



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

**July 29, 2016**

A handwritten signature in blue ink that reads "Taylor E. Winston". The signature is written in a cursive style and is positioned above a horizontal line.

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# INTRODUCTION

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

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

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

## MISSION STATEMENT

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

## OVERVIEW OF THE ALASKA OFFICE OF VICTIMS' RIGHTS

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

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

### 2. *Investigating Complaints by Victims*

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

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

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

### 3. *Obtaining Information from Criminal Justice Agencies*

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

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

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

OVR is obligated to maintain strict standards of confidentiality with respect to its records, investigations, and communications with clients. OVR is required by law to keep confidential all matters and information related to the performance of its duties, as well as maintain the confidentiality of the identities of all complainants or witnesses coming before OVR, except insofar as disclosure of such information may be necessary to enable OVR to carry out its mission and to support its recommendations. OVR may not disclose a confidential record obtained from a court or justice agency. *A.S. 24.65.110(d)*; *AS 24.65.120(c)*.

5. *Publication of OVR Findings Following an Investigation*

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

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

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

7. *OVR has Broad Civil and Criminal Immunity*

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

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

Alaska law provides:

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

## **THE OVR TEAM**

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

***Taylor E. Winston, Executive Director***

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

***Katherine J. Hansen, Victims' Rights Attorney***

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

***Trina M. Sears, Victims' Rights Attorney***

Ms. Sears was born in Anchorage but grew up in Wasilla. She attended Barnard College, Columbia University and received a Bachelor of Arts *cum laude* in 2000. She attended Northeastern University School of Law and graduated in 2003. Ms. Sears completed a clerkship with Superior Court Judge Larry Card from 2003 – 2004. She was hired in 2004 as an Assistant District Attorney with the Anchorage District Attorney's Office. From 2004 – 2008, Ms. Sears worked in the Anchorage DA's Office and began to focus on prosecution of sexual offenses against adults and children. In January 2008, Ms. Sears relocated to the Palmer District Attorney's Office and continued to specialize in crimes of sexual assault, sexual abuse, domestic violence and homicides.

***Shannon Eddy, Victims' Rights Attorney***

Ms. Eddy grew up primarily in the Northwest. She attended Western Washington University and graduated in 1997 with a Bachelor of Arts in Communications. After graduating from the University of Oregon School of Law in 2003, she moved to Alaska to clerk for Superior Court Judge Michael Wolverton. Ms. Eddy worked as an Assistant District Attorney in Anchorage

and in Kodiak. She also worked for the Office of Special Prosecutions in the alcohol interdiction unit. In March of 2011, Ms. Eddy became the first lawyer in the state to work out of a woman's shelter in Dillingham with Alaska Legal Services Corporation. She represented domestic violence and sexual assault survivors in obtaining protective orders and in custody cases. Ms. Eddy returned in Anchorage in March of 2012 to continue the same practice on behalf of the Alaska Network of Domestic Violence and Sexual Assault. Ms. Eddy joined the Office of Victims' Rights in August 2015.

***Joseph Young, Investigator***

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

***Jenni Summers, Legal Secretary/Special Projects Coordinator***

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

***Canice Bryson, Paralegal***

Ms. Bryson joined the staff of the Office of Victims' Rights in 2005. Upon arriving in Alaska in 1995, Ms. Bryson returned to college and received associate degrees in paralegal studies and accounting. In 2000, Ms. Bryson received her Professional Legal Secretary certificate from the National Association of Legal Professionals, and she regularly attends continuing legal education classes. Ms. Bryson has significant experience working in the legal profession. Since 1998, she has worked for several sole-practitioner attorneys in the areas of family law, probate, contracts, and personal injury. Ms. Bryson retired from OVR and state service in April 2016.

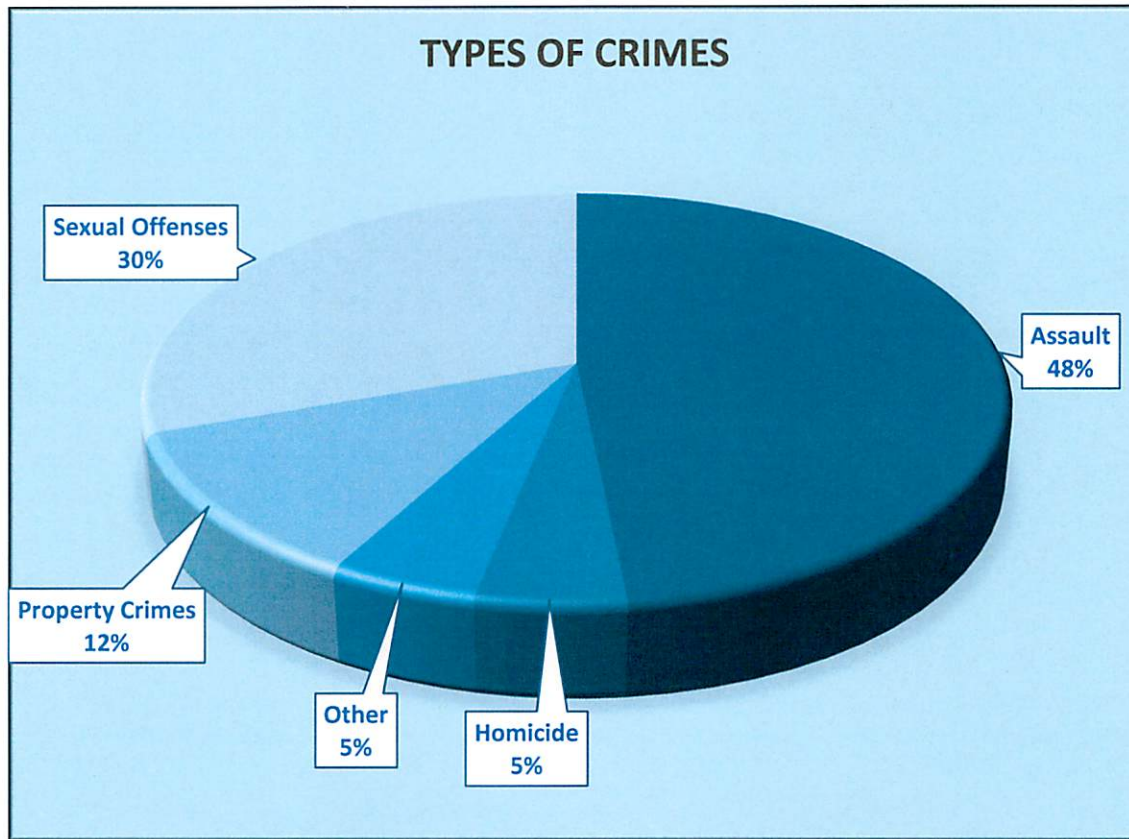
***Molly Hawkins, Law Office Assistant***

