

**COUNCIL ON DOMESTIC VIOLENCE
AND SEXUAL ASSAULT
(CDVSA)**

**CDVSA Quarterly Council Board Meeting
Annual Outreach Meeting - Ketchikan
FY 2023 Quarter 1
September 30, 2022**

Videoconference Location:
150 3rd Street, Suite 201
Juneau, Alaska 99801

Friday, September 30, 2022

Board Members Present:

Angela Garay, Chair
Blaze Bell
Lydia Heyward
John Skidmore
Acting Commissioner Kim Kovol
Commissioner James Cockrell
Kelly Manning
Katie Baldwin-Johnson
Ryon Turley

Guest Presenters:

Rei Shimizu
Brenda Stanfill

Staff:

Diane Casto, Executive Director
Marjorie Hamburger
MaryBeth Gagnon
Ann Rausch
Meggie Stogner
Catherine Mohn
Ella Nierra
Elaine Bell

Minutes prepared by: Sheila Garrant, Peninsula Reporting

CALL TO ORDER – ROLL CALL

Angela Garay called the meeting to order at 9:00 a.m. Roll call was taken, and a quorum was established.

AGENDA REVIEW AND APPROVAL

Angela Garay asked for a review of the meeting agenda. Lydia Heyward **MOVED** to approve the agenda, **SECONDED** by Blaze Bell. Hearing no opposition, the motion **PASSED**.

CONFLICT INQUIRY

No conflicts of interest were declared.

WELCOME AND INTRODUCTION OF BOARD MEMBERS, CDVSA STAFF, and IN-PERSON ATTENDEES

Angela Garay opened the floor for board member and staff introductions.

APPROVAL OF MINUTES

Angela Garay directed the members to the draft June 2022 meeting minutes. Lydia Heyward **MOVED** to approve the minutes, **SECONDED** by Kelly Manning. Hearing no opposition, the motion **PASSED**.

OVERVIEW OF THE AGENDA AND HOW THE DAY WILL FLOW

Diane Casto shared a brief overview of the meeting agenda. She noted that the presentation by Rei Shimizu regarding the Batterers' Intervention Program (BIP) Stakeholder Interview Project will prepare board members for the upcoming Perpetrator Rehabilitation Stakeholder meeting on October 4th, 2022.

PRESENTATION: BIP STAKEHOLDER INTERVIEW PROJECT

Diane Casto introduced Rei Shimizu, who, in conjunction with the Perpetrator Rehabilitation Workgroup, created a stakeholder interview project to examine the state's response to domestic violence. Once the report is finalized, members of the Council will receive a copy. Diane noted that the project aligns with the considerations being explored by the Perpetrator Rehabilitation Workgroup.

Rei Shimizu joined the meeting and shared a PowerPoint titled *CDVSA Stakeholder Interview Project, Examining the State's Response to Domestic Violence*. She highlighted the following information:

Rationale for the study:

- Examining court-mandated BIPs in Alaska
 - Understand the state's judicial response to domestic violence (DV)
- Examining the State's response to DV.

Research questions:

1. What is the current state of DV in Alaska from the perspectives of the stakeholders who enforce or work within DV statutes, including court-mandated BIPs?
2. What are the strengths and barriers of the legal system specific to addressing DV perpetration in Alaska?
3. What are the unmet needs of the stakeholders that are important to consider in improving the response to DV perpetration in Alaska?

Research method:

- UAA Office of Research Integrity and Compliance approval.
- 45-minute one-on-one confidential interviews with stakeholders representing the six Alaska regions (i.e., Southeast, Southcentral, Southwest, Western, Arctic, and Interior). Stakeholders included:
 - Victim advocates, BIP providers, probation officers, law enforcement, judges, and attorneys (prosecution and defense).

Seven themes emerged, each with sub-themes:

1. The current state of DV in Alaska:
 - Criminal cases, most common charges with DV flag
 - Types of violence and violence chronicity
 - Stakeholder variation in describing the “typical” perpetrator
 - Summary:
 - Stakeholder descriptions of the most common types of DV cases varied, indicating that DV occurs at all levels of severity, in multiple ways, and among different populations in Alaska.
 - However, almost all stakeholders reported intimate partner violence (IPV) as the most prevalent in DV cases, indicating that most DV cases involve conflict between current or former romantic partners.
 - Interestingly, stakeholders' perceptions of the typical perpetrator also varied.
 - Recommendations:
 - Need for descriptive data on the actual prevalence of the varying types of DV perpetrators in Alaska.
 - Develop a definition of the perpetrator profile based on distinctions made by the stakeholders, defining “true” or “typical” batterers and those who are not.
 - Implementing BIPs that align with findings from descriptive studies of DV in Alaska so that the programs cater to the local DV landscape.
2. Batterer Intervention Program challenges:
 - One size does not fit all
 - Lack of access to programs
 - Lack of teeth and need for more monitoring
 - Summary:
 - There is a need to enhance equitable access to effective BIPs. Stakeholder narratives highlighted inequities in program availability and access, particularly in remote areas. Online programs also must be effective.
 - Probation or monitoring procedures need to be clarified. If there are procedures available, they need to be clarified, and if there are no procedures currently, a monitoring procedure needs to be devised and implemented.
 - Recommendations:
 - Evaluating monitoring process for court-mandated BIPs.

- Evaluating community-based BIP models and how they are culturally tailored to local needs.
- Identify a framework to support community-based development of BIPs that are culturally tailored and specific to local needs.
- Holding more listening sessions at the state level with Alaska Native tribal leaders and other stakeholders from remote areas to co-devise a plan of support to address DV in remote communities.
- Providing training or information sessions to dispel the confusion related to legal accountability of court-mandated BIPs, especially when BIPs are not locally available.
- Brainstorm ways to increase coordination of services, particularly in rural and remote areas.
- Training existing behavioral health providers and practitioners to increase their capacity to address DV or provide BIPs.
- Identifying effective online BIPs.

