



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 victims' rights under the Alaska Constitution and statutes; 2) to investigate, like 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 and/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 the 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 has served as the Chief Victims' Advocate and Executive Director of OVR since 2012. 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 Dallas in 1985. She earned her Master of International Affairs from Columbia University in New York City 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. She 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.

Darlene Su'esu'e, Legal Secretary

Ms. Su'esu'e was born in Hawai'i and raised in Anchorage. She graduated from Eastern Washington University in 2015 with a Bachelor of Arts in Government. Ms. Su'esu'e completed her undergraduate internship with Spokane Public Defense. After moving back to Anchorage, Ms. Su'esu'e worked as a legal assistant in a family law practice before joining the Alaska Office of Victims' Rights in August of 2017.

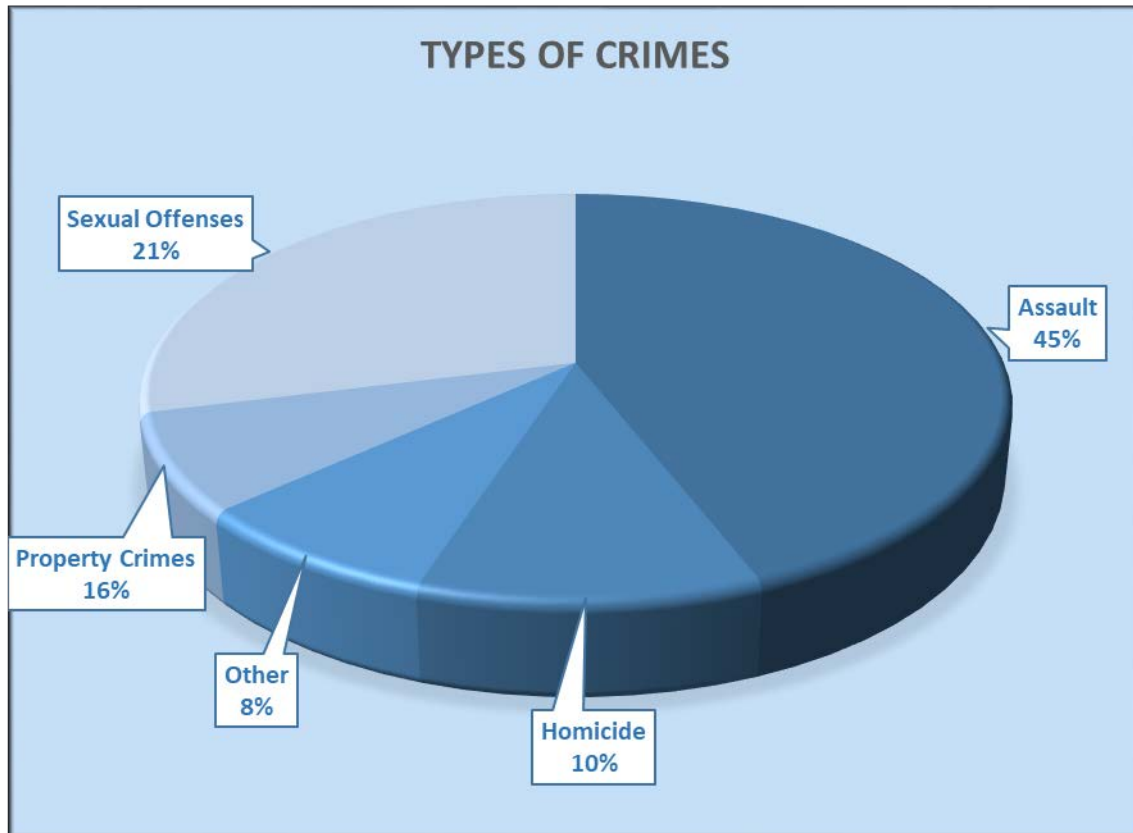
Linnea Deisher, Law Office Assistant

Ms. Deisher was born and raised in the Anchorage area. She left Anchorage to pursue her education at the University of Alaska Fairbanks. While completing her studies, Linnea interned at the Fairbanks District Attorney's Office. In 2017, Linnea graduated with a Bachelor of Arts degree in Criminal Justice. Linnea joined the Alaska Office of Victims' Rights in November 2017.

OVR'S ANNUAL CASE STATISTICS

The following information pertains to the cases opened by OVR during the current reporting period of July 1, 2017 through June 30, 2018. During this period, 267 new cases were opened by OVR which required legal assistance on behalf of crime victims.

