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Feb 2, 1983

Elizabeth Dickerson

Senate Adv. C

SB 72

incest & children treated differently  
than rape victims, around the state.

Delwitte wants changes to include  
Medicare and Medicaid or  
Native ~~AA~~ care expenses through  
IHS.

*Joe* *needed ands. o.c.*  
*Jay*

For an Act entitled: "An Act relating to sexual assault investigations."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

\* Section 1. AS 18 is amended by adding a new chapter to read:

CHAPTER 68. SEXUAL ASSAULT INVESTIGATIONS.

Sec. 18.68.010. SEXUAL ASSAULT EXAMINATION KIT. (a) The Department of Public Safety and the Department of Law shall develop a uniform sexual assault examination kit.

(b) Under protocols developed under AS 18.68.020

(1) the Department of Public Safety shall distribute the kits throughout the state; and

(2) peace officers and health care providers shall use the kits for gathering of evidence in cases of suspected sexual assault.

(c) The appropriate person under the protocols developed under AS 18.68.020 shall provide a sexual assault examination kit at no charge to an alleged victim of a sexual assault.

Sec. 18.68.020. SEXUAL ASSAULT INVESTIGATIONS PROTOCOLS. (a) The Department of Public Safety and the Department of Law in conjunction with the Department of Health and Social Services shall develop a manual of protocols governing the distribution and use of the sexual assault examination kit developed under AS 18.68.010.

(b) The Department of Public Safety shall distribute copies of the protocol manual developed under this section to the appropriate peace officers and health care providers in the state.

Sec. 18.68.030. TRAINING IN PROTOCOLS AND SEXUAL EXAMINATION KITS. The Department of Public Safety and the Department of Law shall develop and implement training in the use of the protocols and the sexual assault examination kits for peace officers, district attorneys and other appropriate law enforcement agencies, health care providers and sexual assault program personnel.



memorandum

To: Joe  
From: Nancy  
Re: Today's meeting

SSSB 72 - Relating to Sexual Assault Examinations

You may remember this bill from last year, at that time it provided for free medical exams for assault victims. Prior to the committee's acting on the bill, it was determined that paying for the exams was not the problem.

Different sexual assault kits are used in the state without a uniform protocol resulting in vital evidence not being properly and legally collected which causes problems in the prosecution of sexual assault crimes.

This bill provides for the development and distribution of a uniform sexual assault kit, and for the distribution of a protocol manual.

there is AN AMENDMENT FROM SENATOR KERTTULA which:

1. Deletes the Department of Health and Social Services from subsection (a), development of sexual assault kit.
2. Adds Department of Law to (a), under investigation protocols; and
3. Adds a new section to the bill requiring Public Safety and Law to develop and implement a training program for law enforcement agencies, health care providers and sexual assault program personnel.

SB 346 - Mental Health Commitment law

Two changes were suggested by the department:

1. Allow a second 30 day voluntary commitment of minors, Page 4, line 3, section 5.
2. Delete language added in Section 7, page 5, lines 9-12 limiting placement in a correctional facility.

CSHCR 38 - Sign Language

I have ordered the CS you wanted

SB 362 - Student loans

This relates to allowing a student enrolled in two schools to receive a student loan, I don't think the committee will object to signing it out of committee.

PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED  
AS A UNIT IN THE ORIGINAL DOCUMENT

# ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

110 SEWARD #13 JUNEAU ALASKA 99801  
(907)535-3550

## POSITION PAPER: SSSB72 AN ACT RELATING TO SEXUAL ASSAULT INVESTIGATIONS

The Alaska Network on Domestic Violence and Sexual Assault, representing twenty member programs statewide providing services to victims of domestic violence and sexual assault, supports sponsor substitute for Senate Bill 72, An Act Relating to Sexual Assault Investigations.

The Network's primary area of concern is provision of comprehensive, sensitive, and timely services to victims. In cases of sexual assault, this concern involves assuring the victim that all necessary evidentiary information will be gathered in order to facilitate a successful prosecution. For that reason, it is imperative that uniform kits are provided for use statewide, that protocols be developed for use and distribution of the kits, that protocols address needs of both rural and urban areas, and that training be provided in both the use of the protocol and the kit to peace officers, District Attorneys, other appropriate law enforcement agencies, health care providers, and sexual assault program personnel.

Uniformity of kits is necessary in order to insure that evidence is gathered properly and that all necessary materials are available for a complete and thorough examination.

The development of protocols that address that unique and specific needs of rural areas is necessary because the level of health care provision may differ from that available in urban areas and because law enforcement personnel may not be immediately available.

It is the Network's position that training in the protocol and the use of the kit is primary. Availability of the kits is incidental if health care providers and criminal justice personnel are unaware of their availability and untrained in their use. Sexual Assault examinations can be an additional trauma to the victim, and so should be done in a sensitive and efficient manner. Training in performing sexual assault examinations is necessary in order to accomplish this aim.

In cases of sexual assault investigation and prosecution, collection of evidence plays a crucial role. In the opinion of the Network, more efficient, timely, and sensitive performance of sexual assault examinations can be accomplished by the provision of uniform kits, development of protocols, and provision of training to involved personnel in their use.



STATE OF ALASKA

OFFICE OF THE GOVERNOR

ALASKA WOMEN'S COMMISSION  
3601 C STREET - SUITE 742  
ANCHORAGE, ALASKA 99503

MEMO

TO: Senate Finance  
FROM: Kathy Marshall, Executive Director  
SUBJECT: Sponsor Substitute for Senate Bill No. 72  
DATE: February 6, 1984

The Alaska Women's Commission urges the adoption of Sponsor Substitute for Senate Bill No. 72 which provides for free emergency examinations for victims of sexual abuse for the purpose of gathering evidence to assist in the possible prosecution of the offender. This bill would encourage victims to prosecute and aid the State in convicting offenders.

The Commission also supports the development of uniform sexual assault examination kits which would be distributed statewide along with a manual of protocols.

CC:  
Senators  
J. Kerttula  
V. Fischer  
J. Josephson

## SB 72: BACKGROUND INFORMATION

It appears that payment for emergency medical examinations for victims of sexual offenses has at times varied throughout the state. The following supports this statement.

Anchorage, Bethel, Barrow, Fairbanks and Juneau police departments were asked how these exams were paid for in their areas. The following is information gathered from those departments.

Anchorage - When a victim of sexual assault is taken by the city police to the hospital and an exam is administered, the police department pays for the exam with department funds which essentially come from the Municipality of Anchorage.

Bethel - In Bethel the police department stated that the majority of sexual offense victims in their area are native and would be taken to the native hospital in Bethel where there would be no charge to the native victim (hospital is federally funded). But in the case of a nonbeneficiary (non-native) the victim would be personally responsible for the payment of the exam.

Barrow - In Barrow the same standards are followed as in Bethel.

Fairbanks - The police department in Fairbanks stated that if the city police take a sexual assault victim to the hospital and the victim undergoes an exam, the expense of the exam is the responsibility of the investigating agency, in this case the city police department would pay for the exam with funds from their operating budget. In a case outside of the city limits where the State Troopers were called, the exam would be paid by the State Troopers with state funds which come from the Department of Public Safety.

Juneau - As far as the Juneau police department knew, the victims of sexual assault would be responsible for the expense of an exam given.

Nola Capp, administrator to the Violent Crimes Compensation Board, stated that awards of compensation for emergency medical examinations have been made both to a provider via the victim and also to the victim who had previously paid at the time of the exam.

According to the Network on Domestic Violence and Sexual Assault, the payment for these examinations have been a problem in past years. It seems that on occasions an examination would not be administered unless payment was made. This seems to have been generally corrected. Incest victims, however, have been treated differently. According to the Network often the incest victim must be reimbursed through the board which causes financial hardship.

Given the different procedures utilized throughout the state for these examinations, it is in the best interest of the state to enact a uniform law.

SB 72 adds a new section to AS 18.67 "Violent Crimes Compensation Board" and provides that emergency examinations for victims of sexual offenses will be provided at no cost to the victim when the purpose of the examination is to gather evidence to assist in the possible prosecution of the offender.

