

**HB**

**215**

AMENDMENT

① Passed

OFFERED IN THE HOUSE

BY REPRESENTATIVE FAIRCLOUGH

TO: HB 215

1 Page 3, following line 20:

2 Insert a new subsection to read:

3 "(e) The task force shall meet a minimum of at least once in the following cities:

4 Juneau, Anchorage, Fairbanks, and a rural community of the state."

5

6 Reletter the following subsections accordingly.

7

8 Page 3, line 22, following "AS 39.20.180.":

9 Insert "Each department shall pay the per diem and travel expenses for its

10 representative or representatives to the task force. The Department of Public Safety shall pay

11 the per diem and travel expenses for the two public members of the task force and the director

12 of the Alaska Network on Domestic Violence and Sexual Assault."

Amendment 2 passed

Pg 3 line 27

delete Feb 1, 2008

Amend. 3 passed

pg 2 insert after of.  
line 6 "domestic violence" and assault...



## Alaska State Legislature

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### Representative Anna Fairclough – House District 17

#### HB 215 TASK FORCE RE: CDVSA

#### Sponsor Statement Representative Anna Fairclough

Last month the Legislature voted to reauthorize the Council on Domestic Violence and Sexual Assault (CDVSA). Alaska continues to rank among the highest in the nation for rates of domestic violence and sexual assault and the Council has a vital role in prevention, education and response to those incidents in our state.

During the Reauthorization process, a number of questions arose on a variety of issues related to the Council, including its placement in the Department of Public Safety, the Council's mission, and concerns brought forth in Legislative Audit Reports released in 2006 and 2002. The work done by CDVSA and its role in the battle to end sexual assault and domestic violence is essential, but the Legislature and the public deserve to have their questions addressed.

The Task Force would bring members of the legislature and administration together with members of the public to have thoughtful, comprehensive discussions about the Council and the issues at hand.

This Task Force would prepare and present a report to the full legislature, in an effort to bring increased awareness of the Council's role as well as answer on-going questions that members have with its extension.

This act will be repealed April 16, 2008.

I urge your support in the creation of this Task Force.



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Injury Home



## Preventing Intimate Partner Violence, Sexual Violence, and Child Maltreatment

### Public Health Burden

Intimate partner violence, sexual violence, and child maltreatment have a significant effect on public health. Victims of violence can experience physical injury; adverse mental health consequences such as depression, anxiety, and low self-esteem; and harmful physical health consequences such as suicide attempts, cardiovascular disease, and substance abuse. Any of these consequences can lead to hospitalization, disability, or death.

Intimate partner violence is actual or threatened physical, sexual, psychological, or emotional abuse by a current or former spouse (including common-law spouse), dating partner, or boyfriend or girlfriend. Intimate partners can be of the same or opposite sex. Nearly 25% of women have been raped and/or physically assaulted by an intimate partner and more than 40% of the women who experience partner rapes and physical assault sustain a physical injury. Women experience more chronic and injurious assaults from intimate partner violence than men.

Sexual violence is committed by an intimate or non-intimate perpetrator such as a spouse, family member, person in position of power or trust, friend, acquaintance, or stranger. Although there is some overlap between intimate partner violence and sexual violence, sexual violence is committed by a wider range of perpetrators. Sexual violence includes completed or attempted sex acts against the victim's will or involving a victim who is unable to consent; abusive sexual contact; and non-contact sexual abuse, including sexual harassment. Women are the primary victims of sexual violence. Approximately 15% to 25% of women experience an attempted or completed rape at some time in their lives. More than half of the women reporting rape are sexually assaulted before age 18.

Child maltreatment is any recent act or failure to act resulting in imminent risk of death, serious physical or emotional harm, sexual abuse, or exploitation of a child by a parent or caretaker who is responsible for the child's welfare. Much of the child maltreatment field divides child maltreatment into four categories: physical abuse, child neglect, sexual abuse, and emotional abuse (e.g., psychological or verbal abuse; mental injury). In the United States, child protective services identify more than 825,000 children annually as victims of maltreatment. Childhood exposure to maltreatment, parental violence, and other adverse experiences is associated with risky behaviors, such as smoking, overeating, suicidal behavior, and perpetrating youth and intimate partner violence, and with negative health outcomes such as heart disease and cancer.

These three types of violence are interrelated. They share common risk and protective factors and often co-occur within the same households.

Elder abuse is an emerging problem that may usefully be studied alongside intimate partner violence, sexual violence, and child maltreatment. Although data are poor, the best national estimate is that nearly 450,000 people ages 60 and older experienced abuse and/or neglect in domestic settings in 1996. Of these cases of abuse, only 16% (nearly 71,000) were reported to and substantiated by Adult Protective Service (APS) agencies; the remaining 379,000 were either not reported to APS or not substantiated.

### **The Injury Center's Niche in Preventing Intimate Partner Violence, Sexual Violence, and Child Maltreatment**

Many agencies and organizations have developed programs to prevent violence against women and children. As noted in the Institute of Medicine report *Reducing the Burden of Injury*, however, very few of these programs have been evaluated rigorously to assess their effectiveness and to determine which among them merit widespread adoption. CDC's Injury Center provides leadership in developing and assessing the effectiveness of violence prevention programs and policies.

Numerous federal agencies conduct research about many aspects of intimate partner violence, sexual violence, and child maltreatment. In its work, the Injury Center emphasizes research with direct implications for prevention. This research perspective complements the work of other federal agencies. For example, the Injury Center's focus on identifying ways to prevent the development of perpetration of intimate partner violence, sexual violence, and child maltreatment complements the U.S. Department of Justice's focus on persons already charged with violent offenses associated with these behaviors. The Injury Center's focus on applied dimensions of prevention in these areas complements the National Institutes of Health's focus on basic scientific questions.

Currently, efforts to prevent or intervene in intimate partner violence, sexual violence, and child maltreatment focus on reducing victims' risks for future violence and on mitigating the consequences of exposures to such violence. The field is dominated, therefore, by an emphasis on secondary and tertiary prevention strategies tailored to victims. Many leaders in the field are calling for greater attention to primary prevention of intimate partner violence, sexual violence, and child maltreatment. To prevent these types of violence from occurring in the first place, researchers and practitioners must place greater emphasis on approaches directed at perpetrators and potential perpetrators. Many questions, especially about young perpetrators, remain unanswered, seriously hindering the development and identification of effective violence prevention strategies. Thus, even though research on perpetration is still in the foundational stage, it is essential that the Injury Center focus on perpetration research to support future development of effective prevention programs. Parallel efforts must continue to prevent re-victimization.

### **The Injury Center's Research Priorities in Preventing Intimate Partner Violence, Sexual Violence, and Child Maltreatment**

Every research priority in this agenda is important. After considering input from experts in the field, Injury Center staff identified the seven most important priorities, those that warrant the greatest attention and intramural and extramural resources from the Injury Center over the next three to five years. They are

designated with asterisks.

## Priorities

### **A.\* Evaluate strategies to disseminate and implement science-based parenting interventions to prevent child maltreatment.**

Research has shown that parenting interventions can reduce and prevent child maltreatment. For these interventions to reach the broadest audience possible, more applied research about their dissemination and implementation is necessary. For example, a program's effectiveness may vary depending on the setting in which it is delivered; research should examine the impact of delivering parenting programs in a variety of specific settings, such as the work place and primary care settings, and through the media. Research to guide the adaptation of interventions to specific communities, subcultures, and populations will further enhance their effectiveness.

Victims of child maltreatment are at risk for other types of violence later in life, including youth violence, suicide, and intimate partner violence. Therefore, it is plausible that parenting interventions may also reduce the likelihood of experiencing these other types of violence.

### **B.\* Evaluate the efficacy and effectiveness of interventions and policies to prevent perpetration of intimate partner violence, sexual violence, and child maltreatment.**

The key to preventing intimate partner violence, sexual violence, and child maltreatment is to intervene with individuals, families, and communities in ways that stop the perpetration of violent behaviors. Programs and policies that provide counseling for batterers, improve parenting skills, or prevent dating violence, for example, intervene with perpetrators and potential perpetrators *before* the violence occurs or recurs. Research should focus on evaluating these programs and policies with a particular emphasis on those that attempt to address two or more types of perpetration simultaneously. Identifying programs and policies that can effectively address multiple types of perpetration will facilitate a more efficient allocation of prevention resources. Further, large public demand exists for effective programs and policies in this area.

### **C.\* Identify social norms that support intimate partner violence, sexual violence, and child maltreatment and evaluate strategies to change them.**

Research has demonstrated the importance of changing social norms to reduce major public health problems such as smoking and HIV. In some social contexts, intimate partner violence, sexual violence, and child maltreatment are considered normative behavior. To design effective interventions, researchers must first identify the particular social norms and beliefs that support these types of violence and then find ways to alter or replace them with ones that prevent violence. Even when such violent behaviors are not considered "acceptable," cultural attitudes and beliefs may exacerbate these problems by blaming victims or by supporting attitudes and behaviors that create social atmospheres conducive to, or tolerant of, such violence. Given CDC's role in addressing the contribution of social norms to other public health problems, the Injury Center—as part of CDC—is well-positioned to address this research opportunity. Research about social norms related to intimate partner violence, sexual violence, and child maltreatment will also apply to

other forms of violence.

**D.\* Evaluate training programs about intimate partner violence, sexual violence, child maltreatment, and elder abuse for health professionals.**

According to the Institute of Medicine, programs to train health professionals about intimate partner violence, sexual violence, child maltreatment, and elder abuse have received insufficient attention and evaluation. Few studies investigate whether curricula have the desired impact on delivery of health care to victims. Evaluation research is needed to determine the impact of training programs on the practices of health professionals as well as their effects on victims. Factors that affect the development, implementation, and maintenance of such programs include the nature of accreditation, licensure, and certification; characteristics of health professional organizations; views of the stakeholder groups; attitudes of health professionals; and the existence of mandatory laws and education requirements. It is also important to consider whether a health professional's own experience with violence may influence his or her response to victims and to identify training strategies that account for that influence.

**E.\* Evaluate the health consequences of intimate partner violence, sexual violence, and child maltreatment victimization across the life span.**

Research has linked intimate partner violence, sexual violence, and child maltreatment to a wide range of negative health outcomes and risk behaviors. However, little information exists about the mechanisms that may be responsible for these negative outcomes or the factors that may diminish them. Further understanding of the relationship between victimization and various health outcomes is important to guide interventions. Research in this area will guide development of interventions tailored to victims' needs.

**F.\* Examine the development of intimate partner violence, sexual violence, and child maltreatment perpetration to identify at-risk populations, modifiable risk and protective factors, and optimal times and settings for intervention.**

Ultimately, the cause of and responsibility for intimate partner violence, sexual violence, and child maltreatment lie with the perpetrators. Programs and policies that address the needs of victims (including same-sex victims), while critically important, fail to address the root causes for the behaviors that lead to the violence. However, important knowledge about these root causes is lacking. To understand how the propensity to behave violently toward partners and children develops, researchers must follow study populations for extended periods. A better understanding of the developmental pathways and social circumstances that contribute to perpetration will greatly enhance the development of effective primary prevention programs and guide refinement of existing prevention programs. Research about the development of perpetration may also apply more broadly to areas of youth violence and suicide prevention because of their association with intimate partner violence, sexual violence, and child maltreatment.