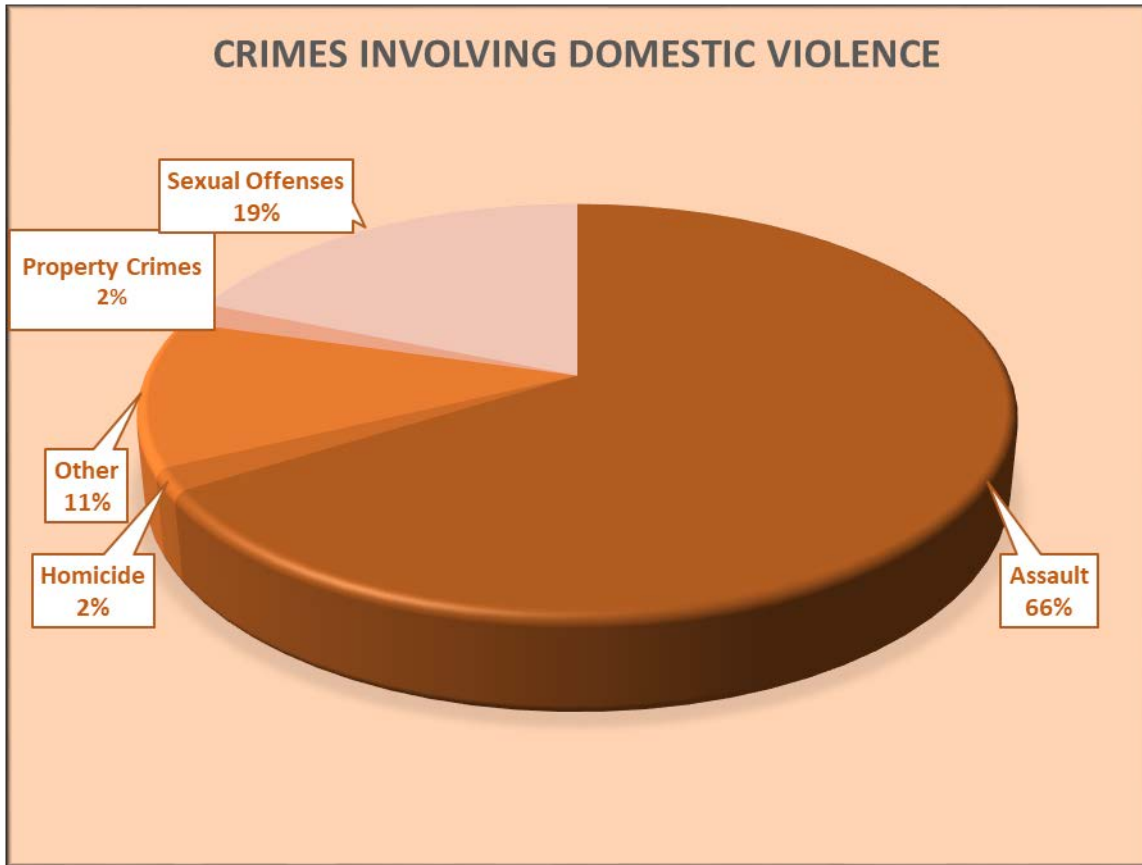
OVR Opened 267 New Cases between July 1, 2017 and June 30, 2018



