

**S B**

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**SENATE COMMITTEE REFERRAL**  
**First Committee of Referral**

DATE: 1/14/98

FURTHER: Finance

Date of 5-Day Notice: \_\_\_\_\_  
 (in accordance with Uniform Rule 23)

DATE TURNED  
 IN TO OFFICE: 4/7/98

Health, Education and Social Services Committee considered      SENATE BILL NO. 237

"An Act extending the termination date of the Council on Domestic Violence and Sexual Assault."

and recommends:

- be replaced with \_\_\_\_\_ CS SB 237 (HES)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:
- same title
  - new title
- House Bill:
- same title
  - technical title
  - new: SCR# \_\_\_\_\_

SIGNING/DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Kevin A. Scuman</i>	<input checked="" type="checkbox"/>	<i>J. Ellis</i>	<input checked="" type="checkbox"/>		
		<i>Lynne Green</i>			<input checked="" type="checkbox"/>
CHAIR: <i>Gary White</i>	<input checked="" type="checkbox"/>	CHAIR:			

**NEW FISCAL NOTE(S):**

Department      Date      Zero      Fiscal

Department	Date	Zero	Fiscal
<i>Public Safety</i>	<i>3/12/98</i>	<input checked="" type="checkbox"/>	

**PREVIOUS FISCAL NOTE(S):\***

Department      Date      Zero      Fiscal

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

0-LS1315E

Luckhaupt

3/5/98

## CS FOR SENATE BILL NO. 237( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Sponsor(s): SENATE LABOR AND COMMERCE COMMITTEE

## A BILL

## FOR AN ACT ENTITLED

1 "An Act relating to domestic violence and sexual assault; amending Rule 404,  
2 Alaska Rules of Evidence; and providing for an effective date."

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

4 \* Section 1. AS 12.55.101(a) is amended to read:

5 (a) Before granting probation to a person convicted of a crime involving  
6 domestic violence, the court shall consider the safety and protection of the victim and  
7 any member of the victim's family. If a person convicted of a crime involving  
8 domestic violence is placed on probation, the court may order the conditions  
9 authorized in AS 12.55.100 and AS 18.66.100(c)(1) - (7) and (11), and may

10 (1) require the defendant to participate in and complete to the  
11 satisfaction of the court one or more programs for the rehabilitation of perpetrators of  
12 domestic violence that meet the standards set by, and that are approved by, the  
13 Department of Corrections under AS 44.28.020(b) [,] if the program is available in the  
14 community where the defendant resides; the court may not order a defendant to

1 participate in or complete a program for the rehabilitation of perpetrators of  
2 domestic violence that does not meet the standards set, and that is not approved.  
3 by the Department of Corrections under AS 44.28.020(b);

4 (2) require the defendant to refrain from the consumption of alcohol;  
5 and

6 (3) impose any other condition necessary to protect the victim and any  
7 members of the victim's family, or to rehabilitate the defendant.

8 \* Sec. 2. AS 18.66.100(c)(15) is amended to read:

9 (15) order the respondent, at the respondent's expense, to participate in  
10 (A) a program for the rehabilitation of perpetrators of domestic violence that meets the  
11 standards set by, and that is approved by, the Department of Corrections under  
12 AS 44.28.020(b), or (B) treatment for the abuse of alcohol or controlled substances,  
13 or (A) and (B) [BOTH]; a protective order under this section may not require a  
14 respondent to participate in a program for the rehabilitation of perpetrators of  
15 domestic violence unless the program meets the standards set by, and that is  
16 approved by, the Department of Corrections under AS 44.28.020(b);

17 \* Sec. 3. AS 33.16.150(f) is amended to read:

18 (f) In addition to other conditions of parole imposed under this section, the  
19 board may impose as a condition of special medical, discretionary, or mandatory parole  
20 for a prisoner serving a term for a crime involving domestic violence (1) any of the  
21 terms of protective orders under AS 18.66.100(c)(1) - (7); (2) a requirement that, at  
22 the prisoner's expense, the prisoner participate in and complete, to the satisfaction of  
23 the board, a program for the rehabilitation of perpetrators of domestic violence that  
24 meets the standards set by, and that is approved by, the department under  
25 AS 44.28.020(b); and (3) any other condition necessary to rehabilitate the prisoner.  
26 The board shall establish procedures for the exchange of information concerning the  
27 parolee with the victim and for responding to reports of nonattendance or  
28 noncompliance by the parolee with conditions imposed under this subsection. The  
29 board may not under this subsection require a prisoner to participate in and  
30 complete a program for the rehabilitation of perpetrators of domestic violence  
31 unless the program meets the standards set by, and is approved by, the

1 department under AS 44.28.020(b).

2 \* Sec. 4. AS 44.28.020(b) is amended to read:

3 (b) The department shall, with the approval of the Council on Domestic  
4 Violence and Sexual Assault, adopt standards, by regulation, for rehabilitation  
5 programs for perpetrators of domestic violence as defined in AS 18.66.990. For  
6 purposes of AS 12.55.101, AS 18.66.100(c), and AS 33.16.150(f), the department shall  
7 approve a program if the department determines that the [DETERMINE  
8 WHETHER A] program meets the standards.

9 \* Sec. 5. AS 44.66.010(a)(11) is amended to read:

10 (11) Council on Domestic Violence and Sexual Assault (AS 18.66.010)

11 -- June 30, 2002 [1998];

12 \* Sec. 6. Rule 404(b)(3), Alaska Rules of Evidence, is amended to read:

13 (3) In a prosecution for a crime of sexual assault in any degree,  
14 evidence of other sexual assaults or attempted sexual assaults by the defendant  
15 against the same or another person is admissible if the defendant relies on a  
16 defense of consent. In a prosecution for a crime of [OR] attempt to commit sexual  
17 assault in any degree, evidence of other sexual assaults or attempted sexual assaults  
18 by the defendant against the same or another person is admissible [IF THE  
19 DEFENDANT RELIES ON A DEFENSE OF CONSENT].

20 \* Sec. 7. Rule 404(b)(4), Alaska Rules of Evidence, is amended to read:

21 (4) In a prosecution for a crime involving domestic violence or of  
22 interfering with a report of a crime involving domestic violence, evidence of other acts  
23 of [CRIMES INVOLVING] domestic violence by the defendant against the same or  
24 another person or of interfering with a report of a crime involving domestic violence  
25 is admissible. In this paragraph, "domestic violence" and "crime involving domestic  
26 violence" have the meanings given in AS 18.66.990.

27 \* Sec. 8. APPLICABILITY OF SECTIONS 6 AND 7. Sections 6 and 7 of this Act apply  
28 to a criminal or juvenile proceeding held on or after the effective date of secs. 6 and 7,  
29 regardless of whether the criminal offense or delinquent act occurred before, on, or after the  
30 effective date of secs. 6 and 7.

31 \* Sec. 9. Sections 1 - 3 of this Act take effect January 1, 1999.

1 \* **Sec. 10.** Except for secs. 1 - 3 of this Act, this Act takes effect immediately under  
2 AS 01.10.070(c).

# FISCAL NOTE

**STATE OF ALASKA**  
**1998 LEGISLATIVE SESSION**

**BILL NO: SB 237**

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: Extend CDVSA BRU: CDVSA  
 Sponsor: Labor and Commerce Component: CDVSA  
 Requestor: (S) HESS COMPONENT SERIAL NO. \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)**

OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )	0	0	0	0	0	0
Revenue Code						

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimate of current year (FY 99) impact: \$ \_\_\_\_\_

**POSITIONS:**

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

**ANALYSIS: (Attach a separate page if necessary.)**

This is sunset legislation that extends the Council through June 30, 2002. The Council's FY99 Budget is contained in the Governor's operating budget. It totals \$8,816.5.