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

## LEGAL SERVICES PROVIDED BY OVR

The following information pertains to the legal cases handled by OVR during the current reporting period of July 1, 2015 through June 30, 2016. During this period, 259 cases were opened by OVR requiring active legal assistance on behalf of crime victims.

**OVR Opened 259 New Cases between July 1, 2015 and June 30, 2016.**

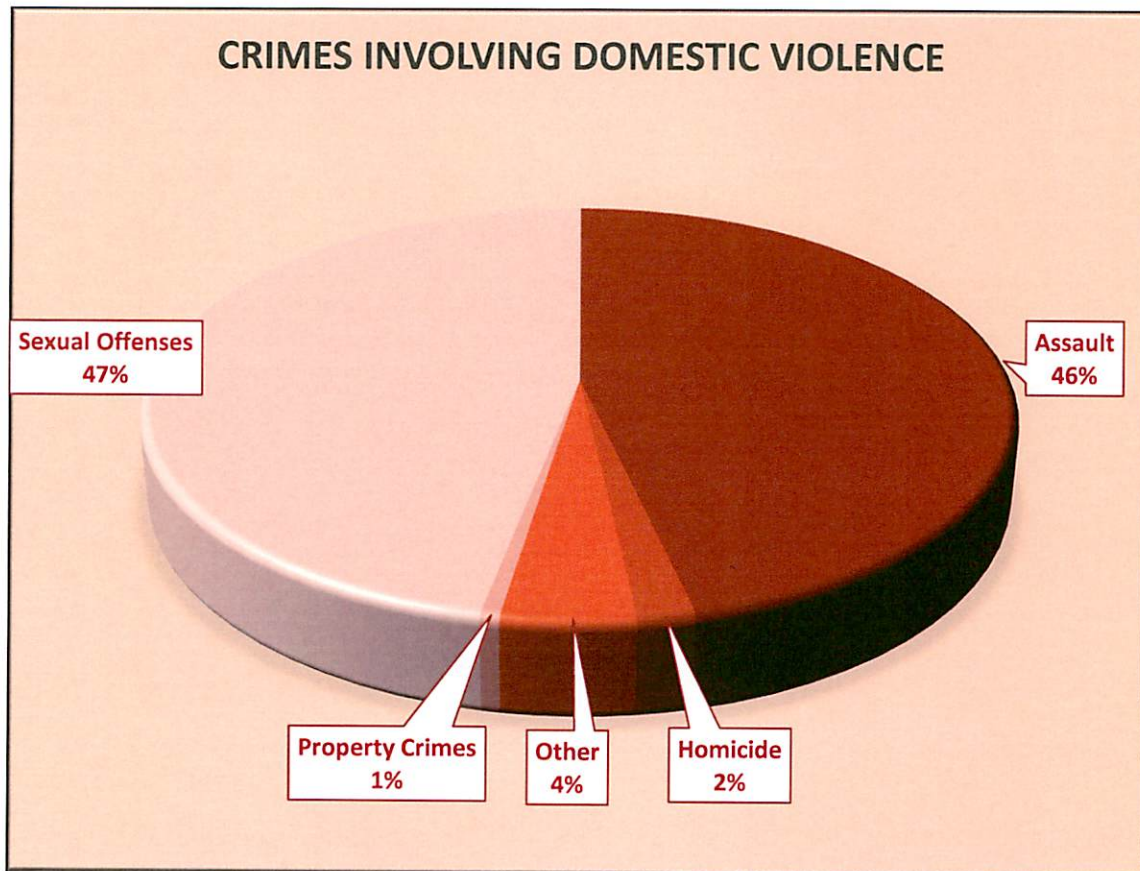


OVR primarily assisted victims who experienced crimes against the person. These crimes involve homicide, kidnapping, assault, robbery and sexual offenses. Forty-eight percent (48%) of OVR's caseload involved crimes of assault. Thirty percent (30%) of OVR's caseload centered on sexual abuse of minors and sexual assault crimes. Compared to last year, OVR represented a lower percentage of property and homicide victims in the current reporting year, but a higher percentage of sexual offense victims.

