

HB

63

CS FOR HOUSE BILL NO. 63(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES FAIRCLOUGH, HOLMES, COGHILL AND WILSON, Herron

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Council on Domestic Violence and Sexual Assault."**

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

3 *** Section 1.** AS 18.66.020 is amended to read:

4 **Sec. 18.66.020. Membership, terms, vacancies, and disqualification.** (a) The
 5 council consists of

6 (1) **four public members** [THREE PERSONS] appointed by the
 7 governor, **one of whom shall be from a rural area; the governor may consult**
 8 [AFTER CONSULTATION] with the Network on Domestic Violence and Sexual
 9 Assault, a nonprofit corporation, **in appointing the public members under this**
 10 **paragraph**; the **Alaska** Network on Domestic Violence and Sexual Assault shall
 11 submit a list to the governor of persons recommended for appointment;

12 (2) the commissioner of public safety or the designee of the
 13 commissioner of public safety;

14 (3) the commissioner of health and social services or the designee of
 15 the commissioner of health and social services;

1 (4) the commissioner of education and early development or the
2 designee of the commissioner of education and early development; [AND]

3 (5) the attorney general or the designee of the attorney general; and

4 (6) the commissioner of corrections or the designee of the
5 commissioner of corrections.

6 (b) The term of office of a public member appointed under (a)(1) of this
7 section is three [TWO] years. A public member appointed under (a)(1) of this section
8 serves at the pleasure of the governor and may not serve more than two consecutive
9 terms. A vacancy on the council shall be filled for the unexpired term by appointment
10 by the governor. The governor may consult [AFTER CONSULTATION] with the
11 Alaska Network on Domestic Violence and Sexual Assault on an appointment of a
12 public member made under this subsection.

13 (c) A person who receives compensation from or is an employee of the State
14 of Alaska or a domestic violence, sexual assault, or crisis intervention or prevention
15 program may not be appointed as a public member of [TO] the council.

16 * **Sec. 2.** AS 18.66.020 is amended by adding a new subsection to read:

17 (d) In this section, "rural area" means a community with a population of 5,500
18 or less that is not connected by road or rail to Anchorage or Fairbanks or with a
19 population of 1,500 or less that is connected by road or rail to Anchorage or Fairbanks.

20 * **Sec. 3.** AS 18.66.040 is amended to read:

21 **Sec. 18.66.040. Meetings and quorum.** The council shall meet at least four
22 times a year. At least one meeting each year shall include a statewide public
23 teleconference hearing. The time and place of a meeting shall be set by the presiding
24 officer or by three members who submit a written request for a meeting to the
25 presiding officer. Five [FOUR] members of the council constitute a quorum.

26 * **Sec. 4.** AS 18.66.050 is amended to read:

27 **Sec. 18.66.050. Duties of the council.** The council shall

28 (1) hire an executive director, and the executive director may hire staff;
29 the executive director is [AND STAFF ARE] in the exempt service under
30 AS 39.25.110 and staff members are in the classified service under AS 39.25.100;

31 (2) elect one of its members as presiding officer;

1 (3) in consultation with authorities in the field, develop, implement,
2 maintain, and monitor domestic violence, sexual assault, and crisis intervention and
3 prevention programs, including educational programs, films, and school curricula on
4 the cause, prevention, and treatment of domestic violence and sexual assault;

5 (4) coordinate services provided by the Department of Law, the
6 Department of Education and Early Development, the Department of Public Safety,
7 the Department of Health and Social Services, the Department of Corrections, and
8 other state agencies and community groups dealing with domestic violence, sexual
9 assault, and crisis intervention and prevention, and provide technical assistance as
10 requested by those state agencies and community groups;

11 (5) develop and implement a standardized data collection system on
12 domestic violence, sexual assault, and crisis intervention and prevention;

13 (6) conduct public hearings and studies on issues relating to violence,
14 including domestic violence and sexual assault, and on issues relating to the role of
15 crisis intervention and prevention;

16 (7) receive and dispense state and federal money and award grants and
17 contracts from appropriations for the purpose to qualified local community entities for
18 domestic violence, sexual assault, and crisis intervention and prevention programs;

19 (8) oversee and audit domestic violence, sexual assault, and crisis
20 intervention and prevention programs that receive money under this chapter;

21 (9) provide fiscal and technical assistance to plan, organize, implement
22 and administer domestic violence, sexual assault, and crisis intervention and
23 prevention programs;

24 (10) make an annual report to the governor on the activities of the
25 council, plans of the council for new services and programs, and concerns of the
26 council, including recommendations for legislation necessary to carry out the purposes
27 of this chapter; the council shall notify the legislature that the report is available;

28 (11) adopt regulations in accordance with AS 44.62 (Administrative
29 Procedure Act) to carry out the purposes of this chapter and to protect the health,
30 safety, well-being, and privacy of persons receiving services financed with grants or
31 contracts under this chapter;

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

5 (13) consult with the Alaska Police Standards Council and other police
 6 training programs in the state to develop training programs regarding domestic
 7 violence for police officers and for correction, probation, and parole officers;

8 (14) consult with public employers, the Alaska Supreme Court, school
 9 districts, and prosecuting authorities who are required by AS 18.66.300 - 18.66.310 to
 10 provide continuing education courses in domestic violence to employees.

11 * Sec. 5. AS 39.25.110(38) is amended to read:

12 (38) the executive director [AND STAFF] of the Council on Domestic
 13 Violence and Sexual Assault established under AS 18.66.010;

14 * Sec. 6. The uncodified law of the State of Alaska is amended by adding a new section to
 15 read:

16 ADDITION OF MEMBER TO THE COUNCIL ON DOMESTIC VIOLENCE AND
 17 SEXUAL ASSAULT AND EXTENSION OF CERTAIN MEMBERS' TERMS. (a) The
 18 governor shall appoint a new member to the Council on Domestic Violence and Sexual
 19 Assault under AS 18.66.020(a)(1), as amended by sec. 1 of this Act, within 30 days after this
 20 Act takes effect.

21 (b) Notwithstanding any other provision of law, the term of office of each public
 22 member of the Council on Domestic Violence and Sexual Assault serving under
 23 AS 18.66.020(a)(1) on the effective date of this section shall be extended one year.

Nancy Manly

From: Nancy Manly
Sent: Thursday, February 12, 2009 4:31 PM
To: Londi Ensor
Subject: HB 63 Fiscal Notes
Attachments: HB63-DOC-OC-02-09-09.pdf; HB063-DPS-CDVSA-02-12-2009.pdf

Here's the electronic fiscal notes for HB 63 that passed out of HSTA this morning. ☺

Nancy Manly, Chief of Staff and
House State Affairs Committee Aide *for*
Representative Bob Lynn
House District 31
907-465-2794 Fax: 907-465-4316

26-LS0138\P

2/12/09

Conceptual
AMENDMENT

Passed

OFFERED IN THE HOUSE

TO: HB63

Page 1, line 10:

Following "the"

Insert "Alaska"

HOUSE STATE AFFAIRS

COMMITTEE

Amendment # 1

To Bill Number HB63

Sponsor: Fairclough Seaton offered

Date: 2/12/09 Logged By: RM

*Also occurs on page 2
Line 10*



Library

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

Sarah Palin, Governor
Joseph A. Masters, Commissioner

February 8, 2009

Representative Anna Fairclough
Alaska State Capitol
Juneau, Alaska 99801

Subject: HB63 "An Act relating to the Council on Domestic Violence and Sexual Assault"

Dear Representative Fairclough:

The Council on Domestic Violence and Sexual Assault supports HB63, which proposes statutory changes based on the 2008 CDVSA Legislative Task Force recommendations. We have thoroughly reviewed these recommendations and agree that the proposed changes will strengthen the Council's ability to meet its statutory purpose: "to provide for planning and coordination of services to victims..." (AS16.66.101)

Adding the Commissioner of Corrections or his/her designee and including an additional seat for a rural designated public member will give the Council broader insights into policy decisions and funding recommendations. It will also further strengthen our board for public members to have three year terms. Many members have pointed out the limitations of two-year terms, saying they are leaving their service just as they have learned the work. Longer terms will allow members time to apply what they have learned in making decisions and setting direction. We also agree, in the interests of keeping balance, that public members should not be state employees.

