Information for Victims of Domestic Violence, Sexual Assault and Stalking



Police Officers are Here to Help

Revised February 2023

This publication was released by the Department of Public Safety, Division of the Alaska State Troopers, produced at the cost of \$0.41 per copy to educate victims of domestic violence, sexual assault, and stalking about their rights and services available to them throughout the state. This publication was printed in Anchorage, Alaska.

Introduction

This booklet is designed to provide victims of domestic violence, sexual assault and stalking information regarding their rights and the specific duties of police officers in these cases.

Depending on your relationship with your abuser or the suspect/defendant in your case, only certain portions of this booklet may be useful to you. The officer providing you this booklet should inform you which portions of the booklet apply to your case.

Section I: Domestic Violence

Police Officers Are There To Help

If you are a victim of domestic violence, and the police respond to assist you, they are required by law to read certain portions of this booklet to you. These portions are highlighted in yellow. The other information is provided for your additional benefit.

If you are a victim of domestic violence and you believe that law enforcement protection is needed for your physical safety, you have the right to request that the officer assist in providing for your safety, to include asking for an emergency protection order.

You may also ask the officer to assist you in obtaining essential personal belongings like clothes, toiletries, or medication for you and/or your child(ren) and locating and taking you to a safe place, including a designated meeting place or shelter, the residence of a household member or friend, or a similar place of safety.

If you or your child(ren) are in need of medical treatment, you may ask the officer to assist you in obtaining medical treatment.

A domestic violence/sexual assault program can further the efforts of the police in providing shelter, crisis intervention, legal advocacy, assistance and other resources. Some of those are listed under "A Domestic Violence/Sexual Assault Program Is There To Help."

The Court Is There To Help

You also have the right to file a petition in court requesting a protective order that may include any of the following provisions:

1. Prohibit your abuser from threatening to commit or committing further acts of domestic violence, stalking or harassment.

2. Prohibit your abuser from telephoning, contacting, or otherwise communicating with you, directly or indirectly.

3. Remove and exclude your abuser from your residence, regardless of ownership of the residence.

4. Order your abuser to stay away from your residence, school, place of employment, or any other specified place that you or another designated household member go to be safe.

5. Prohibit your abuser from using or entering your vehicle or a vehicle you occupy.

6. Prohibit your abuser from using or possessing a deadly weapon.

7. Direct your abuser to surrender any firearm owned or possessed by that person if the court finds they were in the actual possession of or used a firearm while the abuse was occurring.

8. Request a peace officer to accompany you to your residence to ensure your safe possession of the residence, vehicle, or other items, including a pet (regardless of ownership), or to ensure your safe removal of personal items from the residence.

9. Give you temporary custody of a minor child and arrange for visitation with a minor child if the safety of the child and the petitioner can be protected.

10. Grant you possession and use of a vehicle and other essential personal items including a pet, regardless of the ownership of those items.

11. Prohibit your abuser from consuming controlled substances.

12. Require your abuser to pay support for you or a minor child or a pet in your care.

13. Require your abuser to reimburse you for your expenses caused by domestic violence, including medical bills, counseling, shelter and repair or replacement of damaged property.

14. Require your abuser to pay for any costs and fees incurred by filing a protective order.

15. Order your abuser to participate in a Department of Corrections approved intervention program for batterers.

16. Order other relief the court determines to be necessary for your safety.

Protective Orders

The forms you need to obtain a protective order are available from the police or nearest court. It is not necessary to have an attorney to obtain a protective order, but you may consult an attorney if you choose.

Forms are also available online at <u>https://courts.alaska.gov/forms/index.htm</u> and this website also offers directions on filing for an order.

If you would like help obtaining a protective order, you may call your local domestic violence/sexual assault program, law enforcement agency and/or prosecuting agency in your area. These may be listed on the back of this booklet.

Within 30 days before, or within 60 days after, the expiration of a protective order issued or extended under 18.66.100, a petitioner may petition the court for an extension of the protective order.

