
ALASKA'S COUNCIL ON DOMESTIC VIOLENCE & SEXUAL ASSAULT

STAKEHOLDER INTERVIEW PROJECT: Examining the State's Response to Domestic Violence

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Acknowledgments

We acknowledge and express our sincerest gratitude to the stakeholders who shared their narratives with us as this study would not be possible without their willingness to participate. We would also like to thank L. Diane Casto, the Executive Director of Alaska's Council on Domestic Violence & Sexual Assault for her support. This study was also not possible without the invaluable support of stakeholder groups within the Department of Corrections and the Alaska Court System that helped us to recruit participants. Finally, we would like to thank Alaska's Judicial Council, the United States Department of Justice and the Office on Violence Against Women, the representative of the Alaska Native Listening Sessions, and the Alaska Criminal Justice Commission for their prior work and research on DV in Alaska.

Sponsorship

This study was sponsored by Alaska's Council on Domestic Violence & Sexual Assault.

SUGGESTED CITATION OF THIS REPORT

Shimizu, R., Trawver, K., & Brocious H. (2022) *Alaska's Council on Domestic Violence & Sexual Assault Stakeholder Interview Project: Examining the State's Response to Domestic Violence*. Alaska's Council on Domestic Violence & Sexual Assault.



Alaska's Council on
Domestic Violence
& Sexual Assault



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Executive Summary

Thirty-six percent of criminal cases in Alaska are flagged as domestic violence (DV), and cases are increasing annually.ⁱ Additionally, more than half of adult women in Alaska have experienced intimate partner violence (IPV) and/or sexual assault at least once in their lifetime.ⁱⁱ Clearly, DV is a pervasive public health issue in Alaska even though DV is recognized as a crime and legal mechanisms are in place to address them. Therefore, this study aimed to comprehensively understand DV in Alaska in the context of the overall judicial response to DV. Confidential interviews were conducted with victim advocates, Battering Intervention Program (BIP) providers, probation officers, law enforcement, judges, and attorneys (prosecutor and defense) from the six Alaska regions (i.e., Southeast, Southcentral, Southwest, Western, Arctic, and Interior). Three research questions guided the study:

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 battering intervention programs?
2. What are the strengths and barriers of the legal system specific to addressing DV perpetration?
3. What are the unmet needs of the stakeholders that are important to consider in improving the response to DV perpetration?

Seven themes and related sub-themes emerged. Each section ends with a summary and achievable recommendations. The findings are summarized into the following broad takeaway points:

1. **Some important issues that the stakeholders in Alaska have continuously identified over the past decade have not been addressed.** We compared the findings from this report to results from prior reports. Problems identified by stakeholders dating back to 2011 (and dating back further) persist today.
2. **Stakeholders have varied perceptions and beliefs 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.

Comment from L. Diane Casto ***Executive Director, CDVSA***

The Council on Domestic Violence and Sexual Assault (CDVSA) is committed to improve the state's approach to services aimed at individuals who use violence in intimate and interpersonal relationships. As stated above, domestic violence continues to increase and impact a significant number of Alaskans, their families, and communities. The solutions are not easy, the changes in knowledge, attitudes, and behaviors of those who use violence require generational attention and time to truly see change. Improved outcomes require a comprehensive approach that includes prevention, early intervention, and programming for those who already using violence in their relationships. We believe the information collected and synthesized through this important Stakeholder Interview Project provides clear conclusions about how CDVSA can move forward with improved initiatives and programming aimed at truly changing attitudes, behaviors and outcomes related to the use of violence in intimate and interpersonal relationships. The results of this survey will be utilized in our ongoing process to create new and better ways to address domestic violence in Alaska.



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Project Summary

Most domestic violence (DV) perpetrators are court-mandated to attend Battering Intervention Programs (BIPs), a behavioral intervention that aims to promote safety by preventing future violence. While the majority of BIPs in Alaska utilize the psychoeducational Duluth Model, efficacy has been minimal, suggesting the need for alternative programming. New models to address DV crimes are available and necessary. However, program design and implementation are also regulated by state-level DV statutes and impacted by local needs and resource availability. Therefore, an examination of court-mandated BIPs requires a comprehensive understanding of the state's legal response to DV crimes. Accordingly, we conducted in-depth qualitative interviews with content expert stakeholders (judges, attorneys, victim advocates, BIP providers, probation officers, and law enforcement) to understand DV in Alaska from the perspectives of those enforcing and working within DV statutes and mandating BIP participation. We synthesized the stakeholders' narratives, which describe the strengths and weaknesses of current procedures and the unmet needs of the stakeholders and those impacted by DV. Each section also concludes with realistic next-step recommendations based on stakeholder narratives to improve Alaska's legal response to DV perpetration.

Rationale for Study

Domestic violence (DV) is a public health crisis in the US, including Alaska, with DV hotlines in Alaska receiving approximately 13 calls per minute on an average dayⁱⁱⁱ. Often, the criminal punishment for DV perpetration is mandated participation in a BIP that aims to prevent future violence through behavior change. Most BIPs utilize the Duluth Model or Emerge curriculum focusing on internalized patriarchal beliefs and values^{iv}. However, studies have consistently shown Duluth Model BIPs to have minimal to no impact on recidivism rates and violence reduction^v. Subsequently, alternative BIP models that combine education with other modalities and BIP models that cater to specific needs have been developed and tested^{vi}. While there is no evidence to support a one-size-fits all intervention, promising evidence for BIPs that cater to specific needs are available.

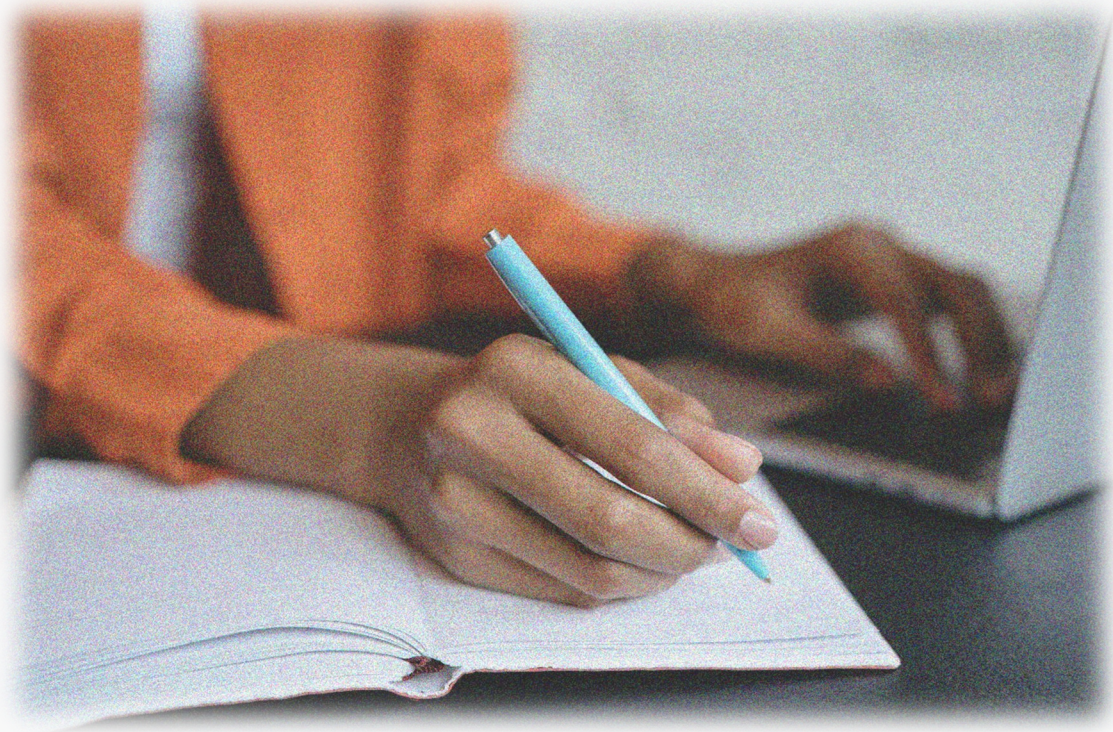
However, state-level statutes that govern the judicial response to DV determine the applicability of program design and implementation^{vii}. For example, state regulations can inform program characteristics such as length of treatment, fee for service, curriculum content, as well as who can facilitate and how. State regulations can also influence the types of cases referred to BIPs and the individuals who can legally participate in programs (e.g., support persons, couple participation)^{viii}. Therefore, a comprehensive understanding of BIPs within local contexts requires knowledge of the state-specific legal framework and current procedures that impact the judicial response to DV. Hence, the perspectives of stakeholders who regularly enforce BIP participation or work within standards established by DV statutes are essential to understanding DV, the legal response, and BIPs.

There were three research questions guiding the study:

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?

Methods

This study was approved by the University of Alaska Anchorage Office of Research Integrity and Compliance. We conducted 45-minute interviews with stakeholders representing the six Alaska regions (i.e., Southeast, Southcentral, Southwest, Western, Arctic, and Interior). Stakeholders included representatives of victim advocates, BIP providers, probation officers, law enforcement, judges, and attorneys (prosecutor and defense) (N=18, with an approximately even distribution of stakeholders from each profession). Recruitment was conducted in with the assistance of CDVSA as well as with various divisions within the Department of Corrections and the Alaska Court System. The interviews were conducted using a semi-structured interview guide provided in the Appendix.



