



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

July 24, 2015

A handwritten signature in cursive script, reading "Taylor E. Winston".

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INTRODUCTION

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

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

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

MISSION STATEMENT

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

OVERVIEW OF THE ALASKA OFFICE OF VICTIMS' RIGHTS

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

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

2. *Investigating Complaints by Victims*

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

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

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

3. *Obtaining Information from Criminal Justice Agencies*

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

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

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

OVR is obligated to maintain strict standards of confidentiality with respect to its records, investigations, and communications with clients. OVR is required by law to keep confidential all

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

5. *Publication of OVR Findings Following an Investigation*

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

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

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

7. *OVR has Broad Civil and Criminal Immunity*

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

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

Alaska law provides:

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

THE OVR TEAM

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

Taylor E. Winston, Executive Director

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

Katherine J. Hansen, Victims' Rights Attorney

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

Shaun M. Sehl, Victims' Rights Attorney

Ms. Sehl grew up in Minnesota. She attended Loyola College in Baltimore, Maryland, graduating in 1988, and University of Oregon School of Law, graduating in 1993. Ms. Sehl came to Alaska in September 1993 to serve as the first on-site Law Clerk for Judge Curda in Bethel, Alaska. In the fall of 1994, she became the Law Clerk and Visiting Magistrate for the judges in the Second Judicial District, including Nome, Kotzebue and Barrow, and regularly traveled to all three locales. In 1996, Ms. Sehl became the first on-site Assistant Attorney General in Bethel, representing the Department of Health and Social Services in Child in Need of Aid and Juvenile Delinquent Cases. In 1998, Ms. Sehl moved to the Bethel District Attorney's Office, serving as a prosecutor until December 1999. Ms. Sehl returned to Minnesota from 2000 to 2007 to work in

the private sector with other family members in a start-up import business. Ms. Sehl returned to Anchorage in February 2007 to take her current position with the Office of Victims' Rights.

Trina M. Sears, Victims' Rights Attorney

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

Joseph Young, Investigator

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

Canice Bryson, Office Manager/Paralegal

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

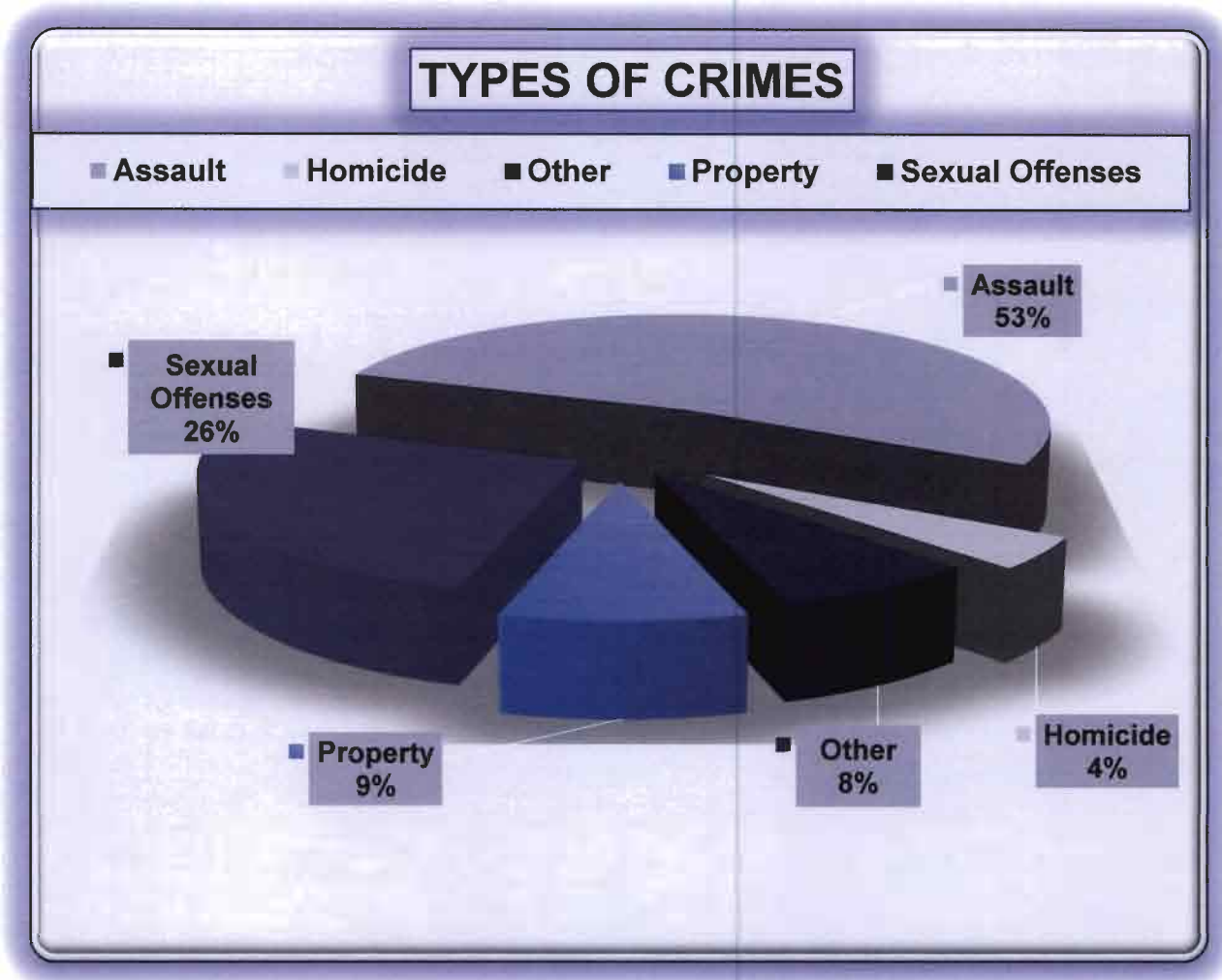
Jenni Summers, Legal Secretary/Special Projects Coordinator

Mrs. Summers grew up in Southern California where she was a police officer from 1996 to 2002. From 2002 to 2004, she worked as the Substance Abuse Program Coordinator and Case Manager at 2 separate domestic violence shelters in Joshua Tree, CA and Oceanside, CA. In 2004, she became an Investigator conducting background investigations for Federal Security Clearances. She continued in her role as an investigator until 2012 when she and her family moved to Anchorage. At that time, she took a position in the DV Unit at the Anchorage Municipal Prosecutors Office. She joined OVR in May 2014.