**G.\* Develop and evaluate surveillance methods for intimate partner violence, sexual violence, and child maltreatment.**

Few data are available to monitor intimate partner violence, sexual violence, and child maltreatment, and those that exist are of questionable validity and reliability;

better tracking and monitoring methods are necessary to support prevention efforts. To develop better surveillance systems, research should determine the sensitivity and specificity of alternative definitions, the utility of alternative surveillance methodologies, and the validity and reliability of the specific measures. Biomechanics research may be useful in diagnosing intimate partner violence and child maltreatment, identifying specific injuries that are highly predictive of these types of violence and establishing appropriate case definitions. Data sources for information about intimate partner violence, sexual violence, and child maltreatment differ to some extent, so evaluation of the methods for each must frequently be done independently. Improved surveillance methods will render better information to guide program development and evaluation. Because states and localities often lack adequate monitoring systems, research findings will be particularly valuable to them as they expand their efforts to address violence as a public health issue.

Dissemination of research findings is especially important to guide prevention and intervention activities, but little research to assess alternative dissemination strategies has been done in the violence prevention field. Moreover, information dissemination activities present many opportunities for collaboration with agencies and organizations working to prevent intimate partner violence, sexual violence, and child maltreatment. It is important to identify and evaluate methods to facilitate collaboration across advocacy, consumer, research, and practice settings in conducting dissemination. Encouraging collaboration among these groups is necessary to maintain the public's interest and meet policy makers' need for information to guide development of appropriate policies, legislation, and litigation procedures.

The prominence of the Rape Prevention and Education Grant Program (RPE), administered by the Injury Center, presents a unique opportunity to test models of dissemination through the sexual violence service infrastructure. The RPE distributes funds to states to support sexual violence prevention services and programs. It is crucial that state programs have access to and distribute the most up-to-date information. Research should identify the most effective strategies for translating and disseminating knowledge about sexual violence victimization and perpetration.

#### **I. Evaluate the efficacy and effectiveness of interventions and policies for preventing intimate partner violence, sexual violence, and child maltreatment victimization and its consequences.**

Federal, state, and local government agencies and private organizations currently invest many resources in services for battered and sexually assaulted women and maltreated children. It is critically important to determine the effectiveness of these programs and policies in preventing victimization and its consequences. This type of research can help agencies and organizations that provide victim services determine whether their investments actually reduce violence and maltreatment.

Intimate partner violence, sexual violence, and child maltreatment often overlap in families, so evaluating the effectiveness of programs and policies that address two or more of these behaviors simultaneously is of high priority. Identifying programs that can effectively address multiple types of victimization (including same-sex violence) at once will facilitate a more efficient allocation of prevention resources. One area requiring particular attention is the evaluation of screening instruments for intimate partner violence, sexual violence, and child maltreatment used in health care and social service settings to identify victims needing additional

services.

**J. Evaluate models for integrated community responses to intimate partner violence, sexual violence, and child maltreatment.**

Collaboration among various members of a community and various groups working in intimate partner violence, sexual violence, and child maltreatment prevention is essential to preventing such violence. Expanding prevention research to include the development of integrated community responses to these public health problems will significantly advance prevention and intervention research. Further development of integrated community responses depends largely on advances in effectiveness research about specific prevention policies and interventions.

**K. Examine the development of intimate partner violence, sexual violence, and child maltreatment victimization to identify at-risk populations, modifiable risk and protective factors, and optimal times and settings for intervention.**

The Injury Center's mission of violence prevention emphasizes primary prevention of intimate partner violence, sexual violence, and child maltreatment. Currently, many research efforts focus on secondary or tertiary prevention, that is, preventing revictimization. Research is needed to identify the different risk and protective factors related to victimization in order to prevent first-time victimization. In addition, research should explore the commonalities and differences among risk factors for victimizations involving these kinds of violence.

To understand the characteristics that place people at risk of victimization, researchers must follow study populations for extended periods. Longitudinal research helps researchers specify optimal times and methods for intervention and prevention. For example, research indicates that early exposure to violence in the home can lead to future risk of victimization. Identifying potential moderators will aid in designing prevention programs. Longitudinal research can also identify patterns of coping and resilience across the life span for victims of intimate partner violence, sexual violence, and child maltreatment; this information can enhance prevention and intervention activities. As with preventing perpetration, a better understanding of the risk factors associated with victimization would greatly enhance the development of effective primary prevention programs.

**L. Identify risk and protective factors and effective prevention strategies for elder abuse.**

Elder abuse is an emerging area of public health concern. As the population ages, this form of abuse may become a much greater problem. Little research about risk and protective factors for elder abuse victimization and perpetration currently exists. Risk factors appear to differ according to the type of elder abuse; physical and psychological abuse, for example, share risk factors that are distinct from those for neglect and financial abuse. Absent important foundational research, program development is difficult. Similarly, little information is available about the effectiveness of existing interventions to prevent elder abuse and mitigate its consequences. Given the limited body of scientific knowledge about elder abuse, this is an important priority for the future.

**M. Study the role(s) of substance use and abuse as precursors to and consequences of intimate partner violence, sexual violence, and child**

**maltreatment victimization and perpetration.**

Researchers do not clearly understand the roles of substance use and abuse as precursors to and consequences of victimization and perpetration across intimate partner violence, sexual violence, and child maltreatment. Studies investigating substance use and its co-occurrence with perpetration of and victimization by these types of violence should identify key components for prevention and intervention programs. Other federal agencies such as the National Institute of Drug Abuse and the Substance Abuse and Mental Health Services Administration support research and programs in this area. Injury Center research activities should complement the efforts of these agencies whenever possible.

**N. Evaluate the impact of extreme community and environmental stressors on intimate partner violence, sexual violence, and child maltreatment.**

Natural and man-made disasters such as floods and terrorism may exacerbate intimate partner violence, sexual violence, and child maltreatment in affected communities. Research should assess the impact of community and environmental stressors on these three types of violence. Findings from this research can aid service agencies as they develop appropriate responses during periods of extreme stress. Injury Center research on this issue would complement other CDC work related to disaster response and terrorism.

**O. Describe service delivery use, impact, and costs of interventions for intimate partner violence, sexual violence, and child maltreatment.**

Better information about service delivery use, impact, and costs of interventions for intimate partner violence, sexual violence, and child maltreatment is needed to support research about the cost effectiveness of interventions and policies designed to prevent these problems and their consequences. This research will become more important as more information about the efficacy and effectiveness of prevention programs and policies becomes available.



This page last reviewed September 07, 2006.

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Centers for Disease Control and Prevention  
National Center for Injury Prevention and Control

November 23, 2005

Members of the Legislative Budget  
and Audit Committee:

In accordance with the provisions of Title 24 and Title 44 of the Alaska Statutes (sunset legislation), the attached report is submitted for your review.

DEPARTMENT OF PUBLIC SAFETY  
COUNCIL ON DOMESTIC VIOLENCE  
AND SEXUAL ASSAULT

November 23, 2005

Audit Control Number

12-20039-06

This audit was conducted as required by AS 44.66.050 and under the authority of AS 24.20.271(1). Alaska Statute 44.66.050(c) lists criteria to be used to assess the demonstrated public need for a given board, commission, agency, or program subject to the sunset review process. Currently under AS 44.66.010(a)(5), the Council on Domestic Violence and Sexual Assault is scheduled to terminate on June 30, 2006. The Council would have one year from that date to conclude operations.

In our opinion, the termination date for the Council on Domestic Violence and Sexual Assault should be extended. 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, 2014.

The audit was conducted in accordance with generally accepted government audit 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.

Pat Davidson, CPA  
Legislative Auditor

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## OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Titles 24 and 44 of the Alaska Statutes, we have reviewed the activities of the Council on Domestic Violence and Sexual Assault (Council) to determine if there is a demonstrated public need for its continued existence and if it has been operating in an efficient and effective manner. Currently, under AS 44.66.010(a)(5) the Council will terminate on June 30, 2006, having one year from that date to conclude its operations.

### 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 upon AS 44.66.050(c). This statute sets out criteria to be used in determining a demonstrated public need for the Council.

### Scope and Methodology

Our audit reviewed the operation and activities of the Council on Domestic Violence and Sexual Assault for the period of July 1, 2001 through June 30, 2005.

During the course of our examination, we attended the June 2005 funding meeting in Anchorage and interviewed various council members, staff, grantees, and individuals from state agencies. We also reviewed and evaluated the following:

- Applicable statutes and regulations
- Budget documents, session laws, and other legislative information related to the Council's operations
- Minutes of the Council meetings
- Grantee on-site monitoring performance and fiscal reviews prepared by the Council staff
- Statistical reports submitted by grantees
- Financial reports from the State Accounting System
- Other documents related to the Council's operations and mission, as necessary

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## ORGANIZATION AND FUNCTION

The Council on Domestic Violence and Sexual Assault (Council) was established in the Department of Public Safety in 1981 by Alaska Statute 18.66. This statute gives the Council 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 primary functions of the commission include:

- developing, implementing, maintaining, and monitoring crisis intervention and prevention programs in coordination with authorities in the field of domestic violence and sexual assault;
- coordinating services with the Departments of Law, Education and Early Development, Public Safety, Health and Social Services, Corrections, and other state agencies and community groups;
- consulting with public employers, state and community agencies to provide continuing education programs for employees, and to formulate standards and procedures for health care employees;
- providing technical assistance to programs, state and community agencies; and
- dispensing, overseeing, monitoring, and coordinating existing services and developing expanded services/programs to meet the needs of victims of domestic violence, sexual assault, and other violent crimes.

The Council consists of seven members—four of whom are the commissioners or their designees—from the Departments of Public Safety (DPS), Health and Social Services (DHSS), Education and Early Development (DEED), and Law (DOL). The balance of the Council is comprised of persons from the public, appointed by the governor.

By statute, before making an appointment, the governor receives recommendations from and consults with the Alaska Network on Domestic Violence and Sexual Assault (Network) which is a nonprofit, private organization.<sup>1</sup>

The Council is staffed by an executive director, an administrative manager, three associate coordinators, a statistical technician, an administrative assistant, and an administrative clerk.

<sup>1</sup> The Alaska Network on Domestic Violence and Sexual Assault is comprised of 20 programs, many of which are council-funded programs

### Council Members

As of November 23, 2005

Janna Stewart, Public Member, Chair  
Susan Parkes, DOL, Vice Chair  
Ann House, Public Member  
Barbara Thompson, DEED  
Karleen Jackson, DHSS  
Kimberly Williams, Public Member  
William Tandeske, DPS

The Council is authorized to receive and disperse both state and federal funds. Traditionally, a large part of the Council's responsibilities involve 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 the Council provide a variety of services to the public. Most importantly, their efforts are directed toward providing victims a safe environment, either through housing at a community shelter or the use of a network of designated "safe homes." Additionally, the programs are involved in educating and counseling the victim about domestic violence and sexual assault issues and providing a batterer's intervention services.

The Council's coordination role and responsibilities with other state and local agencies is extensive. For FY 06, the Council approved 19 community-based victim services programs, four community-based batterer's intervention programs, and two prison-based batterers' programs. (See Appendix A)

#### Funding Sources

The Council receives state general funds from two separate funding sources: the state general revenue and withheld Permanent Fund Dividends from convicted felons and misdemeanants who are incarcerated.

The Council also receives state and federal funds through the use of interagency receipts from the Department of Corrections (DOC) and DHSS. DHSS funds are: Sexual Assault Prevention (SAP), Rape Prevention and Education (RPE), Temporary Assistance for Needy Families (TANF), and Behavioral Health Alcohol Grant. Both SAP and RPE funds are part of the large Centers for Disease Control and Prevention grant administered by DHSS.

Additionally, many of the grants issued by the Council are supported by direct federal funds. Federal funds are received by the Council from sources such as:

- Family Violence Prevention Services Act  
U.S. Department of Health and Human Services

The Family Violence Prevention Services Act provides federal funding to all states. This funding is used for domestic violence programs throughout Alaska. The programs receiving grants provide assistance funds to victims of domestic violence and their children. These programs operate shelter facilities which are staffed around the clock and provide a full spectrum of services, including basic food and immediate shelter, crisis intervention, counseling, and medical/legal personal advocacy.