**Expenses:**

Personal Services - \$374.1, Travel - \$223.8, Contractual - \$231.9, Supplies - \$9.2, Grants - \$7,977.5.

**Revenue:**

Federal Receipts - \$2,368.6, General Funds and PFD - \$4,769.0, Other - \$1,678.9.

Prepared By: Jayne E. Andreen  
 Division: CDVSA

Phone: 465-4356

Date: 2/4/98

Approved by Commissioner: \_\_\_\_\_

Agency: \_\_\_\_\_

*Ronald L. Otte*  
 \_\_\_\_\_  
 Ronald L. Otte, Dept. of Public Safety

Date: 2/5/98

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# FISCAL NOTE

**STATE OF ALASKA**  
**1998 LEGISLATIVE SESSION**

**BILL NO: SB 237**

Revision Date: \_\_\_\_\_ Dept. Affected: Public Safety  
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OPERATING	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Revenue Code						

**FUNDING: (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimate of current year (FY 98) impact: \$ \_\_\_\_\_

**POSITIONS:**

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

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Prepared By: Jayne E. Andreen Phone: 465-4356  
 Division: CDVSA Date: 2/4/98  
 Approved by Commissioner:  Date: 3/2/98  
 Agency: Ronald L. Otte, Dept. of Public Safety

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Sectional Analysis  
CS SB 237: Domestic Violence & Sexual Assault  
(HESS)

Section 1:

Amends the Code of Criminal Procedure, Sentencing and Probation statute to ensure that if a defendant is to participate in a batterers' program, that program will meet the standards set by and the program approved by the Department of Corrections under AS 44.28.020(b).

Section 2:

Amends the Domestic Violence and Sexual Assault, Protective Orders statute to ensure that if a respondent is to participate in a batterers' program, that program will meet the standards set by and the program approved by the Department of Corrections under AS 44.28.020(b).

Section 3:

Amends the Parole Administration Act to ensure that if a prisoner is to participate in a batterers' program, that program will meet the standards set by and the program approved by the Department of Corrections under AS 44.28.020(b).

Section 4:

Amends the duties of the Department of Corrections to ensure that batterers' programs, that program will meet the standards set by and the program approved by the Department of Corrections under AS 44.28.020(b).

Section 5:

Extends the Council on Domestic Violence and Sexual Assault by four years, the maximum extension allowed under AS 44.66.010(c).

Section 6:

Amends Rule 404(b)(3) to ensure that if a defendant relies on a defense of consent, evidence of other sexual assaults are admissible.

Section 7:

Amends Rule 404(b)(4) Rules of Evidence to make it clear to judges that there doesn't have to be a previous conviction, only that the acts were committed. This change allows the prosecution to produce evidence of previous acts of domestic violence.

Section 8:

The Court Rule changes apply only to proceedings held on or after the immediate effective date.

Section 9:

Court referrals, protective orders, and probation conditions that now must meet the standards and approved programs under AS 44.28.020(b) begin January 1, 1999.

Section 10:

Immediate effective date for the rest of the sections.

# Alaska State Legislature



Senator Gary Wilken, Chairman  
Senator Loren Leman, Vice Chairman  
Senator Lyda Green  
Senator Jerry Ward  
Senator Johnny Ellis

State Capitol  
Room 510  
Juneau, Alaska 99801  
(907) 465-3762

## Senate Committee on Health, Education and Social Services

### M E M O R A N D U M

TO: Senator Mike Miller  
Alaska State Senate President

FROM: Senator Gary Wilken, Chairman  
Senate HESS Committee

DATE: April 6, 1998

RE: SB 237 – Council on Domestic Violence and Sexual Assault

---

I respectfully request that an additional referral to the Senate Judiciary Committee for SB 237, an Act relating to the Council on Domestic Violence and Sexual Assault, be made.

This legislation passed from the Senate HESS Committee today as a committee substitute. The revised legislation is substantially different than the original bill and should be reviewed by the Senate Judiciary Committee.

Thank you for your consideration of this request.

cc: Senator Robin Taylor, Chairman  
Senate Judiciary Committee

*Marcy Pilcher*  
*8477 Thunder Mountain Road #81*  
*Juneau, AK 99801*  
*(907) 790-2385*

February 23, 1998

Representative Bill Hudson  
State Capitol, Room 108  
Juneau, AK 99801-1182

Dear Representative Hudson,

I would like to voice my concern over the manner in which the State of Alaska is addressing domestic violence. According to the Domestic Violence Prevention and Victim Protection Act of 1996, if an offender does not reside in a community that has a standards approved program (Juneau or Anchorage) then the perpetrator cannot be ordered to complete counseling. There are many rural and urban areas that are currently ordering perpetrators to counseling in non-approved programs. Many of these communities can not afford to establish standards approved programs without some type of subsidy from the State. By not funding these programs what kind of message are we sending these communities? That their problems of domestic violence are less important than those of the two communities in Alaska who have standards approved perpetrator programs?

I agree that standards should be set for batterer's intervention programs. However, it is my opinion that the State of Alaska should be ashamed with the lack of support for offender programs! Alaska has the highest rate of domestic violence and sexual assault. Furthermore, we are doing very little to address the source of the problem. Most perpetrators of domestic violence are misdemeanants with very little jail time hanging over them. To a perpetrator who has spent a lifetime of learning unacceptable/violent behaviors, a few days in jail with NO counseling is NOT going to solve the problem of domestic violence.

One of the arguments for not funding perpetrator programs is that there is uncertainty to their effectiveness. If you had an ailment and 99% of the efforts made by your doctor were to address the symptoms and only 1% addressed the actual cause of the ailment, you might say that the doctors efforts are not effective. When in reality, if your doctor spent a greater percentage of effort addressing the cause of the ailment, the more effective he would be. If your doctor were providing you with similar "care," you would likely find another doctor. That analogy could be compared with the Council on Domestic Violence and Sexual Assault's lack of support of perpetrator programs. Only one program was funded for FY98, at \$60,000. This is less than 1% of the Council's budget. Alaska Statute 18.66.010 mandates that the council provide services for families, victims, and, *perpetrators* of domestic violence. We need to find another system that will address our "ailment." In order to address the issue of domestic

violence you must begin with the perpetrator. I don't know why this seems to be such a difficult concept for some people to grasp. I implore you to set a course for change.

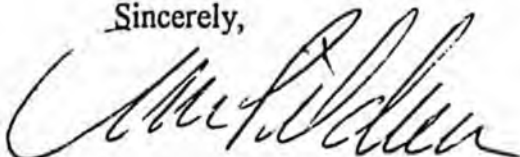
Providing shelter for a victim is a needed service. However, if we do nothing to address perpetrator's violence what are we saying? The old adage "Silence betokens consent" comes to mind. Perpetrators are not going to change their ways by their partner utilizing a shelter. Maybe a shelter will help a woman make positive changes in her life and she may eventually leave her partner. BUT when this man establishes another relationship he will continue his cycle of violence, hence creating another victim in need of services.

