High referral rate for VPSO-assisted sex assault cases

Brad A. Myrstol

This article reports findings from a recent study examining the impact of Alaska’s Village Public Safety Officer (VPSO) program on the criminal justice response to sexual abuse of a minor (SAM) and sexual assault (SA) cases closed by the Alaska State Troopers (AST) between January 1, 2008 and December 31, 2011 in western Alaska. This work follows a previous study conducted by the UAA Justice Center that found that “paraprofessional police” involvement in SA/SAM cases significantly increased the likelihood of acceptance for prosecution (Wood, et al., 2011). That research did not, however, focus on the effect of VPSO involvement specifically.

This study examines the impact of VPSO involvement in SA/SAM investigations at two decision points in the progress of a case toward prosecution:

- Percent of cases with VPSO involvement that are referred by Troopers for prosecution.
- Percent of cases with VPSO involvement that, once referred, are accepted for prosecution by prosecutors.

The findings reported are based on a random sample of 683 SA/SAM incidents that occurred in communities throughout western Alaska outside the North Slope Borough. The sample represents slightly more than half (56.5%) of all SA/SAM cases closed by AST during the study period and was relatively evenly split between SA and SAM cases.

State-funded paraprofessional police

The VPSO program, the sole paraprofessional police model funded by the state, is one of three distinct forms of paraprofessional police used to bolster the public safety and law enforcement services provided to Alaska’s rural communities. VPSOs, along with Tribal Police Officers (TPOs) and Village Police Officers (VPOs) — which are not state funded, help address the logistical and cultural challenges of policing rural Alaskan villages. Many already live in Alaska’s rural communities, are immersed in local cultures, and possess a deep understanding of each community’s people and public safety needs. (For a comparison of paraprofessional police and certified police see Table 1 on p. 2.)

The VPSO program, in operation since 1981, differs from certified police officers in three important ways. VPSOs are certified and regulated by the Alaska Department of Public Safety (DPS) not by the Alaska Police Standards Council (APSC), which is the body responsible for certifying and regulating the state’s police officers (APSC, 2017).

Second, VPSOs — though funded through state grants — are not employed by the State of Alaska, police departments, or villages. They work for, and are supervised by, regional non-profit Native corporations or boroughs. (Alaska State Troopers, 2018).

Third, while APSC police officer certification requires a minimum of 650 continuous hours of instruction focused on law enforcement, VPSO training requires a minimum of 240 hours with a broad public safety emphasis that includes first responder basic first aid,
VPSOs
(continued from page 1)

CPR and emergency trauma training, rural fire protection, and search and rescue. VPSOs serve as a “force-multiplier” for Troopers, who are ultimately responsible for investigation and referral of cases.

► VPSO first responders and more

VPSO involvement in SA/SAM cases was reported at a number of points, including as a first responder, as an assistant in the subsequent investigation, and as support for victims and their families.

VPSOs served as a “force-multiplier” for Troopers, who are ultimately responsible for investigation and referral of cases. In that study, paraprofessional police were the first to be notified in 13.7 percent of SA/SAM cases: 6.7 percent of cases were first reported to VPSOs, 6.5 percent were first reported to VPOs, and 0.5 percent were first reported to TPOs.

This study differs from prior work by assessing not only first responding but also the role of VPSOs in the investigation of cases and post-incident support to victims and their families.

► VPSO first responders and more

VPSO involvement in SA/SAM cases was reported at a number of points, including as a first responder, as an assistant in the subsequent investigation, and as support for victims and their families.

VPSOs were first responders in 7.5 percent of all SA/SAM cases during the study period. While Alaska State Troopers were first responders in more than three quarters of the cases (77.5%), paraprofessional police officers were first responders in 18.0 percent. Among the paraprofessional response, VPSOs were first responders 7.5 percent of cases, slightly less than VPOs at 8.9 percent. TPOs were first responders in 1.6 percent of the cases.

When all of these measures — first responder, interview assistance/participation, evidence collection/securing — were combined into a single measure, VPSOs were involved in the investigation of SA/SAM incidents in nearly 1 out of every 7 cases.