- Crime Victims Assistance  
U.S. Department of Justice

This grant authorizes financial compensation for victims of crime and financial support for state and local agencies that provide services to crime victims. This fund is a U.S. Treasury account, generated entirely by the fines and penalties levied against criminals convicted of federal crimes. The majority of this funding is awarded directly to programs providing services to victims of domestic violence, sexual assault, and other violent crimes.

- Violence Against Women Act (VAWA)  
U.S. Department of Justice

The grant services combine a series of federal sanctions and initiatives—as well as national, state, and local resources—to improve the response to crimes against women. These funds are delineated to five specific areas: prosecution, law enforcement, victim services, judicial, and discretionary. In April 1995, Governor Knowles designated the Council as lead agency for coordination and management of VAWA funds for the State of Alaska.

To accomplish this mission, the statewide Violence Against Women Planning and Implementation Committee (committee) was created.<sup>2</sup> The committee developed the annual plan for VAWA funding upon the Council's approval. The Council was then responsible for funding distribution, and subrecipient monitoring, of these projects.

In FY 04 the Council decided to disband the committee, citing inefficiency and duplication of duties performed by Council members and staff. The Council approves the spending plans of the Departments of Law and Public Safety, the Alaska Court System, and the Alaska Network on Domestic Violence and Sexual Assault for the prosecution, law enforcement, judicial, and victim services components, respectively. For the discretionary component, the Council distributes the fund through its Request for Proposal (RFP) grant process.

- Grants to Encourage Arrest Policies  
U.S. Department of Justice

The Grants to Encourage Arrest Policies Program is a component of VAWA. This grant was focused on the development and implementation of laws, policies, and protocols that encourage or mandate the arrest of domestic violence offenders.

The Council currently receives supplemental funds to assist community-driven initiatives in providing regional state-tribal forums on domestic violence. The forums are attended by state troopers, local prosecutors, tribal/state judiciary, village public safety officers,

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<sup>2</sup> The committee was comprised of 21 representatives of the VAWA components.

tribal members/citizens, victim advocates, probation/parole and other social service/care providers, to enhance their skills and develop a greater understanding of topics critical to the safety of women and their children, offender accountability, and coordinated response to domestic violence. The training is also designed to promote communication, cooperation, and a mutual respect among the tribal/state/federal response systems.

- Rural Domestic Violence and Child Victimization  
U.S. Department of Justice

The Rural Domestic Violence and Child Victimization Enforcement Grant implements certain provisions of the Violence Against Women Act. While this grant closed out in FY 03, the program provided a unique opportunity for law enforcement and prosecution agencies, the courts and nongovernmental victim services, community organizations, businesses in rural communities, and Indian tribes to collaborate in creating protocols and strategies tailored specifically to meet the needs of rural populations.

- Supervised Visitation, Safe Havens for Children  
U.S. Department of Justice

The Safe Havens programs provides an opportunity for communities to support the supervised visitation and safe exchange of children, by and between parents, in situations involving domestic violence, child abuse, sexual assault, or stalking.

The State of Alaska through the Council—and in a collaborative effort with the Cook Inlet Tribal Council, Inc., Alaska State Court System, and Abused Women's Aid in Crisis—implemented the only supervised visitation center in the State.

- Denali Commission

To continue the capital improvement project started in FY 02 with private grants from the Wells Fargo Bank and the Rasmuson Foundation, the Council pursued grant funding with the Denali Commission. In FY 04, the Denali Commission received congressional direction to allocate \$5 million toward the upgrade and construction of shelters for victims of domestic violence. The Council has provided the Denali Commission with preaward, advisory input, and technical assistance to make optimal funding allocation decisions. As of March 2005, \$3.95 million has been committed for repair/renovation, new construction projects, or conceptual planning/design of shelter buildings.

## REPORT CONCLUSIONS

Under AS 18.66, the Council on Domestic Violence and Sexual Assault (Council) is authorized to provide for the State's planning and coordination of full-range services to victims, their families, and perpetrators of domestic violence and sexual assault. Combating domestic violence and sexual assault is identified as an ongoing priority at both the state and national level.

Aside from the operational concerns addressed in this report, the Council is serving a public need and is operating in the public's interest. Currently, AS 44.66.010(a)(5) requires the Council to be terminated on June 30, 2006. We recommend the legislature extend the Council's termination date to June 30, 2014.

The Council is still facing personnel issues resulting from continual staff turnover. The Council has worked on developing personnel policies, procedures, and desk manuals to assist the staff; but due to limited staff, the Council was forced to focus primarily on grant maintenance and monitoring responsibility. Two of the Council's statutory mandates were not addressed. (See Recommendation 2)

The Council intends to work on a strategic plan to assess the effectiveness of services currently being provided by grantees and other state and local entities. The plan's overall goal is to identify and address existing gaps in service. One of the missions of the Council is to provide leadership in meeting the needs of domestic violence and sexual assault victims. A long-term strategic plan is certainly needed to assist the staff in establishing priorities. The work plan will help Council staff to effectively plan and coordinate services with state and community agencies, as well as provide services previously not offered to reduce the causes and incidence of domestic violence and to alleviate their effects.

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## FINDINGS AND RECOMMENDATIONS

The Council on Domestic Violence and Sexual Assault's (Council) prior sunset audit<sup>1</sup> reported several administrative weaknesses. Recommendation No. 1 is not resolved and reinstated below as Recommendation No. 2. Prior audit Recommendations No. 2 and 3 were resolved. Recommendations No. 4 and 5 were partially resolved and are readdressed and combined into Recommendation No. 1 below

### Recommendation No. 1

The Council should address its statutory responsibilities to consult with the Department of Education and Early Development and the Department of Health and Social Services

#### Prior Finding

Statutory changes implemented in July 1, 1996, significantly increased the scope of the Council's responsibilities. In response, the Council's budgeted staff increased from four to eight positions. During our last sunset audit, the Council was unable to or ineffective in addressing some of their statutory responsibilities due to administrative weaknesses and lack of prioritization.

The prior sunset audit reported that grantees had varying degrees of success in gaining access to their local schools and used a variety of methods to address domestic violence and sexual assault education needs. In addition, although the Council collaborated with the Alaska Family Violence Prevention Project, Department of Health and Social Services (DHSS), on a domestic violence and child abuse workshops, the Council has not worked with DHSS to develop standards and procedures as required in AS 18.66.300.

Alaska Statute AS 18.66.050(3) and (12) states the Council shall:

*(3) consult with authorities in the field, develop, implement, maintain, and monitor domestic violence, sexual assault, and crisis intervention and prevention programs, including education programs...and school curricula on the cause, prevention, and treatment of domestic violence and sexual assault. [emphasis added]*

*(12) consult with the Department of Health and Social Services in the formulation of standards and procedures for delivery of services to victims of domestic violence by health care facilities and practitioners of healing arts and personnel in those facilities as required in AS 18.66.300.*

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<sup>1</sup> Audit Control Number 12-20014-02, Department of Public Safety, Sunset Audit on Council on Domestic Violence Assault dated October 31, 2001

### Legislative Audit's Current Position

The Council has faced personnel issues resulting from position turnover since FY 01, particularly in the executive director and associate coordinator positions. During the past four years, three individuals were hired for the executive director's position. The executive director and associate coordinators are key positions for the Council to fulfill its 14 mandates.

With limited staffing and several mandates, the Council chose to focus primarily on their grant funding and oversight role. This is to ensure continued funding of grant programs. Grant accountability and reporting is time consuming, but essential for the programmatic and administrative oversight of grants for victim services and batterers intervention programs.

However, there is still a need for a more coordinated effort with the Department of Education and Early Development (DEED) towards education in school districts throughout the State. AS 14.30.360(b) states "*the state board shall establish guidelines for a health and personal safety education program. Personal guidelines shall be developed in consultation with the Council on Domestic Violence and Sexual Assault...*" There are currently no health and personal safety education guidelines available on domestic violence and sexual assault for school personnel to use. The Council should consult with DEED, school district representatives, and grantees who have worked toward curriculum development, in creating a comprehensive standardized curriculum to be used within the schools statewide.

There is also a need for the Council to become involved with DHSS to ensure that standards and procedures are available for the delivery of services by health care facilities and its personnel. Council-funded grantees are often approached by health care providers on issues of domestic violence and sexual assault.

However, as the statewide representative, the Council should coordinate this effort at the departmental-level rather than at the grantee-level. The Council should consult with DHSS regarding development of comprehensive standards and procedures to be used by all agencies for the victims of domestic violence and sexual assault, including council-funded grantees and health care providers within the State.

AS 18.66.050(3) and AS 18.66.050(12) discuss the Council working with state departments to develop standards, procedures, and education programs. However, due to limited staffing and the Council's focus on grant maintenance and monitoring, the Council has been unable to fully address these statutory mandates. Given the significance of these mandates, we recommend that the Council take immediate action and implement procedures to address both statutes.

## Recommendation No. 2

The legislature should amend the Council on Domestic Violence and Sexual Assault's statutes related to appointment of council members.

### Prior Finding

The Network on Domestic Violence and Sexual Assault (Network) submits recommendations, to the Governor, of public members qualified to serve on the Council. The Network also receives grant funds from the Council. The Council consists of four state officials and three public members appointed by the governor. Alaska Statute 18.66.020(a)(1) and AS 18.66.020(b), in part, states:

*(a)(1) The council consists of three persons appointed by the governor after consultation with the Network on Domestic Violence and Sexual Assault, a non profit corporation; The Network on Domestic Violence and Sexual Assault shall submit a list to the governor of persons recommended for appointment.*

*(b) ... A vacancy on the council shall be filled for the unexpired term by appointment by the governor after consultation with the Network on Domestic Violence.*

The Network also annually receives a grant from the Council for a legal advocacy project. The grant is the victim services<sup>4</sup> allocation of the Violence Against Women Act (VAWA) federal funding received by the Council.

The appearance of a conflict of interests exists when a council member reviews, evaluates, approves, and monitors a grant to the same nonprofit corporation which was responsible for recommending that individual to the council membership.

It is entirely appropriate for the governor to consult with any interested parties when making appointments to the Council. However, it is a statutory mandate for the governor to consult with the Network, over the appointment of public members, when the Network itself is a subgrantee of the Council that raises an appearance of a conflict of interest.

### Legislative Audit's Current Position

Since the last audit, AS 18.66.020 has not been revised and the Network continues to get funding from the Council. However, of the last five public members appointed to the Council, only two were recommended by the Network.

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<sup>4</sup> The VAWA federal funds are distributed in the following manner: 5% for judicial, 25% for law enforcement, 25% prosecution; 30% for victim services; and 15% to discretionary funds.

To avoid any appearance of a conflict of interest between public member appointments and receiving funding, we continue to recommend the legislature amend AS 18.66.020 to: (1) eliminate the mandate for the Network to recommend individuals to the governor for appointment to the Council, and (2) eliminate the requirement for the governor to consult with the Network on the appointment or reappointment of the council's public members.

## A N A L Y S I S O F P U B L I C N E E D

The following analyses of board activities relate to the public need factors defined in AS 44.66.050(c). These analyses are not intended to be comprehensive, but address those areas we were able to cover within the scope of our review.

*Determine 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, batterer intervention services to perpetrators of domestic violence, and crisis intervention and prevention programs. The presentation element of the funding meeting is generally accepted and approved by all of the grantees. Public participation was encouraged and legislative intent was considered in the funding process. The Council strives to treat urban and rural participants fairly throughout the grant award process. The Council exercises oversight and performs on-site audits of most grant recipients.

