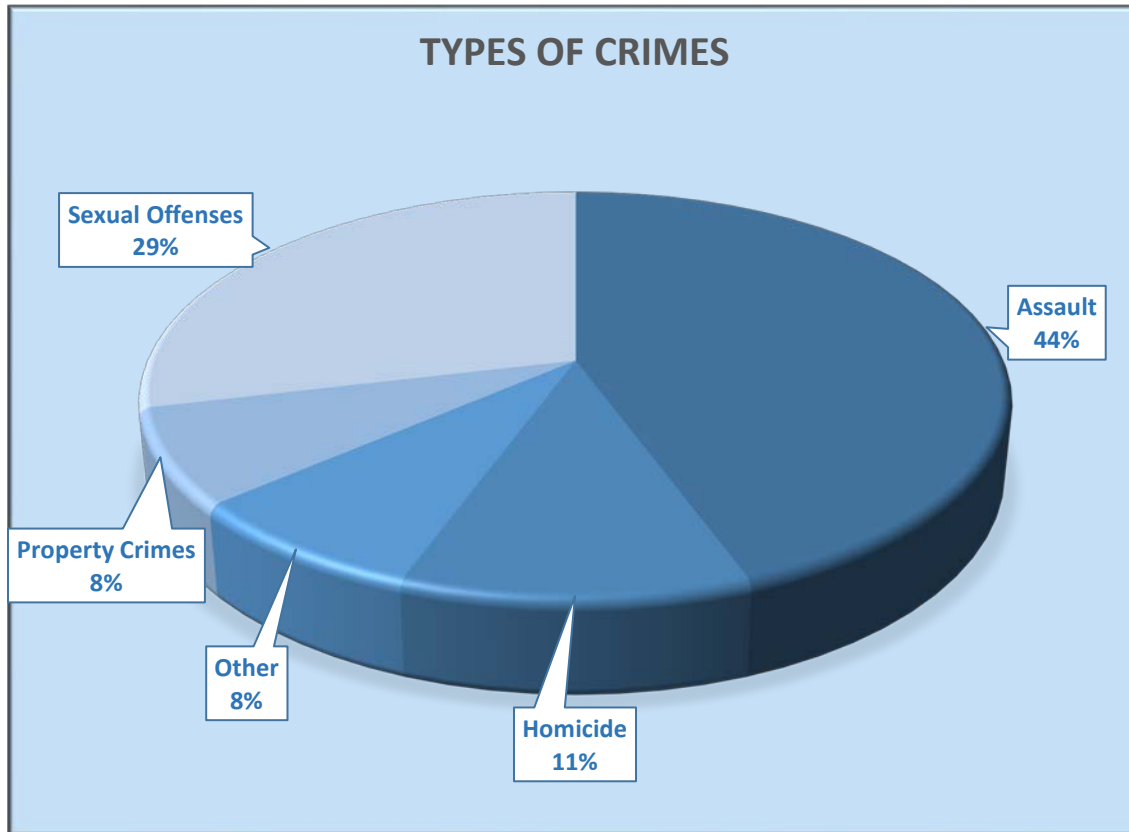
Molly Hawkins, Law Office Assistant

Ms. Hawkins was born in Anchorage and grew up in Big Lake from the age of four. She joined the Alaska Office of Victims' Rights in June 2016. She has 5 years prior experience working for the Department of Law. She assisted the prosecuting attorney for the Sexual Assault Crimes unit in the Palmer District Attorney's Office before relocating to Anchorage to work for the Rural Prosecution and Cold Case unit in the Office of Special Prosecutions.

LEGAL SERVICES PROVIDED BY OVR

The following information pertains to the legal cases handled by OVR during the current reporting period of July 1, 2016 through June 30, 2017. During this period, 233 cases were opened by OVR requiring active legal assistance on behalf of crime victims.

