



# 2nd Quarter Council Meeting

November 8-9, 2012

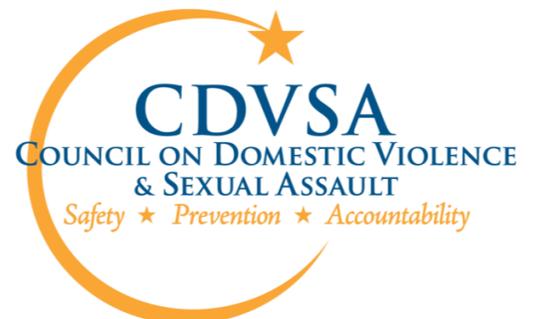
# 2012

## Council on Domestic Violence & Sexual Assault

LeeShore Center  
325 Spruce Street  
Kenai, Alaska 99611-7940

### Attend via Teleconference Line

Call: 1-800-315-6338  
Enter Code: 23872



### Cover Photo

2012 Choose Respect March

The LeeShore Center (LSC)  
325 Spruce Street  
Kenai, AK 99611-7940

(907) 283-9479

## Choose Respect in Kenai

The LeeShore Center has been proud to be the local sponsor for all three years of Governor Parnell's Choose Respect event. We are looking forward to hosting the event again in March 2013.

This is a picture of the 2012 Choose Respect event – holding the sign in front are from l-r Kenai Mayor Pat Porter (in red), Commissioner Becky Hultberg (who grew up in Kenai and has been our keynote speaker as representative from Gov. Parnell for the 2011 and 2012 events), Soldotna Mayor and Senator elect Peter Micciche, and Kenai Peninsula Borough Mayor Mike Navarre.

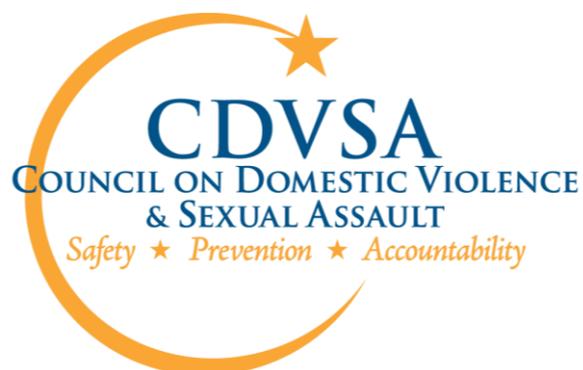
All of the area mayors have been very supportive of our agency and the Choose Respect events.

This photo was taken and usage permission given by Merrill Sikorski.

# FY13 2nd Quarter Meeting

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# Thursday, November 8<sup>th</sup> Agenda

9:00 a.m.	Call to Order Welcome New Member Roll Call Conflict Inquiry Agenda Approval Minute Approval: 1 <sup>st</sup> Quarter Meeting, Ketchikan	Susan Cushing
9:30	LeeShore Center	Cheri Smith
10:30	<b>BREAK</b>	
10:45	Executive Director Report Council Committees- Did not convene between quarterly meetings	Lauree Morton
11:30	<b>LUNCH</b>	
1:00	Network Report	Peggy Brown
1:45	Council Comments	Council Members
2:30	<b>BREAK</b>	
2:45	Public Comments	Susan Cushing
3:15	Council Staff Member	Freda Westman
3:45	Tour of LeeShore	

# Friday November 9<sup>th</sup> Agenda

9:00 a.m.	14 Statutory Responsibilities Review	
9:45	SASP Grantee Approval	Rachel Gernat
10:00	Mobilizing for Action through Planning & Partnerships (MAPP)	
10:15	Adverse Childhood Experiences: How What We Know Can Change Our Future	Dr. Linda Chamberlain
11:45	Homer Prevention Project (HPP)	
Noon	LUNCH	
1:30	Tribal Victim Assistance in Alaska Project	Lisa De Cora
2:00	SAFTee	Tammy Sandoval
2:45	BREAK	
3:00	BIPs	Carmen Gutierrez
3:45	ADJOURN	

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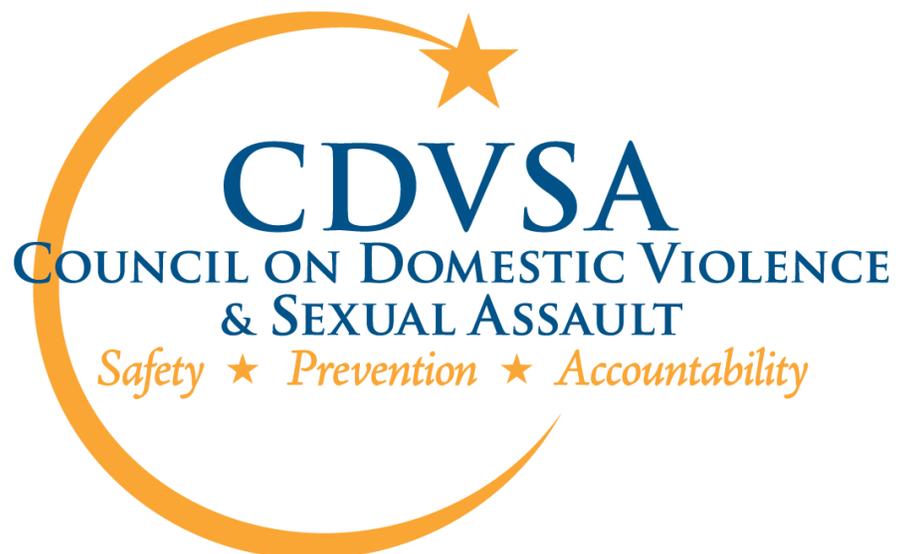
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# Draft Minutes Executive Summary; Needing Approval

Quarter 1 FY 2013  
September 6-7, 2012

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## DRAFT MINUTES NEEDING APPROVAL

### STATE OF ALASKA COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT EXECUTIVE SUMMARY OF September 6-7, 2012 MEETING The Landing, Best Western 3434 Tongass Avenue, Ketchikan, AK

**Call to Order:** By Vice-Chair Irwin at 9:05 am Thursday September 6, 2012.

**Council Members Present:** **Richard Irwin** (Public Member); **Commissioner Joseph Masters** (Department of Public Safety/DPS); **Melissa Stone** (Department of Health and Social Services/HSS); **Rick Svobodny** (Department of Law/LAW).