The Council coordinates the efforts of many state and community agencies, working toward a comprehensive statewide system, to combat domestic violence and sexual assault. Overall, we conclude that the Council is performing its coordination duties.

The Council provides technical assistance in various forms to state agencies, law enforcement agencies, grantees, and community groups on a regular basis.

The Council worked on getting private and federal funding for capital improvement projects for the facilities of victim services providers. In addition, the State of Alaska, through the Council—in a collaborative effort with the Cook Inlet Tribal Council, Alaska State Court System, and Abused Women's Aid in Crisis—implemented the only supervised visitation center in the State with federal funding.

The Council has provided funds to assist in the development of training materials and participation in training events related to domestic violence and sexual assault. The Council has also provided statewide training with the regional State-Tribal forum on domestic violence. Training has been used by law enforcement officers, prosecutors, judicial officers, tribal citizens, probation parole officers, social service providers, grantees, and community groups.

The Council provides domestic violence and sexual assault education on a local level through its grantees. The Council maintains a lending library with educational and reference materials available that are both adequate and appropriate to address the cause, prevention, and treatment of domestic violence and sexual assault.

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

The Council's board members have been appointed in accordance with Alaska statutes. All appointed members have shown an interest in matters dealing with the domestic violence and sexual assault. In addition, the Council is in a position to facilitate the resolution of coordination issues at the local level with representatives who oversee these areas at the state level.

The Council installed a new web-based database system in early FY 05. Although fairly new, the database system will be able to provide accurate, unduplicated statistical programmatic information for decision making. Overall, this system is expected to meet a critical need for coordinated standardized measurement and recording of statistical data between agencies.

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 report is to be based on the calendar year or fiscal year, customarily the Council has submitted reports on fiscal year basis. The Council submitted the report to the governor on time for FY 02; but a few months late for FY 03 and FY 04 due to staff vacancy.

For the FY 06 grant award, the Council did not fund new programs choosing to maintain core services with existing council-funded programs. With a shrinking budget, the Council faced tough grant-funding decisions. The Council's grant award process is objective. The Council members reviewed the overall needs, economies of scale, duplication of services within geographic areas, and sustainability of existing programs. During the FY 05 funding meeting, grantees presented their financial struggle in keeping staff due to increasing operational costs, such as heating, lighting, and health insurance.

Other than occasional operational costs, the victim services programs have not received substantial core services funding increases.<sup>5</sup> In addition, the batterers intervention programs have not seen any increase in their grant awards. In fact, the community-based batterers intervention programs had their budget reduced from \$320,000 to \$200,000 in FY 04. The schedule of grants awarded between FY 03 through FY 06 is located on Appendix A.

The financial schedule shown in Exhibit 1 (on the following page) depicts the Council's actual operating expenditures and funding sources between FY 02 through FY 05. The Council's funding sources are federal, state general funds, permanent fund dividends<sup>6</sup>, and interagency receipts from DHSS and the DOC. Overall, the Council's operating budget has decreased between FY 02 and FY 05 and amounts paid by the general fund continue to fall.

<sup>5</sup> Using carry over authorization from prior year federal grants, the Council funded an extra \$513,159 to cover health insurance cost increases in FY 03 for victim services programs. For the FY 06 grant awards, the legislature also appropriated an additional \$200,000 for the victim services programs to cover operational costs.

<sup>6</sup> These are Permanent Fund Dividend amounts withheld from convicted felons and misdemeanants who are incarcerated. The PFD is the main source of funding for the Council's batterers intervention program.

**Exhibit 1**  
**Schedule of Operating Expenditure and Funding Sources**

|   | <u>FY02</u>         | <u>FY03</u>         | <u>FY04</u>        | <u>FY05</u>         |
|---|---------------------|---------------------|--------------------|---------------------|
| <b>Expenditures:</b>                        |                     |                     |                    |                     |
| Personal Services                           | 432,156             | 486,533             | 441,162            | 380,137             |
| Travel                                      | 54,548              | 47,743              | 87,933             | 116,594             |
| Contractual                                 | 544,252             | 536,279             | 539,782            | 529,788             |
| Supplies                                    | 7,233               | 15,273              | 6,001              | 14,418              |
| Equipment                                   | 4,474               | 1,997               | 9,382              | -                   |
| Grants + Programs <sup>7</sup>              | 7,950,647           | 8,555,081           | 8,262,676          | 7,742,461           |
| <b>Total Operating Expenditures</b>         | <b>\$ 8,993,310</b> | <b>\$ 9,642,906</b> | <b>\$9,346,936</b> | <b>\$8,783,398</b>  |
| <b>Funding Sources</b>                      |                     |                     |                    |                     |
| Federal Receipts                            | 2,363,358           | 2,966,083           | 4,452,958          | 3,627,593           |
| Interagency Receipts from DHSS <sup>8</sup> | 1,351,840           | 1,592,114           | 494,237            | 1,007,221           |
| Interagency Receipts from DOC <sup>9</sup>  | 155,382             | 174,565             | 174,700            | 157,990             |
| Other Miscellaneous Receipts                | 291                 | 507                 | 701                | 438                 |
| General Fund Appropriations                 | 5,122,439           | 4,909,637           | 4,224,340          | 3,990,156           |
| <b>Total Funding Sources</b>                | <b>\$ 8,993,310</b> | <b>\$ 9,642,906</b> | <b>\$9,346,936</b> | <b>\$ 8,783,398</b> |

Additionally, in order to maintain funding for the grantee programs, the Council decided to fill their FY 05 budget shortfall through vacancies in Council staff. Although this is a reasonable decision, the Council has not fulfilled its statutory mandates due to limited staff resources, see Recommendation No. 1.

*Determine 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 statutory changes contained in proposed legislation. Typically, Council members/staff review and comment on proposed legislation rather than developing and seeking support for its own measures. The Council discusses pertinent bills deciding which legislation the Council should support, remain neutral on, or oppose. The executive director develops, analyzes, and testifies on bills at the direction of the Council.

<sup>7</sup> Grant amounts exclude capital improvement expenditures funded through capital appropriations

<sup>8</sup> Department of Health and Social Services' RSA mostly funds the victim services programs.

<sup>9</sup> \$98,238 of the Department of Corrections' RSA funds the prison-based batterers intervention programs, with the remainder amount funding the administrative costs for both community-based and prison-based batterers intervention programs

Legislation that was supported by the Council include the following.

- HB 332 (Chapter 91 SLA 2002) – amended the Council’s statute where the Council hires the executive director and the executive director now hires the staff. This legislation also placed the executive director and staff into exempt service.
- HB 328 (Chapter 15 SLA 2004) – related to certain victim’s rights and the Violent Crimes Compensation Board.
- HB 385 (Chapter 111 SLA 2004) – related to awarding child custody
- HB 398 (Chapter 19 SLA 2004) – established the domestic violence fatality review teams in areas of the State.

*Determine 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 holds at least four meetings per year, normally in Anchorage or Juneau. Meetings held in Juneau are typically teleconferenced statewide.

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

The Council encourages public participation by posting the Council’s meeting schedule on their website. Time is provided on the agenda of every public meeting for public comment. Grantee agencies are allocated time to speak directly to the Council at the main “funding” meeting. Also at each of its meetings, the Council schedules time for presentations from the Network and other community groups involved in the field of domestic violence and sexual assault.

*Determine 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 commission is administratively assigned, or with the office of victims’ rights or the office of the ombudsman have been processed and resolved*

We found no problems in this area. Complaint procedures are in place, followed when complaints are made, and files are maintained. No complaint activity was noted from FY 02 through FY 05.

*Determine the extent to which a board or commission that regulates entry into an occupation or profession has presented qualified applicants to serve the public*

Since the Council does not regulate any occupations or professions, this is not applicable

*Determine 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.

*Determine 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.*

The previous sunset audit reported administrative issues with the line of authorities and undefined job responsibilities with the staff. Although the administrative weaknesses have been resolved, the Council is still facing personnel issues related to constant staff turnover. It takes considerable time to train new personnel and finish projects due to staff turnover.

The Council chose to concentrate on fulfilling its mandates through grant funding although with fewer resources, and focused less on its other mandates such as: (1) consultation with Department of Education and Early Development (DEED) to develop and implement standardized school curricula, and (2) Department of Health and Social Services (DHSS) to formulate standards and procedures for health care personnel.

There is still need for a more coordinated effort towards education in school districts across the State. The Council should consult with DEED's school district representatives and grantees, who have worked toward creating a comprehensive standardized curriculum to guide schools across the State.

There is also a need for statewide coordination efforts between the Council and DHSS, ensuring standards and procedures are available to health care facilities and practitioners of the healing arts and personnel in those facilities that provide services for victims of domestic violence in the communities across the State.

*Determine the extent to which the board, commission, or agency has effectively attained its objectives and purposes and the efficiency with which the board, commission, or agency has operated.*

The Council's purpose is to provide planning and coordination of services for victims of domestic violence or sexual assault or to their families, to perpetrators of domestic violence and sexual assault, and to provide for crisis intervention and prevention programs.

The Council, as the state agency responsible for administering the majority of crime victim assistance funding resources in Alaska, has been very effective with their coordination of services and outreach efforts through their grant award process. As an effective means to use and spread limited funds, the Council has ensured that Council-funded programs provide

coordinated efforts within the local communities such as law enforcement agencies, tribal groups, social service providers, hospitals, schools, courts systems, among others.

To continue with its mission, the Council plans to work on strategic planning to assess the effectiveness of services currently being provided by grantees and other state and local entities. The overall goal of the plan is to identify and address existing gaps in service.

*Determine the extent to which the board, commission, or agency duplicates the activities of another governmental agency or the private sector.*

One of the Council's major objectives is the coordination of agencies, both state and local, that share the similar objective of combating the effects of domestic violence and sexual assault. No other agency is in a position to have an impact on this issue in this manner. Its existence is to help ensure that various agencies work together to effectively respond to Alaska's high rate of domestic violence and sexual assault. As a result, its activities do not duplicate the activities of the governmental agencies or the private sector.