Council members are supportive of the change making it optional for the Governor to consult the Alaska Network on Domestic Violence and Sexual Assault about public member appointments. However, in our discussions, we agreed that it is a good idea for the governor's office to ask for such recommendations, and we encourage making that connection in order to secure a pool of well qualified applicants.

The Council also agrees with the CDVSA Task Force that classifying the staff positions (other than the Executive Director) is an important tool for recruiting and retaining staff. It will also help to ensure continuity in the agency during periods of administration changes.

We appreciate the work you are doing to strengthen the state's response to the crimes of domestic violence, sexual assault, stalking and dating violence. Thank you.

Sincerely,

Ann House
Chair

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



Alaska State Legislature

Representative Anna Fairclough – House District 17

House Bill 63

“An Act relating to the Council on Domestic Violence and Sexual Assault.”

The Legislative Task Force, created by House Bill 215 in 2007, was directed to consider the Council’s relationship and consultation with other state agencies; the statutory responsibilities and priorities of the Council; the appointment process for members of the Council; the location of the Council within the state administrative structure; the Council’s compliance with grant management requirements; and the Council’s mission and the focus of the Council’s mission on prevention, intervention, crisis response, and perpetrator accountability.

House Bill 63 provides corrections in law in direct response to the work assigned the Task Force by the Legislature. It is one of a number of actions that are now underway in response to the findings and recommendations of the Legislative Task Force.

It also expands the Council to include representation from the Department of Corrections and Alaska’s rural communities. The Department of Corrections plays a large role in dealing with the perpetrators of domestic violence and sexual assault, but they currently are not a member of the Council.

House Bill 63 also makes staff positions in the Council non-exempt, other than the Executive Director. The Executive Director remains exempt or partially exempt. This change is being recommended by the Task Force because we concur with the Executive Director that the current exempt status creates challenges in the recruitment and retention of quality employees.

The Task Force agreed that it is critical that “public” members not be state employees to ensure that there remain voices on the Council who are independent of state agencies and their influences. HB 63 ensures that “public” positions on the council are not employees of the state.

House Bill 63 changes language in the statute from “shall” to “may” in regards to the Governor consulting the Alaska Network on Domestic Violence and Sexual Assault (ANDVSA) regarding the appointment of public members to the Council. In 2001, the auditor reported that the Council allowed changes in reporting requirements for the grantees of the Network in violation of federal grant guidelines.

Currently, Council members serve two-year terms, only allowing them to serve through one grant cycle. This limits their ability to understand the issues and process that the council goes through in its grant cycle. By extending the term to three years this allows members of the Council to be far more effective.

Implementation of these legislative changes, along with the Council’s new Strategic Plan and other reforms will significantly improve the Council as it attempts to wrestle with the ongoing issues of domestic violence and sexual assault across Alaska.

I urge your support on this important piece of legislation.

Session: Alaska State Capitol • Juneau, AK 99801 • 907-465-3777 • Fax 907-465-2819

Interim: 10928 Eagle River Road, Suite 238 • Eagle River, AK 99577 • 907-694-8944 • Fax 907-694-8945

Representative_Anna_Fairclough@legis.state.ak.us



Alaska State Legislature

Representative Anna Fairclough – House District 17

House Bill 63

“An Act relating to the Council on Domestic Violence and Sexual Assault.”

Sectional Analysis

Section 1. Amends AS 18.66.020(1)

Changes the number of members on the council from three public members to four public members

Adds language that states that one of the public members must be from a rural area

Adds a new subsection adding in the commissioner of corrections or a designee of the commissioner of corrections as a member of the council

Section 1. Amends AS 18.66.020(b)

Changes the term of office of a public member from two years to three years

Changes language from “shall” to “may” in regards to the Governor consulting the Alaska Network on Domestic Violence and Sexual Assault (ANDVSA) regarding the appointment of public members to the Council.

Section 1. Amends AS 18.66.020(c)

Adds language that deals with members appointed to the council that states they may not be an employee of the State of Alaska

Section 2. Amends AS 18.66.020(d)

Adds new subsection that defines the term “rural area”

Section 3. Amends AS 18.66.040

Changes the quorum requirement from four members to five members

Section 4. Amends AS 18.66.050

Changes language making staff positions in the Council non-exempt, other than the Executive Director

Adds language for the Department of Corrections in regards to coordinating services

Section 5. Amends AS 39.25.110(38)

Removes language about staff dealing with the council

Section 6. Amends Uncodified law of the State of Alaska

Adds new subsection that deals with the appointing of a new member to the council within 30 days after this Act takes effect

Extends the term of the public members from two years to three years

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: HB63-DOC-OC-02-09-09
Bill Version: _____
() Publish Date: _____

Identifier (file name): HB63-DOC-OC-02-09-09 Dept. Affected: DOC
Title An Act relating to the Council on Domestic Violence and Sexual RDU Administration & Support
Component Office of the Commissioner
Sponsor Fairclough, Holmes, Coghill, Wilson, Herron
Requester Governor Component Number 694

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2009) cost: _____

POSITIONS

Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

Passage of this legislation should not have a fiscal impact on the Department of Corrections.

Prepared by: Leslie Houston, Director Phone 465-3339
Division Administrative Services Division Date/Time 02/09/2009 1630
Approved by: Dwayne Peoples, Deputy Commissioner Date 2/9/2009
Office of the Commissioner

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB063
() Publish Date: _____

HB063-DPS-CDVSA-02-10-09

Title	"An Act relating to the Council on Domestic Violence and Sexual Assault."	Dept. Affected:	Public Safety
Sponsor	Representative Fairclough	RDU	CDVSA
Requester	House State Affairs Committee	Component	CDVSA
		Component Number	521

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES								
Personal Services								
Travel	7.9		7.9	7.9	7.9	7.9	7.9	7.9
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	7.9	0.0	7.9	7.9	7.9	7.9	7.9	7.9

CAPITAL EXPENDITURES								
-----------------------------	--	--	--	--	--	--	--	--

CHANGE IN REVENUES ()								
-------------------------------	--	--	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

	FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
1002 Federal Receipts							
1003 GF Match							
1004 GF	7.9		7.9	7.9	7.9	7.9	7.9
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	7.9	0.0	7.9	7.9	7.9	7.9	7.9

Estimate of any current year (FY2009) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

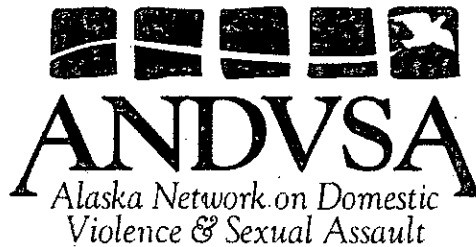
ANALYSIS: (Attach a separate page if necessary)

This bill adds two members to the Council on Domestic Violence and Sexual Assault: a public member from rural Alaska and the commissioner of the Department of Corrections or his or her designee. The increased travel costs for the new members to attend four meetings per year is estimated at \$7.9.

Prepared by: Chris Ashenbrenner, Executive Director
Division: Council on Domestic Violence and Sexual Assault
Approved by: Commissioner Joseph Masters
Department of Public Safety

Phone (907) 465-5504
Date/Time 2/10/09 9:01 AM
Date _____

Juneau Office
130 Seward St #209
Juneau, Alaska 99801
Phone: (907) 586-3650
Fax: (907) 463-4493
www.andvsa.org



Sitka Office
PO Box 6631
Sitka, Alaska 99835
Phone: (907) 747-7545
Fax: (907) 747-7547

January 19, 2009

Representative Anna Fairclough
State Capitol, Room 421
Juneau, AK 99801-1182

Dear Representative Fairclough:

On behalf of the nineteen member domestic violence and sexual assault programs throughout the state that comprise the Alaska Network on Domestic Violence and Sexual Assault (the Network), thank you for introducing HB 63. ANDVSA works closely with the Council on Domestic Violence and Sexual Assault (the Council) on numerous issues.