**Council Members On-line:** **Carmen Gutierrez** (Department of Corrections/DOC); **Patricia Owen** (Department of Education and Early Development/DEED).

**Council Members Absent:** **Chair Cushing**, (Public Member) showed up after lunch; **Rachel Gernat** (Public Member); **Jackie Hill** (Public Member).

**CDVSA Staff Present:** **Lauree Morton, Dianne Lanuza, and Angie Wells.**

**Others Present:** **Peggy Brown** (Alaska Network on Domestic Violence and Sexual Assault); **Naomi Michalsen** (Women in Safe Homes); **Kim Kilkenny** (Working Against Violence for Everyone); **Saralyn Tabachnick** (Aiding Women in Abuse and Rape Emergencies); **Katie Goodale** and **Colleen Watson** (Helping Ourselves Prevent Emergencies).

**Present On-Line:** **Linda Hoven, Freda Westman** and **Annie Whittey** (CDVSA).

**Conflict Inquiry:** None

#### **Approval of Agenda:**

Ms. Morton advised that Chair Cushing would be coming in late, due to weather issues, and should be here after lunch. Ms. Stone had a previous meeting that she needed to attend this morning, but will be in around 10:30 am. Ms. Gutierrez had a budget hearing to attend and is hoping to be available by phone when possible. Ms. Gernat had plans made before she became a public member and apologized that she could not reschedule. Ms. Hill will likely be resigning from the Council, due to accepting an executive director position for the Maniilaq Family Crisis Center, which is one of our funded programs.

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## **Approval of Agenda continued:**

Ms. Morton stated that this meeting will be informational only until we have a quorum, and suggested moving the Statewide SART Outcomes discussion from tomorrow afternoon to this morning before lunch.

## **Approval of Minutes:**

Ms. Morton asked the Council to look at minutes from our 4th Quarter meeting in Palmer and note any changes. There is no quorum at this time, but they could be looked over.

Richard noted a correction that needed to be made on page 17.

Ms. Morton advised to Move to funding meeting minutes.

Richard mentioned how grateful he was to have walked through the process and come to a good conclusion. He then thanked Ms. Morton for all of her hard work.

Mr. Irwin stated that they would come back to the minutes later and vote for approval.

## **Executive Director Report:**

Ms. Morton started her report with a broad overview of our expenditures, explained the funding sources, and gave their balances. She then highlighted the meeting packet information.

Ms. Morton stated for the record that the Council's Administrative Officer, Dianne Lanuza was present and responsible for the report before them, the accurate data, getting all of our accounts in order, streamlining our processes, and thanked her for doing a great job.

Page 28 shows what our total authorization is and our different expenditure components. It gives the balance and the funding sources; general fund, Inter agency receipts and federal grants. It shows how much we have spent just the first month of the fiscal year, since this meeting came up so soon, we were unable to give you a longer look, but that information will be available in the November.

Page 29 shows all of our Federal Grants, the start date, the end date, the amount, how much we have expended to date, and the remainder. That way we stay on track to getting those funds expended at the correct time. Ms. Morton explained that we recently had to send \$61.00 back that we were unable to expend.

Mr. Svobodny was impressed that it was only a small amount being sent back, stating the Council should get an award for that.

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## Executive Director Report continued:

Ms. Morton confirmed that the Council had been awarded the federal fiscal year 12 Sexual Assault Services Program (SASP) grant. We will start the process for accepting that award, which is \$250,000 and is for 2 years. There is a plan in place, previously adopted, to carry forward with those funds. However, in January we will be looking at developing a new plan for those funds. These funds are only available to provide direct services to victims of sexual assault.

So, they cannot be used to pay for forensic exams, or any prevention, or any training, it is specifically for direct services.

We have also received the Federal fiscal year 12 Services Training Officers & Prosecutors (STOP) funding. This is the third year of a three year plan to expend those funds. We will be gathering the stakeholders together and developing a new 3 year plan. Components of this will be on the agenda in November.

Ms. Morton then answered questions from Council members about financial information. Commissioner Masters reiterated the fact that the State has a huge financial commitment to funding the agencies of Domestic Violence and Sexual Assault.

Ms. Morton moved on to Page 32, Overview of Legislation proposed and passed at our last session. Page 33 shows items that were brought up that did not pass. These items will need to be reintroduced in the next Session but must go through the whole process again. It does not get picked up where it stopped. One of our requirements is producing an annual report to the Governor and to discuss the need for possible legislation changes.

Mr. Morton mentioned that the Alaska Victimization Survey for FY12 was conducted in Bethel, Sitka and Kodiak. The Bethel and Sitka results have been completed and Kodiak results should be done in a few weeks. We are working with those communities now on dates to roll out the survey results in their communities. Those dates will be throughout the month of October. Ms. Morton also stated that the results are high and what they had expected to see.