Prosecuting Agencies Are There To Help

If the perpetrator has been charged, and you would like to follow the progress of the case, you may contact the nearest District Attorney's Office, or Municipal Prosecutor's Office. They may also have a designated victim/ witness coordinator who is available to assist you during the length of the case.

Victim Assistance Program Website

<u>https://law.alaska.gov/department/criminal/v</u> ictims_assist.html

*Violent Crimes Compensation Board

The State of Alaska has a Violent Crimes Compensation Board, which can provide compensation to victims who have been physically or emotionally injured in a violent crime. Such compensation might include medical care for your injuries, crime victim related counseling, wages lost by you due to injuries and more. You can find out how to apply by contacting the Board at:

Violent Crimes Compensation Board at 1 (800) 764-3040, or by internet at https://dps.alaska.gov/VCCB/Home

Office of Victims' Rights

OVR provides legal help to crime victims in obtaining the rights they are guaranteed under Alaska's constitution and laws with regard to their contacts with all law enforcement and prosecuting agencies of the state. There is no charge for this legal assistance.

Alaska Office of Victims' Rights 1007 West 3rd Ave. Suite 205 Anchorage, AK 99501-1936 Phone: 1-907-754-3460 Fax: 1-907-754-3469 Toll Free: 1-844-754-3460 <u>https://ovr.akleg.gov/</u>

Victim Information & Notification Everyday (VINE)

VINE is a free and anonymous service through which victims of crime can use the telephone or internet to search for information regarding their offender's custody status and register to receive telephone and email notification when their offender's custody status changes.

Registration for automatic notification can be done one of two ways: telephone or online.

To register by telephone, call the Offender Custody Information Toll Free number: (800) 247-9763. Online registration can be accomplished via VINELink at <u>www.vinelink.com</u>.

If you are not sure you are registered or need additional victim assistance, call the Department of Corrections Victim Service Unit at (877) 741-0741.

VINE is currently available in 48 states shown on the interactive map located on VINELink (<u>www.vinelink.com</u>). If your offender is in custody in a state that participates in VINE, you should be able to locate custody information on VINELink. Additional information about VINE can be located at <u>www.appriss.com/VINE.html</u>

IMPORTANT: VINE IS AN INFORMATIONAL SYSTEM. DO NOT DEPEND ON VINE OR ANY OTHER PROGRAM FOR YOUR SAFETY.

Definition of Domestic Violence Relationships

Domestic violence is defined by the State of Alaska by your relationship with your abuser or the suspect/defendant in your case. The relationships that define domestic violence are as follows:

- 1. adults or minors who are current or former spouses (husband/wife or ex-husband/ex-wife).
- 2. adults or minors who live together or have lived together (roommates).
- 3. adults or minors who are dating or have dated (boyfriend or girlfriend).
- 4. adults or minors who are engaged or have engaged in a sexual relationship.

- 5. adults or minors who are related to each other up to the fourth degree of consanguinity, whether of the whole or half blood or by adoption (first cousin or closer, including brothers, sisters, aunts, uncles, and grandparents).
- adults or minors who are related by marriage or formerly related by marriage (mother or father-in-law, stepbrother or sister, brother or sister-in-law).
- 7. persons who have a child of the relationship; and
- 8. minor children of a person in a relationship described in 1-7.

Non-Domestic Violence Relationships

If you **do not** have one of the defined relationships with the suspect/defendant in your case and your case is a stalking or sexual assault case, then you should review the information specific to stalking and/or sexual assault victims (sections 2 and 3 of this booklet). Examples of relationships that may not qualify as domestic violence are:

- 1. friend or former friend
- 2. co-worker or former co-worker
- 3. supervisor or former supervisor
- 4. employee or former employee
- 5. neighbor or former neighbor
- 6. classmate or former classmate
- 7. acquaintance
- 8. legal guardian
- 9. corrections facility employee
- 10. client or former client
- 11. stranger

Mandatory Arrest

When law enforcement becomes aware of an incident of domestic violence they are required to investigate. Officers/troopers are required to make an arrest if there is probable cause (evidence) a crime involving domestic violence has occurred: the perpetrator has been identified and can be located within 12 hours of the incident. After 12 hours, officers/ troopers may arrest the perpetrator with or without a warrant. Evidence includes your statement, the statements of others, injuries, damage to property, etc. It is the responsibility of the state or municipal prosecuting agencies to "press charges." If there is probable cause a crime has been committed, only the police and the prosecutor, not the victim, have the decision to arrest

Additional Information for Victims of DV

Please turn to section IV in this booklet, starting on page 26, to obtain additional information regarding your rights and services available in your community.