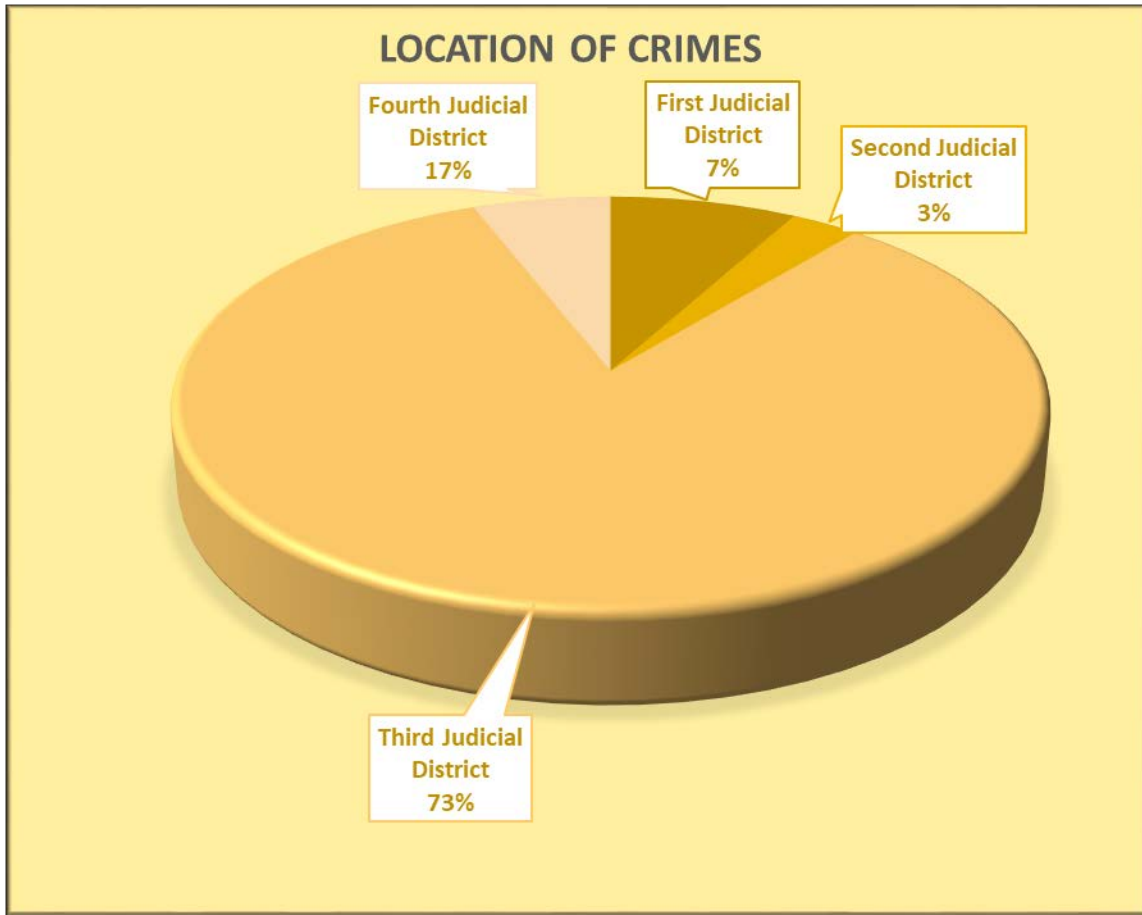
OVR primarily assisted victims who experienced crimes against the person although property crime victim representation increased noticeably. Crimes against a person includes crimes such as homicide, kidnapping, assault, robbery and sexual offenses. Property crimes include crimes such as burglary, vehicle theft, theft, forgery, and embezzlement. Forty-five percent (45%) of this year's new cases involved crimes of assault. Twenty-one percent (21%) of OVR's new cases centered on sexual abuse of minors and sexual assault crimes. OVR represented almost twice as many homicide victims this year compared to last year, in addition to more property victims compared to last year. The number of homicide victims represented by OVR increased from five (5%) percent last year to ten percent (10%) this year. The number of property victims represented by OVR cases rose from twelve percent (12%) last year to sixteen percent (16%) this year.

OVR continues to assist a high number of victims of domestic violence. The number of domestic violence cases opened in this reporting year decreased slightly compared to the previous year. Forty-two percent (42%) of this year's cases involve domestic violence crimes. Within the

category of domestic violence, there was a notable shift in the type of domestic violence crimes victims suffered. Last year forty-six percent (46%) of OVR’s domestic violence cases were assault crimes, whereas this reporting year the number of domestic violence assault cases OVR assisted in rose significantly to sixty-six percent (66%). However, the number of domestic violence related sexual offense cases dramatically decreased to nineteen percent (19%) compared to forty-seven percent (47%) last year.



