

ALASKA LEGISLATURE

2268

HOUSE and SENATE FINANCE COMMITTEE FILES, 2001 - 2002

police report. This would save valuable time lost while applying for a search warrant. Some drugs clear from the blood stream quickly and the time spent getting a warrant could make the difference between getting a positive blood test and a negative one. Also, such a law should include blood AND urine, since we cannot know ahead of time if the drugs will be found in the blood or urine or both blood and urine.

Also, I should put in a pitch for the Drug Recognition Program which I spoke of at the DWI training you attended at the APD training center. The laws pertaining to driving under the influence of drugs are useless without having officers trained to enforce these laws. This program still has not been established here in Alaska.

I also support HB 330

The tragic death of my friend and co worker, Justin Wollam, is testimony enough of the need for this law. If an adult knew he might be charged with a felony, he might reconsider providing alcohol to minors.

Respectfully,
Dave Rochford
Anchorage P.D.

SENATE COMMITTEE REPORT

DATE: 4/4/02

FURTHER: Finance

DATE TURNED IN TO OFFICE: 5/16/02

Judiciary Committee considered CS FOR HOUSE BILL NO. 330(FIN) am
 HB 330 PROVIDING ALCOHOL TO PERSONS UNDER 21
 "An Act relating to providing alcoholic beverages to a person under 21 years of age."

and recommends:

- be replaced with S CS CS HB 330 (JUD)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

- Senate Bill:**
 same title
 new title
House Bill:
 same title
 technical title
 new: SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
DOL	2/28/02		✓	1
DOA	2/1/02	 		2
DOC	2/8/02	 		3

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
	X			
	✓			
CHAIR:	✓			

HB

332

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: February 13, 2002

FURTHER REFERRALS:

Date of Committee Action: 3/28/02

The FINANCE Committee considered:

HB 332

HOUSE BILL NO. 332

EXTENDING COUNCIL ON DOMESTIC VIOLENCE

"An Act extending the termination date of the Council on Domestic Violence and Sexual Assault; and providing for an effective date."

Recommends it be replaced with CS HB 332 (FIN) Same Title New Title
 For Senate Bills with new title: Technical Title New Title: HCR _____

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of
Abbrev.
for
Depts.:

- ADM
- CED
- COR
- CRT
- EED
- DEC
- DFG
- GOV
- HSS
- LAA
- LAW
- LWF
- MVA
- DNR
- DPS
- REV
- DOT
- UA

<u>NEW FISCAL NOTES</u>				
*For Chief Clerk's Office Use Only				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
DPS	1	✓		
DPS	2	✓		
DPS	3	✓		

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
<i>[Signature]</i>	Burke	✓			
<i>[Signature]</i>	Harris	✓			
<i>[Signature]</i>	CROTT	✓			
<i>[Signature]</i>	Davis			✓	
<i>[Signature]</i>	Lynchster	✓			
<i>[Signature]</i>	Hudson	✓			
Chair: <i>[Signature]</i>					
Chair: <i>[Signature]</i>		✓			

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 332(JUD)
(H) Publish Date: 2/13/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title An Act extending the termination date of the BRU Council on Domestic Violence & S/A
Council on Domestic Violence & S/A.... Component Council on Domestic Violence & S/A
Sponsor Representative Bunde
Requester House Judiciary Committee Component No. 521

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	519.5	519.5	519.5	519.5	519.5	519.5
Travel	61.5	61.5	61.5	61.5	61.5	61.5
Contractual	1,250.1	1,250.1	1,250.1	1,250.1	1,250.1	1,250.1
Supplies	12.3	12.3	12.3	12.3	12.3	12.3
Equipment	6.2	6.2	6.2	6.2	6.2	6.2
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	7,875.6	7,875.6	7,875.6	7,875.6	7,875.6	7,875.6
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	9,725.2	9,725.2	9,725.2	9,725.2	9,725.2	9,725.2

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	3,488.6	3,488.6	3,488.6	3,488.6	3,488.6	3,488.6
1003 GF Match						
1004 GF	567.2	567.2	567.2	567.2	567.2	567.2
1007 Inter-Agency Receipts	1,664.6	1,664.6	1,664.6	1,664.6	1,664.6	1,664.6
1050 Permanent Fund Dividend Fund	4,004.8	4,004.8	4,004.8	4,004.8	4,004.8	4,004.8
Other (Specify Type--Do not abbreviate)						
TOTAL	9,725.2	9,725.2	9,725.2	9,725.2	9,725.2	9,725.2

Estimate of any current year (FY2002) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time	8					
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Should the legislation extending the Council not pass, functions of the Batterer's Intervention Program (BIP) would need to be transferred to the Department of Corrections. Additionally, the functions of the Victims for Justice pass-thru grant would need to be transferred to another agency.

Prepared by: Susan Scudder, Executive Director Phone (907) 465-4356
Division Council on Domestic Violence and Sexual Assault Date/Time 2/4/02 11:53 AM
Approved by: Commissioner Glenn Godfrey Date 2/4/2002
Agency Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSHB 332(JUD)
(H) Publish Date: 2/13/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title: An Act extending the termination date of the BRU: Batterers Intervention Program
Council on Domestic Violence & S/A.... Component: Batterers Intervention Program
Sponsor: Representative Bunde
Requester: House Judiciary Committee Component No.: 2241

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	320.0	320.0	320.0	320.0	320.0	320.0
Miscellaneous						
TOTAL OPERATING	320.0	320.0	320.0	320.0	320.0	320.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	120.0	120.0	120.0	120.0	120.0	120.0
1007 Inter-Agency Receipts						
1050 Permanent Fund Dividend Fund	200.0	200.0	200.0	200.0	200.0	200.0
Other (Specify Type--Do not abbreviate)						
TOTAL	320.0	320.0	320.0	320.0	320.0	320.0

Estimate of any current year (FY2002) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Should the legislation extending the Council not pass, functions of the Batterer's Intervention Program (BIP) would need to be transferred to the Department of Corrections.