Findings

The findings represent themes that were salient in the stakeholder narratives. The major themes contained sub-themes and are presented in the following order:

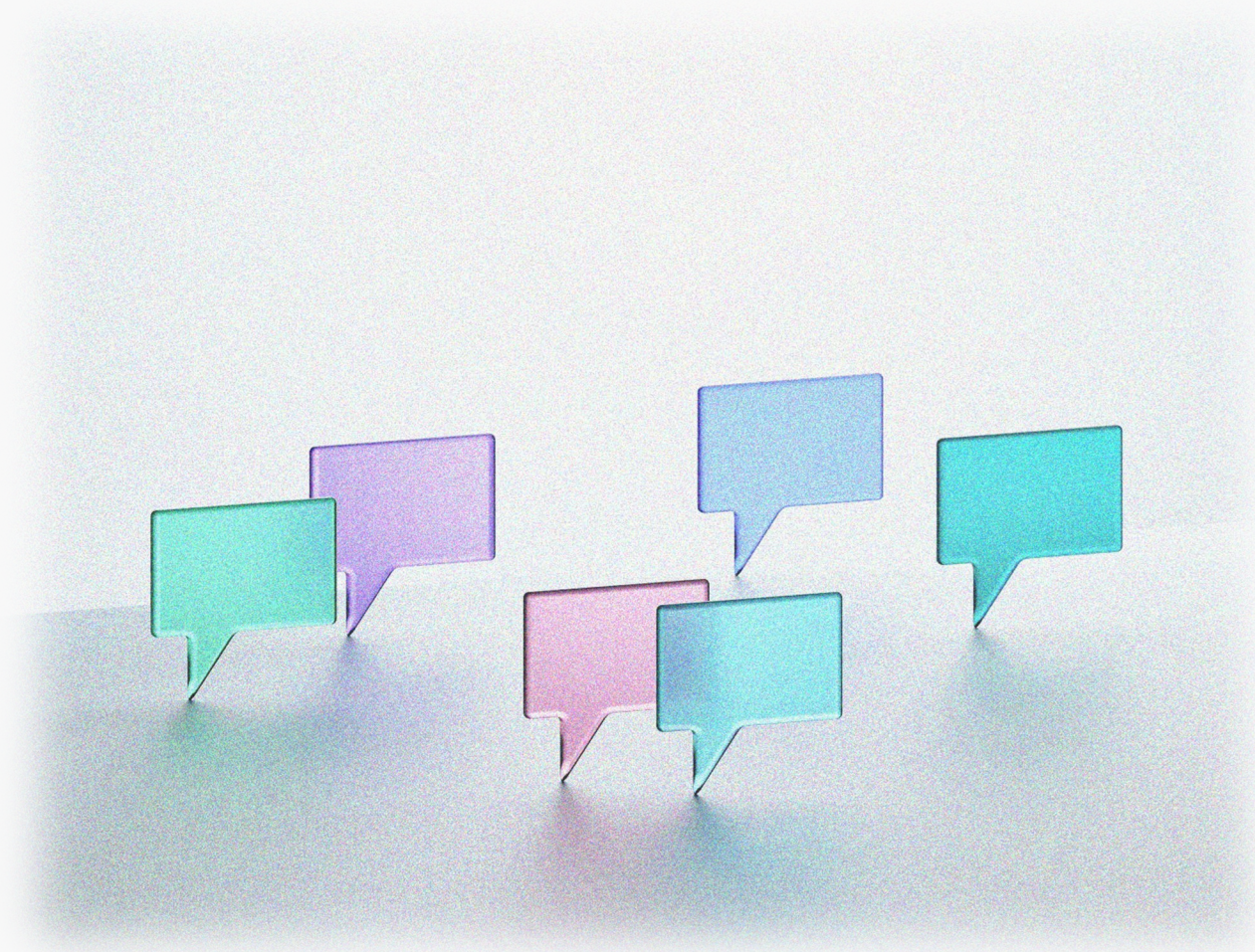
- **The Current State of DV in Alaska**
 - Criminal cases - Most common charges with a DV flag
 - Type of violence and violence chronicity
 - Stakeholder variations in describing the “typical perpetrator”
- **Battering Intervention Program Challenges**
 - One size does not fit all
 - Lack of access to programs
 - Lack of teeth and need for more monitoring
- **Key Components of Behavioral Change to Address DV**
 - Role of community
 - Need for healing
 - Meaningful engagement
- **Unmet Needs**
 - Need more victim-centered processes
 - Need more options to address IPV: matching risks and needs
 - Need to address co-occurring issues and known criminogenic risk factors
 - Substance use
 - Housing
 - Trauma
 - Mental Health
 - Need for rigorous assessments
- **Procedural Challenges**
 - Importance of police reports - No evidence, no charge, no accountability
- **Procedural Strengths**
 - Fear assault
 - Acknowledging crimes against pets
- **Ideal Outcome Measure/Measures of Success**
 - Recidivism is an available measure but need better and more.

All findings are supported with quotes (text in blue) that have been de-identified. Each quote is labeled with the profession and description of the type of environment (urban, rural, and or remote) the stakeholder has experience working in. Each individual stakeholders are described by profession and numbered if there is more than one person from the same profession (e.g., Judge 1, Judge 2, etc.). These descriptions of the stakeholders are intentionally vague to maintain confidentiality. Colloquial grammatical structure and “ums” were edited without changing the meaning of the quote. Such edits are indicated by using square brackets, and omissions are indicated by ellipses. The findings are also interpreted in relation to prior reports related to DV published by various state entities to give credence to work that has been done in the past.

Prior reports related to DV in Alaska referenced in this study.

- Alaska Judicial Council (2011) *Batterer Intervention Programs: Stakeholder Observations*
- United States Department of Justice Office on Violence Against Women (2016) *Alaska Native Listening Session*
- Alaska Criminal Justice Commission (2021) *2021 Annual Report – Domestic Violence Chapter*
- Alaska Criminal Justice Commission (2022) *Domestic Violence in Alaska*

Each section concludes with a summary, implications for the field in Alaska, and achievable recommendations for next steps.



CURRENT STATE OF DV IN ALASKA

Overall, stakeholder descriptions of the “most common” type of DV cases they encountered varied. Stakeholders predominantly saw criminal and or non-criminal DV cases depending on their profession and organization. Therefore, there were descriptions of DV as a crime (specific charges), DV by the type of abuse (e.g., physical, emotional, financial), and descriptions of DV by chronicity (i.e., chronic vs. situational). Overall, variation in stakeholder descriptions of the most common type of DV indicates DV occurs at all levels of severity, in multiple ways, among different populations in Alaska.

Criminal Cases - Most common charge with a DV flag

The most reported type of DV was intimate partner violence (IPV) between prior or current romantic partners. Additionally, many reported Assault 4 (misdemeanor) as a common charge with a DV flag. Furthermore, most cases that stakeholders encountered were between heterosexual partners with men as the perpetrator, although stakeholders also acknowledged the presence of female perpetrators and violence in LGBTQIA+ relationships.

“...the most common crime type that we see is Assault 4...So either somebody has actual physical contact, but it doesn't rise to the level of Assault 3.” (*Prosecutor 1, Urban, Rural & Remote*)

“Typically, Assault 4s...assault on a partner.” (*Probation 1, Rural & Remote*)

“By and large the most common incidence we see are misdemeanor assaults in heterosexual relationships perpetrated by a man against a woman...and there's a fair amount of felony-level assault as well, with the same dynamic. I have seen, domestic violence charge in homosexual relationships. I'd say when I've seen that it's been a little more common between male domestic partners but I have seen on occasion with women as well.” (*Defense Attorney 1, Urban, Rural & Remote*)

“I would say the most common type of DV cases that I see are intimate partner violence. I would say predominantly male partners against female and community violence against female partners.” (*Judge 1, Rural*)

“Well, by volume it's by far more misdemeanor cases. But primarily we see physical assaults and on the misdemeanor level...it's required to cause injury or pain...typically it's more...punching, throwing into walls. We see a lot of criminal mischief....damaging property.” (*Judge 2, Urban*)

Stakeholder descriptions of the severity of charges for the most common DV cases also differed depending on whether the stakeholder worked directly within the criminal justice system.

“We definitely see a lot more of the severe domestic violence because we don’t get involved unless there’s a charge. But we also occasionally see charges that are without basis and are an exaggeration or one person sometimes even perpetrating emotional or psychological abuse on the other person by gunning up charges of emotional or actual physical violence in order to manipulate that person or cause them problems in their life. I mean, that’s not common but it does happen. And then, we just sometimes see charges filed when they probably shouldn’t be.” (*Defense Attorney 1, Urban, Rural & Remote*)

“I think it’s more misdemeanor...but there’s a fair number of felony cases as well.” (*BIP provider, Urban*)

Types of violence (physical, emotional, financial, etc.) and violence chronicity (chronic vs. situational)

Stakeholders also described seeing physical and emotional violence as well as chronic and situational violence. Chronic violence refers to ongoing abuse over time, while situational violence refers to instances of violence provoked by certain stressors, situations, or contexts within relationships that are not necessarily abusive. Similar to the types of criminal charges described above, the types of violence and violence chronicity most commonly encountered by stakeholders varied by profession.

“I think it is more common for us to see a pattern. And less common for us to see a one-off.” (*Prosecutor 2, Urban*)

“I think the most common [type of violence we see] is probably emotional violence [or abuse]...but a lot of people wait for it to get physical before they reach out for help...I cannot think of a case where there was not emotional violence that happened...I think we see more chronic ongoing. I can't think of anything that was like really situational. We did see an uptick since the pandemic, but it was more continual abuse that was happening and it seemed exacerbated by the pandemic, not that it was situational to the pandemic.” (*Victim Advocate 1, Remote*)

“I feel like most of them are more chronic. I think there are some stuff where there's that just, you know, situational violence or some type of reactionary violence, but I think most of them are chronic.” (*Law Enforcement 1, Urban, Rural & Remote*)

“My view would be it’s more often separation or situational, and it’s kind of the minority that are the chronic and power control manipulators, you know, highly lethal, people that just repetitively do it over and over again...the guys that have eight, nine, ten convictions for assault.” (*Judge 2, Urban*)

“I think by the time people come to shelter, they've usually had enough. I think the situational ones aren't necessarily accessing shelter services.” (*Victim Advocate 2, Remote*)

Stakeholder variations in describing the “perpetrator” profile

Stakeholders also seemed to have various descriptions or definitions of a “typical” perpetrator. Some described the “classic” perpetrators or batterers as highly manipulative, which seemed to be associated with chronic violence.

“...batterers are also notoriously narcissistic...true batterers are, and that is a very, very difficult population to treat...You're ordering people who are highly manipulative who have no reason, or, you know, they don't, they're not vested in going, you've gotta make them vested in going... because again, DV offenders are highly manipulative...” (*Law Enforcement 1, Urban, Rural & Remote*)

“They’ll be like, “That person is so DV.” Because they have characteristics that it's just obvious with, like, the classic DV perpetrator” (*Probation 2, Urban*)

Many stakeholders made the distinction between a DV offender who is pathologically manipulative and those who are not.

“I wouldn’t say that a lot of the people that we represent are, just sort of sociopathic...who kind of do that on an ongoing basis due to a personality trait or something like that.” (*Defense Attorney 1, Urban, Rural & Remote*)

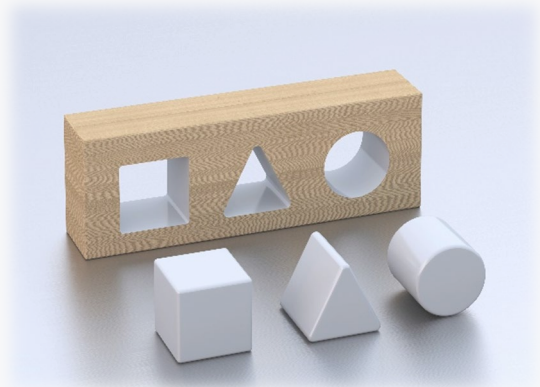
“And I understand there are people that need to be locked up...there are people that are just incredibly violent and seem to be broken, and when they’re out of custody they’re hurting people. Particularly hurting, women...I mean there are just guys like that...When you look at all the people that are convicted of domestic violence offenses in a year in Alaska, those hardcore abusers, make up a relatively small percentage of them, I would suspect” (*Defense Attorney 2, Urban, Rural & Remote*)

SUMMARY AND IMPLICATIONS

Stakeholder descriptions of the most common types of DV cases varied, indicating that DV occurs at all levels of severity, in multiple ways, among different populations in Alaska. However, almost all stakeholders reported 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. Some stakeholders perceived perpetrators to be chronically manipulative. In contrast, others recognized the difference between chronically abusive individuals and individuals identified as the primary aggressor in a stressful situation that escalated into a violent incident. Further investigation into the stakeholder perceptions of perpetrators may shed light on a typology of DV offenses, which could be utilized to differentiate offender needs. Additionally, the distinctions made by the stakeholders in describing the different types of DV and DV perpetrators highlights the need to ensure that the treatment and/or programmatic responses are appropriate to the variety of DV crimes, types/severity of abuse, and DV chronicity that the stakeholders reported.