I had the honor of serving on the CDVSA Task Force that you helped create with HB 215 in 2007. The CDVSA Task Force reviewed the Council's relationship to other state agencies; their statutory responsibilities and priorities; the appointment process for public members; the location of the Council within the administrative structure; compliance with grant management requirements; and their mission and focus.

We fully support the recommended changes in HB 63. Expanding the Council to include representation from the Department of Corrections (DOC) ensures that DOC has a much needed seat at the table for domestic and sexual violence issues, particularly as they relate to batterer and perpetrator programs. The bill also ensures that public members are indeed public and not governed by any state influences. We also wish to extend our service to the Governor whenever she/he would like our consultation and recommendation for public members. We have consistently put forth qualified individuals who do not have a history of perpetration of domestic or sexual violence; qualified individuals regardless of political party affiliation that balance both Alaska's geography and its urban and rural counterparts. Our services remain there for the asking as the experts in the domestic and sexual violence field for over 30 years.

Thank you for your time and commitment to improving the Council and sponsoring this progressive bill.

Regards,

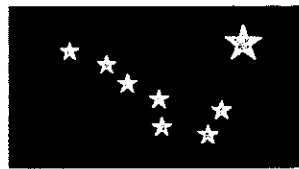
Peggy Brown
Executive Director

cc: Lisa Mariotti, Policy Research Associate

Member Programs

Anchorage AWAIC, AWRC, STAR Barrow AWIC Bethel TWC Cordova CFRC Dillingham SAFE Fairbanks IAC
Homer SPHH Juneau AWARE Kenai LeeShore Center Ketchikan WISH Kodiak KWRCC Kotzebue MFCC
Nome BSWG Palmer AFS Seward SCS Sitka SAFV Unalaska USAFV Valdez AVV

CDVSA LEGISLATIVE TASK FORCE



March 1, 2008

**Council on Domestic Violence & Sexual Assault
Legislative Task Force**

Report to the Legislature

“That which we allow, we encourage.”



**Bethel Peace Walk
Bethel, AK
October 5, 2007**

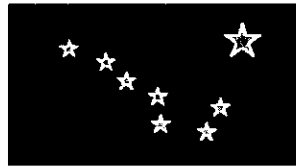
CDVSA LEGISLATIVE TASK FORCE



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CDVSA LEGISLATIVE TASK FORCE



CDVSA Legislative Task Force Members

Representative Anna Fairclough, Chair

Senator Con Bunde

Senator Kim Elton

Senator Donald Olson

Representative John Coghill

Representative Lindsey Holmes

Todd Brocious, Department of Education

Terri Campbell, Department of Education

John Glass, Department of Public Safety

Samuel Edwards, Department of Corrections

Stephen Wallace, Department of Law

William Hogan, Department of Health & Social Services

Leandra Ross, Urban Public Member

Yvonne Sarren, Rural Public Member

Chris Ashenbrenner, CDVSA – Ex officio

Peggy Brown, ANDVSA – Ex Officio

Task Force Aides

Renée Limoge, Staff to Representative Anna Fairclough

Karen Lidster, Staff to Representative John Coghill

CDVSA LEGISLATIVE TASK FORCE



March 1, 2008

Dear Members of the Legislature:

House Bill 215 established The Council on Domestic Violence & Sexual Assault (CDVSA) Legislative Task Force to examine recurring issues and questions that continue to arise during reauthorization of the CDVSA.

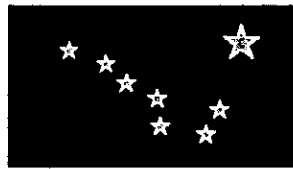
The recommendations contained in this report to the Legislature follow hours of public testimony in Bethel, Fairbanks, Anchorage and Juneau, site visits to victim service providers in these cities, and hours of discussion among Task Force members.

The CDVSA Legislative Task Force recommendations summarized in the attached report directly address the six issues the legislature tasked our body to address. In addition, our travels throughout Alaska made evident a number of recurring themes and issues related to the associated problems of domestic violence and sexual assault which cannot be effectively addressed within the confines of the six legislatively enumerated areas of inquiry. Because we conclude that these other issues merit mention in this report, we have included an additional section for your review.

First, throughout all the public hearings and comment we have revealed a very significant truth: *that which we allow, we encourage.*

Second, domestic violence and sexual assault within Alaska occur with alarming frequency. The collateral costs to our State of this continuing problem are significant and quantifiable. Moreover, this epidemic presents a very real threat to the safety of Alaskans. Unfortunately, the problem does not readily lend itself to any single or easy solution. The causes are complex and flow from a myriad of factors including at a very foundational level how Alaskans view, tolerate, and permit interpersonal violence. One challenge exists in the diverse cultural make up of Alaskan society. Another challenge is presented by rural and urban populations and the difficulties presented in finding solutions that will work throughout the State. What may work in one area may not be a solution in another. Thus, it is apparent that a one-size fits all approach to the problem of domestic violence and sexual assault will not address the issue. Traditionally applied criminal justice solutions will not solve the problem. However, we conclude that raising individual public awareness and creating an environment of outspoken intolerance for acts of domestic violence and sexual assault is a necessary first step toward addressing

CDVSA LEGISLATIVE TASK FORCE



and ending this plague upon Alaska. For example, Alaskans need to recognize that shelter and victim service organizations are not anti-family or anti-man.

Instead, Alaskans need to recognize that shelters exist to deal with a very real problem by providing women, children, and men a safe place to escape violence. The societal shift, in and of itself, would represent a meaningful step toward a solution.

Third, although the Task Force was specifically formed to look at CDVSA, it is obvious that the number of State agencies tasked with addressing domestic violence and sexual assault far exceed the reach and responsibility of CDVSA. At present, CDVSA has an ambitious number of legislatively stated goals, generally designed to address four areas: prevention, intervention, crisis management, and accountability. CDVSA's current budget may not be enough to address each of these areas. Consequently, interests such as prevention and accountability of offenders go underfunded. Until prevention is brought to the forefront and adequate funding is made available, our State's response to domestic violence and sexual assault will remain reactive. Our report therefore includes recommendations designed to address solutions that may exist outside the purview of the CDVSA.

The Task Force agreed on one overarching recommendation from the outset: the Council needs to develop and implement a strategic plan. It is our hope that many of the recommendations found within this report will be considered when the Council embarks on that task. The Chair has sponsored legislation to extend the Council's sunset date in an effort to give CDVSA an opportunity to develop and implement a plan and have concrete results when they come before the Legislature for reauthorization in the future.

Other than HB 334 which is currently moving through the Legislature to extend the Council to 2014, our Task Force does not recommend bringing forth a legislative package in the current legislative session. However, we do believe that the recommendations contained in this report will result in changes to statute in future years.

The problems presented by domestic violence and sexual assault are complex. Solutions require change that must come from Alaska as a society. Individuals, families, and communities must all become involved until everyone is clear that domestic violence and sexual assault will not be tolerated. Our collective experience tells us that until such change is achieved, Alaska will have the shameful distinction of leading the nation in incidence of domestic violence and sexual assault.

Respectfully submitted,

Members of the CDVSA Legislative Task Force

CDVSA LEGISLATIVE TASK FORCE



Task Force Authority and Direction

The CDVSA Legislative Task Force was created by House Bill 215 to consider the following issues:

- the Council's relationship and consultation with other state agencies;
- the statutory responsibilities and priorities of the Council;
- the appointment process for members of the Council;
- the location of the Council within the state administrative structure;
- the Council's compliance with grant management requirements; and
- the Council's mission, and the focus of the Council's mission on prevention, intervention, crisis response, and perpetrator accountability.