3. Key components of behavioral change to address DV:

- Role of community
- Need for healing
- Meaningful engagement
- Summary:
 - Enhancing the role of the community, implementing notions of healing and rehabilitation, and paying attention to engagement rather than just attendance are all concepts that can be addressed in BIPs and state procedures in evidence-informed ways. However, where and how these concepts are implemented depends on the readiness of state entities and local communities.
 - Additionally, the tension within the system of balancing victim protection versus offender rehabilitation is an important one and reveals the impact of ideological differences among DV stakeholders related to beliefs about the way DV should be addressed and how stakeholders may understand DV perpetration.
- Recommendations:
 - Conducting readiness assessments for communities and organizations about potentially incorporating these constructs that the stakeholders identified.
 - Integrating these key components that stakeholders identified in the intervention content or intervention implementation process.
 - Engaging in public health campaigns aimed at shifting the view of DV as a community issue and a public health crisis.
 - Engaging with the communities to devise a sustainable, culturally appropriate, and targeted program for their specific community, i.e., a program by the community for the community.
 - Engaging in stakeholder focus groups or roundtables to dialogue about differing ideologies about the overall framework to address DV and how DV stakeholders view DV offenders.

- Examining crime-reducing, evidence-based programs (which there is a bigger knowledge base of) that are not necessarily specific to DV offenders but can be applied to DV crimes.

4. Unmet needs:

- Need for more victim-centered processes
- Need more options to address IPV, matching risk and need
- Need to address co-occurring issues and known criminogenic risk factors:
 - Substance use, housing, trauma, and mental health
- Need for rigorous assessments
- Summary:
 - Addressing DV holistically by enhancing victim involvement, providing a wider range of program choices and alternatives to incarceration, implementing rigorous assessments at various points of contact, and sensitivity to established risk factors of DV. Approaching DV in a victim-centered holistic way that is sensitive to the known risk factors of DV may, in the long term, increase reports of DV. The purpose and aim of the state's response to DV would feel differently if individuals were processed according to severity and risk, where those in need of assistance are given the opportunity to seek help and rehabilitate (not necessarily reconcile), and those who are high risk in need of severe monitoring are incarcerated or monitored accordingly.
- Recommendations:
 - A need to assess how victim rights related to DV are systematically disseminated to the victims and whether there is a systematic, unified procedure where victims are informed of their rights.
 - Evaluate ways in which victim involvement can be further increased within the current legal system and procedures.
 - Evaluate ways in which coordination of services can be increased to address co-occurring issues through already existing mechanisms (e.g., look to existing working models in other fields, such as the use of electronic health systems and information sharing between health care providers, upon consent of the patient.)
 - Evaluate state and systems readiness to implement a holistic assessment system.
 - Identify ways in which assessments can be completed within procedural regulations via a task force composed of stakeholders who are knowledgeable about legal procedures to ensure assessments cannot be utilized as an admission of guilt in legal proceedings.
 - The annual report by the Alaska Criminal Justice Commission in 2021 provides a list of recommendations that relate to and directly address many of the concerns expressed by the stakeholders in this section. Engaging in advocacy to implement already drafted legislative recommendations.

5. Procedural challenges:

- Importance of police reports: No evidence, no charge, no accountability
- Summary:
 - Assess coordination of care and communication between already existing entities that are relevant to criminal and non-criminal DV cases to examine whether there are gaps in coordination of care and communication, as well as identify areas where relationships can be strengthened so that the services can reach a wider range of those in need of services.
 - Implement police report writing seminars specific to DV.
 - Evaluate ways in which more information can be gathered and/or shared pre-conviction so lower-risk DV cases can be referred to appropriate care rather than conviction.
 - The initial point of contact with the criminal justice system for a DV case is often law enforcement. The evidence is primarily built based on information at the time of arrest, an environment that can be dangerous, chaotic, emotionally charged, and high-stress for all involved, including law enforcement officers responding to the scene.
 - Therefore, detailed nuances can get lost, minimized, and hidden by those involved in the DV incident out of fear and anxiety. There is also limited time to capture the complexities of the relationship on the scene, especially if the DV case is complex with a long history of violence and maladaptive coping strategies.
 - However, documentation is extremely important because what is documented and how can affect the trajectory of the case and the types of bail conditions and or services that can be offered.
 - The burden/expectation is high on law enforcement – perhaps increased coordination of services among psychosocial service providers can be utilized as a pre-conviction referral program, referring nonemergency crises to crisis resolution rather than involving the criminal justice system.
 - Providing referrals to DV services is a big shift in the timing of DV interventions, particularly for offenders, as many offenders are only referred to BIPs once they are arrested for a DV crime. A study has found that approximately 89% of BIP participants, on average, are court-mandated to program.
 - Implementing these referral programs on a larger scale or implementing similar programs to increase “touch points” even before the individuals come into contact with the criminal justice system, provides more opportunities to intervene in the cycle of abuse and violence in relationships in less punitive ways.
- Recommendations:
 - Assess coordination of care and communication between already existing entities that are relevant to criminal and non-criminal DV cases to examine whether there are gaps in coordination of care and communication, as well as identify areas where relationships

can be strengthened so that the services can reach a wider range of those in need of services.

- Implement police report writing seminars specific to DV.
- Evaluate ways in which more information can be gathered and/or shared pre-conviction so that lower-risk DV cases can be referred to appropriate care rather than conviction.

6. Procedural strengths:

- Fear assault
- Acknowledging crimes against pets
- Summary:
 - Therefore, state statutes that specifically address the unique nuances of DV and how violence in relationships occurs were most favorable and useful for the stakeholders.
- Recommendation:
 - Holistically address DV as a crime. Continue reforming policies to address DV's unique nuances so that individuals can be held accountable for DV in various ways.