As the evidence gathered is used only for the benefit of prosecution there is no justification for a victim having to pay for this examination, even if later reimbursed by the board.

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: Senate Bill No. 72 Date on Bill: 1/25/83  
 Title: "An Act relating to free emergency medical examinations of victims of sexual offenses"  
 Sponsor: Sens. Kerttula, V. Fischer and Josephson  
 Requestor: \_\_\_\_\_

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86		
Capital			0	0	0	0		
Operating			0	0	0	0		
Total			0	0	0	0		

b. Revenues:

Revenue								

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It not represent the policy of the Sheffield Administration or the final estimate of impact.

Prepared By: Dean Tirador Phone: 465-3090  
 Division: Public Health Date: 2-10-83  
 Approved by Commissioner: *Robert London Smith* Date: 2/14/83  
 Department: Health and Social Services

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to \_\_\_\_\_

POSITION PAPER

SENATE BILL NO. 72

"An Act relating to free emergency medical examinations of victims of sexual offenses."

This Bill adds a new section to the statute governing the Violent Crimes Compensation Board which provides that the victim of sexual assault or, in the case of a minor, a victim of sexual abuse may request and shall receive free emergency medical examination at a public or private hospital or other emergency medical facility so that evidence may be gathered to assist in the possible prosecution of the offender. The Bill also provides that the Board may reimburse the hospital or emergency facility for the reasonable costs of the examination. It further provides for retroactive payment to the victim or parent if the victim agrees to aid in the prosecution of the offender.

The Department of Health and Social Services endorses measures which assist in law enforcement. Costs of examinations for victims are coverable under the state's Medicaid program at present and under many health insurance programs. We have no means to estimate how this Bill would affect the costs to the Violent Crimes Compensation Board. We do not anticipate any increased costs to the medical assistance programs administered by this Department.

It is noted that no provision is made for reimbursement of costs to physicians or other health care providers who may be involved in such examinations.

Recommended by: E. S. Rabequ, M.D.  
E. S. Rabequ, M.D., Director  
Division of Public Health

Date: Feb 10, 1983

Approved by: Robert London Smith  
Robert London Smith, Ph.D.  
Commissioner  
Department of Health and Social Services

Date: 2/14/83

PLEASE NOTE: THE PRECEDING PAGES WERE TREATED  
AS A UNIT IN THE ORIGINAL DOCUMENT.

DEPARTMENT OF PUBLIC SAFETY

RECEIVED

POSITION PAPER

Sponsor Substitute for Senate Bill 72

"An Act Relating to Sexual Assault Investigations"

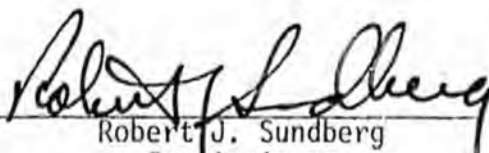
The Council on Domestic Violence and sexual assault supports Sponsor Substitute for SB 72 which develops a system for improving sexual assault investigations throughout Alaska. This would be accomplished through the use of state of the art sexual assault examination kits and through the development of protocols to be used by peace officers, medical personnel and district attorneys in sexual assault investigations.

According to the FBI, sexual assault is the most underreported crime. Approximately 3.5 - 10% of sexual assaults are being reported. Sexual assault is underreported because victims often suffer undue trauma in the legal process and are not confident perpetrators will be found and prosecuted. In order to improve reportings to law enforcement and convictions of criminals, we must be able to assure victims that the system is effective and humane.

Investigations are more complicated in rural areas where there is a lack of health care providers. Protocols are crucial for cases when hospital exams are not possible because planes can not fly due to weather or funds are not sufficient to send victims to hospitals. Rural protocols need to be different than urban protocols.

The Council feels strongly that uniform sexual assault examination kits and protocols are not sufficient to insure adequate evidentiary collection. All professionals who come in contact with the victim and perpetrator must have knowledge of the dynamics of sexual assault and correct investigative procedures. Training needs to be given to all peace officers or people who have initial contact with the victim and perpetrator in how to sensitively work with the victim; to health care providers in how to collect evidence and treat the victim's emotional crisis; to district attorneys in effective prosecution techniques and sensitive treatment of the victim and to sexual assault advocates in investigative principles and legal issues.

Some further information regarding this legislation is: the Alaska State Troopers Lab distributes Dalchem kits to some communities. Dalchem is considered state of the art by many forensic experts. In order to distribute the kits statewide, additional funds would be needed. Also, training is provided to state troopers and municipal police officers at the State Trooper Academy on general investigative principals and the dynamics of sexual assault. Specific training would need to be funded to implement the protocols and for refresher training. In addition it must be noted that sexual assault investigations are seriously hampered because evidence must be sent to outside crime labs and routinely take as long as 3 months to be returned.

  
Robert J. Sundberg  
Commissioner

POSITION PAPER

SS SENATE BILL No. 72

"An act relating to sexual assault investigations"

The bill requires the Departments of Public Safety, Law, and Health & Social Services to cooperatively establish a statewide uniform investigation and examination process for victims of sexual assault. The implementation of the process includes the development of manual protocols, and a specific sexual assault examination kit which will be distributed to appropriate law enforcement, and health care providers in the state.

In addition, the bill will provide a unified method for collection of data and specimens that will assure the best possible protection of the victim and the accused.

The Department of Health & Social Services endorses measures which will assure protection of the public and assists law enforcement.

Recommended by: E. S. Rabeau, M.D.  
E.S. Rabeau, M.D., Director  
Division of Public Health

Date: 2-3-84

Approved by: Robert London Smith  
Robert London Smith, Ph.D.  
Commissioner

Date: 2/6/84

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: 2/3/84

REQUEST	Sponsor Substitute	FISCAL DETAIL
Bill/Resolution No.: Senate Bill 72	Agency Affected: Department of Health & Social Svcs.	
Title: "An act relating to sexual assault investigations"	Program Category Affected: Public Health State Health Services	
Sponsor: Sens. Kerttula, Fischer	BRU, Program or Subprogram(s) Affected: Patient Services	
Requestor: Senate HESS & Finance		
Date of Request: 2-1-84		

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Lois Bergerson Phone: 465-3150  
 Division: Public Health Date: 2/3/84

Approved by Commissioner: Robert London Smith, Ph.D. Date: 2-3-84  
 Agency: Health and Social Services

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: SB 72 Date on Bill: 1-25-83  
 Title: An Act relating to free emergency medical examinations of victims of sexual assault  
 Sponsor: Kerttula, V. Fischer and Josephson  
 Requestor: \_\_\_\_\_

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating		90.6	93.4	99.1
Total		90.6	93.4	99.1

b. Revenues:

Revenue				

2. Source of funds to offset fiscal impact of bill:

Not indicated by sponsors of bill

3. Assumptions:

According to the Council on Domestic Violence, approximately 500 victims of sexual offenses per year who need medical examinations do not receive them. There will be additional hearings, as all persons applying would not be eligible by statute.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Nola K. Capp, Administrator *NKC* Phone: 465-3040  
 Division: Violent Crimes Compensation Board Date: 2/24/83  
 Approved by Commissioner: *[Signature]* Date: 2/25/83  
 Department: ALASKA PUBLIC SAFETY

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83

FISCAL NOTE DETAIL  
BILL NO. SB 72

EXPENDITURES	FY 83	FY 84	FY 85	FY 86
100 Personal Services		26.6	28.2	29.9
200 Travel		7.9	8.4	8.9
300 Contractual		8.6	9.1	9.7
400 Commodities				
500 Equipment		2.5		
600 Land & Structures				
700 Grants, Claims, etc.		45.0	47.7	50.6
800 Miscellaneous				
TOTAL		90.6	93.4	99.1
FUNDING				
General Fund		90.6	93.4	99.1
Federal Funds				
Program Receipts				
Inter-Agency Receipts				
Other				
POSITIONS				
Full Time		1	1	1
Part time/Seasonal				
Non-Perm				
Months		12	12	12

ANALYSIS:

If the proposed legislation is enacted, it is anticipated there would be an increase of approximately 500 claims, as the Council on Domestic Violence states approximately 500 victims of sexual offenses need medical attention each year who do not receive it. The medical costs would be approximately \$90 per claim, making a total of \$45,000 needed for grant money and this is a conservative estimate.