These issues were identified based on findings in the 2001 and 2005 Legislative Audits of the Council, as well as anecdotal conversations in the Capitol in 2007 regarding challenges to the reauthorization of CDVSA.

Findings and recommendations on the above issues were to be submitted in a Report to the Legislature by March 1, 2008.

House Bill 215 is shown as Appendix 1.

The statutes governing CDVSA, AS 18.66.010, are shown as Appendix 2.

Acronyms

AS – Alaska State Statutes	Network - ANDVSA
ANDVSA – Alaska Network on DV/SA	OCS – Office of Children's Services
AWARE - Aiding Women in Abuse & Rape Emergencies	SA – Sexual Assault
AWAIC – Abused Women's Aid In Crisis	SART – Sexual Assault Response Team
BIP – Batterer's Intervention Programs	VAWA – Violence Against Women Act
CDC – Center for Disease Control	VPSO – Village Public Safety Officer
CDVSA – Council for DV/SA	
DOC – Department of Corrections	
DPS – Department of Public Safety	
DV – Domestic Violence	
DV/SA – Domestic Violence/Sexual Assault	
DHSS – Department of Health & Social Services	
LIO – Legislative Information Office	
MOU – Memorandum of Understanding	

CDVSA LEGISLATIVE TASK FORCE



Methodology

House Bill 215, creating the CDVSA Legislative Task Force was signed into law by Governor Palin on September 28, 2007. Shortly following, the Task Force met via teleconference to select a chair, determine the rural community that would be visited and set a timeline to accomplish our goals. Representative Anna Fairclough was selected by her colleagues to chair the Task Force and it was decided that Bethel would be our rural location. Fairbanks, Anchorage and Juneau were designated meeting locations per HB 215. The Task Force determined they would hold public hearings and conduct site visits in each of these communities.

Following her selection as chair, Representative Fairclough generated a letter requesting input from current Council members and attended the Council's September 4, 2007 meeting in order to discuss with the board the Task Force's formation, purpose and plans for meetings throughout the state, culminating in a Report to the Legislature. Representative Fairclough personally requested their input at the meeting.

Meeting minutes are shown as Appendix 3.

In Bethel, Fairbanks, Anchorage and Juneau, the Task Force made site visits to the local victim's service providers and others, scheduled public hearings and listened to several hours of public testimony.

Prior to our arrival in each community, we invited law enforcement, the court system, medical providers, native organizations, school districts, community leaders and other service providers to participate in the public hearing process or provide written comments.

In each community the Task Force visited local shelters. Site visits were also made to visit Anchorage's Sexual Assault Response Team (SART) Center, and also the Child Advocacy Center, Stevie's Place in Fairbanks.

At each public hearing we presented who we were, who the Council was and what issues we were seeking answers to. Additionally, in each community, a series of questions were placed before the public to consider in their comments:

1. What would your community like this Task Force to know about DV/SA within your community?
2. What community resources do you have? Who do you work with in your community?

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3. What will it take to prevent DV/SA in your community? What is the responsibility of the community? Responsibility of the state?
4. What can the legislature do? New laws, enforce existing laws?
5. What didn't we ask that you want to tell us about?

In addition to articulating our mandate with regard to the Council the Task Force encouraged testimony about possible solutions to Alaska's domestic violence and sexual assault problems.

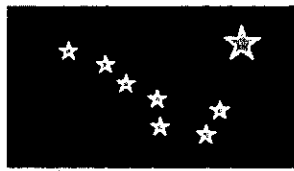
Additionally, the Task Force felt that it was important to have an opportunity to speak with the Legislative Auditor, Pat Davidson. A number of findings in Legislative Audits from 2001 and 2005 were recurring questions for members of the Legislature when reauthorization for CDVSA came before the body.

Finally, the Task Force had the opportunity to hear from Jayne Andreen, one of the longest serving Executive Directors of CDVSA. She engaged in useful dialog with the members, providing insight into some of the methodologies used by the Council, as well as answering questions about the Council's history. Ms. Andreen also reconfirmed item by item the recommendations that the Task Force has heard throughout Alaska.

As a group, the Task Force expressed their willingness to come back together to review any proposed strategic plan that the Council develops.

Through public testimony and lengthy internal discussions, the Task Force was able to develop findings and recommendations on each of the six points we were charged with addressing. Those findings and recommendations are contained in this report.

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The Council on Domestic Violence & Sexual Assault

Mission: The mission of the Council on Domestic Violence and Sexual Assault is to reduce the causes and incidence and to alleviate the effects of domestic violence and sexual assault.

Purpose: The Council, which is an administrative, policy-making body, is composed of three public members appointed by the Governor after consultation with the [Alaska Network on Domestic Violence & Sexual Assault], and representatives from the Departments of Public Safety, Law, Education, and Health and Social Services. The purpose of the Council is to “provide for planning and coordination of services to victims of domestic violence and sexual assault and to perpetrators of domestic violence and sexual assault and to provide for crisis intervention and prevention programs” (AS 18.66.010).¹

The Council’s purpose, as defined in statute, reads: “There is established in the Department of Public Safety the Council on Domestic Violence and Sexual Assault. The purpose of the Council is to provide for planning and coordination of services to victims of domestic violence or sexual assault or to their families and to perpetrators of domestic violence and sexual assault and to provide for crisis intervention and prevention programs.”²

The Council and the Network – What’s the Difference?

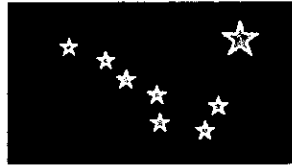
The *Alaska Network on Domestic Violence and Sexual Assault* (Network) is a statewide nonprofit organization that is a coalition to end violence against women. Created in 1978 by concerned women to address domestic violence in Alaska, it is now comprised of 19 domestic violence/sexual assault programs from across Alaska.

The Network worked closely with the Alaska Legislature in 1981 to establish the *Council on Domestic Violence and Sexual Assault* (Council) in the Alaska Department of Public Safety. The Network provides technical assistance, legal advocacy support, connections to pro-bono attorneys, training and resource materials to member programs, attorneys, community organizations and other stakeholders. The Network also works with state and federal policy makers on legislative and other policy issues affecting victims of violence.

¹ Council on Domestic Violence & Sexual Assault website. <http://www.dps.state.ak.us/Cdvsal/>, February 5, 2008.

² AK 2007 Statutes, 18.66.010. February 7, 2008.

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The Council is a State agency that coordinates the Alaska government response to domestic violence and sexual assault by coordinating services, gathering and disseminating data, and securing funding for services through federal and state sources. The Council provides funding and oversees funds to 21 victim service programs, funds 8 batterer intervention programs and certifies all 15 batterer intervention programs in Alaska.

The seven-member Council includes representatives from the Departments of Law, Public Safety, Education & Early Development, and Health & Social Services. Additionally, three public members are appointed by the Governor to two-year terms who oversee activities of the Council. The Network is authorized by Alaska statute to recommend to the Governor applicants for the Council's public seats.

The Network and the Council have worked cooperatively together since 1981 to ensure a comprehensive response to the crimes of domestic violence and sexual assault.

Coordinated activities include:

- Co-sponsoring statewide training, conferences and media campaigns
- Providing resource materials
- Advancing legislation to promote victim safety and hold offenders of domestic violence and sexual assault accountable for their actions

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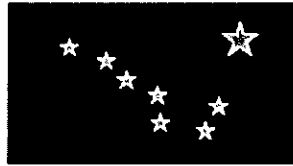
The Council's relationship and consultation with other state agencies.

