



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

July 31, 2024

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INTRODUCTION

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

OVR is an independent agency within the legislative branch of state government established by the Alaska Legislature in 2001. 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 the courts, criminal justice agencies, 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 or a crime 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 \$25,000 fine (*AS 12.55.035*). 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. While 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 all records that any criminal defendant is entitled to access or receive. *A.S. 24.65.120(b)*.

Examples of information and records available to OVR include police reports, witness statements, lab reports, photos, recorded statements, grand jury proceedings and exhibits, officers' notes, scene diagrams, dispatch records, autopsy reports, pre-sentence reports, and physical evidence. All information and records (which may include records subpoenaed by OVR) are kept 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 to provide documents and evidence and/or to answer questions under oath. The Victims' Advocate is authorized by law to issue subpoenas to a person for any records or objects that the Victims' Advocate reasonably believes 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 the Advocate 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 that a judge issue a court order directing obedience to the subpoena. If the person refuses to comply, 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 attorneys 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 OVR 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, recommendations, and information collected by the Victims' Advocate or OVR 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 OVR 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's team includes seven legal professionals who are working or have worked at OVR during some portion of the reporting year.

Angela G. Garay, Executive Director

Ms. Garay joined the Alaska Office of Victims' Rights as a staff attorney in September 2021. Ms. Garay was raised in northern California and came to Alaska in 2004 to work as an Assistant District Attorney in Kenai. She graduated from California State University, Chico with a bachelor's degree in social science in 1990 and graduated *magna cum laude* from Western Seminary in Portland, Oregon with a master's degree in Intercultural Studies in 1998. In 2004, Ms. Garay graduated from Lewis and Clark Law School with a Juris Doctorate and a certificate in Criminal Law and Procedure. She served as an Assistant District Attorney in the Kenai and Kotzebue District Attorney's offices, prosecuting domestic violence and sexual assault cases. In 2013, Ms. Garay relocated to Washington state and served as the Tribal Prosecutor for the Lummi Nation for three years. Ms. Garay returned to Alaska in 2017 to work as a municipal prosecutor in the Domestic Violence Unit at the Anchorage Municipal Prosecutor's Office. Ms. Garay also worked as an Assistant Public Advocate representing parents and children in Children in Need of Aid cases, juveniles in delinquency cases, and respondents in guardianship cases in 2020. Prior to her confirmation as the Executive Director, Ms. Garay volunteered as a Board member on the Council on Domestic Violence and Sexual Assault and served as the Board Chair. In January 2024 Ms. Garay was confirmed by the Legislature for a five-year term as OVR's Executive Director.

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's degree in psychology 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 and served as the OVR interim Director from September 2022 to January 2024.

Michael D. Shaffer, Victims' Rights Attorney

Mr. Shaffer was born on a U.S. Naval base overseas and grew up in the Boston and Southern California areas. In 1987, he graduated from Brandeis University *cum laude*, with a bachelor's degree in politics and a minor in legal studies. While at Brandeis, Mr. Shaffer served as an intern in the Massachusetts Legislature working in the House of Representatives Minority Leader's office. After college, Mr. Shaffer worked for two years as a paralegal at a large corporate

law firm in Boston. He then attended Columbia Law School, graduating with his law degree in 1994. After passing the Massachusetts Bar, Mr. Shaffer briefly practiced law in the Boston area before moving to the Northern California area. While there, he managed a large urgent care and family medical practice for two years before moving to Alaska in 1998. He worked for two years in a leading Anchorage estate planning firm, including after passing the Alaska Bar in 2000. Mr. Shaffer subsequently completed a law clerkship for the Honorable Morgan Christen in the Anchorage Superior Court from 2002-2003. Following his clerkship, he was hired as an associate attorney at Winner & Associates in Anchorage, where he practiced in a variety of civil practice areas. Mr. Shaffer was then hired in 2005 by the Municipality of Anchorage (MOA) Prosecutors Office, where he primarily prosecuted domestic violence and child neglect/abuse cases in the office's Domestic Violence Unit. In 2010, Mr. Shaffer accepted a position as the sole attorney at the Alaska Native Justice Center (ANJC), where he represented indigent victims of domestic violence in civil cases under grant funding provided to ANJC pursuant to the Violence Against Women Act. In 2013, Mr. Shaffer left that position and returned to the MOA Prosecutor's Office, where he resumed prosecuting domestic violence, child neglect/abuse, and animal abuse cases in that office's Domestic Violence Unit over the next nine years, until accepting his current position with the Office of Victims' Rights in October 2022.