Changes that would positively impact the lives of all Alaskans affected by domestic violence (perpetrator or victim) would be:

- to remove responsibility from the Council on Domestic Violence and Sexual Assault for funding, approving, and monitoring batterer's intervention programs. Batterer's programs should not be competing for the same resources as victim/survivor services.
- subsidize and develop programs across the state to research which methods of intervention work best with perpetrators in Alaska and then making an informed decision, create standards for batterer intervention programs. (See guidelines <http://www.umn.edu/mincava/papers/pwmmwb2.htm>) Utilize the experience and knowledge of the current perpetrator programs to create standards for Alaska.

If we can stop one perpetrator from abusing his partner, we may be saving three victims. If the State of Alaska does a better job in the prevention/intervention of domestic violence there will be fewer victims requiring services. Governor Knowles has indicated that the children of Alaska are in crisis. Part of the crisis facing children today is domestic violence. There are many studies that show that witnessing domestic violence has a detrimental effect on children. Boys who witness domestic violence are more likely to be perpetrators of domestic violence as they get older. Girls who witness domestic violence are more likely to become victims. This should not be a surprise to anyone. However what is surprising is the complete lack of effort on the behalf of the State of Alaska. **WE MUST STOP THE CYCLE OF VIOLENCE**, before it is repeated in our children, and their children, and so on.

Sincerely,



Marcy Pilcher

**Council on Domestic Violence and Sexual Assault**  
**February, 1998**

The Council on Domestic Violence and Sexual Assault was established in 1981 to provide for planning and coordination of services to victims and perpetrators of domestic violence and sexual assault. The mission of the Council on Domestic Violence and Sexual Assault is to provide immediate safety and support to victims of domestic violence, sexual assault and incest, and to reduce the incidence of these crimes in Alaska. Statutory duties of the Council include: funding and maintaining domestic violence and sexual assault programs; providing for planning of services to people who are affected by domestic violence and sexual assault; coordination of domestic violence and sexual assault services provided by State and local agencies; development and implementation of a standardized data collection system; providing fiscal and technical assistance to domestic violence and sexual assault programs; providing technical assistance and coordination with state agencies on training and policy development on domestic violence and sexual assault.

Alaska is a violent state, especially for women and children. We have consistently had one of the highest rates of sexual abuse per capita in the nation for the past decade, and the gap between the national average and Alaska is increasing. According to the Uniformed Crime Report for 1992, the Alaskan forcible rape rate is 96.4 per 100,000, which compares to 42.3 per 100,000 on the national level. Reported forcible rapes increased by 27% between 1994 and 1995, and represent 11.4% of Alaska's violent crime. In 1995, Alaska's reported forcible rape rate of adult women was 2.2 times the national average. Only 35.7% of the 516 reported sexual assaults resulted in some type of arrest or closure in 1995.

Child abuse is also a major problem in this state. The national reported incidence of child sexual abuse has more than tripled in the 1980's from 42,900 to 155,900 children. In Alaska, these reports have skyrocketed. From 1980 to 1990 the Division of Family and Youth Services' annual reports of suspected and adjudicated child sexual abuse rose from 185 to 2,039. Recent studies indicate that 38% of Alaskan children will experience sexual abuse in some form by the age of 18.

Domestic violence is inordinately high in Alaska. A statewide survey of Alaskan women (Stockholm and Helms, 1986) found: 10.2% (19,259 women) had been abused in an intimate relationship in the previous 12 months; 26% (49,091 women) had been abused by their spouses or live-in partners at some point in their adult lives. For most of these women the abuse occurred at least once a month. In 1985, at least 13,200 women in Alaska required medical treatment by a doctor or hospital for injuries sustained through abuse. Between 1991 and 1994, Alaska's Pregnancy Risk Assessment Monitoring System revealed that 13% of women who had recently given birth had been physically hurt by someone close to them before or during pregnancy.

The Council has four State members representing the Departments of Law, Education, Public Safety, and Health and Social Services. Additionally, there are three public members who bring their unique backgrounds and talents from diverse areas of the state. The makeup of the Council encourages coordination by combining the knowledge, experience and programmatic resources of its members so that issues of domestic violence and sexual assault can be addressed in a comprehensive and effective manner.

The Council funds community-based programs throughout the State that provide safety and support services to people whose lives are affected by domestic violence. In FY97, the Council funded twenty-one community-based programs who provide 250,000 safety and support services to more than 13,000 people. Victims and their children received approximately 49,000 nights of safety from the various safe home and shelter programs around the state. The urgent need for these services can be seen in the number of clients as well as the tremendous increase in demand for services. Since FY87, the number of people seeking services provided by Council-funded programs has increased by 8,300, a 47% increase.

With the designation of a separate grant line for community based batterers programs in FY98, the Council was able to fund one grant for \$60,000. Through a Reimbursable Services Agreement (RSA) with the Department of Corrections (DOC), the Council funds and monitors prison batterers' programs in Juneau, Fairbanks and Nome. The focus of these programs is to provide inmates in correctional facilities who have been perpetrators of domestic violence rehabilitative opportunities while incarcerated.

In addition to funding locally-based programs the Council provides a wide variety of services. These include:

- ◆ Statewide coordination of domestic violence and sexual assault activities
- ◆ Consultation with state and local agencies on the development of policy, procedures and training
- ◆ Facilitation of several federal grants that are providing resources to the criminal justice system's response to domestic violence, as well as child protection.
- ◆ Statewide planning for improving Alaska's domestic violence and sexual assault response.
- ◆ Technical Assistance at the state and local levels on domestic violence and sexual assault.
- ◆ Soliciting public input on domestic violence and sexual assault.
- ◆ Development of educational materials.
- ◆ Regulating locally-based victim and offender services to ensure quality service provision.
- ◆ Compilation of statewide data on domestic violence and sexual assault.

Provided by Jane Andreen, Executive Director  
Council on Domestic Violence and Sexual Assault



# Tongass

COMMUNITY COUNSELING CENTER

Bridget Crawford  
EXECUTIVE DIRECTOR

222 Seward St. • Juneau, Alaska 99801

- Last session the Legislature created a \$60,000 batterers' intervention program component within the Council on Domestic Violence and Sexual Assault (CDVSA) budget to ensure that money was designated for the prevention of domestic violence.
- There was over \$283,000 in funding requests from programs around the state.
- CDVSA chose not to increase the component for fiscal year 1999 thereby leaving communities unable to provide prevention and intervention services.
- Alaska Statute 18.66.010 states, "The purpose of the council is to provide for planning and coordination of services to victims of domestic violence or sexual assault or to their families and to perpetrators of domestic violence and sexual assault and to provide for crisis intervention and prevention programs" (emphasis ours).
- Alaska has one of the highest rates of domestic violence per capita. By funding only victim services we are operating in a crisis driven system and are not addressing the root of the problem. We cannot prevent future victims if we do not stop perpetrators from committing the violence.
- The Domestic Violence Act of 1996 states that the courts may order perpetrators to "state approved programs only."
- Tongass Community Counseling Center (TCCC) is one of only two "state approved" intervention programs for perpetrators of domestic violence.
- An investment of \$60,650 into programs now will save the community over \$500,000 in the future due to the increased severity and frequency of domestic violence offenses that will occur without intervention programs.
- Intervention programs hold perpetrators accountable for their acts of violence, provide techniques to learn to stop abusive behavior while monitoring compliance with conditions of probation.
- Our focus is on **victim safety**. We cannot prevent future victims if we do not stop perpetrators from committing the violence.