Findings:

- AS 18.66.050 (4) states that the Council shall “coordinate services provided by the Department of Law, the Department of Education and Early Development, the Department of Public Safety, the Department of Health and Social Services, and other state agencies and community groups dealing with domestic violence, sexual assault, and crisis intervention and prevention, and provide technical assistance as requested by those state agencies and community groups.”
- Despite AS 18.66.050 the Council has no authority to mandate the actions of other departments.
- There is interaction and coordination of key state departments at the Council's quarterly meetings and through cooperative projects.
- The 2005 Legislative Audit found that the Council was not living up to its statutory responsibility to work with the Department of Education and Early Development to develop curricula on domestic violence and sexual assault for use in schools. Further, it was not consulting with Health and Social Services to develop standards and procedures for delivery of services in health care facilities.³
- AS 14.30.360(b) states that “The state board shall establish guidelines for a health and personal safety education program. Personal safety guidelines shall be developed in consultation with the Council on Domestic Violence and Sexual Assault. Upon request, the Department of Education and Early Development, the Department of Health and Social Services, and the Council on Domestic Violence and Sexual Assault shall provide technical assistance to school districts in the development of personal safety curricula. A school health education specialist position shall be established and funded in the department to coordinate the program statewide. Adequate funds to enable curriculum and resource development, adequate consultation to school districts, and a program of teacher training in health and personal safety education shall be provided.”

³ 2005 Legislative Audit, Legislative Budget & Audit Committee.
<http://www.legaudit.state.ak.us/pages/audits/2006/pdf/20039rpt.pdf>, February 7, 2008.

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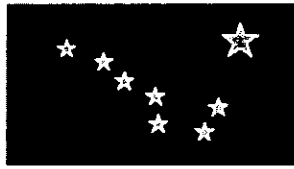


- Currently there is not a health education specialist position in the Department of Education & Early Development, or program funding to support consultation to districts or teacher training in health and personal safety education.

Recommendations:

- Memoranda of Understanding (MOU's) would better equip the Council to work with various state agencies.
- The Legislature should provide additional funds to support the school health education specialist position as required by AS 14.30.360 to assist districts in the coordination and development of curriculum to address domestic violence, sexual assault, and interpersonal violence.
- The Council and State agencies need to demonstrate greater coordination of services at the department and division level in order to strengthen service provision at the local level. We recommend this be discussed during the strategic planning process.

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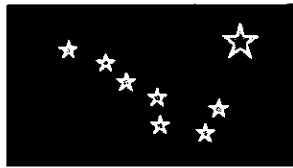


The statutory responsibilities and priorities of the Council. **– Structural issues within the Council.**

Findings:

- When the Council was formed, the Department of Corrections (DOC) was housed in the Department of Health and Social Services (DHSS). Therefore a DHSS employee would have also represented the interests of DOC.
- Since that time, DOC has moved from DHSS into its own Department.
- The Department of Corrections plays a large role in dealing with the perpetrators of domestic violence and sexual assault, yet no corrections representative is currently present on the Council. Other major state departments, such as the Department of Law and the Department of Health and Social Services are represented.
- A disproportionate number of domestic and sexual assault victims are of Alaska Native descent.
- The rural community is not adequately represented on the Council.
- In the past, public seats on the Council have been held by employees of state departments. This gives the perception that the Council member could be beholden to the department rather than the best interests of the public and Council. It also skews the membership too heavily toward government employees.
- Currently the Council has 14 statutory mandates. The Task Force believes this is overly ambitious and very demanding. The Task Force is not making a recommendation to change the 14 mandates, but want to acknowledge the huge challenge that this presents to the Council.
- All Council staff are currently exempt positions. There is a perception that this causes challenges in the recruitment and retention of quality employees.

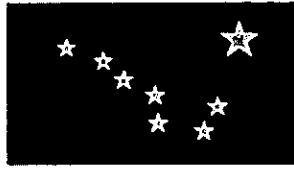
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Recommendations:

- The Council should be expanded to include seats for the Department of Corrections and an additional public seat to be filled by a representative from Alaska's rural communities.
- Public seats on the Council should be representative of our Alaskan communities and not filled by employees of departments within the State of Alaska. This will ensure that the Council not appear to represent the state department interests only with few or no true public members.
- Staff of the Council should have non-exempt status to increase staff retention.
- The only member of the Council's staff that should be either exempt or partially exempt is the Executive Director.

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The appointment process for members of the Council.

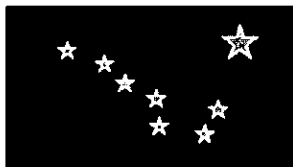
Findings:

- In 2001, the auditor reported that the Council allowed changes in reporting requirements for the grantees of the Network in violation of federal grant guidelines.
- The auditor concluded that the changes to the reporting requirements were allowed because of undue influence by the Network due to statutory language requiring the Governor to review recommendations for public members from the Alaska Network on Domestic Violence & Sexual Assault (ANDVSA).
- The Task Force recognizes and appreciates the diligence of the auditors, but found no basis for concluding the existence of a causal relationship between changes in reporting requirements identified by the auditor and any resulting changes in grant management practices.
- Moreover, the identified perceived problem has not recurred even though the Network has continued to submit names to the Governor for consideration.
- There is confusion about who the Council is, their role and how they are different from the Network.
- Currently, Council members serve two-year terms, only allowing them to serve through one grant cycle. This limits their ability to understand the issues and process that the Council goes through in its grant cycle.

Recommendations:

- Mandatory ethics training for all Council members to make clear their role on the Council.
- Change language in statute from "shall" to "may" in regards to the Governor consulting ANDVSA regarding the appointment of public members to the Council.
- Extend terms from two to three years.

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The location of the Council within the state administrative structure.

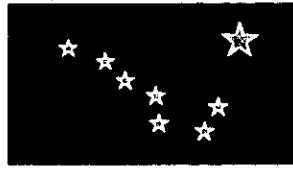
Findings:

- CDVSA is currently housed within the Department of Public Safety (DPS).
- Domestic violence and sexual assault are crimes.
- Crimes require evidence collection, interviews and investigations; investigations require interaction with the medical community, law enforcement and the court system in regard to domestic violence and sexual assault.
- Victims need to be acknowledged, validated and recognized as having experienced a criminal act and perpetrators need to know that they will be held accountable as criminals.
- It is appropriate for the Council staff to be in an agency that has the culture of law enforcement with the resources necessary to eradicating these offenses and hold criminals accountable for their actions.
- The relevant agencies, through their representatives on the Task Force, agree that the Council is appropriately housed in the Department of Public Safety.
- In extensive public hearings in four communities across the state it was never suggested that the Council be housed anywhere other than Public Safety.

Recommendations:

- The Council on Domestic Violence and Sexual Assault should remain in the Alaska Department of Public Safety.

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The Council's compliance with grant management requirements.

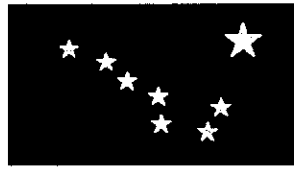
Findings:

- The grant application and management process is excessively time consuming, complex, outdated and onerous, especially for victim service providers.
- The current grant application and management process requires a duplication of effort for already overburdened staff among the state's victim service providers.
- Frequent staff turnover at CDVSA has created inconsistency in understanding and applying grant oversight.
- The Council has stewardship to ensure state monies are appropriately allocated through a fair and thoughtful grant process, that victims are served appropriately and that grantees are in compliance with state and federal grant conditions.
- Everyone could benefit from a more streamlined grant process with a view towards measurable outcomes.

Recommendations:

- The Council should consult with the State Department of Health and Social Services regarding their work with the Rasmuson Foundation in an effort to streamline the grant process and reduce the administrative burden for grantees and the state.
- Grant terms should allow a renewal period extension for an additional period if grant compliance is maintained and grant conditions have not changed.
- The Council should continue to work to establish clear guidelines, standards and parameters for grant applicants.