Wendy L. Schrank, Victims' Rights Attorney

Ms. Schrank received her bachelor's degree in history and German from Valparaiso University in 1998. In 2003, she earned a master's degree in history from the University of Notre Dame. Ms. Schrank then received a Juris Doctor from Hamline University in 2004 and an Associate of Arts in Korean Language from the Defense Language Institute in 2006. Ms. Schrank came to the State of Alaska in 2011 with the United States Army and was stationed at Fort Wainwright, Alaska. As an active-duty Trial Defense Counsel with the Judge Advocate General Corps, she had the opportunity to defend soldiers facing courts-martial and other adverse administrative action. Following a deployment and several other Army assignments, including an assignment as Special Victims' Counsel, Ms. Schrank left the Army and worked as a civilian on Fort Wainwright as a Medical Evaluation Board Counsel. In 2018, Ms. Schrank accepted a position with the Alaska Attorney General's Office in Fairbanks, serving the State of Alaska in matters of child protection. Following approximately three years in that position, Ms. Schrank accepted a position with the Fairbanks District Attorney's Office and served as the Fairbanks Sex Assault Prosecutor and later, the Fairbanks Rural Prosecutor serving the communities of Nenana, Galena, Fort Yukon, Delta Junction and Tok. Ms. Schrank joined the Office of Victim's Rights in June of 2023 and left in March 2024 to be a prosecuting attorney in her home state of Wisconsin.

Diana Kniazewycz, Victims' Rights Attorney

Ms. Kniazewycz has lived in Alaska since 2019. Originally from California, she graduated from the University of California, Santa Barbara in 2013 with a bachelor's degree in political science and a minor in history. After spending a few years in Washington, D.C., Ms. Kniazewycz attended the University of Southern California Gould School of Law. After her second year of law school, Ms. Kniazewycz had an opportunity to intern with the Anchorage District Attorney's Office during the summer of 2018. After a wonderful summer exploring Alaska, Ms. Kniazewycz graduated from USC and moved to Alaska to be a legal clerk for the Alaska Court of Appeals in

Anchorage. Ms. Kniazewycz then became an Assistant District Attorney in Anchorage, working in both the General Trial Unit and Domestic Violence Unit. Ms. Kniazewycz joined the Alaska Office of Victims' Rights in April 2024.

Deven Cunningham, Investigator

Mr. Cunningham joined OVR in September 2021. Mr. Cunningham is a retired Anchorage Police Department detective where he served for over 25 years. He worked as a patrol officer, a follow-up unit investigator, and a detective in the Crimes Against Children Unit for many years before finishing his career as a detective in the Fraud Unit. Mr. Cunningham was also a polygraph examiner and taught at the police academy and to outside organizations in several different fields. Mr. Cunningham has a bachelor's degree in criminal justice from the University of Alaska Anchorage.

Linnea Deisher, OVR Office Manager

Ms. Deisher was born and raised in the Anchorage area. After graduating high school, she left Anchorage to pursue her education at the University of Alaska Fairbanks. While completing her pursuit of a bachelor's degree in justice, Ms. Deisher interned at the Fairbanks District Attorney's Office. In November 2017, Ms. Deisher joined the Alaska Office of Victims' Rights as a law office assistant before becoming its legal secretary in 2019. In May 2024, she was promoted to her current position as OVR office manager.