Ms. Morton updated the Council on the activity between Head Start and the Council. Ms. Morton had met with Paul Sugar, Statewide Coordinator for the programs and will be meeting with the co-chairs of the Head Start Leadership Group. They will start working toward getting on their statewide conference agenda for a couple of workshops; talking about protective factors, evidence based programs for working with young children, and parents and the possibilities of head start participating the prevention efforts through the Governor's Initiative. Eleven of the sixteen head starts in the state are tribal organizations. There are 35 to 38 hundred children age zero through five that participate in Head Start. This is a good connection to be establishing.

Ms. Owen would like to know how many are eligible for Head Start, but not in Head Start, and commented that those numbers seem to be low.

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## Executive Director Report continued:

Ms. Morton moved forward with a couple of prevention updates:

We have just completed our first Coaching Boys into Men training in Anchorage. There were 35 participants. They have been asked for evaluations using the Survey Monkey. We don't have those results at this time. Ms. Morton noted that each Council member had a Coaching Boys into Men Toolkit in front of them to look through and then explained the training in more detail. This is a particular interest of the Governor and we will be having this training again early next year. We are looking at some ways to adjust the training to be more Alaska focused. And have more Alaska based people talk about their experiences. The Alaska Schools Activity Association (ASAA) wants to participate in implementing this program and will incorporate it into their training expectations for coaches. Ms. Owen commented that the Council found the perfect partners with the ASAA.

The upcoming Prevention Summit will be held the second week of November. Community teams are going to be gathering together to look at: prevention, strategies, and explore ways to incorporate prevention activities/programs into their community work in ending domestic violence and sexual assault. There are several statewide speakers and some national folks (Green Dot, Coaching Boys into Men and Girls on the Run). Several of our prevention specialists in Alaska have been working together to get this conference up and going. Also, some of the Lead On participants will be staying to attend the first part of the Summit. Ms. Morton then referred to a handout with an update on the Task Force recommendations. This will show what has been completed and also items that are ongoing. We may be talking about extending the Council's Sunset. Also, on the November agenda, we should look at our 14 statutory mandates and determine whether or not we think their needs to be any revision and make sure that they are still applicable today.

Ms. Morton then moved on to the Batterer Intervention Program Task Force recommendations. She noted first some corrections in the packet and that later in the agenda there will be a report with action items required to move forward and complete this process. A previous Council had established a Task Force, or sub-committee, to look at BIP's; their effectiveness, ways to collect data and interested in recidivism. However, that was suspended. Ms. Morton then gave a quick summary of this event. Recently, we concluded the final BIP Round Table Discussion, a series of three meetings composed of service providers and interested stakeholders. They looked at the BIPs and have some recommendations for the Council. This work was then reviewed by the Council's BIPs Committee; Ms. Gutierrez and Ms. Stone. Ms. Morton feels that we have an opportunity to present a good plan of how we are going to meet this recommendation and what we feel would be the best course to take in dealing with the programs. And, that will meet the intent of this recommendation.

Moving on to the Programs Quarterly reports, Ms. Morton pointed out specific information that the Council had been interested in. She advised that this report is going to look different starting in the 3rd Quarter Packet. This year we chose 7 outcome measures, for the programs to survey their participants about, so it won't just be the FVPSA measures.

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## **Executive Director Report continued:**

Ms. Morton highlighted the fact that the programs are really interacting with their communities, this shows openness that communities are having working with these issues.

Ms. Morton answered questions from the Council on information within the Quarterly Reports and the rest of the packet. She also stated that in regard to Mr. Irwin's question about the Office of Children's Services (OCS), she would schedule the SAFTEE Project in the 2nd Quarter meeting agenda. SAFTEE is a joint effort between the Network, the Council and the Office of Children's Services.

A discussion on OCS began amongst Board members and others attending the meeting. Mr. Irwin asked that we contact Christy Laughton, and have more conversation.

Ms. Morton moved on to the BIP statistics and narrative reports; the Prison Batterer's Programs (PBP) statistics and narrative reports and described some issues with the PBP's at this time.

Ms. Morton gave the Council a draft of the first 4th R evaluation.

Ms. Morton advised the Council that Bahiyyih Parish was working on a new BIP's on-line data base. It will be housed within the Department of Public Safety. This will help track the offenders and the different programs they attend. She is also, working on an update for the Victim Service data base. Bahiyyih has made giants steps forward in the utilization and accuracy of our data base. She is very appreciated.

**-break-**

## **Council Committee Reports:**

### **Grants Committee:**

Ms. Stone shared that the Grants Committee, (Chair Cushing and Ms. Stone) met twice. CDVSA staff sent out a survey to the shelter providers to get input on the grant funding process. Eleven of the fifteen responded to the survey. Ms. Stone then read some of the comments from the programs. The Proposal Evaluation Committee (PEC) was also surveyed to get their input. The question remains, why go through an RFP process if it is not really a competitive process.

The recommendation from this committee is that:

- ❑ The Council should obtain consultation in order to review the regulations and statutory elements to clarify authority and limitations.
- ❑ To explore alternative funds distribution options.
- ❑ To possibly recommend regulations language change if it is indicated.
- ❑ If there is a recommendation for a different model of funding; to develop an implementation plan and timeline.

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## **Council Committee Reports continued:**

### **Grants Committee continued:**

Using site reviews as opposed to grant applications was brought up as a possible option. A discussion then began.