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The Council's mission, and the focus of the Council's mission on prevention.

The Statutory mission of the Council is:

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

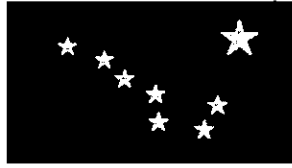
The mission of the Council is:

The mission of the Council on Domestic Violence and Sexual Assault is to reduce the causes and incidence and to alleviate the effects of domestic violence and sexual assault.

Findings:

- The mission statement does not reflect the Council's statutory mission.
- The council continues to be reactive; responding to victims with immediate needs versus the overarching issues of ending violence through prevention and intervention.
- There are four key areas the Council should be addressing: prevention, intervention, crisis response and perpetrator accountability. The Council should address investment in each of these areas weighted on results-based data.
- The funds currently allocated to the Council focus primarily on providing statewide victim services with relatively small amounts available for accountability (batterers programs) and prevention.
- The state does not have adequate data collection systems and ongoing research on the prevalence of domestic violence and sexual assault upon which to make policy decisions and measure program outcomes.

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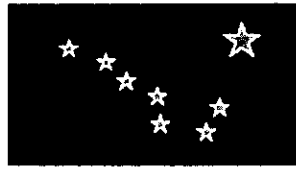
Findings Continued...

- Batterer's Intervention Programs (BIP) around the state have low referral and high dropout rates. In some cases, the perpetrators start the program in prison, and are released before finishing the program or their probation expires before program completion. Due to cost, distance from a program or lack of consequences for not following up, many perpetrators stop attending and fail to complete the BIP.
- Anger management is different from batterer's intervention.
- Insufficient information is currently being gathered to determine the effectiveness of batterer intervention programs which applies both to funded and unfunded (but certified) programs. Measurable outcomes are needed, especially in the areas of batterer's intervention programs. With Alaska facing a deficit in coming years, future funding should be tied to evidence based outcomes.

Recommendations:

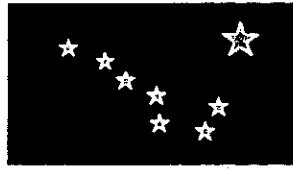
- The Council needs to develop a strategic plan. The strategic plan needs to simplify the Council's mission and focus on the four key areas.
- The Legislature and the Governor should extend the Council until 2014 to allow the Council time to develop and implement their strategic plan. (HB 334 is already moving through the Legislature to accomplish this.)
- The Council's mission statement should be rewritten to create a more proactive approach to the issues of domestic violence and sexual assault. The purpose of the Council should be to reduce domestic violence and sexual assault, not just respond to it.
- The Task Force suggests peer training for members of the Court system to ensure that victims receive a fair hearing when child custody is at stake.
- The Council should re-examine their 14 mandates to determine if any should be rewritten in statute.

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- The Council should collaborate with the national programs and organizations such as the Centers for Disease Control and Office of Violence Against Women, to solicit grants specifically geared toward prevention in an effort to focus some funding on preventing domestic violence and sexual assault.

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Other issues of interest to the Task Force. – Factors Outside the Purview of the Council

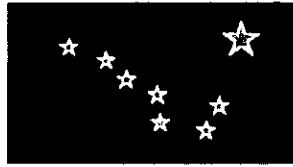
State Crime Lab

- Alaska is currently experiencing massive delays in analyzing evidence of crimes. This includes a significant backlog of DNA in sexual assault cases due to a high volume of reported incidents around the state.
- Sexual Assault Response Team (SART) forensic nurses around the state collect samples from victims that report an assault, and beginning in 2009, collection will be made available, even if those victims who choose not to press charges. Those samples will need to be stored in a safe and secure environment.
- State legislation requiring all convicted felons to submit DNA samples will increase the demand for storage. However, having that information stored will aid in future convictions if the felon reoffends.
- Collection and processing of DNA for entry into a national database can detect serial offenders.

Statewide Media Campaign

- Alaska has seen a number of public service campaigns, such as “Click it or Ticket” and “Drink. Drive. Go to jail,” that have raised awareness statewide on specific issues.
- The Council should consider developing a statewide media campaign that targets Alaska’s various demographic groups and addresses the issues of domestic violence and sexual assault. Using models developed nationally, the messages should target specific groups by using spokespeople they can relate to.

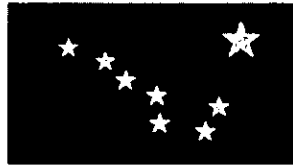
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Apparent Low Incidence of Law Enforcement Referral of Reports for Prosecution

- Anecdotally, in a number of public comments, we heard mention of the low incidents of referral of cases for prosecution statewide. While we have not collected statistical data to back this up, the public perception seems to be that there may exist a significant difference in the number of individuals that report being victims and the number of cases prosecuted. We recognize that there are a number of reasons why this might occur, but felt it should be mentioned in the report.
- Another aspect of this is the number of batterer's who fail to complete the Batterer's Intervention Program as a condition of their parole and have a warrant issued for them. While those warrants exist, law enforcement and prosecution don't have the resources to enforce them.

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Batterer's Intervention Program

The Task Force received a letter dated July 18, 2007, from the Chair of the Legislative Budget and Audit Committee, Representative Ralph Samuels. The letter references the Batterer's Intervention Programs and reads, in part, "significant changes are needed for the organization and administration of the Batterer's Intervention Program (BIP) to allow for collection and analysis of program data."

July 18, 2007 letter from Representative Ralph Samuels is Appendix 4.

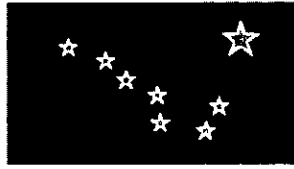
In response to this letter, and to the issue of BIP's in Alaska, the Task Force made the following recommendations.

Recommendations:

- Program funding should be contingent on the provider demonstrating the effectiveness of the program in preventing or reducing recidivism. If they cannot provide the documented effectiveness of the program, CDVSA should not provide funding nor should they certify these programs. Performance measures must be instituted and DOC's regulations will need to be changed to impose new reporting requirements. Defunding programs is not the only answer.
- State departments should establish a Memorandum of Understanding to develop an initiative to collect data. The goal would be to collect data regarding:
 - those ordered by the courts to participate in BIP;
 - those who attended and completed the BIP;
 - those who started but failed to complete the BIP;
 - and those who never participated

A comparison should be done as to which groups have the greatest rate of recidivism and a clear definition of what constitutes recidivism (arrest for DV related incident, violation of an existing restraining order, or the filing of a new restraining order could serve as easy reference points).

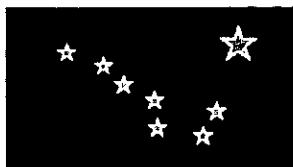
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Recommendations continued...

- CDVSA should also look at the sharp decline in the numbers of second and third offences when compared to the number who commit the first domestic violence offense. This would give greater insight into designing programs which have the greatest chance of making a positive impact. There is likely much benefit to implementing an assessment process to determine the need for a person to participate in a BIP and at what level. This assessment would function much like the one individuals are required to obtain regarding substance abuse.
- If we put into place a method of determining the level of need, we can likely come closer to identifying that core group of hardcore offenders and focus the limited resources on them rather than diluting the resources on the larger group.

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Bethel, Alaska

October 4th & 5th, 2007

Task Force members met at the Long House Hotel in Bethel on October 4th and convened the first official meeting.

Members shared their knowledge and experience on the subjects of domestic violence and sexual assault, with many having spent time working in the field of victim services, law enforcement or court system.

Members discussed their feelings and opinions on the issue of domestic violence and sexual assault and determined what they hoped to get from each public hearing. In doing so, a list of community questions were developed to be asked at each public hearing.