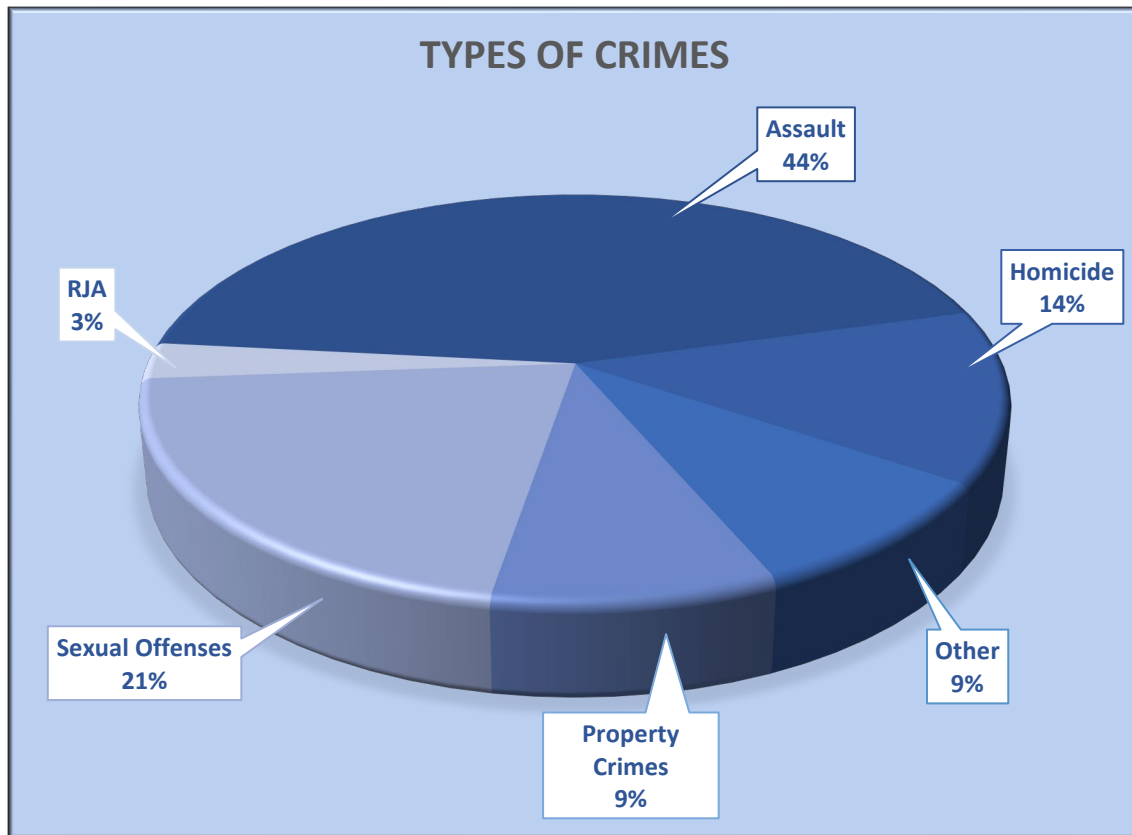
Rheylea Julian, Law Office Assistant

Mr. Julian was born in California and raised in the North Slope prior to moving to Anchorage when he was a teenager. After graduating high school, he decided to continue his pursuit of an education at the University of Alaska Anchorage with a degree in Legal Studies and the aspiration of attending law school. While pursuing his degree, Mr. Julian worked in the banking industry before transitioning into a law-related occupation. In July 2023, Mr. Julian joined OVR as its law office assistant.

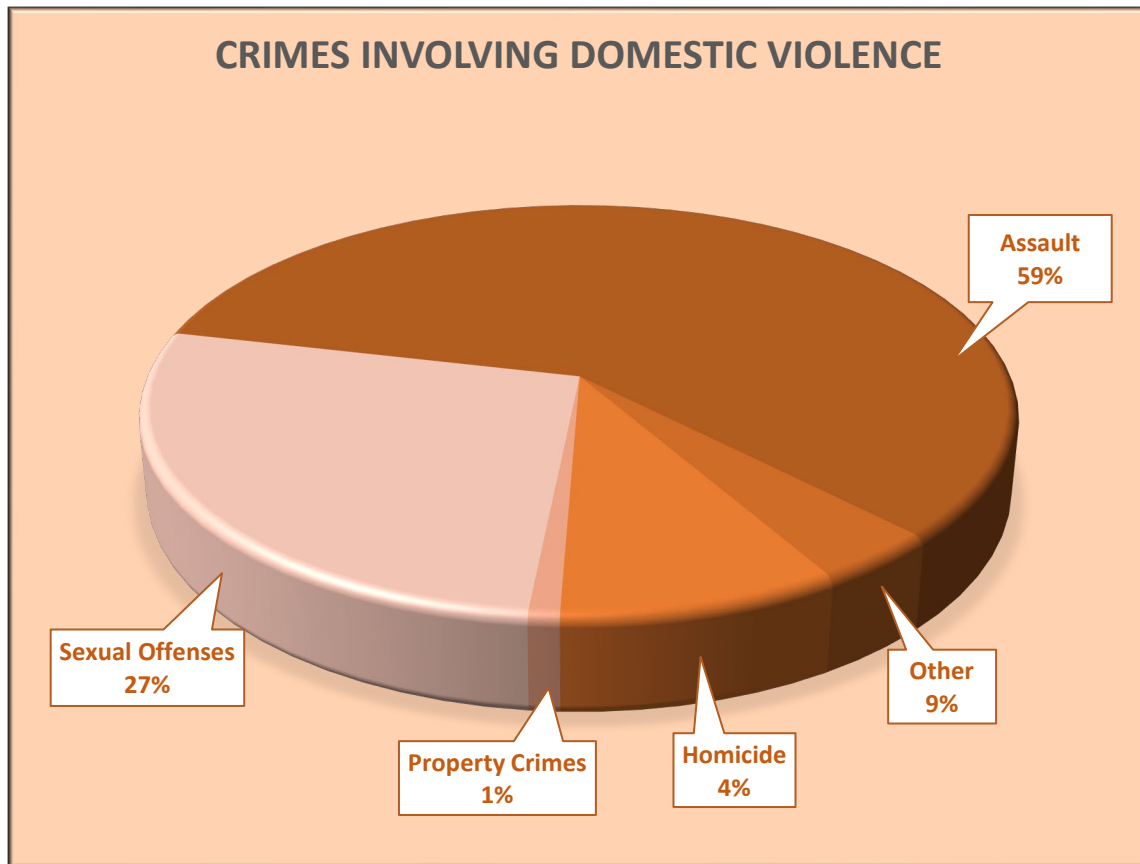
OVR'S ANNUAL CASE STATISTICS

The following information regards cases opened by OVR during the current reporting period of July 1, 2023, through June 30, 2024. During this period, OVR opened 175 new cases which required OVR's assistance on behalf of crime victims.