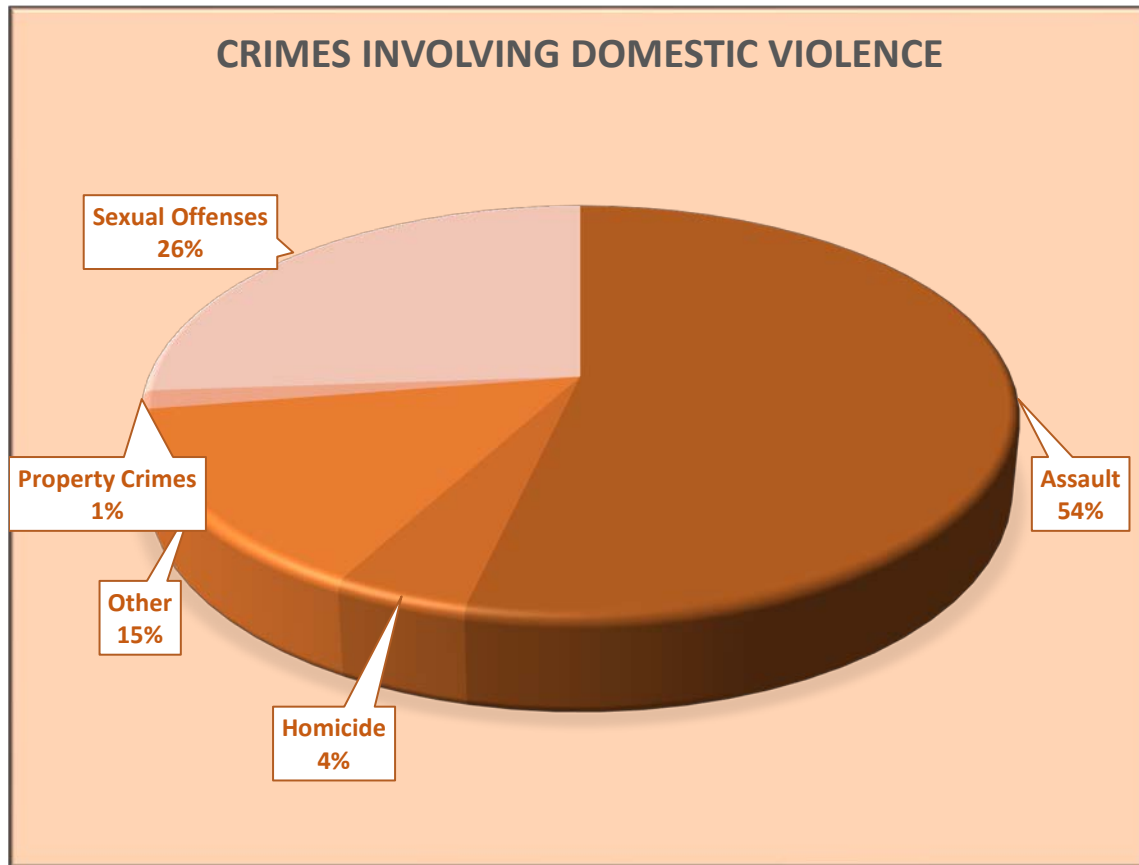
OVR Opened 221 New Cases between July 1, 2016 and June 30, 2017.



