

**STATE OF ALASKA  
COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT**

**MINUTES OF SECOND QUARTER FY08 MEETING  
December 6, 2007**

**Dept. of Public Safety Building, Room 205  
450 Whittier Street  
Juneau, Alaska**

**CALL TO ORDER & ROLL CALL**

Chair Kim Williams called the teleconference meeting of the Council on Domestic Violence and Sexual Assault to order at 8:08 a.m. on Thursday, December 6, 2007. Five Council members were present at roll call.

**Council members present:** **Kim Williams**, Public Member (chair); **Colonel Audie Holloway**, Department of Public Safety; **Ann House**, Public Member; **Bill Hogan**, Department of Health & Social Services; **Janna Stewart**, Public Member

**Richard Svobodny**, Department of Law (vice chair) joined at 8:30 a.m.

**Council member absent:** Barbara Thompson (Department of Education)

**Council staff present:** **Chris Ashenbrenner**, Executive Director; **Jo Griggs**, Administrative Manager; **Lauree Morton**, Program Specialist; **Paul McCarthy**, Associate Coordinator; **Harriet Moore**, Administrative Clerk

**Others present** (in person or by telephone): **Grace Danborn** and **Kari Robinson**, Alaska Network on Domestic Violence & Sexual Assault; **Mandy Cole**, Aiding Women in Abuse and Rape Emergencies (AWARE) in Juneau; **Peter Goll**, Management In Government Services

**COUNCIL CONFLICT INQUIRY**

Chair Williams inquired if any Council members had a potential conflict of interest with any of the agenda items that they wished to disclose.

There were no conflict of interest disclosures.

**APPROVE MINUTES OF SEPTEMBER 4, 2007 MEETING**

ANN HOUSE MOVED THAT THE COUNCIL ACCEPT THE MINUTES OF THE SEPTEMBER 4, 2007 MEETING AS WRITTEN. AUDIE HOLLOWAY SECONDED.

The motion passed unanimously.

## **REPORT ON CDVSA TASK FORCE ACTIVITIES**

CDVSA Executive Director Chris Ashenbrenner reported that the Task Force met in Bethel on October 4-5, 2007. Attendees were Representatives Fairclough and Holmes, Senators Bundy and Elton, DPS Deputy Commissioner John Glass, Todd Brocious of DEED, the Department of Law's Steve Lawless, urban public member Leanne Ross, Peggy Brown of the Network, and Ashenbrenner. The Governor is expected to appointed a rural representative very soon.

Ms. Ashenbrenner said the Task Force first briefly discussed the broad issues of domestic violence and sexual assault in Alaska, especially related to alcohol and cultural issues in rural areas. The task force then addressed the question in the Task Force legislation of where the CDVSA should be located within the state administrative system. There was no official vote, but the consensus was that the CDSVA should be in the Department of Public Safety. John Glass of DPS made a strong statement of support for that from himself and the commissioner. The Task Force also crafted a list of questions for the public testimony segment in the afternoon. They then toured the Tundra Women's Coalition facility, where it became evident that a new shelter is needed. Michelle DeWitt, the TWC executive director, also gave a presentation and did a great job of laying out the compelling issues of the region.

Ms. Ashenbrenner reported that over 20 people turned up to give public testimony, despite the time conflicting with public testimony scheduled for the Village Public Safety Officer Task Force. Interpersonal violence is pervasive in this region, and emotions ran high. People told the task force about the systems being overwhelmed - meaning law enforcement, social workers, health care, shelters, etc. People expressed high appreciation and regard for Tundra Women's Coalition. They talked about: (1) the need to fund primary prevention; (2) the need for better batterer intervention programs in rural areas; (3) the need for progressive penalties so that repeat perpetrators are held accountable; (4) the need for enhancing the village public safety officer program; (5) the frustration for victims in using the justice system (slow to respond, it takes a long time, the perpetrator is in the village and nothing is happening) and how because of that victims will not report or engage in the justice system a lot of times; (6) the lack of treatment for the entire family; (7) the perception that Alaska State Troopers respond to game violations more readily than they respond to the women being violated; (8) that the murder of a white woman gets more attention than the murder of a Native woman; (9) that cultural difference is a big barrier to the justice system (an example is that there is no word for justice in the Yupik language and people see things differently there); (10) people want programs that will work for them, which are not the programs that work in Anchorage or Washington, D.C.; and (11) changing requirements for sex offender treatment providers because certification is almost impossible to get in rural areas.

The second day the Task Force included a PowerPoint presentation about what the Council does, and Peggy Brown briefly talked about the Network's role. Also discussed was Council members

serving only two two-year terms, as well as all the CDVSA staff members being in exempt positions. The next Task Force meeting is December 13-14 in Fairbanks.

Janna Stewart commented that the Bethel testimony sounded broad-ranging and compelling and the same type of testimony she heard 20 years ago when she was the district attorney out there. She said she was concerned that the Task Force would be so overwhelmed by general information about the justice system and other components that it would not get focused perspective on the CDVSA's responsibilities.

Chair Williams said that was the reason why the Council's public members needed to comment about the things the Council can do.

### **CDVSA STRATEGIC PLANNING**

The Council and staff discussed how to develop a strategic plan and whether to wait for the Task Force recommendations due in March 2008. The last Council retreat was held in 2005, and Ms. Stewart suggested looking back at what came out of that planning effort. Ashenbrenner said she viewed the product from 2005 as more of a work plan to get things done than a strategic plan.

[Rick Svobodny joined the meeting at the Juneau location at 8:30 a.m.]

Chair Williams noted that there was no strategic plan in the orientation notebook for new Council members. She suggested reviewing any existing guidance and planning documents before getting together to begin working on a strategic plan. Planning should be a continuing item on the agenda over the next several meetings. She asked members to email Ms. Ashenbrenner with ideas on the strategic planning process.