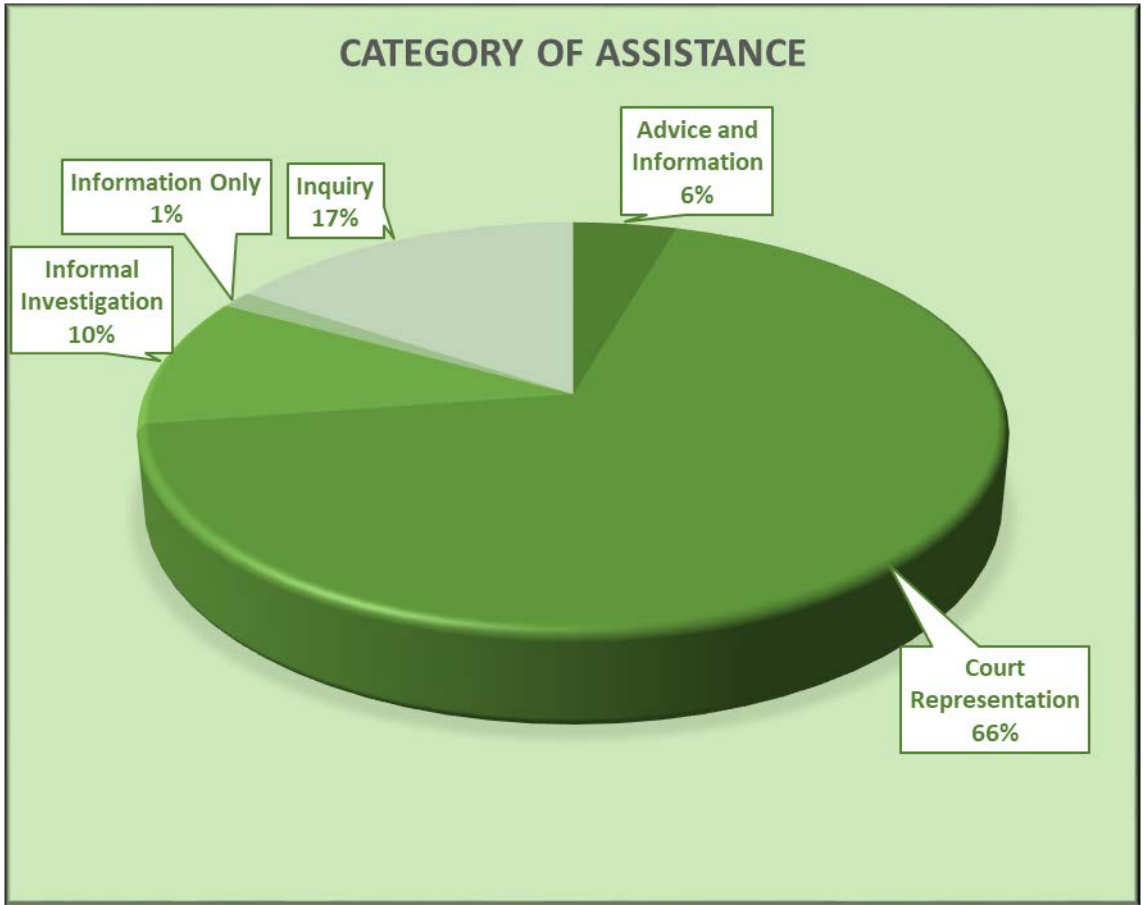
The majority of OVR new cases originated in the Third Judicial District. Given that this area comprises the most populated region of the state including Anchorage, Matanuska-Susitna Valley and the Kenai Peninsula, it is no surprise that the majority of this year’s cases originated in the Third Judicial District. Seventy-three percent (73%) of the cases opened this year originated in the Third Judicial District, which was a slight increase over last year. The number of cases from the Fourth Judicial district, however, dropped two percent (2%) this year to seventeen percent (17%).



OVR tracks crime victim data according to judicial district in which the crime occurred. OVR opened 19 cases from the First Judicial District, 7 cases from the Second Judicial District, 196 cases from the Third Judicial District, and 45 cases from the Fourth Judicial District

ASSISTANCE PROVIDED TO CRIME VICTIMS

The information below summarizes the assistance provided to crime victims by OVR during the last fiscal year. Almost seventy percent (70%) of OVR's cases involved in-court representation of crime victims in some degree. 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 reflect the level of assistance for cases opened during the reporting period.



Advice and Information:

Fourteen (14) 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:

Forty (40) crime victims came to OVR with particular issues 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-three (23) 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.

Court Representation:

One hundred fifty-four (154) clients came to OVR with significant issues 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 victims 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, and sentencing, including juvenile hearings.

Contacts

OVR instituted a more reliable system for documenting contacts. OVR fielded more than fifteen hundred calls from the public in which OVR was able to provide information 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 contact figures exclude victims who are past clients, ongoing clients or victims who became clients in the reporting year.

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 provided by and attended by OVR during the current reporting year.

Date

OVR Trainings/Outreach Provided

July 27, 2017

**Nepalese Delegation for Combatting Criminal Trafficking;
Anchorage**

Taylor Winston met with 10 members of the Nepalese Delegation visiting Anchorage as part of their mission Combatting Criminal Trafficking, Plea Agreement and Disaster Resiliency to provide information about the structure and duties of the Office of Victims'

Rights, the duties imposed by statute on courts, law enforcement and prosecution related to victims' rights and the importance of having victims informed and connected to services.

August 23, 2017

Department of Corrections Training Academy; Palmer

Taylor Winston participated in a resource venue for both correctional officers and probation officers to obtain information, in part, about offices or agencies providing help to crime victims. Ms. Winston provided information about OVR, how it assists crime victims particularly during the sentencing, parole and probation phases of a criminal case and answered questions.

September 20, 2017

CTC Law Enforcement Interior Academy, Fairbanks

Taylor Winston traveled to Fairbanks to provide training to law enforcement officers and recruits at the Interior Academy about victims' rights and the requirements law enforcement officers have as they pertain to OVR and to victims' rights.

September 25, 2017

22nd International Summit on Violence, Abuse and Trauma; San Diego, California

Taylor Winston participated in a Keynote Panel on The National Guard Response to Sexual Assault: Attorney and Victim Advocacy for sexual assault survivors in the National Guard and intersectionality with military and civilian entities, resources and justice processes.