Prepared by: Susan Scudder, Executive Director Phone: (907) 465-4356
Division: Council on Domestic Violence and Sexual Assault Date/Time: 2/4/02 11:31 AM
Approved by: Commissioner Glenn Godfrey Date: 2/4/2002
Agency: Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 3
 Bill Version: CSHB 332(JUD)
 (H) Publish Date: 2/13/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title An Act extending the termination date of the BRU Victims for Justice
Council on Domestic Violence & S/A.... Component Victims for Justice
 Sponsor Representative Bunde
 Requester House Judiciary Committee Component No. 2216

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	246.0	246.0	246.0	246.0	246.0	246.0
Miscellaneous						
TOTAL OPERATING	246.0	246.0	246.0	246.0	246.0	246.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	246.0	246.0	246.0	246.0	246.0	246.0
1007 Inter-Agency Receipts						
1050 Permanent Fund Dividend Fund						
Other (Specify Type--Do not abbreviate)						
TOTAL	246.0	246.0	246.0	246.0	246.0	246.0

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This component and BRU were established by the legislature as a separate pass-thru award. Should the legislation extending the Council not pass, this grant would need to be transferred to another agency.

Prepared by: Susan Scudder, Executive Director Phone (907) 465-4356
 Division: Council on Domestic Violence and Sexual Assault Date/Time 2/4/02 11:28 AM
 Approved by: Commissioner Glenn Godfrey Date 2/4/2002
 Agency: Department of Public Safety

22-LS1290\J
Lauterbach
2/14/02

*Adopted
3/28/02*

CS FOR HOUSE BILL NO. 332()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE BUNDE

A BILL

FOR AN ACT ENTITLED

1 **"An Act extending the termination date of the Council on Domestic Violence and Sexual**
2 **Assault; relating to the council's duties; placing the executive director and staff of the**
3 **council in the exempt service; and providing for an effective date."**

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

5 *** Section 1. AS 18.66.050 is amended to read:**

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

7 (1) hire an executive director, and the executive director may hire
8 [NECESSARY] staff; the executive director and staff are in the exempt service
9 under AS 39.25.110;

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

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

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

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

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

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

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

17 (9) provide fiscal and technical assistance to plan, organize, implement
18 and administer domestic violence, sexual assault, and crisis intervention and
19 prevention programs;

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

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

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

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

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

7 * Sec. 2. AS 39.25.110 is amended by adding a new paragraph to read:

8 (37) the executive director and staff of the Council on Domestic
9 Violence and Sexual Assault established under AS 18.66.010.

10 * Sec. 3. AS 44.66.010(a)(11) is amended to read:

11 (11) Council on Domestic Violence and Sexual Assault
12 (AS 18.66.010) -- June 30, 2006 [2002];

13 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).



Alaska State Legislature

Please enter into the record my testimony to the House Finance
committee name

Committee on HB 332, dated March 27, 2002
bill # / subject

The Kenai-Soldotna Women's Resource and Crisis Center strongly supports HB 332, extending the CDVSA for an additional four years. The Council provides critical support to domestic violence and sexual assault agencies throughout the state and operates initiatives that effectively educate the public on domestic violence & sexual assault. Please support this bill. Thank you.

Signed: Heather Arnett, Executive Director
Testifier

Kenai-Soldotna Women's Resource & Crisis Center
Representing (optional)

325 S. Spruce Kenai, AK 99611
Address

(907) 283-9479
Phone number

Alaska State Legislature



DURING SESSION
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REPRESENTATIVE CON BUNDE District 18

CHAIR: HOUSE SPECIAL COMMITTEE ON EDUCATION
VICE-CHAIR: HOUSE FINANCE COMMITTEE

SPONSOR STATEMENT HB 332

“An Act extending the termination date of the Council on Domestic Violence and Sexual Assault; and providing for an effective date.”

The Council on Domestic Violence and Sexual assault is the state policymaking board charged with planning and coordinating services for victims of domestic violence or sexual assault. House Bill 332 extends the sunset of The Council on Domestic Violence and Sexual Assault until June 30, 2006.

The Council on Domestic Violence and Sexual Assault provides services for families of victims and for perpetrators of these crimes by providing crisis intervention and prevention programs throughout Alaska. State, federal and private funds are used to pay for the programs provided by the Council.

Last fiscal year alone, more than 7,000 Alaska women and children sought immediate safety in shelters throughout the state, totaling more than 50,000 shelter nights. There were also more than 2,000 victims of sexual assault who sought services through the state. The first priority of all programs is the immediate safety and crisis intervention for the victim. Other services provided include: information on and referral to needed services such as housing or public assistance, medical advocacy, legal advocacy, safety checks, clothing and food, transportation, and personal and group support.

The Council continues to work with victim advocates, law enforcement, prosecution, corrections, and batterers intervention program staff, among others, to increase safety for victims, increase reporting by victims, train all those involved in the community response to the victims of domestic violence and sexual assault, and to hold perpetrators accountable for their violence. Through these cooperative efforts, the Council on Domestic Violence and Sexual Assault plays a crucial role in helping to break the cycle of violence that tears Alaskan families and communities apart.

Sec. 122. DPS - Council on Domestic Violence and Sexual Assault

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.

Measure 1: The percentage of continuing clients

Total number of victims of domestic violence: 7,271 Total number of repeat victims of domestic violence: 3,563 Percentage: 49%
Total number of victims of sexual assault: 2,146 Total number of repeat victims of sexual assault: 500 Percentage: 23.3%

These numbers represent one full fiscal year of data (FY01). These numbers are gathered by the Council's database that was implemented on July 1, 2000. When we report to the legislature for FY03 we will be able to report two full years of data. The data represents clients served by Council funded programs.