RECOMMENDATIONS

- Need for descriptive data on the actual prevalence of the varying “types” of DV perpetrators in Alaska.
- Creating a detailed database focusing on DV perpetration in Alaska.
- Developing a definition of the perpetrator profile based on distinctions made by the stakeholders, defining “true” or “typical” batterers and those who are not. Such efforts would help with determining what the variety of needs of these different types of perpetrators are. A report based on interviews with stakeholders regarding BIPs conducted by Alaska’s Judicial Council in 2011 has similarly identified the need to closely examine offender characteristics to guide programming.^{ix}
- Implementing BIPs that align with findings from descriptive studies of DV in Alaska so that the programs cater to the local DV landscape. These descriptive studies that inform program development and implementation can be qualitative based on interviews with those impacted by DV (e.g., victims, perpetrators, other family members, and community members) and relevant stakeholders. The descriptive studies can also be quantitative, using databases such as the Alaska Victimization Survey, a database managed by the University of Alaska Anchorage Justice Center.



BATTERING INTERVENTION PROGRAM CHALLENGES

National studies examining the efficacy of the traditional Duluth-model BIPs are inconclusive, with mixed results at best^{x,xii}. The stakeholders' observations align with the evidence base.

I think there are some people who really, really do end up benefiting from those – from those classes. And then there's others who just don't. (*Judge 1, Rural*)

I have seen people come back to court to talk to me about their experience in the 36 week program. And they're like completely different people. But these are people who are obviously open to it...I don't know what has motivated those [individuals]. Because then there are other people who just never... They'll do six classes. Then they'll fail...And they'll try again, and it'll take them four years to really figure out they're not going to do it. And then they really would just rather serve 20 days in jail than to ever do it. (*Judge 2, Urban*)

Alaska is known to have one of the highest lifetime prevalence rates of IPV in the nation^{xii}, which highlights the need to strengthen and evaluate current state systems that address DV. BIPs are an important mechanism within the state's response to address DV perpetration. Therefore, challenges related to BIPs identified by the stakeholders contribute significantly to our understanding of how to address DV crimes.

One size does not fit all

Many stakeholders identified the need for a more tailored approach. The Alaska state definition of DV is broad, including violence between current and former romantic partners, extended and immediate family members, sexual acquaintances not necessarily in romantic relationships, and roommates. Violence within different types of relationships is nuanced and informed by various dynamics. For example, violence between brothers is different from violence between romantic partners. However, DV offenders are often mandated to a catch-all BIP.

Stakeholders, therefore, identified the need for tailored BIPs to target dynamics specific to the varying types of individual relationships, needs, and risk factors.

“And I think there needs to be different programming...somebody who assaults their brother is very different from assaulting their intimate partner, just in terms of general dynamics.” (*Law Enforcement 1, Urban, Rural & Remote*)

Other stakeholders acknowledged the need for differential programming that addresses the chronicity or degree of violence.

“We’ll have these situations where person has no history of violence of any kind, and then something has happened. And, somebody loses a job or somebody gets injured, people get drunk and something happens that leads to some incident...and that’s a lot of the cases, actually. There are a lot of these cases we have where it was some acute incident that happened. Some husband says something terrible to his wife, and he gets slapped one time, and there’s never been violence between the two, and somebody sees it and calls the police or whatever. Because that is different than, some of these other folks we have where they just have this long history of assaults.” (*Defense Attorney 2, Urban, Rural & Remote*)

Stakeholders also described instances where programs have witnessed the negative impact of untailed BIPs, which further highlights the need for targeted programs.

“But you put them in these cookie-cutter programs with all these hardcore DV batterers, you can actually make people worse.” (*Defense Attorney 2, Urban, Rural & Remote*)

“If there's anything that I could recommend, is that there would be different levels of batterer intervention programs, that would be one for first-time/second-time offenders, and then ones for [those who] have been arrested multiple times or have severe domestic violence and control issues. Because we've seen too many times in batterer intervention groups– it's almost like a mentoring relationship that unfortunately happens, where more experienced batterers are training younger batterers how to be effective and how to hide things and to be more manipulative of the system in order to avoid arrest.” (*Victim Advocate 3, Urban*)

These findings align with stakeholders identifying different perpetrator profiles, with more chronic offenders referred to as “true,” “typical,” or “classic” batterers. Most stakeholders indicate differences between “typical” batterers and those who are not based on the degree of manipulation. In contrast, some stakeholders seem to indicate that all batterers (or at least the ones they encounter) were of the manipulative “classic” type.

Lack of access to any programming

While some stakeholders and their clients grapple with the cookie-cutter approach of BIPs, many struggle with not having access to any programming. Specifically, many stakeholders, particularly those with experience working with rural or remote communities, mentioned the lack of access to any BIPs and the lack of accountability resulting from a dearth of programming. Rural refers to areas with lower population density and less transport accessibility. Remote refers to areas with low population density and minimal transport accessibility, usually limited to plane and or boat access.

“We don't have any batterers' intervention program in [location censored]. There are some counselors that will provide just basic counseling, but no, specific batterers' intervention programs.” (*Victim Advocate 1, Remote*)

“... if the court were to order someone to do a specific program and the program was available here at [location censored], then we would make every effort to have the inmate participate...but currently [location censored] does not offer any type of domestic violence programming...[organization censored] does have one provider [in location censored] who does provide a 24-week domestic violence intervention program... and I still kinda say we don't have really programming because we are so limited in who we can send to [the program] for referral.” (*Probation 4, Remote*)

The lack of accountability and, at the very least, confusion related to the plea deal process of mandating a BIP when BIPs are unavailable have been challenging for the stakeholders and the victims.

“There's such mixed feelings about plea deals in relation to DV, especially when let's say, someone gets court-mandated to treatment, but there is no treatment available in the location that they're at. And then they end up having essentially no real accountability.” (*Probation 3, Urban, Rural & Remote*)

“What I've heard from victims, anyway, is like, “Hey, he had to do batterers intervention, but there is no batterers intervention, so just nothing happened.” And I don't know how the courts are figuring that out. I don't know how probations or jail is figuring that out. I think people get sentenced, and then they don't go through. And then maybe eventually it just gets dropped because of the lack of services and just the absolute inability of being able to make that available for people unless they're in Anchorage.” (*Victim Advocate 2, Remote*)

“[In response to the question: What types of DV perpetrators do you think are the most underserved in the current system?] “Who is the most underserved, well, I mean, with us not having batterers intervention out here, I'd say all of them. There's nobody any more underserved than anybody else because there's just – you have to go to Anchorage for that kinda thing...so everybody's equally underserved out here. And I think, also, the courts, do sentence people to batterers intervention programs, but with no programming, you know, what can possibly be done?” (*Victim Advocate 2, Remote*)

Stakeholders acknowledged the benefits of accepting online courses delivered using distance education modalities as an alternative to face-to-face BIPs. Online delivery is one way to ensure programs are available to those in rural and remote areas. However, stakeholders also questioned the effectiveness of an online (asynchronous) module with no interaccional component.

“We don’t have a real DV course here in [location censored]. So they're now allowing online stuff to fill the requirements for the court, where they can do online course, which they didn’t do until Covid. I don’t know how effective that really is. We've only had, like, a couple of people that have taken it. We had one guy that took it in a weekend...he did everything and...it was [asynchronous] modularized, and so as long as he finished it, that was all that was required, but I don’t see that as really being conducive to fixing an issue, in a weekend. That being said, but that’s what the court requires, is to finish that course, and so he has met his requirements. So there's really nothing I can do as far as making sure that he does anything else. I mean, I believe that people being able to do treatment in their own area is probably better than having to move to Anchorage if you don’t have housing there and you're living in a homeless shelter so that you can do the DV treatment. But also, you know, cost and benefit, which one is more? You know, in-person, like, kind of one on one with a counselor or just doing these mods and stuff like that on a computer screen.” (*Probation 1, Rural & Remote*)

Therefore, those who are monitoring DV offenders mandated to BIPs in areas where BIPs are not available or hard to access face a difficult conundrum of weighing multiple unfavorable outcomes. So, what does one do when BIPs are unavailable or hard to access for their offender?

“I basically give them the time that they're required, but at the end of their probation, I have to file a probation violation, stating that they did not finish the treatment. Then I usually would request that their probation be extended so that they have time to complete it again. But even then, it's kind of a continuous thing. If they don’t have the money and they don’t have the ability, it just kinda ends up being this – how long do you extend probation and – we either have to have them arrested and have them spend the rest of their time in jail, or we continuously extend their probation where they're on conditions for undetermined amount of time... what used to happen is when they would, uh, when they were gonna be released from jail because there was no online courses available, they were just told no, you have to release to Anchorage. And so they would release to, if they didn’t have housing there, they could release to one of the shelters... And they would have to do their [BIP] class in Anchorage before they came back.” (*Probation 1, Rural & Remote*)

Providing online classes may be a better alternative to incarceration, long-term probation, or homelessness. However, if online classes are not delivered in effective ways, the program does not effectively address DV either. Therefore, stakeholders emphasized the dire need to brainstorm creative strategies for program implementation so that all regions in Alaska have equitable access to *effective* BIPs.

Lack of teeth and need for more monitoring (check-ins)

Some stakeholders also expressed concerns about the “lack of teeth” of court-mandated BIPs or being unable to hold individuals legally accountable for not completing their court-mandated program. For example, many stakeholders described instances where the victims or those involved in the incident carried the burden of monitoring by taking on the role of probation. Therefore, many stakeholders expressed the need for more legal accountability and monitoring (without relying on victim reports) to ensure that court-mandated BIPs have “teeth.”