Because there will be an increase of claims, it is determined it will be necessary to have one more board meeting at a cost of \$1500.00. Because of the eligibility requirements of the statute it is anticipated there would be 8 hearings at \$800 for travel per hearing.

The current staff for the Violent Crimes Compensation Board consists of two persons. This change in the statute would necessitate the addition of a clerk typist (range 8) and associated costs, including equipment.

Under contractual services, there would be a need for a terminal only for the IBM displaywriter at \$3000.00 per year. There would be the cost of hearing officers' fees for 8 hearings at \$700 per hearing or a total cost of \$5600. The costs are assumed to begin 7/1/83.

1.	POSITION TITLE Clerk-Typist III			RANGE/STEP 8B	BARG. UNIT G	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY Juneau	ELECTION DISTRICT 4	LEG.		
3.	CONTINUATION LEVEL			ADDITION	JUSTIFICATION				
4.	TYPE OF EXPENDITURE			AMOUNT					
	1		2		3				
	PERSONAL SERVICES								
5.	Salary		19,176						
6.	Benefits		3,367						
7.	Supplemental Benefits		1,175						
8.	Fixed Benefits		2,880						
9.	TOTAL PERSONAL SERVICES		01		26,598				
10.	Travel		02						
11.	Contractual		03						
12.	Commodities		04						
13.	Equipment		05		2,484				
14.	Other				29,032				
15.	TOTAL COST								
	RECEIPT CODE		FUNDING SOURCE						
16.			Federal Receipts 1002						
17.			G.F. Match 1003						
18.			General Funds 1004		29,082				
19.			I-A Receipts 1005						
20.			Program Receipts 1028						
21.			Other						
FOR B&M USE ONLY									
4A KEY NUMBER									

The number of claims received annually by the Violent Crimes Compensation Board has doubled since 1976 and is projected to double again during the two-year period ending 6/30/84. Yet the program has only the same two-person staff it had in 1973.

It is anticipated the change in the statute will increase the number of claims by 500. This increase, on top of the existing understaffing, will necessitate the addition of a clerk-typist and associated costs, including equipment.

There will be an increase in hearings, which must be transcribed verbatim.

The equipment costs include a desk, chair, file cabinet, table, calculator and transcriber.

**13** REQUEST FOR NEW POSITION

AGENCY Department of Public Safety  
PROGRAM Crime Identification & Apprehension  
BRU Violent Crimes Compensation Board  
COMPONENT \_\_\_\_\_

**FY 84**

Page 1 of 1  
Revised Date 2/24/83

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: SB 72 Date on Bill: 1-25-83  
 Title: An Act relating to free emergency medical examinations of victims of sexual assault  
 Sponsor: Kerttula, V. Fischer and Josephson  
 Requestor: Senate HESS

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating		90.6	93.4	99.1
Total		90.6	93.4	99.1

b. Revenues:

Revenue				
---------	--	--	--	--

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

According to the Council on Domestic Violence, approximately 500 victims of sexual offenses per year who need medical examinations do not receive them. There will be additional hearings, as all persons applying would not be eligible by statute.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Nola K. Capp, Administrator *mbc* Phone: 465-3040  
 Division: Violent Crimes Compensation Board Date: 2/24/83

Approved by Commissioner: *Robert L. Berg* Date: 2/28/83  
 Department: \_\_\_\_\_

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

FISCAL NOTE DETAIL  
BILL NO. SB 72

EXPENDITURES		FY 83	FY 84	FY 85	FY 86
100	Personal Services		26.6	28.2	29.9
200	Travel		7.9	8.4	8.9
300	Contractual		8.6	9.1	9.7
400	Commodities				
500	Equipment		2.5		
600	Land & Structures				
700	Grants, Claims, etc.		45.0	47.7	50.6
800	Miscellaneous				
TOTAL			90.6	93.4	99.1
FUNDING					
General Fund			90.6	93.4	99.1
Federal Funds					
Program Receipts					
Inter-Agency Receipts					
Other					
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Part Time/Seasonal					
Non-Perm					
Months			12	12	12

ANALYSIS:

If the proposed legislation is enacted, it is anticipated there would be an increase of approximately 500 claims, as the Council on Domestic Violence states approximately 500 victims of sexual offenses need medical attention each year who do not receive it. The medical costs would be approximately \$90 per claim, making a total of \$45,000 needed for grant money and this is a conservative estimate.

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The current staff for the Violent Crimes Compensation Board consists of two persons. This change in the statute would necessitate the addition of a clerk typist (range 8) and associated costs, including equipment.

Under contractual services, there would be a need for a terminal only for the IBM displaywriter at \$3000.00 per year. There would be the cost of hearing officers' fees for 8 hearings at \$700 per hearing or a total cost of \$5600. The costs are assumed to begin 7/1/83.

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2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Jumeau	ELECTION DISTRICT 4	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT						
	1	2	3							
	PERSONAL SERVICES									
5.	Salary	19,176								
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10.	Travel	02								
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12.	Commodities	04								
13.	Equipment	05	2,484							
14.	Other		29,082							
15.	TOTAL COST									
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts	1002							
17.		G.F. Match	1003							
18.		General Funds	1004	29,082						
19.		I-A Receipts	1005							
20.		Program Receipts	1020							
21.		Other								
FOR B&M USE ONLY 4A KEY NUMBER _____										

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**13** REQUEST FOR NEW POSITION

AGENCY Department of Public Safety  
PROGRAM Crime Identification & Apprehension  
BRU Violent Crimes Compensation Board  
COMPONENT \_\_\_\_\_

Page 1 of 1  
Revised Date 2/24/83

**FY 84**

11095

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: Senate Bill No. 72 Date on Bill: 1/25/83  
 Title: "An Act relating to free emergency medical examinations of victims of sexual offenses"  
 Sponsor: Sens. Kerttula, V. Fischer and Josephson  
 Requestor: \_\_\_\_\_

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86		
Capital			0	0	0	0		
Operating			0	0	0	0		
Total			0	0	0	0		

b. Revenues:

Revenue								

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

4. Disclaimer:

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Prepared By: Dean Tirador *Dean Tirador* Phone: 465-3090  
 Division: Public Health Date: 2-10-83  
 Approved by Commissioner: Robert Gordon Smith *Robert Gordon Smith* Date: 2/14/83  
 Department: Health and Social Services

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

POSITION PAPER  
SENATE BILL NO. 72

"An Act relating to free emergency medical examinations of victims of sexual offenses."

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It is noted that no provision is made for reimbursement of costs to physicians or other health care providers who may be involved in such examinations.

Recommended by: E. S. Rabeau, M.D.  
E. S. Rabeau, M.D., Director  
Division of Public Health

Date: Feb. 10, 1983

Approved by: Robert London Smith  
Robert London Smith, Ph.D.  
Commissioner  
Department of Health and Social Services

Date: 2/14/83



STATE OF ALASKA

OFFICE OF THE GOVERNOR

ALASKA WOMEN'S COMMISSION

3601 C STREET - SUITE 742

ANCHORAGE, ALASKA 99503

MEMO

TO: Senate Health, Education and Social Services  
FROM: Kathy <sup>Km</sup> Marshall, Executive Director  
SUBJECT: Sponsor Substitute for Senate Bill No. 72  
DATE: February 6, 1984

The Alaska Women's Commission urges the adoption of Sponsor Substitute for Senate Bill No. 72 which provides for free emergency examinations for victims of sexual abuse for the purpose of gathering evidence to assist in the possible prosecution of the offender. This bill would encourage victims to prosecute and aid the State in convicting offenders.

The Commission also supports the development of uniform sexual assault examination kits which would be distributed statewide along with a manual of protocols.