Table 1. Alaska’s paraprofessional police v. certified police

<table>
<thead>
<tr>
<th>Paraprofessional police</th>
<th>Certified/regulated by</th>
<th>Training hours required</th>
<th>Employed by</th>
<th>Age requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Village Public Safety Officer (VPSO)</td>
<td>Alaska Department of Public Safety</td>
<td>240 hours</td>
<td>regional nonprofit corporation or borough</td>
<td>21 years old</td>
</tr>
<tr>
<td>Tribal Police Officer (TPO)</td>
<td>–</td>
<td>–</td>
<td>village tribal council or unincorporated community</td>
<td>19 years old</td>
</tr>
<tr>
<td>Village Police Officer (VPO)</td>
<td>Alaska Police Standards Council</td>
<td>48 hours</td>
<td>unincorporated village with a population of less than 1,000</td>
<td>19 years old</td>
</tr>
<tr>
<td>Certified police officer</td>
<td>Alaska Police Standards Council</td>
<td>650 hours</td>
<td>full-time as paid police officer of an Alaska police department</td>
<td>21 years old</td>
</tr>
</tbody>
</table>

Village Public Safety Officers (VPSOs), Tribal Police Officers (TPOs), and Village Police Officers (VPOs), provide paraprofessional police services to rural communities. Each of these paraprofessional police models, which do not have the authority or training of police officers, have their own specific certifications and regulations. The chart above provides some basic distinctions between paraprofessional police and certified police officers in Alaska.

When all of these measures — first responder, interview assistance/participation, evidence collection/securing — were combined into a single measure, VPSOs were involved in the investigation of SA/SAM incidents in nearly 1 out of every 7 cases.

In addition to assisting with investigations, VPSOs helped link victims and their families to support services. In total, 13 case records indicated that VPSOs provided some form of post-incident support to victims and/or victims’ families, including but not limited to medical referrals, victim advocacy referrals, and assistance with transportation.

► VPSO cases more likely to be referred

The primary objective of this study was to assess the extent to which VPSO involvement in the investigation of SA/SAM cases enhances the criminal justice response to reported SA/SAM incidents by increasing the likelihood that SA/SAM cases will be referred to official authorities.
for prosecution and, given referral, increasing the likelihood that SA/SAM cases will be accepted for prosecution.

In total, 474 SA/SAM cases in the sample were referred for prosecution. Although approximately two-thirds (67.1%) of SA/SAM cases were referred when Troopers and other sworn police officers were first responders, more than 70 percent of cases in which VPSOs were first responders and nearly 85 percent of cases in which VPOs or TPOs were first responders resulted in a referral for prosecution.

79.7 percent of paraprofessional cases referred

Overall, 67.1 percent of SA/SAM cases involving a sworn officer (AST investigators plus other sworn police officers) as first responder were referred for prosecution compared to 79.7 percent of cases involving a paraprofessional police officer as first responder.

VPSO first responder cases most likely to be accepted for prosecution

The likelihood that SA/SAM cases would be accepted for prosecution was enhanced when VPSOs, VPOs, and TPOs were first responders. VPSOs had the highest acceptance rate (47.6%), followed closely by VPOs and TPOs (40.0%). Alaska State Trooper cases had an acceptance rate of 38.5 percent. Overall, 37.1 percent of SA/SAM cases involving a sworn officer (Troopers and other sworn officers) as first responder were accepted for prosecution compared to 42.6 percent of cases involving a paraprofessional police officer.

Expanded understanding of VPSO role

This article expands our understanding of the important role that VPSOs play in providing first response support and investigative support in SA/SAM cases in rural Alaska. It shows the impact that VPSO and other paraprofessional police support have on the likelihood of cases being referred for prosecution and ultimately accepted for prosecution.

While analyses presented in this article are limited, they nevertheless provide useful information for understanding the unique role played by VPSOs in the criminal justice response to sexual violence committed in Alaska's tribal communities.