The national average number of times a victim of domestic violence needs to be in a shelter prior to having enough resources, safety and confidence to permanently remove the victim from the violence is 12 visits.

It is the hope of the Council that victims of domestic violence and sexual assault return to programs for continuing services as long as they are in need of help. In these cases, of course, we will see repeat percentages increase.

Measure 2: The percentage of the council's budget spent on prevention

Council's budget, by fiscal year, allocated specifically for prevention efforts:

FY2002 - 38%
FY2001 - 45%
FY2000 - 42%

The budget amount represented here is calculated by the specific projects identified each year for system change and improvement, media outreach, prevention campaigns, outreach to rural areas, and specific one-time projects that have been identified and funded by federal grants. This amount does fluctuate based on the special project funds available on a federal level each year.

Measure 3: The cost of shelter per night

In FY01, the estimated cost of a shelter night was \$69.83 per night.
In FY00, the estimated cost of a shelter night was \$68.00 per night.

The difference between the cost of FY00 and FY01 was adjusted by using the increase in the CPI of 2.7%.

This estimate is determined by taking the costs of all direct services staff, rent, insurance, utilities and food costs and dividing this amount by the number of clients served. This is a simplistic and less than accurate method of determining costs as each shelter utilizes state funds in a different way. Based on the resources available on a local level, each program uses the state funds to balance the full costs each year. In most areas, the communities usually donate the shelters.

Measure 4: The amount spent for and the percentage reduction in domestic violence and sexual assault compared to the amount spent for that purpose last year

Estimated prevention funds scheduled to be spent in:	
FY02	\$3,769.0
Estimated prevention funds in:	
FY01	\$4,411.0
FY00	\$3,919.0

Percentage change in domestic violence and sexual assault cases from FY99-00 and from FY00-01.

DPS Sexual Assault cases:		
FY00	+12.8%	FY01 - 27%
DPS Domestic Violence cases:		
FY00	+39.9%	FY01 +10%
Combined DPS domestic violence and sexual assault cases:		
FY00	+30.8%	FY01 +5%

The amount of prevention funds include all federal funds that are provided to law enforcement, prosecution, courts, corrections and victims service programs to work towards ending domestic violence and sexual assault.

Only offenses reported the Department of Public Safety are included in the offense counts as there is no statewide database recording the information for this measure. It should be noted that the National Crime Victimization Study has revealed that only 10-16% of domestic violence and sexual assault offenses are reported to the police, thus it can be assumed that the actual occurrence of these crimes is much greater than that reflected in reports to the police. Also, prevention efforts and public education raise awareness of these offenses and increase the reporting rate. Changes in the number of these offenses reported to the police need to be analyzed with care to account for these factors.

Measure 5: The incidence of reported domestic violence and sexual assault cases

DPS reports domestic violence cases for:	FY00 2904	FY01 3208	+10%
DPS reports sexual assault cases for:	FY00 387	FY01 284	-27%
DPS reports sexual abuse of a minor for:	FY00 611	FY01 543	-11%

For this measure the data was drawn from cases addressed by the Alaska State Troopers. DPS only figures are used for this measure because there is no statewide database recording police reports of domestic violence or sexual assault of a minor. In 1998, DPS conducted a comparison of the rates of these crimes reported to DPS and reports to representative agencies in both urban and rural Alaska which showed that the annual change in DPS reports was comparable with reports to other agencies. Thus the readily available DPS figures are a reliable indicator of trends throughout the state.

Measure 6: The number of homicides from domestic violence and sexual assault

These numbers are based on calendar year not fiscal year.

CY2000 DV Related Homicides 5;	Percent change from previous year	- 23.5%
CY1999 DV Related Homicides 22;	Percent change from previous year	+ 6.6%
CY1998 DV Related Homicides 14		

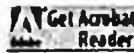
The number of homicides resulting from these crimes is not consistently identified as such. Identifying homicides as being related to sexual assault is not consistently reported within the state's law enforcement agencies. The same can be true for domestic violence as there may have been domestic violence identified in the investigation but the crime is classified as a homicide with no reference to the domestic violence.



Alaska Division of Legislative Audit Audit Digest #12-20014-02

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* Requires Acrobat Reader



SUMMARY OF: A Special Report on the Department of Public Safety, Council on Domestic Violence and Sexual Assault, Sunset Review, October 31, 2001.

PURPOSE OF THE REPORT

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 44.66.060(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.

REPORT CONCLUSIONS

Under AS 18.66, the Council on Domestic Violence and Sexual Assault 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.

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 for a legal advocacy project. 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.

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.

Review of the council's grant information identified some impropriety with the Network for FY 01, specifically relating to modification by the Network of the final grant agreement; unsupported requests for reimbursement; and exclusion from on-site monitoring.

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 lack of definitive duties, policies, and procedures.

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)).


Both of these statutes discuss the council working with other agencies and public employers to develop standards, procedures, and continuing education courses.

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.

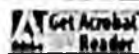
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October 31, 2001

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).¹

Council Members

As of September 20, 2001

Barbara Thompson, DEED, Chair
Cindy Cooper, DOLaw, 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.)

¹ 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 02-40001-01).

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 ongoing 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 Violence Against Women Act Grants to the Network on Domestic 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.² 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:

² 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 18.66.300 – 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).