CC:  
Senators  
J. Kerttula  
V. Fischer  
J. Josephson

# Alaska State Legislature

Advisory Council Members  
Senator Kerttula, Chairman  
Senator Bennett  
Senator Fahrenkamp  
Senator Vic Fischer



1024 W. 6th Avenue, Suite 203  
Anchorage, Alaska 99501  
Phone: (907) 274-1426

## SENATE ADVISORY COUNCIL

### MEMORANDUM

TO: SENATOR JALMAR KERTTULA  
FROM: ELIZABETH J. HICKERSON  
RE: SS SB 72  
DATE: JANUARY 21, 1984

Last session you sponsored SB 72, an act relating to free emergency medical examinations of victims of sexual offenses. My office received numerous calls opposing the bill, primarily because the examination is presently being paid through private health insurance coverage or by local police agencies, or provided at no cost to the victim by the Native Health Services, or reimbursed by the Violent Crimes Compensation Board. It was the consensus that if the state assumed total expense for these examinations, these alternatives would not longer be available. Basically, the victim would not gain any additional coverage and the state would be responsible for the total expense involved.

It is important to note that there is a category of victims that "fall through the cracks". These are victims that do not have medical insurance, are not eligible for treatment at a native hospital, do not live in an area where the expenses are otherwise covered and do not report the incident to the police.

Barbara Miklos, Director of the Council on Domestic Violence and Sexual Assault, and I have discussed this matter at length and participated in meetings with agencies, program people and local law enforcement agencies during December, 1983. Attached are the minutes from the meeting held in Juneau. The following reflects the proceedings at the meeting in Anchorage.

#### ANCHORAGE MEETING

In attendance: Victor Krumm (DA's office), Ilona Wright (Humana), Elizabeth Ward (Public Health Nursing), Walt Kilmore (State Troopers), Mary Snowball (AK Native Health Services), Del Smith (Anchorage Police Department), Paula Haley (STAR), Cindy Schindlar (Providence) and Walter Johnson (Health Aid Program), Barbara Miklos (CDVSA), and Elizabeth Hickerson (SAC).

The following was agreed upon.

1. Different sexual assault kits are being used throughout the state. This has caused problems in the prosecution of sexual assault crimes because vital evidence has not always been collected.

2. There is no uniform protocol manual being used in the state. This has caused problems in the prosecution of sexual assault crimes because vital evidence has not always been properly and legally collected.

3. A uniform kit and protocol are needed to address the above problems. The Department of Public Safety in conjunction with the Departments of Law and Health and Social Services are the proper agencies to adopt and distribute both. The cost for these is estimated at minimal and should be borne by the departments.

4. Sexual assault examinations are being paid by: public hospitals, private insurance policies, local law enforcement agencies, and the Violent Crimes Compensation Board. This process is basically working and should remain intact.

5. Travel for victims that report the crimes is being provided by the local law enforcement agencies and should continue.

6. Sexual assault intervention training for health aids is part of their established program, however this is somewhat limited. There are restrictions on the scope of medical examinations that health aids are allowed to administer.

7. Additional training for all medical personnel is needed. Special problems exist for those employed by the federal government. The state does not have jurisdiction over their training, however, it is doubtful that state sponsored training would be refused. The same applies for private hospitals.

8. Sexual assault intervention training is provided at the Trooper Academy in Sitka, however more money is needed, as is continuing education for veteran troopers and village public safety officers.

9. Rural areas present special problems due to weather, and lack of properly trained medical personnel and VPSOs. It is not uncommon for sexual assaults to be reported, but due to weather conditions, the victim is unable to be transported to a medical facility staffed by personnel licensed to perform the examination.

10. More education on sexual assault prevention, intervention and treatment is needed to combat common myths associated with this violent crime.

#### CONCLUSION

The attached sponsor substitute addresses the problems associated with the kits and the protocol. The Council on Domestic Violence and Sexual

Assault is the appropriate state agency to provide additional training for medical and law enforcement personnel. The Governor's present budget for the Council is not sufficient to increase training in the area. Ms. Miklos could provide financial data and justification on the matter, if you wish to pursue the issue of training.

In short, the sponsor substitute for SB 72 will provide for a uniform sexual assault kit and protocol manual. This according to representatives of the Departments of Public Safety, Law, and Health and Social Services is the most pressing problem which will cost a minimal amount of money to solve. Training for those involved in sexual assault cases needs to be increased and updated, and can best be performed by the Council on Domestic Violence and Sexual Assault.

Rape Exam Meeting, November 30, 1983, prepared by Barbara Miklos

Participants:

Caren Robinson, AWARE  
Samuella Samienego, AWARE  
Nola Capp, Violent Crimes Compensation Board  
Sgt. Bill Farber, Alaska State Troopers  
Lois Bergerson, Director, Public Health Nursing  
Matt Anderson, Alaska Emergency Medical Services  
Charles Fry, Council staff  
James Fisher, Council Member, Alaska Department of Law  
Barbara Miklos, Council staff

Issues:

Troopers will pay for exam and transportation if it is part of the investigation.

What is shelf life of kit - how long will it last in the villages?

EMT I - cannot obtain blood not trained, not trained in rape exams and would be difficult to keep them updated on skills.

VCC - must apply within 5 days to police to be eligible for VCC - victim must apply.

In FY 83 VCC had 33 rape claims - estimated did not pay for 4 - most of the claims were for loss of work and counseling.

Rural areas - must be plans for times when victims cannot travel. Troopers will fly in to village and determine if exam can be done there. If not they will fly victim to and from town.

Victims that fall through cracks are those that do not report to police. According to VCC legislation, they can not be reimbursed as far as medical payment concerned.

VPSO - need training at academy for rape investigations.

Need to remember psychosocial and medical aspects of exams not just investigation.

Child sexual assault - A problem because often do not hear from victim until a while after incident. Exam may not be a part of legal investigation but is necessary for child's welfare. Parents often pay for medical exam.

Must remember the many victims who do not report exams at all - money for exams probably not the primary reason for not reporting.

Need a simple protocol that is distributed to everyone - police, EMT's, health aides, PNN's, Nurses, M.D.'s, VPSO's.

Page 2

People in villages might be able to do less sensitive aspect of exams - fingernail clippings, clothes, take pictures. Still need to be sensitive of victim's trauma.

Victims in villages may not know where to go. May be hesitant to go to a health aide or VPSO.

AWARE has trained some health aides in rape exams.

Need 2 protocols: 1 for town, 1 for areas without M.D.'s and equipment.

Need more timely lab work - now sent to FBI.

If trooper can not get out to the villages because weather is bad, instruct victim on what to do.

PHN's need to have protocols and training in working with victims and rape trauma syndrome.

Some communities do not have health aides or clinics - real problem. Should transport those people in.

DA's need to be involved in developing protocols, particularly for rural areas. Need to know what is required for different cases.

PHN's do not routinely do pelvic exams. Only nurse practitioners. There are only 3 public health nurse practitioners functioning as such.

Every village needs a how to kit for rape exams - simple.

Can evidence hold up in court if exam not done by a physician?

M.D.'s need to be aware they do not determine if a rape was committed; police do that. M.D.'s record victims statements and obtain medical information.

Need more advanced training courses. Dr. Shirley Anderson has given training to Juneau M.D.'s.

Need basic orientation for new practitioners - Harborview has a slide presentation.

All practitioners and law enforcement need training.

Need state sexual assault prosecutor.

Need transportation for incest victims and non-offending parents in villages.

Could be a problem prosecuting if victims do not go to police immediately. Can call the police and still not want to prosecute. Will help police to know about offender.

Page 3

Need to find out who pays for prolonged medical attention because of rape -  
broken bones, V.D., etc.

CSSSSB 72 - AN ACT RELATING TO SEXUAL ASSAULT INVESTIGATIONS

THE SENATE HESS COMMITTEE SUBSTITUTE PROVIDES FOR:

1. A UNIFORM SEXUAL ASSAULT EXAMINATION KIT TO BE DISTRIBUTED STATEWIDE BY THE DEPARTMENT OF PUBLIC SAFETY FOR THE USE OF ALL PEACE OFFICERS AND HEALTH CARE PROVIDERS IN GATHERING EVIDENCE IN CASES OF SUSPECTED SEXUAL ASSAULT.

Sexual assault cases have, historically been under reported - estimated 3.5% to 10% are actually reported - for a variety of reasons, mainly related to the victim's fear of the legal system. In addition, collected evidence is sent to outside laboratories and take at least three months for the results to be returned.