November 27, 2017

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 7, 2017

Alaska Network on Domestic Violence and Sexual Assault Legal Advocacy and Wellness Training; Anchorage

Taylor Winston provided training to victim advocates from around the state about victims' rights, what they are, how to enforce them and how advocates can work with OVR.

January 11, 2018

Anchorage District Attorneys' Office, Anchorage

All of the OVR staff met with newer prosecutors to the Anchorage office to have OVR staff introduce themselves and explain their role

within OVR. Additionally, an overview of OVR's intake process and services was provided, as well as a group discussion about how best to interact with each other for the best result for victims.

January 18, 2018

STAR's Crisis Line Responder Training, Anchorage

Taylor Winston provided training to crisis line trainees and current responders for their quarterly training requirements about what rights crime victims have generally, what is OVR, and what services OVR can provide victims so responders will be able to pass the information on to callers as needed.

February 8, 2018

District Attorney's Office, Multi-Disciplinary Team, Kodiak Women's Resource and Crisis Center and the Kodiak Police Department, Kodiak

Taylor Winston travelled to Kodiak to do outreach with the District Attorney's Office and provided separate trainings to the police department, the child advocacy multi-disciplinary team and the crisis center. She met with the child advocacy center's multidisciplinary team (MDT) to explain what OVR is, what services we can provide, who can seek assistance from OVR particularly as it relates to minor children. Ms. Winston was also able to use this time to learn from the MDT what victim issues they are observing in their criminal justice system. She then met victim advocates from KWRCC to provide information about victims' rights generally, how OVR can assist victims and also to discuss the best ways to work together for the benefit of the victim. At Kodiak Police Department, she provided information about OVR services, how OVR interfaces with law enforcement and regarding officers' statutory obligations to crime victims. Ms. Winston also met with the Kodiak District Attorney and paralegal to discuss any crime-victim relates concerns or issues they have observed in Kodiak.

March 4, 2018

Board of Alaska Filmmakers Panel on Sexual Assault and Harassment, Anchorage

Taylor Winston participated in a panel as part of the Board of Alaska Filmmakers' and STAR's public event focusing on the education and awareness of sexual assault and harassment in the production industry and the community at large. The panel discussed how to identify and understand what constitutes sexual assault and harassment, and an individual's rights and resources for reporting such behavior. The moderator asked panelist questions covering a range of topics, and encouraged the audience to ask their own questions regarding the subject matter.

April 26, 2018

Spring Advocacy Awareness Fair, Anchorage

Shannon Eddy manned an information booth at this community event sponsored by the Alaska Native Justice Center to provide information to attendees about the Office of Victims' Rights.

May 22, 2018

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.

May 5-6, 2018

Bering Strait Regional Wellness Conference, Nome

Taylor Winston traveled to Nome to attend and also provide training to the Bering Strait Regional Wellness Conference. Approximately 40 delegates from around the region as well as survivors, advocates, law enforcement and community members attended the conferences organized by Panganga Pungowiyi of Kawerak's Wellness Program and Barb Amarok of the Bering Sea Women's Group. Ms. Winston provided information about what rights crime victims have generally, what is OVR, and what services OVR can provide victims

June 20, 2018

KSKA 91.1 FM's Hometown Alaska, Anchorage

Taylor Winston participated a radio call-in show called Hometown, Alaska hosted by Kathleen McCoy on KAKM to discuss how to protect victims' rights.

OVR Trainings Attended

August 17, 2017

Victim Privacy, NCVLI webinar

Taylor Winston and Shannon Eddy attended this online training sponsored by The National Crime Victim Law Institute that focused on protecting victims' right to privacy in connection with criminal proceedings. It included an overview of the legal concept of privacy as it pertains to victims' rights in the criminal justice system, and further discussion about the sources of law upon which advocates and attorneys can rely, and provided tips and tools for practical application.

September 20, 2017

What Happens When Criminal Defendants Fail to Pay Restitution?, NCVLI webinar

Kathy Hansen attended this online training sponsored by the National Crime Victims Law Institute and presented by the Arizona Crime Victims' Rights Law Group.

September 25, 2017

22nd International Summit on Violence, Abuse and Trauma; San Diego, California

Taylor Winston attended this conference focused on providing information from multiple disciplines about all facets of violence, abuse and trauma prevention, intervention and research.

October 18, 2017

Hidden in Plain Sight: Big Data and Survivor Privacy, webinar

Shannon Eddy attended this training, which examined how public and private information becomes available online and how advocates and the survivors they help can control or stop the flow of that data.

October 19, 2017

Select Victim Law Cases From The Past Year, NCVLI webinar

Shannon Eddy attended this National Crime Victim Law Institute training which reviewed select state and federal cases that addressed legal issues that impact victims' rights enforcement. The training covered the latest cases regarding victim's standing, privacy and restitution in criminal cases.