Appendix A  
 Council on Domestic Violence and Sexual Assault  
 Schedule of Grants Awarded FY 03 through FY 06  
 (unaudited)

|   | FY03             | FY04             | FY05             | FY06             |
|---|------------------|------------------|------------------|------------------|
| <b>Victim Services Program Grants</b>                             |                  |                  |                  |                  |
| Abused Women's Aid in Crisis (Anchorage)                          | \$ 843,816       | \$ 805,816       | \$ 805,816       | \$ 828,616       |
| Advocates for Victims of Violence (Valdez)                        | 237,598          | 213,181          | 213,181          | 219,576          |
| Aiding Women in Abuse and Rape Emergencies (Juneau)               | 561,147          | 489,641          | 489,641          | 504,330          |
| Alaska Family Services (Palmer)                                   | 418,486          | 418,486          | 418,486          | 453,575          |
| Alaska Women's Resource Center (Anchorage)                        | 215,636          | 197,836          | 197,836          | 199,634          |
| Arctic Women in Crisis (Barrow)                                   | 244,703          | 242,571          | 242,571          | 249,848          |
| Bering Sea Women's Group (Nome)                                   | 420,706          | 420,706          | 420,706          | 465,406          |
| Cordova Family Resource Center                                    | 55,504           | 51,421           | 51,421           | 52,964           |
| Emmonak Women's Services  | 180,855          | 183,599          | 183,599          | -                |
| Interior Alaska Center for Non-Violent Living (Fairbanks)         | 694,296          | 679,296          | 679,296          | 702,642          |
| Kodiak Women's Resource and Crisis Center                         | 285,551          | 264,326          | 264,326          | 272,256          |
| LeeShore Center (Kenai-Soldotna)                                  | 413,389          | 397,401          | 397,401          | 409,323          |
| Safe and Fear-Free Environment (Dillingham)                       | 353,716          | 330,116          | 330,116          | 385,116          |
| Seaview Community Services (Seward)                               | 77,811           | 77,811           | 77,811           | 80,145           |
| Sitkans Against Family Violence                                   | 339,766          | 303,401          | 303,401          | 312,503          |
| South Peninsula Women's Services (Homer)                          | 273,145          | 249,091          | 249,091          | 283,555          |
| Standing Together Against Rape (Anchorage)                        | 436,706          | 396,706          | 396,706          | 412,789          |
| Tundra Women's Coalition (Bethel)                                 | 625,809          | 608,133          | 608,133          | 704,133          |
| Unalaskans Against Sexual Assault and Family Violence             | 133,607          | 123,001          | 123,001          | 126,691          |
| Victims for Justice (Anchorage)                                   | 53,199           | 26,078           | 26,078           | -                |
| Women in Safe Homes (Ketchikan)                                   | 557,183          | 517,183          | 517,183          | 532,698          |
| <b>Total Victim Services Program Grants</b>                       | <b>7,422,629</b> | <b>6,995,800</b> | <b>6,995,800</b> | <b>7,195,800</b> |
| <b>Community Based Batterer Intervention Program Grants</b>       |                  |                  |                  |                  |
| Alaska Family Services (Palmer)                                   | \$ 57,000        | \$ 55,812        | \$ 55,812        | \$ 55,812        |
| Interior Alaska Center for Non-Violent Living (Fairbanks)         | 68,500           | 67,312           | 67,312           | 67,312           |
| Island Counseling Services (Sitka)                                | 42,500           | -                | -                | -                |
| Ketchikan Indian Corporation                                      | 52,500           | 51,313           | 51,313           | 51,313           |
| Sound Alternatives (Cordova)                                      | -                | -                | -                | -                |
| South Peninsula Women's Services (Homer)                          | 29,500           | 25,563           | 25,563           | 25,563           |
| Tongass Community Counseling Center                               | 70,000           | -                | -                | -                |
| <b>Total Community Based Batterer Intervention Program Grants</b> | <b>320,000</b>   | <b>200,000</b>   | <b>200,000</b>   | <b>200,000</b>   |

Appendix A  
 Council on Domestic Violence and Sexual Assault  
 Schedule of Grants Awarded FY 03 through FY 06  
 (unaudited)

|   | <u>FY03</u>                | <u>FY04</u>                | <u>FY05</u>                | <u>FY06</u>                |
|---|----------------------------|----------------------------|----------------------------|----------------------------|
| <b>Prison Batterer Intervention Program Grants</b>        |                            |                            |                            |                            |
| Alaska Family Services (Palmer)                           | \$ 40,000                  | \$ 56,589                  | \$ 56,589                  | \$ 56,589                  |
| Interior Alaska Center for Non-Violent Living (Fairbanks) | 25,386                     | 41,648                     | 41,648                     | 41,648                     |
| Tongass Community Counseling Center (Juneau)              | 32,851                     | -                          | -                          | -                          |
| Total Prison Batterer Intervention Program Grants         | <u>98,237</u>              | <u>98,237</u>              | <u>98,237</u>              | <u>98,237</u>              |
| <br>  |                            |                            |                            |                            |
| <b>Violence Against Women Act (VAWA) Grants</b>           |                            |                            |                            |                            |
| Alaska Network on Domestic Violence and Sexual Assault    | \$ 235,500                 | \$ 223,440                 | \$ 216,030                 | \$ 216,315                 |
| Dept. of Law Reimbursable Services Agreement              | 196,250                    | 186,200                    | 180,025                    | 180,263                    |
| Dept. of Public Safety Reimbursable Services Agreement    | 196,250                    | 186,200                    | 180,025                    | 180,263                    |
| Alaska Court System Reimbursable Services Agreement       | 39,250                     | 37,240                     | 36,005                     | 36,052                     |
| Discretionary (See "Note" below)                          | 78,500                     | 111,720                    | 108,015                    | 108,157                    |
| Total VAWA Grants   | <u>\$ 745,750</u>          | <u>\$ 744,800</u>          | <u>\$ 720,100</u>          | <u>\$ 721,050</u>          |
| <br>  |                            |                            |                            |                            |
| <b>TOTAL</b>  | <u><u>\$ 8,586,616</u></u> | <u><u>\$ 8,038,837</u></u> | <u><u>\$ 8,014,137</u></u> | <u><u>\$ 8,215,087</u></u> |

Note: Between FY 02 through FY 05, the Council awarded the VAWA fund discretionary allocation to the Network, Wasilla Police Department, Safe and Fear-Free Environment (SAFE), South Peninsula Women's Services (SPWS), Aiding Women Against Rape Emergencies (AWARE), Tundra Women's Coalition (TWC), Standing Together Against Rape (STAR), and Bering Sea Women's Group (BSW) for victim services projects.



State of Alaska  
Department of Public Safety  
**Council on Domestic Violence & Sexual Assault**

Frank H. Murkowski, Governor  
William Tandeske, Commissioner

December 21, 2005

Pat Davidson  
Alaska State Legislature  
Legislative Budget and Audit Committee  
Division of Legislative Audit  
P.O. Box 113300  
Juneau, Alaska 99811-3300

RE Preliminary Report Response, Council on Domestic Violence and Sexual Assault

Thank you for the opportunity to respond to the findings and recommendations of the November 2005 audit.

The Council agrees with Recommendation No. 1, and has already entered into discussions with the Department of Education and Early Development (DEED) about developing a closer working relationship consistent with the statutory mandate. In our initial contacts, for example, we determined that several years ago DEED collaborated with the Council on statewide teacher training. Currently DEED is developing modules on domestic violence and sexual assault (DVSA). DEED and the Council have already established a process for the Council to be included in reviewing those modules. We will collaborate through meetings, teleconferences, work groups, and other avenues as appropriate.

Regarding Recommendation No. 1 and the Department of Health and Human Services (DHSS), the Council has begun targeted discussions regarding the interface between the DHSS programs and DVSA issues. Many of the DHSS program areas assist individuals and families with multiple problems including DVSA as it impacts families, children, and elders. In reviewing potential areas of coordination and planning, we have identified some areas that should provide for fruitful collaboration, including the development of program staff training and the possibility of requiring relevant training for service providers under contract with DHSS. We will continue to coordinate through teleconferences, meetings, and workgroups, as appropriate, to assess and prioritize the impact of DVSA issues within DHSS.

Regarding Recommendation No. 2, while the Council recognizes and understands the merit of this issue, it is important to note that the Governor is not bound by any recommendation made by the Alaska Network on Domestic Violence and Sexual Assault (Network). Because of this safeguard, the Council believes that obtaining input from the Network, which has significant knowledge and expertise, outweighs any limitations or theoretical conflicts.

Finally, in general, the Council continues its strategic planning efforts, continues to explore grant and foundation funding for statewide domestic violence and sexual assault programs, and continues to strengthen and develop its own personnel and office resources.

We appreciate the work of the Division of Legislative Audit and look forward to working with you in the future.

Council on Domestic Violence & Sexual Assault  
P.O. Box 111200 - Juneau, AK 99811 - Voice (907) 465-4356 - Fax (907) 465-3627

Sincerely,

Janna L. Stewart  
CDVSA, Chair

Cc: CDVSA Board Members

Council on Domestic Violence & Sexual Assault  
P.O. Box 111200 - Juneau, AK 99811 - Voice (907) 465-4356 - Fax (907) 465-3627

October 31, 2001

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

October 31, 2001

12-20014-02

This audit was conducted as required by AS 44.66.050 and under the authority of AS 24.20.271(1). Alaska Statute 44.66.050(c) lists criteria to be used to assess the demonstrated public need for a given board, commission, agency, or program subject to the sunset review process. Currently under AS 44.66.010(a)(11), the Council on Domestic Violence and Sexual Assault is scheduled to termination June 30, 2002. The council would have one year from that date to conclude operations.

In our opinion, the termination date for the Council on Domestic Violence and Sexual Assault should be extended. 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, 2006.

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.

Pat Davidson, 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 (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, 2002, and will have one year from that date to conclude its operation.

### 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 upon AS 44.66.050(c). This statute sets out criteria that are to be used in determining a demonstrated public need for the council.

### Scope and Methodology

Our audit reviewed the operation and activities of the Council on Domestic Violence and Sexual Assault for the period of FY 99 through the date of our report.

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

- Applicable statutes and regulations.
- Budget documents, session laws, and other legislative information related to the council's operations.
- The executive director's reading files.
- Minutes of council meetings.
- Grantee on-site monitoring performance and fiscal reviews prepared by council staff.
- Statistical reports submitted by grantees.
- Financial reports from the State Accounting System.
- Other documents related to the council's operations and mission, as necessary.

In addition, we interviewed:

- Various council members and staff.
- Council grantees, school districts, judges, state troopers, police officers, and other individuals with whom council staff and council members consult and coordinate.
- Individuals from other state agencies.
- Council staff.

## ORGANIZATION AND FUNCTION

The Council on Domestic Violence and Sexual Assault (council) was established in the Department of Public Safety in 1981 by Alaska Statute 18.66. This statute gives the council 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, four of whom are the commissioners, or their designees, of the Departments of Public Safety, Health and Social Services, Education and Early Development, 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 and consults with the Alaska Network on Domestic Violence and Sexual Assault (a non-profit, private organization)

### Council Members

As of September 20, 2001

Barbara Thompson, DEED, Chair  
Cindy Cooper, DOI law, Vice Chair  
Mary Scheetz-Freymiller, Public Member  
Diane Disanto, DHSS  
Del Smith, Public Safety  
Tammy Young, Public Member  
Shirley Dean, Public Member

\*terms expired August 1, 2001 however no replacement to date

The council is staffed by an executive director, an administrative manager, three project coordinators, a statistical technician, an administrative assistant and an administrative clerk. The council is authorized to receive and disperse both state and federal funds. Traditionally a large part of the council's responsibilities involve 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 the council provide a variety of services to the public. Most importantly, their efforts are directed toward providing victims a safe environment either through housing at a community shelter, or the use of a network of designated "safe homes". Additionally, the programs are involved in educating and counseling the victim about domestic violence and sexual assault issues and providing batterers' intervention services.

The council's coordination role and responsibilities with other state and local agencies is extensive. In FY 02 the council approved funding to 21 community-based victim services programs, seven community-based batterers' intervention programs, and three prison-based batterers' programs. (See Appendix A.)

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

Many of the grants issued by the council are supported by federal funds. Federal funds are received by the council from sources such as:

- Family Violence Prevention and Services Grants (CFDA 93.671)  
US Department of Health and Human Services

The Family Violence Prevention Services Act provides federal funding to all states. This funding is used for domestic violence programs throughout Alaska. The programs receiving grants provide assistance to victims of domestic violence and their children. These programs operate shelter facilities which are staffed around the clock and provide a full spectrum of services, including basic food and immediate shelter, crisis intervention, counseling, and medical/legal/personal advocacy.

- Crime Victims Assistance (CFDA 16.575)  
US Department of Justice

This grant authorizes financial compensation for victims of crime and financial support for state and local agencies that provide services to crime victims. This fund is a U.S. Treasury account generated entirely by the fines and penalties levied against criminals convicted of federal crimes. The majority of this funding is awarded directly to programs that provide services to victims of domestic violence, sexual assault and other violent crimes. In addition to funding programs, a portion of this grant is used to fund a Victim Services Coordinator position with the Department of Corrections.