### **REPORT ON CDVSA PROGRAMS**

The FY08 first quarter performance reports from victim services programs and batterers intervention programs were included in the meeting packet for Council members to read.

#### **On-Site Audits Completed:**

CDVSA Program Specialist Lauree Morton reported that since July the staff has audited the following programs:

- Aiding Women in Abuse and Rape Emergencies (AWARE) in Juneau, both the victim services program and batterers accountability program;
- Unalaskans Against Sexual Assault & Family Violence (USAFV);
- Safe and Fear-Free Environment (SAFE) in Dillingham;
- Leeshore Center in Kenai, both the victim services program and their non-funded batterers intervention program; and
- Linda Hoven is in Kotzebue conducting an on-site audit at the Maniilaq Family Crisis Center this week.

She said generally the audited programs are in compliance with the Council regulations, but most programs received two or three recommendations. All the programs have agreed to come into compliance with the recommendations and have provided timelines for doing so.

Ms. Morton stated that the associate coordinators met and looked at the programs that were audited the previous year and set up audits for the FY08-FY09 grant cycle. She will be revisiting Bering Sea Women's Group (BSWG) in Nome in January. Cordova Family Resource Center in Cordova and Tundra Women's Coalition in Bethel are scheduled for on-sites in March. Arctic Women In Crisis (AWIC) in Barrow and the North Slope Borough Domestic Violence Intervention Program will be audited in May, as well as Women In Safe Homes (WISH) in Ketchikan and the batterers program at Ketchikan Indian Corporation. There are two non-funded batterers programs in Anchorage that need to be audited this year, but staff has not scheduled those yet.

Ms. House commended staff for doing the audits and verifying that the programs are spending the Council funding appropriately.

Ms. Ashenbrenner said she did not think that previously there had been adequate follow-up from the Council after the audits to ensure that compliance had been done. Staff is tightening the process.

Responding to Mr. Hogan, Ms. Ashenbrenner said the on-site audits are on a biennial schedule.

Mr. Hogan asked if staff believed that the standards were adequate regarding "agency business practices." He said he brought it up because there are at least a few providers of behavioral health services and developmental disability services, etc. that are struggling financially. He had a sense that some of the agencies are not really operating as a business.

Ms. Ashenbrenner replied that the short answer is no, that the CDVSA needs to improve in that. The format used for reviews seems to be more heavy on checking that T's are crossed and I's are dotted than really finding out that the program outcomes are what the Council wants. Staff looks at accounting systems and fiscal practices but does not look hard to see whether the budgets are realistic and if programs are spending within their budgets. The audit process is one area that staff is looking at improving.

Ms. Stewart stated that there are two programs with massive problems that did not come to the Council's attention in any way through its own audit or review mechanisms but through some employee and public disputes. The Council will be talking later about whether there would have been any way to identify the things that were happening and if something has to be added to the review process. She said the Council is not fulfilling its responsibility just by auditing the programs but has to be more assertive about following up on the audit recommendations. It is part of growing and developing these programs and providing them with genuine assistance, support and expertise that the Council has not been doing.

Chair Williams asked if there was anything in the recommendations from the completed on-site audits that would lead to changing the CDVSA's technical assistance approach to address these recommendations. Ms. Ashenbrenner said that the technical assistance that Ms. Morton has been providing Bering Sea Women's Group in advance of the upcoming audit will be very helpful in that way.

At Mr. Svobodny's request, Ms. Morton described the format she follows in an on-site audit, using the LeeShore Center's audit in November as an example.

**Updates on Bering Sea Women's Group (Nome) & Sitkans Against Family Violence:**

Ms. Morton stated that she and Samaria Ross, the executive director of BSWG, have been having weekly teleconference technical assistance meetings since she visited the program in Nome in late August. BSWG has revised their goals and objectives to present a more realistic picture of what they are trying to accomplish with the dollars. They have revised their budget to meet CDVSA budgetary guidelines. And their FY08 first quarter reports were submitted on time, even though there were some later corrections. She said she met with BSWG's administrative assistant and accountant to talk about the budget and how they are coding expenditures, as well as ways to make sure that what the CDVSA gets is an accurate reflection of what the program is actually spending. The BSWG board has been meeting at least once every two weeks to revise their policies and procedures to bring them into compliance with the recommendations. The target for completing that task is December 31, 2007. The board also realized that they had not been reviewing all the policies and procedures annually, and they are doing an extensive review that will extend into the spring of 2008. They have a financial audit scheduled for the first week of January, and Ms. Morton is tentatively scheduled to visit BSWG January 23. She said the consistent contact with BSWG has been beneficial, and they have been much more forthcoming with questions, asking for feedback on draft policies and procedures, and talking through how they are providing services. She believes that when the CDVSA goes to Nome for the official audit BSWG will have the necessary procedures in place that they were missing.

Ms. Morton explained that, unfortunately, Nome is a community that is still struggling. Since October, the program has had to turn down 25 people who were just homeless. Ms. Ross told her that the perception in Nome is that these people are drunk and that if they wouldn't drink they wouldn't be homeless — but not one of these 25 people have had substance abuse as an issue. Regarding the SART (sexual assault response team) and the hospital, they are still struggling with attitudinal situations. The hospital received a \$300,000 grant in the fall to provide SART services but they were not going to start looking for a person until January 2008. The hope is that the hospital will recruit quickly and ease the burden.