Because sexual assault kits are not available statewide, and because health care and police staff are not trained in the use of the kits, mistakes are often made in the collection of evidence making prosecution difficult.

2. SEXUAL ASSAULT INVESTIGATION PROTOCOLS SHALL BE DEVELOPED BY THE DEPARTMENTS OF LAW AND PUBLIC SAFETY IN COOPERATION WITH HEALTH AND SOCIAL SERVICES. COPIES OF THE PROTOCOL MANUAL WILL BE DISTRIBUTED STATEWIDE BY PUBLIC SAFETY.

3. THE DEPARTMENTS OF PUBLIC SAFETY AND LAW SHALL DEVELOP AND IMPLEMENT TRAINING IN THE USE OF PROTOCOLS AND THE EXAMINATION KITS FOR :

PEACE OFFICERS  
DISTRICT ATTORNEYS  
LAW ENFORCEMENT AGENCIES  
HEALTH CARE PROVIDERS  
SEXUAL ASSAULT PROGRAM PERSONNEL

Meetings were held, in the preparation of this bill with the appropriate agencies, medical personnel and the Senate Advisory Council. Their conclusion in considering the problems of collecting sexual assault evidence was that ignorance on the part of those dealing with the victim was the main reason for the failure of the system.

It was recognized that a simple procedure, which could be followed by all levels of medical personnel, explaining the reasons for the protocols would best suit the situation in Alaska.

THE SENATE HESS COMMITTEE ALSO ATTACHED A LETTER OF INTENT OF THE HESS COMMITTEE SUBSTITUTE, RECOMMENDING THAT MEDICAL PERSONNEL CONTINUE TO BE INVOLVED IN THE DEVELOPMENT OF PROTOCOLS AND TRAINING TO ENSURE SUCCESSFUL IMPLEMENTATION.

## FISCAL IMPACT

THERE ARE TWO FISCAL NOTES ATTACHED TO THE BILL:

1. THE DEPARTMENT OF PUBLIC SAFETY HAS REQUESTED \$122.0 (REPLACEMENT COSTS FOR THE KIT ARE INCLUDED IN THE BUDGET FOR THE CRIME LAB).

THE AMOUNT WOULD COVER PERSONNEL SERVICES, TRAVEL AND PERDIEM FOR THE TRAINING IN USE OF THE SEXUAL ASSAULT KITS, AND THE PURCHASE OF 600 KITS.

2. THE DEPARTMENT OF LAW HAS REQUESTED \$87.9 FOR AN ASSOCIATE ATTORNEY II POSITION FOR THE DEVELOPMENT OF THE PROTOCOLS, THE USUAL SUPPORT COSTS AND HIGHER TRAVEL COSTS FOR TRAINING PROGRAMS (\$7.5) \$20.0 IS ALSO BUDGETED FOR THE PRINTING OF PROTOCOL MANUALS. THIS POSITION IS ALSO INTENDED TO GIVE ONSITE SUPPORT TO HEALTH CARE AND SOCIAL SERVICES PROVIDERS.



Official Business

# Alaska State Legislature

## Senate

### Committee on

### Health, Education & Social Services

Pouch V  
State Capitol  
Juneau, Alaska 99811

#### LETTER OF INTENT

CS for SSSB 72 - An Act relating to sexual assault investigations.

February 10, 1984

Senator Jalmar Kerttula  
President of the Senate

Dear Mr. President:

The Committee on Health, Education and Social Services, to which was referred the Sponsor Substitute for Senate Bill 72, concerning sexual assault investigations, recommends that the bill be replaced by the attached Committee Substitute for SSSB 72 (HESS), and that the Committee Substitute do pass.

During hearings, the Committee heard testimony that input from the medical field, and particularly emergency room personnel, would better guarantee the successful implementation of sexual assault kits. Noting that work sessions on the development of the Sponsor Substitute included medical personnel, the Committee would recommend that continued medical input be sought in the development of the sexual assault kits, protocols and training programs.

Respectfully submitted,

Joe P. Josephson,  
Chairman  
Health, Education and  
Social Services  
Committee

FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: SSSB 72  
 Title: "An Act relating to sexual assault investigations."  
 Sponsor: Sen. Kerttula  
 Requestor: Senate Mess  
 Date of Request: 2/2/84

FISCAL DETAIL

Agency Affected: Department of law  
 Program Category Affected: Administration of Justice  
 BRU, Program or Subprogram(s) Affected: Prosecution

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		49.6	52.6	55.8	59.1	62.6
200 TRAVEL		7.5	8.0	8.5	9.0	9.5
300 CONTRACTUAL		24.8	10.4	11.0	11.7	12.4
400 SUPPLIES		4.5	3.2	3.4	3.6	3.8
500 EQUIPMENT		1.5				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	87.9	74.2	78.7	83.4	88.3
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	87.9	74.2	78.7	83.4	88.3
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	-0-	1	1	1	1	1
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

N/A

ANALYSIS: Attach a separate page for analysis

Prepared By: Richard I. Pegues, Director

Phone: 465-3672

Division: Administrative Services

Date: 2-6-84

Approved by Commissioner: Norman C. Gorsuch

Date: 2-6-84

Agency: Department of Law

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

This bill provides that the Department of Public Safety, in conjunction with the Department of Law and the Department of Health and Social Services shall develop and distribute a uniform sexual assault examination kit. The bill further provides that these departments shall develop a manual of protocols governing the distribution and use of the sexual assault examination kit.

The Department of Law will have primary responsibility for developing the manual of protocols. Some preliminary work in this project has already been accomplished as an outgrowth of the establishment of specialized sexual assault prosecution units and the use of victim/witness assistance paralegals in several of the department's District Attorney offices. In addition to developing protocols that enhance the preservation and protection of evidence, and writing protocols that deal with victims in a sympathetic and supportive manner, the department believes that it will be necessary to develop training packages for police officers. These training packages would then be incorporated into the regular police training curriculum and be available to Village Public Safety Officers, local police agencies and the Alaska State Troopers.

The biggest single obstacle to be cleared in making the sexual assault examination kit program work is the training of health care providers and private medical practitioners who examine and treat rape victims, in the preservation of evidence and the handling of victim/witnesses. There is no mechanism to command the attendance of health care providers at standardized training courses, nor would such a mechanism be a practical solution. Consequently, the department believes that this critical link in the chain of evidence can be best assured by providing on-site training and consultation to health care providers on a recurring basis. Recurrent on-site training will also be of vital importance for the staffs of the Department of Health and Social Services and the Council on Domestic Violence and their contractors who assist victims of sexual assault and particularly victims of child sexual abuse.

The Department of Law therefore requests sufficient funds to hire an Associate Attorney II who will be responsible for writing and revising the protocols for the distribution and use of the sexual assault examination kit. This position will also be responsible for developing police agency training packages and the position will develop and provide ongoing training for health and social services care providers. Funds are also requested for the printing of training materials and protocol manuals.

The Associate Attorney will be located with the Violent Crimes/Sexual Assault supervisor in the Office of the Chief Prosecutor.

FISCAL ANALYSIS - SSSB 72

This analysis is based upon establishing an Associate Attorney II position at Juneau. It provides for usual position support cost. Travel is set at a higher than usual level to allow for the training of rural health care and social services care providers. Ongoing costs include \$400 per month for communications and copying, and \$250 per month for office and library supplies. One-time expenses include \$1,500 in new position office commodities and \$1,500 in new position equipment. Another one-time expense is for the printing of protocol manuals, as well materials for and printing of training manuals. These costs are estimated at \$20,000, in the first year, and \$5,000 per year, thereafter. These costs have been estimated on the basis of similar projects requiring training efforts such as the criminal code revision. Costs beyond FY 85 include a 6% inflation factor.