Ms. Stone advised that we seek consultation on this; any recommendation that came back could be phased in over many years. Ms. Morton said that were some Discretionary Funds available to pay for this, but was unsure of what the cost may be. Ms. Owen and Ms. Brown both thought it would be valuable to get examples from other states. Mr. Svobodny asked if there was a quorum present to vote on the issue. Ms. Stone stated, “The recommendation from the grants committee is to direct Council staff to obtain consultation to review the regulations and statutory elements to clarify authority and limitations, to explore alternative funds distribution options, to possibly recommend regulations language change if it is indicated, and if there is a recommendation for a different model of funding, to develop an implementation plan and timeline.”

Mr. Svobodny seconded the motion.

More discussion ensued on this topic. The Executive Committee will now set a price amount and work with the Executive Director to move this forward.

Unanimous, motion carried.

Ms. Stone then moved onto FVPSA outcome measures, which are required from any program receiving FVPSA funds (about 16 programs). These two questions along with five others that were added by Council staff and programs constitute the Outcome Measures.

It is the recommendation of the Grants Committee that beginning in October 2012; all grantees will survey all people that they serve asking questions 1-7. This has already been discussed with the providers and they agree that there is real merit in moving this forward.

Ms. Stone asked how this information would be shared, how would the data be summarized, and does the Council staff have the capacity to follow through. Also, what then is the expectation for some kind of improvement process?

A discussion on the Outcome Measures began. Ms. Morton answered questions from the Council Board and gave details about the process. Because this is a voluntary survey, we have asked programs to track how many total participants there were and how many chose to complete the survey. The Council agrees to move forward.

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## **Approval of minutes for both meetings, June 7-8 and July 28<sup>th</sup>:**

With a quorum being present, the Council voted on approval of the minutes.  
Commissioner Masters makes a motion to approve the minutes for both meetings.

Mr. Svobodny seconded the motion.

Unanimous, motion carried.

## **Council Committee Reports continued:**

### **Grants Committee continued:**

Ms. Stone advised the Council that the Grants Committee was also looking at the \$300K RSA from the behavioral health alcohol tax, adding that it was a concern of hers to enhance treatment services.

**-lunch-**

### **Memorandum of Understanding (MOU) Committee:**

Mr. Svobodny reported for the MOU committee and told the Council that the MOU was recommended by the Task Force. It is between the state agencies and the Council. The head of each agency is the signatures'. It basically says that we are to consult and cooperate in aiding the Council in meeting these goals. Chair Cushing read the resolution, and then asked for a motion to accept this resolution.

Vice-Chair Irwin made a motion to accept this resolution.

Commissioner Masters seconded the motion.

Unanimous, motion carried.

### **Executive/Administrative Committee:**

FY 13 Increment Budget Request presented to the Council to prioritize. Ms. Morton reminded the Council that these increments were submitted last year, but did not make it into the budget, plus an increment to maintain current programs.

- ❑ \$250K Emerging programs
- ❑ \$500K Legal Services (5 X 5)
- ❑ \$250K Residential Services for Children

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## Council Committee Reports continued:

### **Executive/Administrative Committee:**

Ms. Stone agrees with the increment but not the name, residential has a different meaning in her field. Ms. Morton agreed. Mr. Svobodny asked if these were one-time increments and Ms. Morton replied, “No, these would be increments into our base”.

- \$575K Maintain Current Level of Services
- \$300K Community Prevention Coordinators (four coordinators at \$75K each)

Ms. Owen stated the importance of supporting the soon to be renamed Residential Services for Children, and asked the vision behind it. Ms. Morton answered questions from the Council Board. After a discussion, Chair Cushing asked if there were any recommendation and the Council voiced opinions prioritizing the increments. Then they each submitted a prioritized list to be tallied.

The final prioritized list:

1. Maintain Current Level of Service
2. Emerging programs
3. Services for Children
4. Prevention coordinators
5. Legal Services

Chair Cushing reminded the Council that at the end of the day today, we will meet in the lobby at 4:45 to go to tour the WISH shelter and potluck at the IROK building.

**-break-**

## WISH Presentation

Chair Cushing then introduced the Executive Director at Women in Safe Homes (WISH), Naomi Michalsen. She gave a presentation on their shelter and services.

WISH is a three story, 6 bedroom facility that sleeps 32. It was built in the late 1920's. WISH was established in the 1970's and over the years have worked very hard on changing philosophies and going back to the core values of safety and respect. There are currently 12 full-time employees and 9 part-time at WISH.

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## **Women in Safe Homes (WISH) Presentation continued:**

Recently, the program has had issues with drainage of rainwater which flooded their panty and lower level of the building, resulting in a \$54K bill to fix the problem. This took up a majority of WISH's operating costs and unrestricted funds. Also, the loss of Tlingit/Haida money has affected the program. They currently rent a building called the IROK which houses all of WISH's programs outside of the shelter, public meetings, teen dating violence projects, and youth meet their in the summertime and after school hours during the school year.

Ms. Michalsen then answered questions from the Council. The Council thanked Naomi for her courage and tenacity through the years, along with giving a great presentation.

## **Ketchikan Indian Community (KIC) Presentation:**

Chair Cushing then introduced Lynn Quan, with Ketchikan Indian Community (KIC). Ms. Quan stated that her title had recently been changed to Tribal Wellness Program Supervisor, due to the restructuring into three branches: elder care program, mental health/substance abuse program and the victim services, BIP's and tribal general assistance program. There is a staff of 16 at this time. Ms. Quan then updated the Council on projects at KIC and answered questions.

**-recess at 4:30 p.m.-**

## **Tour of WISH Shelter:**

Council members and staff tour the WISH facility.