Regarding Sitkans Against Family Violence (SAFV), Ms. Ashenbrenner reported that she has talked quite a bit over the last couple of months with Police Chief Sheldon Schmidt and SAFV's executive director, Chris Bauman, and they are committed to working together. The city administrator, John Stein, got involved and arranged for a mediator, Vance Sanders, an attorney from Juneau. They worked out a memorandum of agreement between the police department and the shelter. It seems to have addressed many if not all of the issues that each side had. There had

been a lot of problems related to the police department advocate position and the shelter advocates. The police department position is now vacant and that seems to have opened the gates for communication. The local police are bringing people to the shelter, and things seem to have smoothed out in Sitka.

**Concerns and/or Trends Identified:**

Ms. Ashenbrenner stated that the program summary quarterly reports have been tightened up to make them more succinct. She said there were no noticeable trends other than that everybody is really busy with a lot of people going to shelters and a lot of services being offered.

**Program Highlights of the Quarter:**

Ms. Ashenbrenner noted that Domestic Violence Awareness Month was in October and there were multiple activities in communities where shelters are located. The Lieutenant Governor wrote a "My Turn" column that was published in Juneau, Anchorage and Fairbanks. She mentioned that one weekend after the Task Force met in Bethel there was a sexual assault and domestic violence murder in the community. Actually, there have been quite a few horrible sexual assaults and hideous domestic violence incidents over the last few months that illustrate the importance of the work that everyone is doing.

Ms. Ashenbrenner said the other highlight of the quarter was implementation of the new database at the program level on October 1, 2007. The CDVSA has not yet taken delivery of the software being developing that will plug into each computer at the local level to gather the data and send it to the CDVSA office. That is expected in a couple of weeks.

**Juneau Batterers Accountability Program Requested Change (Juneau):**

Ms. Ashenbrenner explained that the CDVSA has a memorandum of agreement (MOA) with the Department of Corrections that DOC will provide funding for the prison batterers intervention program and that all changes in services, including program size, are to be coordinated between the two agencies; that the CDVSA will coordinate all prison batterers intervention programs with DOC to determine sites; and that the Council would make grant awards based on the standards set forth in RFPs that are developed with DOC, after consulting with DOC. She said she did not know about the MOA when the RFPs were issued and did not follow the terms of the MOA. So when the Council funded the Juneau Batterers Accountability Program (JBAP) for a prison BIP none of those steps were taken. Corrections was understandably a bit upset, but they were very forgiving, and CDVSA has been working with DOC to find a solution. The Juneau prison BIP that the Council funded is proposed to be at the halfway house at the Community Residential Center, and that is very different. All other prison BIPs are located in the prisons, so DOC had a real question about how that would work.

Ms. Ashenbrenner informed Council members that JBAP is a batterers program administered by AWARE in Juneau. AWARE let CDVSA staff know that Dr. Mander, the facilitator, left town, at least temporarily. Because of the numbers and only having one facilitator, AWARE asked if they could combine the prison BIP at the halfway house with their community BIP. AWARE explained how it would be more efficient and how the prison perpetrators in the program would

seamlessly transition to the community program when they were released from custody. She said the Department of Corrections has agreed to fund this program in the halfway house in Juneau. Last year in the halfway house there were about 15 perpetrators of domestic violence that served some amount of time there. She said it is an interesting model and a good idea to do a BIP in a halfway house so that people can make the transition. But it is a change from AWARE's proposal for JBAP.

Responding to Mr. Hogan about the location, Mandy Cole of AWARE clarified that AWARE currently holds its community batterers program at Gastineau Human Services. So when they looked at holding a second group it was at the same place with the same facilitators but at a different time. AWARE is requesting to permission to combine the two groups to avoid hiring another Masters level clinician to facilitate the prison BIP class, which would have much smaller numbers than the community BIP but do the exact same thing.

Chair Williams inquired how a motion by the Council would fit in with the MOA with Department of Corrections. Ms. Ashenbrenner replied that the DOC deputy commissioner felt that the halfway house was a certified DOC facility so that it was within the purview of the MOA.

Mr. Hogan wondered if the CDVSA executive director already had the authority to approve this kind of change without it coming to the Council for action. Ms. Ashenbrenner said that it was enough of a different program that she needed to inform the Council about it.

**BILL HOGAN MOVED THAT THE CDVSA APPROVE COMBINING THE PRISON BATTERERS INTERVENTION PROGRAM AND THE COMMUNITY-BASED BATTERERS INTERVENTION PROGRAM AT THE JUNEAU BATTERERS ACCOUNTABILITY PROGRAM, AS REQUESTED BY AWARE. JANNA STEWART SECONDED.**

The motion carried unanimously.

Chair Williams noted that combining the two BIP programs does not change the memorandum of agreement with the Department of Corrections because the halfway house is a certified DOC facility.

### **EXECUTIVE SESSION - WISH COMPLAINT AND CDVSA RESPONSE**

**RICK SVOBODNY MOVED THAT THE CDVSA GO INTO EXECUTIVE SESSION TO DISCUSS A COMPLAINT FROM KETCHIKAN'S WOMEN IN SAFE HOMES (WISH), WHICH INVOLVES ALLEGATIONS AGAINST PERSONS. ANN HOUSE SECONDED.**

The motion passed unanimously.

The chair instructed everyone on teleconference to hang up, and Council members were given a

separate code to dial back in for the executive session, which began at 10:00 a.m.

The regular session reconvened at 10:15 a.m. The Council did not immediately report having taken any action during the executive session but did so later in the meeting.

### **SEXUAL ASSAULT SAFETY PLANNING AND TRAINING FOR DHSS LICENCED FACILITIES**

Deputy Commissioner of DHSS, Bill Hogan, reported that the issue of sexual assault in assisted living homes came to the department's attention by way of Mr. Peter Goll, who runs Management In Government Services in Haines. DHSS had received written correspondence and emails from Mr. Goll talking about an incident that occurred a couple of years ago in Petersburg, where a person was sexually assaulted while living in an assisted living facility. Mr. Goll asserts that from a certification and licensing standpoint, and even from a training standpoint, the department did not do a very good job of follow-up. DHSS is taking another look at this, also in the context of preventing this kind of occurrence from happening in the future.