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
 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>
Victim Services Grants				
Advocates for Victims of Violence (Valdez)	\$ 204,810	\$ 209,810	\$ 212,970	\$ 213,181
Abused Women's Aid in Crisis (Anchorage)	792,900	753,255	795,605	795,816
Aiding Women from Abuse and Rape 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 (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 and Crisis Center	394,485	388,595	397,190	669,296
Kodiak Women's Resource and Crisis Center	261,410	257,182	264,115	397,401
North Slope Borough	-0-	232,655	-0-	-0-
Safe and Fear-Free Environment (Dillingham)	317,200	317,200	319,905	264,326
Sitkans Against Family Violence	300,485	298,094	303,190	320,116
Seward Life Action Council	74,895	73,787	77,600	303,401
South Peninsula Women's Services (Homer)	246,175	242,251	248,880	77,811
Standing Together Against Rape (Anchorage)	383,790	376,114	386,495	249,091
Tundra Women's Coalition (Bethel)	564,885	566,385	569,545	386,706
Unalaskans Against Sexual Assault and Family Violence	120,085	120,085	122,790	584,547
Victims for Justice (Anchorage)	72,545	68,918	72,078	123,001
Valley Women's Resource Center (Palmer)	415,570	407,259	418,275	26,078
Interior Alaska Center for Non- Violent Living (formerly Women in Crisis - Counseling and Assistance - Fairbanks)	666,380	661,580	669,085	418,486
Women in Safe Homes (Ketchikan)	494,265	489,465	496,972	497,183
Total Victim Services Grants	<u>\$ 6,844,500</u>	<u>\$ 6,744,500</u>	<u>\$ 6,909,500</u>	<u>\$ 6,909,500</u>
Community Based Batterer Intervention Programs				
Male Awareness Program (Anchorage)	\$ 90,000	\$ 80,000	\$ 80,000	\$ -0-
Sound Alternatives (Cordova)	11,000	11,000	11,000	15,000
South Peninsula Women's Services (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>116,566</u>	<u>See "Note"</u>
Total VAWA Grant	<u>\$ 509,036</u>	<u>\$ 795,656</u>	<u>\$ 530,624</u>	<u>\$ 356,624</u>
TOTAL	<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

Ms. Pat Davidson, CPA
December 21, 2001
Page 2

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
Page 3

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
Page 4

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

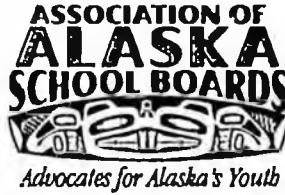
January 11, 2002

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



Legislative Issues – Support

Bills considered at District Forums during the AASB Legislative Fly-In, Feb 24, 2002

Topic/Bill	REAA/Rural Districts	Municipalities	Large Districts
------------	----------------------	----------------	-----------------

Funding

HB 379 / SB 276 (School Funding)	X	X	X
HB 378 / SB 275 (Grants/Research)	X	X	X
HB 312 (Floor)	X	X	X
HB 211 (Inflation)	X	X	X

Personnel

HB 416 (Rehire)	X	X	X (omit proposed amendment to start rehires at beginning salary)
HB 478 (Loan Assumption)		X	X
HB 293 (Housing Loans)		X	X

Designator Delay

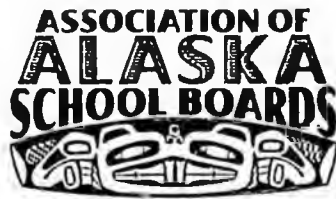
SB 250 / HB 352	X	X	X
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Facilities

SB 259 / HB 363 (GO Bonds)	X	X	X
SB 287 (GO Bonds)	X	X	X
SB 264 (Municipal Bonds)			X (with reservations about allocation)

Other

HB 408 (Questionnaire)	X	X	X (needs to be amended)
HB 171 (Alaska History)	X	X (with funding)	X
HCR 23 (Education Standing Committee)	X	X	X
SB 11, SB 41 (Compulsory School Age)		X	X (start at 5)



Advocates for Alaska's Youth

AASB Policy Statement on Priority issues

By attendees at the AASB Legislative Fly-In, Feb 24, 2002

1. Fiscal Gap

AASB supports the development of a fiscal plan for the State of Alaska. Alaska's long- and short-term future hinges on the ability of our state policymakers to build a future for kids in Alaska.

AASB supports a plan that will do no harm to schools. The fiscal plan may include the implementation of taxes, utilize some level of Permanent Fund excess earnings (after paying dividends and after inflation proofing), and other revenue generating activity, including resource development.

2. Education Funding

AASB's call for increased funding is a recognition that there is not yet an adequate level of funding in education to successfully meet the expectations of Alaska's citizenry. It is also recognition that our job, as dictated by the state and federal government, is that we educate ALL kids.

A decade of flat funding and new reforms has resulted in a string of unmet needs for updated instructional materials, curriculum alignment, direct student intervention programs, facilities upkeep, teacher recruitment, and the need to correct funding formula inadequacies.

3. Delay School Performance Reports/Designator System

AASB supports school accountability. Kids *should* be demonstrating incremental growth.

Aligning the designator system with the 2004 implementation of the student competency exam, requiring a two year delay, is logical because the designations are likely to be based, in part, on the results of the secondary school student competency exam.

In addition, the delay will allow the Department of Education and Early Development to align state programs with new requirements of the federal Elementary and Secondary Education Act. HR 1, reauthorizing ESEA (President Bush's "No Child Left Behind" law), requires its own set of rules and regulations for designating low performing schools and the assessment of "adequate yearly progress." The Negotiated Rule Making Process that will develop regulations for states to implement the law typically takes a year to complete. It makes sense to align both programs before moving forward with a state law that may conflict with federal requirements.