# Alaska State Legislature

FEB 03 1998



*H good*

State Capitol  
Juneau, AK 99801-1182  
(907) 465-3720  
(907) 465-2689

Official Business  
Fax: (907) 465-3472

Speaker of the House of Representatives

**DATE:** February 2, 1998

**TO:** Ms. Jayne Andreen, Executive Director  
Council on Domestic Violence and Sexual Assault

**FROM:** SPEAKER GAIL PHILLIPS *Gail*

**RE:** Domestic Violence Program Priorities

---

If you will recall, last year several members of the House Majority sent you a memo emphasizing our position on funding for both community-based batterers' programs and provision of shelters for abused individuals. I have enclosed a copy of that memo as a reminder of the importance we place on this dual emphasis and to encourage a more substantial prevention effort by the council for FY 99.

It is my understanding that the need for the community based batterers' programs is substantial. Possibly as many as 25 programs may be needed to provide adequate coverage and cultural diversity. Also, there is a need to ensure that these programs are run in a manner to meet the state regulations – standards which, no doubt, will require a much larger investment of funds from the council. The \$60,000 allocated to the prevention program for FY 98 cannot begin to meet the need and to bring about any substantial reduction in the problem. Without a more substantial effort, I doubt that any impact on problem will be made.

If you have any questions regarding my position on this matter, I would be pleased to discuss them with you further.

GP:jmj

Enc.

Cc w enc: Commissioner Ron Otte  
Deputy Commissioner Del Smith  
Representatives Porter, Green, Hudson & James  
Representative Gary Davis – Chair – subcommittee on Public Safety

# Alaska State Legislature



State Capitol  
Juneau AK  
99801-1182

Official Business

## MEMORANDUM

TO: Jayne Andreen, Executive Director  
Council on Domestic Violence  
and Sexual Assault

FROM: Rep. Gail Phillips, Speaker of the House *Gail*  
Rep. Brian Porter, Majority Leader *B. Porter*  
Rep. Joe Green, Judiciary Committee, Chair *Joe Green*  
Rep. Bill Hudson, Resources Committee, Co-Chair *Bill Hudson*  
Rep. Jeannette James, State Affairs Committee, Co-Chair *Jeannette James*

DATE: March 6, 1997

RE: Domestic Violence Program Priorities

---

It is our understanding that the Council on Domestic Violence and Sexual Assault made the decision to discontinue funding for community based batterers programs, and to continue funding only the shelter programs. While we are supportive of the programs for victims, we feel it is also important for the perpetrators of these crimes to be treated to help reduce the numbers of women and children who become victims. To effectively address this issue, we need a two-fold approach including shelters and treatment for the perpetrators.

We are especially concerned because last year the legislature approved a budget increment of \$139,000 for your agency. During a year of deep cuts, we showed our support for the programs funded through The Council on Domestic Violence and Sexual Assault by increasing your budget. There was a quote in the paper stating that if The Council just had the funding, these programs would be funded; when actually, we increased your funding to assure continuation of programs. We approved this increment because we felt that

Memorandum to Jayne Andreen

March 6, 1997

Page 2

continuing The Council was an effective approach in addressing the issue of domestic violence, a top priority for the House and Senate Majorities. Without funding batterers programs, we now have serious concerns about funding an agency that is only providing half of the services needed to combat domestic violence.

We strongly encourage you to specifically address this issue at your upcoming March 12th meeting, and amend your RFP to include funding community based batterers programs. The approach to domestic violence in Alaska cannot afford this one track approach. Please let us know the outcome of your March 12th meeting.

Thank you in advance for your consideration of our concerns. We look forward to working with you to help provide positive solutions toward addressing the very serious issue of domestic violence in Alaska.

cc: Ron Otte, Commissioner of Public Safety  
Del Smith, Deputy Commissioner of Public Safety

Council on Domestic Violence and Sexual Assault  
Funding History FY94 - FY98

	<b>FY 94 Actual</b>	<b>FY95 Actual</b>	<b>FY96 Actual</b>	<b>FY97 Auth</b>	<b>FY98 Gov Amend.</b>
1002 Fed Receipts	506.6	529.7	737.7	1,348.0	2,808.6
1004 GF	4,866.2	4,807.6	4,586.3	4,752.3	4,932.1
1007 I/A Rcpts.	148.5	165.9	111.2	148.5	207.4
1050 PFD	750.0	840.0	1,215.0	1,076.5	1,396.5
<b>TOTAL</b>	<b>6,271.3</b>	<b>6,343.2</b>	<b>6,650.2</b>	<b>7,325.3</b>	<b>9,344.6</b>



1057 W. Fireweed Ln, Suite 230  
Anchorage, Alaska 99503

*Business 907/276-7279*  
*24 Hour Crisis 907/276-7273*  
*Toll Free 1-800-478-8999*  
*Fax 907/276-9983*  
*TTY 907/278-9988*

January 29, 1998

Senator Gary Wilken  
Room 510  
State Capitol  
Juneau, AK 99801

Dear Senator Wilken:

This letter is in request to schedule Senate Bill 237, An Act extending the termination date of the Council on Domestic Violence and Sexual Assault for a hearing in the HESS committee.

STAR provides crucial crisis intervention to victims of sexual assault/abuse as well as to the families that are touched by this crime. We also provide safety education to school and community groups to raise awareness of the staggering rates of sexual assault in Alaska.

A majority of our staff positions at STAR rely heavily upon funding under the Council on Domestic Violence and Sexual Assault (CDVSA). Without the CDVSA, STAR could not operate. These services are crucial to the healing process of victims and their families, in addition to educating the public about the local existence and severity of this problem. Please schedule this bill for the next possible HESS meeting.

Sincerely,

Trisha Gentle  
Executive Director

# Audit Report

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DEPARTMENT OF PUBLIC SAFETY  
COUNCIL ON DOMESTIC VIOLENCE  
AND SEXUAL ASSAULT

---

September 30, 1997

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Audit Control Number:

12-1450-98

Division of Legislative Audit  
P.O. Box 113300, Juneau, Alaska 99811-3300

# LEGISLATIVE BUDGET AND AUDIT COMMITTEE

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## DIVISION OF LEGISLATIVE AUDIT

The Legislative Budget and Audit Committee is a permanent interim committee of the Alaska Legislature. The committee is made up of five senators and five representatives, with one alternate from each legislative chamber. The chairmanship of the committee alternates between the two chambers every legislature.

The committee is responsible for providing the legislature with audits of state government agencies. The programs and activities of state government now cost more than \$5 billion a year. As legislators and administrators try increasingly to allocate state revenues effectively and make government work more efficiently, they need information to evaluate the work of governmental agencies. The audit work performed by the Division of Legislative Audit helps provide that information.

As a guide to all their work, the Division of Legislative Audit complies with generally accepted auditing standards established by the American Institute of Certified Public Accountants and with government auditing standards established by the U.S. General Accounting Office.

Audits are performed at the direction of the Legislative Budget and Audit Committee. Individual legislators or committees can submit requests for audits of specific programs or agencies to the committee for consideration. Copies of all completed audits are available from the Division of Legislative Audit's offices in either Anchorage or Juneau.

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Randy S. Welker, CPA  
Legislative Auditor  
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P.O. Box 113300  
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# ALASKA STATE LEGISLATURE

## LEGISLATIVE BUDGET AND AUDIT COMMITTEE Division of Legislative Audit



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FAX (907) 465-2347  
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September 30, 1997

Members of the Legislative Budget  
and Audit Committee:

In accordance with the provisions of Title 24 of the Alaska Statutes, the attached report is submitted for your review.