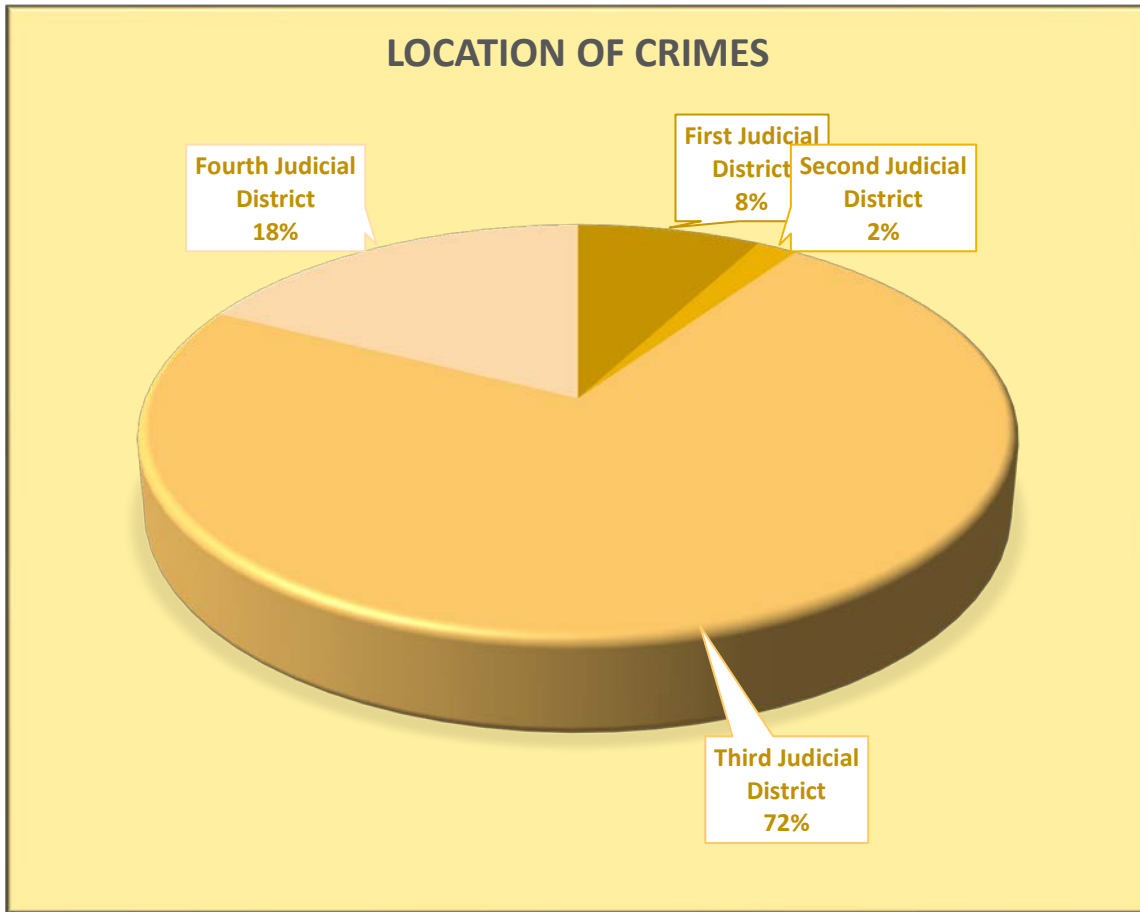
OVR primarily assisted victims who experienced crimes against the person. These crimes involve homicide, kidnapping, assault, robbery and sexual offenses. This reporting year, forty-four percent (44%) of OVR's caseload involved crimes of assault. Twenty-nine percent (29%) of OVR's caseload centered on sexual abuse of minors and sexual assault crimes. Compared to last year, OVR represented a higher percentage of property and homicide victims in the current reporting year.

OVR continues to assist a high number of victims of domestic violence. The number of domestic violence (DV) cases handled by OVR in the current reporting year declined this year but still remained high given that thirty-one percent (31%) of OVR's total caseload involves domestic violence. Regarding OVR's cases involving DV crimes this reporting year, a majority

(54%) of DV cases were assault crimes, which is an increased over last year's forty-four percent (44%). In addition, the percentage of DV-related homicide cases doubled from two percent (2%) last year to four percent (4%) of OVR's caseload this year. OVR, however, saw a decrease in its caseload in the number of DV-related sexual offense cases from forty-seven percent (47%) to twenty-six percent (26%).