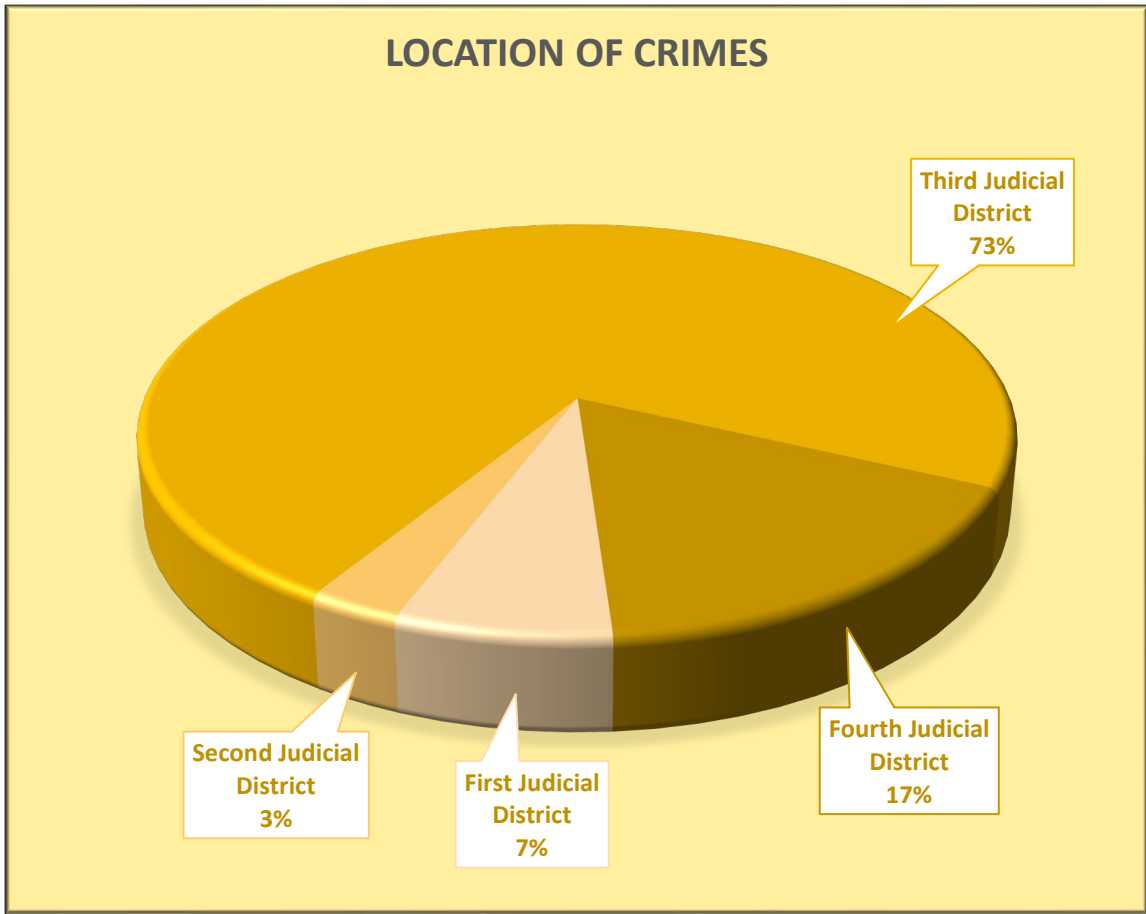
OVR opened 175 new cases between July 1, 2023, and June 30, 2024



OVR primarily assisted victims who experienced crimes against the person, with 79% of our new cases in this category. Crimes against a person include crimes such as homicide, kidnapping, assault, robbery, and sexual offenses. Property crimes include crimes such as burglary, vehicle theft, theft, forgery, and embezzlement. Forty-four percent (44%) of this year's new cases involved crimes of assault. OVR's representation in sexual offense cases remained the same this year as 21% of OVR's new cases. OVR representation of new homicide victims also increased to 14%. The number of cases involving property victims represented by OVR decreased from 11% last year to 9% this year. These changes mainly reflect an increase in the number of people applying for Restorative Justice Account (RJA) funds; victims requesting restorative justice account funds increased and accounted for 3% of OVR's new cases.



OVR continues to assist a high number of victims of domestic violence. The number of domestic violence (DV) cases opened in this reporting year decreased by 9% compared to the previous year. Forty-one percent (41%) of this year's cases involve domestic violence crimes. Within the category of DV crimes, there was a shift in the types of DV crimes victims suffered. Last year, 52% of OVR's DV cases were assault crimes, whereas this reporting year the number increased to 59%. OVR also saw an increase of DV-related sexual offense cases from 22% last year to 27% this year. The percentage of DV-related homicides also decreased from 7% last year to 4% this year. OVR saw a decrease in DV-related property crimes, from 6% last year to 1% this year. Other DV-related crimes, such as violating a domestic violence protective order, also decreased from 13% last year to 9% this year.