“I can't think of cases where somebody was arrested and charged with violating a protective order for not doing their substance abuse class or not doing their BIP. So maybe giving that a little bit more teeth...some accountability for doing those things...So, right now, it's just kind of up to the petitioner or up to the plaintiff or the survivor to push it, right? Because nothing happens. So, like, just thinking out loud, maybe having, like, okay, if in a protective order a, you know, batterer was ordered to do a BIP class, like, coming back in 30 days, have they registered? ...Having that kind of like status check-in. Because—once you get a protective order, it's sort of, like, out of sight, out of mind.” (*Prosecutor 1, Urban, Rural & Remote*)

“Personally, I think the biggest issue is there's no teeth, so you can't measure success if people aren't being required to go.” (*Law Enforcement 1, Urban, Rural, & Remote*)

“I think a lot of the services for the perpetrators just don't really happen much. I'll flat tell you this is an opinion. I don't think many people follow upon their court-ordered, you know, court-mandated anger management training.” (*Law Enforcement 2, Remote*)

Stakeholder insight on logistical challenges when monitoring offenders who do not live in areas where BIPs are available or accessible, and the general “lack of teeth” of court-mandated BIPs is indicative of uncertainty related to the purpose of court-mandated programs. Such uncertainty is also detrimental to the victims who, in the current system, are carrying the burden of acting in situations where the offender is not in compliance with attending court-mandated BIPs.

SUMMARY AND IMPLICATIONS

Overall, these findings align with stakeholder reports described in the previous section: various DV crimes of all levels of severity occur among different populations in Alaska. Hence, there is a need for tailored BIPs. The stakeholder narratives in this section confirmed that the variety of cases they encounter are funneled through a catch-all program, even when we know that the one-size-fits-all approach can be ineffective or, in some cases, detrimental.

Additionally, 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 BIPs may be one potential delivery option to enhance accessibility, but the online program must also be developed and implemented to address DV perpetration effectively. The lack of resources is often a barrier and reason for the scarcity of programming in rural and remote areas. However, evidence-informed community-based DV intervention programs that are self-sustaining are available and can be implemented in small communities.^{xiii,xiv} Furthermore, behavioral health providers who are already in the area can be trained to address DV to increase their capacity to address DV in their current settings and/or to provide BIPs.

Additionally, Alaska Native tribal leaders have expressed the need for their programs to be implemented by their own people for their people so that it is culturally appropriate and sustainable within their communities. This need expressed by the Alaska Native tribal leaders is particularly relevant considering that many remote areas that report a lack of BIPs are predominantly Alaska Native. Many tribal leaders have articulated the needs that are expressed in this section and throughout this report in the Alaska Native Listening Sessions held by the United States Department of Justice, Office of Violence Against Women in 2016.^{xv} Yet, similar issues are still being raised in this report in 2022.

The excerpts below from the summary report of the Listening Sessions are part of testimony by two of the tribal leaders who participated in the Listening Session. Their narratives regarding BIPs in Alaska Native communities also reflects the general sentiment expressed in this current report related to equitable access to efficacious programs that are culturally tailored and appropriate.

“We need culturally relevant programs in each community. Alaska has 229 tribes, and we cannot afford to have ‘haves’ and ‘have nots’ in this process. We periodically have opportunities to participate in budget consultations, but those chances to contribute have to be made available on an ongoing basis, so everyone can have the chance to participate.”

“To have culturally appropriate services, we need to be able to “grow our own” responders, including training our own village public safety officers and mental health responders. When non-Native people are in these roles, they make decisions about the lives of Alaska Native people who are at the worst point in their lives, at their most vulnerable. Non-Native people make the decisions that determine whether our people can access the help they need. Even behavioral health aides in the villages are supervised and governed by someone who got a degree far away and is working from a Western mindset in their training. Our tribal government visited the Maori in New Zealand, and we learned that they do not let anyone do counseling for their people

unless they are Maori. This restriction is a good thing—people are much more comfortable talking to someone when they know that person can relate to them.”^{xvi}

Lastly, probation or monitoring procedures need to be clarified. Stakeholders report having their hands tied with no good options to address DV when BIPs are unavailable. Stakeholders also report no monitoring and or legal consequences when offenders neglect to attend court-mandated BIPs. 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 (The DOJ Alaska Native Listening Session was only attended by federal representatives).
- 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 to hold individuals accountable for not attending BIPs, 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. Online delivery options are feasible but must be delivered effectively rather than by a click-through module that individuals can complete without fully engaging in the material.



KEY COMPONENTS FOR BEHAVIORAL CHANGE TO ADDRESS DV

Behavioral interventions, including BIPs, target key constructs that are believed to instigate behavioral change. However, fidelity is an ongoing issue related to implementation as interventions are adjusted to address local cultures, needs, skills, and strengths of the providers, state statutes, and requirements, among other things. As a result, even if evidence-based interventions are structured with a syllabus/curriculum, a model that is not implemented with fidelity can result in an entirely new program that strays from those evaluated for efficacy. Straying away from the tested model can occur more frequently when models are chosen for implementation solely on efficacy without also emphasizing the intervention components that match local community needs. Therefore, understanding key components for behavioral change through the local Alaskan perspective provides valuable insight into the types of constructs future BIPs in Alaska should be targeting. Starting from the local perspective can guide the search for an evidence-based or evidence-informed program that fits the local needs and strengths. Therefore, stakeholders in this study were asked to identify key components that are critical for behavioral change to address DV based on their experience and observations in Alaska.

The role of community

Many stakeholders identified the important role of community and culture in addressing DV. Such narratives are consistent with burgeoning research on BIPs and the ongoing movement to deprivatize DV as a “hush-hush” individual and family issue towards a community and public health issue.^{xvii,xviii,xix}

“Alaskan Native communities, have more of a cultural base and maybe more of a hook there to change behavior. Because it’s all about changing behavior if it’s truly power and control, and people have to want to change. If you have a culture and a community that supports you, I feel like there’s just more opportunity and potential for change. So the more that the Alaskan Native communities can come up with systems and programs that will really, perhaps change behavior, I think that that can only be a helpful thing. For like the rest of the communities that don’t have that, there needs to be a way to figure out how people will want to change their behavior” (*Prosecutor 3, Urban, Rural & Remote*)

“Yeah, I think, just reconnecting with community is really important in healing you know previous wounds... Yeah, I want to say there was this quote that someone was telling me about a community. I feel like it was in Africa where if someone commits a crime, the community gathers, and they talk about how much they love that person. And I thought that was a really interesting approach to, you know, someone who had done

something wrong and you know why do people do things? ...maybe it was because they just weren't feeling loved and didn't recognize that they are a part of this community, and so if we can, you know, help people connect again, maybe that's the approach to go." (*Victim Advocate 1, Remote*)

Stakeholders from areas where there are no BIPs also emphasized the importance of community for programs to be sustainable if new BIPs are to be introduced in their localities.

"Because victim services are community-based programs. We are from the community in ways that state agencies aren't necessarily. And we have the same problems that everybody else does of staff turnover and...all that kinda thing. But, if batterers intervention were to happen out here, I would wanna be involved in it because I want that to happen, and I want it to be sustained, and I don't think it would be sustained without us." (*Victim Advocate 2, Remote*)

Stakeholders also identified the need for community building among service providers to enhance coordination of care/services.

"There could be a lot more coordination of services. I think especially with COVID over the last two years, those like fragile systems that we had in place, coordinated community, you know, councils like domestic violence task forces. Those have really fallen by the wayside with virtual presence only. You just lose things when you're not sitting in a room with somebody and can't have side conversations. I think there needs to be a lot more community, coordinated response. We did a survey [details censored]...and I think it was 60% or more said they had little to no relationship with their prosecutor." (*Prosecutor 3, Urban, Rural & Remote*)

The need for enhanced relationships with the prosecutor was varied, as service providers in urban areas may have more access to other stakeholders within the criminal justice system.

"One of the things that's extremely helpful – at least in my community is the relationship that we have with prosecution...particularly misdemeanors – it's just really good. We ask each other questions often. There's, status hearings weekly that I attend, and I'm able to report on a guy's status." (*BIP provider, urban*)

These differences in narratives related to coordination of care/services by urban vs. rural/remote again highlights the disparities between services in urban, rural, and remote environments.

However, overall, stakeholders emphasized the need to incorporate "community" into the interventions and the need to build "community" around the overall response to DV crimes.

Healing

Stakeholders also acknowledged the intergenerational trauma, historical trauma, and other experiences of being harmed that inform violence in relationships where perpetrators may have been victims of violence themselves. Therefore, stakeholders described the need for BIPs to promote healing and rehabilitation, and some recognized the limitation of Western jurisprudence in realizing this rehabilitative approach.

“...Not just Alaska Native culture but, Native culture, in general..the first job I ever had [was a job on a reservation in the lower 48, location and position censored]...And it was...a similar kind of situation where they look to community and healing, first and foremost. Obviously accountability was part of that. But sort of the notion of punishment and sort of vengeance is way down on the list...which for our Western jurisprudence it’s a little bit of a different situation; we wanna punish people for the things that they did.”
(*Defense Attorney 2, Urban, Rural & Remote*)

Stakeholders further acknowledged the need to address healing from trauma and systematic oppression.

“Recognizing that we grew up in a culture that – I mean, basically patriarchy and colonialism; that it’s the air we breathe and you can’t transcend that...it’s harmful for both men and women...their life experience. The harm that they’ve experienced is important.” (*BIP provider, urban*)

“I think they have to be culturally appropriate interventions that address any historical traumas that the perpetrator has experienced.” (*Prosecutor 1, Urban, Rural & Remote*)

Stakeholders also acknowledged the impact of adverse childhood experiences on violence and the need to heal from these past experiences.

“It hadn’t occurred to me that there are people who grow up in households in which they basically receive no love and there’s no love around, and there are people who go through their childhood with essentially no love. And so, when you have no love you’re not taught empathy towards other human beings either...I was an adult when it finally set into me that that’s the case; that we have neighbors among us that grew up in such horrible circumstances that they didn’t learn empathy as two-year-old’s and three-year-old’s like most folks do. But the other thing that’s really encouraging about it is, you know, I’ve seen it; you actually teach adults this stuff...You’re not too old to learn these kinda skills...once it clicks with people and you actually teach them empathy and to consider other human beings in their words and their actions, um...boy. I mean, you

see them change how they live their lives. You can see recidivism completely stop.
(*Defense Attorney 2, Urban, Rural & Remote*)

Many of the stakeholder narratives also mentioned community in relation to healing and emphasized the healing power of community.