7. Ideal outcome measure/measures of success:

- Recidivism is an available measure, but needs better and more.
- Summary
 - Some stakeholders were satisfied with recidivism if the state's goal is to reduce DV crimes. In this case, recidivism is the most appropriate measure as it captures whether or not an individual committed another crime.
 - On the other hand, some stakeholders strongly recommended increasing contact with someone other than the offender, such as the victim or others from the community who can speak to the conduct of the offender if the goal of the state is to reduce all instances of DV.
 - In fact, reviews of BIPs have highlighted differences in successful outcomes when programs are evaluated based on recidivism vs. victim reports of violence reduction, where DV crimes may decrease via BIPs, but violence in the relationship does not.
- Recommendations:
 - Evaluate how qualitative data can be collected by all agencies interacting with those impacted by the DV incident at various times within the legal procedure.
 - Collectively identify Alaska's definition of a successful state response to address DV, which would then inform the type of measure that should be utilized.

Key takeaways

1. Some important issues that the stakeholders in Alaska have continuously identified over the past decade have not been addressed. Findings were compared to results from prior reports. Problems identified by stakeholders dating back to 2011 persist today.

2. Stakeholders have varied perceptions, beliefs, and ideologies about those who are impacted by DV. Such variations contribute to differences in stakeholder descriptions of how DV should be addressed.
3. Stakeholders are not requesting softened justice or a reduction in DV criminality but a system that is responsive to how DV is occurring in their local context. Stakeholders emphasized the need to provide a variety of options to hold DV offenders accountable in ways that align with DV typology, co-occurring risk factors, and victim needs.
4. It is unclear whether certain issues are caused by knowledge gaps or service gaps. If knowledge gaps are causing certain issues, information should be disseminated, and confusion should be dispelled. If service gaps are causing the issues, services should be made available.
5. The state lacks a unified ideology that guides the overall response to DV crimes. Each state entity may have a strong sense of purpose, but their DV-related operations are disparate as they are not guided by a state-defined goal. Such goals would help inform how DV crimes should be addressed, how those impacted by DV should be treated by the stakeholders, and how DV dynamics should be understood. A unified ideology would subsequently specify what a successful outcome means to Alaska and the measures that should be utilized for evaluating success and efficacy.

Rei Shimizu opened the floor for questions and comments.

Q: When it comes to the victims who want no contact, for example, because of safety concerns, what is in place for victims' support and protection?

A: Many stakeholders talked about the no-contact orders and the legal mechanisms that are in place that physically separate the victim and offender as being beneficial. At the same time, there are fewer options for victims who do not want separation.

Q: Do victims get updates on progress with the perpetrator?

A: Yes, and particularly in Anchorage, if a perpetrator is going to be released from incarceration, the victim is told and given other information.

Angela Garay remarked that with regard to victims' rights, there are four attorneys for the entire state, and they only represent victims in felony DV cases. Those four attorneys are carrying caseloads of approximately 60 to 70 cases. That indicates how many victims are not represented by the Office of Victims' Rights (OVR). Even though those victims may have been informed about their rights at the time of the incident or referred to OVR, their knowledge of their rights is very little. Angela Garay added that perpetrators who commit misdemeanor-level assaults receive sentences with unsupervised probation and probation for a year or two. They may be referred to BIP, but often to an anger management program or no program. No one is monitoring them, and there are no real teeth to the compliance.

Diane Casto commented that overall, there is a lot of work to do. These issues are not new; studies have been done before. The information can no longer be ignored, which was the whole point of developing the perpetrator rehabilitation workgroup to address

the issues, find an approach, and have it in place broadly statewide. She added that currently there are nine approved programs statewide, and six of those programs are funded with small amounts of money. There is a very fragile foundation of programming. Diane noted that there is also a need for a more unified ideology of what the state wants to do. She commented that the state must do a better job of not just talking about this, but giving the issues attention directly and significantly.

Diane Casto stated that the challenge for the CDVSA board is to work together to ensure that the work being done doesn't fall by the wayside. The good news is that there will be a CDVSA staff person that will be dedicated to this issue.

Rei Shimizu expressed her appreciation for being able to bring the survey results to the CDVSA board. She noted that the whole DV world is struggling with the issues in Alaska, and this is an opportunity for Alaska to be at the forefront of change.

Diane Casto commented that she received a compilation of all of the data collected from the BIP programs, and they expect to analyze the data soon and use it to improve their approach to the issues.

EXECUTIVE DIRECTOR'S REPORT, July – September 2022

Diane Casto directed the members' attention to the executive director report included in the board packet and highlighted the following information:

Staffing and Personnel:

- Administrative Officer 2 (AO2) Marsha Layton's last day was July 22, 2022.
- Elaine Bell was hired on September 26, 2022 as AO2.
- Recruitment for another AO2 is in the works. They have identified a candidate and are awaiting the paperwork.
- Two new staff positions were approved: Grants Administrator 1 and Program Manager 2.
- The office has been plagued with COVID. Four of the staff recently had COVID. They continue to update the mitigation protocol for safety. The hybrid telework schedule continues. The staff has returned to traveling more for subgrantee site visits if the community allows.

CDVSA Funding Challenges:

- There is no financial report because all the CDVSA information has not been fully entered into the IRIS system.
- The FY 23 budget will continue to be a patchwork of base budget allocations and supplemental funds to keep funding levels for community-based subgrantees consistent.
- CDVSA will continue to need additional state general funds for SFY 24. Once Elaine Bell has settled into her new position, she and Diane Casto will conduct a full analysis of what federal funding remains following the closeout of FY 22 and the sub-grantee awards for FY 23, then determine the need for additional funding in SFY 24 and identify funds accordingly.

- The VOCA Crime Victims Fund (CVF) has created funding challenges as it remains at lower-than-expected funding levels. VOCA funding to Alaska in FFY 21 was \$2.8 million; in FFY 22, the VOCA allocation is \$3.57 million. It now looks like a stable funding level of around \$3.5 - \$3.8 is the new reality. While CDVSA was hoping for a stabilized base of approximately \$4.0 - 4.5 million per year for Alaska, it does not feel as hopeful that VOCA funding will increase to that level in the near future.