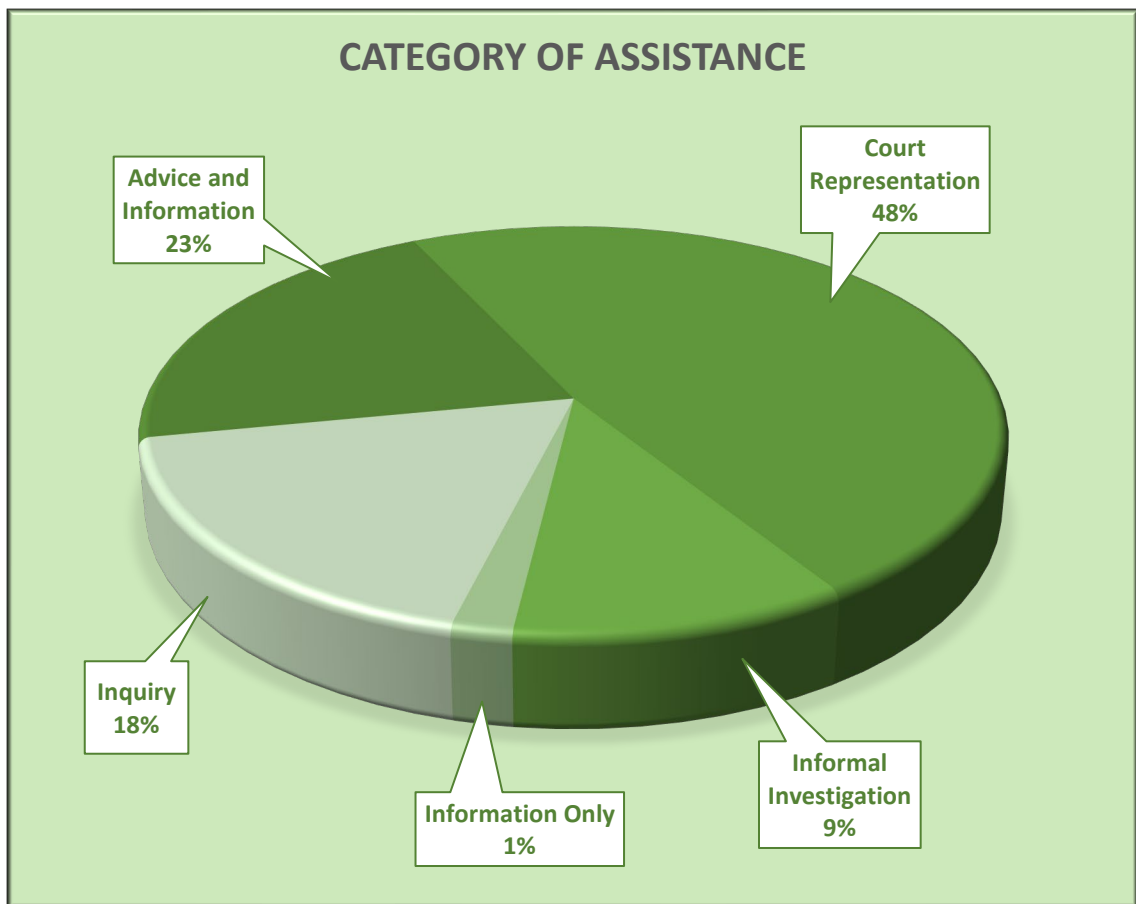


The majority of OVR’s new cases continue to originate from the Third Judicial District. Given that this area comprises the most populated region of the state and includes the Anchorage bowl, the Matanuska-Susitna Valley, and the Kenai Peninsula, it is no surprise that 73% of this year’s cases originated from the Third Judicial District, which is 6% more compared to last year. The number of cases from the First Judicial District decreased from 11% last year to 7% this year. Case numbers from the Second Judicial District increased to 3% this year. Finally, the number of cases from the Fourth Judicial District decreased from 20% last year to 17% this year.

ASSISTANCE PROVIDED TO CRIME VICTIMS

The information below summarizes the assistance provided to crime victims by OVR during the last fiscal year. Crime victims can contact OVR for assistance at any point after the crime has been reported to law enforcement and up until the offender, if convicted, is released from parole and/or probation. For example, some crime victims request assistance during the law enforcement investigative stage prior to charges being filed, whereas other victims seek assistance after conviction when the case is in the parole/probation or appeal phase. Therefore, there are various ways in which OVR helps victims, which reflects their specific needs and concerns.

OVR represented crime victims in court in 48% of this year's new cases, accounting for a 12% increase from last year. OVR also provided substantial informational services for Alaska crime victims by responding to general inquiries and providing case specific advice. The "advice and information" category saw an increase from 15% last year to 23% this year. The statistics presented for this reporting year only reflect the level of assistance for cases opened during the reporting period.



Information Only

Two (2) crime victims sought information about the criminal justice system and filed formal written requests with OVR. After speaking with the victim, it was determined that no further OVR assistance was needed.

Advice and Information:

Forty-one (41) crime victims sought advice or information from OVR. This means that after speaking with OVR attorneys or 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-two (32) crime victims came to OVR with particular issues or concerns regarding active criminal investigations or prosecutions. These victims filed formal written requests with OVR. These cases required OVR to make some preliminary inquiries and/or to seek some documentary evidence from justice agencies. These cases required limited to moderate involvement by OVR attorneys or staff. These cases resolved informally due in part to the cooperative relationship developed between OVR, the justice agencies, and the client involved.

Informal Investigation:

Sixteen (16) crime victims came to OVR with significant problems or concerns regarding active criminal cases during the current reporting period. These victims 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 attorneys 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:

Eighty-four (84) 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 fielded approximately 600 additional enquiries from the public this year seeking assistance with their concerns. Most of these individuals were not eligible to file a complaint or to request OVR services due to lack of OVR jurisdiction. Instead, the individuals were referred to the appropriate government or victim service agency to meet their needs.