“All of this stuff [violence and other related issues like substance use] is the tip of the iceberg of, like, the colonization and institutional racism –that’s the why beneath all of these ridiculous rates of violence that we see and poverty and addiction... I feel like that’s very important to say and understand. I think people still do think it’s sort of an individual thing and not a community matter or people don’t know how to address it as a community matter.” (Victim Advocate 2, Remote)

“But the reality is that that community who’s asking for help needs to be the one that – that kind of promotes the behavior that they want. And if you have a member of that community, it’s going to be more effective for that community to hold them accountable for their behavior change than somebody from that grew up out of state and moved up here a couple of years ago and is now wearing a badge is going to do – that’s kind of how I see it is that your neighbor saying, hey, you need to quit doing that is well more effective than that state employee that came from somewhere else, and that’s just the man telling us what to do.” (Probation 3, Urban, Rural & Remote)

The stakeholder narratives around community, healing and rehabilitation align with current research on violent behaviors and intergenerational violence.^{xx} Even in more severe clinical cases where offenders are diagnosed with antisocial tendencies, many report adverse childhood experiences or some kind of severe trauma in their past.^{xxi,xxii} A recent report conducted by The Alaska Criminal Justice Commission (2022) also corroborates these research findings as 43 percent of offenders in DV incidents investigated by the Anchorage Police Department, were victims in prior DV incidents.^{xxiii} Hence, these narratives are congruent with factors identified in the field as potential issues programs should target to “break the cycle” of violence. Furthermore, the stakeholder narratives around healing and community also align with notions of healing and the power of community expressed in the Alaska Native Listening Sessions mentioned previously.^{xxiv}

On the other hand, notions of rehabilitation and healing are also challenging for some stakeholders to realize in the current judicial system. This difficulty was framed in relation to finding the right balance between victim protection and offender rehabilitation.

“Well, you know what? You need to first start protecting the victim at that point as opposed to rehabilitation isn’t always gonna be an option out on the street. And so it’s one of those things of at what point do you make a decision that we have to focus more on protection as opposed to rehabilitation. And that’s kind of the hard thing because if

you can rehabilitate someone, you can stop future assaults. But if you're not rehabilitating them and they're not listening and they're not doing what they're supposed to be doing, well, then you're never going to stop that. And so now what point do you say okay, this is enough of trying to help you and we need to help the victim stay safe from you." (*Probation 1, Rural & Remote*)

Healing may also not be within the purview of addressing DV for some.

"I hadn't really thought about what more we could be doing to help folks." (Judge 1, Rural, in response to the question, what are some unmet needs related to DV perpetration that could be addressed by the court or others?)

These differences in stakeholder narratives further highlights the need to engage in dialogue with stakeholders with varying views about how DV should be addressed (i.e., punitively vs. rehabilitative or a combination of both) and the varying conceptualization of who the "typical" perpetrator is (i.e., those who can be rehabilitated/who need rehabilitation vs. those who cannot be rehabilitated vs. a spectrum).

Meaningful engagement, not just attendance

A few stakeholders also acknowledged the importance of engagement in the intervention content rather than just attendance as a measure of completing treatment. This finding is also in alignment with intervention research focusing on engagement as an important construct to consider when evaluating efficacy.^{xxv} Hence, a key component of behavior change (as described by the stakeholder) is not just attending but being present and engaged with the content while participating in the program, as well as the internalization and application of program content post program completion.

"We have all – when we talk about these issues – have seen somebody who has – checked the boxes. There's somebody who said, "Okay. You wanna go do 36 weeks? I will go. I will attend. I will be in that room and I will show you this piece of paper that says I attended all 36 weeks of my program." ...but that's all that they've done. They've not engaged. And so, I try to tell folks who are assigned to go to DVIP, "Look. This isn't about just showing up. You might complete 36 weeks of your program, but that's just the first step. And if there's further evidence that actually you've not engaged in the program and you're not meaningfully undertaking some kind of behavioral change, it ultimately – you might not get – you still might not get legal or physical custody of your kids." (*Judge 1, Rural*)

"Ah, I think just I mean having continued engagement is probably going to be a pretty key factor." (*Victim Advocate 1, Remote*)

SUMMARY AND IMPLICATIONS

The stakeholders identified key components for behavioral change to address DV, aligning with important constructs with a substantial evidence base. The citations for some of the relevant studies have been provided throughout the text and are listed in the endnotes. 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 vs. 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. These ideological differences may also help to explain the different ways in which stakeholders conceptualized the “typical” DV offender in the prior section.

RECOMMENDATIONS

- Conducting readiness assessments for communities and organizations involved in the state’s response to DV crimes to evaluate if and where to begin addressing or incorporating these constructs that the stakeholders identified.
- Integrating these key components that stakeholders identified in the intervention 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. Community engagement was also emphasized in the 2011 report by the Alaska Judicial Council.^{xxvi}
- Engaging in stakeholder focus groups or round tables to dialogue about differing ideologies about the overall framework to address DV and how DV stakeholders view DV offenders.
- Identifying a unifying state ideology in addressing DV perpetration.
- 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.



UNMET NEEDS IN ADDRESSING DV

The prior section focused on challenges related to BIPs and key constructs that should be targeted by interventions. However, BIPs are situated within the larger criminal justice system. Therefore, stakeholders also identified unmet needs in the state's response to DV.

The goal of this section is not to advocate for an overhaul of current systems. Even if systemic changes were necessary, transformation does not happen overnight. Instead, this section summarizes stakeholders' narratives that describe the difficult nuances that are unique to DV, specific unmet needs within the broader system of addressing DV, and achievable recommendations to enhance our state's response.

Need for victim-centered processes

Court-mandated BIPs, namely the traditional Duluth model, emerged from the feminist movement in the late 1970s and early 1980s to address the lack of victim involvement in the justice system's response to DV. However, the criminal justice system still grapples with finding the balance between controlling criminal proceedings to protect the victim and providing victims with opportunities to exercise choice. This dynamic between the criminal justice system and the victim is complicated as DV victims often grapple with a complex psychological situation. A common question that many raise in discussions about violence in relationships is "why don't victims just leave the relationship?" which is a question that oversimplifies the various factors that inform why DV, particularly IPV, exists. If it were that easy, DV would not exist. These complexities are also represented in the stakeholder narratives.

"They [victims] try not to give away to us what they're actually feeling because they want them [their partners] to not get arrested... we call and notify [the victim] because we have to notify 'em when [their partners] get released, notify 'em when they escape. And [the victim will] just be like, "Okay, okay." But there's some victims that are just, like terrified. "Um, why are you letting him out? He's just gonna come again." Usually [for] the more violent assaults and stuff. And then we have [victims] that just are angry at us. Say, "I don't want him arrested. I don't want him arrested"... "Um, I told you to drop charges." They don't understand, it's already been charged. It's not up to them to drop it, but it's a mutual – they both DV to each other. So it's just back and forth. We have defendants who both have crimes against the other. So they're both, no contact from each other, and then just keep going back. They come and go so much – we try to build rapport. Sometimes it's difficult, but we always try to give 'em advice and deter them from contacting the person." (*Probation 2, Urban*)

All victims are different, but most of the time, nobody actively seeks out an abusive partner or actively wants to be in an abusive relationship. Yet, some find themselves in violent

relationships because of familiarity (i.e., intergenerational violence), codependency (which can cause individuals to choose violent relationships over the fear of being alone), severe manipulation (making individuals feel like there are no other options), social and cultural norms (divorce or separation may be unacceptable), poverty (being unable to meet basic needs without their partner), and trauma (feeling “frozen” or unable to move/take action out of fear), among other psychosocial factors.^{xxvii} Specifically in Alaska, victims of violence were more likely to be Alaska Mental Health Trust beneficiaries, experienced financial hardships, and had adverse childhood experiences.^{xxviii} These complexities are also intersectional, meaning one victim could be affected by two or more of these factors at the same time. Furthermore, these complexities are veiled under the notion of “love,” which can be intensely personal, confusing, and overwhelming for those involved in the DV incident. Therefore, the stakeholders’ narratives that capture the variety of reactions from the victims in response to their partner being arrested for DV crimes is common and reasonable considering the complex web of psychosocial factors that inform violence in relationships.

Hence, stakeholders also acknowledge that victim involvement or a more victim-centered approach may be helpful and necessary for some victims. For example, some victims want and or need to stay in touch with their perpetrators for family or community. In other cases, some victims are deeply in love or are emotionally attached to their partners and want them to change, and some couples need to co-parent even if their romantic relationship is over.

“I would say a percentage of victims really don't wanna leave their perpetrator. They want the perpetrator to admit that they were wrong. They want them to change. They don't wanna break up the family or leave the community. (Victim Advocate 2, Remote) [In describing the type of program that may be impactful] So maybe something that would be reflective, or how this [the violence] is affecting people they care about in their life. So something that would allow for a more reflective process. And that might cause like survivors to be more involved in the process than how it currently exists... I think there's a group of survivors who...want that person to change. There's a lot of people who are just like, done with this person. But they also have to co-parent with them for a long time. So they want them to be a better and a healthier parent. And I think if there were opportunities to do that in like a safe for victims, and not like blaming to the victim way...That's not what we want to bring into this. But just some kind of like reflective process that allows the perpetrator to understand how their actions have affected others.” (*Prosecutor 3, Urban, Rural & Remote*)

Stakeholders further identified the benefit of including victim voices, particularly for those who want or need continued relationships with their partner.

“I think for, like, a batterers intervention, you need more than just...a victim panel or whatever. You need to be able to stay in touch with the victim, because the perpetrator might be able to get away with anything. You know, they might really know what to say

in counseling or whatever, to dot the *Is* and cross the *Ts*. Like, all of us know how to do that...you need that voice of the victim at the table if what she wants is for that to try to work out.” (*Victim Advocate 2, Remote*)

Like the dichotomy between the need to find balance between offender rehabilitation and protecting the victim, stakeholders also expressed the difficulty of finding a balanced dynamic between the criminal justice system and the role of victims within it.

“So this is a fine line that the government has to walk here... We wanna say, “Okay. We’re protecting domestic violence victims.” And – and, you know, usually when we talk about that we’re talking about women. So we say, “We wanna protect women so, you know, we’re gonna do all these things and we’re gonna mandatory arrest and we’re gonna do these things. But then the next step we basically say, “We don’t care what these women have to say. We’re marching forward. We’re doing what we wanna do.” And, that’s always troubled me, even as a prosecutor, that that’s the way the system’s set up; that, you know, the victims are really given short shrift. They rarely get a chance to even talk to the actual lawyers and to the prosecutors. They have paralegals at the DA’s office run interference there and talk to them. And when they say things that are contrary to the prosecuting, to the fullest extent narrative, those are all kind of buried...And those opinions are not considered valid.” (*Defense Attorney 2, Urban, Rural, and Remote*)

Some stakeholders also defined the dynamic between the criminal justice system and the victim as one of paternalism and autonomy. These stakeholders described a dissonance between the criminal justice system that is intended to help the victim and the negative impact the criminal justice system has on victim well-being. Specifically, stakeholders described how certain policies take the control or choice away from victims causing the victim to carry more of the burden of everyday life without their partner.