CDVSA Priority Projects Updates

STOP/VAWA Four-Year State Development Plan

- The Alaska STOP/VAWA State Implementation Plan was submitted in June along with the FFY 22 Formula Grant application. While CDVSA has received the FFY 22 STOP Grant award, it has not yet received final approval for the STOP four-year state plan. CDVSA was asked for clarification regarding one item, provided the information, and is now hoping the approval will come soon.
- One change to this year's plan is expanding and increasing the funding for culturally focused training and support to improve services for Alaska Native victims and survivors. The focus will be on a statewide or regional approach to training support. CDVSA will be using a greater portion of the required percentage of funds for this category and adding some additional GF dollars for this purpose. Ann Rausch is creating an Informal Request for Proposals (IRFP) to solicit interest in providing this service. There is no deadline for the IRFP, but getting it created and available for publishing is a priority. CDVSA needs to wait to see if OVW accepts the planned change.
- Most of the funding for the STOP grant is issued in Reimbursable Service Agreements (RSA) between state agencies (DOL, DPS, ACS), and the victim service portion is issued as grants to non-profit organizations. While the FY 23 grant award to ANDVSA has been processed, CDVSA has not issued RSAs yet, but the RSAs will be a priority over the next two weeks.

Perpetrator Rehabilitation Workgroup

- CDVSA is excited that it has concluded the work of the Perpetrator Rehabilitation Workgroup. The final workgroup meeting was held on September 21 when they presented a draft concept paper outlining the culmination of presentations, discussions, ideas, and suggestions for creating an improved approach to serving this population. The next step will occur on October 4, when they will provide an opportunity for identified stakeholders to review and discuss the draft concept paper and the 13 identified considerations.
- All Board members were invited to the October 4 stakeholder input meeting. The meeting is scheduled from 11:00 a.m. to 2:30 p.m. Both in-person and virtual options are available.
- Once the stakeholder input meeting concludes and the workgroup finalizes the concept paper, the internal CDVSA work will begin to implement the identified changes, work with DOC to update related regulations, and establish a new process for agencies to apply to become a state-approved perpetrator rehabilitation program.

Alaska Sexual Assault Response Leadership Team (ASARLT)

- The ASARLT continues to make progress in focusing the work to improve services, training, and accessibility to sexual assault victim and survivor services across Alaska. During the past legislative session, bills were passed that will improve laws related to sexual assault in Alaska, including HB 325, which includes important changes to Alaska's consent laws.
- The Alaska Tele-Support Services, Medical-Forensic Nursing Support project is making progress as they create a forensic nurse tele-support service for community SART programs and others requesting TA and training. They are close to launching several pilot locations to assess the usefulness and viability of expanding this service to reach communities not currently served by a local SART.
- The Team continues to provide additional training to complement twice-yearly SART training—strangulation, anonymous reporting, culturally-based services, PREA requirements, and others. They have finalized posters and brochures to educate people about the concept and parameters of anonymous reporting of sexual assault. The law related to anonymous reporting changed two years ago, and it is still confusing or unknown to many people. The posters and brochures have been printed, and they are working to send them to the SART teams, hospitals, and clinics. The poster and brochure will also be available electronically so individuals may print copies as needed.
- As a reminder, the ASARLT members are Katie Tepas, AST/DPS; Tiffany Saporito, DOL; Lauree Morton, ANDVSA; Angie Ellis, Forensic Nurse/ANDVSA; Tami Jerue, Alaska Native Women's Resource Center; and Marjorie Hamburger and Diane Casto, CDVSA.

CDVSA Language Access Plan (LAP)

- Progress continues in implementing CDVSA's Language Access Plan. The contractor, AIJ, has translated service information for posting to the website. Because CDVSA is translating a great deal of text into eight different languages, the progress has been slow.
- Changes to the CDVSA website are being worked on by AIJ and DPS IT collaboratively. Many changes have been made but not published for public availability. Soon the website will be updated to include diverse information about language access and availability in multiple languages.
- Once multi-languages are available on the website, staff will work to inform the public and partner agencies about the availability of this new information that will broaden who will have access to victim service information regardless of their English proficiency.

Communications, Outreach, and Media

- The FY 20-21 CDVSA Biannual Report was completed, and copies of the report and link were sent to Governor Dunleavy and the Senate President and House Speaker in accordance with AS.18.66.050(10). Additionally, reports and the electronic link were mailed to all 34 sub-grantee agencies and all CDVSA board members.

- October is Domestic Violence Awareness Month. Each October is identified nationally and in Alaska as a time to focus and refocus efforts on reducing and ending domestic violence. Governor Dunleavy has issued a proclamation, and DV programs across Alaska will be hosting events to highlight the tragic outcomes of DV behaviors and provide solutions for the state, communities, families, and individuals to engage in ending DV in Alaska.
- Ann Rausch is working with the contractor, Walsh|Sheppard, to refresh existing media messages and create new messages for use during October and beyond. While October is specifically identified as a time to focus on ending DV, this must be a year-round effort to keep the messaging fresh, vibrant, and meaningful.

ANDVSA REPORT

Brenda Stanfill, ANDVSA executive director, joined the meeting and shared a PowerPoint presentation. She highlighted the following information:

Legislation update and ANDVSA activities:

- HB 325 – signed into law
 - Working to identify ways to message
 - Participating on the SART leadership team to do training to advocates, law enforcement, and prosecutors.
- HB 291 – signed into law
 - Putting together a group and create a process to appoint the victim rights advocate, first meeting in October.
- HB 172 – signed into law
 - Working with the administration to ensure that if DV offenders are routed to a Crisis Now Center, that victim safety will be at the core of the decisions to release.

ANDVSA Operating Board Upcoming Meetings:

- November 3, 2022, meeting to identify policy/regulation/legislative needs
- November 29, 2022, Partner Day (Anchorage)
- December 1 – 2, 2022, annual meeting and strategic planning
- March 2023 – Meeting in Juneau
- June 2023 – Finalize Strategic Plan FY 24 – FY 28.

ANDVSA Direct Service Programs Update:

- ANDVSA direct service programs are being creative to find staff by offering new benefits and increased wages (5% - 20%).
- ANDVSA is back to pre-COVID levels for service requests. Partners are beginning to come back to offer services.
- ANDVSA's programs are challenged by housing, increasing costs of commodities and utilities, administrative duties such as data reporting, and funding.