Mr. Hogan said that staff should provide Council members with a copy of the November 21, 2007 letter sent to Mr. Goll. The letter outlined the steps that DHSS needs to take to address the issue.

Mr. Hogan stated that there are two things that the CDVSA can help DHSS with. The department has gone through centralizing its certification and licensing regulations, it has spent a lot of time beefing up the focus on background checks for staff of licensed facilities, and has focused on the environmental health and safety aspects. He said he hoped the Council could give DHSS some additional guidance on whether proposed standards will be adequate to address potential sexual abuse or sexual assault issues. He also asked for Council guidance on training at licensed facilities, in particular assisted living homes. There are hundreds of assisted living facilities in the state. Some are fairly sophisticated and run by very conscientious, skilled owners and staff, and others need a lot of technical assistance and support to ensure they are in compliance with existing standards and can deal with people who have significant challenges. He said DHSS recognizes that it needs to do a better job at training staff within those facilities to meet those challenges.

Ms. Ashenbrenner stated that CDVSA is happy to help DHSS and facilitate the conversation and gather data. Domestic violence and sexual assault against the vulnerable population is becoming more of a topic on the national and statewide level. There is a body of work being developed nationally on this issue, and CDVSA is researching what people are doing in other states. There have been some Violence Against Women Act (VAWA) funded initiatives in this area. The Governor's Council on Disabilities and Special Education, in coordination with the Network on Domestic Violence and Sexual Assault and other key partners, have the second round of a grant to provide training about domestic violence and sexual assault against vulnerable adults. There is a lot going on, and CDVSA staff is currently in the stage of gathering information. The CDVSA also wants to see if there are any other recommendations for standards of training that may need

to be regulated. People in assisted living and long-term care facilities are vulnerable from potential perpetrators who are staff or other residents. Sexually inappropriate behavior can be a manifestation of cognitive disability, so it is an important subject.

**BILL HOGAN MOVED THAT THE COUNCIL BE WILLING TO WORK WITH THE ALASKA DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO HELP IT DEVELOP BEST PRACTICE STANDARDS TO PREVENT SEXUAL ABUSE IN CERTIFIED LICENCED FACILITIES AND TO PROVIDE SOME GUIDANCE ON TRAINING FOR STAFF IN THOSE FACILITIES. ANN HOUSE SECONDED.**

At the chair's inquiry, Mr. Hogan said he envisioned a small ad hoc work group that would include either a Council member and/or Ms. Ashenbrenner, the director of Senior and Disability Services at DHSS, and someone at Public Health, which has responsibility for certification and licensing. A representative from both the Governor's Council on Disabilities and the Network would also make sense. He said he hoped to have a recommendation ready in three months.

Ms. Stewart mentioned the Council's mandate to work with DHSS as described in statute. Ms. Ashenbrenner read aloud the statute. Ms. Stewart said she was just concerned that taking on a new project might detract the Council from working on areas it should be focused on. She said the strategic planning for CDVSA would list all the things the Council should be doing, and she was wondering if this project with DHSS would be at the top of the priorities list.

Mr. Hogan stated that DHSS has to tackle the regulations and training at licensed facilities no matter what, and the department is reaching out to the Council for guidance and technical assistance. But the primary responsibility to evaluate current policy and make recommendations rests with DHSS.

Ms. Stewart said she was fine with providing technical assistance, but the Council has to keep in mind its own set of priorities and what it can and cannot accomplish.

Mr. Hogan said he appreciated those comments and he hoped that he and Ms. Ashenbrenner could work in a way that was not onerous to the CDVSA.

Ms. Ashenbrenner stated that, lacking a current strategic plan, the Council has to look at the legislative audit recommendations as being the areas it should be concentrating on. The project that Mr. Hogan laid out does fit into the recommendations in the last two audit reports.

Chair Williams indicated that she did not have a problem with CDVSA staff or a Council member being part of a DHSS working group, as long as the CDVSA did not have to coordinate the group and do the logistics. She requested that an update be on the agenda at the next CDVSA meeting.

The question was called, and the motion passed unanimously.

Chair Williams queried Peter Goll, who was listening by teleconference, for his comments.

Mr. Goll thanked people for taking such prompt action on an important issue and praised the structure being set up for the evaluation process. He suggested giving the review process an official name, such as the Vulnerable Adults Protection Initiative. He also briefly described how he got involved and the responses he got from various agencies. His point was that Adult Protective Services should have a formal role to play in dealing with the certification regulations versus the informal role they have currently. In closing, he offered his help.

After querying Mr. Hogan, Chair Williams designated him and Chris Ashenbrenner to represent CDVSA on the DHSS working group.

Ms. Stewart recalled that Standing Together Against Rape (STAR) in Anchorage, as part of a prior funding request, had reported a significant increase in the number of victims from the elder and vulnerable adult population. STAR did not provide any data to support what they called "significant," but there has been anecdotal concern about the issue. She said she hoped this evaluation process would get somewhere beyond anecdotes.

Ms. Ashenbrenner said there has been some work developed since that time, and both STAR and AWAIC in Anchorage are working with the Governor's Council and the Center for Human Development at the university on this issue.

Kari Robinson stated that the Network also received a second stage disability grant, and their next legal advocacy conference will have a track on disability issues. The Network is trying to get better statistics and to make the programs accessible to that population because there are a lot of barriers.