First, the analyses suggest that paraprofessional police — VPSOs, VPOs, and TPOs — enhance the criminal justice response to sexual

### Table 2. VPSO investigative activities in SA/SAM incident investigations, 2003–2011

<table>
<thead>
<tr>
<th>VPSO activity</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Present during interviews (non-participant)</td>
<td>38</td>
<td>5.6%</td>
</tr>
<tr>
<td>Scheduling interviews</td>
<td>37</td>
<td>5.4</td>
</tr>
<tr>
<td>Conduct interviews alone</td>
<td>20</td>
<td>2.9</td>
</tr>
<tr>
<td>Conduct interviews with Alaska State Troopers</td>
<td>20</td>
<td>2.9</td>
</tr>
<tr>
<td>Evidence collection</td>
<td>19</td>
<td>2.8</td>
</tr>
<tr>
<td>Securing crime scene</td>
<td>18</td>
<td>2.6</td>
</tr>
<tr>
<td>Securing evidence collected</td>
<td>15</td>
<td>2.2</td>
</tr>
</tbody>
</table>

a. VPSO activities not mutually exclusive. Individual VPSOs could have been coded for none of the items, one of the items, or any combination of items.
violence by increasing the likelihood that SA/SAM cases will be referred and accepted for prosecution. For sexual violence survivors this means that paraprofessional police involvement in the response to these crimes improves the likelihood that perpetrators will be held accountable.

Although the focus of our study was on VPSO involvement, we did not find that VPSO involvement produced materially better criminal justice outcomes than VPO involvement or TPO involvement. The results, however, reaffirm the findings of Wood et al.’s 2011 study: it is the presence and participation of paraprofessional police in general, not a specific paraprofessional police model, that enhances the criminal justice response to SA/SAM incidents occurring in Alaska’s tribal communities.

That VPSO involvement is on par or better than other paraprofessional police involvement, underscores the ability of the program to deliver positive outcomes. This is an important policy consideration since it is the only state-funded paraprofessional police program.

VPSOs, VPOs and TPOs were first responders in an estimated 18 percent, roughly one out of every 5, SA/SAM incidents reported. VPSOs, specifically, were identified as first responders in slightly less than half of that total.

This study expands our understanding of VPSO involvement in SA/SAM cases beyond the role of first responder. VPSOs actively contribute to the investigation of SA/SAM incidents by securing crime scenes, collecting and documenting evidence, conducting interviews, and providing victims and their families with important supports. How this additional VPSO involvement may enhance criminal justice outcomes is not calculated here. Nor have we made an assessment of the participation of VPOs and TPOs beyond their role as first responders. There is much yet to be learned concerning the impact of paraprofessional police in rural communities.

▶ Funding disclosure
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Find full citations online.
Brad Myrstol is director of the Justice Center.

Alaska Victimization Survey: Aleutian/Pribilof Islands

The results of the 2014–2015 Alaska Victimization Survey for the Aleutian/Pribilof Island region were released on March 13, 2018, to the Unalaska City Council. The troubling numbers show that:

• 45% of adult women in the Aleutian/Pribilof Island region have experienced intimate partner violence, sexual violence or both, in their lifetime;
• More than two out of every five adult women in the Aleutian/Pribilof Island region have experienced intimate partner violence in their lifetime; and
• One in four women in the Aleutian/Pribilof Island region have experienced sexual violence in their lifetime.

Due to the survey’s limitations, estimates may be conservative.

The survey was designed to measure the lifetime exposure to sexual violence and intimate partner violence. It was conducted from April to June 2014 and from May to August 2015 through a contract with the Council on Domestic Violence and Sexual Assault (CDVSA). Respondents were randomly selected by phone (using both land lines and cell phones).

Details of the survey and further background on the project are available at the Alaska Victimization Survey website (http://www.uaa.alaska.edu/justice/avs). For more information about CDVSA, visit http://www.dps.state.ak.us/CDVSA/.