## **Call to Order:**

9:10 a.m. Friday, September 7, 2012

## **Council Comments:**

Ms. Stone noted that she was going to do some follow up on the OCS in Palmer due to the last meeting. Also she would be contacting Abused Women's Aid in Crisis (AWAIC) about their difficulties accessing addiction services. Ms. Stone inquired about Bering Sea Women's Group (BSWG) and the problems that they were facing, asking if there was anything more that we could do for them. Ms. Morton told the Council Board that CDVSA staff, program coordinator and research analyst, would be going there soon to provide support and technical assistance.

Commissioner Masters commented on the progress that we are making statewide. There is increased communication and a cooperative atmosphere building within state entities.

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## **Council Comments continued:**

Mr. Svobodny echoed Commissioner Masters comments, but explained that there seems to be no way of measuring whether the Department of Law is doing a good job and need to educate juries.

Ms. Gutierrez updated the Council on what was currently happening within the Department of Corrections. Chair Cushing reported that Jessica Lawmaster was now the executive director at South Peninsula Haven House (SPHH) in Homer.

## **Council Committee Reports continued:**

### **Batterers' Intervention Programs (BIPs) Committee:**

Discussion began with Ms. Gutierrez referring to Statute 44.28.020 sub-section B, and states that she is supportive of moving authority and responsibility for regulating BIPs over the CDVSA. Ms. Gutierrez is concerned about recommendation #2, changing the name, stating we must also change it in the Statute and regulations as well. She also doesn't feel that the BIPs are actually accountability programs, and are intended to change behavior. She would like to see them remain Batterers' Intervention Programs. The goal of this program is to intervene on these behaviors and stop it.

Mr. Svobodny asked how the Council would enforce these regulations. Ms. Morton stated the Council monitors these programs now. Commissioner Masters asked how much work is DOC responsible for at this time, which would be placed on CDVSA. The Council tabled this issue for further discussion.

### **Alaska Network on Domestic Violence and Sexual Assault (ANDVSA) Report:**

Peggy Brown, Executive Director of the Alaska Network on Domestic Violence and Sexual Assault (ANDVSA, also referred to as the Network), handed out documents to the Council and gave her report.

Ms. Brown highlighted the housing update; the Empowering Choice Housing Program has been completed. It is basically a time-limited, referral based, transitional rental assistance program. It is designed to assist victims that are displaced due to domestic violence and sexual assault. It provides vouchers to participants in 12 communities. The plan also retains preferential placement on waiting lists in Bethel, Cordova and Nome, where there isn't a voucher system. This program should start in early November 2012.

The Network recently surveyed victim service agencies, so there is preliminary data regarding substance abuse and mental health, and what is happening to the people coming to programs. Ms. Brown stated she would give a more formal presentation on the results of this survey at the next Council meeting.

Three attorneys are now with the Pro Bono Program and the number of people requesting services has skyrocketed. Over \$838K worth of in-kind from attorneys was received.

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## ANDVSA Report continued:

There are some new Executive Directors coming on board, so the Network will be bringing them to Juneau for an orientation.

Ms. Brown gave a quick update on the latest Network meeting. Victim notification was a topic that came up and a process that needs improved. The Network will be working on strategic planning on a five year timeline. Currently working with OCS on the SAFTEE project.

The Network is currently doing research and working with the Victim Rights Law Center on issues pertaining to minors rights. There are questions within the agencies pertaining to minors and services, and consent, this ties in with sex trafficking and mandatory reporting.

Ms. Brown answered questions from the Council and discussion began. Ms. Brown thanked Vice Chair Irwin for his encouraging comments to Naomi Michalsen saying that the longevity of our program directors is at risk. They do a tremendous amount of work that doesn't slow down, and then we ask them to do more.

**-break-**

## Helping Ourselves Prevent Emergencies (HOPE) Presentation

Chair Cushing introduced Katie Goodale the prevention coordinator from Helping Ourselves Prevent Emergencies (HOPE) out of Craig. Ms. Goodale gave Council members a handout detailing the history of HOPE and their efforts in ending violence. Colleen Watson, a public health nurse on Prince of Wales, added to the presentation stating the readiness and support that they are seeing from the Prince of Wales community is encouraging. HOPE is also looking for ways to become a funded program.

## Public Comment:

Kim Kilkenny, representing Working Against Violence for Everyone (**WAVE**) out of Petersburg handed out an informative packet giving a brief overview of the program. They are currently seeking funding to become their own independent program.

Saralyn Tabachnick updated the Council on the BIP at Aiding Women in Abuse and Rape Emergencies (**AWARE**). They are implementing a 26 week and a 52 week program and have come up with screening criteria. She then shared a detailed description of the screening criteria. Ms. Tabachnick also commented as to how helpful the BIP Roundtable Discussions have been and appreciates the Council moving forward with them. Ms. Tabachnick answered questions from the Council Board.

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## **Statewide Sexual Assault Response Team (SART) Outcomes:**

Ms. Morton updated the Council on the three groups formed from the Statewide Sexual Assault Response Team (SART) meeting: Guidelines, Outcome Measures, and Payment. She stated that the Guidelines Committee had finished, the Outcome Measures Committee would be reported on today, and that the Payment Committee was still having discussion. Ms. Morton presented the goals and objectives to the Council and informed them that at November's meeting they would have specific outcome measures. Ms. Morton then answered questions from the Council.

## **Girls On The Run:**

Saralyn Tabachnick, Executive Director of Aiding Women in Abuse and Rape Emergencies (AWARE), gave a PowerPoint presentation on the Girls on the Run program. Ms. Tabachnick handed out documentation and shared the vision of Girls on the Run, both the International program and the local Southeast program. Today there are over 200 councils in the United States and Canada. A discussion began and Ms. Tabachnick answered questions from the Council.