Section II: Stalking and Sexual Assault Protective Orders

Police Officers Are There to Help

If you are a victim of stalking or of a sexual assault **that is not a domestic violence crime** and police officers respond to assist you, they are required to give this booklet to you.

If you are a victim of stalking or of a sexual assault **that is not a domestic violence crime,** a police officer may apply, with your consent (permission) for an emergency stalking or sexual assault order (72 hours).

Pages 13-15 of this booklet defines domestic violence relationships and nondomestic violence relationships.

Protective Orders

If you are a victim of a stalking or a sexual assault crime **that is not a domestic violence crime,** you have the right to file a petition in court requesting a protective order that may include any of the following provisions:

1. Prohibit your abuser or stalker from threatening to commit or committing stalking or sexual assault.

2. Prohibit your abuser or stalker from telephoning, contacting, or otherwise communicating directly or indirectly, with you or a designated household member of yours (such as your child or spouse) specifically named by the court. 3. Direct the respondent to stay away from your residence, school, place of employment, or any specified place you frequent; however, the court may order your abuser or stalker to stay away from their own residence, school, or place of employment only if they have been provided actual notice of the opportunity to appear and be heard on the petition.

4. Order other relief the court determines to be necessary to protect you or your designated household member.

Long-term stalking and sexual assault protective orders last for one year.

Within 30 days before or within 60 days after, the expiration of a protective order issued to extend under 18.65.850, a petitioner may petition the court for an extension of a protective order The forms you need to obtain a protective order are available from the police or the courts. Forms are also available online at <u>https://courts.alaska.gov/forms/index.htm</u> and this website also offers directions on filing for an order. It is not necessary to have an attorney to obtain a protective order, but you may consult an attorney if you choose.

If your abuser or stalker violates any provisions of the order, it is very important that you contact the police immediately by calling 911.

Prosecuting Agencies Are There To Help

If the perpetrator has been charged, and you would like to follow the progress of the case, you may contact the nearest District Attorney's Office or Municipal Prosecutor's Office. They may also have a designated victim/witness coordinator who is available to assist you during the length of the case. You can find the contact information for your local prosecutor's office on the back of this booklet.

Section III: Rights of Sexual Assault Victims

As a victim of a sexual assault crime or a sexual abuse of a minor crime, you have specific rights under state law. Below is a summary of some of your rights:

• You may not be charged for the forensic portion of the sexual assault exam.

• If penetration is an element of the offense, you may petition the court to order that your abuser (defendant) submit to a blood test for the presence of HIV and other sexually transmitted infections. You are entitled to free counseling, testing and referral to appropriate health care facilities and support services.

• Your name may not be used in court documents unless the court allows. Instead, your initials will be used.

• Evidence of your past sexual history or reference to it cannot be used in court (inadmissible) unless the court finds a specific relevance.

• Your communications (conversations) with your victim counselor/advocate are confidential, unless the privilege has been waived or an exception applies; and

• Law Enforcement will make a reasonable effort to notify you that your sexual assault examination kit has been tested. This notification should take place within two weeks after your kit is tested by the State of Alaska Crime Lab. • A victim who is 18 years of age or older and not a vulnerable adult may choose an anonymous report if the victim wants to obtain a medical forensic examination with evidence, but at the time of the medical forensic examination chooses not to have personal identifying information provided to law enforcement or participate in the criminal justice system.

Section IV:

Additional Information on Rights and Services

• Your residence, businesses address, and telephone numbers are confidential.

• You are not required to speak with defense counsel (your abuser's attorney).