### DEPARTMENT OF PUBLIC SAFETY COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

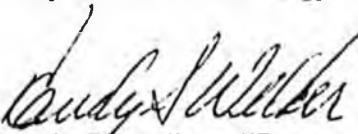
September 30, 1997

Audit Control Number  
12-1450-98

This audit evaluates whether the Council on Domestic Violence and Sexual Assault should be extended in statute. Currently, under AS 44.66.010(a)(11), the council is scheduled to terminate on June 30, 1998. The council would have one year from that date to administratively conclude operations.

In our opinion, the Council on Domestic Violence and Sexual Assault should be reestablished. The council serves a public need and is operating in the public's interest. We recommend that the legislature extend the council's termination date to June 30, 2002.

The audit was conducted in accordance with generally accepted government auditing standards. Fieldwork procedures utilized in the course of developing the findings and discussion presented in this report are discussed in the Objectives, Scope, and Methodology section of this report.

  
Randy S. Welker, CPA  
Legislative Auditor

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## OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the Council on Domestic Violence and Sexual Assault (CDVSA or council) to determine whether it was operating in the best interest of the public and if it should be statutorily continued in operation. As required by AS 44.66.050(a), the committee of reference shall consider this report during the legislative oversight process to determine whether the council should be reestablished. Currently, under AS 44.66.010(a)(11) the council will terminate on June 30, 1998, and will have one year from that date to conclude its affairs.

### Objectives

There are two central, interrelated objectives of our report. They are:

1. To determine if the termination date of the council should be extended.
2. To determine if the council is operating in the public's interest. The assessment of the operations and performance of the council, was based on AS 44.66.050(c). This statute sets out criteria that is to be used in determining a demonstrated public need for the council.

### Scope and Methodology

During the course of our examination, we reviewed and evaluated the following:

- Applicable statutes and regulations.
- Budget documents, session laws, and other legislative information relating to CDVSA's operations.
- The executive director's reading files.
- Interviews with various council members.
- Minutes of council meetings.
- Grantee performance and fiscal reviews prepared by CDVSA staff.
- Financial reports from the state accounting system.

- Interviews with individuals from other state and local community agencies with whom CDVSA staff and council members consult and coordinate.
- Minutes of interagency committees involved with domestic violence and sexual assault funding and issues.
- Documents prepared and reviewed for the FY 98 grant award council meeting.
- Interviews with CDVSA staff.
- Other documents related to CDVSA's operations and mission, as necessary.

During the course of our audit, we attended the meeting of the council where funds were allocated to grantees for FY 98. During this three-day meeting, we observed the proceedings of the council. This enabled us to see first hand how the council operates and interacts with its grantees and the public.

## ORGANIZATION AND FUNCTION

The Council on Domestic Violence and Sexual Assault (CDVSA or council) was established in the Department of Public Safety in 1981 by Alaska Statute 18.66. These statutes give CDVSA the authority ". . . to provide for planning and coordination of services to victims of domestic violence or sexual assault or to their families and to perpetrators of domestic violence and sexual assault and to provide for crisis intervention and prevention programs."

The council consists of seven members, of which four are the commissioners, or their designees, of the Departments of Public Safety, Health and Social Services, Education, and Law. The balance of the council is comprised of persons from the public appointed at the governor's discretion.

By statute, before making appointments, the governor receives recommendations from the Alaska Network on Domestic Violence and Sexual Assault (a non-profit, private organization).<sup>1</sup> Council

members are not required to be selected from the Network's recommendations, although historically, with some exception, they typically have been.

The council is staffed by an executive director, a project coordinator, a statistical technician, and a secretary. CDVSA is authorized to receive and disperse both state and federal funds. Traditionally, a large part of CDVSA's responsibilities involves administering grants made to local community organizations for domestic violence, sexual assault, and crisis intervention and prevention programs. Grant administration includes providing technical assistance and monitoring the activities of the various grantees and contractors.

The community programs, funded by CDVSA, provide a variety of services to the public. Most importantly, their efforts are directed toward providing victims with a safe environment either through housing at a community shelter, or the use of a network of designated "safe houses." In addition, the programs are involved in educating and counseling the victim about domestic violence and sexual assault issues and providing batterers' intervention services.

Since FY 96, CDVSA's coordination role and responsibilities with other state and local agencies has grown significantly. Largely responsible for this increase is the increase in federal

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### Council Members as of July 31, 1997

Mary Pete. (Chair)	public member
Persenia Whittern	public member
Evie Smith	public member
Cindy Cooper	Law
Del Smith	Public Safety
Barbara Thompson	Education
Karen Perdue	Health and Social Services

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<sup>1</sup> The Alaska Network on Domestic Violence and Sexual Assault is comprised of 20 members, 19 of which are CDVSA-funded programs. The Network does annual training for members, acts as a legislative lobbying group, and sits as a non-voting member on several CDVSA committees.

funding and additional duties added by state law. The federal funds from the U.S. Department of Justice, Violence Against Women Act program, were initially awarded during FY 96. The purpose of these funds is to provide personnel, training, technical assistance, data collection and other equipment for the apprehension, prosecution, and adjudication of persons committing violent crimes against women. The statutory duties effective in FY 97 authorized consulting with other agencies regarding training and standards of care for responding to domestic violence and sexual assault. As a result, since FY 96, CDVSA has been expending greater efforts on the coordination of services provided by other state agencies. The other agencies involved are primarily the Department of Law, the Department of Public Safety, the Department of Health and Social Services, and the Alaska Court System, as well as local community agencies, such as victim services agencies and local police organizations.

## REPORT CONCLUSIONS

Under AS 18.66, CDVSA is authorized to provide for the State's planning and coordination of the full range of services to victims, their families, and perpetrators of domestic violence and sexual assault. Combating domestic violence and sexual assault has become an increasing priority at both the state and national level. This increased priority is reflected by passage of the federal Violent Crime Control and Law Enforcement Act of 1994, and the State's Domestic Violence Prevention and Victim Protection Act of 1996. Both of these legislative acts have focused attention and provided increased resources to develop and strengthen effective law enforcement and prosecution strategies aimed at combating these violent crimes. Further, this legislative effort has assisted in the development and strengthening of victim services in cases involving domestic violence and sexual assault.

These laws have placed increasing demands on CDVSA for coordination of state and community agencies to develop a comprehensive response to domestic violence and sexual assault. However this increased demand has stressed CDVSA's resources, and has resulted in deficiencies in some of the council's administrative functions (see Recommendation No. 1).

In our view, CDVSA is serving a public need and is operating in the public's interest. Currently, AS 44.66.010(a)(11) requires that CDVSA be terminated on June 30, 1998. We recommend the legislature extend CDVSA's termination date to June 30, 2002.

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## FINDINGS AND RECOMMENDATION

### Recommendation No. 1

The Council on Domestic Violence and Sexual Assault's (CDVSA or council) executive director should continue to improve administrative procedures to adequately satisfy duties of the council.

Due to increasing responsibilities and a limited number of staff positions, CDVSA experienced deficiencies in carrying out its administrative and statutory responsibilities during FY 97. The lack of staff availability to carry out the full scope of the council's duties was further aggravated by staff turnover and extended illness of individuals that were on staff.

### Data collected from grantees has not been processed since February 1997

Data related to services provided which CDVSA collects from grantees has not been entered into the council's database since February 1997. CDVSA typically monitors the monthly data reports from the grantees which enables staff to more quickly identify problem areas and changes in the needs of grantee organizations. This ability has diminished due to the weaknesses in the data collection system.<sup>2</sup> Further, the statistical analysis of the FY 96 grantee service data has not been completed.