ANDVSA Committees:

- Program Committee
 - Oversight of the services of internal network programs

- Think-tank to identify emerging needs
 - Working on program oversight information for use in the strategic planning process.
- Membership/Partnership Committee
 - Recruit and screen new membership
 - Identify the partnerships necessary to move the mission forward
 - Oversee the strategic planning process and updates
 - Modified the membership application to ensure there are no barriers for new and emerging programs operated by tribal governments and tribal non-profit corporations.
- Legislative/Policy Committee
 - Identifies areas of challenges that stem from statewide policy, regulation, or legislation and offers solutions
 - Engages in the legislative process at the state and federal level to educate legislators and the administration on the impact of policy changes and legislation that is introduced
 - Works with CDVSA and state/federal legislators to ensure programs have adequate funds to operate
 - Hosting a session to identify areas of challenge throughout the state
 - Finalize policy priorities to incorporate into the strategic plan and inform future work
 - Candidate survey, will post responses on the website.
- Statewide Needs Assessment (SNA) Ad-Hoc
 - Review structure and composition of domestic violence victim services and criminal justice system response to domestic violence in Alaska.
 - Providing information about the current needs of domestic violence victims and how the victim services and criminal justice system meet those needs.
 - Develop the beginning of a comprehensive understanding of unmet needs and service gaps through the perspectives of both service providers and victims.
 - Identifying gaps in available services and barriers to accessing services among populations considered to have specific needs and those that are under-served.
 - The SNA is being done to provide information for statewide planning. The report will be valuable in the following ways:
 - Create a document to inform legislators/planners/funders
 - Ensure services are developed to meet victims' immediate needs as well as their needs related to the long-term impacts of domestic violence victimization on their lives
 - Prioritize services so they can be provided in a way that has the greatest impact on victims
 - Devise system supports to law enforcement, prosecutors, and service providers so they can most effectively meet the needs of victims
 - Designing the content, location, audience, and methods for future training

- Determining the type of information on domestic violence victims' needs and rights to disseminate to partners within various systems, including mental health practitioners, medical care providers, law enforcement, and courts.
- The SNA plan activities include:
 - Form a statewide committee
 - Hire a staff member or engage a contractor
 - Find all studies done and data collected in the last five years
 - Identify what we do not have from studies, devise a plan to gain the information
 - Engage the Alaska Criminal Justice Data Commission
 - Emphasis on reaching out to under-served communities to gain perspective of needs.

Brenda Stanfill reported that efforts will begin on the SNA next month. Although the reporting is required, the Family Violence Prevention and Services Act (FVPSA) funding is population-based, and the amount of funding may not pay for the required SNA. Brenda has many feelers out to find a funding source to ensure they can get the SNA done correctly. She noted that the SNA is a year-long process.

ANDVSA programs include:

- Legal Program
 - Fully staffed
- Advocacy Initiative
 - Rural grant is identifying three new communities
 - Sexual Assault Response Specialist – Lorraine Willis
- Safety & Technology Program
 - Surveying programs for their current system and knowledge to identify the scope of work for each program
- Prevention Program
 - Pathways Group meeting, October 5 – 6, 2022
 - Alaska is engaged in addressing the root causes of violence and the promotion of equity
 - Lead On, November 10 – 13, 2022, in person
- Leadership & Diversity Program
 - Creating training content and offering technical assistance
 - Participating in the BIP Workgroup and participating in the national BIP group
- Communication Program
 - Identifying annual campaigns and additional needs in this area.

ANDVSA Upcoming Activities Include:

- Improving Criminal Justice Response (ICJR) (Funded)
 - Legal Advocate Specialist
 - Web-based Legal Advocate Curriculum
 - In-person Conference LAWS – training for legal advocates (December)

- Provide language interpreter services for no cost to direct service programs
- Fund the sexual assault medical forensic expert for the SART Statewide Leadership Team
- Fund sexual assault mentorship for forensic nursing
- Capital project for shelter rehabilitation (looking for funding)
- BIP training and technical assistance (looking for funding)
- Shared services (anticipated upcoming funding)
 - Financial
 - Human resource.

Brenda Stanfill expressed the Network's appreciation for the partnership with CDVSA and looks forward to achieving the goal of creating a safer Alaska by ending domestic violence and sexual assault.

PUBLIC COMMENT

A public comment period was offered, and a full transcript was prepared.

UPDATES ON IMPORTANT INITIATIVES

HB 325

John Skidmore shared an update on the legislation that was passed in the prior session, including the following:

- HB 325 dealt with two primary areas: crimes of domestic violence and sexual assault, specifically the definition of consent. HB 325 does five things:
 1. Requires a sexual assault examination kit to be tested within six months of receipt.
 - The Department of Public Safety (DPS) has reduced the time of processing kits is down to approximately 90 days.
 2. Amends the definition of "crime involving domestic violence" to include harassment 2, where the defendant, with the intent to annoy or harass, publishes or distributes images that show the genitals, anus, or female breast of another person or show that person engaged in a sexual act.
 - While that conduct was always a crime, it was not a crime of domestic violence. HB 325 included that conduct as a crime of domestic violence.
 3. Established notification requirements for persons involved in the criminal justice system when they want to change their name.
 - Added to the law to ensure that DPS, DOC, the courts, and victims have notice of name change.
 4. Requires a lifetime revocation of a person's teaching certificate if they have been convicted of possession or distribution of child pornography.
 5. Made changes to Alaska's sexual assault statutes and the definition of consent (effective January 1, 2023).
 - There are three degrees of felony sexual assault:
 - First degree, unclassified sex felony, unchanged
 - First degree, Class A sex felony