If they [the victim] want a no-contact order to begin with as a condition of either release or probation or whatever, then the court’s always, you know, [are] happy to accommodate them. And when a victim is telling the court that they don’t want those things, then the court is way more hesitant. And I think there’s sort of a paternalism involved in that that, and an assumption that they don’t know what’s good for them. (*Defense Attorney 1, Urban, Rural & Remote*)

I mean, here in Alaska, we have mandatory arrest...it's required that they get arrested and their prosecutor looks at the charges the following day and then if charges are brought, they're arraigned. And then there's also mandatory...they have to stay away from the victim for 20 days as part of their bail condition. And so that really takes a lot of control away from the victim, which is good and bad. On the one hand, then you can tell them, "He has to stay away from you for 20 days regardless of what happens. And if he

has a prior domestic violence offense, he has to stay away from you for the whole case." With COVID, that has meant three years. I mean, we have cases that are still going from 2019...But like that leaves the victim hanging because... if the defendant doesn't call the lawyer or if the defendant loses the lawyer's number, then like the victim is hanging with no childcare...which is pretty common...then the victim is calling us saying, 'He needs to come home. He needs to come home. He needs to come home because he needs to watch my kids so I can go to work.' ...or 'Because he needs to pay my money for groceries.'" (*Prosecutor 2, Urban*)

Lastly, stakeholders also described the need for a holistic approach to address DV, such as a DV court that specifically addresses the intricacies of DV for both the victim and perpetrator. One of the benefits of having a DV court described below is increasing victim safety and enhanced victim involvement, leading to a more victim-centered process.

I think it would be valuable to have our own DV court, sort of like a mental health court, that was really focused on the whole cycle of what's happening in domestic violence relationships...because I think if we were able to engage the victim in a more effective way in the very beginning, that we would be able to save more lives. I really, truly believe that. Because that would help to stop the power and control from being ongoing, throughout that cycle. Because that victim contact is, I think, a key point to assisting a victim to safety, whether that's their ability to engage in...additional learning classes, things like that that would help to better understand, and at the same time, getting batterers into classes without necessarily as part of their conviction, but as part of...if you actually are doing this while you're waiting for your sentencing or your hearing or whatever, that that's gonna be a good thing for you, and encouraging that education to happen at a much quicker point in the cycle of violence. (*Victim Advocate 3, Urban*)

Therefore, many stakeholders emphasized the need for victims to have a choice or control in the process of addressing DV. Finding the balance between protecting the victim and respecting victim autonomy is difficult. However, there are unintended consequences of the current response to DV that is supposed to help the victims, where victims feel logistically and emotionally burdened in the aftermath of having their partners arrested.

More programmatic options to address IPV: Matching risks and needs

Stakeholders also indicated the need for more options to address IPV. These stakeholder narratives align with the challenges of a one-size-fits-all or cookie-cutter approach, where all DV incidents are funneled through a certain type of BIP. Therefore, instead of a one-size-fits-

all curriculum, the stakeholders suggest diversifying programs (not limited to those implemented post-sentencing) to cater to the wide range of violence prevalent in the state.

“So just this notion that they must arrest somebody –I’d love to see more police training and more DA training about making better choices and making other options available on the ground. You know? At the [current] time... at least where we live right now [location censored] I think the options are very limited for people.” (*Defense Attorney 2, Urban, Rural & Remote*)

“You know I think, restorative justice programs really have a lot of value. And rarely do I see people who want someone to go to jail, they just want the violence to stop. So I think if we could think about another way of restoring things and bringing balance back, I think that would be really amazing to see.” (*Victim Advocate 1, Remote*)

“I guess my number-one thing I’m really into is that there needs to be more rehabilitative options and they need to be more individualized. So, we really need to get away from this –and I think there’s some recognition of this by the prosecutors, by the way. I wanna give them some credit for this, but we need to get away from this notion that everybody needs, domestic violence intervention program for everything that could’ve been in the DV realm.” (*Defense Attorney 2, Urban, Rural & Remote*)

Such stakeholder narratives align with addressing the variety of violence in relationships with programs that are specific to the type of DV committed. These narratives also align with allowing victims a say in the process if different types of programs are available. For example, some victims may want the offender to attend a particular type of program depending on whether or not they want or need to continue a relationship with them. Other victims of severe cases may not want a rehabilitative approach. Diversifying programs, at the very least, will allow the system to offer choices that are lacking from the current system.

Address co-occurring issues and criminogenic needs (substance use, housing, trauma, and mental health)

Stakeholders also acknowledged the need to address co-occurring issues that amplify the possibility of violence in relationships. Many identified substance use and or substance abuse as a significant co-occurring issue.

“I would say substance abuse is probably the most common denominator...that doesn’t come out of a vacuum either. That comes from a whole host of other problems... there’s a lot of – there’s a lot of social ills underlying that – that contributes to...acting out violently”. (*Defense Attorney 1, Urban, Rural & Remote*)

“Uh, typically alcohol. That's our big one. Not a whole lot that don't involve alcohol. They might still involve, like, methamphetamines or something like that, but typically alcohol is still involved.” (*Probation 1, Rural & Remote*)

Others identified housing as an issue, particularly as a barrier, preventing certain individuals from leaving violent relationships.

“I think a lot of it comes down to housing access. I think if people have the freedom to leave their situation, you know if they had an alternative they would feel more confident or we could at least build up those confidence areas...I think housing is really what it comes down to. So many people we see do not leave their situation because there just isn't any place for them to go. Even if they have the financial means in our community – like a lot of communities in Alaska and probably across the country there's just no housing.” (*Victim Advocate 1, Remote*)

“And it's just, um – and there's just no homes in villages. Uh, that – there's a housing problem everywhere in the State of Alaska, but it's particularly bad in the villages.” (*Victim Advocate 2, Remote*)

Stakeholders also identified the need to address trauma, which aligns with the stakeholder narratives describing healing as a key component of behavioral change.

“I think there's not a lot that the court system or the judicial system can do about economic deprivation but I think that they can address substance abuse problems. I think that they can address trauma and have some sort of trauma-informed response too. And, you know, the judges have training on that and it doesn't actually manifest itself in anything different in terms of how those cases get addressed by the court.” (*Defense Attorney 1, Urban, Rural & Remote*)

“If there's a component of addiction, ...if you're trying to treat both of those things and if the person has got their own trauma, which I think is likely, six months is the minimum. I would think you would need longer.” (*Victim Advocate 2, Remote*)

Stakeholders also identified the need to address mental health as an issue exacerbating the violence and as a potential barrier to BIP participation.

“In a good amount of cases, we also have a mental health or behavioral health issue that is unaddressed, unmedicated, and so sometimes if that would be available – if we say as part of our sentence that you need to do mental health.” (*Prosecutor 2, Urban*)

“So also the assessment [conducted at the organization prior to beginning BIP] asks them what sorts of violence they have used. And what we’re really trying to determine in part as well is their appropriateness for group. Like, “Will they be able to be in the group, to participate meaningfully, to do the work that’s required? Are there any substance use or mental health concerns that might make it difficult for them or for the rest of the group?” *(BIP provider, Urban)*

These psychosocial factors that the stakeholders identified are known predictors of DV. Social services and behavioral health system that address or mitigate these psychosocial issues already exist in Alaska. However, it is unclear and beyond the scope of this report to understand if and how DV cases are flagged and referred to DV services. Understanding these referral processes and creating a path for coordination of services among social service agencies with an aim to identify DV cases may greatly increase the ability to address DV outside of the criminal justice system. Furthermore, including a variety of social service providers within the criminal justice structure to address DV may also enhance the ability of the system to assess whether a DV offender is appropriate for certain types of programs depending on the type of violence, the nature of the relationship, and the level of severity or risk.

Need for rigorous assessments

Assessments are an important tool that can provide a better understanding of the DV case. Stakeholders described potential benefits of having a standardized assessment available for law enforcement to utilize at the time of arrest when responding to DV cases.

“I think that initial assessment at arrest starting at the very beginning of the process would be valuable. I think that there needs to be some assessment that truly identifies –when we’re talking about mandatory arrest – there’s as much information-gathering as possible. But I think that if it was something clinical that an officer could use to help determine, who’s the primary victim and the situation, that that would lead to a more effective system. Because then we’d guarantee that the right person was arrested...– it would help to pinpoint towards the evidence that they need to gather.” *(Victim Advocate 3, Urban)*

“Yeah, so we’ve had this debate off and on [debate about who should be doing the assessments at what point], and I think it’s probably multiple entities. So, law enforcement should be doing some type of lethality screening, in many cases, especially between intimate partners. So, they should be doing that. That’s part of our policies, that they should be doing that.” *(Law Enforcement 1, Urban, Rural & Remote)*

Such standardized assessments would also cater to the unavoidably subjective nature of determining the primary aggressor, a requirement of the mandatory arrest policy.

“So a police officer responds to the scene and finds probable cause. Another officer might not. They could call the prosecutor’s office to see whether they don’t have to do an arrest. That’s the Anchorage police department’s policy. I don’t know about other police departments’ policy regarding getting permission from a prosecuting entity in the area to not arrest. but someone that’s difficult, combative or aggressive with police or intoxicated, may be more found to be the aggressor. Like, it might be there’s a subjective value placed on the decision to arrest or not arrest. And the determination regarding who’s the batterer, because you can get two people. Or one person could be gone.” *(Judge 3, Urban)*

Stakeholders also acknowledged that the assessments have to be completed holistically at each level of interaction with those involved in the DV incident. In other words, the system should not rely solely on law enforcement for the assessments. As stakeholders rightfully indicate, it is unfeasible for law enforcement to complete a full psychosocial assessment in the field as some assessments are time-intensive and laborious. Furthermore, law enforcement should not be the only catch-all assessor of the incident and those involved at the time of arrest, as the nature of relationships can quickly change in DV cases. Hence, the assessment should be multi-institutional, multi-leveled, and administered throughout the judicial process.

“There’s the ODARA tool, which is extremely labor intensive. I would not recommend that for law enforcement in the field. It’s not even remotely realistic, for our folks, but you know, the danger, the DA-LE, which is danger assessment for law enforcement that was developed off by Jackie Campbell is a condensed version for law enforcement. There’s that one, and then Arizona has another one. So, I just think that each discipline could really probably do something. And I think they don’t necessarily have to be the same because there’s different purposes for them.” *(Law Enforcement 1, Urban, Rural & Remote)*

The stakeholders, particularly those involved with the legal system, highlighted the need to “iron out” the timing at which assessments are conducted and who should have access to them, as assessments pre-conviction could be utilized as an admission of guilt, which could deter individuals from getting an assessment.