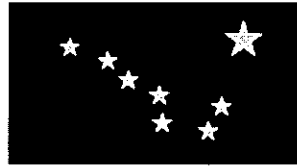
Members then had an opportunity to tour the Tundra Women's Coalition, a shelter and center designed to deal with domestic violence and sexual assault in Bethel and resources for numerous villages along the Kuskokwim. Shelter Director Michelle DeWitt showed members the facility and discussed the challenges of running a rural shelter with 4000-6000 visits annually and astronomical heating costs. Currently, their building is undergoing renovations, including window replacement and winterization upgrades.

That evening, the Task Force held its first public hearing. There was a great turnout with citizens from all areas of the community from the Mayor, to a SART nurse, teachers, victims, law enforcement, tribal leaders, victim's service providers and community activists.

The issues raised at the Bethel meeting include:

- The need for educational outreach funding.
- DV/SA are learned behaviors that can be changed with outreach to youth.
- Importance of keeping families together – either in the home or with other family members.
- Importance of educating a community and helping the community move out of poverty.
- Importance of regulation and control of BIPs.
- The lack of BIPs in many rural areas.
- Overworked law enforcement in the region make tackling the problem more difficult.
- Game violations appear to be a higher priority to the troopers than domestic violence and sexual assault. (public comment)

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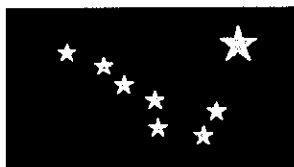


- School systems misinterpret the signs of domestic abuse – viewing the child as lazy or disinterested rather than scared and hungry.
- The need for enhancement of the VPSO program.
- High levels of poverty translate to high rates of DV/SA and alcohol abuse.
- Language barriers and cultural differences have a huge impact.
- In smaller villages, victims may have to deal with seeing their perpetrator walking around free.
- Shelter is almost always full.
- There is no Yupik word for justice.
- Yupik culture teaches you to work together and live together.
- A successful program in rural Alaska will have to be developed in rural Alaska by rural Alaskans.
- Programs work on alcohol abuse, but then the individuals are sent back to an environment where drinking is still taking place.
- The license requirements for substance abuse treatment providers are difficult to meet in the bush.
- 50% of all cases reported to OCS involve violence. (public comment)
- There is a lack of hope in some communities.

The following day the Task Force came back together to debrief from the previous evening's public hearing. Members also had presentations from both Peggy Brown of the Network and Chris Ashenbrenner of the Council.

When the meeting concluded, many members participated in the Bethel Peace Walk, joining community members in a march to end violence.

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Fairbanks, Alaska

December 13th & 14th, 2007

The Task Force met at the Fairbanks Legislative Information Office on December 13th and discussed what they wanted to accomplish in Fairbanks, and what had been accomplished in Bethel. There was a sense that nothing is changing in regards to violence in Alaska; we've been facing the same problems for last 25 years.

It was clear from the Bethel meeting that answers to the instances of domestic violence and sexual assault need to come from inside the community, they can't be eradicated by CDVSA alone. There needs to be an increased focus on education, which is considered prevention. There seemed to be consensus that the rural community had to react and treat domestic violence and sexual assault differently because of the interdependent cultural dynamics of rural Alaska, and the language and cultural barriers.

The Task Force received a tour of the Interior Alaska Center for Nonviolent Living from Brenda Stanfield, Executive Director. It is a modern facility with a huge institutional kitchen that is being used to help teach job skills for people that come to the shelter so they can gain economic independence. Stevie's Place, designed to address the needs of children who are victims of domestic violence and sexual assault is at the far end of the same building housed in the Resource Center for Parents and Children side of the building. These two agencies work very closely together.

Below is a brief recap of the public hearing testimony we heard in Fairbanks.

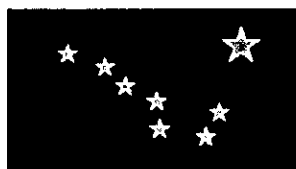
The public hearing heard an in-depth discussion regarding SART providers and the coming mandate for exams for every patient whether or not a police report is filed. This change will require more money for additional DNA processing and an increase of storage space for evidence collection.

The current system of dealing with perpetrators of violence is inadequate. There is no follow-up and no accountability for those who don't complete the program.

There was discussion about the need for data regarding domestic violence and sexual assault sentencing and the need to educate judges. In addition, cross-cultural training for law enforcement and judges to better equip them to work with victims.

Engaging and educating the public on the benefits of reducing violence in our state will be necessary to promote society's passive acceptance of violence.

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This is the first community where we heard testimony about the challenges with the military and dealing with perpetrators who are members of the armed services.

It was suggested that the Council review other states strategic plans during the development of Alaska's. In addition the Council should include strategies for education and prevention.

Tribal entities expressed concern at the lack of communication with their organizations when Alaska native women are disproportionately represented in DV and SA statistics. They told the Task Force we needed to find alternatives for women being removed for safety reasons, from rural communities to communicate and navigate city life. In addition, they advocated for alternative BIP noting that rural communities do not have access to the same programs as urban areas and questioned the possibility of video teleconferencing or other ideas to keep families intact. (this concludes public hearing comments)

Friday, December 14th during our working lunch, the major topics of discussion were accountability of perpetrators, education and rural challenges. Different programs were discussed as well as possible rural solutions, such as a tribal court system or talking circles.

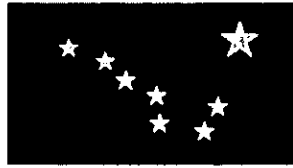
There is a limited amount of money to address the issue of DV and SA in Alaska. It was agreed by all that the Fairbanks shelter was a model organization for the coordination of services to victims of DV/SA. Data is lacking to know which programs are working and which are not. The need for the development of a strategic plan by CDVSA was emphasized. Also, the need for more education in the classroom continues to be an area of opportunity to prevent and intervene before violent behavior is passed from one generation to the next.

The topic of the location of CDVSA came up and through this discussion, the Task Force came to the conclusion that CDVSA should remain in DPS. The group discussed the audit findings and addressed the need for better coordination and education. Through this came a discussion of state mandated curriculum.

We looked at the makeup of the members as it relates to a cross-section of the state. It was confirmed that DOC should have a seat at the CDVSA table. There was also conversation about adding rural representation to the board.

The working lunch concluded with a discussion whether or not the Network should be able to submit names to the Governor for consideration when vacancies occur on the Council's Board of Directors. It was decided to table this issue until we met in Juneau and we spoke directly with the auditor about her findings and recommendations.

CDVSA LEGISLATIVE TASK FORCE



Anchorage, Alaska January 8th & 9th, 2008

The Task Force met at the Legislative Information Office (LIO) in downtown Anchorage on January 8th and reviewed the proposed agenda for the two-day meeting.

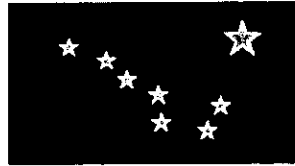
The committee then drove to the Anchorage Domestic Violence Shelter- Abused Women's Aid in Crisis (AWAIC) and toured their facility. AWAIC provided lunch for the Task Force during which time they gave a presentation on the issues surrounding domestic violence, CDVSA's funding of AWAIC, and statistics for their shelter program. Following this meeting the committee proceeded to the SART (Sexual Assault Response Team) site for a tour and discussion with the Municipality of Anchorage's SART Manager.

The committee reconvened at the Anchorage LIO for a community public hearing and finished the day with a brief wrap-up.

Below is a brief recap of Anchorage's public hearing comments.