OVR EDUCATION AND TRAINING

OVR attorneys and staff continue 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 attorneys also provide 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 and/or attended by OVR attorneys and staff during the current reporting year.

<u>Date</u>	<u>OVR Trainings/Outreach Provided</u>
July 13, 2023	Department of Public Safety Paralegal Training, virtual Katherine Hansen provided training about OVR to the team of statewide paralegals hired to assist crime victims during the criminal investigation process.
August 31, 2023	Tlingit & Haida Community Advocacy Program, virtual Katherine Hansen met with staff via videoconference to provide training regarding OVR's services and to exchange information about their newly established victim service programs for Tlingit and Haida tribal members.
September 14, 2023	Ketchikan Sexual Assault Response Team Training, virtual Michael Shaffer provided training to law enforcement, prosecutors, paralegals, and advocates attending a multi-day SART training in Ketchikan. OVR's portion focused on victims' rights, what services OVR provides victims, our role, what complaints victims most commonly have and how to reduce or eliminate those concerns.
September 25, 2023	Department of Law State-Wide Paralegal Training, Anchorage Angela Garay and Michael Shaffer meet with the supervising paralegals for the department of law criminal division to present training on the most common violation of victims' rights and the best practices to avoid these violations.

October 18, 2023

Anchorage Municipal Prosecutor’s Office Training

Michael Shaffer provided training to the Municipality of Anchorage prosecutors office focusing on victims’ rights, what services OVR provides victims, what complaints victims most commonly have, how to reduce or eliminate those concerns, and the prosecution’s own affirmative obligations with respect to facilitating constitutional and statutory crime victims’ rights. This was the first OVR-presented training in at least a decade for that particular office.

November 3, 2023

Joint Base Elmendorf-Richardson Special Victims’ Counsel Training, virtual

Wendy Schrank met virtually with JBER Special Victim Counsel and discussed OVR, victims’ rights, and the prosecution and sentencing of criminal offenses in state court.

November 16, 2023

Anchorage Sexual Assault Response Team Training

Michael Shaffer provided training to law enforcement, prosecutors, paralegals, and advocates attending a multi-day SART training. OVR’s portion focused on victims’ rights, what services OVR provides victims, our role, what complaints victims most commonly have and how to reduce or eliminate those concerns.

November 29, 2023

Anchorage Police Department Academy

Michael Shaffer provided training to new officer recruits at the APD Academy. He 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, 2023

Alaska Network on Domestic Violence and Sexual Assault, Anchorage

Michael Shaffer provided training to domestic violence legal advocates at the ANDSVA statewide annual advocate training conference about specific OVR-related information and resource materials, while also fielding and answering numerous individual advocate questions relating to the intersection of crime victims’ rights and OVR advocacy options in the context of their own daily work and cases.

February 13, 2024

Alaska Network on Domestic Violence and Sexual Assault, virtual

Michael Shaffer presented at the annual statewide training conference for Alaska victim advocates. He explained the role of OVR and described a range of services we do and do not provide. He answered individual questions and provided additional information with respect to OVR services.

March 7, 2024

Matanuska-Susitna Valley School of Government

Angela Garay and Katherine Hansen were invited by Mat-Su Mayor Edna DeVries to present information on OVR and how we assist crime victims at the Mat-Su School of Government in Wasilla.

March 21, 2024

Anchorage Sexual Assault Response Team

Michael Shaffer provided training to law enforcement, prosecutors, paralegals, and advocates attending a multi-day SART training. OVR's portion focused on victims' rights, what services OVR provides victims, our role, what complaints victims most commonly have and how to reduce or eliminate those concerns.

April 4, 2024

Anchorage Municipal Ombudsman Office Training

OVR and the Municipal Ombudsman staff met to discuss the work of each agency and how to better refer community members to the appropriate services.

May 22, 2024

Anchorage Police Department Academy

Michael Shaffer provided training to new officer recruits at the APD Academy. He 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.

OVR Trainings Attended

July 28, 2023

Legislative Ethics for Nonpartisan Legislative Staff

Rheylea Julian attended this legislative ethics and equal employment opportunity training for nonpartisan legislative staff.

October 5, 2023

Trauma Informed Lawyering, NAVRA

Katherine Hansen attended this continuing legal education presented by the National Association of Victims' Rights Attorneys in cooperation with the National Crime Victim Law Institute entitled "Trauma Informed Lawyering: Practical Tools for Working with Survivors." The course surveyed trauma often encountered by child and adult crime victims and practice tips to work effectively with victims of crime who have survived trauma.

March 21-22, 2024

Restorative Justice Symposium, UAA

Katherine Hansen virtually attended this symposium hosted by the UAA Justice Center and the UAA School of Social Work that trained Alaska's current and future leaders in victim services, advocacy, and support fields in restorative justice practices that give voice, acknowledgement, power, and justice to those impacted by crime.

April 10, 2024

Legislative Ethics for Nonpartisan Legislative Staff

Diana Kniazewycz attended this legislative ethics and equal employment opportunity training for nonpartisan legislative staff.