“And the other problem with an assessment tool pre-conviction is that it would have to be confidential. I mean, you know, a lot of attorneys would recommend, rightly so, that their person accused of a crime not be making admissions or statements about the crime...You could make it work but it might, [it] would have to be a voluntary thing. It would have to be strictly confidential. And I think the outcome of the assessment tool

should be protected...from disclosure to the prosecutor...Because you can't use their statements against them... So, those are some issues that would need to get ironed out. I think you could do it. We have a alcohol program. And many people go take their assessments for the alcohol program and get a recommendation, and we never see it. It's completely confidential. So, I think there are ways to do it." (*Judge 2, Urban*)

Hence, if the assessments were to be implemented at various times by various professions, they would have to serve varying purposes, which is beneficial: different types of assessments together can provide a fuller picture of the psychosocial context that informs the DV case. However, ironing out the legality of assessments so it does not incriminate those involved is an essential consideration.

SUMMARY AND IMPLICATIONS

The areas of improvement and the various recommendations identified by stakeholders all center around addressing DV holistically. They recommend 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 such as substance use, housing security, trauma, and mental health.

Most importantly, addressing DV in a holistic way with enhanced victim involvement increases points of contact with the victim involved in the DV incident. Increased contact with victims can also enhance victim safety just by the increased opportunities to intervene should things go wrong. However, increased contact with the victim also increases victim safety because the system can get a better understanding of how the offender is doing from the victim's point of view. The victim's voice in assessing how the offender is doing is critical in both victim safety and offender rehabilitation as the current system heavily relies on the offender's self-report, which may not always be accurate.

Furthermore, 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 the state response is structured in ways where individuals are processed through the criminal justice system 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

- Victim's rights was not a topic that specifically emerged from these interviews. However, victim's rights are an important component of state procedures that provide opportunities for victim involvement.^{xxix,xxx} Some important mechanisms are only activated upon request by the victim. Therefore, it is important that the victims are

knowledgeable of such mechanisms that are not automatically available to them. Hence, there is 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 particularly with a clear focus on the purpose and utility of the assessments at each stage that it is implemented.
- 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.^{xxxii} Engaging in advocacy to implement already drafted legislative recommendations.
- Identify ways in which assessments can be completed within procedural regulations via a task force composed of stakeholders and content experts (those who have studied assessments in Alaska) who are knowledgeable about legal procedures to ensure assessments cannot be utilized as an admission of guilt in legal proceedings.
- Identify reasons for why DV courts do not exist in Alaska.



OTHER PROCEDURAL CHALLENGES

Not in the report, no evidence, no accountability

Stakeholders discussed the importance of police reports in being able to refer individuals to appropriate programs. For example, police reports are an important piece of evidence used by the attorneys to build a case and are considered at sentencing by the judges. Therefore, if the police report does not document it, the evidence is not present, and individuals cannot be held legally accountable for it.

“Even if there are substance use issues, if it’s not reported in the police report then it can’t be charged, et cetera. So many kind of ways in which someone can kind of slip through the cracks.” (*Probation 3, Urban, Rural & Remote*)

“If the cops write the report that says that they were drinking, then the courts can address it. But a lot of times, the courts don’t address it if the cops didn’t mention they were drinking or on any type of drugs. The nexus of the crime isn’t with alcohol at that point. So they can’t put that in conditions. So, like, the conditions can only be set for what’s kind of in that situational thing”. (*Probation 1, Rural & Remote*)

Many stakeholders, including those who are not part of law enforcement, also acknowledged how difficult it is for law enforcement and attorneys to be able to document evidence in various reports. The difficulty at times is exacerbated by the time lag of officers being able to reach certain rural and remote areas in a timely manner due to uncontrollable circumstances such as weather and the sheer time it takes to get to locations that are far away. Additionally, stakeholders acknowledge the complex psychology that violence in relationships and trauma can create where victims, often in survival mode, may feel the need to downplay, minimize, and protect the offender for various reasons. Therefore, stakeholders also emphasized the difficulty of not knowing the full context that led up to the violent incident resulting in arrest.

“So for an investigating agency to come in and you’ve got somebody all bloodied up and they’re adamant they fell down the stairs and they – you can’t get enough to put down on paper for the prosecution to actually be able to go forward with a case. And the best you got is a he said, she said, without any sort of objective evidence– it’s a tough place for an investigating officer to be. Focusing on the rural communities, it may be a day or two before a trooper can get out to a community. So you start putting the timeline in, first of all, you know, if it’s a spouse or a live in partner or whatnot, um, a lot of times they change their position. Well, I shouldn’t have mouthed off to him in the first place. You know, the downplaying, minimizing, you get a lot of that. So now

they don't want to press charges, okay. Well, the state takes a stance – the state presses charges for you instead of you. But if you are the biggest state's evidence against this person and you're unwilling to cooperate to charge him, what can I do?" (*Probation 3, Urban, Rural & Remote*)

"I think I see both. So, it's hard sometimes to know, because you get a complaint and it only has two paragraphs. So you don't know everything that's going on. And then when you get into court, the prosecutor will give you the history. But sometimes they don't know if it's the same victim or that the prior assault was a DV. So a lot of times, we don't, we don't know." (*Judge 3, Urban*)

SUMMARY AND IMPLICATIONS

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 discussion related to the importance of police reports and documentation, may also be related to the sub-theme in the prior section describing the need to address known psychosocial risk factors of DV. For example, perhaps increased coordination of services among psychosocial service providers can be utilized as a diversionary program, referring nonemergency crises to crisis resolution rather than involving the criminal justice system. In other states, diversionary programs such as Denver's Support Team Assisted Response (STAR) program or Oregon's Crisis Assistance Helping Out on the Streets (CAHOOTS) program, have been successful at responding to nonemergency calls by dispatching social workers to respond to crises that can be mitigated by providing social services. Similarly, the Anchorage Police Department has a volunteer crisis team, the Crisis Intervention Team (CIT), that responds to emergency calls. Perhaps it is possible to create a CIT for non-emergency cases. In fact, one of the recommendations by the Alaska Criminal Justice Commission as listed in the 2021 annual report is to increase CIT funding.^{xxxii} While the recommendation is specifically geared towards enabling more law enforcement officers to respond to mental health crises, an addition or new but related recommendation can be made to include training for DV-related CITs. While these programs are not specifically designed to respond to DV calls, they are designed to respond to homelessness, mental illness, suicide, and other crises and known risk factors that are highly correlated with DV.

Such procedures provide opportunities for certain cases to be flagged for DV or referred to appropriate services.

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.^{xxxiii} Implementing these non-arrest 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.

Additionally, improving coordination of care can also relieve the burden of documenting the evidence that falls heavily on law enforcement, and the administrative burden of processing a DV case, especially if DV can be addressed before the violence elevates to a criminal case.

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 diverted to appropriate care rather than conviction.



PROCEDURAL STRENGTHS

Alaska includes “recklessly placing another person in fear of imminent physical injury” as an Assault 4 (misdemeanor). Many stakeholders call this “fear assault,” a charge that does not necessitate physical contact.

Fear assault

Stakeholders favored the “fear assault” and the ability to hold someone accountable for violent behaviors that do not necessarily involve physical contact. Some stakeholders also found that the fear assault was beneficial in holding individuals accountable for emotional violence.

“I think that’s good, having the fear assault and the harassment and, destruction of property...it doesn’t have to actually be, somebody getting strangled or something like that.” (*Prosecutor 1, Urban, Rural & Remote*)

“It doesn’t have to be physical violence... it can be you know a threat that caused you fear for your life, so that I think is key. It’s important that you know they recognize that that is assault and it’s not always physical... it doesn’t have to get to that point before it becomes a crime.” (*Victim Advocate 1, Remote*)

“A lot of these cases are what are called fear assault. So...it can be just saying something scary, and can land somebody in jail for a domestic violence assault charge, even if there was no physical violence at all.” (*Defense Attorney 2, Urban, Rural & Remote*)

Acknowledging Crimes Against Pets

A stakeholder also acknowledged the benefit of recognizing crimes against a pet as a condition for an order of protection.

“Another thing I think that is pretty important is there was some changes to the protection order statutes where a crime against a pet is now recognized and that, I think is really important, because a lot of times, pets and children are used quite often as threats and that the state is now recognizing that this [a pet] is someone’s child.” (*Victim Advocate 1, Remote*)

SUMMARY AND IMPLICATIONS

Many stakeholders favored the “fear assault” and the ability to hold individuals accountable for causing fear of imminent physical danger. The “fear assault” for many of the stakeholders represented the state’s acknowledgment that DV includes emotional abuse, not limited to physical abuse that results in physical contact. The ability to obtain an order of protection with crimes against pets as a condition also acknowledges that many DV cases include violence against pets. 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.

RECOMMENDATIONS

- Holistically address DV. Continue reforming policies to address DV’s unique nuances, so that individuals can be held accountable for DV in various ways.



OUTCOME MEASURES / MEASURES OF SUCCESS IN ALASKA

Many stakeholders across the nation are discussing how success can be measured when evaluating the state's response to DV. The commonly utilized measure is recidivism, namely a decrease in re-arrests/re-offending. However, the limitation of this approach is well-known as many DV cases are unreported, occurring behind closed doors unbeknownst to the criminal justice system. Therefore, stakeholders were asked for their opinion on the ideal outcome measures to assess the efficacy of Alaska's response to DV.

Recidivism as an available option and the need for better

Stakeholders acknowledged the utility of recidivism. A reduction in re-offense is a good outcome. However, many also acknowledged the need for an alternative measure to capture various outcomes not limited to DV instances known to the criminal justice system. Therefore, many described recidivism as a good measure, in so far as it is the available option, but suggested the need to expand the definition of success. Many stakeholders suggested supplementing recidivism, a quantitative measure, with qualitative data collected via contact with the victim and others that may have insight into how the offender and the victim are doing after completion of a court-mandated program.

"I don't know if there's any other metric. I mean, I know that we have people who don't get charged but are committing acts of domestic violence....there are [also] acts of domestic violence that are not criminal in a strict sense. So I'm not sure how to measure that. You know, it seems like a qualitative thing and it would require a lot more, you know, visibility into the lives of the people." (*Defense Attorney 1, Urban, Rural & Remote*)

"I think some of the programs do safety checks with victims, so I think interviewing victims and [asking] is the relationship improving? ...is the actual goal of the BIP truly not re-offending? I'm certain that's the goal we all want, but is that really realistic? And so the reality is the re-offense. How do we measure that? They have to get caught. Because many people don't report. So, I don't know." (*Law Enforcement 1, Urban, Rural & Remote*)

"I think that if we could do more follow-up – I know the – that batterers intervention programs are required to do, you know, victim contact during the time that the person is in their class...It's very difficult to do that, I know from experience, because we used to do it for a couple of the other programs. And it was a matter of not providing accurate victim information or the victim really still being afraid of their partner. And so

I think that, if we were able to continue somehow to have contact with both the perpetrator and the victim for so long, like a year after they've completed the course, that would also help us to get a better indicator, especially if we were able to establish a good relationship with the victim. Because we're still only getting the perpetrator's side of the story. And we continue to get that side because they're the ones we have the most contact. I wish that there was a better way to engage the victim more effectively...but I would say studying them to see if there's actual behavior changes in their relationship or in future relationships would be a way to do that too." (*Victim Advocate 3, Urban*)

"I guess that's how you monitor it. I'm not sure how else you do. I mean, I guess you could do interviews with their family members or you know, the alleged victim. But then...I've seen many victims play a protective role. Even, we can't, you know, lie about what happened in court...and they [the victims] probably do that as assault protective measures, I understand why they do that...but yeah. I don't know how else you [measure success]." (*Judge 2, Urban*)

Some stakeholders were satisfied with recidivism as a measure in so far as it is a measure to capture a decrease in DV crimes.

"It is a measure of success; whether it's the best,— I think ultimately maybe it is. Just because if the goal is to prevent future acts of domestic violence and crimes of domestic violence and to spare future victims of domestic violence, then, yeah, it does seem like minimizing or reducing recidivism would be a key component to that." (*Judge 1, Rural*)

Some stakeholders also acknowledged that change in behavior occurred over time. Hence, recidivism may not capture the gradual process of behavioral change.

"I guess it depends to me, it matters to me why they're coming back. If somebody voluntarily comes back, I think that's absolutely very successful. I don't know what the number of people voluntarily entering batterers programs is though. My guess is it's low. That most people are court referred for some reason, whether it's custody or criminal case. So if they are coming back, I don't know. Again, I come at it from like the victim's side of it, which is, it takes people a long time to leave a violent relationship. It probably takes a long time to unlearn behaviors that you've learned are how you act in a relationship also. So, yes, is it a negative that they have re-offended and therefore they are again court ordered? On the other hand, maybe this time, some little bright light will go off in their head, and they'll feel like they learned something, so. I don't know that it's completely unsuccessful." (*Prosecutor 3, Urban, Rural & Remote*)

Some stakeholders also distinguished between recidivism of DV crimes vs. reducing crime overall.

“It – so recidivism is, like did they do the same crime, like, you know, but that doesn’t take into account, so if they get re-arrested, was it just for a drinking violation or was it for a DUI or something like that? So it’s kinda one of those – they may go back to jail, but did they go back to jail for the same thing? And that’s kind of where I think, you know, if they’re not hitting their significant other anymore, than that to me is success in that aspect. Doesn’t mean that they haven’t done things. They’re still making bad choices sometimes, and that’s just to be with sometimes who they are.”
(*Probation 1, Rural & Remote*)

SUMMARY AND IMPLICATIONS

The limitation of recidivism as a measure of success in criminal justice is a highly debated topic.^{xxxiv} Many stakeholders interviewed for this project also acknowledge the challenge of recidivism as an outcome measure of success as not all DV cases are reported and known to the criminal justice system. However, 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 has highlighted differences in success 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.^{xxxv} Therefore, how stakeholders discussed success outcomes highlights the need to clarify the state’s ultimate goal in reducing DV, whether it is to reduce DV overall, DV crimes specifically, and whether it also includes breaking the cycle of DV long-term to prevent future violence.

A unifying state goal indicates Alaska’s stance on DV while also clarifying the overall purpose of the procedures in place. Such clarification and unification of goals will ultimately benefit the stakeholders who work within these procedures to help them understand their function in the greater scheme of addressing DV. Most importantly, a system with clearer established goals of addressing DV will hopefully improve outcomes for all involved in the DV incident including their communities.

RECOMMENDATIONS

- Evaluate how various types of 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 outcome measure that should be utilized.

CONCLUSION

All themes and sub-themes that emerged through a thematic analysis of stakeholder narratives converge into one unifying theme, which is ultimately related to preventing overall harm, improving victim safety, and reducing victim risk and/or burden. This is not a new finding, or a novel realization as various state entities in Alaska have conducted studies of their own, producing reports on BIPs and DV in Alaska. These prior state efforts are referenced throughout the findings and recommendations in this report. The commonality of the issues identified between stakeholders in this report and others is an issue in and of itself. Salient issues identified by stakeholders in prior studies dating as far back as 2011 persist today. In other words, there has been no change in some areas for the past decade despite known issues that have been continuously identified by stakeholders.

This report also has several new findings. First, the stakeholders described the need to hold offenders accountable for DV, but also elaborated on the need to provide mechanisms where those perpetrating DV can repair the harm they caused. This insight is a nuanced victim-centered approach informed by the complex relational dynamics of DV. Addressing ways to repair the harm in a relationship where a DV crime may have occurred aligns with the reality of many DV cases where individuals desire to continue the romantic relationship or may need to continue some kind of relationship for various reasons, even if the romantic relationship is over. Stakeholders, therefore, are not asking for a softening of justice or reducing the criminality of DV. Instead, the stakeholders desire a system with a variety of responses that are responsive to the various types of DV cases and related individual and cultural needs that are prevalent in Alaska.

Secondly, there are major variations in how stakeholders view those who are impacted by DV. For example, some stakeholders described DV offenders as pathologically manipulative while others viewed DV offenders as someone who's behavior may be influenced by trauma and other psychosocial constructs. Others had a view of DV offenders that fell somewhere in between. Stakeholder descriptions of victims also varied as some described victims as someone who should leave an abusive relationship, while others acknowledged situations where those impacted by DV want to stay in relationship. Such variations in perspectives and beliefs about those impacted by DV contributed to differences in stakeholder described how DV should be addressed.

Thirdly, the stakeholder narratives also highlight the importance of differentiating between knowledge gaps (i.e., stakeholders, advocates, and community members not knowing about services/mechanisms that are available) and service gaps (i.e., actual lack of services/mechanisms). The differing perspectives that emerged among stakeholders in this report were particularly important as it was unclear whether lack of information, access, or resources were due to disparate communication between systems where knowledge was not being disseminated, or whether it was due to actual lack of services or mechanisms. Stakeholders emphasized the need for coordinated care, which is important. However, understanding whether there are knowledge gaps or service gaps can inform whether

coordinated care between already existing mechanisms can be improved or whether certain programs need to be devised/strengthened within systems of care.

Lastly, the stakeholder narratives highlight the need for a unified ideology that guides the state's response to DV crimes. Each entity may have a strong sense of purpose of their role in the overall criminal justice system or in addressing DV, but each entity was not defining DV-related operations specifically in alignment with a unified state-defined goal of how DV crimes should be addressed. Beyond recognizing DV to be a crime, the state does not have a stance or a set of aims articulating how DV should be addressed. Whether Alaska's goal is to reduce DV crimes or reduce all instances of DV, a unified ideology 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.

APPENDIX

The interview guide utilized for various professions varied slightly as each interview guide was edited to cater to professional expertise and/or edited to obtain approval from guiding organizations. For example, the version of the interview guide edited for the judges were completed in collaboration with the Alaska Commission on Judicial Conduct.

Semi-Structured Interview Guide – Attorneys (Prosecution or Defense)

Introductory Questions

1. Could you briefly describe the organization you are a part of?
2. Could you describe your role in addressing DV?

State of DV in Alaska - DV Typology

3. Does your organization distinguish between different types of DV perpetration?
 4. What are the most common types of DV cases you see (i.e., misdemeanor vs. felony?)
 5. Can you give me an example of the different types of “batterers” you see in DV cases?
 6. What types of DV perpetrators do you think are the most underserved in the current system?
 7. In your experience, what types of screening, assessment, interventions and monitoring are needed to effectively address DV perpetration? *What would work for whom, under what circumstances?*
 8. In your experience, what do you think are key issues that needs to be addressed to promote behavioral change to address DV perpetration?
-

In the previous section, probe about “coercive control” if it comes up using those specific terms but otherwise, probe about “traditional batterers” and the “strategic long-term oppressive behavior” commonly seen in DV cases, and whether statutes are needed to legally distinguish between traditional batterers and situational violence.

Specific DV Statues/Regulatory Procedures

9. In a perfect world, what would an ideal process of DV prosecution look like?
10. In your experience, what are the strengths of the statutes in Alaska related to DV perpetrators?
11. In your experience, what are the weaknesses of the of the statutes in Alaska related to DV perpetrators?
12. What do you think about Alaska’s mandatory arrest policies?
What about the limitation of “previous 12 hours” written in the law?

Training

13. Does your organization provide DV-specific training opportunities to distinguish between perpetrators and victims? If so, please describe these training opportunities.
Any training opportunities outside of your organization?
14. Do you know if local law enforcement is specifically trained to identify DV?
15. Are there currently any DV-specific protocols/responses in your organization?
Trying to understand whether organization that are not DV-specific, like law enforcement or legal offices, have specific protocols for dealing/engaging with DV cases. Is there a specific officer/attorney that they have in mind that they always assign DV cases to? Or are there formal manualized mechanisms that inform how officers/attorneys engage with DV cases?
16. Are there any training opportunities you wish you had?

Time permitting, other content specific questions to keep in mind depending on where the conversation goes...

Monitoring of Conditions and Treatment

17. How does your regional court know if DV conditions have been violated?
18. What improvements could be made to current monitoring of bail, sentencing, and/or probation conditions including treatment.
19. Do you have recommendations for increasing access to and/or coordination of services?

Placement of BIP Programs

20. Currently, many CDVSA funded BIP programs are housed with Victim Services programs. What do you think about the placement of BIP programs? *Do you have any suggestions for where BIP programs should be placed?*

Indicator of Success

21. Based on your expertise and experience, what do you think is the most important indicator of a successful PDV program? *How do expungement policies affect measuring recidivism? How do plea bargains affect recidivism? How would you suggest measuring that success?*

Specific DV Statues/Regulatory Procedures

22. The Alaska statute, Title 22 Chapter 25 “Programs for Rehabilitation of Perpetrators of DV” specifically mentions that counseling in which both the victim and perpetrator are present is “inappropriate and dangerous for a victim.” Based on your experience, what do you think about this? *Some states have protective regulations about the length of treatment in perpetrator-only treatment before conjoined treatment can begin. What do you think of these conditional restrictions?*
23. Alaska requires 24 weeks of weekly BIP program attendance, minimum. We understand some programs offer longer programs. In your experience, what is the ideal length of treatment for DV perpetrators? *What do you think the length of treatment recommendations should be? Does one size fit all? What should determine intervention types and length of program?*
24. Currently, Alaska does not require group facilitation by a licensed or certified clinical facilitator with expertise in behavioral health. What do you think of the current training requirement (i.e., a minimum of 40 hours of training related to DV)? *What do you think the minimum requirement should be?*
25. Are there any statutes in the current system that make implementing alternate non-Duluth PDV programs challenging, and if so, what are they? How do they create challenges?

Assessment of Risk and Treatment Needs

26. What recommendations do you have for improving assessment of risk and treatment needs of P of DV?

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