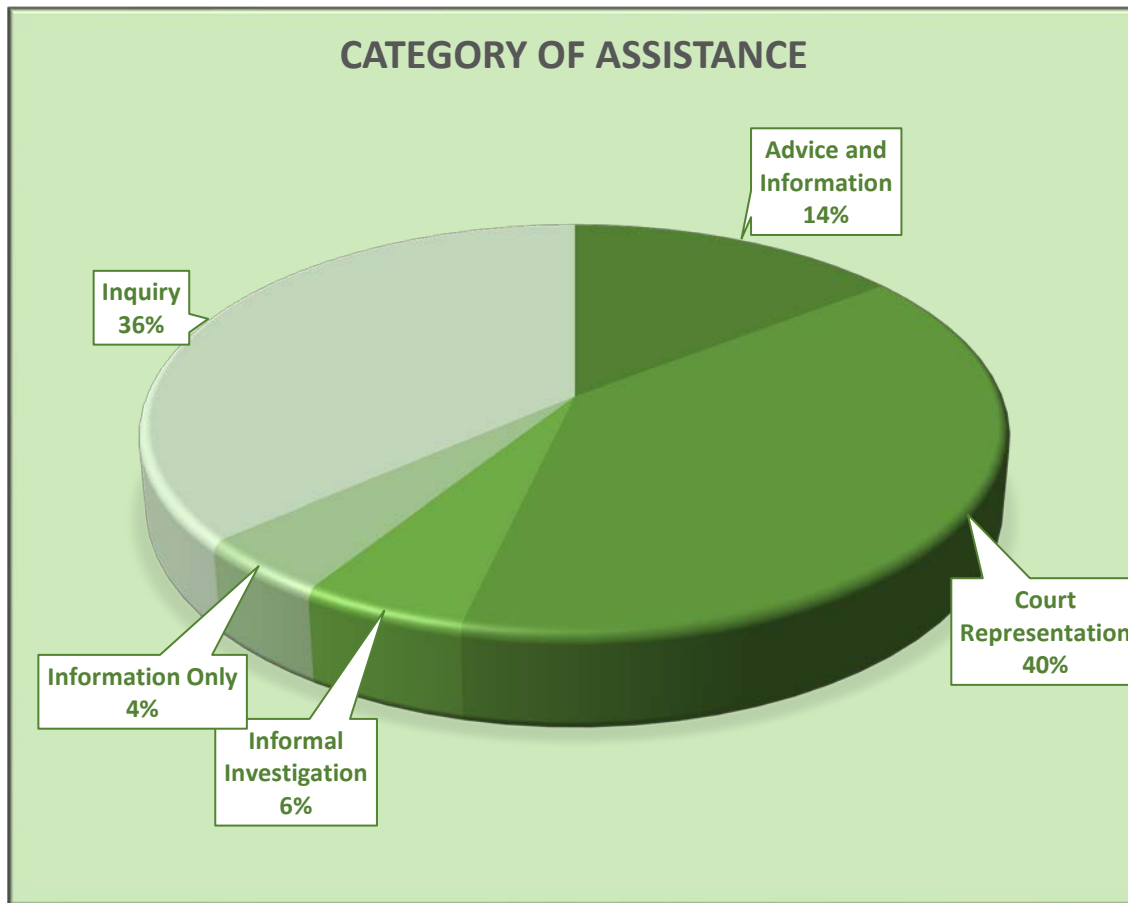
The majority of OVR cases originated in the Third Judicial District. Given that this district comprises the most populated region of the state — Anchorage, the Matanuska-Susitna Valley, and the Kenai Peninsula, it is no surprise that seventy-two percent (72%) of OVR's caseload originated in the Third Judicial District. OVR, this year, saw slight increase of 1% more cases over last year's statistics in the number of cases originating in the First Judicial District, which now account for eight percent (8%) of the total caseload. OVR also saw slight decreases in the number of cases from the Second and Fourth Judicial District of one percent (1%) from last year.



In each judicial district, OVR primarily served victims of sexual offenses and physical assault. OVR continues to represent clients in court, distribute information, conduct trainings, and pursue investigations on behalf of crime victims across the state of Alaska.

REPRESENTATION OF CRIME VICTIMS

The information below summarizes the assistance provided to crime victims by OVR during the last fiscal year. Almost 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 inquires and providing case specific advice. The statistics presented for this reporting year only reflected the level of assistance for cases closed during the reporting period at the time the cases were closed. Cases that remain open and active are not included because the nature of OVR’s representation often changes during the pendency of the case and prior years’ statistics did not adequately capture these changes.



Advice and Information:

In fourteen percent (14%) of the cases closed during the reporting year, 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:

Thirty-six percent (36%) of OVR’s cases closed during the reporting year were those in which 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:

Six percent (6%) of the cases closed I the reporting year consisted of 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 more 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 than those in the advice and information category. 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.