Staff vacancy and the need to address other responsibilities have contributed to the current backlog in data analysis. The statistical technician position has been vacant since December 1996. CDVSA was able to employ temporary staff for a few months which allowed the entry of data received for services provided through February 1997, however, data collected for subsequent months is cumulating at CDVSA. While CDVSA has been attempting to resolve this situation, there have been difficulties finding someone to fill this position. CDVSA has just three other staff positions, and two of these individuals were recently hired. These staffing limitations and the magnitude of CDVSA's responsibilities made it impossible for CDVSA to adequately absorb the loss of the statistical technician.

In addition to the data backlog, staff vacancies have caused a slowdown of CDVSA's conversion to a fully-automated, standardized data collection process. CDVSA initiated a project to fully automate its data collection process in FY 96. The intent of the project is to provide each grantee providing victim services with a computer and a standardized format for recording service data. The content and format standards are being designed by a working committee of the council. The collected data will be transmitted to CDVSA electronically.

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<sup>2</sup> Additionally as part of the sunset process, we typically provide appendixes with comparative services data. As a result of the lack of data, we are unable to do this.

The council has approved a pilot project with five grantees to start the implementation of the automated process. Full implementation of the automated data collection system is dependent on three factors: (1) CDVSA must obtain an \$85,000 capital appropriation in the FY 99 budget; (2) the working committee must standardize the content and format of information that should be reported; and, (3) a statistical technician must be hired to assist with training and technical assistance. The automated process should streamline data collection for both grantees and CDVSA. Additionally, CDVSA will be able to perform more analyses of the data for better management information regarding domestic violence and sexual assault in Alaska.

CDVSA must fill the statistical technician position in order to catch up on the backlog of data collected and fully implement the automated standardized data collection process as soon as possible. Further, given the prospective duties such an individual will have in an automated data collection system, CDVSA should consider reclassification of the position to a higher range, in order to assist in recruitment, and better reflect the skills needed in the position.

The annual report to the governor for FY 96 has not been completed

By statute, CDVSA is required to make an annual report to the governor addressing the council's activities, plans for new services and programs, and its concerns regarding the status of domestic violence and sexual assault in Alaska. To date the annual report for FY 96 has not been completed. The primary cause appears to be the lack of analyzed data about CDVSA's grantee activities during FY 96 as noted above.

Without completion and dissemination of the annual report, CDVSA has eliminated its self-identified major means of providing information regarding domestic violence and sexual assault in Alaska. We encourage CDVSA to complete the FY 96 annual report as soon as possible and also prepare the annual report for FY 97 in a timely manner.

Onsite monitoring of grantees was not performed and reported in timely manner

CDVSA's onsite monitoring process was in-depth and thorough, however timeliness was problematic during FY 97. Ten out of the twenty-two monitoring reports for the FY96-97 grant cycle were not completed by July 1997. The last onsite trip did not begin until the last day of FY 97 after funds had been committed for the FY 98 grants.

Significant bouts of illness for the executive director and the project coordinator, who are responsible for onsite monitoring, were the stated cause for this lack of completed onsites. Also the project coordinator left the agency and was replaced during this time period. Due to the lateness of the onsite reports, council members had to make critical grant funding decisions without information from the staff that is usually available to them.

Based on audit reports from the ombudsman and the Division of Legislative Audit during FY 95, CDVSA revised its onsite monitoring procedures to provide for consistency and completeness. Feedback from grantees is that CDVSA may have gone too far. CDVSA staff is currently reviewing their onsite monitoring procedures to make revisions that will more

efficiently achieve effective monitoring. Additionally, it has been suggested to us that formal timelines will be established for onsite monitoring reporting.

We support CDVSA's efforts to correct their administrative deficiencies. We recommend that the council complete the committee process and institute the resulting procedures as soon as possible to make the grant funding, administration, and oversight process more efficient and effective. The council should consider whether additional staff is necessary to accomplish this. Also, CDVSA should ensure that the regulations accurately reflect any changes that are made in grant administration.

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## ANALYSIS OF PUBLIC NEED

### Limited Analysis

The following analysis of the council's activities relates to the public need factors defined in the "sunset" law, Alaska Statute 44.66.050. These analyses are not intended to be comprehensive, but address those areas we were able to cover within the scope of our review.

*The extent to which the board, commission, or program has operated in the public interest.*

The council has awarded and administered grant funds to local community organizations and programs that provide services to victims of domestic violence and sexual assault, batterers' intervention services to perpetrators and crisis intervention and prevention programs. CDVSA provides technical assistance and oversight to these local community agencies.

CDVSA coordinates the efforts of state and community agencies working toward a comprehensive statewide system to combat domestic violence and sexual assault. Additionally, such system results in improved services to victims. By facilitating and participating on committees such as the Violence Against Women Implementation Planning Committee and the Interdepartmental Child Abuse Agreement working group the council helps direct funding in an informed, consistent, and coordinated manner.

CDVSA has provided funds to assist in the development of training materials relating to domestic violence and sexual assault which have been used by law enforcement, prosecution, and the courts. CDVSA staff is available when requested by state and local law enforcement agencies to consult on training matters.

CDVSA participates with the Department of Health and Social Services, Maternal Child and Family Health on the Alaska Domestic Violence Project. The project is responsible for developing and providing training to health care facilities and practitioners of healing arts on the delivery of medical services to domestic violence and sexual assault victims.

CDVSA has also worked with other statewide and local groups that are addressing domestic violence and sexual assault concerns.

*The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.*

The administrative staff has not increased since 1991 although statutory mandates have been added and the demand for coordination of services has increased significantly since that time.<sup>3</sup>

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<sup>3</sup> The Council had four full-time-equivalent (FTE) positions in FY82-83. This was reduced to three FTE and one part-time position from FY 84-90.

Increased state mandates were set out in the State's Domestic Violence Prevention and Victim Protection Act of 1996. In addition, responsibilities for coordination of federal funding have increased with the passage of the federal Violent Crime Control and Law Enforcement Act of 1994. Some professionals in the field reported to us that they feel this increase in coordination demands has adversely affected CDVSA's ability to address the direct service needs of victims.

However, the professionals we interviewed acknowledged that CDVSA's coordination efforts are critical to improving Alaska's handling of domestic violence and sexual assault. Typically, those interviewed expressed a desire that CDVSA be more involved in issues where it is necessary for extensive coordination between the various agencies dealing with domestic violence.

AS 18.66.050(10) requires the council to submit an annual report to the governor, and notify the legislature about the availability of the report. Although the statute is silent if such a report is to be based on the calendar or fiscal year, by past custom CDVSA has submitted reports on a fiscal year basis. However, due primarily to an extended vacancy in statistical technician position (as discussed in Recommendation No. 1) the council has yet to provide the governor with a report for FY 96 or FY 97. In addition, the extended technician vacancy has had an adverse impact on the council fulfilling its requirement under AS 18.66.050(5) to develop and maintain a standardized data collection system.

An issue that has caused controversy with victim service agencies and within the council itself is the funding of batterers intervention programs. Some individuals we interviewed expressed the belief that no funding should be awarded to programs for perpetrators until all areas of the State have adequate victim services. In the view of these individuals, the council's statutory responsibilities for perpetrators should be removed altogether. From this perspective, such programs, if they existed at all, would more appropriately be operated by agencies in the Department of Corrections or the Department of Health and Social Services.

Others individuals involved in the field of domestic violence continue to support the council's funding and administration of intervention programs for batterers. Proponents of this view believe such programs, when designed appropriately, can serve as another means to further ensure victim safety. As yet, the domestic violence and sexual assault community does not appear to have developed a consensus in this policy area.

