

**Alaska Office of Victims' Rights Regulations- 23 AAC 05.010 – 23 AAC 40.100**

**Under the authority of Alaska Statute 24.65.090(a) and, following compliance with the Administrative Procedure Act (Alaska Statute 44.62), specifically including notice under Alaska Statute 44.62.190 and 44.62.200 and opportunity for public comment under Alaska Statute 44.62.210, the Alaska Office of Victims' Rights has adopted the below listed Regulations. The Regulations deal with advocacy on behalf of crime victims, receiving and processing complaints, conducting investigations of justice agencies, reporting findings, and ensuring that confidential information obtained by the Office of Victims' Rights in the course of advocacy on behalf of crime victims or in the course of an investigation will not be improperly disclosed. The regulations were filed with the Lt. Governor's office on May 28, 2004, as required by statute. The Regulations will become law on June 27<sup>th</sup> and will be published in Register 170 in July 2004.**

**Stephen E. Branchflower, Director  
Alaska Office Of Victims' Rights  
June 1, 2004**

The Alaska Administrative Code is amended by adding a new title to read:

**Title 23. Office of Victims' Rights.**

**Chapter 05. Office Management.**

**23 AAC 05.010. Titles.** The victims' advocate is the director of the office of victims' rights. As used in this title, the terms "victims' advocate" and "director" include an associate victims' advocate employed by the office of victims' rights. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 24.65.010 AS 24.65.090

**23 AAC 05.020. Offices.** The victims' advocate will maintain business offices in Anchorage. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 24.65.010 AS 24.65.090

**23 AAC 05.030. Hours.** (a) The victims' advocate's business office will be open to the public during regular business hours. Regular business hours are 8:00 a.m. to 5:00 p.m., Monday through Friday except state holidays. The office may be closed to the public during the noon hour Monday through Friday.

(b) The office of victims' rights will observe holidays in accordance with AS 44.12.010. Observance of a holiday means that the victims' advocate's business office will be closed to the public and employees given the day off work with holiday pay. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

Authority: AS 24.65.090

## **Chapter 10. Investigations.**

### **Article 1. Receiving and Processing Complaints**

**23 AAC 10.010. Complaints.** (a) The victims' advocate will assist a crime victim in obtaining a right guaranteed to the crime victim under the constitution and laws of the state with regard to the contacts of the crime victim with justice agencies. The victims' advocate may also investigate complaints from a crime victim that the complainant has been denied a right guaranteed to the crime victim under the constitution and laws of this state.

(b) An allegation that a crime victim has been denied a right guaranteed to a crime victim under the constitution and laws of this state must be in writing and be specific. The allegation must be submitted to the victims' advocate on a complaint form provided by the office of victims' rights for that purpose, and must be signed by the crime victim or a person authorized by law to act on the crime victim's behalf. The complaint may be submitted to the office of

victims' rights in person or on line through the office web site, mailed by regular United States mail, or submitted by facsimile. If a complainant or crime victim requires assistance in filling out the complaint, the victims' advocate or a member of the victims' advocate's office staff will provide the assistance.

(c) Anonymous complaints will not be accepted. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 24.65.090 AS 24.65.110 AS 24.65.120  
AS 24.65.100

**23 AAC 10.020. Declining a complaint.** (a) The victims' advocate may refuse to accept a complaint or provide crime victim advocacy or investigative services when, in the judgment of the victims' advocate, it appears that,

- (1) the office of victims' rights does not have jurisdiction as established by law;
- (2) the complaint does not involve a violation of a specific statutory or constitutional crime victim right;
- (3) the complaint may involve a violation of a specific statutory or constitutional crime victim right but the claimant is not a crime victim as defined by the law of this state;
- (4) the claimant is a criminal defendant as defined in 23 AAC 40.100;
- (5) the complaint is primarily civil in nature;
- (6) the resources of the office of victims' rights are, or may be, inadequate to provide the complainant with competent advocacy or investigative services, or may be unduly diminished by providing the complainant with competent advocacy or investigative services to the detriment of other cases;
- (7) the complainant refuses to sign the complaint form; or

(8) the public's interest or welfare would not be served by accepting the complaint or providing crime victim advocacy or investigative services to the complainant.

(b) Notice to the complainant under this section that a complaint is declined may be oral. The victims' advocate may state in writing the reasons for refusing to accept a complaint, or to provide advocacy or investigative services, if requested by the complainant in writing within 10 calendar days from the oral notice. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 24.65.090 AS 24.65.100 AS 24.65.250

**23 AAC 10.030. Preliminary examination of a complaint.** Upon receipt of a signed complaint from a complainant or crime victim asserting that the complainant or crime victim has been denied a right guaranteed a crime victim under the laws and constitution of this state, the victims' advocate will conduct a preliminary examination of the complaint to determine whether, based on the information and evidence provided by the complainant or crime victim

(1) the office of victims' rights has jurisdiction to investigate the complaint under AS 24.65; and

(2) there is specific and credible information to indicate that one or more crime victim rights guaranteed by the laws and constitution of this state may have been violated by a justice agency or person. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 24.65.090 AS 24.65.100 AS 24.65.120

**23 AAC 10.040. Priority regarding processing of complaints.** (a) If the resources of the office of victims' rights are not sufficient adequately to process pending or new complaints

or requests for assistance from crime victims within reasonable time limits, the victims' advocate will apply the following priority in processing of cases:

(1) complaints of an emergency nature in which disposition according to normal handling would subject the complainant or victim to a substantial risk of serious and irreparable violation of crime victim rights or other harm;

(2) complaints involving felony offenses;

(3) complaints regarding class A misdemeanors involving domestic violence or a crime against the person under AS 11.41.

(b) Within each priority category set out in (a) of this section, the office will employ the following priority in processing of cases:

(1) processing of a complaint alleging, or where there is evidence of, prejudice, harm, or disadvantage to a class of people has precedence over processing of a complaint alleging an individual instance of prejudice, harm, or disadvantage;

(2) processing of complaints will be substantially in accordance with an order based on priority of the date on which the complaint was received. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 24.65.090 AS 24.65.100

## **Article 2. Conducting an Investigation.**

**23 AAC 10.100. Resolution of a complaint without formal investigation; request for production of information or documents.** (a) The victims' advocate may elect to conduct a formal or informal investigation of a complaint, or both. Before initiating a formal investigation in accordance with AS 24.65.120(b)(2), the victims' advocate may attempt to resolve a complaint informally by contacting a person or a justice agency to make relevant inquiries and to

obtain information and documents considered necessary by the victims' advocate. In so doing, the victims' advocate will briefly state in writing the basis for the complaint and will provide the person or justice agency details considered by the victims' advocate necessary and sufficient for the person or justice agency to respond fully.