HB

332

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

REPORTED OUT
MAY 09 2002
SENATE FINANCE
COMMITTEE

DATE: 4/30/02

FURTHER:

DATE TURNED IN TO OFFICE: 9 May 2002

Finance Committee considered

CS FOR HOUSE BILL NO. 332(FIN)

HB 332 COUNCIL ON DOMESTIC VIOLENCE

"An Act extending the termination date of the Council on Domestic Violence and Sexual Assault; relating to the council's duties; placing the executive director and staff of the council in the exempt service; and providing for an effective date."

and recommends:

- be replaced with 5 CS CS HB 332 (FIN)
- adopt previous CS CS forthcoming
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:

- same title
- new title

House Bill:

- same title
- technical title
- new: SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
DPS CDVSA	2/4/02	3725.2		#1
DPS Batterers Intervent	2/4/02	320.0		#2
DPS Victims Justice	2/4/02	246.0		#3

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	✓			
<i>[Signature]</i>			✓	
<i>[Signature]</i>			4	
<i>[Signature]</i>			✓	
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
COCHAIR: <i>[Signature]</i>			✓	
COCHAIR: <i>[Signature]</i>	✓			

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

MAY 09 2002

Fiscal Note Number: 1
Bill Version: CSHB 332(JUD)
(H) Publish Date: 2/13/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title: An Act extending the termination date of the BRU: Council on Domestic Violence & S/A
Council on Domestic Violence & S/A... Component: Council on Domestic Violence & S/A
Sponsor: Representative Bunde
Requester: House Judiciary Committee Component No. 521

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	519.5	519.5	519.5	519.5	519.5	519.5
Travel	61.5	61.5	61.5	61.5	61.5	61.5
Contractual	1,250.1	1,250.1	1,250.1	1,250.1	1,250.1	1,250.1
Supplies	12.3	12.3	12.3	12.3	12.3	12.3
Equipment	6.2	6.2	6.2	6.2	6.2	6.2
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	7,875.6	7,875.6	7,875.6	7,875.6	7,875.6	7,875.6
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	9,725.2	9,725.2	9,725.2	9,725.2	9,725.2	9,725.2

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	3,488.6	3,488.6	3,488.6	3,488.6	3,488.6	3,488.6
1003 GF Match						
1004 GF	567.2	567.2	567.2	567.2	567.2	567.2
1007 Inter-Agency Receipts	1,664.6	1,664.6	1,664.6	1,664.6	1,664.6	1,664.6
1050 Permanent Fund Dividend Fund	4,004.8	4,004.8	4,004.8	4,004.8	4,004.8	4,004.8
Other (Specify Type--Do not abbreviate)						
TOTAL	9,725.2	9,725.2	9,725.2	9,725.2	9,725.2	9,725.2

Estimate of any current year (FY2002) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time	8					
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Should the legislation extending the Council not pass, functions of the Batterer's Intervention Program (BIP) would need to be transferred to the Department of Corrections. Additionally, the functions of the Victims for Justice pass-thru grant would need to be transferred to another agency.

Prepared by: Susan Scudder, Executive Director Phone: (907) 465-4356
Division: Council on Domestic Violence and Sexual Assault Date/Time: 2/4/02 11:53 AM
Approved by: Commissioner Glenn Godfrey Date: 2/4/2002
Agency: Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

MAY 09 2002

Fiscal Note Number: 2
 Bill Version: CSHB 332(JUD)
 (H) Publish Date: 2/13/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title: An Act extending the termination date of the BRU: Batterers Intervention Program
Council on Domestic Violence & S/A.... Component: Batterers Intervention Program
 Sponsor: Representative Bunde
 Requester: House Judiciary Committee Component No.: 2241

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	320.0	320.0	320.0	320.0	320.0	320.0
Miscellaneous						
TOTAL OPERATING	320.0	320.0	320.0	320.0	320.0	320.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	120.0	120.0	120.0	120.0	120.0	120.0
1007 Inter-Agency Receipts						
1050 Permanent Fund Dividend Fund	200.0	200.0	200.0	200.0	200.0	200.0
Other (Specify Type--Do not abbreviate)						
TOTAL	320.0	320.0	320.0	320.0	320.0	320.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

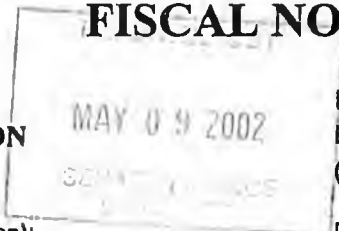
Should the legislation extending the Council not pass, functions of the Batterer's Intervention Program (BIP) would need to be transferred to the Department of Corrections.

Prepared by: Susan Scudder, Executive Director
 Division: Council on Domestic Violence and Sexual Assault
 Approved by: Commissioner Glenn Godfrey
 Agency: Department of Public Safety

Phone: (907) 465-4356
 Date/Time: 2/4/02 11:31 AM
 Date: 2/4/2002

FISCAL NOTE

**STATE OF ALASKA
2002 LEGISLATIVE SESSION**



Fiscal Note Number: 3
 Bill Version: CSHB 332(JUD)
 (H) Publish Date: 2/13/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title: An Act extending the termination date of the BRU: Victims for Justice
Council on Domestic Violence & S/A.... Component: Victims for Justice
 Sponsor: Representative Bunde
 Requester: House Judiciary Committee Component No. 2216

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	246.0	246.0	246.0	246.0	246.0	246.0
Miscellaneous						
TOTAL OPERATING	246.0	246.0	246.0	246.0	246.0	246.0

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

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

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	246.0	246.0	246.0	246.0	246.0	246.0
1007 Inter-Agency Receipts						
1050 Permanent Fund Dividend Fund						
Other (Specify Type--Do not abbreviate)						
TOTAL	246.0	246.0	246.0	246.0	246.0	246.0

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This component and BRU were established by the legislature as a separate pass-thru award. Should the legislation extending the Council not pass, this grant would need to be transferred to another agency.