• You may request a prosecutor or other person to be present during an interview with defense counsel or/and investigator for the defense.

If contacted by defense counsel or/an investigator for the defense, it is okay to ask for identification of the person (name and where they work) and a number where you can call them back. • You may request to participate at your abuser's initial appearance before the court when bail conditions are set. If the case is a domestic violence or sexual assault case, the court must consider your comments when making a decision to release your abuser.



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As a victim of a crime, you also have the right to be told of all hearings regarding the defendant, which include:

(1) initial appearance or arraignment,

(2) bail hearing,

(3) pretrial motions,

- (4) guilty or change of plea,
- (5) trial, and
- (6) sentencing.

You also have the choice to be at the scheduled hearings or not. You may be present in person or via the telephone.

Victim rights allow that you may address the court at bail hearings, change of plea, trial, and sentencing.

The defendant's initial appearance or arraignment for your case is listed on the back of this booklet. For a detailed listing of all of the rights offered to victims of crime in Alaska, go to <u>https://ovr.akleg.gov/</u>

If you do not have internet access, ask your victim advocate, prosecutor, or victim witness coordinator to help you get a copy.

If you have any questions about your rights, you may contact your victim advocate, the prosecutor or the victim witness coordinator. Phone numbers for these persons and their agencies are listed in the back of this booklet. You may also contact the Alaska Office for Victims' Rights (OVR). OVR's contact information is listed on page 10 of this booklet.

For additional info on the rights of victims, please see Alaska Network on Domestic Violence and Sexual Assault's Victim's Legal Rights Handbook. <u>https://andvsa.org/getinformation/womens-legal-rights-handbook.</u>

A Domestic Violence/Sexual Assault Program Is There to Help

Call the agency identified in the back of this booklet. If the agency is not identified, you may call the nearest law enforcement agency for the name and phone number of the shelter or program in your area. An advocate from the program may provide a number of the following:

- Safe shelter and safety planning
- Legal information
- Help in filling out protective order paperwork
- Attend court hearings with you
- Accompany you to the hospital or clinic for a sexual assault forensic medical exam
- 24-hour crisis line
- Transportation to the shelter
- Help file for Violent Crime Compensation

- Clothing and household items
- Books and videos on domestic violence, sexual assault and child abuse

• Access to other community resources such as:

- housing
- social services
- education or counseling
- alcohol/drug treatment
- childcare
- employment
- medical treatment
- legal assistance

Confidentiality

Alaska has confidentiality laws protecting you if you decide to seek services from a domestic violence or sexual assault program. These programs maintain strict principles of confidentiality. The laws in Alaska protect communications between victims of domestic violence and sexual assault and advocates, except in limited circumstances.

What Is an Advocate?

The role of the advocate is to provide support, information, and resources to the victim. Advocates can assist with the many different areas listed on the previous pages. An advocate is one who listens and is non-judgmental. Advocates do not conduct investigations, make assessments of the parties involved or routinely testify in court.

It is important to remember that an advocate will only speak on your behalf at your request and direction. In an effort to ensure the system runs smoothly for you, an advocate can help maintain a positive working relationship with members of law enforcement, prosecution and the courts. Advocates are available 24 hours a day to help you.

You Can Help to Protect Yourself

- Talk with a trusted friend or relative.
- Find out about shelters and safe houses before you need them.
- Have photos taken of your injuries; you may be able to use them later.
- Have a signal with your neighbor for when you need help and ask your neighbor to call the police if they hear suspicious noises coming from your house.
- Keep money, important papers, clothes, car keys and other essential items in a safe place.
- Teach your children to use the telephone or radio to contact the police in case of an emergency.
- Call the police when it is safe, and you can get a protective order from the court.
- Meet with an advocate from a shelter or other program designed to help or with a friend and make a safety plan. Practice this plan with your children.

Know That the Abuse Is Not Your Fault

• Know that nothing you do causes the abuse.

• Know that no one has the right to abuse you.

• Know that you are not the only one being affected. Children from violent homes experience depression, anxiety, fear, low self-esteem and guilt.