Court Representation:

In forty percent (40%) of OVR’s closed cases, crime victims 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

OVR fielded more than seven hundred calls from the public in which OVR was able to provide information or provide 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 contact figures exclude victims who are past clients, ongoing clients or victims who became clients in the reporting year.

Therefore, during the current reporting period, OVR assisted more than 900 people through the services, 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 and advocacy organizations 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.

Date

OVR Trainings/Outreach Provided

October 6, 2016

Anchorage Bar Association, Young Lawyers Section

Taylor Winston participated in a discussion panel on what it is like being a lawyer in the criminal justice process. She described what representing crime victims in the criminal justice system entails, what rights victims have and the interaction with the prosecutors, defense, and the court system as a result of victim representation. She also fielded questions from the moderator and young lawyers.

November 29, 2016

Anchorage Police Department Academy, Anchorage

Taylor Winston provided training to new officer recruits at the APD Academy. She provided information on officers' obligations to crime victims but also what services OVR provides to crime victims and interfaces with law enforcement across the state.

December 1, 2016

Alaska Network on Domestic Violence & Sexual Assault, Advocate legal training, Anchorage

Taylor Winston presented an overview of the omnibus crime bill SB 91 regarding how those new statutes may affect domestic violence and sexual offense cases and the victims of those crimes.

January 12, 2017

Legislative New Employee Orientation, Juneau

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

February 3, 2017

Sexual Assault Nurse Examiner Training, Anchorage

Taylor Winston information to health care providers at a statewide training on the criminal justice process, the role of a prosecuting attorney and participated in a mock trial to help nurses develop skills for testifying in court.

March 28, 2017

Alaska Network on Domestic Violence & Sexual Assault Webinar, state-wide

Taylor Winston presented an overview of the omnibus crime bill, SB 91. The presentation focused on the sections of SB 91 that affect victims of domestic violence and sexual offenses and provided information about the legislative amendments being considered in Juneau.

April 27, 2017

Alaska State Troopers Academy, Sitka

Taylor Winston provided training to new trooper recruits and village police safety officers (VPSOs) at the AST Academy. She provided information not only on officers' obligations to crime victims but

also how OVR serves victims across the state and interfaces with law enforcement, prosecution and the court to ensure crime victims' rights are protected.

May 10, 2016

Anchorage Police Department Academy, Anchorage

Taylor Winston provided training to new officer recruits at the APD Academy. She provided information on officers' obligations to crime victims but also what services OVR provides to crime victims and interfaces with law enforcement across the state.

June 20, 2017

Military Victim Advocate Refresher Training, JBER, Anchorage

Taylor Winston provided training about victim rights in Alaska and the function of OVR in protecting those rights. The session included attorneys from the special victims' counsel program and focused on that program as well as when and how services from OVR could be utilized by victims associated with the military community.

As time and budget permits, OVR staff and attorneys attend trainings throughout the year. In August, Shannon Eddy attended "Campus Sexual Assault Victims," which addressed how advocates can help victims of campus sexual assault with institutional safety measures and victim's rights for reasonable accommodations from an institution of higher learning. Ms. Eddy attended "Vicarious Trauma and Victim Services" in November which discussed recent developments in neuroscience regarding vicarious trauma and the need for attorneys and advocates to better understand the impact that work with survivors can cause.

In May, Shannon Eddy and Taylor Winston attended the National Crime Victim Law Conference in Portland, Oregon. The National Crime Victim Law Institute sponsored the annual conference which had more than 300 participants. They attended sessions on victims' rights motion practice, assisting victims of financial fraud, effective advocacy strategies to enhance litigation and statutory change, helping victims while maintaining a balance, safeguarding victim privacy, tort suits and financial compensation for domestic violence survivors, identifying and responding to abusive litigation tactics, and privacy and safety in the technology age.

OVR staff and attorneys received annual ethics training as required by their positions.