## **VAWA COMPLIANCE ISSUES AND DETERMINATIONS**

Mr. Svobodny reported that the State of Alaska is in compliance with Violence Against Women Act grant requirements. He said he spent the most time lately on the HIV testing requirement and has written an opinion indicating that if the statute is interpreted to be constitutional then the state is in compliance. The effective date is January 6, 2008. Many people think the statute as written is unconstitutional — it states that at the request of a victim a person will provide bodily fluids for HIV testing. It cannot be read literally in many other respects. It may be that they mean the triggering event is the request by a victim, but you cannot get around the constitution. So you have to have the courts involved, which the statute does not indicate at all. So if you make the assumption that it is going to be constitutional, you have to read in the requirement that they follow the U.S. Supreme Court case of *Shmurber vs. California*. The statute also requires that something happen within 48 hours after an indictment or an information is filed. He said he concluded that reading the statute reasonably means that is simply impossible. What happens if the victim does not ask until 72 hours after an indictment or an information? The problem is figuring out what a reasonable time is to trigger the 48-hour clock to run. Another example could be someone is indicted and the police are looking for that person for a year to arrest him.

Obviously, that has not met the compliance standard. It seems to him that to read the statute in a reasonable way it must mean that the state is to do something within 48 hours of a request being made and there being an indictment. That is the practice right now. Compliance people in the Department of Law are happy enough with the memo that he sent to them about reading the law reasonably and not literally. DOL is comfortable that 48 hours starts from when DOL is asked by the victim. That only applies to the Grants to Encourage Arrest and not the other grants.

Mr. Svobodny stated that there are some problems in certain communities with complying with the Victims Rights Act about confidentiality and how victims are being notified. So he has a draft change on that policy.

Mr. Svobodny said the Council previously discussed the forensic medical examination issue. Alaska statute 18.68.010 says that victims who receive medical exams are not to be charged for those exams, and there is no condition precedent to that. So the idea of police saying that the victim must have the exam before they can go forward with an investigation is covered under the statute too. There are no exceptions under the statute; victims cannot be charged. He said he understood that some police departments might feel differently, but they have to comply with Alaska law.

Ms. Ashenbrenner said she understood that the Anchorage Police Department and other municipal law enforcement agencies would not pay for the sexual assault forensic exam if the victim was not reporting a crime. Colonel Holloway said he would check on that.

Mr. Svobodny clarified that if a victim goes to a hospital and says she wants a forensic exam, the police are not on the hook for that. That is not really a forensic exam. Colonel Holloway agreed.

Ms. Ashenbrenner stated that at the VAWA conference staff attended last week the issue was that the certification CDVSA has to give in order to get VAWA funding says that a victim is not required to cooperate with law enforcement in order to have their examination paid for. That leaves the question open about who will pay for that exam because it would basically be an anonymous exam. How states are doing that was a big topic at the VAWA conference.

Colonel Holloway said that the interpretation of cooperation needs to be looked at. He did not see how to get around the victim having to report an assault in order to start the payment process. But they do not have to be a cooperative victim or witness for the police to take a report and try to work a case.

Mr. Svobodny stated that the police cannot say that if the victim does not participate in the examination that the police will not follow through on the case. However, it is writing a blank check for anybody who shows up at a public or private hospital for an exam.

Ms. Morton said that was discussed at the VAWA conference, and there are some states that have the payments go through their Violent Crimes Compensation Board that has a separate fund for examinations. Some states use their STOP Grant law enforcement funds, and some use either

their state funds or money for local law enforcement. There are various models of anonymous reporting, and states are looking at ways to do that. One of them is a non-report evidence-based collection — victims are offered the exam, whether they are going to participate in the criminal justice system or not. When no offense has occurred from a law enforcement perspective because there has been no report to them, often these exams are kept in hospitals or health care facilities where the exam takes place. The one used more often now is called anonymous or Jane Doe or third-party reporting. The victim's identity is shielded, and they are offered the exam whether or not they want to participate in the criminal justice system. Usually the hospital will make the anonymous report, and law enforcement will store the evidence at the police department's facility. Another model is anonymous mandated reporting, where all sexual assault is reported so the state can learn about the prevalence of sexual violence. Victims do not have to participate in the criminal justice system. Law enforcement receives the report, and the evidence is kept at the local law enforcement facility or the state crime lab. From law enforcement's perspective a crime has taken place, they get a report, and they act or not depending on their local protocol about victimless investigations. Another model is victimless prosecution, which is more familiar in the domestic violence realm. The presenters at the VAWA conference did not think it would necessarily be appropriate in sexual assault cases so they did not spend much time talking about it. The fifth model was describing what happens in the military - a restricted report which is similar to an anonymous report so it stays out of the chain of command, and an unrestricted report which would go through. So the discussion was not just about the types of payment but geared toward how victims can get an evidence-based examination without having to make a decision to report to law enforcement in the critical early period of time when there is more evidence to collect, and having a way to store and track the evidence in case the victim at some point comes forward and wants to proceed. The STOP VAWA office seems to be asking states to work through before January 2009 how victims can get an examination without cooperating with law enforcement and making a report.

Mr. Svobodny said that while all the models sound like they are workable, they are about potential ways of saving a case if a victim changes her mind later on. But that is a different issue than who pays for the exam.

Ms. Morton agreed that it was different but said it is still a requirement of the certification, which is not only about who pays for the exam but is a discussion about when a victim can get the exam. The VAWA certification is saying that states cannot require victims to cooperate with law enforcement in order to get the forensic exam.

Ms. Ashenbrenner said she would be attending a meeting next week in Anchorage with Katie TePas, Colonel Holloway and others to discuss setting up procedures in the state to do this. The group would then get back to Mr. Svobodny if they felt they needed the Department of Law to help give instructions in establishing a process. Mr. Svobodny indicated that was fine with him.