• Know that most children raised with abuse learn to use violence as a way to control others by using power and force. Violence allows problems to continue, and the violence often escalates over time.
• Know that relationships based in fear, power, and control are abusive.

• Know that others understand why you would want to stay and that leaving a relationship is not easy.

• Know that abuse often gets worse, more intense, and more frequent. Even ending the relationship may not be enough to protect you from danger without support from others.

• Know that help is available.

Domestic Violence & Sexual Assault Victim Service Programs

ANCHORAGE:

AWAIC

Abused Women's Aid in Crisis 100 W. 13th Avenue Anchorage, AK 99501 907-279-9581 (Office) 24-Hour Crisis Line: 907-272-0100 www.awaic.org

VFJ

Victims for Justice 1057 W. Fireweed Lane, Suite 101 Anchorage, AK 99503 907-278-0977 (Office) 888-835-1213 (Toll Free) www.victimsforjustice.org

STAR

Standing Together Against Rape 1057 W. Fireweed Ln, Ste 230 Anchorage, AK 99503 907-276-7279 (Office) 24-Hour Crisis Line: 907-276-7273 800-478-8999 (Toll-Free) www.staralaska.com

BETHEL: TWC

Tundra Women's Coalition P.O. Box 2029 248 6th Avenue Bethel, AK 99559 24-Hour Crisis Line: 907-543-3456 (Local) 800-478-7799 (Toll-Free) 907-543-3444 (Office) www.tundrapeace.org

CRAIG: HOPE

Helping Ourselves Prevent Emergencies 404 Spruce Street Craig, AK 99921 24-Hour Crisis Line: 907-401-1611 (Advocate Line) 907-826-2581 (Office) www.hope4pow.org

CORDOVA: CFRC

Cordova Family Resource Center P.O. Box 863 Cordova, AK 99574 24-Hour Line: 907-424-4357 907-424-5674 (Local) 866-790-4357 (Toll-Free) 860-407-8001 (Text) www.cordovafamilyreso urcecenter.org

DILLINGHAM: SAFE

Safe and Fear Free Environment, Inc. P. O. Box 94 21 G Street West Dillingham, AK 99576 907-842-2320 (Office) 24-Hour Crisis Line: 800-478-2316 https://www.safebristolbay.org/

EMMONAK: Emmonak Women's Shelter P.O. Box 207 207 Delta Street Emmonak, AK 99581 24-Hour Crisis Line: 907-949-1434 907-949-1443 (Office) www.emmonakshelter.org

FAIRBANKS: IAC

Interior Alaska Center for Non-Violent Living 726 26th Avenue Fairbanks, AK 99701 24-Hour Crisis Line: 907-452-2293 (Local) 800-478-7273 (Toll-Free) www.iacnvl.org

HAINES: Becky's Place Haven of Hope PO BOX 1506 Haines, AK 99877 907-303-0076 beckysplace.haines@gmail.com www.beckysplacehavenofhope. org

HOMER: South Peninsula Haven House

3776 Lake Street Homer, AK 99603 24-Hour Crisis Line: 907-235-8943 (Local) 907-235-7712 (Office) 800-478-7712 (Toll-Free) https://havenhousealaska.org/

HOOPER BAY: Bay Haven Shelter

Sea Lion Corp #4 P.O. Box 261 Hooper Bay, AK 99604 24-Hour Crisis Line: 888-754-4711 (Toll-Free) 907-758-4711 (Local) www.hooperbayshelter.org

JUNEAU: AWARE

Aiding Women in Abuse and Rape Emergencies P.O. Box 20809 Juneau, AK 99802 24-Hour Crisis Line: 907-586-1090 (Local) 800-478-1090 (Toll-Free) Text LOVEIS to 22522 www.awareak.org

KETCHIKAN: WISH

Women in Safe Homes P.O. Box 6652 623 Gateway Dr. Ketchikan, AK 99901 24 Hour Crisis Line: 907-225-9474 (Local) 800-478-9474(Toll-Free) 907-228-4099 (Office) https://www.wishak.org/