▶ Unalaskans Against Sexual Assault and Family Violence
Unalaskans Against Sexual Assault and Family Violence (USAFV) provides a safe haven for victims of sexual assailant and family violence, and USAFV plays an active role in educating the public in how to recognize victimization and how to avoid becoming a victim. Contact USAFV for crisis intervention, referrals, immediate safety, legal advocacy and support, education and prevention programs. Their 24-hour crisis line is 907-581-1500 in Unalaska and 1-800-478-7238 throughout Alaska.
Sexual Assault Kit Initiative: Alaska making progress

Pamela Cravez

In February 2018, Ohio finished testing nearly 14,000 sexual assault kits (SAKs), also known as rape kits, which had previously been untested. What began in 2011 with a special initiative from the Ohio Attorney General to address untested kits resulted seven years later in 300 serial offenders linked to 1,125 crimes, mostly rapes, in Ohio. Along the way, policies were developed to submit all rape kits to the crime laboratory for DNA testing, to identify offenders, and ensure that relevant DNA would be included in the national database.

It is estimated that there may be more than 200,000 untested sexual assault kits throughout the country (Campbell et al., 2017). Initiatives to test these kits have resulted in solving crimes, identifying serial rapists, exonerating the innocent, providing DNA to the national Combined DNA Index System (CODIS) for use throughout the country, and establishing policies for future testing of sexual assault kits.

In 2015, the Bureau of Justice Assistance (BJA) began the Sexual Assault Kit Initiative (SAKI), providing grant support and technical assistance to state and local jurisdictions to support a coordinated, victim-centered approach to both deal with untested sexual assault kits and create sustainable future policies to deal with sexual assault cases.

► Alaska SAKI

In 2016, the Alaska Department of Public Safety (DPS) received a $1.1M three-year SAKI grant to identify kits that had not been submitted to the crime lab for testing and, with the assistance of a group of statewide stakeholders/experts, develop victim-centered policies and procedures for processing. A second, $450,000 grant in 2017 supports a prosecutor, cold case investigator, and UAA Justice Center researcher. The Justice Center researcher will look at the correlation between characteristics of unsubmitted cases and case processing decisions with the goal of supporting the creation of data-driven public policies (Monegan, 2017: 3). Unsubmitted and untested sexual assault kits collected by Troopers have been identified. There are 764 unsubmitted kits of which 700 are victim kits and the focus of SAKI. The cases have been digitized, and by the summer of 2018 all kits will have been sent to a private lab out of state for testing.

“We are only focusing on kits collected by Troopers,” said Randi Breager, criminal justice planner for the Alaska State Crime Detection Laboratory. Breager is co-site coordinator for SAKI with Major Bryan Barlow. “This will serve as a pilot project for law enforcement statewide,” Breager added.

After DPS received SAKI funding, the Alaska State Legislature passed SB55, a bill requiring a statewide SAK inventory, a plan to address untested kits statewide and a plan to prevent a future backlog.

In November 2017, a statewide SAK inventory showed a total of 3,484 untested sexual assault kits, including untested DPS kits. The highest number of kits, 1,823, are held by the Anchorage Police Department.

Figure 1. Unsubmitted sexual assault kits by department

About 94% of sexual assault kits belonged to 7 agencies.

Source: Monegan, 2017 (Alaska Department of Public Safety)

Figure 2. Unsubmitted sexual assault kits by type

3,484 previously unsubmitted sexual assault kits were inventoried by 46 law enforcement agencies.

Source: Monegan, 2017 (Alaska Department of Public Safety)
that will be helpful for all,” Breager said.

commander of the Anchorage Police Depart-
ment of our statewide working group, including a
the heart of both projects. “The expertise
writing and implementing policy change is at
each other, according to Breager. Develop-
ing under SB55 are parallel and will complement
them are identified victim kits as compared
submitted SAK statewide and how many of
(continued from page 5)

SAKI
(continued from page 5)

Figures 1 and 2 show the breakdown of un-
submitted SAK statewide and how many of
them are identified victim kits as compared to
offender or anonymous.

SAKI and the statewide project required
under SB55 are parallel and will complement
each other, according to Breager. Develop-
ing and implementing policy change is at
the heart of both projects. “The expertise
of our statewide working group, including a
commander of the Anchorage Police Depart-
ment, will guide the creation of a template
that will be helpful for all,” Breager said.

Why kits weren’t tested

Most kits in Alaska were not tested be-
cause it was determined that DNA evidence
was not needed or not necessary for pros-
ection. This would result if a case were
decided for prosecution, rested on an issue
of consent, or had already been adjudicated.
A kit could also have been collected outside
the time frame (Monegan, 2017: 4).