1st Year Costs (FY 85)

	Associate Attorney II
Personal Services	49.6
Travel	7.5
Contractual	
Communications & Copying	4.8
Protocol/training materials	20.0
Commodities - ongoing	
Office Supplies	1.8
Library Materials	1.2
Commodities - single time	
New position supplies	1.5
Equipment - single time	
New position equipment	1.5
	<hr/>
Total	87.9

1.	POSITION TITLE ASSOCIATE ATTORNEY II				RANGE/STEP 19A	DARG. UNIT PX	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP	
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION Juneau	ELECTION DISTRICT 4	LEG.			
3.	CONTINUATION LEVEL				JUSTIFICATION						
4.	TYPE OF EXPENDITURE				AMOUNT						
	1		2		3						
	PERSONAL SERVICES										
5.	Salary	3,193/mo.	38,316								
6.	Benefits		6,284								
7.	Supplemental Benefits		2,349								
8.	Fixed Benefits		2,630								
9.	TOTAL PERSONAL SERVICES		01		49,579						
10.	Travel		02		7,500						
11.	Contractual		03		24,800						
12.	Commodities		04		4,500						
13.	Equipment		05		1,500						
14.	Other										
15.	TOTAL COST				87,900						
	RECEIPT CODE				FUNDING SOURCE						
16.					Federal Receipts 1002						
17.					G.F. Match 1003						
18.					General Funds 1004						
19.					I-A Receipts 1005						
20.					Program Receipts 1020						
21.					Other						
FOR O&M USE ONLY											
4A KEY NUMBER _____											

This position is required to develop and revise protocols for the distribution and use of a sexual assault examination kit. The position will also develop and write training guides for police officers to be incorporated in various training programs used by the Village Public Safety Officers, local police departments, and the Alaska State Troopers. The position will also provide recurrent on-site consultation for health care and social services care providers who assist the victims of sexual assault, particularly the victims of child sexual abuse. The position will interpret the legal requirements for safeguarding the evidence of sexual assault by health care and social services care providers such as hospitals, private medical practitioners, domestic violence shelters and village health aides.

AGENCY DEPARTMENT OF LAW  
PROGRAM DUE PROCESS  
BRU PROSECUTION

13 REQUEST FOR  
NEW POSITION

Page 1 of 1

FY 85

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

FEB 17 1984

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: CSSSSB72(MESS)  
Title: "An act relating to sexual  
assault investigation."  
Sponsor: Senator Kerttula  
Requestor: Senate Finance  
Date of Request: 2-15-84

FISCAL DETAIL

Agency Affected: Public Safety  
Program Category Affected: Administration of Justice  
BRU, Program or Subprogram(s) Affected: Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES		5.0				
200 TRAVEL		70.0				
300 CONTRACTUAL		38.0				
400 SUPPLIES		9.0				
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		122.0	-0-	-0-	-0-	-0-
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND		122.0	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		122.0	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Francis C. Allan  
Division: Alaska State Troopers

Phone: 269-5691

Date: 02/06/84

Approved by Commissioner: Robert J. Sundberg  
Agency: Public Safety

Date: 2/6/84

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

FEB 2 1984

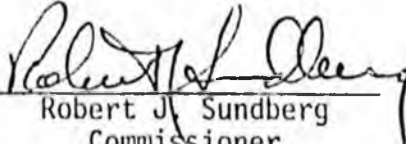
DEPARTMENT OF PUBLIC SAFETY  
POSITION PAPER - CS SS SB 72 (HESS)

Support

February 6, 1984

CS SS SB 72 (HESS) - "An Act relating to sexual assault investigations."

By making the sexual assault examination kits universal and by providing sufficient training in their use, a significant increase in the number of sexual assault convictions is expected.

  
Robert J. Sundberg  
Commissioner

CSSSSB 72 (HESS)  
FISCAL NOTE  
FY'85

100 -	<u>Personal Services</u> - 10 hours of overtime per month for a Alaska State Trooper, Sergeant, 78K (Note - Much of this training involving the legal implications of sexual assault investigations will need to be provided by a lawyer from the Department of Law.)		\$ 4,979
200 -	<u>Travel</u>		
	a) Travel & Per Diem must be provided for the Registered Nurse who will train Medical Institutions throughout the state in the use of the sexual assault kits.	\$14,000	
	b) Travel & Per Diem must be provided for a three man team which will train all state and local law enforcement officers with training in witness/victim interviews, victim sensitivity, crisis intervention and serological and biological evidence gathering.	<u>\$56,000</u>	\$ 70,000
300 -	<u>Contractual</u> - Personal Services contract with Registered Nurse to train Medical Facilities throughout the state in the use of the sexual assault examination kits.		\$ 38,000
400 -	<u>Commodities</u> - We would need approximately 600 kits the first year to replace all of the kits now in use and for training purposes. The cost is estimated to be about \$15.00 for each kit.		<u>\$ 9,000</u>
		Total	\$121,979

Note - These costs are needed in the first year only. Replacement costs for the kits are budgeted in the operating budget of the Crime Lab.

POSITION PAPER

SENATE BILL NO. 72

"An Act relating to free emergency medical examinations of victims of sexual offenses."

This Bill adds a new section to the statute governing the Violent Crimes Compensation Board which provides that the victim of sexual assault or, in the case of a minor, a victim of sexual abuse may request and shall receive free emergency medical examination at a public or private hospital or other emergency medical facility so that evidence may be gathered to assist in the possible prosecution of the offender. The Bill also provides that the Board may reimburse the hospital or emergency facility for the reasonable costs of the examination. It further provides for retroactive payment to the victim or parent if the victim agrees to aid in the prosecution of the offender.

The Department of Health and Social Services endorses measures which assist in law enforcement. Costs of examinations for victims are coverable under the state's Medicaid program at present and under many health insurance programs. We have no means to estimate how this Bill would affect the costs to the Violent Crimes Compensation Board. We do not anticipate any increased costs to the medical assistance programs administered by this Department.

It is noted that no provision is made for reimbursement of costs to physicians or other health care providers who may be involved in such examinations.

Recommended by: E. S. Rabeau, M.D.  
E. S. Rabeau, M.D., Director  
Division of Public Health

Date: Feb. 10, 1983

Approved by: Robert London Smith  
Robert London Smith, Ph.D.  
Commissioner  
Department of Health and Social Services

Date: 2/14/83

# ALASKA NETWORK ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

110 SEWARD #13 JUNEAU ALASKA 99801  
(907)585-3550

## POSITION PAPER: SSSB72 AN ACT RELATING TO SEXUAL ASSAULT INVESTIGATIONS

The Alaska Network on Domestic Violence and Sexual Assault, representing twenty member programs statewide providing services to victims of domestic violence and sexual assault, supports sponsor substitute for Senate Bill 72, An Act Relating to Sexual Assault Investigations.

The Network's primary area of concern is provision of comprehensive, sensitive, and timely services to victims. In cases of sexual assault, this concern involves assuring the victim that all necessary evidentiary information will be gathered in order to facilitate a successful prosecution. For that reason, it is imperative that uniform kits are provided for use statewide, that protocols be developed for use and distribution of the kits, that protocols address needs of both rural and urban areas, and that training be provided in both the use of the protocol and the kit to peace officers, District Attorneys, other appropriate law enforcement agencies, health care providers, and sexual assault program personnel.

Uniformity of kits is necessary in order to insure that evidence is gathered properly and that all necessary materials are available for a complete and thorough examination.

The development of protocols that address that unique and specific needs of rural areas is necessary because the level of health care provision may differ from that available in urban areas and because law enforcement personnel may not be immediately available.

It is the Network's position that training in the protocol and the use of the kit is primary. Availability of the kits is incidental if health care providers and criminal justice personnel are unaware of their availability and untrained in their use. Sexual Assault examinations can be an additional trauma to the victim, and so should be done in a sensitive and efficient manner. Training in performing sexual assault examinations is necessary in order to accomplish this aim.

In cases of sexual assault investigation and prosecution, collection of evidence plays a crucial role. In the opinion of the Network, more efficient, timely, and sensitive performance of sexual assault examinations can be accomplished by the provision of uniform kits, development of protocols, and provision of training to involved personnel in their use.

# STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

## DEPARTMENT OF PUBLIC SAFETY

COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

POUCH N  
ROOM 312, GOLDSTEIN BUILDING  
JUNEAU, ALASKA 99811

PHONE: 465-4356

November 4, 1983

Elizabeth J. Hickerson  
Senior Advisor  
Senate Advisory Council  
1024 W. 6th Avenue, Suite 203  
Anchorage, Alaska 99501

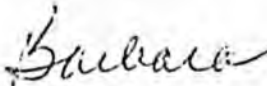
Dear Elizabeth:

I just received your letter and am planning to be out of town for the beginning of next week for regional provider meetings, so I wanted to contact you regarding rape kits. For your information, I have attached some research Susan McInnis in Fairbanks did on the status of rape kits in the Fairbanks area.

I certainly am not locked into developing any sort of task force and am anxious to explore other options. However, I want to state that I feel the Council is not the appropriate group to develop specific rape kit materials and protocols. The development of those items will require legal, medical and law enforcement expertise not present on the Council. I agree that we are the appropriate agency to oversee coordination of other agencies with specific expertise as that is mandated in our legislation. I also think it is appropriate that we establish and implement a system to assure humane and adequate collection of evidence.

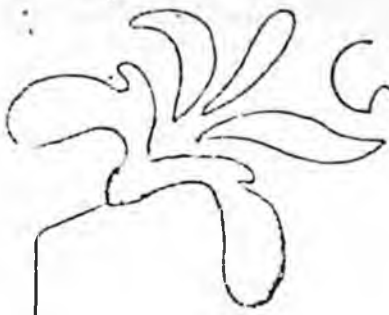
I will call you when I return to the office, so we can discuss possibilities. Now that I am more aware of what is happening statewide, I should be of more help.

Sincerely,



Barbara Miklos  
Executive Director

Enclosure



# WICCA

OCT 28 1983

Barbara Miklos  
CDVSA  
Pouch N  
Jureau, Alaska  
99811

October 24, 1983

Dear Barbara,

Enclosed you'll find comments from the Troopers, D.A.'s office, and Alaska Native Health Service doctors. I called each, asked how well they felt medical rape exams were being performed; asked about problems encountered and possible solutions. You'll be interested, I'd think, in the responses. I paraphrased in most cases, caught a quote or two, and tried to preserve the integrity of the responses throughout.

Interesting assignment. If notes from these people inspire more questions, I have permission from each to call again. Feel free to ask.

I'd be interested in your and Elizabeth's thoughts after reading the enclosed. I passed copies to Ruth.

Stay well.

Susan McInnis

*Handwritten note:*  
Re: Barbara, you'll notice that the different points of view are integrated 'nicely' differently. I suspect - need get differing points of view from any number of people queried.

Troopers:

First Sergeant Close, in Fairbanks; supervisor for Interior Troopers.

There are health clinics in all sub-regional centers (eg: Galena, Tok, Ft. Yukon, etc.). Staffed by physician, health aide, physician's assistant, or paramedic. For the most part Close thinks they do a pretty good job. Troopers know which health aides are capable of doing the work and which are not --because they work with them daily. When the health aide (p.a., paramedic, etc) is incapable, Troopers do their best to get the victim to a better staffed clinic. Not always possible. Where there is no clinic, Troopers will try to get the victim to a subregional center where she can receive an exam.

Troopers responsible (DPS is) for cost of rape exam, for providing rape kits, for securing the evidence and transporting it to Fairbanks. Because chain of evidence is their responsibility, they try to assure an effective exam.

Close feels reporting is pretty good overall in the bush. Lots of attempted reports, and of child sexual assault. Fewer actuals. Attempteds and child sexual assaults may not necessitate exams as often as sexual assault 1.

Says their greatest problems are weather and funding. A man died in Huslia the other day --from a gunshot wound to the head-- because Troopers could not get in to airvac him. Autopsy shows he probably would have died anyway, but it shows that AST is crippled by adverse weather conditions. Had Huslia had the proper equipment for guiding a plane, they might have been able to land. Same problem besets them when there is a reported sexual assault. May always be a problem in rural Alaska. Here, funding (for equipment) might help; might not.

Because AST is responsible for securing evidence, the lack of sufficient funding for rape kits is a real problem. If they can't afford to make up the kits, they can't oversee proper collection of evidence. ... As well, transportation of victims to a clinic or hospital, and paying for the exam when it's done, are both stymied by insufficient funds.

District Attorney's office:

Terry Foster, past Assistant D.A. in charge of the special assault unit.

Medical Exams from the bush are simply not up to snuff. There are logistical, emotional and training problems not encountered in urban areas. These prohibit uniform and effective collection of medical evidence. In Terry's opinion, a new law won't help.

Some of the problems:

There is much late reporting in bush communities. A sexual assault may be reported 2, 3, 4 days after taking place. Community education, a concerned and effective medical/law enforcement team could increase timely reports.

Police officers (both troopers and VPSOs) tend to minimize the importance of the rape exam. Don't effectively oversee thorough exam.

eg: If a victim says, "Hey, I'm fine. I don't need to go see the doctor (especially if seeing the doctor requires a trip to town). I just want to go home and take a bath," the p.o. is likely to let her go home. Often this is out of a desire to be sensitive to her needs, but it thwarts the collection of evidence.

eg: She related a case where the p.o. had the woman go into another room and clip her own pubic hair. Undoubtedly out of modesty or sensitivity to her modesty, but it again thwarted the collection of legal evidence. ...Another sample case, the p.o. asks the woman to brush off her own coat for evidence. Just doesn't work legally.

There is often more violence associated with a sexual assault in the bush. When this is the case, the medical exam often takes a lower priority than necessary attention to other injuries. It is excluded or only partially completed.

Health aides, paramedics, doctors, and physician's aides in the bush just aren't as sophisticated as their urban counterparts. They may do the vaginal smear, but not know to have the woman undress over a sheet of paper to catch falling fibers, blood, etc. May not do pubic combings, nail clipping, etc. This is a problem of ignorance and of staff turnover. One MD (health aide, etc.) may be very well trained, but may only stay 6 months. Replacement never receives adequate training.

In areas where there is no clinic or where it is felt that the clinic personnel cannot do a good exam, the victim may not receive an exam. She may be transported to an urban or subregional clinic. In this case, AST faces weather problems, and the problem of separating the woman from her support group at a time she most needs support. Here the state faces a dilemma: separation from her support group may

create problems for the victim but guarantee legal evidence. Not separating her from her support group means a loss of evidence for the case. Transporting the victim can also mean a delay in time which will mean loss of evidence.

Another example of the problems created by distance and weather: A woman was assaulted in Kaltag shortly after Terry became a p.a. At the time she wanted to report, she had support from the community. Troopers were called, but it took them two days to get there. Meanwhile supportive villagers were protecting the victim from the assailant, but "that maniac was still running around loose and by the time they got there the evidence was lost."

In Terry's mind, sexual assault and child sexual assault in the bush "are the prime unmet issues in law in Alaska." Because of the idiosyncracies in the bush, no system can be effectively applied over time. Each case must be dealt with individually.

Nonetheless, she would oppose new laws. Laws, she says, are to enforce what the people refuse to do on their own. Law enforcement officers, health aides, etc., are not refusing to do their job. They don't know what to do... Or they don't know why they are being asked to do it. (Terry says the latter may be the greatest problem. The explanation sheet with the exam tells what to do --it doesn't tell the officer or medical person WHY he/she is being asked to do it. So, they get lax). In some cases an experienced person (eg: Trooper) is frustrated in his/her work by an inexperienced person (generally the health aide, p.a., md, etc.) No law will rectify that situation.

Finally, emotional ties in the bush often preclude effective exams. The health aide is the assailant's aunt... has a bit of a feud going with the victim's family... has been told to steer clear of either family, etc.... Small bush communities are family-oriented communities. Where that creates a problem for effective medical exams or collection of evidence, no law will offer a solution.

Terry does agree that a simplified protocol which could be followed by a partially educated medical person or law enforcement officer might help. Standardized rape kits, readily available and understood by police and medical personnel would help. Education about sexual assault generally, legal aspects, emotional aspects, medical aspects --in the community and particularly for those legally involved--would help. Laws won't do it.

Pat Duggan, Assistant District Attorney, Fairbanks. In charge of the Barrow area.