The dispute over certain aspects of CDVSA's FY 98 budget illustrate the difference in policy preference. The legislature included \$60,000 specifically earmarked for the provision of batterers' intervention, whereas the Network on Domestic Violence and Sexual Assault (see footnote 1 on page 3) opposed such funding. This issue is a topic for discussion on the program of the upcoming Domestic Violence Summit in December 1997.

*The extent to which the board, commission, or agency has recommended statutory changes that are generally of benefit to the public interest.*

The council is generally asked by other agencies to review proposed statutory changes contained in proposed legislation. Typically, council staff reviews and comments on proposed

legislation rather than developing and seeking support for its own measures. The council has an active legislation committee that meets frequently during session. This committee reviews pertinent bills and decides which legislation the council should support or oppose. The executive director develops analyses and testifies on bills at the direction of the council.

CDVSA supported five pieces of legislation passed by the legislature in 1997. The pieces of legislation involved the following issues and statutory amendments:

1. Strengthening of Victim Rights in Statute (Chapter 63, SLA 1997). Perhaps the most significant piece of legislation supported by the council was HB 9, known as Victim's Rights legislation. Under the terms of this legislation, crime victims were assured they could be present at all criminal and juvenile proceedings where the accused was present.

The legislation also amended state law related to bail, by specifically requiring judicial officers, when considering bail prior to conviction, should grant bail only if "*the alleged victim can be reasonably protected through the imposition of bail and conditions of release.*" The legislation also required judicial officers to consider the "*effect of the offense upon the alleged victim.*" when determining conditions of release under state statutes related to entitlement of individuals to bail (AS 12.30).

2. Classification of "rape drug" as a controlled substance (Chapter 16, SLA 97). The council also supported legislation classifying the drug Rohypnol as schedule IV A controlled substance. Such classification of the drug limits its access to the public. The drug has gained notoriety in recent years as being known as a "date rape" drug, which can be used to incapacitate individuals, making it more difficult or impossible, to resist an attack.
3. Sunset extension of the Board of Parole and amendments to victim notification (Chapter 17, SLA 97). The council supported the extension of the Board of Parole, and the related modification to the victim notification already in place for prospective parolees.
4. Protection of the insurance status for victims of domestic violence (Chapter 39, SLA 97). Legislation was adopted that prohibited insurers, operating in the State, from: (1) refusing to issue or renew a insurance coverage, (2) canceling an existing insurance policy, (3) denying a covered claim. (4) increasing the premium on a given policy solely because an insured individual was a victim of domestic violence.
5. Truth in Sentencing Act of 1997 (Chapter 37, SLA 97). This legislation requires the courts, when imposing a sentence, to explain the minimum possible amount of time that can be served under the sentence. The chief sponsor of the legislation stated in testimony that the sentencing process was not consistent with the intent of the recently adopted victim's rights amendment to the Alaska Constitution. The legislation was designed to address concerns about the public's misperceptions of actual prison time that will be served by a convicted person, and the possible adverse affect of early release.

As reflected by much of the legislation listed, a major aspect of CDVSA's effort has been directed at strengthening and promoting the rights of victims. Additionally, the council has supported measures to provide better protection, both physical and financial, to victims and potential victims of domestic violence and sexual assault.

*The extent to which the board, commission, or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service that it has provided.*

The council encourages interested parties to comment on its decisions or regulations by publicly announcing its meetings. The council also encourages input about its policies from the Alaska Network on Domestic Violence and Sexual Assault. CDVSA has also solicited comments from representatives of tribal/native organizations within the State.

*The extent to which the board, commission, or agency has encouraged public participation in the making of its regulations and decisions.*

CDVSA encourages public participation by advertising their meetings and teleconferences. Time is provided on the agenda of every public CDVSA meeting for public comment. The council works with the Alaska Network on Domestic Violence and Sexual Assault and their membership in the development of regulations and policy decisions.

*The efficiency with which public inquiries or complaints regarding the activities of the board, commission, or agency filed with it, with the department to which a board or commissions administratively assigned, or with the Office of Ombudsman have been processed and resolved.*

We found no problems in this area.

*The extent to which the board or commission which regulated entry into an occupation or profession has presented qualified applicants to serve the public.*

This section is not applicable to the council.

*The extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission, or agency to its own activities and the area of activity or interest.*

No complaints against the council were identified.

*The extent to which statutory, regulatory, budgeting, or other changes are necessary to enable the agency, board, or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.*

See Recommendation No. 1 in the Findings and Recommendation section.

**Appendix A**  
**COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT**  
**GRANTS AWARDED**

Program Name (Location)	<u>FY 95</u>	<u>FY96</u>	<u>FY 97</u>	<u>FY 98</u>
<u>Victim Services Grants</u>				
Advocates for Victims of Violence (Valdez)	\$147,000	\$159,512	\$162,320	\$203,000
Abused Women's Aid in Crisis (AWAIC) (Anchorage)	686,500	713,700	726,260	785,900
Aiding Women from Abuse and Rape Emergencies (Juneau)	425,600	409,237	412,726	482,430
AWARE Sexual Assault Response Team/ Sexual Assault Nurse Examiner (SART/SANE)				4,000
Arctic Women in Crisis (Barrow)	230,200	233,429	237,540	237,540
Alaska Women's Resource Center (Anchorage)	159,400	159,400	162,210	193,200
Bering Sea Women's Group (BSWG) (Nome)	396,900	397,950	404,960	414,100
Cordova Family Resource Center		40,360	41,070	48,070
Emmonak Women's Center	72,700	98,377	100,110	145,724
Kenai/Soldotna Women's Resource and Crisis Center	335,000	335,000	340,900	391,000
K/SWRCC SART/SANE				11,505
Kodiak Women's Resource and Crisis Center	241,400	241,400	245,650	259,100
Safe and Fear-Free Environment (Dillingham)	259,300	268,650	273,380	314,400
SAFE SART/SANE				17,250
Sitkans Against Family Violence (SAFV)	254,600	268,513	273,240	297,830
SAFV SART/SANE				18,250
Seward Life Action Council	50,100	51,714	54,230	74,230
South Peninsula Women's Services (Homer)	205,100	205,100	208,710	244,000
Standing Together Against Rape (Anchorage)	310,500	318,572	324,180	380,400
Tongass Community Counseling Center (TCCC) (Juneau)			2,460	
Tundra Women's Coalition (Bethel)	492,100	498,250	520,960	559,900
Unalaskans Against Sexual Assault and Family Violence	89,600	95,500	97,180	119,021
Victims for Justice (Anchorage)	32,700	32,700	33,280	71,900
Valley Hospital Association SART/SANE(Palmer)				19,250
Valley Women's Resource Center (Palmer)	347,000	357,000	363,290	411,900
Women In Crisis-Counseling & Assistance (WIC-CA) (Fairbanks)	604,900	604,900	615,550	660,500
Women in Safe Homes (Ketchikan)	415,200	433,324	440,950	489,900
<b>Total Victim Services Grants Awarded</b>	<b>\$5,755,800</b>	<b>\$5,922,588</b>	<b>\$6,041,156</b>	<b>\$6,854,300</b>
<u>Community-based Batterers' Intervention Programs (BIP)</u>				
AWAIC BIP(Anchorage)	22,200	22,213	26,324	
TCCC BIP (Juneau)	59,600	59,600	60,650	60,000
<b>Total BIP Grants Awarded</b>	<b>\$81,800</b>	<b>\$81,813</b>	<b>\$86,974</b>	<b>\$60,000</b>
<u>Prison Batterers Program (PBP) Grants (NOTE)</u>				
BSWG PBP (Nome)	37,900	37,900	37,900	35,400
TCCC PBP (Juneau)	39,600	39,600	39,600	34,100
WIC-CA PBP (Fairbanks)	31,200	31,200	31,200	39,200
<b>Total PBP Grants Awarded</b>	<b>\$108,700</b>	<b>\$108,700</b>	<b>\$108,700</b>	<b>\$108,700</b>
<b>TOTAL DVSA GRANTS AWARDED</b>	<b>\$5,946,300</b>	<b>\$6,113,101</b>	<b>\$6,236,830</b>	<b>\$7,023,000</b>