(b) Under AS 24.65.120(b)(1), exercise of authority by the victims' advocate to make inquiries and obtain information considered necessary related to a complaint includes, at the request of the victims' advocate,

(1) submission to the victims' advocate of a written explanation of the relevant facts and circumstances relating to the complaint prepared by a person or a justice agency; the victims' advocate shall make a request under this paragraph in writing, and the person or justice agency shall submit the written explanation of the relevant facts and circumstances relating to the complaint, if requested by the victims' advocate in writing, the written explanation shall be provided under oath, nothing in this section shall be construed to diminish the right of the victims' advocate to additionally require the person or justice agency to provide the explanation of the relevant facts and circumstances relating to a complaint under oath in accordance with AS 24.65.120(b)(2) and 24.65.130(a).

(2) submission to the victims' advocate of all information or documents available to an adult or juvenile criminal defendant or a juvenile as provided for by law regardless of whether the information or documents have been provided to the adult or juvenile criminal defendant or a juvenile.

(c) A person or a justice agency and its employees shall cooperate fully with the victims' advocate and shall provide all requested information and documents that they are required to provide under AS 24.65 and this title in a timely, complete, and good faith manner. Unless

otherwise requested in writing by the victims' advocate, the person or justice agency shall respond fully in writing within 10 calendar days from receipt of the victims' advocate's written request. If additional time within which to respond is requested by the person or justice agency within that 10-day period, the victims' advocate may agree to grant it, but the total amount of time may not exceed 30 calendar days from the victims' advocate's initial request.

(d) If a person or a justice agency fails to respond to the victims' advocate's request for information and documents under this title, or fails to respond in a timely, complete, or good faith manner, the victims' advocate may elect to proceed with the investigation in accordance with AS 24.65 and this title without further notice to the person or justice agency or seek judicial enforcement of the request in accordance with AS 24.65 and this title. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 24.65.090 AS 24.65.120 AS 24.65.130  
AS 24.65.100

**23 AAC 10.110. Reimbursement of researching and duplicating costs.** (a) A justice agency that researches, produces and provides information and documentary or other physical evidence to the victims' advocate in response to a request for information under AS 24.65.120 or AS 24.65.130, or another provision of AS 24.65, or attempts to do so, may not charge a cost or fee to the office of victims' rights for duplicating, copying or other costs or expenses incurred.

(b) A private person, business, or organization that researches, produces and provides information and documentary or other physical evidence to the victims' advocate in response to a request for information under AS 24.65.120 or AS 24.65.130, or attempts to do so, may receive limited compensation from the office of victims' rights, but only for the ordinary, reasonable, and actual duplicating costs incurred, to a maximum of \$50 for each investigation. A private

person, business or organization seeking reimbursement shall submit an invoice in writing to the victims' advocate within 10 calendar days following the delivery of the information and documentary or other physical evidence, or the date of the scheduled hearing at which the information and documentary or other physical evidence was provided, whichever is sooner. The office of victims' rights will not pay or reimburse for expenses associated with information, documents, or objects not provided to the victims' advocate. A private person, business, or organization that submits an invoice for allowable costs after the deadline set in this subsection irrevocably waives the right to any reimbursement for that investigation. Expenses incurred or claimed to have been incurred by a private person, business, or organization for legal, accounting, data compilation, or other similar expert or professional costs or expenses are not reimbursable.

(Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 24.65.090 AS 24.65.120 AS 24.65.130  
AS 24.65.100

**23 AAC 10.120. Testimony under subpoena; private hearings.** (a) The victims' advocate may choose to compel by subpoena, at a specified time and place, the appearance of any person whom the victims' advocate reasonably believes may be able to give information and produce documents and objects relating to a matter under formal or informal investigation under AS 24.65. At the election of the victims' advocate, the subpoena may be issued

- (1) in connection with a private hearing conducted under AS 24.65; or
- (2) not in connection with a private hearing, but shall command the person subpoenaed to appear at a specified time and place to deliver documents and objects without providing testimony at that time.



(b) A subpoena issued by the victims' advocate extends to all parts of the state and must conform to the following:

(1) the subpoena shall command each person to whom it is directed to attend and give testimony or to produce records, information or objects under (a) of this section at a time and place specified in the subpoena;

(2) a subpoena duces tecum issued under (a) of this section shall describe the records, documents, objects or information sought;

(3) the subpoena shall bear the signature of the victims' advocate or the victims' advocate's designee and shall be certified by a notary of the state.

(c) If a subpoena is issued under (a) of this section, the person subpoenaed shall have 10 calendar days following the date of service of the subpoena to comply. The victims' advocate or a designee of the victims' advocate may extend the period described in this subsection upon written request of the person under subpoena for good cause shown by the applicant.

(d) Nothing prevents the victims' advocate from issuing more than one subpoena or conducting more than one hearing under this section whether involving the same matter or whether the matter is under formal or informal investigation.

(e) Notwithstanding (c) of this section, the victims' advocate may

(1) require the appearance of a person to give sworn testimony or produce documents and objects under (a) of this section at a specified time and place sooner than 10 days after the service of the subpoena

(A) if the victims' advocate reasonably believes that to do so will not significantly inconvenience the person subpoenaed or cause the person subpoenaed to incur substantial additional expense;

(B) if the delay in receipt of the sworn testimony, documents or objects may hinder or prejudice the investigation or render the testimony ineffectual; or

(C) for other good cause in the judgment of the victims' advocate; or

(2) schedule the appearance of the person sooner than 10 days after service of a subpoena with the consent of the recipient of the subpoena.