LEGAL SERVICES PROVIDED BY OVR

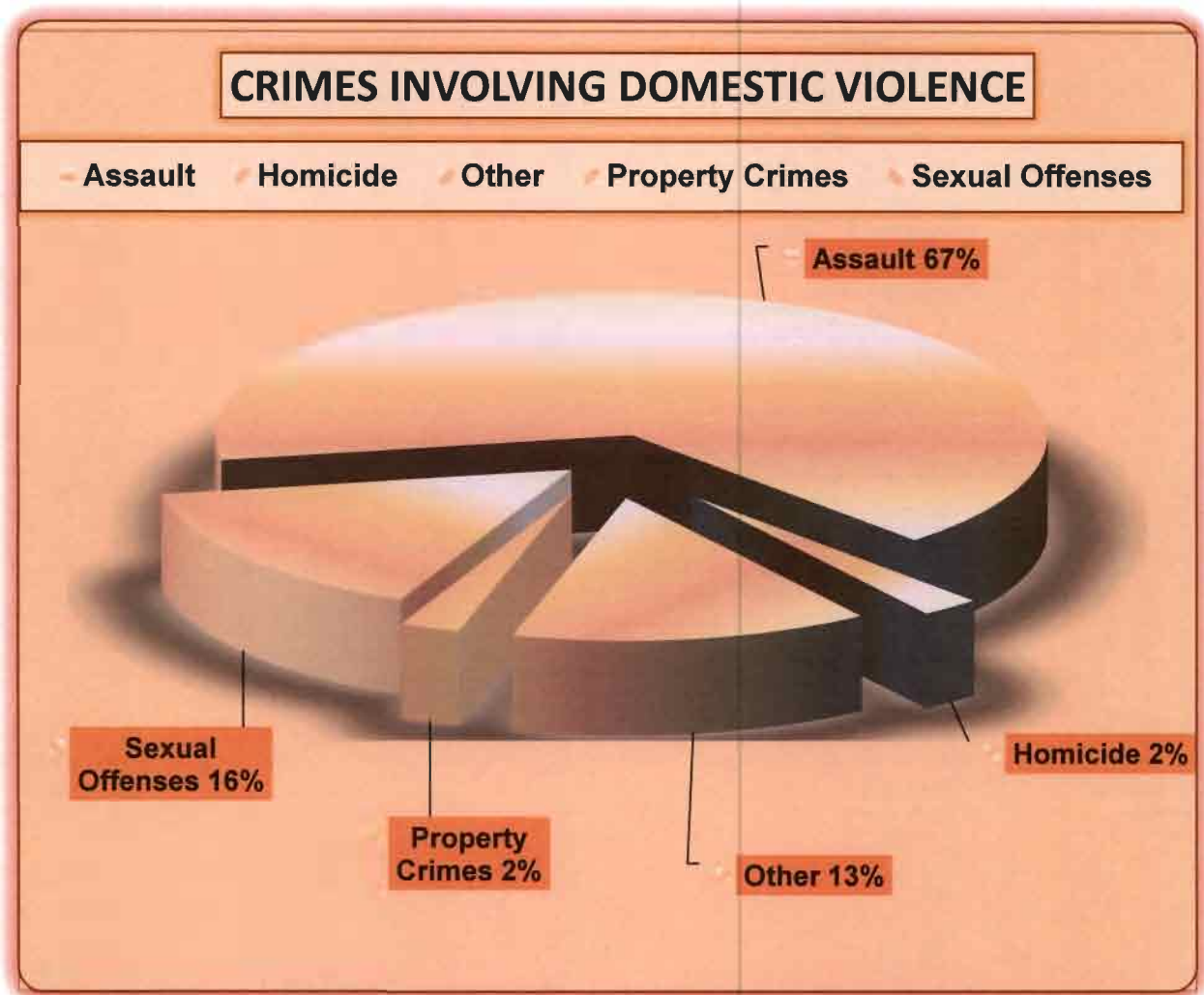
The following information pertains to the legal cases handled by OVR during the current reporting period of July 1, 2014 through June 30, 2015. During this period, 295 cases were opened by OVR requiring active legal assistance on behalf of crime victims.

OVR Opened 295 New Cases between July 1, 2014 and June 30, 2015

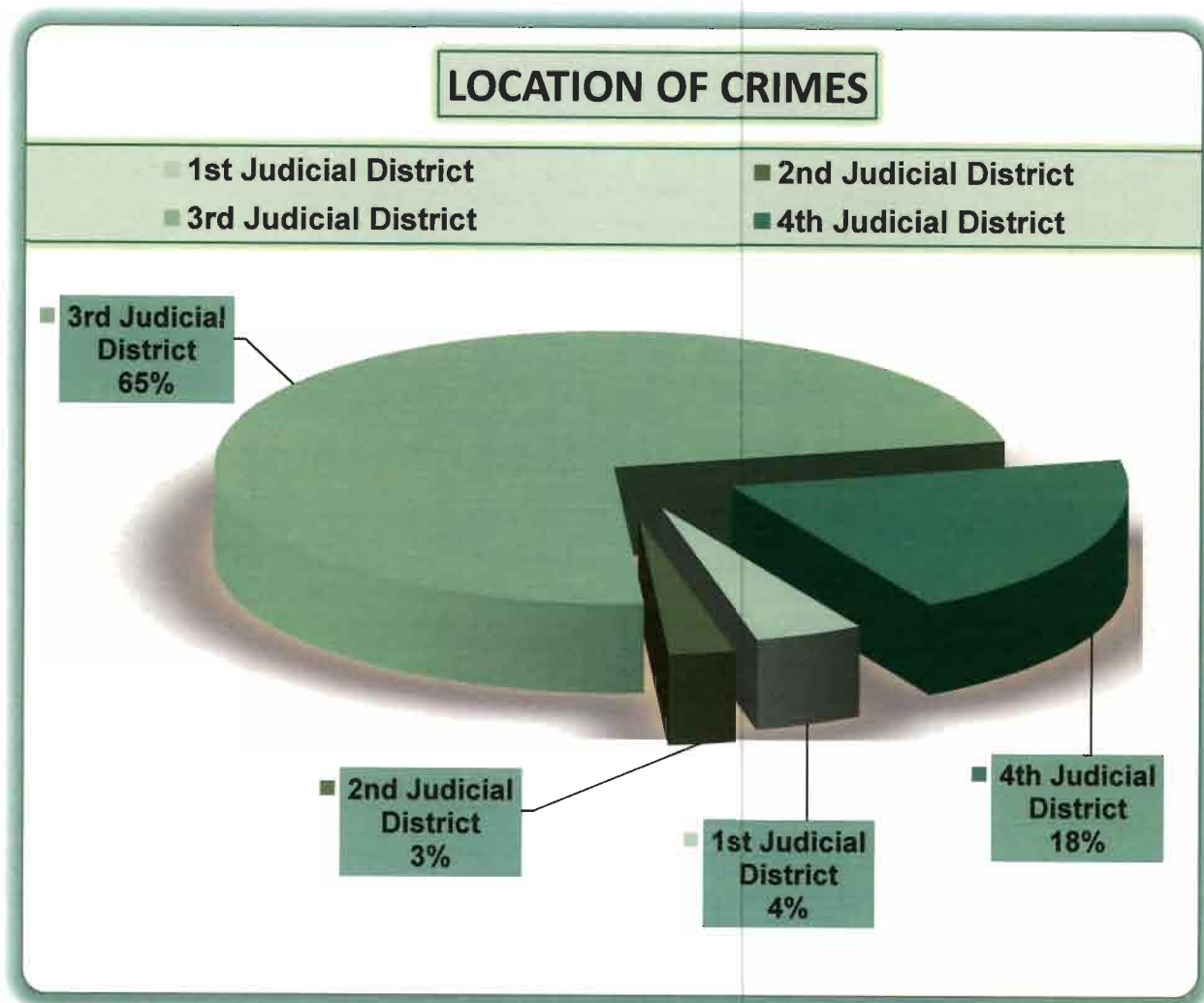


OVR primarily assisted victims who experienced crimes against the person. These crimes involve homicide, kidnapping, assault, robbery and sexual offenses. Fifty-three percent (53%) of OVR's caseload involved crimes of assault. Twenty-six percent (26%) of OVR's caseload centered on sexual abuse of minors and sexual assault crimes. Compared to last year, OVR represented a lower percentage of property and homicide victims in the current reporting year.