NOTE: Prison Batterers' programs are funded by a reimbursable service agreement with Department of Corrections

Source: Council on Domestic Violence and Sexual Assault

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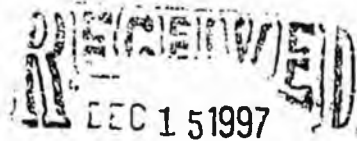
TONY KNOWLES, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY

COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

P.O. BOX 111200  
JUNEAU, ALASKA 99811-1200  
PHONE: (907) 465-4356  
FAX: (907) 465-3627  
OFFICE ADDRESS: 450 WHITTIER ST.

December 15, 1997



LEGISLATIVE AUDIT

Randy S. Welker, Legislative Auditor  
Alaska State Legislature  
Legislative Budget and Audit Committee  
Division of Legislative Audit  
P.O. Box 113300  
Juneau, Alaska 99811-3300

RE: Department of Public Safety, Council on Domestic Violence and Sexual Assault,  
September 30, 1997 preliminary Audit Report  
Audit Control Number 12-1450-98

Dear Mr. Welker:

On behalf of the Council on Domestic Violence and Sexual Assault, we wish to express our gratitude to you for the opportunity to provide a written response to the Preliminary Audit Report dated September 30, 1997. The report accurately reflects the increased focus at both the federal and state level on the crimes of domestic violence and sexual assault. The Council feels we play a significant role in providing resources and coordination for people affected by these crimes. Thank for your recommendation that the Council on Domestic Violence and Sexual Assault be extended through June 30, 2002.

Recommendation No. 1

The Council on Domestic Violence and Sexual Assault's (CDVSA or council) executive director should continue to improve administrative procedures to adequately satisfy duties of the council.

The council's functions and responsibilities have increased significantly over the years. When the council was created in 1981, it awarded \$3,833,600 in grants to 19 programs. Sixteen years later, in FY98, the council awarded \$7,023,000 in federal and state funds to 30 recipients. This represents a 83% increase of funds to award and a 58% in the number of recipients to monitor. In spite of the significant increase in grant funds and recipients, council staffing remains the same.

The administrative and oversight duties of council staff have also expanded over the years. The council created a committee to decide how to spend the federal block grant funds that became available with the passage of the Violence Against Women Act (VAWA) in 1994.

This committee meets from one or two days each quarter. The council has been fortunate to receive two discretionary VAWA grants. Under the Mandatory Arrest grant, the council is responsible for purchasing and distributing 300 Polaroid DV Kits to victim advocates, prosecutors, VPSO's and municipal law enforcement. In addition, the council is responsible for ensuring that recipients are trained to properly use the cameras. Under the Rural Domestic Violence and Child Victimization grant, the council is coordinating the development of a new Interdepartmental Child Abuse Agreement through a 21 member working group that meets every one to three weeks. This grant also provides funds to DFYS for the development of screening protocols in child abuse cases. We are trying to get the training segment initiated through coordination with DHSS, the Tribal/State Collaboration Group, the Violence Against Indian Women Grantees, and the Network. Fifteen separate reimbursable service agreements to six separate State agencies are administered by the council for these two grants. Neither of the grants included any administrative funds for the council.

The council's consultation responsibilities increased with the passage of the Domestic Violence Prevention and Victim Protection Act of 1996. Now, basically every mandated child abuse reporter is required to have training in domestic violence. This training is to be developed in consultation with the council. Trainings have been implemented for law enforcement, prosecution, the court system and corrections. Consultation with health and social service agencies and with education will continue until their training is completed. The council is also responsible for working with corrections on the development and oversight of the standardization of batterers' programs. While this mandate was not funded in FY97, it was for FY98. The application and approval process has been developed and is currently being implemented.

The executive director continues to work to stabilize council staffing and to evaluate the effectiveness of operations. The council is also evaluating the need for additional staff, as well as what functions of the agency can be served through contracts with outside entities. An additional \$60,000 in state and federal funds for increased staffing have been included in the council's FY99 budget request. All funded positions and improved administrative operations are expected to be fully implemented by August 1998.

Data collected from grantees has not been processed since February 1997.

Since the on-site audit, the council has rehired the former temporary administrative clerk as a full-time short-term non-permanent position to address the backlog of data entry. The council recently evaluated the classification of this position, and has decided to maintain it at the current range. The executive director has initiated the hiring process for a permanent employee.

The council has launched the data pilot project with five grantees. Training was held for the participating grantees at the end of September and the beginning of October. Regular teleconferences are being held between council staff, the contractor and the pilot sites to solicit feedback on the usability of the software. Adjustments are continually being made to the software to improve the product. It is expected that all five sites will be electronically submitting their monthly data by April 1998. The council has submitted a capital request

for FY99 for the remaining \$85,000 needed to complete the statewide automation for the remaining 17 sites. We project the full automation of the council's electronic data collection will be implemented by September 1998.

The annual report to the governor for FY96 has not been completed.

The FY96 report is projected to be completed by March 1998. The FY97 report will be completed by June 1998.

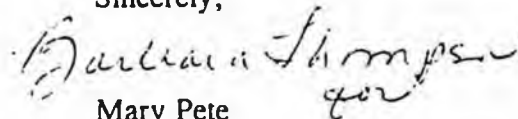
Onsite monitoring of grantees was not performed and reported in a timely manner.

The council recognizes that onsite monitoring has not been conducted in a timely manner over the past two years. The council has instructed the executive director to improve in this area. A timeline for completion of reports is currently being negotiated between staff and the council. Council staff have also been instructed to review the onsite process to more efficiently achieve effective monitoring. Staff intend to complete this process by January 1998.

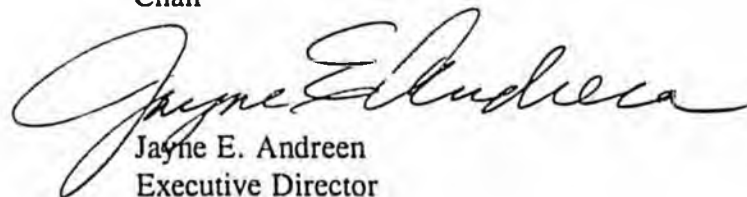
On a separate note, the council encourages the legislature to consider extending the sunset legislation time limit for the council from four to seven years. The council has been in existence since 1981. While we continue to work for the elimination of domestic violence and sexual assault in our society, we do not foresee this will be accomplished in the next four years. The statutory mandate of the council will continue to be needed for many years to come. Extending the sunset legislation for a longer period of time will eliminate the need for both the legislature and the council to devote limited resources to the audit process.

If you have any questions regarding this letter, please do not hesitate to contact either of us.

Sincerely,



Mary Pete  
Chair



Jayne E. Andreen  
Executive Director

cc: Ronald L. Otte, Commissioner, Department of Public Safety  
Council Members