Other reasons police may not have sub-
mitted kits for testing because they did not
think it would be useful.

Systemic issues such as budget cuts, lack
of written policies and protocols for sub-
mission, and lack of training have also been
cited (Bettinger-Lopez, 2016; Hanson, 2017).

What’s happening now?

Alaska changed protocol in January 2018
requiring all newly collected SAKS be sent to
the Alaska State Crime Detection Laboratory
(SCDL) for testing or storage. If testing is not
requested, an explanation will be required in
writing.

Although there will be ongoing policy
and protocol recommendations from Alas-
ka SAKI, a final report is not due until June
2019. Challenges identified in the recent
DPS report to the Alaska State Legislature in-
clude the availability of resources for system-
atizing collection, implementing a tracking
system and retention of DNA and evidence
throughout the state.

Decisions will also need to be made
regarding the testing of additional untested
kits identified throughout the state and not
part of SAKI. Another question is whether
Alaska will require all kits to be tested in the
future.

Addressing untested kits and developing
future protocols is complex. Through Alaska’s
SAKI grant, DPS and its working group
of experts and stakeholders are receiving
training and assistance in establishing
“effective and sustainable practices for
collecting and processing forensic evidence,
investigating and prosecuting sexual assault
cases, and supporting survivors of sexual
assault” (www.sakitta.org).

Find full citations online.
Pamela Chavez is editor of the Alaska
Justice Forum.
Sequential Intercept Model: Framework for a ‘wicked problem’

Pamela Cravez

The Sequential Intercept Model and Criminal Justice: Promoting Community Alternatives for Individuals with Serious Mental Illness
Edited by Patricia A. Griffin, Kirk Heilbrun, Edward P. Mulvey, David DeMatteo, and Carol A. Schubert
New York: Oxford University Press, 2015

It is only late in a recent book about developing effective community-based programs for people with serious mental illness that contributing authors land on an apt description for this challenge: It’s a “wicked problem.”

The term “wicked problem” comes from a 1973 paper by Horst Rittel and Melvin Webber to describe complex social policy challenges that defy rational planning because they cross systems, are approached from multiple perspectives, have no clear ownership or accountability. Solutions which may or may not work require consensus and political will (Rittel & Webber, 1973; Leifman & Coffey, 2015: 194–195).

This is important to keep in mind while reading The Sequential Intercept Model and Criminal Justice.

In Alaska, and across the country, people with serious mental illness (SMI) are being incarcerated at ever increasing rates. Policy-makers recognize that traditional incarceration is not effective with this population and merely serves as a revolving door. For many years, there have been efforts to divert SMI from the criminal justice system. In 2006, Drs. Mark Munetz and Patricia Griffin developed the Sequential Intercept Model.

The Sequential Intercept Model offers five points during the criminal justice process at which a person with serious mental illness could be provided community-based treatment and “alternative sanctions” (Heilbrun, DeMatteo, Strohmaier, & Galloway, 2015: 5). The underlying assumption of the model is that “people with mental disorders should not ‘penetrate’ the criminal justice system at a greater frequency than people in the same community without mental disorders” (p. 6 quoting Munetz & Griffin, 2006: 544).

The five places at which a person with SMI could be diverted are:

1. When law enforcement or emergency services come in contact with a person with SMI
2. The initial court hearing where bail is set or detention imposed
3. At the disposition of a person’s case — either by court or jail
4. At the time a person re-enters the community from jail or forensic hospitalization
5. At the point that a person is being supervised by corrections while in the community or receiving community support.

The book is structured as a series of articles about community efforts undertaken at points along the Sequential Intercept Model that have the goal of being more clinically effective and cost effective than incarceration, while maintaining public safety.

Contributors acknowledge that many practices are not evidence-based. Sometimes this is because there have not been enough studies and those programs which have been studied yielded results that were not statistically significant. Other interventions reduced recidivism but did not improve mental health outcomes. Some programs did not reduce recidivism but had other positive consequences.