May 20-22, 2024

National Crime Victim Law Institute Conference, Portland

Angela Garay attended numerous sessions including, but not limited to, defining Victim's Right to Dignity, Collaboration with other victim service agencies, Remedies for violation of Victims' Rights, and review of significant victims' rights cases nationwide.

OVR'S WORK WITH SYSTEM AND COMMUNITY-BASED GROUPS

OVR continues its work with system-based and community-based groups on behalf of Alaska 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. System-based groups may also have participants who traditionally are part of community-based groups. Community-based advocacy groups are groups made up of citizen advocates and professionals dedicated to improving the lives of crime victims.

Criminal Justice System-Based Groups

Criminal Justice Working Group

OVR participated in the Victims' Rights and Services workgroup of the Alaska Criminal Justice Commission (ACJC) this reporting year. OVR participates in the Criminal Justice Working Group's (CJWG) Committee. The committee recently restarted committee meetings after a pause due to the pandemic. The ACJC workgroups are, for the most part, small groups made up of stakeholders in that area of the law which discuss issues specifically related to the focus of the work group and what may be done to remedy the issue which may be forwarded as a recommendation to the ACJC. 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 to resolve shorter-term problems in the criminal justice system. OVR's participation in the work groups allows OVR to provide input regarding crime victim issues which arise in the criminal justice system.

Criminal Rules Committee

Katherine Hansen was appointed to continue OVR's work as a member of the statewide Criminal Rules Committee meetings, which consists of representatives from the Department of Law, the defense bar, the court system, the Anchorage Municipal Prosecutor's Office, and select Alaska judges. This committee meets regularly to work on amendments to existing Criminal Court Rules or propositions for new rules.

Community-Based Groups

OVR engages in outreach to a large variety of community-based and victim support groups and supports their efforts to assist victims by providing training to advocates, as well as general information about the criminal justice process so that those organizations may better aid crime victims in our community.

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. Additionally, OVR continues to seek ways to reach out to the community at large to educate as many people as possible about their rights should they or someone they know become a victim of crime.

RURAL ALASKA OUTREACH

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 proposals for improving access to legal services to crime victims in less populous regions of the state.

LAW ENFORCEMENT OUTREACH

OVR continued personal contacts with police officials across the state this year. Mr. Cunningham engaged directly with law enforcement personnel throughout Alaska to maintain an extensive network of contacts. He is diligent in developing and maintaining amiable, professional relationships. In addition, Michael Shaffer provided training to new recruits at the Anchorage Police Department Academy. 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.

RESTORATIVE JUSTICE ACCOUNT

Crime victims have a constitutional right to restitution from convicted defendants. In 2018, AS 43.23.048 created the Restorative Justice Account (RJA) for victims to apply for state funds to satisfy a restitution judgment that, after two years or more, remains unpaid. OVR administers RJA grants. Awards for unpaid restitution are capped at \$10,000 per victim. OVR reached out to justice and victim service agencies to ensure their staff was aware of the RJA program so that victims could be encouraged to apply for funding. OVR seeks to have any budget surplus used to financially restore crime victims owed restitution. Accordingly, **OVR is happy to report that \$8,238.04 was paid to 3 victims with outstanding restitution judgments.** The RJA is a great step in the right direction to help crime victims recoup some of the restitution they are due. OVR is committed to working with other criminal justice agencies and the Legislature to help develop additional policies or statutes which would result in more restitution payment compliance by defendants.

INDIVIDUAL CRIMINAL CASES OF NOTE

In this section, OVR highlights some of its work during the past year on behalf of individual murder victims and their surviving family members for which OVR has provided legal representation to preserve their legal rights in individual criminal cases that have required litigation of novel and important legal issues.

Crime Victims Tom Faccio, Ann Faccio and Emelia Elliott

The Faccios and Ms. Elliott were murdered in their home during a home invasion robbery in 1985. The offenders, Cordell Boyd and Winona Fletcher, were both convicted and sentenced for the murders in 1986. In the 37 years since, and counting, the surviving family members of the

murdered victims have been involved in the ongoing criminal litigation regarding the terms of the offenders' sentences. For Winona Fletcher, a post-conviction relief case has been pending since 2011. In 2023 the Alaska Court of Appeals issued an opinion that would require the court to resentence Winona Fletcher and to consider whether her sentence should be reduced. *Fletcher v. State*, 532 P.3d 286 (Alaska App. 2023). That decision is currently on appeal with the Alaska Supreme Court. In the meantime, OVR has submitted pleadings urging the court that it would violate the victims' constitutional right to timely disposition and constitutional right to be treated with dignity, respect, and fairness, to reconsider the offender's sentence almost four decades after it was imposed. OVR, on behalf of the Faccio/Elliot surviving victims, has argued that the court should honor the victims' legal right to finality in criminal sentencing. The trial court has stayed a resentencing hearing for Winona Fletcher until the appeals are decided.

Crime Victims K.J.H. and V.R.A.