- Added language: Sexual penetration by impersonating someone known to the victim for the purposes of obtaining consent.
- Second degree, Class B felony
 - Added language: By impersonating someone known to the victim for the purpose of obtaining consent
 - Sexual penetration without consent.
- Third degree, Class C felony
 - Added language: Sexual contact without consent.
- The new definition of “without consent” means that under the totality of the circumstances surrounding the offense, there was no freely given, reversible agreement specific to the conduct at issue. “Freely given” means an agreement to cooperate on the act was positively expressed by word or action.
- Three codified factors supplement the definition of “without consent:”
 - Expression of lack of consent through words or conduct means that there is no consent, and expression of lack of consent does not require verbal or physical resistance and may include inaction.
 - A current or previous dating, social, or sexual relationship between the defendant and the person involved with the defendant in the conduct at issue may not by itself constitute consent.
 - Victim was fraudulently made to believe that the sexual act serves a “professional purpose.”
 - “Professional purpose” means an act that was represented as a necessary part or component of a provided service, routine procedure, or of the offender’s profession that would occur if a person sought services from another practitioner in the same field. This expansion was to include, for example, personal trainer, yoga instructors, individuals that are not covered by the definition of a medical provider.
- Sexual assault by impersonation: Impersonating someone known to the victim for the purpose of obtaining consent.
 - For example, causing a person to believe that they are the person’s partner or spouse in order to engage in a sexual act with them.
- Sexual penetration without consent:
 - Current law: Knowing as to the conduct, reckless to circumstance (lack of consent).

Council on Missing and Murdered Indigenous People (MMIP)

Lydia Heyward, the Council’s representative on the MMIP Council, reported that during the first meeting, the Council discussed how they would present information to the Governor’s office. She shared that the goal of the MMIP Council is to reduce violence against Alaska Native people and reduce the number of missing and murdered indigenous peoples. The Council formed four subcommittees to address interagency cooperation, public safety, data collection, outreach, and public awareness. Lydia noted that she was assigned to a subcommittee addressing public safety. At the first meeting, public members mentioned that community members did not trust the

police and requested outside investigators. Other communities cited the inadequate response to missing and murdered indigenous women. There was also a discussion around the Savanna Act and how they could use it to clarify law enforcement's responsibilities and promote increased coordination with tribal law enforcement, and they discussed other jurisdictional issues. Lydia reported that the MMIW Council has until October 15th to submit the first report to the state.

Commissioner James Cockrell remarked that he didn't realize how much was involved in the issues the MMIP Council needed to address. Because of that, the Department was looking at refocusing its efforts on MMIP and hired a new investigator. They have two tribal liaisons that were requested in the FY 23 budget, one that will be assigned to the VPSO program, and the second one will be assigned to the commissioner's office and move into the MMIP Unit in hopes to continue to grow support with the Alaska Bureau of Investigations related to indigenous people of Alaska. The Department also added a person to the Missing Persons Unit to gather better data and information to make informed decisions and ensure the information given to the public is accurate, and people have confidence in what the Department is reporting. He recognized a gap between the Department and people in rural Alaska regarding how the data is collected.

Commissioner Cockrell said the Department wants to do a better job engaging with the tribes, so they asked for two tribal liaisons for FY 23. The bureaucracy has slowed their ability to fill those positions. They have had ongoing conversations with the VPSO coordinators for their assistance in selecting tribal liaisons.

Governor's Council on Human and Sex Trafficking (GCHST)

Brenda Stanfill shared the GCHST final report and highlighted the following information:

- Council composition: One representative from:
 - The Alaska Mental Health Trust Authority
 - The Commissioner of the Department of Health and Social Services or designee
 - The Alaska Attorney General or designee
 - The commissioner of the Department of Public Safety or designee
 - The commissioner of the Department of Corrections or designee
 - The commissioner of the Department of Education or designee
- Community members:
 - Two mayors or local government elected officials
 - One representative from a victim advocacy organization
 - One representative from an Alaska Native stakeholder organization
 - One representative from a local law enforcement agency
 - One representative of a faith-based community organization
 - One representative of a homelessness direct service provider
- Ex-Officio members.

Brenda Stanfill highlighted where she sees CDVSA overlap as follows:

1. Coordination and Infrastructure for Addressing Trafficking
Recommendations on ways to increase responsiveness to reports of human trafficking.

- 1) Enact state statutes that places the CHST in the Department of Public Safety and establishes the council as the monitoring body, the term for the council, appointments, and duties.
 - 5) Seek a statutory change to the Council on Domestic Violence and Sexual Assault's (CDVSA) statutorily defined duties and authority to enable the agency to specifically address sex trafficking (AS. 18.66.010-060). This would allow CDVSA to receive, grant, and monitor funded activities specific to sex trafficking.
 - 6) Dedicate funding for staff to address the needs of sex and labor trafficking prevention and response efforts. This should include staffing for coordination and monitoring through the Department of Public Safety for the CHST. In addition, this should include staffing for CDVSA specific to #5 above.
 - 9) Advance legislation to address statutory needs to support enforcement, accountability of traffickers, demand reduction of trafficked persons, and expanding services for human trafficking survivors. This should include SB 188 and 189 from the 2021-2022 legislative session, which the CHST has previously voted to support in full, including language such as "reasonably believes" considering other crimes to be vacated and expanding bail hearings to 72 hours.
3. Training to Identify and Respond to All Forms of Trafficking in Alaska
- Recommends possible training opportunities specifically related to identification of and assisting trafficking victims.
- 1) Host a biennial statewide trafficking and CSEC symposium for educators, providers, law enforcement, advocates, and in consultation with those with lived experience.
 - 2) Fund key discipline-specific training for medical and mental health/behavioral health providers, advocates, law enforcement, and educators.
 - 3) Reinstate Trauma 101 training for mental health/behavioral health providers. In addition, sponsor certification training for key trauma-informed treatment modalities for providers in Alaska.
 - 4) Offer specialized trafficking response team training similar to SART.
 - 5) Recommended lead fiscal agents for funding and implementation: CDVSA, Department of Education and Early Development, and Department of Health. Affected departments, even if not listed, will submit budget requests to the Governor.
4. Public Awareness Campaigns
- Recommendations for implementing media awareness campaigns regarding human trafficking and improvements to providing outreach information in multiple languages.
- 1) Create a working group to review existing awareness efforts to better coordinate the development of messaging and provide recommendations to the CHST.
 - 6) Recommended lead fiscal agents for funding and implementation: CDVSA specific to contractual support for campaign messaging development and

promotion and the Department of Public Safety for a CHST website. Affected departments, even if not listed, will submit budget requests to the Governor.