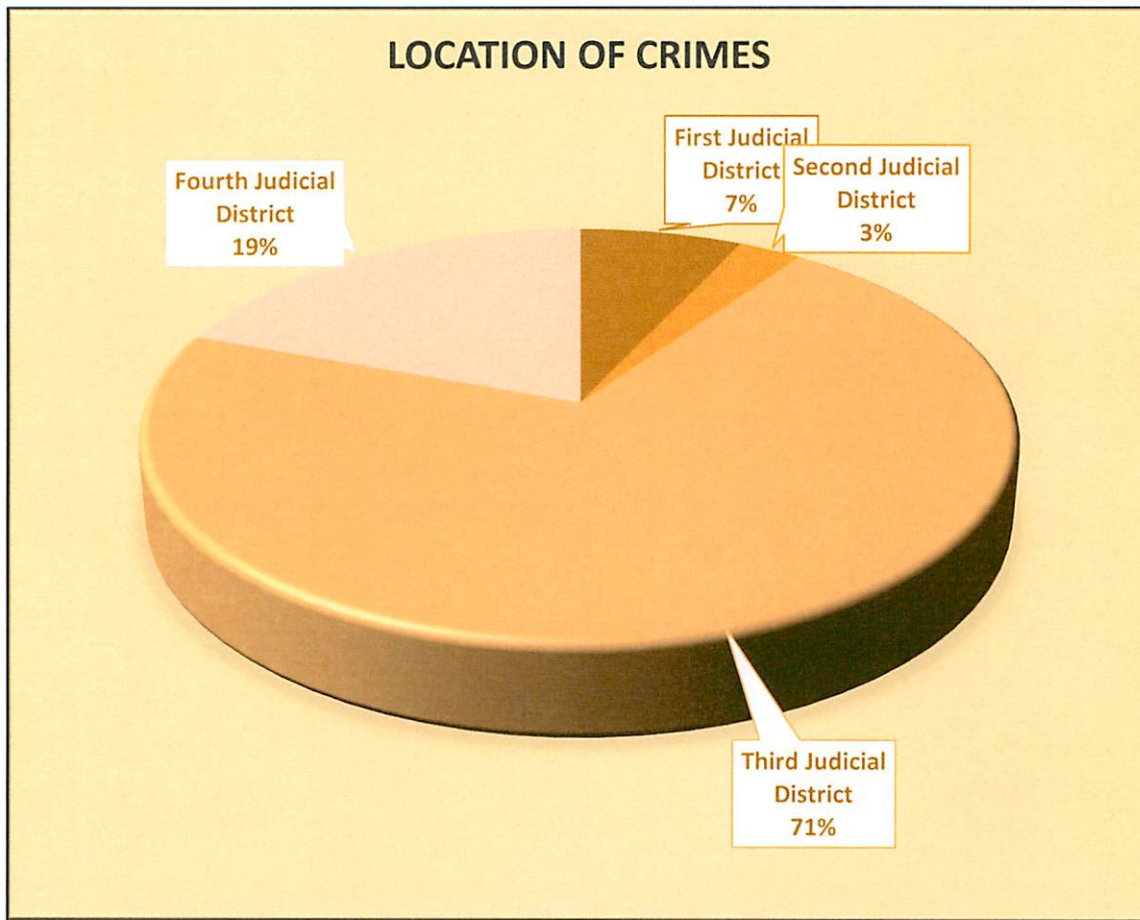
OVR continues to assist a high number of victims of domestic violence. The number of domestic violence cases handled by OVR in the current reporting year stayed approximately the same as in the previous year. Forty-four percent (44%) of OVR's caseload involves domestic



violence crimes. Of the crimes of domestic violence, there was a notable shift in the type of domestic violence OVR's victims suffered. Last year, a large majority (67%) of the domestic violence cases were assault crimes, whereas this reporting year the number of domestic violence assault cases OVR assisted in dropped to forty-six percent (46%). However, the number of domestic violence related sexual offense cases dramatically increased to forty-seven percent (47%).