Colonel Holloway commented that law enforcement cannot be partially official — call one occurrence a crime and another occurrence not a crime — and pay for things. Once it becomes official, then law enforcement can do something, but until it becomes official, law enforcement

is constrained from being able to give money to something they don't know anything about. But there must be ways to provide funding for examinations outside the official system.

Mr. Svobodny read aloud the language of the pertinent statute, pointing out that the rule of construction does not really say that the state has to create and fund some anonymous system of reporting.

Ms. Ashenbrenner pointed out that the VAWA Office has clearly stated that in order for Alaska to get the STOP Grant funding it must certify that the state will not require a victim of sexual assault to participate in a criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical examination or be reimbursed for charges incurred on account of such an exam.

Mr. Svobodny said the state does not require victims to do any of that.

Ms. Morton stated that she has heard from more than one source that the Anchorage Police Department is asking for cooperation before they take victims for an examination. At one time it was a concern in the Mat-Su jurisdiction, but she did not know if that was still the case. She said the Office of VAWA attorney indicated it was not okay for a state to certify that they do not require victims to cooperate and then have some local jurisdictions within the state that do require cooperation. The attorney said that local jurisdictions would either have to change their protocols or the state has to find a work-around for that.

Mr. Svobodny said he was willing to write the certification letter, and the last word he heard was that the Anchorage Police Department was providing the examinations at its expense. If that is not correct, then he wanted to hear about an example.

Kari Robinson of the Network said that she has received calls from victim services programs where local law enforcement has said they do not have funding to provide the examination. She said it would be great if there was a memo clarifying that local law enforcement agencies have to follow the statute. There is no problem with the Alaska State Troopers because Katie TePas has been training people, but there is a wide range of practice among local law enforcement agencies.

Ms. Ashenbrenner stated that CDVSA did not want to put its STOP Grant at risk and would be attending the meeting next week to make sure Alaska is doing what is necessary to be in compliance.

Mr. Svobodny said that once this issue has been settled, the CDVSA should take the next step and think about a funding mechanism for anonymous reporting.

Chair Williams indicated she expected this item to stay on the agenda so staff could update the Council on compliance.

Mr. Svobodny remarked that the answer to this question won't be clear until there is an audit three to five years down the road because the VAWA Office is not willing to answer questions about clarification.

Ms. Ashenbrenner said there is an ad hoc group of VAWA state administrators forming in order for them to figure out among themselves the answer to some of the questions.

### **PUBLIC COMMENT**

At the chair's inquiry, there was no one present in Juneau or on the telephone who wished to address the Council.

### **REPORT AND ACTION FROM EXECUTIVE SESSION**

MR. SVOBODNY MOVED TO COMMEND GINGER BAIM FROM SAFE IN DILLINGHAM FOR PROVIDING TECHNICAL ASSISTANCE AND SUPPORT TO WISH IN KETCHIKAN. MR. HOGAN SECONDED.

Mr. Svobodny requested that, if the motion passes, Ms. Ashenbrenner draft a letter of commendation for the chair of the Council to sign.

There was no further discussion, and the motion carried unanimously.

Mr. Svobodny stated that the Council should direct staff to use the quarterly reports to identify whether or not there are substantial changes with programs over time that would create a red flag that the CDVSA should investigate. If there are other measures besides the quarterly reports, staff should have the discretion to figure out what those measures are.

MR. SVOBODNY MOVED THAT THE COUNCIL DIRECT CDVSA STAFF TO CREATE A PROCEDURE TO IDENTIFY PROBLEMS WITH PROGRAMS BY USING PRESENTLY EXISTING DATA. COLONEL HOLLOWAY SECONDED.

Chair Williams said a directive to staff in the form of a motion was a lot stronger action than she had anticipated when she brought the issue up.

Ms. Ashenbrenner stated that analyzing quarterly reports over time to look for trends is just one of many CDVSA business practices that has to be improved upon. She questioned whether the Council needed to make motions on each area where staff needed to improve. For example, staff also needs a procedure to do some analysis of proposals when they come in and how they compare to what a program did in the past, etc., to give the Council more information to go on when making funding decisions. She suggested that perhaps the Council could encourage staff to continue the ongoing process of improving CDVSA business practices.

Mr. Svobodny said he would withdraw the motion. He added that staff had indicated there were

often red flags but no process for identifying them as red flags and moving a particular program up on the audit cycle.

Ms. House asked if there was a grid of the programs to keep statistics for comparison purposes. Ms. Ashenbrenner said no, that she would be reluctant to put the information on a grid because the program service areas and what they do are so different. What staff needs to compare to is a program's prior performance.

Chair Williams stated that the Council wants staff to develop best practices, and an analysis of the quarterly reports is something to see whether it is necessary to conduct an audit. She said she expected staff to come back with some recommendations on the best practices they are working on.

Colonel Holloway, as second to the motion, indicated he was fine with withdrawing the motion and proceeding as the Council discussed. The other Council members all concurred.

### **VAWA GRANTS TO ENCOURAGE ARREST EARMARK TO DEPARTMENT OF LAW**

Mr. Svobodny said the Department of Law received some federal earmark funding (about \$900,000), and they had been waiting for the HIV issue to get resolved, which it has been. Briefly, DOL plans to: (1) put a paralegal in Barrow, the only office without one; (2) create a position in the appellate section to deal specifically with appellate issues involving domestic violence and sexual assault; and (3) fund some prosecutors in various locations.