OVR INVOLVEMENT WITH SYSTEM-BASED GROUPS AND COMMUNITY-BASED ADVOCACY GROUPS

OVR continues its work with system-based groups 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 groups are most often inter-agency committees involving city, state and sometimes federal government officials,

many of whom are court, legal and law enforcement professionals which primarily address policy and procedure.

System-Based Groups

OVR actively participates in numerous system-based groups. Taylor Winston is a member of the Criminal Justice Working Group (CJWG). 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 helps provide input on issues which make effect crime victims as their cases go through the criminal justice system.

OVR's executive director and attorneys participated in a number of meetings associated with the Alaska Criminal Justice Commission this reporting year. OVR attorneys have attended full Commission meetings as well as actively participated in a number of workgroups on various issues affecting victims, including restitution and presumptive sentencing.

Taylor Winston is a member of the 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.

Taylor Winston is a member of the Sexual Assault Kit Initiative (SAKI) Working Group, which is a multidisciplinary work group assembled to address the backlog of sexual assault kits in Alaska and to make recommendations regarding policies and practices for the handling and processing kits.

OVR is a member of the Pretrial Stakeholder group directed by the Department of Corrections, in which agencies required by statute or associated with pretrial release of offenders met to assist in the development of the new pretrial risk assessment program established by SB 91. Taylor Winston attended the stakeholders' meetings throughout the year, and also attended several training related to the risk assessment tool to be used in Alaska.

OVR provides administrative assistance to 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's Executive Director also is a member of the advisory committee and attends meetings of the DVFRT. The DVFRT was formed in order to examine domestic violence related homicide cases in order to better understand and improve system-wide responses to domestic violence.

Another system-based group in which OVR participates is the Anchorage Domestic Violence, Sexual Assault and Child Abuse Caucus, which usually meets monthly and provides an opportunity for agencies assisting victims of domestic violence and sexual offenses to share information and provide education.

Over the course of this reporting year, OVR's Executive Director also participated in a Department of Corrections' Victim Policy Workgroup, which was spearheading efforts to edit or rewrite DOC victim-related policies, particularly in light of recent changes in criminal laws which affect victims.

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 attended meetings or events with representatives from Abused Women's Aid in Crisis (AWAIC), Victims for Justice (VFJ), the Alaska Network on Domestic Violence and Sexual Assault and local US military victim advocates. OVR has also provided assistance to the Alaska Native Women's Resource Center.

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.

MOST PREVALENT VICTIMS' RIGHTS VIOLATIONS

The most prevalent violations of victims' rights that OVR observed across the state during the reporting year continue to be pre-trial delays, recovering restitution from offenders; and violations of crime victims' privacy rights. A systemic problem observed, which affects crime victims, is the lack of service to victims, either individually or through OVR as their legal representative, of pleadings filed in the criminal court case on issues in which victims have a right to be heard.

Pre-Trial Delays:

The Alaska Constitution guarantees crime victims the right to a timely disposition of the case. Criminal cases often continue for years in the court system. OVR has represented victims in this reporting year alone who have wait 4, 5, and 6 years for the cases to resolve. Victims cannot heal or find closure when the wounds caused by the offender are constantly reopened by a prolonged court case. Victims are often held hostage to the system for far too long and in violation of their rights as victims. Beyond the violation of a victim's rights and the cost to the victim, pre-trial delays create inefficiencies and a significant waste of limited resources for law enforcement agencies, prosecutors, defendants and their attorneys and the courts. The legal maxim "justice delayed is justice denied" could not be more true than for victims of crime in Alaska. This has been a recurring victims' rights issue for years and has been raised by OVR repeatedly as a problem. OVR is encouraged that the issue of pre-trial delays is now being studied by the Criminal Justice Workgroup and OVR is hopeful that this inter-agency effort will lead to better protection of victims' constitutional right, and swifter and more efficient justice for all.

Restitution:

Crime victims have a constitutional right to restitution from defendants. Victims are denied this right in two primary ways 1) the court fails to determine at sentencing whether or not the victim has a restitution claim and subsequently fails to leave restitution open for the proscribed period after sentencing to allow a claim to be filed and 2) the defendant fails to pay the victim restitution ordered by the court.