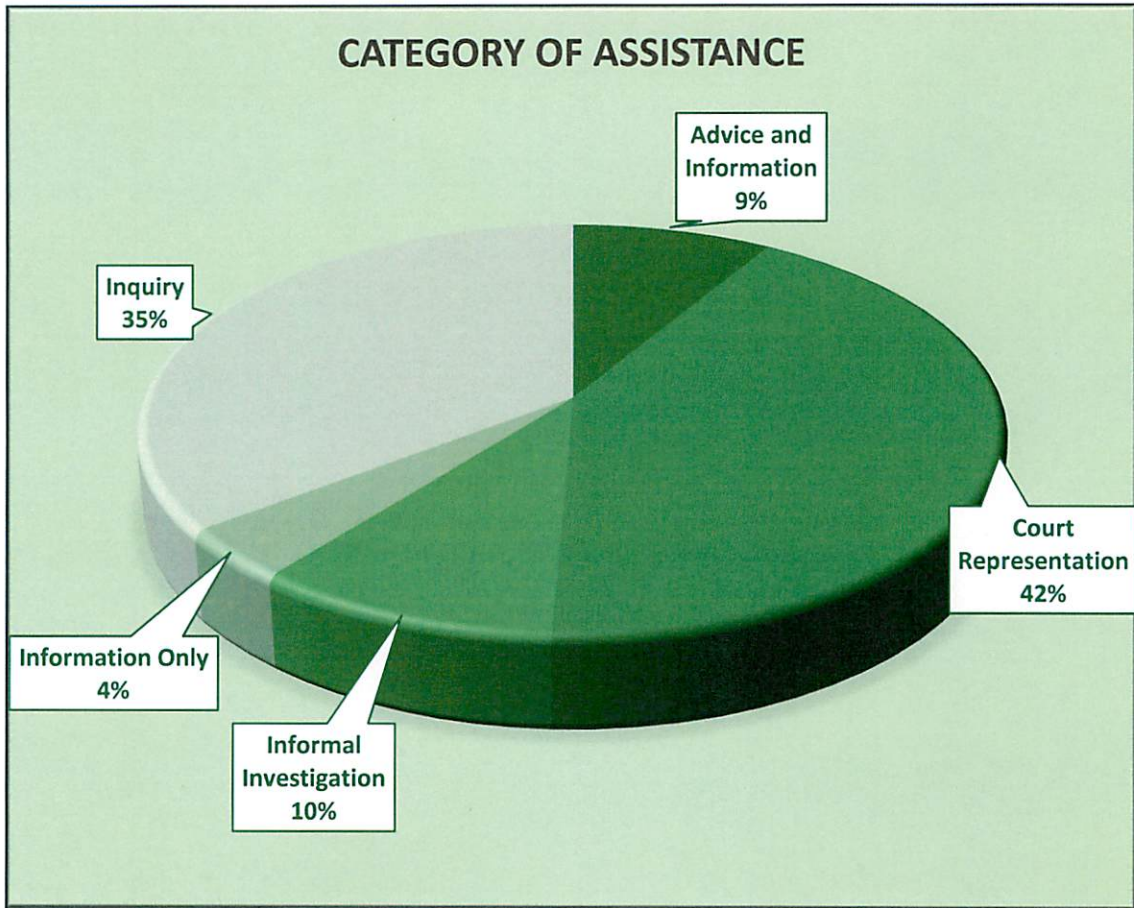
The majority of OVR cases originated in the Third Judicial District. Given that this district comprises the most populated region of the state — Anchorage, the Matanuska-Susitna Valley, and the Kenai Peninsula, it is no surprise that seventy-one percent (71%) of OVR's caseload originated in the Third Judicial District. OVR, again this year, saw a slight increase of 1% more cases over last year's statistics in the number of cases originating in the Fourth Judicial District, which now account for nineteen percent (19%) of the total caseload. OVR also saw a slight increase in the number of cases from the First Judicial District, but the percentage of cases from the Second Judicial District remained the same. OVR traveled to the Second District this reporting year to do outreach with a number of organizations, which provide services to victims, in hopes to increase awareness within those communities of victims' rights and OVR's services.



OVR tracks crime victim data according to judicial district. OVR handled 18 cases in the First Judicial District, 7 cases in the Second Judicial District, 184 cases in the Third Judicial District, and 50 cases in the Fourth Judicial District. In each judicial district, OVR primarily served victims of sexual offenses and physical assault. OVR continues to represent clients in court, distribute information, conduct trainings, and pursue investigations on behalf of crime victims across the state of Alaska.

## REPRESENTATION OF CRIME VICTIMS

The information below summarizes the assistance provided to crime victims by OVR during the last fiscal year. Almost one-half of OVR's caseload requires in-court representation of crime victims. OVR also provides substantial informational services for Alaska crime victims by responding to general inquires and providing case specific advice. The statistics presented for this reporting year only reflected the level of assistance for cases closed during the reporting period at the time the cases were closed. Cases that remain open and active are not included because we found that the nature of OVR's representation often changes during the pendency of the case and prior years' statistics did not adequately capture these changes.



**Advice and Information:**

Thirteen (13) crime victims sought advice or information from OVR. This means that after speaking with OVR lawyers and staff, the crime victims filed formal written documents (standard OVR complaint forms) with OVR. These cases were easily resolved and involved minimal document collection and preparation. Primarily they involved individuals who needed information about how the judicial system operates and wished to have a third party look over their case to determine whether it proceeded as other cases in similar situations.

**Inquiry:**

Fifty-three (53) crime victims came to OVR with particular problems or concerns regarding active criminal cases. These clients filed formal written requests with OVR. These cases required OVR to seek documentary evidence from justice agencies. In addition, these cases required significant hands-on involvement with the victims by OVR attorneys and staff. Often these cases require the development of a cooperative relationship between OVR, the client, and the justice agencies involved.

### **Informal Investigation:**

Fifteen (15) crime victims came to OVR with significant problems or concerns regarding active criminal cases during the current reporting period. These clients filed formal written requests with OVR, and their cases required OVR to seek documentary evidence from justice agencies. These cases were significant in terms of the number of documents collected and reviewed, the time commitment required from OVR lawyers and staff, and the level of inquiry into justice agency affairs. These cases did not result in the publication of a formal report pursuant to AS 24.65.160, but were resolved through informal means and communication with participating criminal justice agencies.

### **Court Representation:**

Sixty-three (63) clients came to OVR with significant problems or concerns regarding active criminal cases and the desire to participate in court proceedings. In addition to requesting documentary evidence from judicial agencies, these cases gave rise to an OVR attorney presence in the courtroom on behalf of the victim and their interests. Examples of court representation include cases in which OVR staff attorneys spoke on behalf of crime victims at hearings involving bail, change of plea, sentencing, as well as at trial, including juvenile adjudications.