5. Address Housing Insecurity and Vulnerabilities

Provides recommendations for establishing and funding short and long-term safe shelters.

- 8) Recommended lead fiscal agents for funding and implementation: CDVSA and Alaska Housing Finance Corporation and considering the Trust grant funding when efforts are directly serving beneficiaries of the Trust. Affected departments, even if not listed, will submit budget requests to the Governor.

6. Expand Services for the Survivors of Trafficking

Provides recommendations for making victim advocacy services more available to potential trafficking victims.

- 1) Increase funded services for victims of trafficking across Alaska, including recovery services (food and clothing, peer support mentorship programs, trauma-informed counseling).
- 2) Establish a comprehensive and integrated wrap-around, on-site service center (SAFE-T) where practicable as the model for delivery of the above services with an emphasis on mentor support, trauma-informed counseling, and on-site mental health services.
- 9) Recommended lead fiscal agents for funding and implementation: CDVSA in close collaboration with the Department of Health. Affected departments, even if not listed, will submit budget requests to the Governor.

7. Establish Demand Reduction Diversion Programs

An Administrative Order or statute amendment is recommended to support roles and responsibilities that address demand reduction and diversion programs.

- 1) Pilot a post-conviction or suspended judgment "demand reduction school" or similar model for Alaska that provides education, accountability, fines, and consequences for the purchasers of sex. Data metrics must be developed and implemented as a requirement for funding.
- 5) Recommended lead fiscal agents for monitoring and implementation: The Department of Corrections in consultation with CDVSA, Department of Law and Department of Public Safety. Affected departments, even if not listed, will submit budget requests to the Governor.

Brenda Stanfill stated that the report was submitted on September 18th, 2022. She noted that the CHST was established by an Administrative Order (AO) and is ongoing through the AO. The Governor will review the recommendations, and she believes that some items will need a legislative fix, and other decisions will be made assigning duties to agencies.

DISCUSSION AND SET DATES FOR REMAINING FY 23 BOARD MEETINGS

Diane Casto proposed the following FY 23 meeting schedule:

- Quarter 2, November or December 2022 (rural outreach)
 - Recommends between December 1 – 9, 2022
- Quarter 3, February or March 2023
 - Recommends March
- Quarter 4, May or June 2023

Diane Casto will provide a list of rural programs where the Council has not visited. She will send Council members an e-mail with potential dates for the FY 23 schedule, and hopefully the board can agree on meeting dates within a month.

COMMENTS AND CLOSING REMARKS FROM BOARD MEMBERS

Angela Garay opened the floor for Council member closing remarks, a summary of which follows:

- Blaze Bell remarked that she appreciated the presentations. She liked hearing that progress was being made in many of the areas covered in the presentations.
- Lydia Heyward commented that a lot of good information was presented at the meeting.
- Ryon Turley expressed his appreciation for the information shared at the meeting.
- Commissioner Cockrell echoed the comments about the informational presentations and expressed his appreciation for the Council members' commitment to the Council and the work done daily by CDVSA staff to safeguard Alaskans.
- Katie Baldwin-Johnson remarked that the presentations were excellent and very informative. She thanked the Council members and CDVSA staff for their efforts.

Angela Garay thanked the board, guests, and staff for attending and participating in the meeting. She thanked the CDVSA staff for their efforts and recognized the challenges CDVSA staff has endured for the past few months.

ADJOURNMENT

Lydia Heyward **MOVED** to adjourn, **SECONDED** by Katie Baldwin-Johnson. Hearing no objections, the motion **PASSED**, and the meeting adjourned at 2:00 p.m.

COUNCIL ON DOMESTIC VIOLENCE
& SEXUAL ASSAULT

LOCATION:
150 3rd Street, Suite 201
Juneau, Alaska 99801

PUBLIC COMMENT

Friday, September 30, 2022
12:30 a.m.

ROUGH DRAFT TRANSCRIPT
Pages 1 - 8, inclusive

Committee Members Present:
Angela Garay, Chair
Blaze Bell
Lydia Heyward
John Skidmore
Acting Commissioner Kim Kovol
Commissioner James Cockrell
Kelly Manning
Katie Baldwin-Johnson
Ryon Turley

Reported by: Sheila Garrant, Peninsula Reporting

1 P R O C E E D I N G S

2 ANGELA GARAY: Shall we move on to
3 public comment now, Diane?

4 DIANE CASTO: Yes, we should. So what I
5 would recommend is, I know we have a few people online
6 that most likely are wanting to give public comment.
7 If people who want to give public comment could use
8 the little "raise your hand" icon, then it will be
9 easier for us to call on people. And then you can
10 call on them, Angela, if that works for you.

11 And if you just look at your list on the
12 side, Malan Paquette is the first one to have her hand
13 up.

14 ANGELA GARAY: Yes. So Malan, do you
15 want to go ahead and give your comment?

16 MALAN PAQUETTE: Yes, yes, thank you.
17 Can you hear okay?

18 ANGELA GARAY: Yes, we can.

19 DIANE CASTO: Yes.

20 MALAN PAQUETTE: Yes. This is Malan
21 Paquette, I am an advocate in South Kenai Peninsula,
22 and I have a degree in psychology and a master's in
23 forensic psychology. I also studied forensics. And
24 I'm really concerned about remediation of the offender
25 population. I appreciate tuning into your meetings.

1 Something that I've been writing about
2 to -- in my advocacy direct to state officers and
3 departments involved is the -- what appears to be as
4 of today, September 30th, 199 failing to register on
5 the sex offender registry.

6 Oh, just to back up, I'm going to give
7 some information and a comparison between the warrants
8 page where I can look up warrants, public accessible
9 information only, and then compare it across the sex
10 offender registry.