- Keep CDVSA in Public Safety.
- Develop a strategic plan and long and short term goals.
- Provide focus on outcome measures.
- When developing a strategic plan consider including: education and prevention, council membership, other state departments, military court system and rural Alaska.
- Recognize Child Abuse as part of CDVSA's mission.
- Streamline the grant writing/reporting process for CDVSA.
- Fund someone to collect data/ Alaska based research is important.
- There is value in education/provide additional funding for DV/SA education.
- Better accountability after sentencing and arrests.
- Increase rural representation on the board.
- Clear scoring and priorities for grant awards.
- Increase access to legal services to hold perpetrators accountable.
- DV being used in custody battles "parental alienation."
- Expert witnesses key components in prosecution.
- New Violence Against Women Act (VAWA) recommendations as of 2009; may report SA without law enforcement-SART exams cost \$1,000 and up depending on location.
- Increased need for storage of DNA with new VAWA requirement.
- Consider forensic representation on CDVSA.

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- Facility audits are necessary for repair, renovation and equipment assessment.
- Rural sites have less availability to raise funds.
- Superior/Supreme Court Judges/Prosecutor training.
- Provide training to OCS and CASA's for DV & SA.

The Task Force met again on January 9th at the Anchorage LIO and proposed meeting times and dates for the final Task Force meeting in Juneau. The committee agreed that the public hearing should be on the first day of our meeting, wanted a tour of Juneau's domestic violence shelter – Aiding Women in Abuse and Rape Emergencies (AWARE), and approved meeting with the state auditor who prepared the 2001 and 2005 CDVSA audits to discuss her findings and recommendations.

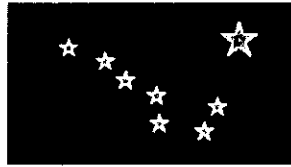
The committee recapped the public hearing from the night before and reconfirmed our intent to recommend a strategic planning process for the Council.

The second major theme was educating the court system on the issues surrounding DV/SA. A suggestion was made that a peer-to-peer group may work better at providing training inside the legal environment versus educators from individual DV/SA programs. It was pointed out that judges typically do not have a background in DV, SA and Child Abuse. There is a problem when Family Law in civil proceedings intersects with DV, SA and Child Abuse which is in Criminal Law.

Pay scales for those that work in shelters were discussed; it is believed that turnover is high because of low wages and marginal benefit packages. CDVSA turnover was discussed and it was suggested that their turnover may have to do with their status as exempt employees.

The discussion included the grant application and award process in CDVSA. It was stated that changes are currently underway at the Council, but it was clear from testimony at on site visits and during public hearings that the process was cumbersome, confusing and had unclear criteria when prioritizing the distribution of grant moneys. The Task Force discussed that this challenge should be part of the Council's strategic planning process. It was decided that the Task Force would recommend to the Legislature a time frame in which to have the strategic plan completed (no later than the end of 2008) but would not specifically dictate what the Council should address in the strategic plan (it is hoped they will review this document). To allow time to complete a strategic plan it was agreed that Rep. Fairclough and Sen. Elton would sponsor legislation to extend the reauthorization of CDVSA to 2014.

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Juneau, Alaska

January 31st – February 2nd, 2008

The Task Force met at the State Capitol on January 31st and held our Juneau public hearing in the State Affairs room, reviewed our meeting agenda and coordinated a start time to tour AWARE, Juneau's DV shelter and meeting with Pat Davidson, Auditor and Director of Legislative Budget and Audit.

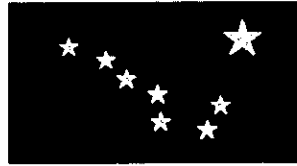
Following the public hearing portion committee invited the Executive Director of AWARE, a current Council board member and a former Executive Director of the Council to a roundtable discussion about the past and current challenges of the Council.

A brief recap of the public hearing and roundtable discussion follows.

- The state needs to provide additional dollars for prevention either through grant solicitation or other sources.
- It is challenging to retain employees in exempt positions at CDVSA.
- It was suggested a media campaign like "Click it or Ticket" should be implemented.
- Develop rational criteria to award grantees funding.
- Develop contract standards for operation of shelters.
- Support education to promote "healthy communities."
- Replicate the Council at community levels to develop solutions; true community plans.
- Standardize Batterer's programs; we heard people may not be able to afford or access programs.
- Research and compare that we are investing in programs which have a measureable benefit to our state.
- Alcohol is a big issue.
- Churches should be accessed to provide support in local communities.
- There needs to be training for the court system on understanding DV & SA.
- Consider using the Youth Risk Behavior Survey as a measurement tool.

On February 1st the Task Force met with Pat Davidson, Director and Auditor for Legislative Budget and Audit who made findings and recommendations on CDVSA's reauthorization both in 2001 and 2005. The auditor concluded that the changes to the reporting requirements were allowed because of undue influence by the Network due to the statutory language requiring the Governor to review recommendations for public

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members from the Alaska Network on Domestic Violence & Sexual Assault (ANDVSA). She noted that two of the members serving on the Council at that time were names submitted to the Governor by the Network.

The Task Force recognizes and appreciates the diligence of the auditors, but the Task Force found no basis for concluding the existence of a causal relationship between changes in reporting requirements identified by the auditor and any resulting changes in grant management practices. Moreover, the identified perceived problem has not recurred even though the Network has continued to submit names to the Governor for consideration.

There is confusion about who the Council is, their role and how they are different from the Network. Currently, Council members serve two-year terms, only allowing them to serve through one grant cycle. This limits their ability to understand the issues and process that the Council goes through in its grant cycle.

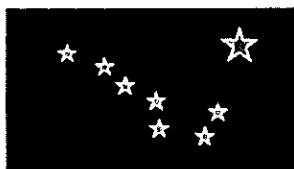
On Saturday, February 2nd the Task Force met with AWARE's Executive Director and participated in a presentation about the challenges and innovative ideas needed to address DV & SA in Juneau. We toured the shelter and then returned to the capitol to finalize our recommendations for our report to the Legislature on March 1st. In addition, we met with the longest serving Executive Director of the Council who currently works for the State in another department. She articulated and confirmed what the Task Force had heard across the state and agreed with many of the recommendations we had already discussed.

A brief recap of those topics:

- Science based assessments; outcome based programs.
- A representative of the Department of Corrections should be added to the Council; to remain balanced she recommended another public member seat.
- Orientation training for Council members.
- The Council should develop a strategic plan.
- Extend the term of members serving on the Council.
- Use a Public Health Model in addressing violence.
- Remove CDVSA staff from their exempt personnel status.

Chris Ashenbrenner, Executive Director of the Council presented an overview of CDVSA's statutory responsibilities. This had been done at our first meeting in Bethel but we thought it wise to refresh committee members prior to discussing this Task Force mandate of reviewing statutory responsibilities of the Council.

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Closing Remarks

The members of the CDVSA Legislative Task Force would like to thank everyone who assisted in the production of this report through participation in public hearings and arranging tours of victim service providers throughout the state.

This report can be found on the Task Force's webpage at:

<http://housemajority.org/coms/index.php?c=79>

The recommendations found in this report will not only require changes in statute, but also a great deal of effort on the part of the CDVSA Executive Director and Council, various State Departments and the Legislature itself.

The goal of this Task Force was not to simply find areas that the state should spend more money on to combat the problems of domestic violence and sexual assault. Any number of programs could benefit from increased funding. However, at the same time, the reality of these recommendations is that they will require investment on a state level to change behaviors.

The CDVSA Legislative Task Force respectfully requests that the Legislature consider the findings and recommendations contained within this report and make every effort to assist the Council in implementing the changes contained therein.



Alaska State Legislature

Representative Anna Fairclough – House District 17

MEMORANDUM

Date: February 5th, 2009

To: Representative Bob Lynn
Chair, House STA Committee

From: Representative Anna Fairclough

Re: HB 63 – “An Act relating to the Council on Domestic Violence and Sexual Assault.”

I am requesting a hearing for HB 63, “An Act relating to the Council on Domestic Violence and Sexual Assault.”

I have attached relevant materials and back-up for your committee.

Thank you in advance for your consideration.

Anna Fairclough

Attachments:

- I. Sectional analysis
- II. Sponsor statement
- III. HB 63
- IV. Letters of Support (forthcoming)