- Violence Against Women Act (CFDA 16.588)  
US Department of Justice

The grant services combine a series of federal sanctions and initiatives as well as national, state, and local resources to improve the response to crimes against women. These funds are delineated to four specific areas: prosecution, law enforcement, victim services, and discretionary. In April 1995, Governor Knowles designated the council as the lead agency for the coordination and management of the Violence Against Women Act funds for the State of Alaska.

To accomplish this mission, the statewide Violence Against Women Planning and Implementation Committee was created. The membership of the Planning and Implementation Committee includes representatives from the court system; Department of Corrections; Maternal, Child and Family Health, Department of Health and Social Services; Department of Law; Department of Public Safety; Alaska Network on Domestic Violence and Sexual Assault; Alaska Judicial Council, and Violence Against Indian Women grantee. The council is responsible for funding distribution and subrecipient monitoring of these projects.

## REPORT CONCLUSIONS

Under AS 18.66, the Council on Domestic Violence and Sexual Assault (council) 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 is identified as an ongoing priority at both the state and national level.

Aside from the operational concerns addressed in this report, the council is serving a public need and is operating in the public's interest. Currently, AS 44.66.010(a)(11) requires that the council be terminated on June 30, 2002. We recommend the legislature extend the council's termination date to June 30, 2006.

The Alaska Network on Domestic Violence and Sexual Assault (Network), a nonprofit organization, and the council often work jointly or contractually on statewide projects to strengthen the state's response to violence against women. This joint effort has had a positive impact. However, we recommend that the council reconsider the nature of its working relationship with Network.

The council needs to establish clear and distinctive roles for the council members and staff, and the Network. These roles must be consistent with the governor's directive for the council's programmatic and administrative oversight of federal funding. As a recipient of council funds, it is inappropriate for the Network to have a legally mandated role in recommending the public members of the council to the governor for selection. (See Recommendations Nos. 1 and 2.)

Statutory changes implemented July 1, 1996, significantly increased the scope of the council's responsibilities. Between FY 98 and FY 01, the council's budgeted staff increased from four to eight positions. However, the council has been unable to or ineffective in addressing some of their statutory responsibilities, in part due to administrative shortcomings. (See Recommendations Nos. 3, 4 and 5.)

Other council weaknesses addressed in recent legislative audits and not readdressed in this audit include the following:

1. Department of Public Safety, Council on Domestic Violence and Sexual Assault, Batterer Intervention Programs February 9, 2001 (Audit Control Number 12-4606-01)

The Batterer Intervention Programs audit contained five recommendations relating to the council. These recommendations primarily addressed the following concerns:

- Due to a lack of data, none of the specific operational questions concerning batterers and the effectiveness of batterer intervention programs could be fully answered.

- Due to the absence of written procedures, council staff was not able to perform their job duties consistently and successfully. Specifically, the council does not have policies and procedures in reviewing, evaluating, and monitoring batterer intervention programs.
  - Batterers are not adequately monitored, either not attending, or not completing batterer intervention programs, and programmatic noncompliance issues are not being fully addressed.
2. Statewide Single Audit for Fiscal Year Ended June 30, 2000 – July 16, 2001 (Audit Control Number 02-0001-01).

The statewide single audit contained five recommendations to the executive director of the council. These recommendations primarily addressed the need to improve the monitoring and management of federal funds being provided to subrecipient grantees.

## FINDINGS AND RECOMMENDATIONS

### Recommendation No. 1

The legislature should amend the Council on Domestic Violence and Sexual Assault's statutes related to appointment of council members.

The Network on Domestic Violence and Sexual Assault (Network) both recommends public members to serve on the council and receives grant funds from the council. The council consists of four state officials and three public members appointed by the governor. Alaska Statute 18.66.020(a)(1) relating to the appointment of public members states:

*The council consists of three persons appointed by the governor after consultation with the Network on Domestic Violence and Sexual Assault, a nonprofit corporation. The Network on Domestic Violence and Sexual Assault shall submit a list to the governor of persons recommended for appointment.*

In addition, AS 18.66.020(b) states, in part:

*A vacancy on the council shall be filled for the unexpired term by appointment by the governor after consultation with the Network on Domestic Violence.*

The council annually grants funds to the Network for a legal advocacy project. Grant monies are provided by federal funds associated with the Violence Against Women Act (VAWA). The council awarded VAWA funding to the Network as shown in Exhibit 1 (right) for FY 00 through FY 02.

An apparent conflict of interest exists when a council member reviews, evaluates, approves, and monitors a grant to the same non-profit corporation which was responsible for recommending that individual to the council membership.

The apparent conflict of interest continues because the council member would likely benefit from on-going support from the Network when being considered for reappointment to the council. This situation may result in inappropriate decisions by the council, as the Network will be interested in the sustainability of their agency.

| Exhibit 1<br>Violence Against Women Act<br>Grants to the Network on Domestic<br>Violence and Sexual Assault |                   |
|---|-------------------|
| <u>Grant</u>  | <u>Amount</u>     |
| <u>FY 00:</u>   |                   |
| 00-VAWA-01  | \$ 109,142        |
| 00-VAWA-02  | <u>233,143</u>    |
| Total FY 00:  | \$ <u>342,285</u> |
| <u>FY 01:</u>   |                   |
| 01-VAWA-01  | \$ 73,842         |
| 01-VAWA-02  | <u>235,874</u>    |
| Total FY 01:  | \$ <u>309,716</u> |
| <u>FY 02:</u>   |                   |
| 02-VAWA-01  | \$ <u>356,626</u> |

The appearance of a personal conflict of interest on the part of the council's public members may arise from a combination of elements.

- The Network has a specific legally mandated role in the selection and retention of public members to the council.
- The Network is a subgrantee of the council and therefore competes with other programs for council funding.

Potentially biased questions in the Network's "*Interview Questions for Council on Domestic Violence and Sexual Abuse Public Member Applicants*" read as: "What do you see as the role of the council public member in relation to the Network?" Examples of specialized treatment for the Network are discussed in Recommendation 2.

It is entirely appropriate for the governor to consult with any interested parties when making appointments to the council. However, it is the statutory mandate for the governor to consult with the Network, over the appointment of public members, when the Network itself is a subgrantee of the council that raises an appearance of a conflict of interest.

Therefore, we recommend the legislature amend the AS 18.66.020 to 1) eliminate the mandate for the Network to recommend individuals to the governor for appointment to the council, and 2) eliminate the requirement for the governor to consult with the Network on the appointment or reappointment of the council's public members.

#### Recommendation No. 2

The council should define and communicate clear and distinctive roles for the council members and staff in dealing with the Network. The council should adhere to these roles in their federal grant oversight of the Network.

As stated in Recommendation No. 1, the council annually grants monies to the Network for a legal advocacy project using federal VAWA funds. Review of council grant information identified some impropriety as follows:

1. For FY 01, the Network modified the final grant contract prohibiting the council from reviewing all records (limiting the council's review to financial records only). Such modification is in violation of the federal Common Rule for Uniform Administrative Requirements for Grants (A-102).
2. For FY 00, requests for reimbursement from the Network were not supported by sufficient documentation of expenditures. Council staff disbursed funds based on these requests, which is in violation of federal allowable cost principles (A-87).
3. For FY 00 and FY 01, the Network was excluded from the monitoring schedule established by the council. This is in violation of federal Common Rule (A-102) requirements codified at 28 CFR 66.40.

Each of these actions severely limited the council's review of the Network's activities. This limitation affected the council's ability to carry out its responsibility outlined in a letter from Governor Knowles dated April 15, 1995. In this letter, the governor designates "...*Council on Domestic Violence and Sexual Assault (council) as the state agency in Alaska that will have programmatic and administrative oversight of Violence Against Women Act funds.*" In making this designation, the governor required that "[i]n developing its plan for use of Violence Against Women Act funds, the council must actively involve the Network on Domestic Violence and Sexual Assault in all stages of the process."

The council has complied with the governor's condition to actively involve the Network in the development of the VAWA plan. However, the council must keep in mind that the governor designated the council to have programmatic and administrative oversight of VAWA funds. As the pass-through agency for the federal VAWA funding, the council bears ultimate responsibility for the administration of those funds. Without adequate oversight, errors or improprieties may be committed by grantees and not detected by the council.

The Network and the council often work jointly or contractually on statewide projects to strengthen the state's response to violence against women. These joint efforts have a positive impact. However, in its working relationship with the Network, we recommend that the council define clear and distinctive roles for the council members and staff. These roles should be defined in manner consistent with federal grant requirements and the governor's directive for programmatic and administrative oversight.

### Recommendation No. 3

The legislature should amend AS 18.66.050 referring to the council hiring staff, and the council should address personnel issues and promote strong leadership by the executive director.

Alaska Statute 18.66.050(1) states that "[t]he council shall hire an executive director and necessary staff." This statute adds confusion to the council's lines of authority. In order for the executive director to have authority over the staff, it is critical for staff to have only one leader.

Administrative weaknesses were identified throughout the course of our fieldwork. These weaknesses primarily relate to lines of authority and job responsibilities, and are further explained below:

1. Confusion regarding lines of authority. Confusion exists regarding lines of authority between council members, the executive director, council staff and representatives of the Network. Staff members have apprised the council members about their concerns with the council organizational structure and travel restrictions due to budgetary concerns without going through the executive director.

Additionally, staff identified instances when the council members directly contacted them without first going through the executive director. Finally, the council's staff

may directly contact, or be contacted by, Network personnel regarding a specific issue or responsibility without the knowledge of the executive director.

Because so many individuals affect the responsibilities of council staff, it is imperative that the council set the priorities and policies, and the executive director manage the staff to ensure these priorities and policies are addressed. This will allow the council members to observe the program functioning as a whole, not on a microscopic level. An executive director with strong leadership abilities, whose administration is supported by all council members, would help to establish clear lines of authority.

2. Lack of definitive duties, policies and procedures. The three associate coordinator positions have broad position descriptions that are identical.<sup>2</sup> The position descriptions state that:

*"Because of the limited number of staff, the on-going responsibilities assigned to any one position may be focused in one program area; however, the staff is expected to know and be able to perform or assist with the activities in any program areas."*

With broad position descriptions, more specific directives defined in an agency procedure or desk manual are critical to ensure that personnel have a clear understanding of their responsibilities and priorities. Not only did we find that staff members were having difficulty addressing their responsibilities, a lack of prioritizing was also evident. These coordinator positions are responsible for the development, coordination, evaluation monitoring and technical assistance of new and existing programs to ensure regulatory and policy compliance.

Between FY 98 and FY 01, the council's budgeted staff has increased 100% (from four to eight individuals). As stated in AS 18.66.050, the council's broad statute regarding the hiring of staff adds to the confusion with lines of authority. Although the council may hire the staff, the staff report to the executive director and should take direction solely from the executive director. The executive director needs strong leadership skills that emphasize teamwork and open communication among the council staff. For the executive director, leadership skills are as critical as program background in domestic violence and sexual assault.

Explicit documentation of each individual's responsibilities would allow the executive director of the council to hold staff accountable for their actions and their job duties. The council members should also provide clear guidance to the executive director and work through the executive director when addressing issues with the staff.

We recommend that the legislature change AS 18.66.050 to state:

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<sup>2</sup> Position control numbers 12-0087, 12-0071 and 12-0070 have the same description of duties.

"[t]he council shall hire an executive director, and the executive director shall hire staff as identified in budgetary documents."

We recommend that the council promote and support strong leadership authority with the executive director. We also recommend that the executive director develop council personnel policies, procedures, and desk manuals (or update position description questionnaires) to describe the tasks of the individuals in each position. Once staff roles are established, the executive director should provide cross-training and encourage communication and teambuilding.