### **Contacts**

OVR instituted a more reliable system for documenting contacts. OVR fielded more than seven hundred calls from the public in which OVR was able to provide information or referrals to other victim service agencies. Many of these individuals were not eligible to file a complaint or to request OVR services due to lack of OVR jurisdiction. These contact figures exclude victims who are past clients, ongoing clients or victims who became clients in the reporting year.

**Therefore, during the current reporting period, OVR assisted more than 950 people through the services, information and referrals provided.**

## **OVR EDUCATION AND TRAINING**

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

### **Date**

### **OVR Trainings/Outreach Provided**

August 1, 2015

**2015 Governor's Family Picnic, Anchorage**

Shannon Eddy attended the Governor's Family Picnic and distributed information and materials regarding crime victims'

rights at a table with other organizations providing services in the community.

August 21, 2015

**Tribal Forensic Healthcare, Sexual Assault Examiner Training, Anchorage**

Taylor Winston provided education to forensic nurses at a statewide training on crime victims' rights, the role of the prosecutor and OVR in the criminal case, and the criminal justice process in general.

September 18, 2015

**Tribal Forensic Healthcare, Pediatric Sexual Assault Examiner Training, Anchorage**

Taylor Winston provided education to pediatric forensic nurses at a statewide training on crime victims' rights, the role of the prosecutor and OVR in the criminal case and the criminal justice process.

September 23, 2015

**CTC Law Enforcement Interior Academy, Fairbanks**

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

September 30, 2015

**Alaska State Troopers Academy, Sitka**

Taylor Winston provided training to new trooper recruits and village public safety officers at the AST Academy. She provided information not only on officers' obligations to crime victims but also how OVR serves victims across the state and interfaces with law enforcement, prosecution and the court to ensure crime victims' rights are protected.

October 6, 2015

**District Attorney's Office, Multi-Disciplinary Team, and Bering Sea Women's Group, Nome**

Taylor Winston provided three separate trainings in Nome. She first met with the D.A.'s Office to provide some information about OVR services, to discuss some issues observed related to victims' rights and to learn about issues that office has observed related to victims' rights. Second, she provided training to members of Nome's Multi-disciplinary team regarding OVR's mission as well as its policies, procedures and services as related to services provided to victims statewide. This team's members include representatives from the D.A. Office, Alaska State Troopers, Nome police, Bering Sea Women's Group and to new officer recruits at the APD Academy. She provided information on officers' obligations to crime victims

but also what services OVR provides to crime victims and interfaces with law enforcement across the state. Lastly, she provided a training to victim advocates at Bering Sea Women's Group to explain how OVR can help crime victims and review what rights victims, particularly domestic violence victims, have in Alaska.

October 26, 2015

**Anchorage Police Department Special Victims Unit, Anchorage**

Taylor Winston provided training to sexual offense detectives at Anchorage Police Department about officers' obligations to sexual offense victims, how OVR handles the confidential police investigation materials received in cases, what service OVR provides victims and how OVR interfaces with law enforcement, prosecution and the court to ensure crime victims' rights are protected.

November 17, 2015

**Abused Women's Aid in Crisis (AWAIC), Anchorage**

Taylor Winston provided training to advocates at this Anchorage Women's shelter regarding crime victim's rights, with special focus on those rights related to domestic violence victims, and OVR's mission, policies, procedures and services provided to victims statewide.

November 17, 2015

**Wasilla Area Senior Center, Wasilla**

Trina Sears presented a seminar entitled "Know Your Legal Rights" to seniors. She provided information about the types of crimes most often perpetrated on seniors and the legal rights of crime victims. Ms. Sears also explained how OVR can assist them in protecting their rights if they are victimized.

February 1, 2016

**Mat-Su College, Criminal Justice class, Palmer**

Trina Sears presented to a criminal justice class at Mat Su College about the role of victims' rights in the criminal justice system. She described how victims can participate in the criminal justice system, what challenges victims face, and provided an overview of victims' rights.

February 10, 2016

**Tribal Forensic Healthcare, Domestic Violence Examiner Training, Fairbanks**

Taylor Winston presented information to health care providers at a statewide training about prosecuting domestic violence cases in Alaska, the civil legal challenges domestic violence victims face, domestic violence victims' rights, and what assistance OVR can

provide them throughout the criminal case and the criminal justice process.

April 1, 2016

**United Youth Courts of Alaska State Conference, Anchorage**

Shannon Eddy provided a presentation on “Rights Victims have in Alaska and How You Can Help Protect Those Rights” to this year’s conference attendees.

April 28, 2016

**Alaska State Troopers Academy, Sitka**

Taylor Winston provided training to new trooper recruits and village police safety officers (VPSOs) at the AST Academy. She provided information not only on officers’ obligations to crime victims but also how OVR serves victims across the state and interfaces with law enforcement, prosecution and the court to ensure crime victims’ rights are protected.

May 3, 2015

**CTC Law Enforcement Interior Academy, Fairbanks**

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

May 10, 2016

**Anchorage Police Department Academy, Anchorage**

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

June 21, 2016

**North Slope Borough Police Department, Alaska Legal Services, Office of Children’s Service, and Arctic Women in Crisis (AWIC), Barrow**

Taylor Winston provided training and outreach to several organizations in Barrow. She first met with victim advocates at AWIC to explain how OVR can help crime victims and review what rights victims have in Alaska. She also met with the attorney for Alaska Legal Services, court personnel, and the supervisor of OCS to provide information about OVR services, to discuss some issues observed related to victims’ rights and to learn about issues these offices have observed related to victims’ rights. Ms. Winston also provided training to North Slope police officers, stationed not only

in Barrow but also villages across the North Slope, about officers' obligations to crime victims, how OVR interfaces with law enforcement across the state and what services OVR provides to crime victims.