**-lunch-**

## **Council Committee Reports continued:**

### **Batterers' Intervention Programs (BIPs) Committee continued:**

Ms. Stone stated that we should decide whether to move forward on this or take more time to discuss each recommendation thoroughly. What do we need to do as homework in order to come to a conclusion at the next meeting?

Ms. Morton summarized the morning discussion saying that:

- ❑ The Council was undecided on moving the statutory authority and responsibility for the regulations from DOC to CDVSA.
- ❑ How would that impact the work that Council staff would be asked to do
- ❑ There was a question about the ability to actually enforce the regulations, if a program was out of compliance.
- ❑ What resources would be necessary outside the Council office to do that.

Ms. Morton explained her intention to enter into a contract with Marcia McKenzie for \$4500.00. In which she would do the actual drafting of the regulations. We would have our BIP Roundtable group come up with the concepts, which have to do with coordinated community response, victim safety, offender accountability, and administration (eligibility and approval process). Ms. Morton feels it would be somewhere around 40 hours. She explained the timeline for this process and asked the Council that they at least articulate a plan for dealing with this issue so that it doesn't affect the Sunset Extension.

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### Batterers' Intervention Programs (BIPs) Committee continued:

Mr. Svobodny suggested that the Council go forward with the proposed legislation change, that it gets reviewed and is subject to be withdrawn at the November Council meeting, and we set aside sufficient time to have discussion about all of it. The Council agrees with this suggestion.

**-break-**

### Council Staff Member:

Annie Whittey, program coordinator for the Council, provided an in-depth report giving great detail on her position at CDVSA. Ms. Whittey stated that this was her dream career; one to learn from and grow into.

### Possible 2013 Legislation:

Ms. Morton started with the annual report that CDVSA will provide to the Governor with activities and recommendations on possible or necessary legislation. At this time we have three possible legislation changes:

- Moving authority to regulate and approve batterer's intervention program from DOC to the Council.
- Extend the Council's Sunset currently set for 2014. This should be done the year prior.
- Create a single payor system for sexual assault forensic exams statewide.

Ms. Morton then explained the process for moving these forward and discussion began.

A motion to move our sunset extension to 2020 or 2022.

Mr. Irwin made the motion to move forward with the sunset extension.

Commissioner Masters seconded the motion.

Unanimous motion passes.

Moving forward with the Single payor on SART.

Ms. Stone made a motion to move forward with the single payor for SART.

Commissioner Masters seconded the motion.

Unanimous motion passes.

**-adjourn at 3:20 pm-**

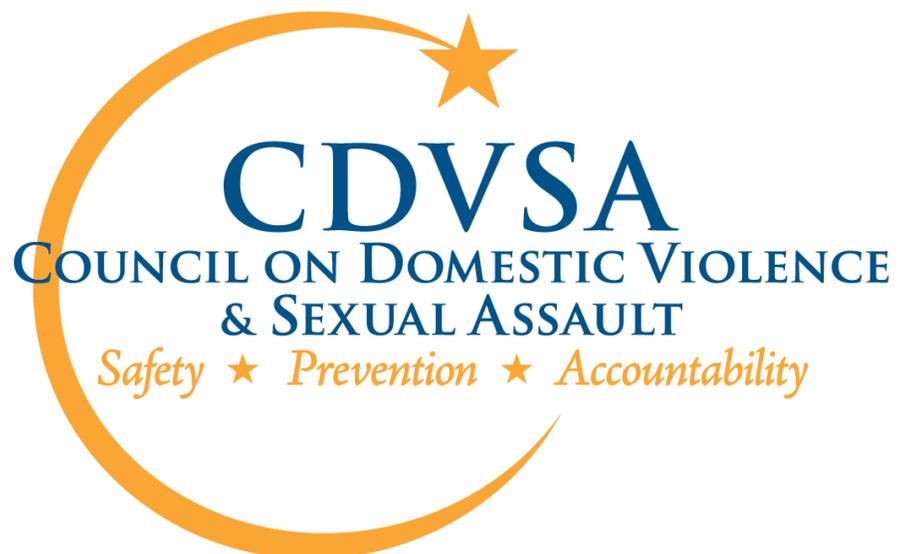
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# Financial Report

## As of October 31, 2012

### FY2013 CDVSA Funding

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# Financial Report - Status

<b>Department of Public Safety</b> <b>FY2013 Council on Domestic Violence &amp; Sexual Assault</b> <b>Funding Sources Status</b> <b>Report Period Ending: October 31, 2012</b>			
<b>Component Expenditures</b>	<b>Total Authorization</b>	<b>Total Expenditures</b>	<b>Balance</b>
Personal Services	761,200.00	225,630.56	535,569.44
Travel	223,700.00	79,871.87	143,828.13
Services	2,123,500.00	151,674.46	1,971,825.54
Commodities	56,000.00	4,541.55	51,458.45
Capital Outlays	25,500.00	0.00	25,500.00
Grants and Benefits	13,277,500.00	5,852,328.00	7,425,172.00
<b>Totals:</b>	<b>16,467,400.00</b>		
<b>Funding Sources</b>			
General Fund	11,024,600.00		
Inter-Agency Receipts	1,737,700.00		
Federal Grants	3,705,100.00		
<b>Totals:</b>	<b>16,467,400.00</b>		

# Financial Report – Current CDVSA Federal Grants

Sorted by grant end date

Report Period Ending: October 31, 2012

PROGRAM	AWARD #	START	END	AMOUNT	EXPENDED	BALANCE
FFY10 GTEA	2010-WE-AX-0002	03/01/10	08/30/12	550,000.00	550,000.00	-
FFY09 VOCA	2009-VA-GX-0042	10/01/08	09/30/12	1,249,139.00	1,249,139.00	-
FFY11 FVPSA	G-1101AKFVPS	10/01/10	09/30/12	732,822.00	732,822.00	-
FFY10 RDVCV	2010-WR-AX-0059	10/01/10	12/31/12	900,000.00	891,355.43	8,644.57
FFY08 SVSEP	2008-CW-AX-K010	10/01/08	03/31/13	399,757.00	390,281.56	9,475.44
FFY09 STOP VAWA	2009-WF-AX-0044	06/01/09	05/31/13	771,824.00	680,100.17	91,723.83
FFY10 STOP VAWA	2010-WF-AX-0019	08/01/10	06/30/13	795,903.00	343,379.23	452,523.77
FFY11 STOP VAWA	2011-WF-AX-0003	07/01/11	06/30/13	799,382.00	230,824.25	568,557.75
FFY11 SASP	2011-KF-AX-0025	08/01/11	07/31/13	152,035.00	1,081.11	150,953.89
FFY10 VOCA	2010-VA-GX-0116	10/01/09	09/30/13	1,363,692.00	1,363,692.00	-
FFY12 FVPSA	G-1201AKFVPS	10/01/11	09/30/13	734,015.00	121,059.97	612,955.03
FFY12 STOP VAWA	2012-WF-AX-0028	07/01/12	06/30/14	796,817.00	-	796,817.00
FFY12 SASP	2012-KF-AX-0038	08/01/12	07/31/14	231,060.00	-	231,060.00
FFY12 GTEA	2010-WE-AX-0002	03/01/10	08/31/14	633,401.00	-	633,401.00
FFY11 VOCA	2011-VA-GX-0045	10/01/10	09/30/14	1,410,228.00	1,348,412.16	61,815.84
FFY12 VOCA	2012-VA-GX-0058	10/01/11	09/30/15	1,307,108.00	57,457.00	1,249,651.00
FFY12 SVSEP	2012-CW-AX-K028	10/01/12	09/30/15	359,721.00	-	359,721.00
<b>Totals:</b>				<b>13,186,904.00</b>	<b>7,959,603.88</b>	<b>5,227,300.12</b>

VAWA = Violence Against Women Act

STOP = Services-Training-Officers-Prosecution

VOCA = Victims of Crime Act

SASP = Sexual Assault Services Program

FVPSA = Family Violence Prevention and Services Act

RDVCV = Rural Domestic Violence and Child Victimization

GTEA = Grants to Encourage Arrest

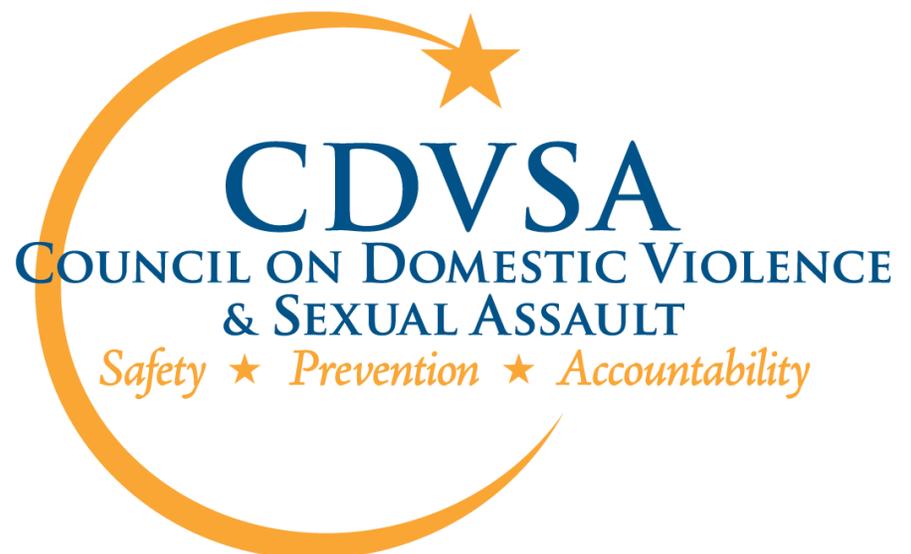
SVSEP = Safe Visitation and Safe Exchange Program

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# Review Statutory Responsibilities



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## Review Statutory Responsibilities

Since its formation, the Council has been responsible for administrative duties such as hiring an executive, electing a presiding officer, developing and implementing a standardized data collection system, conducting public hearings, receiving and dispensing funds, adopting regulations and making an annual report to the governor.

The Council was also charged with consulting with authorities in the field to develop, implement, maintain and monitor programs; providing fiscal and technical assistance for developing programs; coordinating services provided by various state departments and community groups—providing technical assistance to such departments and groups; and, overseeing and auditing funded programs.

With the passage of the 1996 Domestic Violence Prevention and Victim Safety Act, several public entities including employers of state or local public employees, including employees of public schools, the court system, the police standards council, the department of law and other prosecuting authorities were tasked with developing continuing education on the issues for their employees. The department of health and social services was tasked with adopting standards and procedures for the delivery of services to victims of domestic violence by health care facilities and practitioners of the healing arts and personnel in those facilities. Each entity was required to consult with the Council in developing and implementing their tasks. In turn these consultations were added to the list of duties for which the Council is responsible.