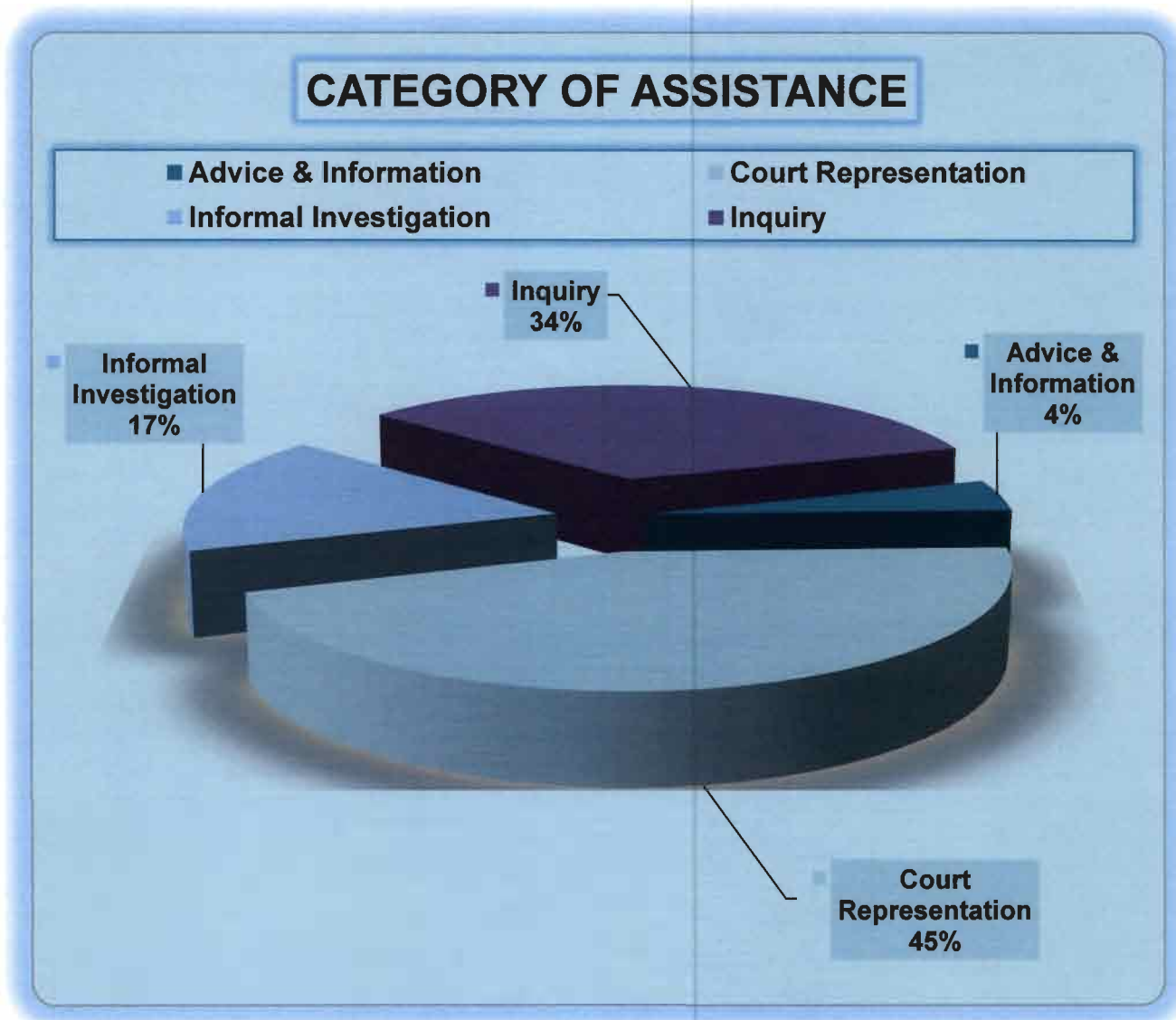
OVR continues to assist a high number of victims of domestic violence. The number of domestic violence cases handled by OVR in the current reporting year stayed approximately the same as in the previous year. Forty-three percent (43%) of OVR's caseload involves domestic violence crimes. Of the crimes of domestic violence, a large majority (67%) of those were assault crimes.



The majority of OVR cases originated in the Third Judicial District. Given that this district comprises the most populated region of the state — Anchorage, the Matanuska-Susitna Valley, and the Kenai Peninsula, it is no surprise that sixty-five (65%) of OVR's caseload originated in the Third Judicial District. OVR saw a two percent (2 %) increase over last year's statistics in the number of cases originating in the Fourth Judicial District.



OVR tracks crime victim data according to judicial district. OVR handled 13 cases in the First Judicial District, 8 cases in the Second Judicial District, 215 cases in the Third Judicial District, and 59 cases in the Fourth Judicial District. In each judicial district, OVR primarily served victims of sexual offenses and physical assault. OVR continues to represent clients in court, distribute information, conduct trainings, and pursue investigations on behalf of crime victims across the state of Alaska.



REPRESENTATION OF CRIME VICTIMS IN ALASKA COURTS

The information below summarizes the assistance provided to crime victims by OVR during the last fiscal year:

Almost one-half of OVR's caseload requires in-court representation of crime victims. OVR also provides substantial informational services for Alaska crime victims by responding to general inquiries and providing case specific advice.

Advice and Information:

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

Inquiry:

One hundred (100) crime victims came to OVR with particular problems or concerns regarding active criminal cases. These clients filed formal written requests with OVR. These cases required OVR to seek documentary evidence from justice agencies. In addition, these cases required significant hands-on involvement with the victims by OVR attorneys and staff. Often these cases require the development of a cooperative relationship between OVR, the client, and the justice agencies involved.

Informal Investigation:

Forty-nine (49) crime victims came to OVR with significant problems or concerns regarding active criminal cases during the current reporting period. These clients filed formal written requests with OVR, and their cases required OVR to seek documentary evidence from justice agencies. These cases were significant in terms of the number of documents collected and reviewed, the time commitment required from OVR lawyers and staff, and the level of inquiry into justice agency affairs. These cases did not result in the publication of a formal report pursuant to AS 24.65.160, but were resolved through informal means and communication with participating criminal justice agencies.

Court Representation:

One hundred thirty-three (133) clients came to OVR with significant problems or concerns regarding active criminal cases and the desire to participate in court proceedings. In addition to requesting documentary evidence from judicial agencies, these cases gave rise to an OVR attorney presence in the courtroom on behalf of the victim and their interests. Examples of court representation include cases in which OVR staff attorneys spoke on behalf of crime victims at hearings involving bail, change of plea, sentencing, as well as at trial, including juvenile adjudications.

Formal Investigation:

None of OVR cases during the instant reporting period resulted in a formal investigation and findings as described in AS 24.65.160.

Contacts

Two hundred ten (210) persons contacted OVR for information, legal advice, or referrals to other victim service agencies. Many of these individuals were not eligible to file a complaint or to request OVR services due to lack of OVR jurisdiction. These figures are not included in the total number of new cases opened during the reporting period given that these contacts did not result in a new OVR case being opened.

Therefore, during the current reporting period, OVR served 503 Alaska residents through OVR's services, information and referrals provided.

OVR EDUCATION AND TRAINING

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

<u>Date</u>	<u>OVR Trainings Attended</u>
September 11, 2014	Court of Appeals: Off the Record Breakfast with the Judges, Anchorage Trina Sears attended this Continuing Legal Education program sponsored by the Alaska Bar Association focused on appellate practice before the Alaska Court of Appeals. The training included "do's and don'ts" for appellate briefs and appellate oral arguments and information about the status of the court's case docket.
September 17-19, 2014	The National Center for Victims of Crime 2014 National Training Institute, Miami Florida Taylor Winston and Kathy Hansen attended this conference where information regarding promising practices, current research, and effective programs and policies that are victim-centered, practice-based, and research-informed is shared. Attendees included law enforcement, victim service professionals, victims' rights attorneys, policymakers, and researchers to share current developments and build new collaborations. Workshops covered, for example, topics such as rural challenges in increasing victim safety; victim-centered parole practices; assessing risk in stalking and domestic violence cases; witness protection and maintaining confidentiality.

December 31, 2014

“Ethical Traps and How to Avoid Them”, Anchorage

Taylor Winston attended this ethics training provided by the Alaska Bar Association and presented by attorney Mark Bassingthwaite.

January 8, 2015

Vine Watch - How it works and how victims can utilize it

OVR attorneys and staff attended an informal training provided by the Department of Law regarding the new Vine Watch program to assist victim notification.

January 23, 2015

A New Age of Decision Makers: The Emerging Face of Diversity, Anchorage

Kathy Hansen and Shaun Sehl attended this live webcast ethics training sponsored by the Alaska Bar Association and the Seattle University School of Law.

February 9, 2015

Legislative Ethics Training for Legislative Employees, Anchorage

All OVR attorneys and staff attended the annual legislative ethics training at the Anchorage Legislative Information Office.

February 23-25, 2015

Rural Safety and Justice Conference, Anchorage

Trina Sears attended this conference, which focused on identifying barriers and developing strategies for Alaska Native and immigrant survivors to access culturally and linguistically appropriate services in rural areas.

April 20-24, 2015

Alaska Peace Officers Association Annual Conference, Anchorage

Joseph Young attended events at this annual law enforcement conference, which provided him an opportunity to interact and engage in outreach to many law enforcement officers from across the state. Mr. Young also attended several APOA luncheons throughout the year which featured speakers on various crime and public safety topics.

May 27-29, 2015

National Crime Victim Law Institute Conference, Portland

Taylor Winston and Jennifer Summers attended this annual two-day conference in Portland, Oregon. Ms. Winston and Ms. Summers had

the opportunity to network with other crime victim advocates and attorneys from across the country. They attended seminars on fighting subpoenas for privileged records; victims' rights post-conviction; victims' rights motion practice; giving victims an authentic voice for change; emerging practices for enforcing and advancing victims' rights; creating effective partnerships between attorneys and advocates to help sexual assault victims; and securing an order and collection of restitution.

Date

OVR Trainings/Outreach Provided

July 11-12, 2014

2014 Governor's Family Picnic, Anchorage and Mat-Su Valley

Kathy Hansen, Canice Bryson, and Trina Sears attended the Governor's Family Picnics and distributed information and materials regarding crime victim's rights at a table with other organizations providing services in the community.

August 8, 2014

Tribal Forensic Healthcare, Pediatric Sexual Assault Examiner Training, Anchorage

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

September 4, 2014

Standing Together Against Rape (STAR) Advocate Training, Anchorage

Taylor Winston provided training to sexual offense victim advocates regarding OVR's mission as well as its policies, procedures and services as related to services provided to victims statewide.

September 10, 2014

Anchorage Police Department Academy, Anchorage

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

September 25, 2014

Alaska Network On Domestic Violence and Sexual Assault (ANDVSA) and OVR Cross-training, Anchorage

ANDVSA Attorneys and OVR Attorneys met to provide general information about each other's programs and how the programs assist victims. We also discussed ways in which we may be able to

jointly work together on some cases to better aid domestic violence and sexual offense victims.

October 1, 2014

Alaska State Troopers Academy, Sitka

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

October 3, 2014

CTC Law Enforcement Interior Academy, Fairbanks

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

October 15, 2014

Anchorage Police Department Special Victims Unit, Anchorage

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

October 15 & 16, 2014

Alaska District Attorney's Conference, Girdwood

Taylor Winston participated in an afternoon panel discussion regarding Pre-Sentence Reports (PSR), focusing on victim impact statements, defendant financial disclosures for restitution purposes and PSR portions victims are entitled to. Ms. Winston also led a breakout session for paralegals to aid in their working with OVR and victims. Additionally, Ms. Winston taught a session to prosecutors and paralegal about victims' sentencing rights.

October 22, 2014

Pre-Sentence Report Unit, Department of Corrections, Anchorage

Taylor Winston provided informal training to the group of probation officers in Anchorage who are tasked with preparing and writing pre-sentence reports for felony cases. Ms. Winston provided general information about OVR and how OVR can assist with aiding communication between victims and the report writer.

November 7, 2014

Sexual Assault Examiner Training, Fairbanks

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

November 17, 2014

Alaska Child Maltreatment Conference: Transcending Trauma, Anchorage

Trina Sears participated on a panel discussion "A Case Study of a Challenging Sexual Abuse Case Successfully Prosecuted." She also attended several presentations at his conference on the intervention, treatment, prosecution and prevention of child abuse and neglect.

December 8, 2014

Alaska Network on Domestic Violence and Sexual Assault Legal Advocacy and Wellness Conference, Anchorage

Taylor Winston presented information about the role of DA's in the criminal justice process, how advocates and DA's can work together and work to overcome challenges, the role OVR plays and how OVR can interface with victim advocates.

January 9, 2015

Outreach to Victim Service providers, Nome

Taylor Winston participated in a teleconference with various child victim service providers in Nome to explain how OVR can assist crime victims and to learn about some of the issues confronting crime victims as related to the criminal justice process in Nome.

January 15, 2015

Legislative Staff Orientation, Juneau

Taylor Winston presented an overview of OVR and victims' rights in Alaska to incoming legislative staff members.

January 27, 2015

S.T.A.R. Education Outreach Advocate Training, Anchorage

Trina Sears provided training to STAR's education outreach advocates on the legal definitions pertaining to sexual abuse of a minor. The advocates learned about the legal age for consent depending on the specific circumstances of a case. These advocates are tasked with appearing in schools and talking to junior and high school students to educate them about legal issues involving sexuality.

February 11, 2015

Tribal Forensic Healthcare, Domestic Violence Examiner Training, Anchorage

Taylor Winston provided training to healthcare providers which included an overview of DV laws, role of the prosecutor, the challenges of prosecuting DV cases and how OVR can assist victims of domestic violence.

March 23, 2015

Anchorage Police Department Academy, Anchorage

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

March 31, 2015

CTC Law Enforcement Interior Academy, Fairbanks

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

April 22, 2015

Alaska State Troopers Academy, Sitka

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

June 2-3, 2015

Interior Alaska Law Enforcement Training, Tanana

Katherine Hansen joined representatives from the Governor's Office, the Department of Public Safety, the Alaska State Troopers, the Department of Corrections, the Division of Juvenile Justice, the Child Advocacy Center, and the Interior Alaska Center for Non-Violent Living, for a day of community outreach in the village of Tanana, Alaska, on the Yukon River. Cynthia Erickson hosted and facilitated community meetings at the school gym for families and children to learn about the various services that are available to citizens concerned or who wish to report sexual violence or domestic violence.

OVR AND SYSTEM/COMMUNITY-BASED ADVOCACY GROUPS

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

System-Based Advocacy Groups

OVR assisted the Alaska Network on Domestic Violence and Sexual Assault this year by updating a chapter in their Women's Legal Rights Handbook.

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

OVR serves as a member on the Office of Victims of Crime's Wraparound Victim Legal Assistance Grant Steering Committee. The Steering Committee members are working together to develop a comprehensive and collaborative model for delivering wraparound pro bono legal services to all crime victims and to develop referral protocols to meet the wide range of crime victims legal needs related to their victimization.

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

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

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

Community-Based Advocacy Groups

OVR engages in outreach to community-based advocacy and victim support groups and supports their efforts. Over the course of this reporting year, the OVR attended meetings or events with representatives from Abused Women's Aid in Crisis (AWAIC), Women In Safe Homes (WISH), and Interior Alaska Center for Non-Violent Living (IAC), Victims for Justice, and the Alaska Network on Domestic Violence and Sexual Assault (ANDVSA). Trina Sears also serves as secretary on the Board of Directors for both Standing Together Against Rape (STAR) and The Children's Place, both of which provide services to victims of domestic violence and sexual offenses.

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

OVR AND THE DOMESTIC VIOLENCE FATALITY REVIEW COMMITTEE

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

RURAL ALASKA OUTREACH

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

During the 2015 reporting period, OVR's Executive Director traveled to Fairbanks, Sitka, and Ketchikan to provide information about OVR and listen to the concerns of victim advocates, medical providers, prosecutors, court personnel and law enforcement. Additionally, Kathy Hansen traveled to the village of Tanana with representatives from the Governor's Office, the Department of Public Safety, the Alaska State Troopers, the Department of Corrections, the Division of Juvenile Justice, the Child Advocacy Center, and the Interior Alaska Center for Non-Violent Living, so that community members could learn about the various services that are available to them, particularly for those wishing to report sexual violence or domestic violence.

OVR's rural Alaska outreach effort expands and strengthens OVR's network of community and system-based advocacy groups, medical providers, law enforcement, court system and Department of Law personnel to further the interests of crime victims statewide. OVR respectfully

recognizes and supports the work of victim advocates and legal professionals in remote communities and their commitment to improving public safety.

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

LAW ENFORCEMENT OUTREACH

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

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

MOST PREVALENT VICTIMS' RIGHTS VIOLATIONS

The following section describes the most prevalent violations of victims' rights OVR has observed during the reporting year. Violations are not limited to these discussed below but rather these categories are where OVR has seen the most often and widespread violations of victims' constitutional and statutory rights. While there are many court justice system judges and personnel, law enforcement officers, and prosecutors who diligently and dutifully try to ensure that the laws regarding victims' rights are recognized and enforced, there still is a need for improvement. OVR welcomes an opportunity to engage with legislators, the court system and criminal justice agencies to work toward developing solutions to these violations and finding ways to making the system more efficient and effective.

UNTIMELY NOTICE OF HEARINGS

A complaint OVR hears time and time again from victim clients is that they have either not been notified at all of a hearing or have only been told a very short time before the hearing that it will occur. This is especially true of bail hearings and change of plea hearings. Victims should not only be given notice but should have constructive notice of those hearings which may address one of their rights, such as the right to be heard on bail or the right to address the court at sentencing. As the system currently operates, a victim is held hostage to their phone. If victims

cannot be reached at any particular moment, they run the risk of being denied their rights. Judges routinely proceed with bail hearings or sentencings with little or no information about whether a victim has been contacted. Quite frequently a prosecutor offering that a voicemail message was left for the victim suffices for the court to move forward. There is no recognition of all of the possible reasons a victim could not be reached by phone at a particular moment convenient to the parties or the court. When the message is left the same day of the hearing, the hearing and court's order is completed often before the victim learned of the event. Even in situations where the victim learns of the hearing in time to participate, they are often denied the opportunity to address the court in person because they cannot ignore obligations, like work, child care, doctor's appointments, etc... to run to court at the drop of a hat. It is disturbing that a defendant's release from custody or sentencing would be decided with little deference to assuring the victim's constitutional rights are protected. OVR has had numerous complaints, particularly from misdemeanor victims that they were not provided notice of a defendant's sentencing. They are, therefore, precluded from addressing the court not only on sentencing but also regarding restitution. As a result the court renders a sentence silent on restitution and resulting in an irreversible denial of the victims' constitutional right to restitution. There is a simple solution to this frequent victim right violation: if every court in every case with a victim announced as part of the sentence that the court would allowed a restitution claim to be filed up to 90 days after sentencing, very few victims would be denied their constitutional right to restitution.

PROTECTION OF CRIME VICTIMS' PRIVACY RIGHTS

Over this reporting year, OVR has continued to fight to preserve crime victims' constitutional and statutory right to privacy and right to due process throughout the criminal justice process. As has been previously reported, one area of great concern is the invasion into the privacy of crime victims. Criminal defense attorneys routinely file pretrial discovery requests asking the court to order production of private information from crime victims. The records sought by the criminal defendant can include medical records, mental health records, counseling records, substance abuse treatment records, Office of Children's Services records, employment records, bank records, cell phone records, school records, email records, and photographs. Often, when the defense attorney files a motion with the court requesting release of the confidential and privileged victim records, the victim is not notified and is not given an opportunity to be heard on the matter before the court grants the defendant's request. This result not only violates the victim's constitutional right to privacy but also the victim's constitutional right to due process.

OVR has observed the trend for defense attempts to obtain private victim information. It began with victims of sexual assault and domestic violence as targets. OVR noted an increase in the number of crime victims affected by this tactic and more of OVR's time is spent litigating privacy issues than any other singular issue. OVR will continue to fight these due process violations on behalf of crime victims.

Numerous victims sought OVR's assistance this reporting year because of defendants' efforts to acquire their personal records. Victims are entitled to such notice and opportunity to be heard whether or not they are represented by OVR. Even in cases where OVR represents a victim and has entered an appearance in the criminal case, the defense rarely serves OVR or the victim with the motion. While the courts more often recognize that victims have a right to notice of the motion and a right to be heard on the motion than in past years, this recognition is not uniform or

consistent. For example, OVR represented a victim in a case in Anchorage in which the defense sought discovery of the victim's medical and mental health records. The assigned judge and defense both had experience with this type of motion and OVR's involvement in the litigation of this type of motion. The defense did not serve OVR with its motion for the victim's records and even after OVR filed pleadings on behalf of the victim, the court did not serve OVR with its order on the issue. When OVR has provided notice to the court and parties of its representation of a victim, OVR would like the state and defense to be required to serve OVR with pleadings on issues directly involving a crime victim's constitutional and/or statutory rights and that the judge provide findings when he rules. Service of such pleadings is important for the interest of justice, the interest of judicial efficiency and economy and to ensure citizens' constitutional rights are protected.

LENGTHY CONTINUANCES OF TRIALS, SENTENCINGS, AND APPEALS

OVR continues to see long and often excessive continuances in many criminal cases denying crime victims their constitutional right to a speedy disposition, whether it is in the investigative stage, the post-charging/pre-trial stage, sentencing stage or in the appeals stage. These delays amount to significant costs to state government and both human and monetary costs to our communities. For every delay in a criminal case there are numerous man hours expended. If you consider how many staff and attorneys within a criminal justice agencies; judicial officers, court clerks and judges within the court system; corrections officers within the Department of Corrections and victims are involved each time a hearing takes place you can see how delays significantly tax already limited resources and deny swift justice to victims, defendants, and the community.

While OVR is concerned about continuances in the post-trial and appellate phases, the most concerning are those cases in the post charging/pre-trial process. It is common for felony cases to take 2 to 3 years before victims see their case go to trial or result in a plea agreement. Some cases take 4 to 5 years before they end in a trial or plea agreement. OVR represents victims in cases in which, despite the victims repeated assertion for a speedy disposition of the case, continuances are granted. While the courts must consider the due process rights of the defendant and weigh those against the victims' right to a timely disposition of the case, few courts give serious consideration to the victim's position. OVR has a significant number of cases, charged within the last two years, that have had 10 or more pre-trial conferences (a general term used here to account for the post-charging/pre-trial hearings held to determine the status of the case). A healthy percentage of those have had more than 20 pre-trial conferences. These numbers do not factor in the other types of hearings also being held in a case such as pre-indictment hearings, bail hearings, calendar calls, and evidentiary hearings. The length and numbers of continuances granted in felony cases varies from jurisdiction to jurisdiction across the state.

The Legislature enacted a statute, A.S. 12.61.015(a)(5), a few years ago to help address this issue as it pertains to victims. The statute was a good attempt to try to ensure that the victim's voice is heard on the issue of continuances. Unfortunately, in practice, it has no little to no positive effect for victims and has not resulted in fewer continuances or speedier dispositions.

Regarding the appeal process, the Public Defender's Office requests long extensions to file its opening brief in every case it handles and those requests are granted. OVR recently opposed a

standard defense request for a 465-day extension to file its opening brief. Of course on top of the more than one-year delay before any substantive appellate litigation in the case occurs, once the opening brief is filed the state will have 210-days to file its brief, then there most likely will be the scheduling of oral argument, perhaps more briefings order and there will be a period of review before the Court of Appeals renders its decision. Meanwhile, the victim waits a minimum of more than two years in hopes of some closure. While the Court of Appeals has instituted a plan to reduce the length of continuances for filing briefs over the next few years, the system clearly does not protect the victim's constitutional right to a speedy disposition of the matter.

A small minority of the delays OVR sees occur in the investigative stage. These delays, unlike the court delays, most often occur in areas outside of Anchorage.

The time it takes to resolve criminal matters in the Alaska courts is one of the most frustrating and disheartening aspects of the criminal justice system for victims. Improvements need to be made to ensure a more efficient and timely administration of justice for the victims, the defendant and the community.

GOALS AND REFLECTIONS

OVR reaches out to Alaska residents in rural communities to assist and inform them about their Alaska Constitutional and statutory rights. Fundamentally, if OVR amplifies the voice of a crime victim in order to have his or her voice considered before the court, it improves the administration of the criminal justice system and helps victims achieve restorative justice.

Our mission is to serve individual crime victims, and educate victims and agencies alike. Significant strides have been made over the years in the area of victims' rights, however, some hurdles still remain regarding the recognition and enforcement of victims' rights in Alaska. Lack of knowledge and understanding about victims' rights appears to be the primary source of non-compliance by criminal justice agencies and the court system. One of our missions at OVR is to educate as many groups and agencies as possible about the rights victims have and to encourage those entities not only to support but follow the laws. That being said OVR still finds pockets of resistance by some agencies and judges to follow the law even when aware of it, perhaps because doing so would require a change in procedure or might cause a short delay. OVR's ultimate goal is that the justice system will protect a crime victim's rights throughout the process as it protects a defendant's rights. Crime victim advocacy in Alaska clearly benefits from cooperation and collaboration between the Alaska Office of Victims' Rights (OVR), advocacy groups, criminal justice agencies, and the court system. We will continue to reach out to these groups by providing education and materials, and to engage in dialogues in an effort to better the experience victims have with the criminal justice system and to ensure their voices are heard.

THE VOICE OF A VICTIM

Crimes committed on victims can and most often do have profound effects on their life and their families' lives. This year, OVR represented a child and his family in a Sexual Abuse of a Minor case, in which the victim's mother made one of the most eloquent victim impact statement heard in court. Her statement reflects not only the pain and the consequences suffered by this

victim or family but is reflective of what so many victims of crime, especially sexual offense victims, experience after being victimized. It is important to understand and remember that every time a crime is committed against an Alaskan, the fabric of those victims' lives is forever changed, as well as the community. Like a rock thrown in a pond, the ripple effects extend far beyond the victim and ultimately ripples throughout the entire community in both pronounced and subtle ways. The mother of this child graciously allowed us to include her victim impact statement. It has been slightly abridged due to its length and the child's name now is represented by his initial in order to comply with statutes and better preserve the victims' privacy.

I have spent many long hours thinking of the right words to say: words to express just how devastating the selfish, calculated attacks of this young man have been on our baby boy; words to help you understand how important it is to send a message to this child rapist, and all the others heading down that road, that we as a society will not stand for the abuse of the youngest and most vulnerable in our population. Finding a place to begin today has been hard - the challenge of reigning in my anger and sadness, the rage I feel toward the manipulative pedophile who sits before you today, and the sickening excuses we listened to last week to support raping a young child has kept my logical senses in a bind and the right words at bay.

In January, our Governor gave me a starting place when he delivered his State of the State Address. In it, he described the sexual abuse numbers in our state as an epidemic that has to be brought under control. The number of sexual abuse cases against minors is astounding. I agree wholeheartedly with the statement that even one victim is too many. It is because of this high rate that our sentencing guidelines are some of the toughest in the world.

Unfortunately, one of the unintended consequences of these lengthy sentencing requirements is that those in charge of actually holding the perpetrators accountable (prosecutors and judges alike) feel that the punishment may be too severe, and therefore tend to plead down the actions to a lesser charge, thereby offering lighter sentences. I am fairly certain that those same people that are willing to plea to a lesser charge have never had to hold their child while he bawled his eyes out and screamed at God for allowing this to happen. I am positive that those people that feel the punishments may be too severe have never heard their child quietly say, with tears streaming down his face, 'Because Brennan did that to me Mommy' and felt the air leave their body, their stomach turn, and their heart break for their sweet baby, feeling their child sob and sob and sob...holding back their own tears so their child did not carry the additional burden of feeling responsible for a mother or father's pain.

Your Honor, before I truly begin to share how the events for which we are here today have affected our son, his sister, and our entire family, I would like to note that I will not always be using the term sexual abuse. That term is too light to describe the trauma our sweet little boy suffered. He was raped. He was sodomized. He was asked to perform oral sex on the defendant. The extremely large young man you see to my left RAPED a 9 year old, 60 pound little boy on at least five different occasions. Let me say that again Your Honor - this young man is a RAPIST of the worst kind; attacking a small child incapable of understanding what was going on, and without any way of protecting himself. I believe that Mr. Grubb uses manipulative tactics on everyone he has met. He is seen by others as being charming and trustworthy, and works to minimize the risk to himself, hence convincing those around him that he is just a sweet young man that genuinely cares for others, while at the same time insisting victims do not tell on him.

The defense is grasping at straws to try to justify Brennan's behavior on the basis of religion and sexual frustration. To go so far as to also BLAME OUR SON in the paperwork submitted to the court is not only sickening, it is also exactly why more children who have been victimized do not

come forward – because they are blamed for behavior they have no control over, and no frame of reference to even know is not okay. Will the excuses and victim-blaming fly in your court?

While the defense would have you believe that because our son didn't kick and scream, didn't report the FIRST time Brennan likely inappropriately touched him, is intelligent and has a strong family, that Mr. Grubb should not have as severe a consequence. Let me clarify exactly why that argument simply does not make sense. The victim in this case is the most wonderful little boy I have been blessed to have in my life. The little boy that was hurt so severely has a name - his name is M. He is bright, funny, articulate, athletic, and has a heart of gold. He has friends and family that love him beyond what any words can describe. He is not JUST a number - he is very real, and he is hurting. All the wonderful things about him are now hidden behind his anger, fear, and sadness. He is not the same little boy he was before Mr. Grubb stole his innocence.

The picture you see here - this is M., the winter before Mr. Grubb so boldly locked him in his own closet and sodomized him in the first of numerous attacks on an innocent little boy. M. was a dare-devil, loved to ride his dirt bike, learned to jump his snow machine, created BMX and scooter courses to practice tricks - he even had his own 'awesome wall' he would decorate with silly things like the chewed up piece of gum he used when he designed his best stunt course. He had BIG dreams of living large; he was fearless! M. was a talented athlete – he has been able to hit a baseball pitched to him since he was only a year old. He is tiny, wiry. He is fast, has eyes of an eagle, and amazing hand-eye coordination.

M. used to be independent. He used to come in early in the morning to say good morning, then would go downstairs to watch cartoons, eat breakfast, just enjoy some morning quiet time, all by himself or sometimes with his little sister.

M. was extremely social. He was confident in who he was without being arrogant. He was friendly and cared for others - anywhere we went, M. had a new friend within only a few minutes. He enjoyed playing with other children, laughing, and finding common ground. He had, or requested to have, play dates literally DAILY, and not having friends over for at least a few hours every weekend was strange for him. M. had that dynamic personality that people were drawn to - the kind of charisma you see in the best leaders of our world: kind, thoughtful, helpful, and full of love. All the while, with these very 'grown-up behaviors', he was still very childlike in that he could be selfish, throw tantrums, refuse to help clean up his mess, argue about not wanting to go to bed, and play video games rather than do chores. He certainly was not and is not perfect - but he is perfectly ours, with all that is good and not-so-good inside of him.

That M., the amazing young man with the brightest smile and carefree attitude, is gone, or at least so deeply hidden that he doesn't feel that part of him exists anymore. The M. we see today is fearful, sad, angry. He would not ride his dirt bike last summer at all, and on only a few occasions rode his bike or scooter – he was simply too afraid. He not only no longer has an 'awesome wall', he instead has a journal where he draws very dark pictures, writes out his feelings of sadness and anger in words we don't use, and 9 year olds certainly should not be using. He struggles every night to go to sleep - and in fact it has been only the last few weeks that he has, on occasion, slept an entire night in his own bed. He asks his little sister to turn on lights for him because he is afraid to go anywhere with the least bit of shadow - even if the sun is beaming in the windows. He has only a couple of friends that he feels safe and enjoys play dates with and while they are at our home playing, he is happy and is okay being away from me. If they are no longer there, he then reverts to quiet non-social activities like reading, drawing pictures of war and explosions, playing on his iPad, playing with his tanks, airplanes and ships...but always needing to be near me and within eye/earshot.

He has always loved me...little boys typically love their mommies...but he has needed me more than ever before. He cannot go to sleep without me by his side, rubbing his back until he drifts away, or holding him tight so he knows he is safe. When he is away from me, he contacts me late into the night to tell me he needs me, he is afraid, he is crying for me. He asks me to walk him in to school every day, always finding a way to see if I can stay just a minute or two more. If I can't walk him in to school because I have to rush to work for a parent meeting or other type of meeting, he is upset, sometimes insisting I must not love him, asking why am I so mean, has a very BIG reaction. Even at home, if I leave the room for more than a minute or two, he shows up next to me, afraid because I didn't come right back. He asks me every day to help him brush his teeth. For a while, he had quit tying his shoes - said he couldn't. He wouldn't change his own clothes - he wanted me to pick his outfit and get him dressed each day. He has only recently started getting his own snacks, cereal, and other small items again. He reverted in every way possible, which we have learned from his counselor is very common in children who have been sexually abused and assaulted to the extent M. was. I don't mind helping him while he slowly heals and begins to recoup those skills that he seems to have lost, but what breaks my heart the most is that for all of these things, on the heels of asking for help, he is constantly apologizing. He feels awful that he cannot do the most simple things on his own. On more occasions than I can count, I have shared with M., and his counselor has worked with him to understand, that he has NOTHING to be sorry for. If he needs me, I will be there. If he is afraid, I will help him find a way to feel safe. His feelings of self-esteem have plummeted because he simply feels so 'low'. He is, without a doubt, struggling with depression.

M. gets very angry. He has the blessing of a very large step-father that allows M. to wrestle or fight or just take his aggression out when he needs to, but he also has a little sister that gets dirty looks from her idol, gets yelled out, and gets wrestled or pillow-fought much more roughly than M. has ever in the past, when it was always in fun. M. has mentioned many times that he wants to die, sharing that when he does die, he is going to punch God in the face for letting this happen to him. Very recently, M. was struggling so badly and in such a rage that my husband went to Fred Meyer to try to find SOMETHING M. could use to punch, kick, hit...he found a pool noodle, brought it home, and M. hit every object he could find as hard as he could, then broke down bawling for over 30 minutes, until he fell asleep in my arms. He never spoke about what he was feeling, other than to say he was angry, but his overwhelming sadness at the end of it spoke volumes about the struggle he is in each and every day. Your honor, that was less than three weeks ago! And just last week, he wrote a note telling me he couldn't take it anymore, he had to let his rage out no matter the consequences - followed by a second note that simply stated, 'I have two words: F___ LIFE'. Your Honor, he is 9 and is already trying to give up...but we won't let him!

M. will live the rest of his life with the scar and pain of what happened - with the memory of this ultimate violation being triggered at the most inopportune times, such as changing in a locker room (which he is too afraid to do), going through puberty when he finally begins to understand JUST how wrong what Brennan did to him was, when he decides to have an intimate relationship with someone he loves, when he has his own children and is scared to let them have friends over out of fear that they could wind up as victims, and many other instances that may arise. He is not going to 'snap out of it' after sentencing is over, and in fact his counselor has mentioned he is not even ready to work through the victim narrative, which is a huge and important step in the healing process. M. deserves appropriate justice for what he went through at the hands of this pedophile as his entire life has been affected beyond what you or I, or any of us, could possibly comprehend. M. wasn't the only person affected by the abuse he suffered at the hands of Mr. Grubb. M.'s little sister is struggling. He shared with her what Brennan did to him and while she is an incredibly

smart little girl, she is only 7 and struggles to understand the true pain that it caused him. She knows that her big brother whom she adores more than anyone in the whole world is not the same big brother he once was. He is mean to her at times, quick to snap, and, to top it off, hogs her mommy's time. Just as M. sees a counselor once per week, she also sees the counselor to help her cope with the loss she is feeling. She has become much more clingy, thankful for the time she does get, but also repeatedly saying, 'I need you Mommy' and 'Why does M. always need you?'. When she comes in early in the morning and sees her big brother sleeping snuggled up next to her mommy because he had another nightmare, she innocently and honestly asks 'Why do you let M. sleep with you - do you love him more than me?' She is in pain. She is confused. She is more sensitive than ever and cries often. She is confused as to why Brennan, this 'friend' that they both trusted, would hurt her brother. Friday evening, after court, she had her counseling appointment and shared, again, that she is sad because she misses her mommy - that M. always needs me and she worries I don't love her.

The struggle doesn't stop with her. Let me paint you a picture of a typical day for me: I sleep restlessly, typically with M. snuggled in next to me so I am careful not to wake him up, and am acutely aware of his talking in his sleep, the nightmare he has that wakes he and I up, and the pain he is suffering, weighing heavily on my heart. When I finally do decide to just get up, it is slowly and quietly in the hopes of not waking him so that I can shower and begin my day...but M. is awake instantly, with 'Mommy, please don't leave me'. After snuggling him in a failed attempt to get him back to sleep, I tell him I will be in the bathroom taking a shower, literally feet from my bed, and turn on my bedside light for him so he is not in the dark. While in the shower, he comes in the bathroom and sits on the toilet bowl lid because he tried, but was simply too afraid to be without me. So far, I have had exactly two minutes to myself.

After the shower, he wants me to help him get dressed, so M. waits with his back turned while I get dressed, then we head to his room so I can help him get ready. His sister often comes in about this time and asks if M. got to sleep with me again. Trust me that first thing in the morning, that beautiful baby girl is more like a crabby toddler, so this question is not calm or asked in an attempt to truly understand. Once I have finally convinced M.'s sister to turn around and let him get dressed, we then travel like a gaggle of geese to her bedroom to repeat the process because if I am going to help M., then she wants help, too. We then go downstairs to eat breakfast, they watch cartoons while I am at the counter, close enough to almost touch them, packing lunch. After I get lunch packed, it is time to brush teeth. Keep in mind that I have asked them at least twice by now to head up and brush their teeth in the hopes that M. will feel strong enough today to do even the smallest of things on his own...but they are still on the couch waiting for me to go with them, so I do. So far, sound like a fun day? This goes on almost every day, and so far we have only been awake an hour at the most! After school it is the same routine all over again - no more than a couple of feet from me, M. needing me to do even the most menial tasks for him, which then spills over to his sister needing 'help' simply because he did. Bedtime is the WORST! They both need me, and there is no way to measure who needs me more - M. because this pedophile raped him so many times and he is afraid of the dark that falls when he closes his eyes, or his little sister who has lost her mommy in the process?

I do everything in my power to ensure BOTH kids get all the time and attention they need....I am no martyr, I am a mom that deeply loves her children and, on the advice of their counselor, is absolutely giving them everything they need in regard to assistance and time, often at the expense of myself and my husband...not to mention friends, family and my job! There is no timeline that spells out how long this routine will go on, and there is no end in sight. I am exhausted, but I refuse to quit or tell them NO, they can't have time with me, because the actions of the young man in

front of you today have impacted a young child and those closest to him in ways that, unless you have lived it, you cannot even begin to fathom.

By definition, each of the times Mr. Grubb raped our son represented a crime of Sexual Abuse of a Minor in the 1st Degree, arguably the most heinous of offenses. He was charged with five counts, with the 'attempt' modifier being added to the charges to allow the prosecution to negotiate with the Defense, thereby saving our son the trauma of having to testify, and assuring he would never have to see the face of the man that terrorized him. We do not believe that one count of Sexual Abuse of a Minor in the second degree, with a presumptive sentence of 5-15 years, is an appropriate plea. For one thing, it does not actually fit the crime he committed. For another, this is a slap on the wrist for the detestable actions of this rapist, and a slap in the face to the victim, minimizing what our son went through each and every time he was forced into sexual acts by this man.

The defense mentions that M. will NOT suffer life-long effects from this abuse. Your Honor, as my own husband will share so eloquently, sexual abuse most certainly DOES have life-long affects, not just on the victim, but on those that care for the victim. M. 's current teacher, school counselor, or even health teacher could speak to you about M. 's dark days, the days he is so angry that he has to remove himself from class to go to the library to draw 'war' pictures. The days he is able to not silently read with everyone else, and instead is allowed to journal because he is in such a bad place; how focused he is on what is 'fair and just'. We had the letters sent in from teachers that have seen and do see the 'good' side of M. to show you just what caliber of kid he is underneath it all.

The defense also states that M. is a smart, good, athletic kid with strong family support and therefore he will be just fine. By their own argument, then, if Brennan had instead attacked a troubled youth without parental support who may not be as athletic as our son, THEN Mr. Grubb should serve a longer sentence. What kind of argument is that? How DARE they minimize the impact of this abuse on our son. How DARE they presume to have even the slightest inkling of what M. is going through. I assure you that while the defense is correct in their statement discussing the amount of support M. has through his family, he most certainly will suffer the effects of this heinous crime for the remainder of his life.

Let's be clear that Mr. Grubb turned 16 approximately 5 months before raping our son, and 8 months before he was arrested. The defense's entire argument, and Brennan's own statement, are that Brennan was a kid and that kids make mistakes, bad choices, are impulsive. I work with kids every day, they ARE impulsive, they DON'T consider consequences before they act...and that is why I know Brennan being auto-waived is EXACTLY the way it should be - he was not impulsive in his actions, but instead cold, callous and calculating, spending months if not YEARS grooming M. and his father to be allowed to get close to M. We implore you to use your knowledge and judgment to sentence this most callous of criminals to many more years than the presumptive, and to ensure he actually spends most of those years in prison, away from our son, and away from any other children that he has already hurt, or may hurt in the future. Send a message to him and the pedophiles of our state that we, as a society, simply will not stand for this abhorrent crime.

Thank you.