At the first intercept point, when law enforcement or emergency services come in contact with a person with SMI, many jurisdictions employ specialized police responses. These responses include the use of officers with training in recognizing the signs and symptoms of mental illness and de-escalation techniques. However, studies do not show any fewer arrests for individuals with SMI who are diverted than for those who are not diverted. There is evidence, though, that law enforcement officers suffer fewer injuries (Reuland & Yasuhara, 2015: 47).

There is also evidence that therapeutic courts and drug courts are effective at reducing recidivism. While authors Liu and Redlich (chap. 5) are critical of some studies, they do acknowledge the benefits of these courts in terms of cost savings and lower recidivism.

Please see Sequential intercept, page 8
Sequential Intercept Model workshop in Anchorage

The Alaska Department of Corrections is sponsoring a two-day workshop for a diverse group of stakeholders on the Sequential Intercept Model and how it can be used to reduce recidivism among those who reenter communities from correctional facilities. The workshop will be facilitated by Policy Research Associates (PRA) and the SAMHSA GAINS Center for Behavioral Health and Justice Transformation. PRA and GAINS provide technical assistance throughout the country on the Sequential Intercept Model. They will help stakeholders with resource mapping and understanding gaps and barriers, as well as provide a draft strategic plan for future action. The meeting, May 17–18, will be in Anchorage.

Sequential intercept
(continued from page 7)

There is a growing body of research that shows programs that rely exclusively on treating mental illness are ineffective at preventing recidivism. This is because most crimes committed by people with a mental illness (as many as 90%) are not a direct result of symptoms (Louden et al., 2015: 126).

Research suggests that people with mental illness have many of the same criminogenic risk factors as others. These include substance abuse, problems with employment, dysfunctional family relationships, homelessness, trauma, and antisocial associates.

The Risk-Need-Responsivity model for correctional supervision may be effective (Louden et al., 2015: 126 citing Andrews et al., 1990; Bonta & Andrews, 2007). This model supports higher intensity and targeted supervision tailored to individual needs for those who are higher risk for re-offending.

Targeted treatment and case management have shown some promise.

Assertive Community Treatment, Forensic Assertive Community Treatment, and Intensive Case Management provided at the time a person re-enters the community from jail or forensic hospitalization (Intercept 4) are proving effective, according to authors Osher and King (chap. 6). But their effectiveness relies upon how well programs are implemented. While they reduce subsequent incarcerations when implemented well, they may not produce better mental health outcomes.

Specialized Community Caseloads is emerging as a best practice. (Intercept 5; Osher & King, 2015: 106 citing Skeem & Manchak, 2008). This approach gives parole/probation/case managers specialized training for dealing with people with mental illness, smaller caseloads, and an emphasis on problem solving strategies. Case managers also develop an extensive collaboration with community-based providers (Prins & Draper, 2009).

While there are many promising approaches, the “wicked problem” of providing community-based programs for people with serious mental illness persists.

Incarceration numbers for people with mental illness are not going down. Some reasons include the “reluctance to offer pretrial release and deferred prosecution to those with serious mental illness” (Heilbrun, DeMatteo, Brooks-Holliday & Griffin, 2015: 59). Those with both lifetime and current mental illness are more likely to be incarcerated for the current offense than someone without a mental illness (p. 58). Even if those with SMI do not commit another offense, they are 120 percent more likely to commit a technical violation on probation or parole than others — which contributes to their high incarceration rates (Louden et al., 2015: 121).

Contributors in this book acknowledge the challenges of community-based support for individuals who have serious mental illness. They also acknowledge the need to work collaboratively across disciplines and systems to build consensus and the political will to address these challenges step by step.

Find full citations online.

Pamela Cravez is editor of the Alaska Justice Forum.
References for the Spring 2018 print issue

“High referral rate for VPSO-assisted sex assault cases” by Brad A. Myrstol (pp. 1–4).

References


“Previous Forum articles on VPSOs


“Sexual Assault Kit Initiative: Alaska making progress” by Pamela Cravez (pp. 5–6).


References for the Spring 2018 print issue (continued)

”Sequential Intercept Model: Framework for a ‘wicked problem’” by Pamela Chavez (pp. 7–8)


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