K.J.H. and V.R.A. are two Alaska Native women who were murdered by Brian Smith. The crimes came to light when video recordings of Brian Smith were found of Smith physically and sexually assaulting, torturing, and murdering crime victim K.J.H. The defendant was convicted of both murders after a jury trial and sentenced to 226 years in jail. Shortly before sentencing, a media company requested copies of all of the exhibits that included graphic video evidence of the crimes and included extensive video of the offender torturing, sexually assaulting, and murdering K.J.H. At the request of the trial judge and the prosecuting attorney, OVR reviewed the trial exhibits and prepared and submitted a brief of *amicus curiae* ("friend of the court" brief) and urged the court to seal specific sensitive trial exhibits involving both murder victims to preserve the crime victims' and their surviving family members' constitutional rights to privacy and to be treated with dignity, respect, and fairness. A ruling on whether and which sensitive trial exhibits will be sealed by the court is pending.

Crime Victim Cynthia Hoffman

Cynthia Hoffman was a young adult who was murdered in a plan created by a cybercriminal and executed by several of her peers. The peers believed the cybercriminal would pay them millions of dollars in exchange for committing the murder. There was never any money to pay for the crime. The four offenders, including the cybercriminal, who planned and executed the crime were formally charged for the murder and the criminal cases worked their way through the criminal justice system. OVR represented Cynthia's surviving father Tim Hoffman for several years while the cases were prosecuted. Ms. Hoffman's case is an example of many cases OVR has accepted to provide individual representation to crime victims and their surviving family members to advocate in the courts to uphold the victims' constitutional right to timely disposition. Cynthia Hoffman was murdered in June 2019. Despite OVR's efforts to advocate for timely disposition, the case was pending for a full five years when the four codefendants finally entered plea agreements and each pled guilty to the murder. And the cases are still pending. Two offenders have been sentenced to maximum jail terms; two offenders are awaiting sentencing later this year. Unfortunately, in June of this year, on an annual memorial motorcycle ride in honor of Cynthia's memory and hosted by Tim Hoffman, Tim was killed in a motorcycle accident. Another family member will step in to represent Cynthia Hoffman at the remaining sentencing hearings. OVR wishes to pay tribute to

Tim Hoffman for his unwavering participation in the criminal cases and his dedication to ensure justice for Cynthia Hoffman.

LEGISLATIVE WORK

OVR attorneys worked with Representative Julie Coulombe on a bill, HB 286, that would amend Alaska's criminal restitution statute to clarify that crime victim restitution for lost wages and other expenses to attend court hearings and trials and provide better direction for courts deciding criminal restitution judgments. OVR requested the legislative changes presented by Representative Coulombe in HB 286 in response to two Alaska Court of Appeals decisions that leave open legal questions about lost wages awards in crime victim restitution judgments. The decisions are *Keen Smith v. State*, 2022 WL 3226305, decided August 10, 2022, and *Seeley v. State*, 2023 W1 2783265, decided April 5, 2023 (unpublished opinions). There was not time for HB 286 to work its way to final passage during the most recent legislative session. OVR is hopeful that the bill will be refiled in the coming legislative session. Amendments to the criminal restitution statute are needed to clarify the types of restitution that victims should be awarded. OVR recommends that Alaska's restitution statute should be amended to include crime victims' lost wages and costs for time spent attending hearings and trial. OVR recommends that language that exists in a current similar federal law for crime victim restitution should be added. This would provide predictability and consistency for victims and would limit trial court and appellate litigation and delay and expense for victims and the public during the criminal restitution process.

Additionally, Michael Shaffer met with Representative Andy Josephson and his staff to discuss HB 11, which was a bill to make assault in the presence of a child a separate State crime. This discussion included Mr. Shaffer's consulting on the bill language and testifying twice in support of the bill before the House Judiciary and Finance Committees. While that bill did not separately pass, it was rolled into the omnibus crime bill (HB 66), and thus enacted into law as new code section AS 11.41.240.

ONGOING AND FUTURE PROJECTS

OVR Lease Renewal and Suite Renovations

OVR's lease for our current office space was renewed this year and our office suite is currently being renovated. A conference room and an additional attorney office were added, as well as new carpet, paint, and lights. We also replaced our older office furniture with more modern desks and chairs that are ergonomic and allow for more work options. These updates will provide a more comfortable, healthier, and enjoyable workspace for our team as well as OVR's clients.

Anchorage Municipal Prosecutor's Office Dismissals

Of significant concern for OVR is what appears to be a high number of municipal of Anchorage criminal cases being dismissed because of the lack of prosecutorial resources in the municipal prosecutor's office. Where many of these dismissed cases involve crime victims, OVR has been monitoring the situation and has reached out to the new municipality administration to open a dialogue regarding the corresponding potential violation of victims' rights.

Additionally, OVR attorneys continue to file motions on behalf of OVR clients addressing the return of property held by law enforcement, timely disposition of criminal cases, and protection of victims' constitution right to the privacy in regard to their therapist, medical, and treatment records and information.

Updating OVR Materials

To increase the accessibility of OVR's services and materials, OVR has added a QR code to its brochure and is exploring avenues to modernize and update its website. Additionally, OVR is exploring options for translating our material into the most common languages in Alaska.