Pat feels that medical rape exams are done pretty well. No significant problems.

He does encounter a bureaucratic problem with the Public Health Service from time to time. They have been reluctant in certain cases to do rape exams to collect evidence. Most recently, doctors' supervisors have been reluctant to have the physicians, physician and patient records subpoenaed. He has worked with them and settled the problem.

Non-native patient/victims may be a problem. Although the Barrow hospital is the only available health service, it is a native facility and non-natives can be refused service such as a rape exam. (Pat hadn't any specific problems or complaints in this area --was simply saying that it could be a problem).

No, says Duggan, a law would not help the effectiveness of rape exams. In Barrow, as in all Indian Native Health Service communities, the staff is made up of federal employees. No state statute would govern their provision of care. They now perform rape exams at the request of the state --but exams for the purpose of collecting evidence would not be considered a medical service.

Pat believes that where there is reluctance to collect evidence, it would be exacerbated by a state law. The federal facility might just refuse.

At this point he usually speaks with a new physician, discusses the state's needs and gains the doctor's willingness to assist. Good rapport between the government agencies seems the better route. *report*

Dr. Tom Gould; Director of Patient Care Services. Supervises health aides in 28 villages.

Referred me to Dr. Pete Marshall, but did give the following comments:

Villages of a size to have a health aide would usually transport the patient to a subregional center for the exam. By and large they are not trained in gyn: pelvics, pa. etc.

Dr. Gould suspects there is little call for rape exams in health-aide staffed villages. He believes he would be getting calls from health aides seeking assistance or to check on their work were there more exams being given.

When asked if the health care system in villages should be upgraded to include training and protocol for rape exams, he said: It would be reasonable, but must take into account the varying levels of sophistication among health aides, and the family ties in villages. Any confrontation requiring medical assistance places the health aide in jeopardy. "A health aide would rather 'beat off' from all that to protect herself." Giving a rape exam could be a sign of taking sides in a confrontation which also included sexual assault.

Dr. Peter Marshall --Alaska Native Health Service; Clinical Director (over health care in regional/subregional centers)

Dr. Marshall sees that the bureaucratic system is in place: things flow well from village to subregional or regional center --but it doesn't work. He does not feel that laws or regulations will help it function any better.

In Marshall's experience and belief, there is an "incredible range of assaults and abuses taking place, but no complaints."

"You can see why when you know what happens when someone does complain..." In Stevens Village, for example, a woman was raped by two men. The health aide reported the incident and the woman was transported to Fairbanks (regional center for S.V.). The men were identified, taken to Fbx for arraignment, and released on bail within 24-hours. They returned to Stevens Village to threaten the health aide for having reported the incident. In addition to threats, the men shot at her house with a rifle. She has since (because of that and other incidents) resigned and left the village.

Marshall believes that the reality of the village situation lags far behind the hopes of anyone who wants to improve care (legal/medical) to individuals there. There is an intense distrust of any interference in local relationships or problems.

'We recognize the rights of the accused (and have a system to protect him/her, as well as the victim and the state), but you can't convince small villages of that. 110 people living in a scattered cluster of cabins spread over a remote area are totally interdependent. When one of those people commits what we see as a crime, even when we protect his/her rights, we are still seen as ripping him away from his people and his position in the community. To the villagers, the person who complains is at fault --and at risk of retribution.'

Indirectly, I think Dr. Marshall is making a bid for education and altered services over any laws you might propose. He suggests --as concerns the whole range of child abuses-- that the system be decriminalized. The state or feds could 'encourage people to come forth because the act in question is not good for the people or for the village. Then help them work out an in-place solution.' When asked if he suggests that same altered system when it comes to sexual assault of adults, he said: "We're not getting anywhere with the current system. A changed one might work better."

Marshall

He cited the example of the state regs re child abuse (etc.): They allow the state to remove children from a home which neglects or abuses them. The federal regs now require that children of Natives be returned to the immediate family, extended family or tribe as soon as possible. The difference between the two laws puts health care providers in a bind. As a result, he says, they have had to take a closer look at counseling/working with the families, in order to facilitate a speedy return of the child. In cases where the state has been able to make a good placement (in a native home) of the abused/neglected child, and give excellent counseling to the problem parent --as well as other family members-- they are finding that the family can recover and change.

He feels that if the state concentrates on the possible consequences of laws (more laws regarding reporting would result in an uproar --and danger to those who would report, collect evidence, etc.), and on improving the outcome for people, there may be a better result.

At this point, however, he agrees with Terry Foster that matters having to do with crimes in villages will have to be taken case by case --suspending system to work with the idiosyncracies of village life.

Dr. Marshall had some thoughts on alcohol during the conversation. Venetic is and has been a dry community. In the four years Dr. M. has been traveling to Ft. Yukon and its near villages, "the worst thing that ever happened in Venetic was when a Ft. Yukon man came in, beat up old Mr. Christian (who was 90) and killed him." In Stevens Village --a wet village-- assaults and abuses, and murders, happen all the time. People are drunk all the time. "In Venetic, people live normal lives. There is very little violence." It's a tangent, but a thoughtful one, yes?

## SB 72: BACKGROUND INFORMATION

It appears that payment for emergency medical examinations for victims of sexual offenses has at times varied throughout the state. The following supports this statement.

Anchorage, Bethel, Barrow, Fairbanks and Juneau police departments were asked how these exams were paid for in their areas. The following is information gathered from these departments.

Anchorage - When a victim of sexual assault is taken by the city police to the hospital and an exam is administered, the police department pays for the exam with department funds which essentially come from the Municipality of Anchorage.

Bethel - In Bethel the police department stated that the majority of sexual offense victims in their area are native and would be taken to the native hospital in Bethel where there would be no charge to the native victim (hospital is federally funded). But in the case of a nonbeneficiary (non-native) the victim would be personally responsible for the payment of the exam.

Barrow - In Barrow the same standards are followed as in Bethel.

Fairbanks - The police department in Fairbanks stated that if the city police take a sexual assault victim to the hospital and the victim undergoes an exam, the expense of the exam is the responsibility of the investigating agency, in this case the city police department would pay for the exam with funds from their operating budget. In a case outside of the city limits where the State Troopers were called, the exam would be paid by the State Troopers with state funds which come from the Department of Public Safety.

Juneau - As far as the Juneau police department knew, the victims of sexual assault would be responsible for the expense of an exam given.

Nola Capp, administrator to the Violent Crimes Compensation Board, stated that awards of compensation for emergency medical examinations have been made both to a provider via the victim and also to the victim who had previously paid at the time of the exam.

According to the Network on Domestic Violence and Sexual Assault, the payment for these examinations have been a problem in past years. It seems that on occasions an examination would not be administered unless payment was made. This seems to have been generally corrected. Incest victims, however, have been treated differently. According to the Network often the incest victim must be reimbursed through the board which causes financial hardship.

Given the different procedures utilized throughout the state for these examinations, it is in the best interest of the state to enact a uniform law.

SB 72 adds a new section to AS 18.67 "Violent Crimes Compensation Board" and provides that emergency examinations for victims of sexual offenses will be provided at no cost to the victim when the purpose of the examination is to gather evidence to assist in the possible prosecution of the offender.

As the evidence gathered is used only for the benefit of prosecution there is no justification for a victim having to pay for this examination, even if later reimbursed by the board.

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: Senate Bill No. 72 Date on Bill: 1/25/83  
 Title: "An Act relating to free emergency medical examinations of victims of sexual offenses"  
 Sponsor: Sens. Kerttula, V. Fischer and Josephson  
 Requestor: \_\_\_\_\_

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86		
Capital			0	0	0	0		
Operating			0	0	0	0		
Total			0	0	0	0		

b. Revenues:

Revenue								
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2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It not represent the policy of the Sheffield Administration or the final estimate of impact.

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 Date: 2-10-83

Approved by Commissioner: Robert Gordon Ameli  
 Department: Health and Social Services

Date: 2/14/83

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

Medical people attending  
meetings on SSSB 72

Walter Johnson - health aide prog

Cindy Shabler - Providence

Iona Wright - Humana

Mary Snowball - AANHS

Elizabeth Ward