(f) A subpoena will be served by a designee of the victims' advocate or an employee of the office of victims' rights. Service of a subpoena upon a person named in it shall be made by delivering a copy of the subpoena to the person. Proof of service shall be established by affidavit of the person who served the subpoena at or about the time service is made. In the discretion of the victims' advocate, service of a subpoena may also be made by certified or registered United States mail. The returned delivery receipt shall be addressed so that it is returned to the office of victims' rights and shall constitute proof of service. A subpoena may also be served by the victims' advocate by facsimile with the consent of the justice agency or the person named in the subpoena. Proof of service by facsimile shall be conclusively established by the victims' advocate's facsimile activity report.

(g) A private hearing shall be presided over by the victims' advocate. The purpose of a private hearing shall be to investigate a complaint from a crime victim that a right guaranteed under the constitution and laws of the state has been violated with regard to their contact with a justice agency or a person. A private hearing held by the victims' advocate shall be conducted subject to the privileges recognized by court rule and statutes of this state and in an informal

manner to the end that truth may be ascertained and proceedings justly determined. Except as specifically provided in this section, the Alaska Rules of Court, including the Alaska Rules of Evidence, the Alaska Rules of Civil Procedure, the Alaska Rules of Criminal Procedure, the Alaska Child in Need of Aid Rules, the Alaska Delinquency Rules, and the Alaska Administrative Rules, are inapplicable to hearings or proceedings, including the taking of sworn testimony, conducted before the victims' advocate. Witnesses appearing at a private hearing shall have the right to counsel at the witnesses' expense. The only persons permitted to be present at a private hearing during the taking of sworn testimony shall be the victims' advocate or an associate victims' advocate, members of the victims' advocate's staff, a court reporter if one is utilized, an interpreter or person to assist a witness who is hearing, speech or otherwise medically impaired when needed, the witness then under examination, and the witness's attorney if desired by the witness. Witnesses shall be examined individually outside the presence of other witnesses. Each witness shall be administered the following oath by a person authorized by law: "Do you solemnly swear or affirm upon oath that the testimony you are about to give in this proceeding will be the truth, the whole truth, and nothing but the truth?"

(h) When the victims' advocate seeks to obtain information, documents or objects from a person who has been properly subpoenaed, the person may not refuse to provide the material sought by claiming that the material is privileged unless the person asserts the privilege and the basis for the privilege in writing to the victims' advocate. If requested by the victims' advocate in writing, the written assertion of privilege shall be provided under oath. Nothing in this section shall be construed to diminish the right of the victims' advocate to require the person asserting the claimed privilege to assert it, and the basis for asserting it, under oath at a hearing conducted under AS 24.65.

(i) If the person described in (h) of this section is a public employee who refuses to provide the material of the criminal justice agency sought by claiming that the material is privileged, the commissioner of the department or the head of the justice agency involved shall assert the privilege and the basis for the privilege, in writing to the victims' advocate. If requested by the victims' advocate in writing, the written assertion of privilege and the basis for asserting the privilege shall be provided under oath by the commissioner of the department or the head of the justice agency involved. Nothing in this section shall be construed to diminish the right of the victims' advocate to require the person asserting the privilege to assert the claimed privilege and the basis for asserting it under oath at a hearing conducted under AS 24.65.

(j) In any case in which a person refuses to provide material sought by claiming a privilege under (h) or (i) of this section the victims' advocate will consider the assertion of privilege and may seek review of the claim of privilege in the superior court under this subsection by instituting enforcement proceedings under AS 24.65. In that event, the victims' advocate will request the superior court to review the disputed material in camera and to decide the issue on an expedited basis and in accordance with (e) of this section.

(k) The provisions of Rule 30.1 of the Alaska Rules of Civil Procedure apply to testimony taken during a private hearing under AS 24.65. Upon request, the victims' advocate may permit the taking of testimony telephonically at a private hearing. An audio or audio-visual deposition may be used for any purpose and under any circumstances in which a stenographic deposition may be used. A subpoena by the victims' advocate issued for attendance at a hearing for the taking of testimony must state that the deposition will be recorded by audio or audio-visual means. If a court reporter will not be used to record the deposition, the subpoena must also state this fact.

(l) Enforcement of a subpoena to compel the giving of testimony or the production of documents shall be secured by proceedings brought in the superior court upon application of the victims' advocate or an associate victims' advocate in accordance with AS 24.65.130(b) under the provisions of Rule 90 of the Alaska Rules of Civil Procedure. The victims' advocate will request the court to give calendaring preference to enforcement proceedings brought by the victims' advocate under this section.

(m) A witness subpoenaed by the victims' advocate who resides less than 100 miles from the office of victims' rights is not entitled to a witness fee if the witness is an employee of a justice agency, a political subdivision of the state, or the state, or a person contracted with by a justice agency, a political subdivision of the state, or the state regarding the matter that is the substance of the subpoena. All other witnesses shall be paid a witness fee as prescribed for a witness in a court action if the witness actually testifies and submits a written request for payment of a witness fee on a form prescribed by the victims' advocate for that purpose and in accordance with this title. A witness that resides more than 100 miles from the office of victims' rights or who is not an employee of a justice agency, a political subdivision of the state, or the state, or a person contracted with by a justice agency, a political subdivision of the state, or the state regarding the matter which is the substance of the subpoena who is not otherwise eligible for travel, lodging, and per diem reimbursement by the witness's employer is entitled to receive

(1) non-expert witness attendance fees as prescribed for a witness in court actions;

(2) reimbursement of transportation expenses in accordance with standards established by the Department of Administration under AS 39.20.160 for required travel in excess of 100 miles round trip from the witness's residence; and

(3) reimbursement of food and lodging expenses in accordance with standards established by the Department of Administration under AS 39.20.160 for each day of actual attendance and for each day of reasonable and necessary travel to and from the office of victims' rights if the witness resides at a point so distant from the office of victims' rights that a return to the residence from day to day is not practicable. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register\_\_\_\_)

Authority: AS 24.65.090 AS 24.65.120 AS 24.65.130

**23 AAC 10.130. Status reports.** The victims' advocate will provide a report of the status of a complaint under formal or informal investigation to a complainant or victim 120 days after acceptance of the complaint and thereafter at 120-day intervals until investigation of the complaint is completed. The victims' advocate will provide a status report to a complainant or victim in response to a request from the complainant or victim at any time. A status report may be oral or in writing in the discretion of the victims' advocate. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register\_\_\_\_)

Authority: AS 24.65.090 AS 24.65.140 AS 24.65.150

**23 AAC 10.140. Conflicts.** (a) If, during the course of an investigation, the victims' advocate determines that investigation of a complaint by an associate victims' advocate may involve a conflict of interest or may have the appearance of a conflict of interest, the victims' advocate will promptly transfer the matter from the associate victims' advocate to another member of the staff for completion of the investigation or will assign the case to the victims' advocate.