The first type of the denial of this right can be solved fairly easily. For example, unless a victim specifically tells the court or prosecutor that he/she has no restitution claim, at sentencing restitution should be left open for a claim to be filed for 90 days. OVR has advocated for and the

restitution workgroup has recommended that the courts' judgment forms should require a judge to affirmatively check a box if restitution is not being left open. If this change were made, the default would be, if unchecked, that restitution is left open for 90 days after sentencing for a claim to be filed. Currently, the opposite exists. The current default is that restitution will not be left open. OVR has represented clients who had restitution needs yet were not given an opportunity to tell the court at sentencing, therefore precluding the victims from receiving any restitution, and thus denying them their constitutional right. Additionally, prosecutors should be trained to request in all cases having a victim that the court leave restitution open, unless the prosecutor has been specifically told by the victim he/she has no restitution claim or the prosecutor has available at sentencing the victim's requested restitution amount. It would be helpful too, if judges were trained to always inquire in every case involving victims whether there is a known restitution claim. If not known, then the restitution should be left open for 90 days. These simple and efficient solutions would better help protect this constitutional right of victims.

The second violation of this right arises after the court has ordered the defendant to pay restitution to the victim. Many crime victims choose not to assert their right to restitution because they believe, regardless of a court order to pay, the defendant will not pay. Those who do assert their right to restitution often do not see payment for years if ever. They have lost faith in the system. OVR has represented victims who have court-ordered restitution judgments but have never received any money from the defendant. One victim has waited 20 years and has yet seen a penny of the ordered restitution.

The criminal justice system does not have sufficient mechanisms in place to make sure defendants fulfill their obligation to pay court-ordered restitution to victims. The statutes and policies are simple not in place currently in Alaska to insure that victims receive the restitution ordered. Essentially hit hard are victims of property crimes. There is no avenue for many of these victims to receive any type of compensation for their losses other than the defendant. While this issue has existed for quite a while, OVR is very encouraged that the issue has been the focus of a workgroup, as well as some policy makers and legislators. There appears to be a genuine interest to resolve this victim concern and OVR supports any measures in which provide victims a better the opportunity to seek restitution from the court and which provide a better opportunity for victim restoration by victims receiving court-ordered restitution in a timely manner.

Lack of service:

Currently, there is no rule, statute, or standing court order requiring parties in a criminal case to serve a victim or a victim's lawyer pleadings when the issue is one in which a victim has a right to be heard. For example, defense counsel often seek private or confidential documents such as health, mental health or substance abuse records of victims. Victims have constitutional right to privacy and therefore a privacy interest in their medical records. They also have a right to due process, a right to be heard, on any attempt by a person to invade their privacy. Unfortunately, most public defense counsel and some private refuse to serve the victim or OVR without a court order. Typically, courts do not order the parties to serve the victim or the victim's lawyer even when the litigation directly involves the victim's rights. This failed procedure can lead to the victim not being allowed an opportunity to be heard and can result in a court order violating a victim's rights without due process. The lack of requiring service to victims or their attorneys has negative consequences in addition to the rights violations. It causes a further loss of trust in the system, causes re-victimization of the victim by the system, results in unnecessary inefficiencies in the criminal process and unnecessary delays. OVR believes these rights violations, inefficiencies and

delays can easily be solved by a rule changed or a system-wide standing court order that parties must serve the victim or victim's attorney, including OVR, on pleadings where the issue is one in which a victim's rights are involved.

GOALS AND REFLECTIONS

Our mission is to serve individual crime victims, and to educate victims and agencies alike. Significant 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 be aware of support but also to 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, the Legislature and the court system. We will continue to reach out to these groups by providing information, education and materials, and to engage in dialogues in an effort to better the experience victims have with the criminal justice system and to ensure their voices are heard.

Crimes committed on victims can and most often have profound effects on their life and their family's lives. It is important to understand and remember that every time a crime is committed against an Alaskan, the fabric of those victims' lives is forever changed, as well as the community. Like a rock thrown in a pond, the ripple effects extend far beyond the victim and ultimately ripples throughout the entire community in both subtle and pronounced ways.