Prepared by: Susan Scudder, Executive Director Phone: (907) 465-4356
 Division: Council on Domestic Violence and Sexual Assault Date/Time: 2/4/02 11:28 AM
 Approved by: Commissioner Glenn Godfrey Date: 2/4/2002
 Agency: Department of Public Safety

ADOPTED

SENATE FINANCE
COMMITTEE
Amendment Number: #1
Bill Number: HB 332
Sponsor: Wiken Date: 5/9/02
Logged In By: Robin

22-LS1290L.3
Craver
5/6/02

AMENDMENT

OFFERED IN THE SENATE

TO: CSHB 332(FIN)

- 1 Page 3, following line 12:
2 Insert a new bill section to read:
3 ** Sec. 4. The uncodified law of the State of Alaska is amended by adding a new section to
4 read:
5 TRANSITION FOR POSITIONS COVERED BY COLLECTIVE BARGAINING
6 AGREEMENTS. This Act does not terminate or modify the terms of a collective bargaining
7 agreement in effect on the effective date of this Act. As soon as any collective bargaining
8 agreement covering positions affected by secs. 1 and 2 of this Act expires, those positions
9 shall be considered exempt positions as provided in secs. 1 and 2 of this Act."
10
11 Renumber the following bill section accordingly.

SENATE FINANCE COMMITTEE
5/9/2002 COMMITTEE ACTION

Bill Number	# SB 332		
Amendment	#1		
Motion	adopt		
<u>Motion by</u>	Wilken		
<u>Objection by</u>	Green		
Removed	✓		
<u>Second Objection by</u>			
<u>Committee Member</u>	<u>Y</u>	<u>Vote</u>	<u>N</u>
Senator Hoffman			
Senator Leman			
Senator Olson			
Senator Ward			
Senator Wilken			
Senator Austerman			
Senator Green			
Co-Chair Donley			
Co-Chair Kelly			
<u>Tally</u>			
Yea			
Nay			
Absent			
<u>MOTION</u>	Pass		

Our Proof

22-LS1290\O

Laura OK'd 4:10 PM 5/14/02

SENATE CS FOR CS FOR HOUSE BILL NO. 332(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE BUNDE

A BILL

FOR AN ACT ENTITLED

1 "An Act extending the termination date of the Council on Domestic Violence and Sexual
2 Assault; relating to the council's duties; placing the executive director and staff of the
3 council in the exempt service; and providing for an effective date."

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

5 * Section 1. AS 18.66.050 is amended to read:

6 Sec. 18.66.050. Duties of the council. The council shall

7 (1) hire an executive director, and the executive director may hire
8 [NECESSARY] staff; the executive director and staff are in the exempt service
9 under AS 39.25.110;

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

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

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

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

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

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

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

17 (9) provide fiscal and technical assistance to plan, organize, implement
18 and administer domestic violence, sexual assault, and crisis intervention and
19 prevention programs;

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

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

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

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

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

7 * Sec. 2. AS 39.25.110 is amended by adding a new paragraph to read:

8 (37) the executive director and staff of the Council on Domestic
 9 Violence and Sexual Assault established under AS 18.66.010.

10 * Sec. 3. AS 44.66.010(a)(11) is amended to read:

11 (11) Council on Domestic Violence and Sexual Assault
 12 (AS 18.66.010) -- June 30, 2006 [2002];

13 * Sec. 4. The uncodified law of the State of Alaska is amended by adding a new section to
 14 read:

15 TRANSITION FOR POSITIONS COVERED BY COLLECTIVE BARGAINING
 16 AGREEMENTS. This Act does not terminate or modify the terms of a collective bargaining
 17 agreement in effect on the effective date of this Act. As soon as any collective bargaining
 18 agreement covering positions affected by secs. 1 and 2 of this Act expires, those positions
 19 shall be considered exempt positions as provided in secs. 1 and 2 of this Act.

20 * Sec. 5. This Act takes effect immediately under AS 01.10.070(c).

#1



Official Business

Alaska State Senate

Senate Finance Committee

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FAX COVER SHEET

DATE: 5/9/02 TIME: 6:15 pm

TO: Legal Services

NUMBER OF PAGES, INCLUDING COVER SHEET: 4/1

FROM: MINDY ROWLAND
SENATE FINANCE COMMITTEE SECRETARY
PHONE: 465-4935
FAX: 465-2187

NOTES: Final Please ECS CS#B332(FIN)
22-LS1290\ L plus amendment
L.3 Craver 5/6/02

Thx
Mindy

The following Boards and Commissions each have a partially exempt Executive Director and Classified staff (like CDVSA currently has)

- Alaska Commission on Aging
- Advisory Board on Alcoholism and Drug Abuse
- Alaska State Council on the Arts
- Fire Standards Council
- Statewide Independent Living Council
- Alaska Mental Health Board
- Alaska Police Standards Council

The following boards have all classified staff

- TRAAK Board
- Violent Crimes Compensation Board
- Juvenile Justice Advisory Committee
- Alaska Council on Emergency Medical Services

For consideration of exempt status, the personnel board uses the following criteria:
Sec. 39.25.130. Extension of partially exempt and classified services.

(a) The personnel board, upon written recommendation of the commissioner of administration, may extend the partially exempt service to include any position in the classified service that, in the judgment of the board,

- (1) involves principal responsibility for the determination of policy;
- (2) involves principal responsibility for the way in which policies are carried out; or
- (3) involves responsibilities and duties of a type not susceptible to the ordinary recruiting and assessment procedures.

(b) Positions may not be included in the partially exempt service under this section if the inclusion is inconsistent with federal requirements for state agencies supported in whole or in part by federal funds.

(c) The personnel board, upon written recommendation of the commissioner of administration, may extend the classified service to include any position in the partially exempt service.

The Board and Commissions that are currently all exempt:

- Alaska Permanent Fund Corporation;
- Alaska Industrial Development and Export Authority;
- Alaska Commercial Fisheries Entry Commission;
- Alaska Commission on Postsecondary Education;
- Alaska Aerospace Development Corporation;
- The executive secretary and legal counsel of the Alaska Municipal Bond Bank Authority
- The executive director and staff of the Alaska Science and Technology Foundation

These boards are all corporation boards or boards that deal with significant trusts or fiduciary responsibilities. None of these are grant making bodies with annual appropriation authority like the CDVSA.