November 1, 2017

Diversity in Our Community: Stories Affecting Our Lives; Anchorage

Taylor Winston, Shannon Eddy, Shaun Sehl and Kathy Hansen attended an ethics training sponsored by the Anchorage Association of Women Lawyers. A panel of minority men and women in the legal and business world shared vignettes reflecting on their journey from young minority men and women to becoming leaders in each's respective field/expertise.

November 3, 2017

Lawyer Opioid Addiction in Alaska, Alaska Bar Association, Anchorage

Shannon Eddy attended this training sponsored by the Lawyer's Assistance Committee. The training addressed the medical and psychological aspects of opioid addiction and how the role of opioids or other addictions interact with attorney discipline and the ethics rules. It also covered attorney wellness programs and strategies for avoiding problems in the practice of law.

January 24, 2018

Sexual and Other Workplace Harassment, Anchorage

All OVR attorneys and staff attended this training presented by The Alaska Human Rights Commission. The training utilized actual cases to demonstrate what is or isn't permissible in the workplace, how to recognize harassment and how to ensure compliance with the law regarding reporting and responding to complaints by personnel.

February 7, 2018

Unique Challenges Facing Immigrant Crime Victims: NCVLI webinar

Shannon Eddy attended this National Crime Victim Law Institute training discussed immigrant crime victims' rights, the importance of screening cases for immigration issues and safety planning for court appearances.

February 13, 2018

Alaska Enhanced VINE/VINELink, VINE training webinar

Taylor Winston attended this presentation regarding changes and enhancements to the VINELink system which provides notice to victims of any offenders' status.

March 23, 2018

“Reaching Out”, Alaska Bar Association training webinar

Taylor Winston, Shaun Sehl, Shannon Eddy and Kathy Hansen attended this online legal ethics class sponsored by the Alaska Bar Association. Topics included duties to prospective clients, conflict issues that can arise when an attorney desires to encourage clients to make charitable bequests to a nonprofit entity while simultaneously sitting on the board of that entity, the disastrous fallout that can occur by being too lax with malpractice insurance, cybercrime prevention, and the use of email tracking tools.

March 29, 2018

Working With Older Adults: Best Practices for Victim Advocates, NCVLI webinar

Shannon Eddy attended this National Crime Victim Law Institute presentation which covered elder abuse and discussed how to be an effective advocate for this population. It provided interviewing and screening tips, the ethics of working with family member and third parties, capacity concerns and accessibility considerations.

May 9, 2018

Legal Restrictions on Litigant and Witness Anonymity in a Digital Age, webinar

Kathy Hansen Attended this training presented by the National Crime Victims' Law Institute.

OVR AND SYSTEM/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 advocacy 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.

System-Based Advocacy Groups

Attorneys from OVR participate in the Criminal Justice Working Group's (CJWG) Efficiencies 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 participated in a number of meetings associated with the Alaska Criminal Justice Commission this reporting year.

OVR participates in 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 when needed to work on amendments to exists Criminal Court Rules or propositions for new rules.

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), Arctic Women in Crisis (AWIC), Victims for Justice (VFJ) and Bering Sea Women's Group.

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.

OVR AND THE DOMESTIC VIOLENCE FATALITY REVIEW TEAM

The Alaska Office of Victims' Rights Executive Director has been involved with the Domestic Violence Fatality Review Committee for years. OVR remains committed to this project

in order to work to prevent domestic violence homicides in Anchorage and throughout the state. The Anchorage Domestic Violence Fatality Review Committee did not conduct any reviews this past year. The committee wanted to evaluate the review process and determine whether there is a better way to provide findings that are more timely and applicable to the current status of involved institutions in order to best improve system-wide responses to domestic violence.

RURAL ALASKA OUTREACH

OVR continued its educational outreach to communities outside of the metropolitan area of Anchorage as noted in the training section above.

During the 2017-2018 reporting period, OVR's Executive Director traveled to Kodiak to provide information about OVR and listen to the concerns of victim advocates, medical providers, prosecutors, court personnel 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.

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 initiated personal contacts with police officials across the state this year. Taylor Winston also provided trainings in Anchorage, Fairbanks, and Kodiak. She met with the officials in those departments to discuss police notification to victims about OVR, how that notification process could be made easier for officers, the handling of and access to police reports and about OVR's mission, operations and its interface with law enforcement. She also provided training twice to recruits and officers at the Interior Academy in Fairbanks and to new recruits at the Anchorage Police Department academy.

Joseph 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.