#### Recommendation No. 4

The council should address statutory responsibilities that relate to consultation with the Department of Health and Social Services (AS 18.66.050 (12)) and other entities and organizations (AS 18.66.050 (14)).

The council's statute was amended effective July 1, 1996 to include new requirements. Two of these new requirements have not been addressed. Alaska Statute 18.66.050(12) and (14) state that the council shall:

*(12) consult with the Department of Health and Social Services in the formulation of standards and procedures for delivery of services to victims of domestic violence by health care facilities and practitioners of healing arts and personnel in those facilities as required in AS 18.66.300.*

*(14) consult with public employers, the Alaska Supreme Court, school districts, and prosecuting authorities who are required by AS 18.66.00 - 18.66.310 to provide continuing education courses in domestic violence to employees.*

Both of these statutes discuss the council working with other agencies and public employers to develop standards, procedures, and continuing education courses. However, due to personnel deficiencies (see Recommendation No. 3) and lack of prioritization, the council has been unable to fully address these areas. We recommend that the council prioritize their responsibilities and determine a means to efficiently implement AS 18.66.050(12) and AS 18.66.050(14).

#### Recommendation No. 5

Council members and the executive director should consult with the Department of Education and Early Development, school district representatives, and grantees who have worked toward curriculum development to create a comprehensive standardized curriculum to be used within the schools across the state.

The council's approach to domestic violence and sexual assault education within the school districts is inconsistent and inadequate. There is a need for a more coordinated effort towards

education in school districts throughout the state. The council has left the responsibility for education in the schools to the grantees. The grantees have varying degrees of success in gaining access to their local schools, and use a variety of methods in attempting to address the need for domestic violence and sexual assault education within the schools.

Alaska Statute 18.66.050 states, in part, that:

*The council shall (3) in consultation with authorities in the field, develop, implement, maintain, and monitor domestic violence, sexual assault, and crisis intervention and prevention programs, including education programs....and school curricula on the cause, prevention, and treatment of domestic violence and sexual assault. [emphasis added]*

The council has avoided developing and implementing a standardized curriculum in an attempt to respect the autonomy of its victim services grantees. This has been the council's overall strategy in victim services program issues, where the individual grantees are better able to assess the needs of their communities. The grantees each have their own method of approaching education within their local schools. Some grantees simply send advocates to speak to a classroom when invited by the teacher. Other grantees have attempted to develop a K-12 curriculum for use within their local schools.

Development of a standardized curriculum can be an overwhelming task for a small or rural program whose resources are already stretched to the limit. Many grantees lack the expertise needed to approach the development of a curriculum for children that covers such extremely sensitive subjects as domestic violence and sexual assault.

We recommend the council consult with the Department of Education and Early Development, school district representatives, and grantees who have worked toward curriculum development to create a comprehensive standardized curriculum to be used within the schools across the state.

#### Prior Sunset Audit Recommendation No. 1

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

#### Prior Finding

Due to increasing responsibilities and a limited number of staff positions, the council 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 illnesses. Weaknesses identified were as follows:

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

2. The annual report to the governor for FY 96 had not been completed.
3. On-site monitoring of grantees was not performed and reported in a timely manner.

#### Current Status

Administrative weaknesses continue to exist, though to a lesser degree than existed during the prior sunset audit. The current status of the prior year sunset recommendation is as follows:

1. Data collection - substantially implemented. The council implemented a statewide data collection system in July 2000. Some grantees expressed dissatisfaction with the new data system and felt that the forms were confusing and had too many categories. Some grantees feel that the system requires duplicative work by grantee staff. There are concerns on the validity of the data and how to measure outcomes. However, others feel that the system is easy, accurate and provides consistent data reporting. Overall, there is a critical need for coordinated statewide standardized measurement and recording of statistical data across agency lines. Statistics are needed to accurately provide information to decision makers.
2. Timeliness of annual reports - some improvement. Although reports prior to FY 00 have been untimely, the annual report for FY 00 was completed timely and posted on the council website.
3. On-site monitoring - some improvement. An on-site monitoring schedule has been established and on-site monitoring of most grantees has been performed. However, while the council has improved in the consistency and timeliness of their on-site monitoring, this monitoring was limited to primarily programmatic issues. The council failed to monitor its grantees who were subrecipients of federal grant funds for compliance with federal requirements. Weaknesses regarding federal compliance subrecipient monitoring issues were identified in the Statewide Single Audit for Fiscal Year Ended June 30, 2000 (Audit Control Number 02-40001-01).

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## ANALYSIS OF PUBLIC NEED

The following analysis of the council's activities relates to the public need factors defined in the "sunset" law, AS 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.

*Determine the extent to which the board, commission, or agency 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, batterer intervention services to perpetrators of domestic violence, and crisis intervention and prevention programs. Although the presentation element of the funding meeting is not generally accepted and approved by all the grantees, the council's grant award process is objective, and grantees are treated equally in the process. Public participation was encouraged, and legislative intent was considered in the funding process. The council strives to treat urban and rural participants fairly throughout the grant award process. The council exercises oversight and performs on-site audits of most grant recipients. However, some exceptions were identified for the Alaska Network on Domestic Violence and Sexual Assault. (See Recommendation No. 2.)

The council coordinates the efforts of many state and community agencies working toward a comprehensive statewide system to combat domestic violence and sexual assault. Overall, we conclude that the council is performing its coordination duties.

The council provides technical assistance in various forms to state agencies, law enforcement agencies, grantees, and community groups on a regular basis.

The council has provided funds to assist in the development of training materials and participation in training events relating to domestic violence and sexual assault. This training has been used by law enforcement officers, prosecutors, and judicial officers. Upon request, council staff is available to state and local law enforcement agencies to consult on training matters.

The council produces public service announcements for distribution statewide, and provides domestic violence and sexual assault education on a local level through its grantees. The council maintains a lending library with educational and reference materials available that are both adequate and appropriate to address the cause, prevention, and treatment of domestic violence and sexual assault.

The council consults with the Department of Health and Social Services, Section of Maternal Child and Family Health, on the Alaska Family Violence Prevention Project (AFVPP) to increase awareness and community capacity to prevent and intervene in family violence. AFVPP provides multidisciplinary training and technical assistance on family violence for

health and social service providers and communities across the state. During the last year, in collaboration with the council, AFVPP conducted domestic violence/child abuse workshops in fifteen rural communities across the state. Although they have collaborated on issues such as this, the council and AFVPP have not addressed the statutory mandate in AS 18.66.050(12). (See Recommendation No. 4.)

*Determine the extent to which the operations of the board 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.*

There are a variety of issues that have had an impact on the operations of the council. Our primary concerns involve the following:

1. Personnel issues. For some time, the council has been facing personnel issues resulting from new positions, new statutory and federal grant responsibilities, and turnover. The executive director should develop council personnel policies, procedures, and desk manuals to describe the tasks of the individuals in each position and to adjust for increased responsibilities and other changes. There also were other personnel issues that existed between the former executive director and council staff (See Recommendation No. 3).
2. Statutes related to composition of the council. The council should consider including a representative from the Department of Corrections as either a full council member, or as an advisor, to increase awareness of batterer programs. Some council members would also like to see additional public members. Because the Network has been receiving grant funds from the council, the legislature should consider amending AS 18.66.020 by 1) removing the clause that requires the Network to make recommendations for public members on the council to the governor, and 2) delete the requirement that the governor consult with the council regarding initial and reappointment of public members to the council. (See Recommendation No. 1.)
3. Program reporting requirements. 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, customarily the council has submitted reports on a fiscal year basis. Although the reports for FY 97 through FY 99 were not provided to the governor in a timely manner, the FY 00 annual report was. (See Prior Sunset Audit Recommendation No. 1.)
4. Data collection process. The council implemented a statewide data collection system in July 2000. Some grantees expressed dissatisfaction with the new data system and felt that the forms were confusing and had too many categories. Some grantees feel that the system requires duplicative work by grantee staff. There are concerns on the validity of the data and how to measure outcomes. However, others feel that the system is easy, accurate and provides consistent data reporting. Overall, there is a

critical need for coordinated statewide standardized measurement and recording of statistical data across agency lines. Statistics are needed to accurately provide information to decision makers. (See Prior Sunset Audit Recommendation No. 1.)

*Determine the extent to which the board has recommended statutory changes that are generally of benefit to the public interest.*

The council is generally asked by other agencies to review statutory changes contained in proposed legislation. Typically, council members and staff review and comment on proposed legislation rather than developing and seeking support for its own measures. The council discusses pertinent bills and decides which legislation the council should support, remain neutral, or oppose. The executive director develops, analyzes, and testifies on bills at the direction of the council. The Network is also actively involved in domestic violence and sexual assault related legislation, and provides an update of pertinent legislation at council meetings.

*Determine 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 services, economy of service, and availability of services that it has provided.*

The council encourages interested parties to comment on its decisions or regulations by publicly announcing its meetings. The council holds at least four meetings per year, normally in Anchorage or Juneau. Meetings held in Juneau are typically teleconferenced statewide. The council also encourages input from the Network regarding its policies.

*Determine the extent to which the board has encouraged public participation in the making of its regulations and decisions.*

The council encourages public participation by advertising meetings and teleconferences and by posting the council's meeting schedule on their website. Time is provided on the agenda of every public meeting for public comment. The council works with the Network and their membership in the development of regulations and policy decisions.

*Determine 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 commission is administratively assigned, or with the Office of the Ombudsman have been processed and resolved.*

We found no problems in this area. Complaint procedures are in place, followed when complaints are made, and files are maintained. No complaint activity was noted.

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

No complaints against the council were identified.

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

The council has left the responsibility for education within the schools to their grantees. The grantees have varying degrees of success in gaining access to their local schools and use a variety of methods in attempting to address the need for domestic violence and sexual assault education within the schools. There is a need for a more coordinated effort towards education in school districts across the state. The council should consult with the Department of Education and Early Development, school district representatives and grantees who have worked toward curriculum development to create a comprehensive standardized curriculum to be used within schools across the state. (See Recommendation No. 5.)

*Identify the problems or the needs that the programs and activities of the council are intended to address.*

Per AS 18.66.010, the council's purpose is to provide for planning and coordination of services to victims of domestic violence or sexual assault or to their families, to perpetrators of domestic violence and sexual assault, and to provide for crisis intervention and prevention programs.

*Identify any other programs having similar, conflicting or duplicate objectives.*

One of the council's major objectives is the coordination of agencies, both state and local, that share the similar objective of combating the effects of domestic violence and sexual assault. No other agency is in a position to have an impact on this issue in this manner. Its existence is to help ensure that the various agencies work together to effectively respond to Alaska's high rate of domestic violence and sexual assault.