### **ALASKA NETWORK ON DOMESTIC VIOLENCE & SEXUAL ASSAULT REPORT**

Ms. Robinson, director of the Legal Advocacy Project at the Network, said she was sitting in for Peggy Brown, the Network's executive director. She reported on the following items:

- It has been great working with the CDVSA over the past year under Ms. Ashenbrenner's leadership. There is a lot more statewide coordination and collaboration between the CDVSA and the Network.
- The Network is having the quarterly winter meeting next week in Anchorage. A morning session will include attending the housing and homelessness coalition's annual meeting in Anchorage. (Housing and homelessness were issues that the Council discussed at its last meeting.) Ms. Ashenbrenner will be attending the third day of the Network's meeting to give an update on some projects and to talk about some issues that require planning before the start of the legislative session.
- The Network receives some funding from the VAWA grant's discretionary component to conduct some statewide training. The legal advocacy conference will be February 4-5, 2008 in Anchorage. For the first time this will be a joint endeavor with the legal advocacy track and a separate track looking at vulnerable populations and how to make services accessible. The Network will provide funding for two advocates from each

program to attend that training.

- The continuing legal education (CLE) training, which is the primary recruitment and training vehicle for volunteer attorneys around the state, will be held March 31 and April 1, 2008. This training is co-sponsored by the Alaska Bar Association.
- The Network's big biennial conference is scheduled for the week of September 22, 2008. This is a cooperative effort with the CDVSA.
- In October, the Network was awarded a two-year Rural Domestic Violence Grant, which the Network had written in conjunction with the Alaska Immigration Justice Project (AIJP). The focus of the grant is to develop culturally and linguistically appropriate outreach and intervention strategies to work with victims in rural areas of the state. The grant will fund immigrant community outreach workers in programs around the state, as well as two positions with AIJP in Anchorage to do statewide work and coordination. There is money for court interpreting services and for child care to help members of those communities develop leadership skills. The grant is a lot about developing community capacity within those communities, which addresses the issue of serving underserved populations and people who are really vulnerable.
- The Network has been working jointly with the CDVSA on the Grants to Encourage Arrests. Last week there was a training in Anchorage and the CDVSA's Linda Hoven trained the court-based advocates who are funded under that grant. It was also a good opportunity for the court-based advocates from Kotzebue, Anchorage, Kenai, Palmer and Barrow to network with each other. Besides the basic training, there was a more advanced session on family law taught by Robinson and Christine Pate.
- The Network has been working jointly with the CDVSA on the database project. Trainings were held in September, and all CDVSA-funded programs now have the new database and are entering data. Both Network staff and CDVSA staff are continuing to provide technical assistance and support. That project would not likely have been possible without the CDVSA office being fully staffed and without the increased coordination that has taken place over the last year.
- Josh Edwards, the Network's director of the Delta project, a domestic violence prevention grant through the Centers for Disease Control, has left the state. The Network is now recruiting for that position.

Ms. Stewart mentioned that Katherine Altener was leaving the Family Law Self-Help Center in Anchorage to work on a statewide project for unbundled services to provide assistance to people who are representing themselves. She thought that project could help fill some gaps where there are no legal advocates in some of the outlying regions. Ms. Robinson said she did not know any more details, but the Network will definitely keep in contact with Katherine and let the Council know of any developments.

Regarding the Network programs attending the housing and homelessness coalition meeting, Chair Williams suggested that programs also look at the Association of Alaska Housing Authorities, which has a web site. Ms. Robinson said she would bring that up at the meeting.

## **EXECUTIVE DIRECTOR'S REPORT**

Ms. Ashenbrenner stated that the CDVSA intends to "marry up" the Rape Prevention Education money it gets through Public Health with the Network's Delta funding to make a coordinated prevention effort. That has been on hold since Mr. Edwards at the Network gave his notice, but there are plans to move forward with that when the position is filled.

### **Grants to Encourage Arrests Tribal State Forums:**

CDVSA Administrative Manager Jo Griggs reported that forums have been held in Soldotna, Bethel, and Dillingham. The coordinators got together after the first tribal state forum in Soldotna and tweaked the contents. Bethel and Dillingham were excellent forums. At Bethel there was a huge turnout of troopers, village police officers, village public safety officers, tribal police officers, and magistrates. Having the magistrates there was very helpful because people were able to get answers to questions that related to their particular community. At Dillingham there were a lot of representatives from TANF (Temporary Assistance to Needy Families) and OCS (Office of Children's Services) in attendance. Something that received positive comments was that the Department of Law had regional assistant district attorneys and paralegals at the forums, and the community people liked being able to get answers respective to their own communities.

Ms. Griggs said there are forums scheduled for Fairbanks and Juneau in May 2008, Kotzebue and Nome in June, Barrow in July, and Anchorage in September. She asked that Council members who wish to attend, or if they know of someone who would be a benefit to the forums, to email her so she could make arrangements.

Ms. Ashenbrenner reported that the Alaska Native Justice Center, which has been a partner in the tribal state forums, has received a grant from the Office of Violence Against Women to hold a statewide conference in Anchorage at the end of April 2008. The conference will focus on sexual assault, and it will build off the tribal state forums.

### **MOA with Department of Corrections:**

Ms. Ashenbrenner said she talked about the memorandum of agreement earlier, and she is getting ready to sign this year's MOA.

### **CDVSA Staffing:**

Ms. Ashenbrenner reported that the CDVSA is fully staffed for the first time in a long time. Paul McCarthy is the newest associate program coordinator, who brings a lot of expertise on batterers intervention programs with him, as well as a background in fetal alcohol spectrum disorders and working with children. Harriet Moore is the new administrative clerk providing much-needed clerical help, which is vital when arranging travel for the tribal state forums.