MOST PREVALENT VICTIMS' RIGHTS VIOLATIONS

The most prevalent violations of victims' rights that OVR has observed across the state during the reporting year are the same as in previous years: 1) pre-trial delays allowed by the courts; 2) difficulty of crime victims to recover restitution from offenders; and 3) timely return of crime victims' property held by law enforcement.

OVR actively encourages criminal justice agencies and lawmakers to implement policies and law which will better protect crime victims' rights. OVR discuss the issues and has proposed legislative ideas to legislators which will help ensure that a victim's right is meaningfully recognized and better protected by the criminal justice agencies whether law enforcement, prosecution or the courts.

Pretrial delays continued to be the most prevalent frustration and complaint by crime victims. OVR, by representing victims across the state, has an opportunity to see how effectively courts around the state manage their dockets and move cases through in a timely manner. One of the best courts in this regard is the Fairbanks court in the Fourth Judicial District. The worst is the Anchorage court in the Third Judicial District. While many factors contribute to continuances in a case and while often there is a legitimate reason for a requested continuance, the parties and courts seem more tolerant and accepting of continuances and that it has become the way of doing business. As an example, last week OVR's director attended felony Pre-Trial Conferences held by four Superior Court judges in Anchorage. In total, 181 cases were scheduled for a pretrial conference before these four judges. Of those 181 cases, 161 cases were continued to a later pre-trial conference date. Here is some information about the continuances:

- 41 were continued approximately 2 weeks
- 46 were continued approximately 1 month
- 70 were continued between 1 and 2 months
- 140 cases were continued without a reason provided by counsel, judges did not inquire as to the reason when not provided by counsel
- In only one case involving a victim did the prosecution provide the victim's position to the court; no judge inquired as to the victims' positions in any other victim case

The issue of continuances is a concern for victims, but also for the court, the prosecution, the defense, the offenders and the department of corrections. Every time someone touches a file whether a law office assistant, paralegal, prosecutor, court clerk, defense attorney or judge it takes time and resources. While support staff, attorneys and judges are involved in preparing and covering these hearings, they are not able to devote their energies to substantive matters in their cases. This is a problem studied almost a decade ago by an outside organization that provided recommendations and yet the issue has not subsided. For victims, the continuances often are a violation of their constitutional right to a timely disposition. Over 100 cases in the Anchorage Superior Court are more than 16 months old and some of them are more than 3 years old.

OVR has been raising this issue continually with criminal justice agencies for more than five years. The good news is that a pre-trial delay working group was formed in Anchorage by Presiding Judge Morse and the court system. The working group includes Judge Morse and court representatives, the Alaska Attorney General, representatives from the Criminal Division of the Department of Law, representatives from the Public Defenders Agency, representatives from the Office of Public Advocacy and OVR's director. The group has developed an alternative to business as usual which hopefully will cut down on the number of hearings held and may reduce pendency time. The goal ultimately however should be to reduce pendency time because it will improve efficiency, reduce costs, and better protect justice because justice delayed is justice denied. The real test will be whether judges will hold to the new plan and hold parties accountable for delays. The jury is out on whether the will to change is actually present, but the court ultimately will be

responsible for improving this problem unless the legislature steps in and passes new laws to resolve this continuing violation of victims' rights.

NEW LAWS AFFECTING VICTIMS

House Bill 216 – Restorative Justice Account for Victim Restitution

House Bill (HB) 216, sponsored by Representative Chuck Kopp and signed into law in June 2018, establishes the Restorative Justice Account. The law allows OVR to authorize payment of court-ordered restitution from the Restorative Justice Account to crime victims as a final option if the defendant is unable or unwilling to pay. The amount of money available to crime victims for restitution from the Restorative Justice Account will be determined by annual appropriations by the Legislature each year from a criminal fund, established in 1988 by the Legislature that collects the Permanent Fund Dividends of convicted criminals. In recent years most of the criminal fund has not been used for the purpose of helping victims as the Legislature intended, but instead has been used to pay for offender's health care costs. The law is intended to reprioritize the needs of crime victims. The Restorative Justice Account will help ensure money gets to victims more quickly.

This law does not eliminate an offender's liability to pay court-ordered restitution but allows victims a way to be made whole quicker than waiting for the offender to pay. Crime victims often receive little or no restitutions payments from offenders. There is approximately \$20 million in outstanding restitution owed to crime victims by offenders. This new law should help ensure the victim's constitutional right to restitution. This law goes into effect January 1, 2019.

OVR worked with the sponsor on this bill. The bill was overwhelmingly supported by the Legislature. OVR believes this law will help bring further justice to crime victims and will better protect crime victims' constitutional right to restitution. OVR is anxious to begin the process in 2019 of assisting crime victims with restitution payments from the Restorative Justice Account. OVR strongly encourages legislators to continue to support this endeavor and to make significant appropriations to the account in order to make as many crime victims whole as possible.