**Date**

**OVR Trainings Attended**

August 17-18, 2015

**2015 NASC Annual Conference, Girdwood**

Taylor Winston attended this two-day conference of the National Association of Sentencing Commissions, which offered presentations on the role of sentencing commissions in helping to promote policy change through data driven decision making.

October 7, 2015

**FASD and the Equivalence of Intellectual Disability in the Last Frontier, Anchorage**

Trina Sears attended this training seminar on Fetal Alcohol Spectrum Disorder as a physical disability that can affect physical development, cognition, emotional state and adjustment to stressors. The seminar focused on the current state of the science of this disorder and the implications of what we know and may learn about the disorder for future Court proceedings in the areas of criminal, juvenile and civil law.

November 3, 2015

**Diversity in Our Community: Stories Affecting Our Lives, Anchorage**

Taylor Winston and Kathy Hansen attended this training which was presented by the Anchorage Association of Women Lawyers in cooperation with the Alaska Supreme Court's Fairness Diversity and Equality Committee. A panel of speakers presented information about the challenges and rewards they have experienced within the legal system.

November 17, 2015

**"Electronic Monitoring and Victim Safety," Anchorage**

Dennis Johnson of Pre-Trial Services provided information to OVR attorneys and staff about his company's electronic monitoring system and the safeguards in place in his company's program to insure victim safety.

November 24, 2015

**"Working with Interpreters", Anchorage**

Attorneys and staff from the Alaska Immigration Justice Project's Language Interpreter Center provided information to OVR attorneys and staff about how to access interpreter services, and how best to



work with language interpreters and our clients who need these resources.

May 9-10, 2016

**2016 Alaska Conference on Domestic Violence and Sex Assault Conference, Anchorage**

Trina Sears attended a panel discussion that addressed the Alaska National Guard's response to victim issues brought to light through the recent investigation of how the National Guard investigates reports of sexual assault.

May 11-13, 2016

**Alaska Bar Annual Conference, Anchorage**

Trina Sears attended the sessions Alaska History as Told Through the Law, and The Evolution of Miranda in Alaska at this year's Bar Convention. Michael Carey explored the Alaskan life as reflected in court records. Karen Loeffler and Richard Curtner presented a refresher on *Miranda v. Arizona* and what is still being litigated 50 years later.

June 23, 2016

**Courage through Canines, Anchorage**

Melissa Kitko and Margaret Griffo provided training to the OVR's attorneys and staff regarding a new program through Victims for Justice called Courage through Canines. The program incorporates National Crisis Response Team dogs into their grief and support services for clients. Victims can request a dog sit with them or their children when they need that extra bit of love and support. They provided information about the role of the dogs and how OVR's clients can utilize their services.

June 27-30, 2016

**Journal Technologies' Professionals Training Conference, Utah**

Jenni Summers attended this conference which was specifically geared towards the JustWare software that OVR uses for our case management system. The conference covered both introductory as well as advanced topics, such as how to build reports and automated documents within JustWare, and how to optimize the program's calendaring and notification aspects. Ms. Summers replaces Ms. Bryson as the Justware Administrator at OVR. The conference provided her with a greater understanding of the program, an enhanced ability to troubleshoot, and additional tools to enhance efficiency and assist OVR attorneys, staff and clients.

## **OVR AND SYSTEM/COMMUNITY-BASED ADVOCACY GROUPS**

OVR continues its work with system-based groups and community-based advocacy groups on behalf of Alaska crime victims. Community-based advocacy groups are citizen advocates and professionals dedicated to improving the lives of crime victims. System-based advocacy groups are most often inter-agency committees involving city, state and sometimes federal government officials, many of whom are court, legal and law enforcement professionals.

### System-Based Advocacy Groups

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

OVR participated in a number of meetings associated with the Alaska Criminal Justice Commission this reporting year. In September 2016, Taylor Winston traveled to Fairbanks to participate in a roundtable discussion with victim advocates and survivors in order to voice issues and concerns about victims' needs, rights, and services within the context of sentencing and corrections reforms. OVR attorneys have attended full Commission meetings as well as actively participated in a number of workgroups on various issues affecting victims including restitution and presumptive sentencing.

As a member on the Office of Victims of Crime's Wraparound Victim Legal Assistance Grant Steering Committee, OVR works with other committee members to develop a comprehensive and collaborative model for delivering wraparound pro bono legal services to all crime victims and to develop referral protocols to meet the wide range of crime victims legal needs related to their victimization.

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

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

Over the course of this reporting year, OVR's Executive Director attended Bench Bar meetings, and met with representatives from the Department of Law, various police departments across the state, and the Office of the Governor. OVR attends meetings in support of the work of the State of Alaska Executive Branch to increase public awareness concerning domestic violence and sexual assault crimes in Alaska.

### Community-Based Advocacy Groups

OVR engages in outreach to community-based advocacy and victim support groups and supports their efforts. Over the course of this reporting year, the OVR attended meetings or events with representatives from Abused Women's Aid in Crisis (AWAIC), Arctic Women in Crisis (AWIC), Interior Alaska Center for Non-Violent Living (IAC), Victims for Justice (VFJ) and Bering Sea Women's Group. Trina Sears also serves on the Board of Directors for both Standing Together Against Rape (STAR) and The Children's Place, both of which provide services to victims of domestic violence and sexual offenses. Jenni Summers serves on the Executive Board of Directors of VFJ.