(b) If the victims' advocate's own investigation of a complaint would involve a conflict of interest or the appearance of a conflict of interest, the victims' advocate will promptly transfer

the matter to another staff member for completion of the investigation. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_,  
Register \_\_\_\_\_)

Authority: AS 24.65.090

**Article 3. Concluding an Investigation.**

**23 AAC 10.200. Discontinuing an investigation.** The victims' advocate may discontinue, terminate, postpone, or suspend an investigation at any time if, during the course of the investigation, or as a result of a preliminary examination of the complaint undertaken by the victims' advocate in an attempt to resolve it without commencement of a formal investigation under 23 AAC 10.100,

(1) the victims' advocate determines that the subject matter of the complaint is not within the jurisdiction of the office under AS 24.65;

(2) the victims' advocate determines that disclosure of the complainant's or victim's name is necessary to enable the victims' advocate to carry out duties under AS 24.65 or to support recommendations, and the complainant or victim refuses to allow disclosure of the complainant's or victim's name;

(3) the victims' advocate requests information or documents from the complainant or victim and the complainant or victim fails or refuses to produce the information or documents within the time specified by the victims' advocate for its receipt;

(4) the complainant fails to file a complaint as required by this title or requests to withdraw a previously filed complaint;

(5) information or evidence provided by the complainant or otherwise obtained by the victims' advocate provides no specific or credible basis to believe that continuing an investigation is warranted;

(6) the victims' advocate determines that there is some evidence to believe that the complainants' or victims' rights guaranteed under the constitution and laws of this state may have been denied to the complainant or victim, but the victims' advocate believes that, at the conclusion of the investigation of the complaint,

(A) the victims' advocate may not be able to present an opinion, finding, or recommendation to a person, justice agency, or another that would provide direct relief or benefit to the complainant or victim; or

(B) an opinion, finding, or recommendation that the victims' advocate presents to a person, justice agency, or another could be without substantial value or significance to improvement of public administration under the law;

(7) the victims' advocate determines that the subject matter of the act complained of by the complainant or victim was recently investigated by the victims' advocate, the complaint fails to present an issue not considered in the prior investigation, and the victims' advocate believes that further investigation would not advance a material interest of the complainant or the victim or a significant public interest;

(8) the victims' advocate determines that the resources available to the office of victims' rights are insufficient to maintain the investigation;

(9) the complainant or victim fails to maintain contact with the victims' advocate;

(10) the victims' advocate determines that the complainant or victim has knowingly provided false, misleading, or incomplete information or documents to the victims' advocate or staff of the office of the victims' advocate;

(11) the complainant refuses to sign the complaint form; or



(12) in the sole opinion of the victims' advocate, the investigation should be terminated in furtherance of justice, the public interest or for the reasons stated in a written request of the victim or complainant. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 24.65.090 AS 24.65.120 AS 24.65.150  
AS 24.65.100 AS 24.65.130 AS 24.65.160  
AS 24.65.110 AS 24.65.140

**23 AAC 10.210. Preparation of a report following a formal investigation.** (a) Upon completion of a formal investigation of a justice agency or person under AS 24.65, the victims' advocate may prepare a written report of the victims' advocate's findings, opinion, and recommendations.

(b) The victims' advocate will prepare a written report upon completion of a formal investigation under AS 24.65. if the victims' advocate's findings

(1) are critical of a justice agency or person; or

(2) determine that a justice agency or a person has denied a crime victim rights the crime victim is guaranteed under the constitution and laws of this state.

(c) In addition to explaining the victims' advocate's findings, opinion, and recommendation when preparing a report under (a) or (b) of this section, the victims' advocate may also determine and state in the report that the complaint or an allegation that is the subject of a complaint is

(1) "justified" if, on the basis of the evidence obtained during the investigation, the victims' advocate determines or believes the criticism of the conduct of the justice agency or a person is supported by the evidence;

(2) "partially justified" if,

(A) on the basis of the evidence obtained during the investigation, the victims' advocate determines or believes the criticism of the conduct of the justice agency or a person is "justified" under (1) of this subsection and further finds that action or inaction by the complainant or victim materially affected the conduct of the justice agency or a person at issue; or

(B) in a complaint having multiple allegations, the victims' advocate finds at least one allegation "justified" or, under (A) of this paragraph, "partially justified," and finds at least one allegation "not supported" or "indeterminate";

(3) "not supported" if, on the basis of the evidence obtained during the investigation, the victims' advocate determines or believes the criticism of the conduct of the justice agency or a person is not valid; or

(4) "indeterminate" if investigation does not provide sufficient evidence for the victims' advocate to determine conclusively whether the criticism of the conduct of the justice agency or a person is valid or not valid. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 24.65.090 AS 24.65.140 AS 24.65.150

**23 AAC 10.220. Consultation following formal investigation in which a finding is critical of a justice agency or person.** (a) Before presenting an opinion and recommendation in accordance with AS 24.65.160 that is critical of a justice agency or a person as a result of a formal investigation, the victims' advocate will consult with that agency or person as required by AS 24.65.140. An opinion and recommendation that includes a finding by the victims' advocate that a justice agency or person denied a crime victim a right the crime victim is guaranteed under the constitution and laws of this state is a "critical" finding for purposes of this section and

AS 24.65.140.

(b) The consultation required by AS 24.65.140 shall consist of providing the justice agency or person a preliminary report containing the victims' advocate's opinion and recommendations. The consultation may also consist of oral conversations between the victims' advocate and the justice agency or person that is the subject of the investigation. In addition to the confidential treatment of the preliminary opinion and recommendation required by AS 24.65.140, conversations about the preliminary opinion and recommendation between the victims' advocate and the justice agency or person are confidential and may not be disclosed to the public by the agency or person. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 24.65.090 AS 24.65.140 AS 24.65.150

**23 AAC 10.230. Response to finding or opinion in preliminary report.** (a) Within 15 days following receipt of the preliminary report transmitted to a justice agency or person under 23 AAC 10.220, the justice agency or person may respond to and or request modification of the finding or opinion presented in the victims' advocate's preliminary report. The victims' advocate may extend the period in which the response or request to modify a finding or opinion may be made by the agency or person, but an extension may not exceed a second 15-day period.

(b) A justice agency or person that responds to or requests modification of a preliminary report under (a) of this section shall do so in writing.

(c) A request to modify the victims' advocate's preliminary report must be complete and specific regarding the reasons and arguments in support of the request. It may be further supported by documentary or other evidence considered appropriate by the justice agency or person. Only one request to modify a preliminary report will be considered by the victims' advocate, which must be the first request submitted by the justice agency or person. The

victims' advocate may accept or reject, in whole or in part, the reasons, arguments, and documentary or other evidence submitted by the justice agency or person in support of a request to modify a preliminary report. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 24.65.090 AS 24.65.140 AS 24.65.150

**23 AAC 10.240. Final report.** (a) Within a reasonable time following receipt and consideration by the victims' advocate of a response or request submitted by a justice agency or person under 23 AAC 10.230 or if a justice agency or person has failed to submit a timely response or request under that section, the victims' advocate will finalize the preliminary report into a final report and provide a copy of it to the justice agency or person who was the subject of the investigation under AS 24.65. In the final report, the victims' advocate will state that the investigation has been concluded.

(b) The victims' advocate's final report may contain references or summaries, including quotations from testimony of witnesses, or from a response submitted under 23 AAC 10.230 or to any reasons, arguments, and documentary or other evidence submitted to the victims' advocate under 23 AAC 10.230 seeking a modification of a finding or opinion in the preliminary report if a request for modification was submitted. The victims' advocate's final report may contain different and additional findings or opinions not contained in the preliminary report. If such different or additional findings and opinions are also critical of the justice agency or person who is the subject of the formal investigation, the victims' advocate shall consult with the justice agency or person as required by AS 24.65.140.

(c) In the final report, the victims' advocate may indicate that the subject matter of the investigation has been "rectified" if the victims' advocate determines that, in response to a

finding or recommendation presented to the justice agency or person, the justice agency or person has initiated corrective action or commits in reply to the victims' advocate's final report to take corrective action substantially as recommended by the victims' advocate. If a justice agency or person does not initiate corrective action or does not commit to take corrective action substantially as recommended in the victims' advocate's final report, the victims' advocate may comment upon that fact in the final report.

(d) The justice agency or person receiving the victims' advocate's final report shall provide a reply to the final report as required by 23 AAC 10.250. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

Authority: AS 24.65.090 AS 24.65.150 AS 24.65.160  
AS 24.65.140

**23 AAC 10.250. Response to finding or opinion in final report.** (a) Except as provided in (b) of this section, when the victims' advocate presents a final report to a justice agency or person under AS 24.65.150(a) and 23 AAC 10.240, the justice agency or person may submit a written reply to the victims' advocate's final report within 10 calendar days after receipt of it regardless of whether any previous response or request has been submitted by the justice agency or person under 23 AAC 10.230 or otherwise. Additionally, the justice agency or person may advise the victims' advocate of its decision whether to

(1) accept and implement or agree to implement one or more recommendations contained in the final report; or

(2) reject the recommendations contained in the final report.

(b) When presenting the final report, if the victims' advocate determines that an early response is reasonably necessary to obtain timely agency review of findings and a

recommendation of the investigation of a complaint that is an emergency or of a complaint in which there is an allegation or evidence of serious harm or injury, the victims' advocate may request an agency or person to respond to the final report on a date sooner than the date specified in (a) of this section. A victims' advocate's final report that requests an early response under this subsection must specify the date by which the early response is required.

(c) The victims' advocate may, for good cause shown in writing, extend a period provided for response under (a) or (b) of this section. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 24.65.090 AS 24.65.140 AS 24.65.150

**23 AAC 10.260. Publication of opinions and recommendations.** (a) Within a reasonable amount of time after the victims' advocate reports the opinion and recommendations to a justice agency or a person, the victims' advocate may present the opinion and recommendations to the governor, the legislature, a grand jury, the public, or any of these. The victims' advocate will include with the opinion and recommendations any reply made by the agency or the person. In the final report, the victims' advocate may indicate that the subject matter of the investigation has been "rectified" if the victims' advocate determines that, in response to a finding or recommendation presented to the justice agency or person, the justice agency or person has initiated corrective action or has committed to take corrective action substantially as recommended by the victims' advocate. If no reply was submitted, the victims' advocate will so state.

(b) The victims' advocate may disclose the final report under (a) of this section only after providing notice under 23 AAC 10.240(a) to the justice agency or person that the investigation has been concluded and after obtaining the written approval of the complainant to release the report as required by AS 24.65.150. Upon request, a copy of the final report shall be provided to

the complainant whenever the final report is disclosed under (a) of this section.

(Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 24.65.090 AS 24.65.150 AS 24.65.160 AS 24.65.140

## **Chapter 20. Advocacy on Behalf of Victims.**

### **Article 1. Justice Agency Training and Education.**

**23 AAC 20.010. Training by victims' advocate.** (a) The victims' advocate will undertake to conduct continuing professional training for criminal justice agencies throughout the state regarding the rights of crime victims under the constitution and laws of the state and the provisions of AS 24.65.

(b) A justice agency or person shall cooperate and assist the victims' advocate in order to ensure that justice agency personnel receive ongoing training regarding the rights of crime victims under the constitution and laws of the state and the provisions of AS 24.65.

(c) The victims' advocate and his staff shall receive annual continuing professional training regarding the rights of crime victims, including the rights of crime victims under the constitution and laws of the state and the provisions of AS 24.65.

(Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 24.65.090

### **Article 2. Crime Victim Education and Outreach.**

**23 AAC 20.100. Contact with victims.** The victims' advocate and staff of the office of victims' rights may initiate contact with a person whom the victims' advocate has reason to believe may be a crime victim as defined by law for the purpose of informing and explaining the

person's crime victims' rights, and to determine if the person has been denied a crime victim right under the constitution and the laws of the state by a justice agency or a person. If the person contacted by the victims' advocate elects to file a complaint against a justice agency or person, the victims' advocate will process the complaint in accordance with AS 24.65 and this title in the same manner as any other complaint filed by another complainant.

(Eff. \_\_\_\_ / \_\_\_\_ / \_\_\_\_, Register \_\_\_\_)

Authority: AS 24.65.090 AS 24.65.110 Art. I, sec. 24, Ak. Const.  
AS 24.65.100 AS 24.65.120

**Article 3. Advocating On Behalf Of A Crime Victim In An Ongoing Criminal Case Or Juvenile Adjudication**

**23 AAC 20.200. Advocacy regarding criminal investigations and court proceedings.**

(a) Subject to the protections and rights afforded crime victims enumerated in art. I, sec. 24 of the Alaska Constitution, other provisions of the Alaska and federal constitutions, and the laws of the state and the United States, the victims' advocate may not advise, counsel, or advocate on behalf of a victim in a way that would

(1) prevent or discourage a victim from cooperating in a criminal investigation conducted by a justice agency;

(2) encourage a victim to withhold evidence in a criminal investigation conducted by a justice agency; or

(3) prevent or discourage a victim from testifying in a criminal proceeding.

(b) Nothing in (a)(1) - (3) of this section or AS 24.65 may be construed by the victims' advocate or a criminal justice agency in a manner that would tend to deny a right of a crime



victim under the constitutions and laws of the state and the United States.

(Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 24.65.090 AS 24.65.110 AS 24.65.120 AS 24.65.100

**23 AAC 20.210. Representing and advocating on behalf of a crime victim in an ongoing criminal case or juvenile adjudication.** (a) In order to provide effective in-court advocacy for crime victims, and to otherwise protect and advance their statutory and constitutional rights, including their constitutional right to counsel, the victims' advocate may provide legal services and otherwise represent a crime victim in any ongoing legal action, criminal case, or juvenile adjudication before any court or administrative or quasi-administrative body whenever, in the judgment of the victims' advocate, there is reason to believe a crime victim may have been denied, is being denied, or may in the future be denied a right under the constitution and the laws of the state, by any person or justice agency. The right to representation includes the bringing of an action on behalf of a crime victim when, in the judgment of the victims' advocate, the action will protect and advance the crime victims' statutory and constitutional victim rights.

(b) Before the victims' advocate represents a crime victim in a case under (a) of this section, the crime victim must submit a signed complaint to the victims' advocate in accordance with 23 AAC 10.010.

(c) When advocating on behalf of a crime victim, the victims' advocate is entitled, upon request, to receive all information and records available to the victims' advocate as provided in AS 24.65.

(d) In AS 24.65.110(c) and this title, “ongoing criminal case or juvenile adjudication” includes an active or closed prosecution, trial, legal action, lawsuit, or juvenile adjudication of any kind, at any stage or proceeding of the trial, legal action, adjudicatory hearing, parole or probation revocation hearing, lawsuit, or juvenile adjudication, including any appeal, in a court in this or another state or of the United States; “ongoing criminal case or juvenile adjudication” includes an open or closed investigation conducted by any justice agency, including matters under investigation by a grand jury, undertaken by any one or more justice agencies of this state, regardless of whether the investigation is considered open or closed by the justice agency and regardless of whether criminal charges are still under consideration, have been filed, or have been declined by a justice agency. In this section, “legal action” includes a grievance before the Alaska Bar Association or the bar association or licensing or disciplinary entity of another state or jurisdiction.

(e) Nothing in this section shall be construed to confer upon the victims’ advocate third-party status in any ongoing criminal case or juvenile adjudication absent the filing by the victims’ advocate of a motion to intervene as a party in accordance with court rule and the granting of the motion by the court. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 24.65.090 AS 24.65.110 AS 24.65.120

AS 24.65.100

**23 AAC 20.220. Notice of representation in an ongoing criminal case or juvenile adjudication, entry of appearance.** (a) Whenever the victims’ advocate elects to represent a crime victim in any ongoing criminal case or juvenile adjudication as provided for in AS 24.65 and this title, the victims' advocate shall file an entry of appearance and written notice to the

parties and the court. The written notice filed must assert that a crime victim has submitted a written complaint with the victims' advocate asserting a denial or prospective denial of the crime victims' rights under the constitution and the laws of the state. The notice written notice filed may also set out the particulars of the complaint and request for relief. The entry of appearance and notice to the parties and the court required under this subsection may be made at any time.

(b) In the discretion of the victims' advocate, the entry of appearance and notice to the parties and the court required under (a) of this section may be made orally on the record.

(Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 24.65.090 AS 24.65.110 AS 24.65.120  
AS 24.65.100

### **Chapter 30. Confidential Information.**

#### **Article 1. Maintaining Confidentiality.**

**23 AAC 30.010. Maintaining confidentiality.** (a) The victims' advocate will maintain confidentiality with respect to all matters and the identities of the complainants, victims, or witnesses coming before the victims' advocate except as may be necessary, in the judgment of the victims' advocate, to carry out the duties set out in AS 24.65 and support recommendations made under AS 24.65 and this title.

(b) The victims' advocate may not disclose a confidential record obtained from a court or justice agency. A court or justice agency that provides a document to the victims' advocate considered by the court or justice agency to be a confidential record must clearly identify and designate the document as such at the time it is provided to the victims' advocate. In order to be considered for nondisclosure by the victims' advocate, the document must be so identified and designated and must be a confidential record within the meaning of that term as used in AS 24.65

and this title. Unless a federal or state law or regulation specifically prohibits the disclosure of the confidential record in question under any circumstances in the matter then under consideration, the term “confidential record obtained from a court or justice agency” as used in AS 24.65 and this title does not include

- (1) a document obtained or obtainable by a member of the public under AS 40.25;
- (2) a document obtained or obtainable by a member of the public from other public sources; or
- (3) a document that is a matter of public record. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

Authority: AS 24.65.090 AS 24.65.120(c)

**Article 2. Authorized Disclosures of Confidential Information and Matters.**

**23 AAC 30.100. Disclosure of confidential information and records.** The victims’ advocate may not disclose confidential information or a confidential record obtained from a court or justice agency except as provided in AS 24.65 and this title. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

Authority: AS 24.65.090 AS 24.65.120

**23 AAC 30.110. Disclosure with written consent from victim.** The victims’ advocate may disclose to another confidential information or matters, other than a confidential record obtained from a court or justice agency, relating to a crime victim if the victims’ advocate first obtains the written consent of the crime victim unless federal or state law or regulation specifically prohibits disclosure of the confidential information or matter in question

notwithstanding the consent of the person about whom the confidential record or information relates. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 24.65.090 AS 24.65.120

**23 AAC 30.120. Disclosure as statistical or summary information.** (a) The victims' advocate may disclose information as authorized by law as part of a statistical report, summary, or compilation if the identity each person about whom the information relates is not identifiable in the statistical report, summary, or compilation.