KENAI/SOLDOTNA: LSC

The LeeShore Center 325 S. Spruce Street Kenai, AK 99611 24-Hour Crisis Line: 907-283-7257 (Local) 907-283-9479 (Office) www.leeshoreak.org

KODIAK: KWRCC

Kodiak Women's Resource & Crisis Center 422 Hillside Drive Kodiak, AK 99615 24-Hour Crisis Line: 907-486-3625 (Local) 888-486-3625 (Toll-Free) 907-486-6171 (Office) www.kwrcc.org

KOTZEBUE: MFCC

Maniilaq Family Crisis Center P.O. Box 43 Kotzebue, AK 99752 24-Hour Crisis Line 907-442-3321 (Local) 1-800-431-3321 (Toll-Free) www.maniilaq.org/contact

PALMER: AFS

Alaska Family Services 1825 S. Chugach St Palmer, AK 99645 24-Hour Crisis Line: 907-746-8026 (Local) www.akafs.org NOME: BSWG Bearing Sea Women's Group P.O. Box 1596 Nome, AK 99762 24-Hour Crisis Line: 907-443-5444 (Local) 800-570-5444 (Toll-Free) 907-443-5491 (Office) www.beringseawomensgrou p.org

PETERSBERG: WAVE

Working Against Violence for Everyone PO Box 415 Petersburg, AK 99833 24-Hour Crisis Line: 907-772-9283 www.petersburgwaye.org

SEWARD: SCS

Seaview Community Services 302 Railway Avenue Seward, AK 99664 24-Hour Crisis Line: 907-224-3027 907-224-5257 (Office) www.seaviewseward.org

UNALASKA: USAFV

Unalaskans Against Sexual Assault & Family Violence P.O. Box 36 Unalaska, AK 99685 24-Hour Crisis Line: 907-581-1500 (Local) 800-478-7238 (Toll-Free) 907-359-1500 (Text) www.usafvshelter.org/

SITKA:

SAFV Sitkans Against Family Violence P.O. Box 613 Sitka, AK 99835 24-Hour Crisis Line: 907-747-6511 (Local) 800-478-6511 (Toll Free) 907-623-7820 (Text) 907-747-3370 (Office) www.safv.org

UTQIAGVIK: AWIC

Arctic Women in Crisis 5125 Herman Street Utqiagvik, AK 99723 24-Hour Crisis Line: 907-852-0261 (Local) 800-478-0267 (Toll-Free) <u>https://www.northslope.org/departments/healthh-socialservices/behavioral-healthservices/arctic-women-incrisis/</u>

VALDEZ: AVV

Advocates for Victims of Violence P.O. Box 524 Valdez, AK 99686 24-Hour Crisis Line: 907-835-2999 (Local) 800-835-4044 (Toll-Free) 907-835-2980 (Office) www.avvalaska.org

Notes

Notes

Mandated Reporting Information for Law Enforcement Officers*

Office of Children's Services: Phone: 1-800-478-4444 Email: <u>ReportChildAbuse@alaska.gov</u> <u>dfcs.alaska.gov/ocs</u>

Adult Protective Services: Phone: 1-800-478-9996 <u>dhss.alaska.gov/health/dsds</u>

*Any person can report child abuse or abuse of a vulnerable adult.

Advisal for Victims of Nonfatal Strangulation for Law Enforcement Officers

It is important I warn you that strangulation is serious and can cause internal injuries, brain damage and/or delayed health consequences such as strokes, thyroid issues, miscarriage and/or death. Research shows that if you are strangled even one time, you are 750% more likely to be killed by your partner. We strongly encourage you to seek immediate medical attention at an emergency department or from a medical provider and ask for support from an advocate.

* Important Information

Trooper/Officer (name and agency):

Contact #:

Law Enforcement Case #:

Domestic Violence/Sexual Assault Program:

District Attorney's/Prosecutor's Office:

* Initial Appearance Notice

The defendant's initial appearance or arraignment for your case will occur:

Date:

Time:

Location: