

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

**MINUTES OF FIRST QUARTER FY2010 MEETING
September 17, 2009**

**Location
Crowne Plaza Anchorage - Midtown
109 E. International Airport Road
Anchorage, Alaska**

CALL TO ORDER & ROLL CALL

Vice Chair Stephanie McFadden called the Council on Domestic Violence and Sexual Assault meeting to order at 8:30 a.m. on Thursday, September 17, 2009. Six Council members were present at roll call to form a quorum.

This meeting was originally scheduled to be held in Kodiak but, due to inclement weather in Kodiak, the Council members decided to hold the meeting in Anchorage, where the majority of Council members were present.

Council members present: Colonel Audie Holloway (Department of Public Safety, AST); Richard Svobodny (Department of Law) by teleconference; Stephanie McFadden (public member); Kristine Norbert (public member); Melissa Stone (Department of Health & Social Services); Susan Cushing (public member)

Council members absent: Cynthia Curran (DEED); Anne House (public member); and Sam Edwards (Department of Corrections)

Council staff present: Sandy Samaniego, (Executive Director); Joanne Griggs (Administrative Officer); Ella Nierra (Administrative Assistant); Lauree Morton (Program Coordinator) by teleconference; Ann Rausch (Program Coordinator) by teleconference

Others present (in person or by telephone): Peggy Brown and Lori Greengrass (ANDVSA); Beth Adams (AK Court System); Crystal Koeneman (Representative Fairclough's Office); Andre Rosay (University of Alaska Anchorage School of Justice); Suzanne DiPietro (AK Court System)

COUNCIL CONFLICT INQUIRY

Vice Chair McFadden inquired if Council members had a potential conflict of interest with any items to be discussed at this meeting.

There were no conflict-of-interest disclosures.

APPROVAL OF MINUTES

COL. HOLLOWAY MOVED THAT THE COUNCIL APPROVE THE MINUTES OF THE MAY 4-6, 2009 MEETING. MS. STONE SECONDED. The motion passed unanimously.

COL. HOLLOWAY MOVED THAT THE COUNCIL APPROVE THE MINUTES OF THE AUGUST 4, 2009 SPECIAL MEETING. MS. STONE SECONDED. The motion passed unanimously.

COL. HOLLOWAY MOVED THAT THE COUNCIL APPROVE THE MINUTES OF THE AUGUST 31, 2009 MEETING. MS. STONE SECONDED. The motion passed unanimously.

APPROVAL OF THE AGENDA

Vice Chair McFadden suggested taking some time at this meeting or at a meeting in the near future for a short training on where the CDVSA funding comes from, how the grant process works, and how the Council distributes the funds. The genesis of this request was the May funding meeting where some people, either present or on teleconference, seemed unsure about how the process worked. It would also be good training for new Council members and a refresher for the more seasoned members.

Ms. Stone said she would like that agenda item at the next meeting so there would be time to review any guidelines, regulations, or policies. She said such a review would be very helpful to her.

Col. Holloway mentioned that he has been through several funding meetings, and every time the Council and RFP responders have a general idea of the process but it is not very specific. He supported having a discussion and coming up with some formalized methods for distributing funds, if possible. It might be difficult, but the Council should at least go through the process of trying.

CDVSA administrative officer Jo Griggs said she could give an overview of the intent with the scoring sheets, and the Council could discuss where to take things from there.

Vice Chair McFadden stressed that she was not just interested in the scoring process. She wanted a discussion on how the state gets the funding and where the other funding sources come from. Ms. Griggs noted that she would be covering some of that in the financial report later.

Vice Chair McFadden said that when she first joined the Council Chris Ashenbrenner invited her for a day of orientation in Juneau, where she learned the staff's names and their roles and about the programs, which she found so enlightening. She did not think the newest members had been given that orientation.

Ms. Griggs stated that it was an issue that the Legislative CDVSA Task Force brought up, and new Council member training was built into the CDVSA Strategic Plan as well, because it was considered a very important part of being a Council member. She said staff had not gotten to it yet, but she and the executive director could speak with the new members later and make those arrangements.

Ms. Stone suggested having a time at the end of the agenda for general comments. For example, she had a question about how to use the CDVSA Strategic Plan.

Vice Chair McFadden added time at 2:30 p.m., following the scheduled agenda items, for the discussion on the CDVSA Strategic Plan. A time for wrap-up and general comments would be the last item before adjournment.

Mr. Svobodny informed fellow members that he would be in and out of the meeting by phone because it was the day for the governor to review the department's budget.

There was no objection to the agenda as amended.

EXECUTIVE DIRECTOR'S REPORT

Sandy Samaniego, the new CDVSA Executive Director, thanked the Council for selecting her for the position and said she would give her very best. She said it was not correct to say that this was a field she loves, because it was heartbreaking that this field even has to exist. But it is work that she is committed to, and she is honored to be entrusted with the responsibility — which she is discovering, after about two weeks on the job, is quite huge and fast-moving.

Ms. Samaniego handed out a written executive director's report dated September 17, 2009 (*on file at the CDVSA offices*). It contained information on various grants, including the funding source and amount, the objective, and the current status. The Rural Domestic Violence & Child Victimization (RDVCV) grant is in its last year. It will fund a 3-day rural conference October 7, 8, 9 in Anchorage, where about 80 participants are expected. Lauree Morton, CDVSA program coordinator, added that at least two people from each CDVSA-funded programs will attend the conference, plus several community partner groups (Office of Children's Services, Juvenile Justice, Indian Child Welfare Act workers, and other people involved in working with youth). She invited any Council members who were able to attend any or all of the conference to do so.

Vice Chair McFadden requested that staff routinely e-mail something to Council members about conferences and training opportunities.

Ms. Samaniego said the STOP program, funded by the Office of Violence Against Women (VAWA) was in its final year. The current fiscal year budget is \$750,900. She asked Ms. Morton to describe the challenges for this program.

Ms. Morton stated that the State of Alaska has been engaged with the VAWA Office in trying to reach agreement on whether or not the state needs a certification of compliance with the federal weapons laws in order to receive the grant funds. That would be a judicial notification that is provided to defendants in crimes involving domestic violence cases. She understood that the VAWA Office has allowed that the state does meet the certification for compliance, and after months they have agreed to release the 2009 formula grant and the STOP Recovery Act funds. The CDVSA office received a letter from VAWA on August 12, 2009 stating that. However, to date, the CDVSA has not received the awards. The challenge is that the CDVSA is ready to use the funds, which should have been available much earlier in the year.

Ms. Morton added that there are many more advantages and successes to the STOP program than there are challenges. The court interpreter project has been training people to be tested and certified as interpreters, and these people can then be used to assist victims in both civil and criminal cases. The victim services programs will also be able to access the interpreters when they need assistance for people whose first language is not English. The Legal Advocacy Project, operated through the Network, is up and going very strongly. So there are good things happening with STOP funding. The certification question will probably be ongoing, and the hope is that everything will get resolved and other projects can move forward.

Col. Holloway asked Mr. Svobodny to summarize the certification issue for people who might not understand the background. Mr. Svobodny explained that the Ninth Circuit Court of Appeals in the Nobrega case in Hawaii upheld a statute (that was almost word-for-word the same as Alaska's assault in the fourth degree statute) that a person could not be deprived of their rights to have a firearm unless the assault statute had a state of mind that the person was either intentionally assaulting somebody or knowingly doing it. So Hawaii's statute, and by extension Alaska's law, states that you cannot deprive someone of their firearms for a domestic violence assault. The federal government apparently does not like that decision, although it did not appeal it. So that is the federal law for the western states. CDVSA was denied the STOP grant money because the Alaska judges were not saying under Nobrega that the federal government could take a defendant's guns away — and the judges were not saying it because it was not true. The FBI gave the VAWA Office an opinion that said even if it is not true for assault in the fourth degree, it would be true for disorderly conduct, which in Alaska is not a crime of domestic violence, and for harassment. In Alaska, disorderly conduct and harassment are intended to be nuisance crimes. Ultimately, the VAWA Office agreed in the last month with Alaska's legal analysis about those three crimes (Nobrega assault in the fourth degree, disorderly conduct, and harassment). Alaska's concern about fighting that was that there would be substantially less changes of plea if somebody who was living a subsistence lifestyle thought that they were going to lose their ability to hunt. Another concern was that there would be a lot of pressure brought on victims by both an offender and a rural community every time somebody committed an assault in the fourth degree, and that there would be substantially more trials and substantially fewer convictions.

Mr. Svobodny stated that part of one of the federal approaches with trying to get around the Nobrega decision was they wanted Alaska to just change its law and make it harder to prove an

assault in the fourth degree, meaning to have to prove it was an intentional crime. The Legislature did not do that.

Continuing with her report, Ms. Samaniego said the Victims of Crime Act (VOCA) Recovery Act grant was awarded on August 31 to 11 grantees, and \$56,254 was reserved to be distributed in a request for proposal for the STOP Recovery Act funds. Programs are completing grant award packets and submitting required documents to the CDVSA office.

Ms. Cushing asked when any appeals to the grant award decisions would be opened or if they were ongoing. Ms. Morton replied that there is a 15-day window in which to appeal, and that window has closed. There were no appeals, but there have been requests for score sheets. She asked that any unsubmitted score sheets be forwarded to the CDVSA office.

Ms. Samaniego reported that the Safe Havens grant for the supervised visitation and safe exchange program is a 3-year grant for a pilot project in Fairbanks. It is just finishing the first year, which is the planning phase. Ms. Griggs added that staff has been working with the federal project coordinator and the project itself in Fairbanks, and everything is moving along fine. IAC (Interior Alaska Center for Non-Violent Living) in Fairbanks has a facility and is now building the protocols, which the federal project coordinator has to review. Once approved, IAC can move on to the next step.

Ms. Stone inquired about the type of reporting the Council would get on the visitation and safe exchange project. Ms. Griggs said it would be part of the executive director's report at the December meeting.

Col. Holloway asked if the Fairbanks program had documented a problem that the police department was having with child exchanges, because he had not heard of any big problem. Sometimes there are problems, and there are ad hoc ways that police departments and courts and parents work out the exchanges of children. Further, maybe the IAC program in Fairbanks could be a model for other places because visitation and exchange problems happen everywhere else.

Ms. Griggs replied that the CDVSA was planning to use the Fairbanks pilot project as a model to be replicated in other places in the state. She recalled that IAC's grant proposal included statistics and specific instances of problems in Fairbanks as part of the request for funding.

Beth Adams of the Court System stated that supervised visitation and child exchange is the Court System's number one request. There is not very much available, and it is only done through private parties, in addition to the ad hoc ways that Col. Holloway mentioned. The child custody investigator in Fairbanks in particular really needs more formal supervised visitation available.

Col. Holloway said he supported the idea, adding that parents that are having domestic violence issues with each other are forced into a situation where, because of a visitation order, they have to interact. Sometimes the exchange of children happens in police department parking lots

because parents assume that is a safe place. But officers are usually out somewhere else working, and many times the parking lot is not the safe place people think it is.

Ms. Adams recalled that the Cook Inlet Tribal Council operated a similar program in their building in Anchorage, but funding ran out. The Court System, in partnership with Cook Inlet, did apply for a Safe Havens supervised visitation grant for Anchorage and she did not know the status of that grant.

Ms. Stone commented that having a program in Fairbanks is great, but that model might not necessarily work in real rural communities where resources are so different. She would be curious to see how the pilot program could be translated to other communities.

Vice Chair McFadden called a scheduled break at 10:00 a.m. and the meeting reconvened at 10:15 a.m.

UPDATE ON HOUSE BILL 63

Crystal Koeneman, staff to Representative Fairclough, said she was the staffer that carried HB63 through the legislature. [HB63 converted CDVSA staff positions from exempt service to classified service and had the unintended consequence of freezing some staff salaries until their new salary rates catch up with their old.] She said she called in to the meeting to make sure that the bill was implemented the way that the bill sponsors initially thought that it was going to be, and if there are any concerns, what they could do to address those.

Col. Holloway stated that Dan Spencer, Director of Administrative Services in the Department of Public Safety, attended the August 4, 2009 meeting and described what were deemed the unintended consequences of the staff reclassification. He said that the Council believed, and he thought it was the intent of the legislation, that the CDVSA employees would remain whole. Staff was protected and did not have to worry about applying for their jobs during a significant change, given the state hiring rules. But because of the way that the bill was written and then interpreted by the Department of Administration, and because it was not specifically addressed, it froze the employees at the wage at which they entered classified service. The Council had not intended that staff would have to wait until merit increases and cost-of-living increases caught them up to their old salary rates. When Katie TePas was the acting CDVSA executive director, and Sue Stancliff, the legislative aide to the commissioner for the Department of Public Safety, went to the Department of Administration and to Dan Spencer, they all came back and said they knew what the Council and the bill sponsors intended but the personnel rules governing classified employees and step increases came into play. TePas and Stancliff then met with Assistant Attorney General Bill Milks in the Department of Law who said that the way that the Department of Administration interpreted the CDVSA staff conversion situation was correct.

Col. Holloway said the Council is stuck and not getting anywhere at this point because the Department of Administration is bound to interpreting the situation according to the personnel rules, and the Department of Law has stated that DOA is interpreting the rules correctly. Nobody

is in a situation to fix it. The latest Department of Law suggestion is for the Council, through the executive director, to write a formal letter to the Department of Administration explaining the situation and what was intended and asking them to instruct the CDVSA on what it could do to fix things. DOA may write back and stand by what they have already said and say that any changes will have to be done through legislation. There may be something that DOA can do, but at least the Council would have that step done and documented.

Col. Holloway indicated there was August 21 e-mail correspondence from Bill Milks to Sue Stancliff that he would distribute copies of to Council members *[on file at the CDVSA offices]*.

Ms. Koeneman stated that because she was the person who carried HB63 for Rep. Fairclough she wanted to make sure that if they did something that ultimately harmed the CDVSA they would try to right it in some way, whether that was legislation or talking directly with the Departments of Law and Administration in conjunction with the Council.

Vice Chair McFadden referred to the August 4 meeting and said Col. Holloway had felt strongly about getting back to the bill sponsors about fixing the problem, but she had preferred going straight to the Department of Administration. But now she saw it would be better to go with the people who drafted the bill and who knew the intentions of what CDVSA wanted. The executive director could write a letter to Rep. Fairclough's office and copy the Department of Administration, and Ms. Koeneman could work on behalf of the Council's request.

Ms. Koeneman agreed that was the way it would probably end up happening. She cautioned that in the legislative process the rest of the members in the legislature likely will take a step back when there is an effort to fix an "oops," and it may not be as easy to get passed as the Council might think that it should be. She said she would relay this discussion to Rep. Fairclough later today and, pending her approval, she thought they would proceed to fix their error via another piece of legislation.

Col. Holloway emphasized that it was not that the bill writers did something wrong, because everyone pretty much knows what the intent of the bill was. But the bill's language was not explicit enough for the Department of Administration to make certain assumptions, because DOA had to go by what was written, and the Department of Law has to support them in the personnel rules. So that means going through all the steps of writing a letter to DOA to see if they can interpret the legislation differently, and then come back and ask for clarification in the legislative language.

Ms. Koeneman said she absolutely agreed with that process. She remarked that that is a problem with the 90-day legislative session, that if they had had a little more time she might have been able to do a bit more research. The language was amended *[to address some potential issues]* in the Senate and she ran out of time, and the bill was passed on the very last day of session.

Ms. Cushing asked, if and when this staff conversion to classified service was back at the Legislature, if it would help for Council members to speak with their representatives about this

and give Rep. Fairclough's office a boost for bringing it back to the floor.

Ms. Koeneman responded that it never hurts to speak with the individual representatives and senators. She expected that a bill would have to go through both House and Senate Finance Committees. Once a bill was drafted and introduced, she would have a better idea of who to talk to and where the Council could best help with that process. In closing, she asked for a copy of the e-mail correspondence from Bill Milk.

PREVENTION CAMPAIGN - STRATEGIC PLAN UPDATE

Peggy Brown, Executive Director of the Alaska Network on Domestic Violence and Sexual Assault (ANDVSA), and Lori Greengrass, DELTA Program Coordinator, participated by teleconference.

Ms. Brown reported that ANDVSA hired a communications director in August and were fortunate to get someone with a lot of experience. They have started work on the media campaign, and she would report more in the Network Report on the agenda later. The media campaign has two components: one is more of a public awareness messaging component, and the second is a social norms campaign.

Ms. Greengrass explained that the focus of the social norms campaign is to shift peer culture, and to establish communities that are promoting healthy relationships and working on prevention of sexual violence, teen dating violence, and intimate partner violence. They have a partnership that is collaborating and pooling resources to make the campaign bigger and more comprehensive — the Department of Health and Social Services; Chronic Disease and Health Promotion; Women, Children and Family Health; the Alaska Native Justice Center; the Alaska Native Tribal Health Consortium; and the University of Alaska Anchorage.

Lead On, a conference for youth, will be on October 4, 5 and 6 at Alyeska Resort. Youth from across the state will come together and learn what youth in other communities are doing to prevent violence and to develop leadership to promote healthy relationships. The project is growing the pool of youth that are working on projects, so there are more youth coming to speak this year about what they did over the past year. The Lead On project has budgeted for mini grants to carry out youth projects that will fit into the bigger campaign.

Ms. Stone requested a copy of the flyer for all the Council members. Ms. Greengrass said she would send those out.

Ms. Stone asked if there were best practices relative to this kind of an domestic violence prevention endeavor. Ms. Greengrass said it was a big word, but it looked promising based on some [practices] that are kind of based on evidence. However, she was not sure yet that these were the best practices. But it was a starting point. They are building on a model that was developed for different purposes but with the same kind of theory behind it. That model is called the popular opinion meter, which is how to develop a movement of leaders within a group and

then disseminate that into their peer culture. They have made some tweaks because of Alaska being a different and challenging state, and they are trying to incorporate the best practices that they do know of for youth development of leadership.

Ms. Stone said she noticed that Behavioral Health - Prevention was not included in the groups that the DELTA project was working with. The Department of Health and Social Services has pretty significant prevention efforts done through Behavioral Health. If you work with protective and risk factors in communities, it improves behaviors in many ways, not just mental health and substance abuse but also dealing with violence at the same time.

Ms. Greengrass said she was remiss in not mentioning that Behavioral Health helped fund Lead On, and the DELTA project has been working with Diane and Becky.

Ms. Stone stated that as the DELTA project is building its social norms campaign it would be really good to bring somebody from the prevention area into this, if it was still possible to do that, in order to maximize efforts and minimize duplication. DHSS is putting prevention monies out throughout the whole state, and she could not believe there were not ways to strengthen all the efforts.

Ms. Greengrass indicated that she would contact Diane and Becky about that. She said she had looked at some of the successes that they had with the Fetal Alcohol Spectrum Disorder (FASD) campaign, which was extensive and well thought out.

Ms. Stone mentioned that with the silo funding it is really important to make those cross connections. Ms. Greengrass agreed with her.

Ms. Greengrass explained the Fourth R (reading, writing, arithmetic, relationships), a comprehensive curriculum developed in Canada that can be carried out through health classes or English classes, and can be altered for other purposes. One curriculum developed was the aboriginal perspective, and they have been working with two communities to adapt that curriculum for Alaska. Some people from the Fourth R will be coming to Alaska on November 9 and 10 to provide training for teachers. There will also be a presentation with the Alaska Association of School Boards.

Ms. Cushing asked which two communities the Fourth R project was working with on the aboriginal curriculum. Ms. Greengrass said Ketchikan and Dillingham, which are enthusiastic about all the aspects of the curriculum.

Ms. Greengrass reported that the DELTA statewide steering committee has been working on a statewide plan to prevent intimate partner violence. That plan was presented to the Council at a previous meeting. There is an online survey to provide feedback before the steering committee starts creating the public access plan, and she would forward that to the CDVSA office for those interested in it. Or it can be accessed at www.andvsa.org.

CDVSA RESEARCH PROJECT REPORT - STRATEGIC PLAN UPDATE

Andre Rosay, Director of the Justice Center, University of Alaska Anchorage, said he started to work on sexual assault with the Anchorage Police Department seven years ago, and then started working with the Alaska State Troopers, and with sexual assault nurse examiners (SANE) as well throughout the state. *[A copy of Mr. Rosay's slide presentation is on file at the CDVSA offices and available at his web site.]*

Mr. Rosay stated that most of his research has been on sexual assault but some on domestic violence. He presented statistics from the Uniform Crime Reports on forcible rape, which is data collected from local and state law enforcement agencies that is submitted to the FBI for tabulation. Forcible rape is defined as the carnal knowledge of a female forcibly and against her will. So it does not include all sexual assaults but is only a sub-sample of sexual assaults that are reported in Alaska. The U.S. rate has been relatively stable but declining slightly from 1996 to 2008. The rate for Anchorage is substantially higher than the U.S. rate and has increased slightly from 1996 to 2008, although the amount of the increase is not statistically significant. Fairbanks is a smaller jurisdiction, and the rate of forcible rape is much more volatile depending on how many reported rapes there are in any year, but it clearly has a much higher rate. The 2008 data for Alaska and for Fairbanks are not yet available from the FBI. From 2003-2007, the Alaska rate was on average 2.6 times higher than the U.S. rate, the Anchorage rate was 2.8 times higher than the U.S. rate, and the Fairbanks rate was more than 5.0 times higher than the U.S. rate.

Noting the slight improvement in 2006 for Alaska as a whole, Ms. Stone asked if there was a community that was impacting the Alaska rate number where it could be said that something was working favorably. Mr. Rosay replied that he did not think he could say that by looking at the Uniform Crime Reports, because the only numbers available there would be for Anchorage, Fairbanks, and statewide. He added that the Department of Public Safety would probably have some additional information.

Responding to Vice Chair McFadden, Mr. Rosay said that every law enforcement agency in the state is supposed to send their data to the FBI regarding the number of forcible rapes that were reported, the number of arrests that they made, and then basic information on the age, race, and gender of the arrestees. Col. Holloway pointed out that there is nothing to make the law enforcement agencies report their data to the FBI. Mr. Rosay agreed that one difficulty with the Uniform Crime Reports is that the reporting agencies vary from year to year.

Mr. Rosay said they can also extract from the Uniform Crime Reports the composition of violent crime: murder and aggravated manslaughter, aggravated assault, robbery, and forcible rape. In Alaska, victims of violent crime are more likely to be a victim of forcible rape than they are elsewhere. So not only is Alaska's rate higher, but forcible rape is also a more common form of violent crime than elsewhere.

Mr. Rosay listed the limitations to Uniform Crime Reports. They only include forcible rapes that were reported to law enforcement, but national surveys estimate that about half of sexual assaults

are not reported to law enforcement. From 2002 to 2007, Alaska had the highest rate of reported forcible rape in the country. That was true for many, many years before 2002. It would take a tremendous amount of work in order for Alaska to be number two: Alaska would have to decrease the reported number of forcible rapes on average from 541 to 340, or by 36%. So not only does Alaska have the highest rate, but it is way and above the number two state.

Referring to the studies the Justice Center has done, Mr. Rosay stressed that they have never looked at the sexual assaults that were not reported to law enforcement. In addition, they only look at official records and have not done interviews. Some of the data they have is slightly outdated because they link everything to Department of Law outcomes, and those outcomes sometimes take a while.

In terms of the Alaska SANE study, the Justice Center collected almost 1,700 medical forensic reports from Anchorage, Bethel, Fairbanks, Homer, Kodiak, Kotzebue, Nome, and Soldotna. The majority of the reports came from Anchorage because they collected data from 1996 all the way to 2004. They also have extensive data related to alcohol use in the SANE study.

Mr. Rosay said that in the Alaska State Troopers study they collected 989 reports of sexual assault from 2003 to 2004. Almost half of the cases (49%) came from C Detachment, or Western Alaska.

The Justice Center has done Anchorage Police Department (APD) studies every two years, starting in 2000. They are about to start the 2006-2007 study.

With the Alaska Department of Law they always look at three outcomes. First, they determine whether the case was referred to DOL for prosecution. Then they examine whether the case was accepted for prosecution. They then examine whether the case resulted in a conviction. At this point, they have only looked at whether cases resulted in any conviction on any charge. So they don't know yet whether it is a sexual assault charge: it may be a reduced charge. In some cases, the charge may have been referred as a felony, for example, but the conviction may have been a misdemeanor.

Mr. Rosay stated that the key results have information on race, age, and alcohol use for victims and suspects, and then information on legal resolutions. On race, the two biggest groups are white victims and suspects and Native victims and suspects. In the AST study, a little over half of both victims and suspects were Alaska Native. In the Anchorage SANE data, half the victims were Alaska Native but only a quarter of the suspects were Alaska Native. In the Fairbanks SANE data, slightly over half of both victims and suspects were Alaska Native. Not surprisingly, in the rural sites, the vast majority of both victims and suspects were Alaska Native. When the Justice Center looked at the likelihood of reporting a sexual assault to the Anchorage Police Department by race, the rate is far greater for Alaska Natives than it is for members of other racial and ethnic groups. So half of the victims in the APD study were Alaska Natives, but they represent such a small proportion of the population in Anchorage that their rate is going to be far greater.

Mr. Rosay said they are often asked if sexual assaults are more or less likely to be within racial groups or across racial groups. The Amnesty International report suggested that most of the sexual assaults were across racial groups. The Justice Center has not found that in any of their studies. Over half the assaults tend to be within the same racial groups. That is particularly true with Alaska Native suspects who are more likely to assault Alaska Native victims than any other victim.

Moving on to the victim age data, Mr. Rosay pointed out that there are vast differences between the APD and the Alaska State Troopers (AST). The vast majority of the victims in the AST reports are very young. For 29% of the reports the victim was 13-15 years of age, for 25% of the reports the victim was 6-12 years of age; and for 11% the victim was 0-5 years of age. So 65% of the reports through the Alaska State Troopers were for victims who were 15 years of age or younger. For the APD, the most common victim was 31 years of age or older — a striking difference.

Looking at suspect age data, Mr. Rosay stated that in the AST study most of the suspects tend to be between the ages of 16 and 40, with 25% of the reports between the ages of 21 and 30, and 22% between the ages of 16 and 20. Many of the victims were very young, so that indicates that they are being assaulted by suspects who tend to be older. Comparing the AST study suspects and the APD study suspects, the differences are pretty small, certainly less striking than they are for victims.