(b) The information described in (a) of this section may be made available to another by the victims' advocate in order to assist in the management of criminal justice agencies or other state or municipal government agencies or programs, to respond to inquiries about criminal justice agencies or other state or municipal government agencies or programs, and to educate and inform the public about the activities and performance of the office of victims' rights. It may also be used as part of the annual report prepared by the victims' advocate as required by AS 24.65.170.

(c) A statistical report, summary, or compilation prepared and distributed under this section is not a publication for purposes of AS 24.65.160. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 24.65.090 AS 24.65.120

**23 AAC 30.130. Disclosure to respond to complaint or inquiry.** The victims' advocate may disclose information regarding a victim or complainant's case to the Alaska Bar Association, the bar association, or licensing or disciplinary entity of another state or jurisdiction

in response to a complaint or inquiry about the victims' advocate or any member of the staff of the office of victims' rights if the Alaska Bar Association, the bar association, or licensing or disciplinary entity of another state or jurisdiction is required by law to maintain such information confidential. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 24.65.090 AS 24.65.120

**23 AAC 30.140. Objections to publication of confidential matters in the victims' advocate's opinion and recommendations to the governor, legislature, or the public under**

**AS 24.65.160.** (a) The provisions of this section apply to objections by justice agencies to disclosure of confidential matters to be included as part of the victims' advocate's final report containing the victims' advocate's opinion and recommendations to the governor, legislature, or the public published in accordance with AS 24.65.160.

(b) If, within 10 calendar days after a justice agency receives a preliminary opinion or recommendation from the victims' advocate under AS 24.65.140, AS 24.65.150, or this title, which contains confidential matters provided to the victims' advocate by a justice agency that is to be published in the victims' advocate's opinion or recommendation in accordance with AS 24.65.160, the victims' advocate receives written objection from the justice agency stating that it asserts a privacy interest in the confidential matters, and describing with particularity the basis for the objection, the victims' advocate shall proceed in accordance with (c) of this section. If timely objection to publication of the confidential matter has not been filed with the victims' advocate in accordance with this subsection, the objection is deemed waived and the victims' advocate may disclose the confidential matters to the governor, legislature, or the public in accordance with AS 24.65.160.

(c) If timely objection to disclosure is filed with the victims' advocate under (b) of this section and if, despite the objection, the victims' advocate finds that disclosure in accordance with AS 24.65.160 of the confidential matter is authorized by AS 24.65.120(c) and is essential to fully inform the governor, legislature, or the public, and to obtain the justice agency's acceptance of a finding and implementation of a recommendation in order to correct an action, decision, or omission of the justice agency that was detrimental to the complainant or victim, the victims' advocate will give written notice to the justice agency making objection under (b) of this section that the victims' advocate intends to publish the matter. In the notice, the victims' advocate will

(1) briefly state each reason for the decision to disclose the confidential matter;

and

(2) indicate the approximate date on which the victims' advocate expects to make disclosure of the confidential matter, which may not be sooner than 10 calendar days from the date of the notice.

(d) At any time before the date described in (c)(2) of this section, a justice agency may apply to the superior court for an order preventing the victims' advocate from publishing the confidential matter. In making a determination as to whether the victims' advocate may disclose the confidential matter in the report to be published

(1) if the record contains both disclosable and confidential matters and the confidential matters cited by the justice agency objecting to disclosure may be reasonably separated from confidential portions in a manner that will allow meaningful information to be disclosed, the court may determine that the confidential matters identified under the authority cited by the justice agency objecting to disclosure must be deleted and thereafter may allow the victims' advocate to release the disclosable matters;

(2) if the matter is wholly confidential, or if the matter contains both disclosable and confidential information and the confidential information cited by the agency or person objecting to disclosure of the matter cannot be reasonably separated from confidential portions in a manner that will allow meaningful information to be disclosed, the court may allow the victims' advocate to disclose the matter if the court determines that the need for disclosure outweighs the nature and weight of the privacy interest asserted by the justice agency; or

(3) if the material to which objection to disclosure is made is found by the court not to be a confidential matter, the victims' advocate will make disclosure of the matter in accordance with the court's order.

(e) Nothing in this section shall be construed to prevent or delay the publication of a victims' advocate's opinion and recommendations to the governor, legislature, or the public pursuant to AS 24.65.160 if the material to which objection to disclosure has been made, and which is the subject of litigation under (d) of this section, has been redacted by the victims' advocate pending a decision of the superior court. A decision of the superior court should be rendered promptly.

(Eff. \_\_\_\_ / \_\_\_\_ / \_\_\_\_, Register \_\_\_\_)

Authority: AS 24.65.090 AS 24.65.140 AS 24.65.160  
AS 24.65.120 AS 24.65.150

**23 AAC 30.150. Publication of the victims' advocate's opinion and recommendations to a grand jury.** (a) Within a reasonable time after the victims' advocate reports the victims' advocates' opinion and recommendations to a justice agency, the victims' advocate may present the opinion and recommendations to a grand jury in accordance with AS



24.65.160 and without prior notice to any justice agency. In accordance with AS 24.65.160, the victims' advocate shall present the victims' advocate's opinion and recommendations to the grand jury according to court rules and, at the request of the grand jury, respond to questions about it. In the event the grand jury elects to exercise its independent constitutional and statutory duty to investigate and make recommendations concerning the public welfare or safety in connection with matters brought to the grand jury's attention under AS 24.65.160, the victims' advocate may, at the request of the grand jury, provide information regarding the opinion and recommendation in the report. Nothing in this section shall be construed to prevent the victims' advocate from also presenting the victims' advocate's opinion and recommendations to the governor, the legislature, the public, or any of these in accordance with AS 24.65.160. The provisions of 23 AAC 30.140 are inapplicable to presenting the victims' advocate's opinion and recommendations to a grand jury.

(b) The grand jury to receive the victims' advocate's opinion and recommendation under (a) of this section is the grand jury empanelled by the court in accordance with the Alaska Rules of Criminal Procedure.

(Eff. \_\_\_\_ / \_\_\_\_ / \_\_\_\_, Register \_\_\_\_).

Authority: AS 24.65.090      AS 24.65.140      AS 24.65.160      AS 24.65.120

AS 24.65.150

#### **Chapter 40. General Provisions.**

**23 AAC 40.010. Annual report.** The victims' advocate will publish the office of victims' rights annual report in accordance with AS 24.65.170 for the preceding fiscal year before the end of the first month of the following fiscal year and shall notify the legislature that the report is available. The report shall also be posted on the office of victims' rights web page.

(Eff. \_\_\_\_ / \_\_\_\_ / \_\_\_\_, Register \_\_\_\_)

Authority: AS 24.65.070 AS 24.65.090

**23 AAC 40.020. Personnel and office management records.** (a) The provisions of AS 39.25.080 apply to personnel records of the office of victims' rights. Personnel records of the office of the victims' rights that are required to be kept confidential under AS 39.25.080 are not open for examination or inspection by the public, a federal or state agency, or a political subdivision of the state.

(b) The policy and procedures manual of the office of victims' rights governs the internal operation of the office. It is not a public record for purposes of AS 40.25 and falls within the protections of AS 24.65.200. (Eff. \_\_\_\_ / \_\_\_\_ / \_\_\_\_, Register \_\_\_\_)

Authority: AS 24.65.090 AS 24.65.200

**23 AAC 40.030. Tense, number, and gender.** As used in this title, and in accordance with AS 01.10.050 words in the present tense include the past and future tenses, and words in the future tense include the present tense. Words in the singular number include the plural, and words in the plural number include the singular. Words of any gender may, when the sense so indicates, refer to any other gender. (Eff. \_\_\_\_ / \_\_\_\_ / \_\_\_\_, Register \_\_\_\_)

Authority: AS 01.10.050 AS 24.65.090

**23 AAC 40.040. Relaxation of regulations.** The procedural regulations in this title are designed to facilitate the victims' advocate's enforcement of AS 24.65 and advance justice. In the discretion of the victims' advocate, these regulations may be relaxed or dispensed with for

good cause by the victims' advocate in any case where it shall be manifest to the victims' advocate that strict adherence to them will work injustice. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_,

Register \_\_\_\_\_)

Authority: AS 24.65.090

**23 AAC 40.050. Severability.** If any provision of these regulations, or the application thereof to any person or circumstance is held invalid, the remainder of these regulations and the application to other persons or circumstances shall not be affected thereby.

(Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

Authority: AS 24.65.090

**23 AAC 40.100. Definitions.** In this title,

(1) "confidential" means information that may be nondisclosable to another under a valid federal or Alaska statute or regulation, or by a privilege, exemption, or principle recognized by the courts, or by an agency protective order authorized by law and which, absent a specific prior written waiver by the person who is benefited by the confidentiality, or an exception provided in law or this title, may not be disclosed;

(2) "confidential record obtained from a court or justice agency" as used in AS 24.65 and this title, unless a federal or state law or regulation specifically prohibits the disclosure under any circumstances of the confidential record in question in the matter under consideration, does not include

(a) a document obtained or obtainable by a member of the public under AS 40.25;

(b) a document obtained or obtainable by a member of the public from other public sources; or

(c) a document that is a matter of public record;

(3) "complainant" means a person who submits a written and signed complaint to the victims' advocate on a form supplied by the office of victims' advocacy for that purpose and who is a victim;

(4) "criminal defendant" means a person who is charged with or who has been convicted of any crime arising from the same action, occurrence, or event as the alleged violation of the person's victims' rights under the constitution and the laws of the state;

(5) "domestic violence" has the meaning given in AS 18.66.990;

(6) "formal investigation" means an investigation utilizing the powers accorded to the victims' advocate provided in AS 24.65.120(b)(2) in addition to the other powers provided in AS 24.65;

(7) "informal investigation" means an investigation utilizing the powers accorded to the victims' advocate in AS 24.65 other than as provided in AS 24.65.120(b)(2);

(8) "justice agency" or "criminal justice agency" has the meaning given in AS 24.65.250 and includes all employees or agents of the agency;

(9) "juvenile" means a person who has been or is being prosecuted by the state on a criminal charge;

(10) "matters" includes information and confidential information, but does not include confidential records obtained from a court or justice agency;

(11) "office" means the office of victims' rights as established under AS 24.65;

(12) "ongoing criminal case or juvenile adjudication" includes an active or closed prosecution, trial, legal action, lawsuit, or juvenile adjudication of any kind, at any stage or proceeding of the trial, legal action, adjudicatory hearing, parole or probation revocation hearing,

lawsuit, or juvenile adjudication, including any appeal, in a court in this or another state or of the United States; "ongoing criminal case or juvenile adjudication" includes an open or closed investigation conducted by any justice agency, including matters under investigation by a grand jury, undertaken by any one or more justice agencies of this state, regardless of whether the investigation is considered open or closed by the justice agency and regardless of whether criminal charges are still under consideration, have been filed or have been declined by a justice agency; in this paragraph, "legal action" includes a grievance before the Alaska Bar Association or the bar association or licensing or disciplinary entity of another state or jurisdiction;

(13) "person" has the meaning given in AS 01.10.060;

(14) "private hearing" means a hearing that is confidential and closed to the public in accordance with the confidentiality provisions of AS 24.65.110(d), and AS 24.65.120(c);

(15) "record" means a document, paper, memorandum, book, letter, drawing, map, plat, photo, photographic file, motion picture, film, microfilm, microphotograph, exhibit, magnetic or paper tape, punched card, or other item of any other material, regardless of physical form or characteristic, developed or received under law or in connection with the transaction of official business by an agency or person, and preserved as evidence of the organization, function, policies, decisions, procedures, operations, or other activities of the agency or person or because of the informational value in them; "record" also includes staff manuals and instructions to staff that directly or indirectly affect the public;

(16) "right" means a right guaranteed to a crime victim under the constitution and laws of the state;

(17) "victim" or "crime victim" means a person included in the definition of that term in AS 12.55.185 but does not include a criminal defendant, or a juvenile in a juvenile adjudication.

(Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 24.65.090