11 So in looking at the sex offender
12 registry, if you select the non-compliant list, it
13 will produce a list of 199 failing to register. And
14 when you go over to the warrants page and you search
15 fail to register, SOR, it comes up with only 44
16 warrants. Forty-four warrants for 199 failing to
17 register I believe to be insufficient.

18 Furthermore, of those 44 warrants, 14 of
19 them are for fail to register, SOR, yet have no
20 profile data at all, no photos. Fourteen of those 44
21 warrants include no photos available to the public.
22 Four of the warrants in that 44 cohort are for persons
23 on SOR while their respective profile indicates they
24 are compliant, yes. One of them has them with an
25 active warrant in DOC custody.

1 So if you take that, that leaves us,
2 what, 30 warrants are found with offender matching
3 profile. So of those 44 warrants, only 30 of them are
4 already registrants. So 30 minus 199 leaves us with
5 169 offenders non-compliant, no warrant, and I am
6 really concerned about that enforcement.

7 I was kind of cruising, and one of the
8 things that I do also is I'll search the database just
9 using the school preference drop down. If you just
10 select a school as one of the addresses you'd like to
11 search and get a list of profiles that way. And of
12 those, today I found six offenders that have no photo
13 at all. So I write down the SOR@alaska.gov and alert
14 them that it would behoove them to make those photos
15 available to the public.

16 So again, total offender profile that we
17 have registered in our state, 3,330 profiles with the
18 majority incarcerated and no address information.
19 This specific area of no address information is also a
20 big concern of mine, because the majority -- excuse
21 me -- because there is a large cohort of incarcerated
22 offenders where SOR is allowing them to retain their
23 employer name and employer address, including
24 lackadaisical ethic of employer, self-employed,
25 address location, various locations, and then they go

1 ahead and put a residential address of Department of
2 Corrections. If you search that database using
3 residential address and put the word Corrections, you
4 get 394 offenders.

5 It is very clear that this is an
6 inconsistent branding and/or divulging of information
7 because it creates more work for the offender registry
8 staff when there's a small handful who are misusing
9 the database and leaving address information in of
10 their employer. And their employer name and their
11 employer address, like, we're advertising their small
12 business for them while they are incarcerated, and I
13 just have a huge issue with that.

14 The majority -- again, the majority of
15 the incarcerated populus of Alaska has no address
16 information, including no employer, yet there's this
17 small cohort of inconsistency. And what I find to
18 believe very inappropriate to look on the offender
19 database and see somebody listing self-employed while
20 it's obvious in public record they have never sought
21 any individual business license or self-employment --
22 lawful self-employment.

23 So that's one thing I'm having a problem
24 with on the offender registry. And that particular
25 issue also spans those in a release status who are

1 putting self-employed and various locations and there
2 is no legitimate record of any self-employment
3 available to the public.

4 So I'm just really concerned that the
5 sex offender registry is not presenting information
6 consistently and accurately. Again today, I found
7 another inmate as employer where the SOR staff are
8 using the word "inmate" following the employer. I
9 find that very inappropriate, very inappropriate. If,
10 you know, a title like that can stick with somebody
11 for a long time, and it just, like I said, it just
12 seems very inappropriate.

13 Keeping in mind, I'm very concerned
14 about the amount of these, what I would consider
15 monsters moving into our state. We currently have 16
16 warrants for sex assault, child fondling in which they
17 are all new offenders; three with kidnapping, all new
18 offenders. So I'm just worried that Alaska is sending
19 a message of non-enforcement when we're looking at 169
20 failing to register, and there's no warrants for these
21 profiles or offender behaviors of non-compliance.

22 So thank you for listening to my public
23 comment, and I really appreciate what all you guys are
24 doing. So thank you again for all you do, everybody
25 at the table today. So that will be the end of my

1 comment. Thank you for listening.

2 ANGELA GARAY: Thank you, Malan.

3 DIANE CASTO: Malan, this is Diane
4 Casto. Would you be able to send me an e-mail with
5 some of that data that you just presented? It would
6 be helpful that I can share it with some others. I
7 believe Commissioner Cockrell had to step off for a
8 short time, and our DOC representative is on leave
9 today, so if you can just send me that information,
10 I'll make sure it gets shared.

11 MALAN PAQUETTE: Yes. Yes, and I also
12 wrote SOR about the specifics on the no photos, and
13 every time I find "inmate" as the employer, it just --

14 DIANE CASTO: Just put that in your
15 e-mail as well. It will just be good for me to pass
16 it along.

17 MALAN PAQUETTE: Okay.

18 DIANE CASTO: Thank you. And we will
19 have the recording of this public testimony as well.

20 ANGELA GARAY: Is there anyone else who
21 would like to make a comment? If you'll use the
22 little hand to let us know you're there and would like
23 to comment, please.

24 Are you seeing anyone, Diane?

25 DIANE CASTO: I do not. As our policy

1 is, we do wait for at least ten minutes to give people
2 time to join. So I would say let's give people
3 until -- maybe another six minutes, until 12:45 just
4 to make sure people have that opportunity.

5 ANGELA GARAY: Sounds good.

6 DIANE CASTO: And then once -- if no one
7 else wants to provide public testimony or public
8 comment, we'll then go -- we'll go into our next
9 agenda item. Although John -- John, are you back
10 online?

11 JOHN SKIDMORE: Yes, I am, Diane.

12 DIANE CASTO: Oh, okay. So if we go a
13 little earlier than planned, you'll be okay?

14 JOHN SKIDMORE: Yes, I'm prepared at any
15 time, Diane.

16 DIANE CASTO: All right. I knew you
17 stepped off for a minute. I couldn't remember when.

18 Angela, I think it looks like nobody
19 else is going to be joining for public comment, so if
20 you would like to just move forward into our next
21 agenda item, I think that is okay. We've met our
22 requirement for waiting ten minutes.

23 ANGELA GARAY: I agree.

24 (Public comment ended at 12:45 p.m.)

25