OVR seeks to continue its partnership with community and system-based advocacy groups to improve the experience of crime victims in the criminal justice process. OVR continues to reach out to the community.

## **OVR AND THE DOMESTIC VIOLENCE FATALITY REVIEW COMMITTEE**

The Alaska Office of Victims' Rights Executive Director has been involved with the Domestic Violence Fatality Review Committee for years. The Anchorage Domestic Violence Fatality Review Committee continued its vital work to understand and improve system wide responses to domestic violence. During the current reporting period, OVR Special Projects Coordinator Jenni Summers continued to supply administrative support to the DVFRT Advisory Committee. Both Ms. Winston and Ms. Summers continued to work with the DVFRT to better understand domestic violence crime and improve system-wide responses for crime victims. OVR remains committed to this project in order to help victims of domestic violence in Anchorage and throughout the state.

## **RURAL ALASKA OUTREACH**

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

During the 2015-2016 reporting period, OVR's Executive Director traveled to Fairbanks, Nome and Barrow to provide information about OVR and listen to the concerns of victim advocates, medical providers, prosecutors, court personnel and law enforcement.

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

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

## **LAW ENFORCEMENT OUTREACH**

Taylor Winston initiated personal contacts with police officials in Anchorage, Fairbanks, and Barrow as well as troopers and village police officers serving various areas around the state. She met with the officials in those departments to discuss police notification to victims about OVR, how that notification process could be made easier for officers, and the handling of and access to police reports. As noted above, she traveled twice to Sitka to provide training to new trooper recruits and village public safety officers about OVR's mission, operations and its interface with law enforcement. She also provided training twice to recruits and officers at the Interior Academy in Fairbanks and to new recruits at the Anchorage Police Department academy.

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

## **MOST PREVALENT VICTIMS' RIGHTS VIOLATIONS**

The most prevalent violations of victims' rights that OVR has observed across the state during the reporting year are 1) pre-trial delays allowed by the courts; 2) difficulty of crime victims to recover restitution from offenders; and 3) violations of crime victims' privacy rights.

## **NEW LEGISLATION AFFECTING VICTIMS**

Senate Bill 91, the omnibus crime bill, was passed by the Alaska Legislature in May 2016 and signed into law by Governor Walker in July 2016. This law makes extensive changes to the criminal justice system in Alaska. During the pendency of the bill, OVR, law enforcement and other victim services voiced many concerns about numerous provisions in the bill, which we believe would negatively affect public safety and crime victims. OVR worked with the bill sponsor and other legislators to provide information and offer amendments OVR believed would lessen the impact on victims. OVR appreciated being able to have a productive dialogue with the legislators, particularly the bill sponsor. Although many of OVR's concerns were not addressed and remain, many of OVR's suggestions were incorporated into the bill. This piece of legislation has sections - some of which are in effect now, some will go into effect on October 9, 2016, others will be in effect on January 1, 2017 and the remaining sections will go into effect on January 1, 2018.

In general, SB 91 lowered the penalties for almost all crimes from Class A felonies all the way down to Class B misdemeanors. Additionally, SB 91 lowered the penalties and consequences for bail, probation and parole violations; made it easier for criminals to serve their sentences at home or a halfway house; and made it easier for defendants to be released earlier on parole or be discharged earlier from probation. Within the context of this annual report, provisions which will affect victims in 2016 and 2017 are highlighted. This is not meant to be an expansive or detailed discussion of all of the potential ramifications of SB 91 on crime victims, but a snapshot of some of the areas of change which may affect victims.

- The laws defining many felony property crimes, such as theft and criminal mischief, in Alaska were amended to raise the dollar threshold amount from \$750 to \$1000. For example, Theft in the Second Degree is a Class C felony offense which now requires that the value of most stolen items be at least \$1000. *See Sections 6, 7, 9-13, 15, 18, 19, 21-23.*
- The bill generally lowered penalties for defendants who fail to appear for their court hearing. The bill initially reduced the penalty for the crime of Failure to Appear to a violation, equivalent to a driving violation, with a fine no more than \$1000. The bill does keep those charged with felonies who fail to appear a Class C felony but only if they are not in contact with the court for more than 30 days. However, all other defendants who fail to appear for court as ordered within 30 days of their hearing, regardless of their original crimes, will only be given a ticket. *See Sections 26, 28.*
- Defendants who violate conditions of bail release ordered by a judge can no longer be charged with a crime for the violation, and instead can only be fined up to \$1000. Therefore, police cannot specifically arrest a person for the crime of Violating Conditions of Release, because it is no longer a crime. *See Sections 29, 30.*
- The penalties for drug offenses have been reduced including those offenders who give certain types of drugs to youth under 19 years old or who possess drugs at a school, youth recreation center or on a school bus. *See Sections 42, 45.*
- The court must now provide to all crime victims a form which will provide information on whom the victim should contact if questions about the sentence or the offender's release; the potential for release of the offender on furlough, probation or parole or for good time credit and which allows the victim to update contact information with the court, victim information and notification service (VINE) and the Department of Corrections so that victims can be contacted about release of the offender, parole hearings and probation hearings. *Section 65.* Similarly, the Department of Corrections is required to provide victims within 30 days of sentencing, information about the earliest dates the offender could be released on furlough, parole, or probation including any deductions for good time or good conduct incentives. The department also must provide information to the victim about the process for release and contact information for the decision-making entities. *Section 141.*
- Several provisions of this legislation allow for defendants to receive credit toward their future sentence even before they are convicted. The law originally provided for unlimited credit for defendants on electronic monitoring release but was amended to limit the credit to 360 days for most crimes involving a victim. There is no limit, however, on the amount of jail time credit time defendants can get for time spent in treatment program pre-trial. Therefore, it will be possible that a defendant, when convicted and sentenced to serve time in custody, may not have to do any time in custody because of being awarded credit for all the time spent in a treatment program. *Section 71.*
- Length of probation for all defendants has been reduced by this legislation so defendants will not be monitored as long and victims will not have the additional protections provided when a defendant is being supervised. Sex offenders' probation periods were reduced from a maximum of 25 to a maximum of 15 years. Almost all other felony probationers' length of probation was reduced from a maximum of 10 years to 5 years, and misdemeanor offenders' probation periods were reduced from a maximum of 10 years to no more than 3 years, but most offenses only allow 1-2 years of misdemeanor probation. *See Section 79.*
- When a defendant is placed on probation and violates a condition of his probation, almost all violations will be deemed "technical," unless the violation is a new crime. For example, a