APPENDIX A

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Appendix A  
 Council on Domestic Violence and Sexual Assault  
 Schedule of Grants Awarded FY 99 through FY 02  
 (unaudited)

|  | <u>FY 99</u>        | <u>FY 00</u>        | <u>FY 01</u>        | <u>FY 02</u>        |
|--|---------------------|---------------------|---------------------|---------------------|
| <b>Victim Services Grants</b>  |                     |                     |                     |                     |
| Advocates for Victims of Violence<br>(Valdez)  | \$ 204,810          | \$ 209,810          | \$ 212,970          | \$ 213,181          |
| Abused Women's Aid in Crisis<br>(Anchorage)  | 792,900             | 753,255             | 795,605             | 795,816             |
| Aiding Women from Abuse and Rape<br>Emergencies (Juneau)   | 486,725             | 481,925             | 489,430             | 489,641             |
| Arctic Women in Crisis (Barrow)  | 239,655             | -0-                 | 242,360             | 242,571             |
| Alaska Women's Resource Center<br>(Anchorage)  | 194,920             | 190,120             | 197,625             | 197,836             |
| Bering Sea Women's Group (Nome)  | 417,790             | 417,790             | 420,495             | 420,706             |
| Cordova Family Resource Center   | 48,505              | 41,505              | 51,210              | 51,421              |
| Emmonak Women's Center   | 147,025             | 150,525             | 153,685             | 180,885             |
| Kenai/Soldotna Women's Resource<br>and Crisis Center   | 394,485             | 388,595             | 397,190             | 669,796             |
| Kodiak Women's Resource and Crisis<br>Center   | 261,410             | 257,182             | 264,115             | 397,401             |
| North Slope Borough<br>Safe and Fear-Free Environment<br>(Dillingham)  | -0-                 | 232,655             | -0-                 | -0-                 |
| Sitkans Against Family Violence  | 317,200             | 317,200             | 319,905             | 264,326             |
| Seward Life Action Council   | 300,485             | 298,094             | 303,196             | 320,116             |
| South Peninsula Women's Services<br>(Homer)  | 74,895              | 73,787              | 72,600              | 303,401             |
| Standing Together Against Rape<br>(Anchorage)  | 246,175             | 242,251             | 248,880             | 77,811              |
| Tundra Women's Coalition (Bethel)  | 383,790             | 376,114             | 386,495             | 249,091             |
| Unalaskans Against Sexual Assault<br>and Family Violence   | 564,885             | 566,385             | 569,545             | 386,706             |
| Victims for Justice (Anchorage)  | 120,085             | 120,085             | 122,790             | 84,541              |
| Valley Women's Resource Center<br>(Palmer)   | 72,515              | 68,918              | 72,078              | 123,001             |
| Interior Alaska Center for Non-<br>Violent Living (formerly Women<br>in Crisis - Counseling and<br>Assistance - Fairbanks) | 415,570             | 407,259             | 418,275             | 26,078              |
| Women in Safe Homes (Ketchikan)  | 666,380             | 661,580             | 669,085             | 418,486             |
| Total Victim Services Grants   | <u>\$ 6,844,500</u> | <u>\$ 6,744,500</u> | <u>\$ 6,909,500</u> | <u>\$ 6,909,500</u> |
| <b>Community Based Batterer Intervention Programs</b>  |                     |                     |                     |                     |
| Male Awareness Program<br>(Anchorage)  | \$ 90,000           | \$ 80,000           | \$ 80,000           | \$ -0-              |
| Sound Alternatives (Cordova)   | 11,000              | 11,000              | 11,000              | 15,000              |
| South Peninsula Women's Services<br>(Homer)  | 27,000              | 23,000              | 23,000              | 27,000              |
|  | <u>FY 99</u>        | <u>FY 00</u>        | <u>FY 01</u>        | <u>FY 02</u>        |

Appendix A  
 Council on Domestic Violence and Sexual Assault  
 Schedule of Grants Awarded FY 99 through FY 02  
 (unaudited)

**Community Based Batterer Intervention Programs - Continued**

|  |                   |                   |                   |                   |
|--|-------------------|-------------------|-------------------|-------------------|
| Tongass Community Counseling Center (Juneau)                 | 68,000            | 67,500            | 67,500            | 67,500            |
| IAC Women In Crisis Counseling Center (Fairbanks)            | 50,000            | 50,000            | 50,000            | 66,000            |
| SE Islands Violence Prevention Program - Wrangell/Petersburg | 31,000            | 29,000            | 29,000            | -0-               |
| Sitka Prevention and Treatment Services                      | -0-               | 39,500            | 39,500            | -0-               |
| Islands Counseling Services (Sitka)                          | -0-               | -0-               | -0-               | 40,000            |
| Ketchikan Indian Corporation (Ketchikan)                     | -0-               | 20,000            | 20,000            | 50,000            |
| Valley Women's Resource Center (Palmer)                      | -0-               | -0-               | -0-               | 54,500            |
| Total Community Based Batterer Intervention Programs         | <u>\$ 277,000</u> | <u>\$ 320,000</u> | <u>\$ 320,000</u> | <u>\$ 320,000</u> |

**Prison Batterer Intervention Program Grants**

|  |                  |                  |                  |                  |
|--|------------------|------------------|------------------|------------------|
| Interior Alaska Center for Non-Violent Living (formerly Women in Crisis - Counseling and Assistance - Fairbanks) | \$ 39,200        | \$ 39,200        | \$ 39,200        | \$ 24,137        |
| Tongass Community Counseling Center (Juneau)   | 34,100           | 34,100           | 34,100           | 34,100           |
| Valley Women's Resource Center (Palmer)  | <u>24,937</u>    | <u>24,937</u>    | <u>24,937</u>    | <u>40,000</u>    |
| Total Prison Batterer Intervention Program Grants  | <u>\$ 98,237</u> | <u>\$ 98,237</u> | <u>\$ 98,237</u> | <u>\$ 98,237</u> |

**Violence Against Women Act (VAWA) Grant**

|   |                     |                     |                     |                     |
|---|---------------------|---------------------|---------------------|---------------------|
| Alaska Network on Domestic Violence and Sexual Assault      | \$ 225,354          | \$ 342,285          | \$ 309,716          | \$ 356,624          |
| Department of Law Reimbursable Services Agreement           | 176,585             | 179,535             | 72,578              | See "Note"          |
| Alaska Court System Reimbursable Services Agreement         | 52,572              | 41,681              | 31,664              | See "Note"          |
| Department of Public Safety Reimbursable Services Agreement | <u>54,525</u>       | <u>232,155</u>      | <u>116,666</u>      | <u>See "Note"</u>   |
| Total VAWA Grant  | <u>\$ 509,036</u>   | <u>\$ 795,656</u>   | <u>\$ 530,624</u>   | <u>\$ 356,624</u>   |
| <b>TOTAL</b>  | <u>\$ 7,219,737</u> | <u>\$ 7,162,737</u> | <u>\$ 7,327,737</u> | <u>\$ 7,327,737</u> |

Note: Amounts have not yet been determined

December 21, 2001

Ms. Pat Davidson, CPA  
Legislative Auditor  
Division of Legislative Audit  
P.O. Box 113300  
Juneau, AK 99811-3300

Dear Ms. Davidson:

This letter is in response to the Preliminary Audit Report, Council on Domestic Violence and Sexual Assault, Department of Public Safety, Dated October 31, 2001 and transmittal letter dated December 6, 2001. The Department's positions are stated below each findings and recommendation.

Recommendation No. 1

The legislature should amend the Council on Domestic Violence and Sexual Assault's statutes related to appointment of council members

**CDVSA Response: Do not Agree**

As stated in the response to the management letter dated November 14, 2001 the Council does not agree that Alaska Statute 18.66.020 needs to be amended. The Governor is not required to appoint public members solely from the names submitted by the Alaska Network on Domestic Violence and Sexual Assault (ANDVSA). The statute requires the Governor to "consult" with ANDVSA, but does not mandate that the Governor accept the names submitted. The Governor has the authority to appoint a person not recommended, provided he "consults" with ANDVSA.

ANDVSA is the only statewide coalition for the issues involving domestic violence and sexual assault. ANDVSA works closely with the programs on a statewide basis and is, aside from the Council itself, the organization most familiar with these important societal issues. It is entirely appropriate for a Governor to ask those with the most knowledge, expertise and involvement in a particular field to submit names for consideration for appointment to boards and/or commissions. We further disagree that an appearance of a personal conflict of interest exists on the part of the appointment or reappointment of public members. The fact that the Council awards grant money to ANDVSA does not mean that public member is indebted to ANDVSA. Public members are devoted to the issue, the cause, and public service. If the Governor believes a public member is

doing a good job, he can reappoint the person even if ANDVSA recommends against it. The Executive Ethics act does not preclude persons with interest in a field from serving on boards and commissions; rather, it requires that they have no direct financial conflict of interest. ANDVSA has never nominated, nor has the Governor's Office ever named, anyone who was an employee or officer of ANDVSA. Rather, public members have been persons active in domestic violence or sexual assault issues in their local communities. Public members are also required to step down from any involvement in their local programs during their service on the Council.

Recommendation No. 2

The council should define and communicate clear and distinctive roles for the council members and staff in dealing with the Network. The council should adhere to these roles in their federal grant oversight of the Network

**CDVSA Response: Partially Agree**

1. In FY01, ANDVSA modified their final grant contract relating to access to all records to reflect financial records only. This change was not noticed by Council staff or approved by the Council. In FY02, ANDVSA formally requested that the Council change the grant contract condition that allows the Council to review all records. ANDVSA asked the Council review only the financial records. The request was made during the quarterly Council public meeting of September 11, 2001. **The Council denied this request on record in the meeting.**
2. CDVSA will adhere to federal allowable cost principles (A87) by addressing the reimbursement documentation during on-site monitoring activities and through review of financial documentation and by requesting clarification on questionable expenditures.
3. ANDVSA and other VAWA grantees are being included in the on-site monitoring and evaluation schedule for FY02 and FY03.

At every meeting the Council reviews VAWA expenditures, so the Council is aware of what is going on. To ensure initial approval, the VAWA committee will submit the plan to the Council for final review and approval. The Council's initial review and approval will be consistent with the Governor's directive, April 15, 1995, on programmatic and administrative oversight.

The Council will communicate the roles of the Council to staff and the Network consistent with the federal grant requirements and the governor's directive for programmatic and administrative oversight.

Ms. Pat Davidson, CPA  
December 21, 2001  
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Recommendation No. 3

The legislature should amend AS 18.66.050 referring to the council hiring staff, and the council should address personnel issues and promote strong leadership by the executive director.

**CDVSA Response: Partially Agree**

1. Confusion regarding lines of authority. The Council acknowledges some confusion existed recently and is working towards assuring the correct level of authority of the executive director and the role of the staff.
2. Lack of definitive duties, policies and procedures. The three associate coordinator positions have position descriptions that are identical. This will allow the Council to have all three coordinators work as a team to design, coordinate, conduct evaluations, monitor the programs, plus offer technical assistance to new and existing programs. This will further allow the staff to be cross-trained and work in a cohesive team environment with the executive director being the supervisor and leader of the team.

The Council does not agree that AS 18.66.050 needs to be modified. The Council has never been involved in hiring of staff. The Council recognized that hiring of staff is the responsibility appropriately placed with the executive director. Guidance from the Council to the executive director and the further development of personnel policies, procedures and desk manuals and where necessary, updating position descriptions, will adequately address any previous confusion.

Recommendation No. 4

The Council should address statutory responsibilities that relate to consultation with the Department of Health and Social Services (AS 18.66.050(12)) and other entities and organizations (AS 18.66.050(14)).

**CDVSA Response: Agree**

The Council agrees that we should be working with these other agencies and public employers in developing standards and provide information and education surrounding the issues of domestic violence and sexual assault. We will strive to meet this recommendation.

Ms. Pat Davidson, CPA  
December 21, 2001  
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Recommendation No. 5

Council members and the executive director should consult with the Department of Education and Early Development, school district representatives, and grantees who have worked toward curriculum development to create a comprehensive standardized curriculum to be used within the schools across the state.

**CDVSA Response: Agree**

The Council agrees that we should be working with the Department of Education and Early Development, school district representatives, and grantees to develop a comprehensive standardized curriculum to be used in schools across the state. The difficulty comes when developing a standardized curriculum with such cross-culture and diversified populations throughout the state and getting school districts to agree to include the curriculum material in their classrooms.

Sincerely,

Glenn G. Godfrey  
Commissioner

January 11, 2002

Members of the Legislative Budget  
and Audit Committee:

We have reviewed the Department of Public Safety's response to our audit. Nothing contained in the response has provided sufficient information to persuade us to remove or revise our recommendations.

Sincerely,

Pat Davidson  
Legislative Auditor