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MEMORANDUM

May 6, 2002

SUBJECT: Council on Domestic Violence and Sexual Assault employee classification (CSHB 332 (FIN))

TO: Representative Con Bunde
Attn: Patti Swenson

FROM: Barbara R. Craver 
Legislative Counsel

Overview

HB 332 would move the executive director and all staff of the Council on Domestic Violence and Sexual Assault into the exempt service. This memorandum does not discuss or speculate as to the reasons for or wisdom of such a move, but looks solely at the legality of making all the positions in this designated group exempt.

The bill provides that any positions in the Council that are currently subject to a collective bargaining agreement shall continue under any agreement in effect, so as not to impair that contract. However as soon as a collective bargaining agreement expires, positions in the Council covered by that agreement shall no longer be considered classified positions. Those positions, as exempt positions, shall not have any right to collectively bargain. To the extent that the legislature designates positions as exempt, they are not considered classified employees, and thus are not part of the General Government Unit (GGU) which have a right to collective bargaining under AS 23.40.¹ "The scope of collective bargaining, as well as the corresponding scope of an unfair labor practice complaint, are matters established by statute under AS 23.40."²

Case Review

The cases in this area do not hold otherwise. In *State of Alaska and Alaska Housing Finance Corporation v. ASEA /AFSCME Local 52*, 923 P.2d 18 (Alaska 1996) the issue was the extent to which the Alaska Housing Finance Corporation (AHFC) had to bargain

¹ *State of Alaska v. ASEA*, 923 P.2d 18, page 4 n.2. (Alaska 1996):

Alaska State Labor Relations Agency Order and Decision No. 1 at 12-13 (Feb. 2, 1973) certified the GGU as including all "general state government employees in the classified service," subject to a few enumerated exceptions. The classified service "consists of all positions in the state service not included in the exempt service." AS 39.25.100.

² Op. Atty Gen., July 1, 1987 (Alaska)

Representative Con Bunde

May 6, 2002

Page 2

with former Department of Community and Regional Affairs (DCRA) employees who had been members of a collective bargaining unit represented by the Alaska State Employees Association (ASEA.) The focus of that case was not whether the legislature could make employees exempt, but rather to what extent had the legislature committed AHFC to bargain with its new employees formerly employed at DCRA and represented by ASEA. The facts at issue in that case are not directly involved here.

In another case, *Zerbetz v. Alaska Energy Center*, 708 P.2d 1270 (Alaska 1985), an exempt employee sued for damages under a three year contract for employment. The issue there was whether an exempt employee under AS 39.25 is always subject to employment at will, or whether an employee can contract with the employer for a longer term of job security. The court held that exempt status does not bar such contracts. *Id.* at 1277.

A decision of the Alaska Labor Relations Agency, *ASEA v. Alaska*, 95-408-UC. Decision and Order No. 200, concerns the reclassification of a position from classified to exempt by the State Personnel Department. This matter was a unit clarification dispute. A position, "Natural Resources Officer II" in the Alaska Oil and Gas Conservation Commission (AGOCC), was upgraded from a "Clerk IV." The dispute was about whether that position should remain a member of a collective bargaining unit even though AS 39.25.110(14)³ made the position exempt. That decision was made before the court overturned the Board's decision that the exempt members of AHFC should remain in the GGU collective bargaining unit. Even so, the board decided that the particular position at issue had more in common with the other exempt positions that were not represented by a collective bargaining unit, and thus the position should not be placed in the GGU.

Conclusion

The legislature is not restricted in designating which positions shall be exempt. In this case there is no legal restriction on the policy of HB 332 to place the executive director and all staff of the Council on Domestic Violence and Sexual Assault into the exempt service.

BRC:med
02-469.med

Enclosure

³ AS 39.25.110: . . .

(14) petroleum engineers and petroleum geologists employed in a professional capacity by the Department of Natural Resources and by the Oil and Gas Conservation Commission, except for those employed in the division of geological and geophysical surveys in the Department of Natural Resources;

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REPRESENTATIVE CON BUNDE

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District 18

CHAIR: HOUSE SPECIAL COMMITTEE ON EDUCATION
VICE-CHAIR: HOUSE FINANCE COMMITTEE

SPONSOR STATEMENT HB 332

“An Act extending the termination date of the Council on Domestic Violence and Sexual Assault; and providing for an effective date.”

The Council on Domestic Violence and Sexual assault is the state policymaking board charged with planning and coordinating services for victims of domestic violence or sexual assault. House Bill 332 extends the sunset of The Council on Domestic Violence and Sexual Assault until June 30, 2006.

The Council on Domestic Violence and Sexual Assault provides services for families of victims and for perpetrators of these crimes by providing crisis intervention and prevention programs throughout Alaska. State, federal and private funds are used to pay for the programs provided by the Council.

Last fiscal year alone, more than 7,000 Alaska women and children sought immediate safety in shelters throughout the state, totaling more than 50,000 shelter nights. There were also more than 2,000 victims of sexual assault who sought services through the state. The first priority of all programs is the immediate safety and crisis intervention for the victim. Other services provided include: information on and referral to needed services such as housing or public assistance, medical advocacy, legal advocacy, safety checks, clothing and food, transportation, and personal and group support.

The Council continues to work with victim advocates, law enforcement, prosecution, corrections, and batterers intervention program staff, among others, to increase safety for victims, increase reporting by victims, train all those involved in the community response to the victims of domestic violence and sexual assault, and to hold perpetrators accountable for their violence. Through these cooperative efforts, the Council on Domestic Violence and Sexual Assault plays a crucial role in helping to break the cycle of violence that tears Alaskan families and communities apart.