person on felony probation for assault may be ordered not to consume alcohol since alcohol is related to his assaultive behavior, yet if he is found drinking, the violation would only be considered a “technical” violation with minimal consequences. Consequences for felony probation “technical” violations have been reduced to no more than 3 days for the first violation, no more than 5 days for the second violation and no more than 10 days for the third violation. Previously a court could impose any amount of time up to the full amount of suspended time for any violation. *See Section 84*. These sanctions for parole violations will be the same as those for probation violation. *Section 145*.

- Sentences for convictions for first degree murder or murder of an unborn child were increased from a mandatory minimum of 20 years to serve to a mandatory minimum 30 years to serve. *Section 86*.
- Sentences for second degree murder or murder of an unborn child, under different provision than in section 86, were increased from a mandatory minimum of 10 years to serve to a mandatory minimum 15 years to serve. *Section 87*.
- Sentences for all non sex offense Class A, B, and C level felonies were reduced in SB 91. The most dramatic change is for Class C felons. Previously a first felony offender faced 0 to 2 years but SB 91 now requires the court to put the offender on probation with a maximum of 18 months suspended time. Therefore most first time Class C felony offenders will not be sentenced to any jail time. The second felony offender in this class will face 1-2 years down from 2 to 4 years, and the third felony offender faces a minimum of 2 years down from a minimum of 3 years. A licensed game guide who commits a Class C felony for the first time for wasting a wild food animal or hunting on the same day airborne will receive a sentence of 1-2 years, a higher sentence than those Class C felony committing crimes against persons. For Class B felonies like burglary of a home, the first felony offender will now face 0 to 2 years instead of 1 to 3 years. The second felony offender will face 2 to 5 years reduced from 4-7 years and the third felony offender will face a minimum of 4 years instead of a minimum of 6 years. For Class A felonies, such as robbery or serious injury by means of a dangerous weapon, a first felony offender will face 3 to 6 years, a reduction from 5 to 8 years; a second felony offender faces 8 to 12 years instead of 10 to 14 years; and the third felony offender would face a minimum of 13 years instead of a minimum of 15 years. *Section 88*.
- SB 91 now provides that victims of **all** felony crimes, upon request by the victim, can confer with the prosecution concerning any proposed plea agreement **before** the prosecution enters into an agreement. *Section 94*.
- Employers cannot penalize or threaten to penalize a victim for reporting a crime to law enforcement or for participating in the law enforcement investigation of the crime. *Section 96*.
- Defendants who are ordered not to consume alcohol as part of their sentence, must surrender their driver’s license or state ID to the court at sentencing. SB 91, however, requires the Department of Corrections to pay for a new ID for the defendant once released. *Section 102, Section 155*. The new ID or license would have a red bar if the defendant is not allowed to have alcohol.
- First time offenders of misdemeanors, or Class C felonies and Class B felonies, not involving a sex offense crime or crime against a person, is eligible to be released for a new type of parole called administrative parole, which amounts to 25 percent of the imprisonment term imposed for terms of more than 180 days. The victim is, however, burdened with having to request a hearing if the victim wants to be heard before the defendant is released and the victim must make that request at least 60 days before the defendant is eligible for release. *Section 122*.

- Defendants will now receive good time credit for any time spent on electronic monitoring release or in a residential treatment program for drug and/or alcohol abuse. *Section 154.*

Crime victims are encouraged to contact OVR to discuss how this new legislation could specifically affect their individual case.

## **GOALS AND REFLECTIONS**

Our mission is to serve individual crime victims, and to educate victims and agencies alike. Significant strides have been made over the years in the area of victims' rights, however, some hurdles still remain regarding the recognition and enforcement of victims' rights in Alaska. Lack of knowledge and understanding about victims' rights is the primary source of non-compliance by criminal justice agencies and the court system. One of our missions at OVR is to educate as many groups and agencies as possible about the rights victims have and to encourage those entities not only to be aware of support but also to follow the laws. Crime victim advocacy in Alaska clearly benefits from cooperation and collaboration between the Alaska Office of Victims' Rights (OVR), advocacy groups, criminal justice agencies, the Legislature and the court system. We will continue to reach out to these groups by providing information, education and materials, and to engage in dialogues in an effort to better the experience victims have with the criminal justice system and to ensure their voices are heard.

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