One of the most revealing pieces of information was that the top 48% of the AST cases can be accounted for by five victim/suspect age combinations, as follows:

1. Victims 0-12 years old, suspects 31+ years old.
2. Victims 13-15 years old, suspects 16-20 years old.
3. Victims 13-15 years old, suspects 21-30 years old.
4. Victims 13-15 years old, suspects 31+ years old.
5. Victims 31+ years old, suspects 31+ years old.

Mr. Rosay next reviewed alcohol use. The APD studies show that every year over 60% of the victims have used alcohol, and over 70% of the suspects have used alcohol. In the SANE study, in every site, except for Homer and Soldotna, over 65% of patients have used alcohol. In the SANE study, over 75% of suspects have used alcohol in every site. In the AST study, they found lower rates of alcohol use, with 27% of victims using alcohol and 43% of suspects using alcohol. Of note is that many of the victims in the AST study were very young. Because the study was looking at official documents only, there are two possible explanations. One is that they were less likely to use alcohol, or second, it is also possible that they were less likely to report doing so, in which case the study would not capture that by looking at the police reports.

Mr. Rosay stated that data from the AST study showed that 27% of 13-15 year old victims reported using alcohol at the time of the assault. Also, 31% of the suspects reported using alcohol, and this was the group 21-30 years of age. The Justice Center has very detailed data on

alcohol use in the sexual assault nurse examiner (SANE) data. He showed a graph of the rates of alcohol use by site, noting that some of the sites had a small number of patients included in the study and those should be interpreted with a great deal of caution. In Anchorage, 66% of patients reported using alcohol. In Fairbanks, 71% of patients reported using alcohol. In Bethel, 71% of patients reported using alcohol.

Mr. Rosay said that they were also able to look at the percentage of patients who reported being incapacitated at the time of the sexual assault, meaning that they were passed out because of alcohol use. In Anchorage, 23% of the patients reported being passed out at the time of the assault. Those assaults would not be included in the Uniform Crime Reports that are tabulated by the FBI. In Fairbanks, 31% of the victims reported being passed out at the time of the assault, and in Bethel, almost half of the victims reported being passed out. If the victim has no details of the assault, that obviously makes the law enforcement investigation much more complicated.

Mr. Rosay moved on to discuss the results of the Department of Law studies. Overall, depending on the study they look at, 18% to 46% of cases that are reported to law enforcement will result in a referral for prosecution. The Justice Center was unable to assess from the numbers whether cases from one jurisdiction are more likely to result in a referral versus others because the cases are so different. A sexual assault that is reported in Bethel is very different than a sexual assault that is reported in Anchorage.

Chair McFadden asked Col. Holloway about what determines if an assault is referred to the Department of Law. Col. Holloway said the police department or the State Troopers are the referring agencies, and they refer the cases to a state prosecutor. For sexual assault it is always state prosecutors, which would be the District Attorney's Office at the different locations. Whether or not the case is referred depends on two things. One is the rules of the agency. Some agencies will say they are going to refer all cases, whether they are prosecutable or not. Then the district attorney can say whether they will prosecute. Other agencies will make that determination depending on the amount of evidence that they have and only forward those cases which they have learned are likely to be prosecutable. Anything that is questionable, they will send those in too, just to make sure that nothing is missed.

Ms. Stone asked if there was any evidence nationwide to show that if an agency is required to refer cases that it impacts the crime. Col. Holloway said not that he knew of. He said APD does not submit all the cases to the District Attorney's Office, but they work closely with the DA's Office and they know pretty much which cases can be accepted. Alaska State Troopers, for the most part, submit all cases to the DA's Office if there is a suspect, to be either accepted or declined. APD has a relatively small area of jurisdiction compared to the rest of the state, and it is an agency whose investigators have a higher level of understanding of what the particular local DA's Office will take. Usually those investigators and those prosecutors are experienced and fairly stable, and they work closely together all the time. But it is more incumbent upon the Troopers to not allow anything to drop through the cracks because of the number of troopers that are constantly rotating around the state, as well as the Department of Law prosecutors being rotated around the state. A one-year trooper in a village may be the investigator for the whole

assault case, and AST wants to make sure that no case is lost because of inexperience or because somebody was sent from another location to do the investigation. The only way they would not submit a case is if there was absolutely no suspect.

Col. Holloway responded to a question from Ms. Griggs about if the reason why the APD has a different type of cases than the AST is because the Troopers respond to a different population or region than the APD does. He said APD has a more urban population. There are some areas in the APD jurisdiction, like Chugiak and along the Seward Highway, that may be semi-rural, but not really. The AST has both rural and urban jurisdiction, and sometimes extremely rural.

Col. Holloway mentioned that the Justice Center studies have been so helpful to AST because AST had anecdotal information and things they thought they knew. Some of it was true and some of it was not true. For example, there was belief that AST was not spending enough time working on their cases. The data showed that AST was spending a lot of time on the cases and that the cases were actually very good. He thought that a report from Amnesty International based on anecdotal information was not based very much on real numbers, but AST could not refute the report because they did not have real numbers. Certainly some of the things that Amnesty International said were true in some of the cases, but overall, when the AST study was done, it showed that AST was doing a pretty good job.

Col. Holloway said that neither AST nor APD is doing as good a job as they should on cases that do not have enough evidence to work with, because sometimes they cannot go any further with a case. Sometimes the victim does not want to assist, or people do not want to talk about their families and who the suspects really are. AST is good at tracking back on rumors, but they cannot force people to talk. Law enforcement has to take cases in priority, and sometimes AST especially cannot get back to a case in a timely manner. There may be only two troopers in a whole region, and they may be working a sexual assault in the morning and then get called to do a search and rescue or respond to a homicide in the afternoon. So that assault case gets delayed, sometimes for days, weeks, and months. Trying to go back and pick up an old case or to get people to talk about it, they find that people may have put it behind them, or they may recant, or they have been contacted by the assailant and threatened or convinced that it was not all that bad, especially if the victim is a child. Sometimes it is even the community that puts pressure on the victims to not go further. All those things hurt a delayed case. If there were enough people to get on the sexual assault cases quickly and stay on top of them, there would not be as many cases that were not sent to the prosecutors. All police agencies have to put life/safety calls ahead of investigations. He liked the prevention idea. One idea is a program to hold offenders accountable and that there is absolutely no excuse for sexual assault or sexual abuse.

Mr. Rosay said that one of the difficulties with investigations on the APD side is the high number of sexual assaults that are committed by strangers. Those are very hard to investigate when there is absolutely no lead: 30% of the assaults reported to the Anchorage Police Department are committed by strangers. That is much higher than national averages.

Ms. Stone asked if there was a SART/SANE response on all the sexual assaults in the studies.

Mr. Rosay said no. Col. Holloway said that came back to his earlier point, that if law enforcement could keep focused on that investigation, even somebody who is not a police officer can still show that victim that they have support. On the other side, there are certain things that SART/SANE are not qualified to ask — and certainly things that police officers are not qualified to ask about the examinations. The partnership is where it is the best.

Mr. Rosay stated that the greatest drop-off in the process is the referral to prosecution. Once a case is referred, then there is a good chance it will be accepted. And once accepted, there is a good chance that it will result in some type of conviction, even if not on the original charge. The Justice Center has done some research on what could be done to increase the likelihood that cases are going to be referred for prosecution. Having the time to collect evidence is what is key. That could happen through sexual assault nurse examiners: research found that when victims do have access to a SANE, cases are more likely to be referred. That could also happen by having village public safety officers (VPSO) on site who are able to secure crime scenes before a state trooper arrives. When the case is reported first to a VPSO, that will increase the likelihood that the case will be referred. So there are lots of pieces to that, but anything to increase the amount of evidence in a case will increase the likelihood that a case will be referred to prosecution.

Mr. Rosay explained that the Department of Law studies also looked at everything from when sexual assault cases are reported to law enforcement, and there, only 11% to 22% result in a conviction. So the odds of a conviction are not very high. And this is all based on cases that are reported, because there are an unknown number of cases that are never reported to law enforcement — and obviously those never result in a conviction. The web site contains quite a bit of information about what does increase the likelihood of moving those cases forward.

Mr. Rosay stated that there are a lot of arguments that cases in the most remote sections of Alaska are less likely to be referred to prosecution, less likely to be accepted, and less likely to result in a conviction. The Justice Center never found that to be the case in any of the studies they did. He had tables showing resolutions by geography, defined as non-bush Alaska and bush Alaska - or on or off the road system. Cases that are reported from off the road system are never less likely to be founded, they are never less likely to be referred, they are never less likely to be accepted, and they are never less likely to result in a conviction. They also looked at cases and compared them as to whether they were isolated or not isolated locations. Isolated locations are ones where there is no Alaska State Trooper post. The non-isolated locations are ones that do have an AST post. Cases where there is no trooper are never less likely to be founded, they are never less likely to be referred, they are never less likely to be accepted, and they are never less likely to result in a conviction. The good news is that things in rural Alaska are working well. They could certainly work better because of the ultimately low conviction rates, but those cases are not at a disadvantage. That is an important finding, because people often hear about how law enforcement in rural Alaska is very difficult. But ultimately State Troopers are able to overcome those difficulties to get good convictions in those cases.

Col. Holloway said the caveat on that is that AST puts a priority on sexual assault investigations. It means that other kinds of cases — like assaults, thefts, burglaries, etc. — suffer at the expense

of cases that are given priority.

Mr. Rosay stated that this year the Justice Center is starting two big projects. One is a victimization survey. They have looked at lots of survey options that are available and have firmly concluded that the National Intimate Partner and Sexual Violence Surveillance System (NISVSS) is the best option available. NISVSS is a project that is coordinated through the Centers for Disease Control. It is a survey that measures health, psychological aggression, physical violence, coercive control and entrapment, stalking, and sexual violence. This survey has done an outstanding job addressing victim confidentiality and security, particularly through their pre-testing phases. The Justice Center is looking at the development of NISVSS+, which would have the same questions as listed above and then add questions about reporting the offenses to law enforcement and assess the barriers to reporting.

Mr. Rosay said that he found out September 15 that the National Institute of Justice has awarded Research Triangle Institute (RTI) the money to do NISVSS+, and the UAA Justice Center is collaborating with them on this project. Alaska will be the test site for NISVSS+. This study will give Alaska the ability to make firm comparisons between Alaska and every other state, which they have never been able to do, even with the Uniform Crimes Reports (because different agencies participate in any given year).

Vice Chair McFadden asked who was going to administer the survey. Mr. Rosay replied that a lot of details have yet to be decided. They have talked a lot about administration and security and have concluded that the safest way to conduct the survey is by telephone.

Col. Holloway inquired about the cost and how many people may get interviewed because of the cost. Mr. Rosay said the original plan was to survey both men and women, and they wanted to have the ability to have localized estimates for Anchorage and for Fairbanks, etc. But they quickly realized they could not afford that with the money available. The new money for NISVSS+ may change things a little bit, but it is unclear that they will be able to do localized estimates. At this point, they are looking at a statewide survey that would provide statewide estimates. Localized estimates would not be available because the sample sizes would probably be too small. Although not decided yet, they are looking at a sample size of 1,000 in Alaska, randomly selected throughout the state, using some good sampling techniques so that the survey is fully representative of the entire state. The data collection would be wrapped up by mid-spring. Hopefully, that would lay the groundwork for additional surveys in the future with additional funding [tape change...]

Col. Holloway mentioned that the CDVSA got almost \$300,000 from the legislature to come up with some kind of study. The Council looked at doing a study of its own and realized that it needed more expertise and the required confidentiality. He inquired of Mr. Rosay roughly how many people in Alaska would get interviewed, if the CDVSA was not asking the UAA Justice Center to do this, and if the Council had to work from a nationwide study. Mr. Rosay estimated it would be less than 200 people. Col. Holloway said Alaska is a very small part of the entire population, and the national survey would probably interview more people in New York City

than it would in Alaska.

Mr. Rosay said that the National Violence Against Women Survey, which predated the NISVSS study, had some very good information on the victimization of American Indians and Alaska Natives. But they talked to six Alaska Natives, and that is the national information.

Vice Chair McFadden asked how the NISVSS+ survey would target minors and get consent. Mr. Rosay replied that it was adults only. Col. Holloway added that, unless the survey has changed, the adult can talk about past histories. Mr. Rosay said they will have information about lifetime victimization as well as more recent victimization. Col. Holloway said it is a very good survey.

Vice Chair McFadden asked if Mr. Rosay would return to talk to the Council about the results. Mr. Rosay said he would love to.

Ms. Stone referred to the other information in Mr. Rosay's report and inquired about what conclusions he would draw from that, and if the Council had any actions or recommendations as a result of the information.

Col. Holloway stated that so far the Department of Public Safety and the Anchorage Police Department have been using this data to push their own internal policies and make decisions about staffing levels and things like that. The information has been out since mid-2007 and is fairly new. The Council in the meantime has been promoting trying to get this information out and used it partially to develop the CDVSA Strategic Plan in general terms, knowing it had numbers to rely on. It also gave the Council information to make the decision on prevention, because the CDVSA had not been doing prevention. One reason was that prevention was not allowed in the statutory language that created CDVSA. So that language was added, and then the Council incorporated prevention into the Strategic Plan.

Col. Holloway said that now the Council needs to go further. The Council learned that the studies really help, which is why it wants to do two other studies, one being the victimization survey. He has asked all the police chiefs in the state to send the CDVSA last year's and the previous year's data that they have in a silo so that it can be added altogether, because the CDVSA does not have any statewide data. The Alaska Association of Chiefs of Police have agreed, if the CDVSA gets the funding and the agreement of VAWA to support it, to work with the CDVSA together on a real-time, in-progress, two-year study. The results of those cases will probably take three years by the time all the cases get adjudicated through the system. With the results of this survey, plus the results of other studies, the CDVSA will be able to provide more information to the legislature and the governor in order to take a more active role. However, the Council has to decide what it should be doing next with the data being collected.

Ms. Stone said the next thing is to determine what the study results tell the Council.

Col. Holloway said some questions are if the Council can draw some conclusions from the study results so far, and if the Council should do a report from it. It depends on what the Council is

authorized to do and what they should do.

Vice Chair McFadden asked what the Department of Public Safety believed it could do with the data to implement prevention measures that would directly make the sexual assault numbers go down.

Col. Holloway stated that the Alaska State Troopers found out from the AST study that they were inadequately collecting evidence. The agency had not prepared the troopers as well as they should and given the troopers some basic tools to collect some evidence. AST corrected that, and it should make a significant difference when statistics are collected in the next year or two.

Col. Holloway reported that DPS and AST are trying to get support to put in the budget some funding to add a strike team of investigators that can go to rural Alaska. The Alaska Bureau of Investigations teams exist already in urban Alaska, but unless a sexual assault case is very complicated or really bad, they usually don't send an investigator from Anchorage out to the rural communities. They should be able to do that immediately, because a trooper in a rural community will not have the time to devote to investigation. A team of investigators to respond to rural Alaska means a better chance of making a case work. If law enforcement can start showing that response is better and it leads to better results in cases, they have to be ready for a possible increase in sexual assault reporting when people see that something is being done about it. Hopefully, that rate of sexual assaults will drop off after a while when potential assailants see that they will be held accountable. So AST is already making good use of the information from the Alaska State Troopers study, and he thought they could make a lot more use of it. It is up to the whole Council to decide, but he thought they should be as active as they can be, based on this real information to work from.

Ms. Griggs stated that the past year is the first year that CDVSA got money from the legislature for prevention and data/research. The Council was hoping that with data and research the CDVSA could go back and get more funding for prevention. Every current funding source except one does not allow using the money for prevention projects. It has always been a catch-22 of trying to do some prevention but having no funding to do it.

Ms. Stone said the message to the legislature would be that the CDVSA has some data based on the funding it got, and the Council has started some things that it wants to follow up on and see if they make a difference. For example, the Council has not talked about the impact of the Alaska SANE study, but it seemed to her that in collaboration with the Troopers' increased efforts, the SART/SANE effort is quite important in enveloping the victim. She said she did not know if the results of the SANE study told the Council that though.

Col. Holloway stated that the SANE study results showed that lack of sexual assault victim examinations means that fewer cases will be referred and prosecuted. He added that AST is partnering with the Centers for Disease Control (CDC) Delta Project to show that prevention has a big part to play, and that certainly sexual assault and sexual abuse are a public health problem. That is not the way the state has dealt with it in the past — it has been dealt with as a criminal

issue only. At least 30 years ago the CDC acknowledged that this was a public health problem, so where has the state been for 30 years.

Ms. Stone suggested that the Council assign someone to discuss some conclusions from the study reports to bring back to the next meeting.

Mr. Rosay stated that the UAA Justice Center has a detailed list of all the recommendations that have emerged from the research, and he would forward that to the CDVSA office.

Col. Holloway said the Council could evaluate those recommendations and see if it wanted to include those in a report to the legislature as well. The DPS commissioner is hopeful that the Council will become a lot more proactive in working on the sexual assault problem and not just being a council that divvies up money.

Ms. Cushing said she would like to see SART/SANE protocols for relationships with AST and how the examinations are conducted, if those do not already exist.

Ms. Stone said those would be the kind of recommendations that would come out of the study results.

Mr. Rosay stated that one of the advantages of both the victimization survey and the surveillance system, the two projects just getting started, is that they will finally have answers to the questions of what is working where and what is not working where. For example, looking at the Fairbanks rate of forcible rape and the Anchorage rate, he could not say whether Fairbanks truly has a higher rate or if that community just has higher reporting. If Fairbanks has a higher rate of sexual assault, then something is failing there. Alternatively, if there is more reporting in Fairbanks, then there is something the people involved are doing really well, because they are getting more victims to report. Without the victimization survey, he does not have the answer that question. With the surveillance system the UAA Justice Center will be able to see very specifically if there is a drop in the state rate, where that drop is coming from, and where it is not coming from. Then they can identify what people are doing in one place that made a difference, that did not happen elsewhere in the state. That will be a very important part of understanding the impact of what law enforcement and the criminal justice system are doing.

Ms. Stone stated that the DHSS Behavioral Health Division just got an \$11 million rural substance abuse prevention grant from Substance Abuse and Mental Health Services Administration's (SAMHSA) Strategic Prevention Framework State Incentive Grant program. People need to be working together, because the models for prevention are the same. The legislature is hearing the message and believing it, so working together on those messages has value when speaking to the same audience.

[Somebody was making a lot of banging-around noises during this period that is distracting to listen to and obscures some of the discussion. Lunch preparations?]

Col. Holloway inquired if Mr. Rosay recalled how much a sexual assault cost per person in Alaska. Mr. Rosay thought it was approximately \$150,000, so multiplying that by the number of sexual assaults that are occurring in Alaska, it costs millions and millions of dollars. The idea of that research was that if the state invested a portion of that to prevent these assaults from occurring, the cost savings would be phenomenal.

Col. Holloway said that not only does prevention save money, it saves the victims and stops the cycle of victimization. Several studies have shown that victims become perpetrators.

COLONEL HOLLOWAY MOVED THAT THE COUNCIL TAKE THE RESULTS OF THE STUDIES THAT UAA JUSTICE CENTER HAS CONDUCTED AND COMPOSE A REPORT TO THE COMMISSIONER OF THE ALASKA DEPARTMENT OF PUBLIC SAFETY, WHO CAN THEN PROVIDE IT TO THE LEGISLATURE AND THE GOVERNOR, DESCRIBING WHAT THE COUNCIL THINKS SHOULD BE DONE BASED ON SOME SOLID EVIDENCE. MS. STONE SECONDED.

Vice Chair McFadden indicated that the motion was approved. A few minutes later the administrative assistant asked that the action be formalized by an aye/nay vote, and it was again stated that the motion passed. Council members present at the time were Cushing, Norbert, Holloway, Stone, and McFadden.

Vice Chair McFadden thanked Mr. Rosay for his presentation. Mr. Rosay said he would be happy to work further with the CDVSA.

Col. Holloway commented that Mr. Rosay gave a very condensed report to the Council at this meeting: the Justice Center has tons more information and conclusions that can be statistically supported.

Ms. Stone said the study results have implications not just to the legislature but to how the Council distributes funds for outreach and education to solve problems, instead of having grantees doing prevention projects that have objectives all over the place.

Vice Chair McFadden called a short break to get set up for a working lunch, and the meeting reconvened [at a time that was not noted for the record].

BYLAWS REVISION DISCUSSION

Vice Chair McFadden mentioned that Mr. Svobodny, who headed up the Bylaws Committee, was not on line at this point. He had indicated earlier that he would be unavailable at times during the day. Other members were Kristine Norbert and Sam Edwards.

Ms. Griggs explained that the Bylaws Committee was addressing the questions of whether the Council chair could be a voting member, and if the number of people needed to form a quorum should be increased now that the legislature increased the Council membership from seven

members to nine members. She said that Mr. Svobodny also had asked for some information at the August 4, 2009 meeting about what steps the Council would follow to resolve a problem if there was a challenge from a program. She had notes from a staff meeting where they had talked about this, stemming from problems they had run into with a program, and the matter was never brought to the Council. She agreed to pass those notes on to a member of the Bylaws Committee so the committee could incorporate the information into their discussion.

Ms. Stone commented that doing business with fewer than half the members present, one of whom could possibly not vote, was not a very good representation for a decision.

MS. STONE MOVED THAT THE COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT INCREASE THE QUORUM REQUIREMENT FROM FOUR MEMBERS, AS STATED IN THE BYLAWS, TO FIVE MEMBERS. COLONEL HOLLOWAY SECONDED.

The motion passed unanimously, 5-0. Members Curran, House, Edwards, and Svobodny were absent for this action.

[Note to staff: was Sam Edwards present at this point to vote? The printed voting record in the meeting material shows him as voting yes, so when did he join the meeting? The roll call sheet shows him as being absent.]

Vice Chair McFadden said the next item for discussion was whether the chair should be a voting member, other than to break a tie.

Ms. Samaniego said the practice of a most governing bodies is that the chair does not vote, because the chair already has a lot of power in guiding the discussion. Also, the chair's job is based more on process than content.

Col. Holloway indicated that he liked the practice of the chair not voting unless there is a tie. The chair already wields a great deal of power and persuasiveness.

Vice Chair McFadden said she could see how the chair seat has inferred power and the ability to persuade, so it would be unjust to allow the chair to be a voting member.

Ms. Cushing commented that she agreed with the previously stated reasoning.

MOTION BY COLONEL HOLLOWAY THAT THE COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT LEAVE THE POLICY AS IS THAT ALLOWS THE CHAIR ONLY TO VOTE DURING A TIE. SECOND BY MS. STONE.

The motion carried unanimously, 5-0. Members Curran, House, Edwards, and Svobodny were absent for this action.

[Note to staff: was Sam Edwards present at this point to vote? The printed voting record in the

meeting material shows him as voting yes, so when did he join the meeting? The roll call sheet shows him as being absent.]

Responding to a question, Ms. Morton said she thought the election of officers took place at the first meeting of the calendar year, which would typically be the March meeting.

Col. Holloway recalled that the Council had also decided at one point that the chair would always be a public member of the Council, unless there were some extreme circumstances. The reasoning was to avoid any appearance that members from state government departments could control anything.

Ms. Morton informed the Council that the bylaws contain guidelines on how to amend the bylaws. Amendments can only be voted on at a meeting after the meeting at which the changes have been discussed.

Vice Chair McFadden responded that the Council discussed the bylaws changes at the meeting that took place at the Department of Public Safety Headquarters in Anchorage (August 4, 2009). The discussion was thorough and included input by Mr. Svobodny, the member from the Department of Law.

Ms. Morton indicated she was fine with that explanation.

ANDVSA REPORT

Executive Director Peggy Brown, at the Council chair's request, gave a short explanation of how the Alaska Network on Domestic Violence and Sexual Assault works with the CDVSA. The Network is a nonprofit organization that has been around since about 1980 and that represents the shelter programs. It does a lot of training, technical assistance, advocacy, and policy work. She mentioned that she had provided copies of the ANDVSA 2009 annual report to the CDVSA staff for Council members. The Network and the Council do a lot of legislative work and have been particularly active in the last four or five years working together on a lot of projects. The Network gets some funding through the VAWA grant discretionary component for the legal advocacy project. Most recently, when the legislature appropriated funding for prevention, it was not necessarily designated to go to the Network. It happened that the Council was very informed that the Network was already doing a lot of prevention work, and with its own federal stimulus money was hiring a communications director to do some media work. So the Council decided to support the Network even more because the work matched the CDVSA strategic planning and its mandates. She works closely with the CDVSA executive director during the legislative session trying to get great things to happen and to keep bad things from happening.

Ms. Brown reported that the biggest project the Network is working on, and which the CDVSA is directly involved with, is the media campaign that is about to launch. The Network has hired a design team and a production team to do three or four commercials that will air from November through February. The teams will probably be working at the Lead On conference to develop

some messaging from the teens that are working there. There may be one or two television ads from that group as well. The Attorney General's Office contacted the CDVSA, which in turn contacted the Network, because the AG's Office wanted to do some public service announcements (PSAs) on sexual assault. The Network will be speaking with them this Friday to see how everyone can work together with that.

Ms. Brown stated that on a national level there are discussions about reauthorizing the Violence Against Women Act, and 16 committees are working across the nation. She is on three committees: research, prevention, and sexual assault services. She has said many times that population-based grant funding needs to be changed. There is a lot of momentum right now about changing these grant formulas to have a baseline amount and then have a population component on top of that. Senator Murkowski's office is very aware of the desire to see that change as well.

Ms. Brown said there are some other things that have to do with SART/SANEs and whether or not the models really work and how they are working in rural states. In the committee work she has been part of, the discussion has been that the actual model is very difficult in smaller populations in rural areas, with a lot of problems that are not unique just to Alaska. The model works great in urban centers.

Ms. Cushing asked what size of community was experiencing problems with the SART/SANE models nationwide. Ms. Brown replied that there is no rural like Alaska rural, but places like Kentucky can have small towns with 500 population. But mostly the term rural is applied to towns with populations of 4,000-5,000 or less.

Ms. Brown said the Network was happy that the problem with VAWA funding and the weapons compliance issue had been resolved somewhat. The head of the Office of Violence Against Women, and Sue McLean and Rick Svobodny of the Attorney General's Office, plus herself, had been working on the difference in compliance. The new FBI Uniform Crime Reports came out a few days ago, and she recommended looking at those numbers. She expected that the UAA Justice Center would be doing a statistical analysis of those numbers in the near future.

Ms. Brown reported that the next Network meeting will be in Kenai on November 2-4, 2009. Ms. Samaniego has been invited. There will be several speakers, and one day will be devoted to strategic planning for the Network as a group. They will be giving the CDVSA Strategic Plan consideration as they do theirs, to see what the two agencies can work together on that they currently are not working together on.

Ms. Brown commended CDVSA staff, especially Ann Rausch and Lauree Morton, for the number of juvenile justice people who will be attending the Lead On conference next month. That has not occurred before.

Regarding the Council's talk about wanting to hear more about emerging and established trends, Ms. Brown said she is on the National Sexual Violence Resource Center board and the research

committee. There are some amazing trends and information coming through there from people all over, and she invited Council members to ask questions in person or by e-mail about trends that may or may not be Alaska-specific.

Lastly, Ms. Brown said the Network is already gearing up for the legislative session. They anticipate that sexual assault is going to be a very hot topic, and they have heard that several legislators are interested in some legislation around sexual assault. The CDVSA will be asked at some point about the Council's opinion on various bills. The Network is trying to get out in front and not be surprised by too many new pieces of legislation, but there is always something that pops up.

BIP STRATEGIC PLAN UPDATE

Ms. Samaniego reported that a request for proposal (RFP) went out to facilitate a statewide work group looking at batterers intervention programs (BIPs) in Alaska. There were two responses, one from Aiding Women in Abuse and Rape Emergencies (AWARE) in Juneau and one from Interior Alaska Center for Non-Violent Living (IAC) in Fairbanks. The Department of Public Safety chief procurement officer selected IAC in Fairbanks as the successful offerer of the service. Brenda Stanfill and Lisa Hay coordinated the IAC contract offer.

Ms. Morton explained that there had been a Legislative Budget and Audit report done on batterers intervention programs. The Legislative CDVSA Task Force had had some concerns and took an interest in learning more about BIPs. And the Council itself had an interest in that. The Department of Corrections also had an interest in rethinking where they were funding prison BIPs. So all of that came together into a decision to have a statewide work group look at the efficacy of batterers programs. It was decided to let a contract for \$20,000, and IAC was the successful offerer. The working group will identify performance measures to evaluate program effectiveness, review the regulations to determine if changes are needed in order to include cultural and demographic considerations, insure that the regulations are structured to provide victim safety and program and batterer accountability, review barriers to service access, strategize on a rural system of service delivery, and provide recommendations for a structured data collection method.

Ms. Morton said the working group will be organizing in October to develop the list of community members that will involve batterers program providers and other stakeholders and community partners so there is a good cross-section of people. They will address what is going on in Alaska, what is it working or not working, if some parts are working or not working, and how to make things better. The working group will develop recommendations, based on their review of the indicators listed above, about changes to the regulations, how to collect data, and ways to move forward in holding batterers responsible for their actions and providing ways in which they can choose to change their behavior. There was a meeting of the Anchorage DV caucus in the last couple of weeks, and they are interested in some Anchorage [tape change...missing part].

Ms. Morton stated that once the recommendations come out at the end of the one-year period there will probably be several different steps, some of which may be statutory changes and regulatory revisions. The idea is to have it completed in time to be available for the next legislative session.

Ms. Stone asked if it was a conflict for IAC to be reviewing BIPs in the state and making recommendations on performance measures, when as operators of a batterers intervention program themselves they might not want the performance measures.

Ms. Samaniego responded that there are so few programs with the expertise to do this. Plus, IAC will not be providing the standards; they will be bringing together a working group that will be providing the standards. And the Council is closely involved in who that group is going to be. IAC and CDVSA staff will be holding the first meeting on October 9, where one of the tasks will be to select members to be on the working group.

Col. Holloway stated that the Council had a lot of conflicting information about whether BIPs are effective or not, and there is not enough information in either direction to say what the CDVSA should be doing.

Ms. Griggs explained that the CDVSA had wanted to do this review for years and finally found a way to get it going using the administrative part of the federal stimulus funding.

Ms. Stone asked why the product of the working group was called the BIP Strategic Plan and if it was tied into the CDVSA Strategic Plan.

Ms. Samaniego replied that the purpose is not to create a strategic plan for batterers intervention programs. But determining the effectiveness of the BIPs is part of the CDVSA Strategic Plan.

Ms. Cushing asked how long batterers intervention programs have been around. Ms. Griggs said they have been in place the entire time she has worked for CDVSA. Ms. Samaniego added that BIPs have been around for 20 years. Ms. Cushing remarked that it did not appear that the BIP programs were in danger of being cancelled because of some ineffectiveness. Col. Holloway said he would not say the BIPs were not in danger.

Ms. Griggs stated that the CDVSA is having quite a conflict with the prison BIPs especially. The Department of Corrections determines what areas have the population that would benefit from the BIPs, but that may not be an area that the CDVSA has a program offering the service. It is not just a matter of whether a prison program is effective; it is a question of whether there is a program in a location to give a prisoner batterer accountability. There is also the problem of a prisoner completing a certain portion of the program but not the total program before they are released, and there is no follow-through for them to go to a community BIP where they can pick up the remaining components of the program.

Ms. Cushing asked if prisoners are court-ordered to attend a program, and if there was a chance a

released prisoner would go to a different area to avoid attending a court-ordered program. Ms. Griggs said one of the problems is through the court following them and making sure that they are held accountable to actually complete the program.

Ms. Stone mentioned another problem is if the court orders someone to go to a BIP and there isn't one in the area, then it causes significant difficulty in terms of employment, which only causes more trouble if they cannot keep a job.

Ms. Stone asked if the BIPs are following the best practices from around the nation. Col. Holloway responded that it is one of the questions to be answered from the working group's review.

Col. Holloway stated that the Council needs to make sure — and the Court System has been working with CDVSA on this — that judges understand the difference between batterers intervention programs and anger management counseling sessions. As money decreases for BIPs, a lot of defense attorneys tend to substitute anger management courses for a batterers program. But some studies show that BIPs are more effective. If a defense attorney can get anger management approved, it not only gets the defendant out of doing what he should do, but it dilutes the effectiveness of the general idea of making batterers accountable.

Ms. Stone asked if there was a corresponding relationship between what is diagnosed as anger versus what is diagnosed as battering, so the right people are going to the right programs. Col. Holloway said he did not know enough to say. His opinion is that people try to put the defendants in the wrong category, and there certainly is a difference between somebody who is just angry and somebody who batters others.

CDVSA STRATEGIC PLAN

Ms. Stone indicated she had a copy of the CDVSA Strategic Plan in front of her and was trying to figure out the Council's roles and responsibilities for progress on the Strategic Plan, how the progress is documented, and what activities are directed toward that progress.

As background, Ms. Griggs explained that a Legislative CDVSA Task Force traveled around the state, met with the public, and asked about areas that people felt the CDVSA needed to work on. One of the Task Force recommendations that came out of that effort was that the CDVSA needed a strategic plan. The Council then contracted with a facilitator to put together a 10-year strategic plan. The Council has worked hard to identify what it needs to do.

Vice Chair McFadden indicated that the CDVSA Strategic Plan was printed in two versions, a summary for distribution to the public and a more detailed document that includes action items and timelines for getting things done. She asked staff to provide copies of the comprehensive Strategic Plan document to the new Council members.

Ms. Stone said it made sense to stay in tune with what kind of progress is being made. Ms.

Griggs indicated that a discussion on the Strategic Plan could be put on the December meeting agenda.

Col. Holloway stated that at previous meetings the Council discussed that at each meeting it would talk about what the CDVSA was doing and what progress was being made. Everything was to be referred back to the Strategic Plan and the action plan for that year, making sure that the CDVSA was on track. Staff was to help the Council do that. He thought things got off track a little bit because of the transition to an acting executive director and then to a newly hired executive director. He commended Ms. Stone for bringing this up because she has probably seen other strategic plans that sit on a shelf and nothing happens. The Council did not intend for that to happen to this strategic plan.

IMPROMPTU REPORT FROM COURT SYSTEM

Suzanne DiPietro and Beth Adams from the Alaska Court System joined the meeting in person at this point.

Ms. DiPietro said her main responsibility is training for judges, and she also works on domestic violence initiatives for the Court System. She helps manage the VAWA STOP formula grant money that the Court System receives, as well as any earmark funding. At one time the Court System was part of a 20-member VAWA Planning Committee that deliberated on the distribution of VAWA grants. Then the Council went to a new process of considering and awarding the VAWA grants itself. The Court System does not sit on the Council, so part of what they try to do is stay connected to the Council, because there has to be a community response to domestic violence and sexual assault with the Court System involved. That is why she and Beth Adams dropped in at this meeting, once they heard the group had been weathered out of Kodiak. They wanted to keep in touch with what was happening with the Strategic Plan. She invited the Council and staff to contact Beth Adams if there were any issues involving the Court System. She said Ms. Adams gets out into the communities and does a lot of outreach with the shelters and all the players involved in the criminal justice system.

Col. Holloway asked if they could educate the group about what they are doing to educate judges and magistrates about the difference between batterers intervention programs and anger management. He also requested comment on the bail conditions of release programs in Anchorage and possibly other locations.

Ms. DiPietro responded that she and Ms. Adams have followed up with a number of individual judicial officers about the anger management versus batterers intervention program issue. She said it is not just judges, that magistrates do a lot of misdemeanors. Those two groups are pretty well aware of the law, but there are different ways to interpret some of the provisions.

Ms. Adams described that she has been working with [REDACTED] in Palmer on a project that they initiated to hold status hearings for offenders who have been ordered to BIPs. Every 30 days the judge talks to the offender, and if they are doing great that's fine, but if they are not, then the

judge either sends the offender back to jail or adds another year of probation, etc. She also heard that there are other places in the state where judges have status hearings. Some of the communities are small enough that they can bring every offender in, whether they have been going to a program or not. The real issues are in Anchorage, partly because there are too many offenders and not enough judges, defense attorneys and prosecutors to have those hearings. Another issue is that the Municipality of Anchorage has its own interpretation of what they can do in terms of plea bargaining, and they use batterer intervention programs as a negotiating point. So they (who?) are asking the courts to sentence offenders to 12-week programs, and there is no such thing. That is an issue that she just heard about from a domestic violence coordinator. BIPs are complaining loudly that the judges are doing this.

Ms. DiPietro stated that it is very unusual for a judge to reject a plea bargain, especially in a misdemeanor and in a situation where the parties have agreed, and the judge knows that the prosecutor had consulted the victim. This would be in municipal court, although there are some state ones too. She said she had not heard about the most recent iterations that Ms. Adams just described. But the issue of the municipal prosecutor's office and other prosecutors crafting plea bargains has actually been going on for years. Just the details of what they are doing differs.

When asked if she could do anything about that, Ms. DiPietro explained that it involves two different branches of government. She belongs to the judicial branch, and the executive branch and the prosecutor have prosecutorial discretion — and there is a reason for that. There is some oversight that is appropriate for the judicial branch, and then there is oversight that infringes on another branch of government's authority. The line between the two is not exactly clear, but it is an issue. People who do not practice in the criminal justice system are often surprised to learn that 98% of all cases that go through the court system are disposed of by plea bargaining. So 98% of the time the judge is not really making a decision.

Ms. Stone asked who municipal prosecutors report to. Ms. DiPietro said the mayor. Ms. Stone then said that the Council should communicate with the Mayor's Office.

Col. Holloway agreed that was something the Council should do — communicate that the Council has heard that municipal prosecutors of Anchorage do such and such. He recognized that they are doing it because of budgets and because there are so many cases. Most of the domestic violence cases in Anchorage are misdemeanors, and that means they are handled by the municipal prosecutors.

Ms. DiPietro suggested starting with a communication at the municipal attorney level to give him a heads up before writing to the Anchorage mayor.

Ms. Adams noted that plea bargains are often done because the case is not good enough to take to trial.

Ms. DiPietro reported that she found out that not everyone was entering bail conditions of release into the computerized case management system. The bail conditions could be to pay a

\$5,000 bond to get out of jail, or to have a third party custodian, or to go to AA while on release, or to stay a certain distance from a victim's house, etc. It is the period between the time someone is charged with a crime and the time they actually go to trial and plead or are convicted, and it can be a number of months. Law enforcement does not have an easy way of finding out what the judge told a charged person they could do or not do. Dispatch has to call the courts to check in a paper file. The Court System is working on a project to standardize the types of conditions that the judges impose and to enter that in the case management system, and also have a way to share that information with law enforcement. The consultant working on that this year with VAWA grant money will be traveling out to different locations to have judges test the template.

Col. Holloway mentioned that the Municipality of Anchorage had a paper-based system several years ago that was cumbersome to use. However, hearings are held all the time, and law enforcement would have to constantly recheck the file to see if there was a new condition of release added. Clerks were always contacting the court to keep things updated. Law enforcement was unable to arrest some of the offenders for violations of conditions of release or bail because they could not say with certainty what those conditions were. Regardless, with two officers dedicated to doing the checks, the Anchorage system was very effective because offenders found out they could not get away with ignoring the terms of their release.

Vice Chair McFadden thanked the Court System people for dropping by and for bringing the Council up to date on several items.

GENERAL COMMENTS & WRAP-UP (TAPE 4, SIDE B, #130)

Vice Chair McFadden invited Council members to bring up any general comments they had.

Ms. Cushing said she had questions about ethics and confidentiality, about what Council members are allowed to say as representatives of the CDVSA, and what was the company line — those kinds of things. Ms. Griggs indicated that CDVSA staff would be arranging orientation for all the new members.

Ms. Cushing asked if conferences and training that Council members were invited to were at their own expense. Ms. Griggs replied that sometimes there are funds in the travel budget for members to attend training, because it benefits the members to better understand the victim services programs. Ms. Cushing said it would be good for the Council to have a presence at some of the events.

Vice Chair McFadden suggested spicing up the agendas to make the meetings more interesting, such as bringing in speakers. Also, the Council could attend a one-day conference in conjunction with holding a meeting the following day. She requested that a future agenda include a short update from representatives of state departments on the Council about what each department is doing, how it impacts the CDVSA's goals and missions, and how the Council could help them do better within the community. She said an example is that the Council always hears about what the Department of Public Safety is doing.

Vice Chair McFadden asked that Katie TePas from Public Safety be invited back, because one of the most phenomenal reports she heard was the nurse reporting, which she thought was very important to the CDVSA Strategic Plan and the Council. Col. Holloway indicated that Ms. TePas, or anyone else from the Department of Public Safety, could attend any time the Council wanted.

Ms. Samaniego inquired of the chair if her requests were directives to CDVSA staff. Vice Chair McFadden said no, that she was just talking about things she would like to see happen, and perhaps the Council could address them or vote on them at the December meeting.

Ms. DiPietro related that she was corresponding with Carmen Gutierrez, the new special assistant to Commissioner Joe Schmidt at the Department of Corrections, and they have a revamped rehabilitation program that they are trying to get going. It might be interesting to ask Carmen to brief the Council on what DOC is doing, if anything, for domestic violence batterers intervention programs in the facilities.

Ms. DiPietro added that the Court System is very interested in being involved in whatever structure will be examining the BIPs in the state. Ms. Samaniego said the working group will be holding its first meeting October 9.

Regarding the items that Vice Chair McFadden brought up a few minutes ago, Col. Holloway said the Council should at least talk about some of them now and decide whether to direct the executive director to follow up, rather than wait until the December meeting.

Ms. Griggs stated that the bylaws do not contain anything that keeps the Council from requesting a speaker at the next meeting, as long as members generally agree.

Col. Holloway said the parameters should be that a request can be fulfilled at a reasonable cost, because any funding that is used is money that is not going to something else. Further, the Council should be getting some value out of whatever is done.

Vice Chair McFadden clarified that she was not asking for out-of-state experts to speak but rather to hear from people who know about Alaska.

Ms. Stone mentioned that it might be helpful when the Council meets in Juneau to have Diane Casto, who is responsible for Prevention and Behavioral Health at the Department of Health and Social Services, to talk to the Council.

Col. Holloway stated that Vice Chair McFadden's suggestion to hold a meeting around the date of a conference or training made sense to him, as long as the Council was cognizant of the fiscal part of it and could afford it. Vice Chair McFadden responded that the Council would already have to be at a location anyway in order to make that happen.

Vice Chair McFadden asked members about her third suggestion to get updates from the Council members who work in departments of state government. Her fellow members seemed to agree with that.

Ms. Stone reported that DHSS is making preparations within the department for continuity of operations relative to the H1N1 influenza. She wondered what was happening with the shelter programs in preparation for H1N1.

Ms. Samaniego replied that it has not been a Council issue. Ms. Stone suggested that CDVSA staff try to find out. She added that the Network could communicate with Public Health and get some guidelines and assistance for shelters to develop their own preparedness plans. She thought that shelter programs should already have infection control measures in place.

Col. Holloway commented that a shelter population is one that could easily slip through the cracks because parents might have children that do not go to school or they are trying to hide out.

Ms. Morton agreed it was a good idea to ask the Network because she knew they had started discussions, particularly around the H1N1 flu. She also thought the programs already had some communicable disease protocols.

Col. Holloway sought clarification that the department reports and the guest speakers should be listed on the agenda so that the persons responsible for doing that would be reminded. He suggested that CDVSA administrative staff could send a reminder to the people scheduled to give a report.

NEXT MEETING DATE

The next meeting, which would be a teleconference, was scheduled for Monday, December 14, 2009, starting at 1:30 p.m.

ADJOURNMENT

The meeting adjourned at 3:00 p.m.

Note: An outside contractor prepared the summary minutes from staff's tape recording of the meeting. For further details, please refer to tapes of the meeting and staff reports on file at the CDVSA office.

Confidential Office Services
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