### **Denali Commission Capital Improvement Project (CIP) Funding:**

Ms. Ashenbrenner stated that longer-term Council members know that the Denali Commission got a big allocation of federal funding for capital projects for domestic violence shelters a few

years ago. Most of the funding has been dispersed, and the last few distributions are getting ready to go out. The Denali Commission CIP money in the CDVSA budget has been spent, but there was other funding that went to the Department of Health and Social Services facilities section that was allocated in coordination with the Denali Commission. Part of that is \$3.6 million to help Tundra Women's Coalition (TWC) build a new facility in Bethel. TWC has looked to the state for about \$1.5 million in general fund money for the match requirement. The Denali Commission has that match at the top of their list and will likely push for it in the state budget this year. TWC is currently in a substandard facility and bursting at the seams.

The STAR (Standing Together Against Rape - Anchorage) business plan is waiting to be approved. Once approved, they should receive a little over \$600,000 of the last of the Denali Commission funding to help them and another group of nonprofits buy the building on Fireweed that they occupy now.

There is about \$14,000 remaining in the CDVSA project funding, and an email was sent to the programs last week soliciting short proposals for equipment or repair needs. CDVSA will then forward those requests to the Denali Commission and get the last of that money spent. The funding requires a 50% cash match, which has been a challenge for programs.

#### **CDVSA Logo:**

Ms. Ashenbrenner proposed a search to find a logo that identifies the CDVSA to help in marketing what the organization is and what it does. Currently, the CDVSA uses the Public Safety badge.

Ms. House said she totally agreed that the CDVSA should be "branded," and it is something she has been advocating since she came on board.

Council members indicated they had no objection to staff conducting a search for a logo.

#### **Upcoming Grant Applications:**

Ms. Ashenbrenner said there are eight grants, including the STOP formula grant, that staff will be applying for in the next three months.

#### **VAWA 3-Year Plan Submission:**

Ms. Ashenbrenner thanked Lauree Morton, Kari Robinson and the other players for pulling together the three-year Violence Against Women Act plan for the federal office that enables the CDVSA to get its grant.

### **FINANCIAL OVERVIEW**

Ms. Griggs stated that only six programs have not requested their second quarter advance yet. Regarding the budget, the CDVSA has not encountered any expenses that were not planned or budgeted for. The remaining balance is slightly higher than was shown before because the CDVSA subsequently received the Rural Domestic Violence and Child Victimization grant.

Ms. Griggs said that for fiscal year 2008 CDVSA passed through \$125,000 of administrative funds to the grant line. That will not happen again in FY09 because the CDVSA office is fully staffed and will be using all its administrative funds for additional training and partnering on projects this year.

Ms. Griggs said the Governor's FY09 budget will be released next week. The VAWA earmark funding is not rolled into the CDVSA operating appropriation — it is in the special appropriation in operating and rolls into a separate AR. Any monies in this AR will not show up on the Governor's budget. Once the final appropriations have been made for FY09 and approved, then the balances will come back into the special appropriations.

Ms. Ashenbrenner indicated she was very pleased that the state administration supported the Council's budget request.

Mr. Hogan questioned why six programs would still not have requested their second quarter payment when it is almost ten weeks into the quarter. Ms. Griggs replied that it was not unusual because there are about that many agencies that are under umbrella funding, so they don't feel the financial pinch that they have to request the next payment from the CDVSA grant right away. She said there is no deadline for submitting the payment request.

Ms. Ashenbrenner mentioned that slow requests have been a problem for the CDVSA at the end of the fiscal year, and staff will talk to the programs about being more timely.

Mr. Hogan said that DHSS grantees have to have their reports in within 30 days of the end of the previous quarter.

Ms. Griggs clarified that CDVSA-funded programs have a deadline for submitting reports, but they do not have to request their advance at that time. However, she tracks when requests come in, and when a request does not show up in a reasonable period of time she alerts the program coordinator to follow up.

### **FUNDING REQUEST FROM DOC FOR CRIMINAL JUSTICE TECHNICIAN POSITION**

Ms. Griggs drew attention to an October 29, 2007 written request from the Department of Corrections for the Council to fund the criminal justice technician position in the Victim Service Unit for another year. CDVSA has paid for this position for quite a few years. A large population that uses the automated victim notification system (VINE) is domestic violence and sexual assault victims, but it can be used by all crime victims. She asked that the Council not specify the source of the funds so she had some flexibility, but it would likely be general funds or VOCA (Victims of Crime Act) funding.

**MR. SVOBODNY MOVED THAT THE COUNCIL GIVE JO GRIGGS THE AUTHORITY**

TO SIGN A REIMBURSEABLE SERVICES AGREEMENT WITH THE DEPARTMENT OF CORRECTIONS (TO FUND THE CRIMINAL JUSTICE TECHNICIAN POSITION IN THE VICTIM SERVICE UNIT), AND TO ALLOW HER DISCRETION ON WHERE TO TAKE THE FUNDING FROM. COLONEL HOLLOWAY SECONDED.

The motion passed unanimously.

### **MEETING AGENDA AND DATES**

The next quarterly meeting was tentatively set for Thursday, March 6, 2008.

### **COUNCIL COMMENTS**

Regarding an earlier discussion on the certification letter required for the VAWA grant, Colonel Holloway said he would check with the Anchorage Police Department about their practices.

Ms. Stewart reminded everyone on how far the CDVSA has come since one year ago.

Ms. Ashenbrenner said she spoke to Frank Bailey, the director of Boards and Commissions in the Governor's Office, and he said they are very close to making Council appointments and the one remaining task force appointment.

### **ADJOURNMENT**

The chair adjourned the meeting at 12:05 p.m.

Note: The summary minutes are extracted from staff's tape recording of the meeting and are prepared by an outside contractor. For in-depth discussion and presentation details, please refer to tapes of the meeting and staff reports on file at the CDVSA office.

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