House Bill 312 - Changes to Senate Bill (SB) 91

The Legislature chose to reform parts of the omnibus criminal justice reform law, known as Senate Bill (SB) 91, this past session instead of repealing the law. HB 312 made some much-needed changes by addressing several problems which arose out of SB91 (enacted in 2016) regarding releasing people from jail as they await trial. Among its many parts, SB 91 created a formula-based matrix for judges to use when deciding whether to release someone from jail before their trial. That matrix, implemented in January 2018, has been rightly criticized by the public, law enforcement and some legislators for its inflexibility. It has been nicknamed "catch and release" because defendants can be released from prison very soon after being charged with a crime. HB 312 allows judges to consider out-of-state criminal history in that matrix and toughens the approach for defendants charged with vehicle theft and other felonies.

The law addressed other issues too by increasing the financial penalties that must be paid by those who are convicted of crimes, allowing the Attorney General to criminalize designer drugs on an emergency basis, and stiffening the penalty for assaulting a medical worker.

House Bill 214 - Bree's Law

The governor signed Bree's Law into statute this month. The bill, sponsored by Representative Harriet Drummond, is named after 20-year-old Bree Moore, who was murdered in Anchorage in June 2014 by her boyfriend. Since her death, her parents have worked to get legislation passed to create statewide educational curriculum about dating and domestic violence to protect Alaska's young people. HB 214 creates standardized training for every school in Alaska to teach students how to recognize, prevent, and leave abusive or violent relationships. It also designates February as dating and domestic violence awareness month. The bill cements Bree's legacy not as a victim, but as a force for protection and support for young Alaskans.

House Bill 31 – Sexual Assault Examination Kits and Law Enforcement Training

The governor signed House Bill 31 into law this month and took effect immediately. The legislation was introduced by Representative Geran Tarr after an audit last year found that Alaska had 3,454 untested sexual assault kits. HB 31 established some additional protocols governing the distribution and use of sexual assault examination kits and an annual audit of unsubmitted, untested sexual assault kits so evidence does not continue to accumulate, and so law enforcement can prioritize efforts to address the backlog. The new law also establishes a victim-centered approach to reporting of sexual assault and mandates 12 hours of sexual assault training at all police academies in Alaska.

Senate Bill 54 - Changes to SB 91

This bill "fixes" some of the issues created by SB 91. SB 54 allows judges greater flexibility in sentencing for some crimes than what SB 91 authorized. For example, defendants with a first conviction on a Class C felony only received suspended time under SB 91, but SB 54 changed that allowing the court to sentence the defendant up to one year in jail. SB 54 also allows judge to jail a defendant for violating the conditions of release set by the court. SB 54 also eliminated administrative parole, which had been added in the passage of SB 91.

GOALS AND REFLECTIONS

Crimes committed on victims can and most often do 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 pronounced and subtle ways.

This year has not been one of much good news for victims of crime. As mentioned in the section above, there have been some steps in the right direction to combat some of the issues

affecting crime victims, but the steps forward have not been able to get ahead of the problems to actually put a halt to the growing issues.

The number of Alaskans victimized by criminals sadly increased again this year. Drug and property crimes are often viewed by lawmakers, policymakers and even judges as non-violent offenses and often as victim-less crimes, both of which are realistically untrue. Drug crimes are closely linked with property crimes and every property crime has a victim. Drug crimes and property crimes are often a linked to violent crimes of assault, robbery and homicide. It is known that burglaries are often a pre-cursor crime to sexual assaults, meaning many sex offenders committed burglaries before they committed later sex offenses. To continue to view drug, weapons and property offenders as low level, non-violent and often victimless offenders will very likely result in our laws not accurate reflecting what happens on the streets and therefore more and more Alaskans will be victimized.

The causes of our increasing crime rate are numerous, intertwined and not easily solved. OVR believes a primary focus of the legislature should be on public safety and reducing crime rates, so fewer Alaskans are victimized and those who are victimized can be better served by law enforcement, victims' services, prosecution and the courts by having fewer numbers of reported and charges crimes.

Our mission is to serve individual crime victims, and to educate victims and agencies alike. While every year sees positive strides forward in the area of crime victims' rights, OVR continues to see lack of acknowledgement and/or understanding about victims' rights. OVR hears judges say "it is just a property crime" as if the victims of those crimes are second class crime victims to those who were physically offended against or that property crime victims don't have and shouldn't have equal protection under the statutes and constitution as other crime victims. It is not just judges that sometimes have this view, but some police officers, prosecutors and policymakers that sometimes share this view too. This view isn't new since SB 91 was enacted or with the strain on resources due to the increase in crime and decrease in budgets but has become more prevalent.