Sec. 122. DPS - Council on Domestic Violence and Sexual Assault

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.

Measure 1: The percentage of continuing clients

Total number of victims of domestic violence: 7,271 Total number of repeat victims of domestic violence: 3,563 Percentage: 49%
Total number of victims of sexual assault: 2,146 Total number of repeat victims of sexual assault: 500 Percentage: 23.3%

These numbers represent one full fiscal year of data (FY01). These numbers are gathered by the Council's database that was implemented on July 1, 2000. When we report to the legislature for FY03 we will be able to report two full years of data. The data represents clients served by Council funded programs.

The national average number of times a victim of domestic violence needs to be in a shelter prior to having enough resources, safety and confidence to permanently remove the victim from the violence is 12 visits.

It is the hope of the Council that victims of domestic violence and sexual assault return to programs for continuing services as long as they are in need of help. In these cases, of course, we will see repeat percentages increase.

Measure 2: The percentage of the council's budget spent on prevention

Council's budget, by fiscal year, allocated specifically for prevention efforts:

FY2002 - 38%
FY2001 - 45%
FY2000 - 42%

The budget amount represented here is calculated by the specific projects identified each year for system change and improvement, media outreach, prevention campaigns, outreach to rural areas, and specific one-time projects that have been identified and funded by federal grants. This amount does fluctuate based on the special project funds available on a federal level each year.

Measure 3: The cost of shelter per night

In FY01, the estimated cost of a shelter night was \$69.83 per night.
In FY00, the estimated cost of a shelter night was \$68.00 per night.

The difference between the cost of FY00 and FY01 was adjusted by using the increase in the CPI of 2.7%.

This estimate is determined by taking the costs of all direct services staff, rent, insurance, utilities and food costs and dividing this amount by the number of clients served. This is a simplistic and less than accurate method of determining costs as each shelter utilizes state funds in a different way. Based on the resources available on a local level, each program uses the state funds to balance the full costs each year. In most areas, the communities usually donate the shelters.

Measure 4: The amount spent for and the percentage reduction in domestic violence and sexual assault compared to the amount spent for that purpose last year

Estimated prevention funds scheduled to be spent in:	
FY02	\$3,769.0
Estimated prevention funds in:	
FY01	\$4,411.0
FY00	\$3,919.0

Percentage change in domestic violence and sexual assault cases from FY99-00 and from FY00-01.

DPS Sexual Assault cases:		
FY00	+12.8%	FY01 -27%
DPS Domestic Violence cases:		
FY00	+39.9%	FY01 +10%
Combined DPS domestic violence and sexual assault cases:		
FY00	+30.8%	FY01 +5%

The amount of prevention funds include all federal funds that are provided to law enforcement, prosecution, courts, corrections and victims service programs to work towards ending domestic violence and sexual assault.

Only offenses reported the Department of Public Safety are included in the offense counts as there is no statewide database recording the information for this measure. It should be noted that the National Crime Victimization Study has revealed that only 10-16% of domestic violence and sexual assault offenses are reported to the police, thus it can be assumed that the actual occurrence of these crimes is much greater than that reflected in reports to the police. Also, prevention efforts and public education raise awareness of these offenses and increase the reporting rate. Changes in the number of these offenses reported to the police need to be analyzed with care to account for these factors.

Measure 5: The incidence of reported domestic violence and sexual assault cases

DPS reports domestic violence cases for:	FY00 2904	FY01 3208	+10%
DPS reports sexual assault cases for:	FY00 387	FY01 284	-27%
DPS reports sexual abuse of a minor for:	FY00 611	FY01 543	-11%

For this measure the data was drawn from cases addressed by the Alaska State Troopers. DPS only figures are used for this measure because there is no statewide database recording police reports of domestic violence or sexual assault of a minor. In 1998, DPS conducted a comparison of the rates of these crimes reported to DPS and reports to representative agencies in both urban and rural Alaska which showed that the annual change in DPS reports was comparable with reports to other agencies. Thus the readily available DPS figures are a reliable indicator of trends throughout the state.

Measure 5: The number of homicides from domestic violence and sexual assault

These numbers are based on calendar year not fiscal year.

CY2000 DV Related Homicides 5;	Percent change from previous year	- 23.5%
CY1999 DV Related Homicides 22;	Percent change from previous year	+ 6.6%
CY1998 DV Related Homicides 14		

The number of homicides resulting from these crimes is not consistently identified as such. Identifying homicides as being related to sexual assault is not consistently reported within the state's law enforcement agencies. The same can be true for domestic violence as there may have been domestic violence identified in the investigation but the crime is classified as a homicide with no reference to the domestic violence.



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SUMMARY OF: A Special Report on the Department of Public Safety, Council on Domestic Violence and Sexual Assault, Sunset Review, October 31, 2001.

PURPOSE OF THE REPORT

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 44.66.060(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.

REPORT CONCLUSIONS

Under AS 18.66, the Council on Domestic Violence and Sexual Assault 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.

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 for a legal advocacy project. 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.

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.

Review of the council's grant information identified some impropriety with the Network for FY 01, specifically relating to modification by the Network of the final grant agreement; unsupported requests for reimbursement; and exclusion from on-site monitoring.

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 lack of definitive duties, policies, and procedures.

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)).

Both of these statutes discuss the council working with other agencies and public employers to develop standards, procedures, and continuing education courses.

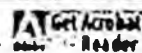
Recommendation No. 5

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 to provide education in school districts throughout the state.



* Requires Acrobat Reader



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).¹

Council Members

As of September 20, 2001

Barbara Thompson, DEED, Chair
Cindy Cooper, DOLaw, 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.)

¹ 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 02-40001-01).

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 ongoing 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 Violence Against Women Act Grants to the Network on Domestic 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