The CDVSA Legislative Task Force acknowledged that fourteen statutory responsibilities of the scope assigned to the Council might be overbroad and while not suggesting changes be made, did encourage the Council to review the responsibilities to see if all needed to be maintained and if adequate resources were available to fulfill these responsibilities. Review of the statutory duties of the Council is one of the two outstanding Task Force recommendations for which action is preferable.

The duties of the Council are enumerated below.

### Sec. 18.66.050. Duties of the Council

The council shall

- (1) hire an executive director, and the executive director may hire staff; the executive director is in the exempt service under AS 39.25.110 and staff members are in the classified service under AS 39.25.100;
- (2) elect one of its members as presiding officer;
- (3) in consultation with authorities in the field, develop, implement, maintain, and monitor domestic violence, sexual assault, and crisis intervention and prevention programs, including educational programs, films, and school curricula on the cause, prevention, and treatment of domestic violence and sexual assault;

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## Review Statutory Responsibilities continued

### Sec. 18.66.050. Duties of the Council continued

- (4) coordinate services provided by the Department of Law, the Department of Education and Early Development, the Department of Public Safety, the Department of Health and Social Services, the Department of Corrections, and other state agencies and community groups dealing with domestic violence, sexual assault, and crisis intervention and prevention, and provide technical assistance as requested by those state agencies and community groups;
- (5) develop and implement a standardized data collection system on domestic violence, sexual assault, and crisis intervention and prevention;
- (6) conduct public hearings and studies on issues relating to violence, including domestic violence and sexual assault, and on issues relating to the role of crisis intervention and prevention;
- (7) receive and dispense state and federal money and award grants and contracts from appropriations for the purpose to qualified local community entities for domestic violence, sexual assault, and crisis intervention and prevention programs;
- (8) oversee and audit domestic violence, sexual assault, and crisis intervention and prevention programs that receive money under this chapter;
- (9) provide fiscal and technical assistance to plan, organize, implement, and administer domestic violence, sexual assault, and crisis intervention and prevention programs;
- (10) make an annual report to the governor on the activities of the council, plans of the council for new services and programs, and concerns of the council, including recommendations for legislation necessary to carry out the purposes of this chapter; the council shall notify the legislature that the report is available;
- (11) adopt regulations in accordance with AS 44.62 (Administrative Procedure Act) to carry out the purposes of this chapter and to protect the health, safety, well-being, and privacy of persons receiving services financed with grants or contracts under this chapter;
- (12) consult with the Department of Health and Social Services in the formulation of standards and procedures for the delivery of services to victims of domestic violence by health care facilities and practitioners of healing arts and personnel in those facilities as required in AS 18.66.300;
- (13) consult with the Alaska Police Standards Council and other police training programs in the state to develop training programs regarding domestic violence for police officers and for correction, probation, and parole officers;

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## **Review Statutory Responsibilities continued**

### **Sec. 18.66.050. Duties of the Council continued**

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

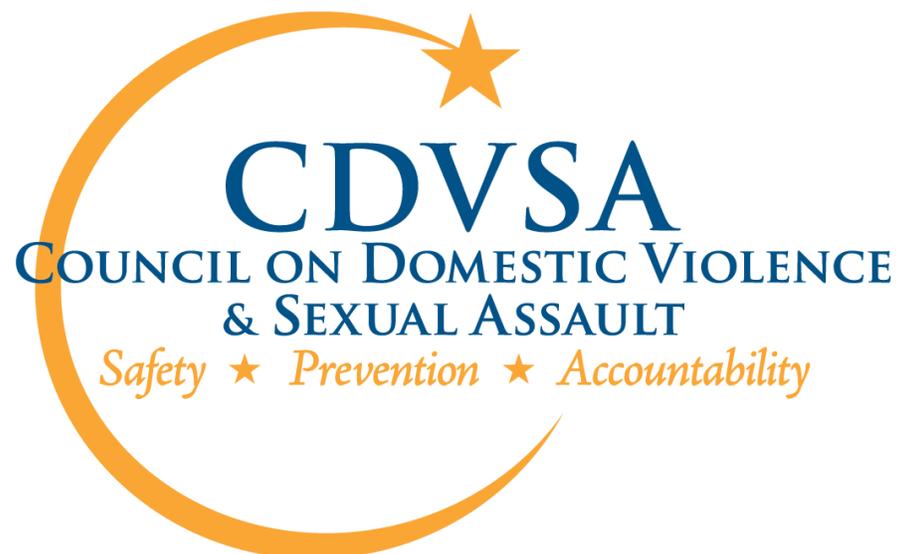
#### **Staff Comments:**

The current duties provide a comprehensive array of services to assist state departments, community groups and citizens in developing and implementing strategies to address the issues of domestic violence and sexual assault. The office is at capacity to meet the letter of these obligations. In the next several years, meeting the spirit of them will require more staff and financial support.

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# Department of Correction's Role in Batterers' Intervention Programs (BIPs)

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## Department of Correction's Role in BIPs

To: CDVSA Council Members

From: Carmen Gutierrez, CDVSA Council Member and Deputy Commissioner Department of Corrections

Re: Moving statutory and regulatory responsibility for BIPs from DOC to CDVSA

Date: October 28, 2012

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### Background:

During July and August 2012, CDVSA staff convened three roundtables discussion groups composed of service providers and interested parties, including the Alaska Department of Corrections (DOC), the Alaska Court System and the ANDVSA, to review the previous work done by a legislative task force and second stakeholder task force. The purpose of these roundtables was to develop recommendations to move forward the previous task forces' recommendations.

One of the recommendations of the roundtable effort was to move responsibility for the programs from DOC to CDVSA. 1st Quarter Council Meeting Materials, September 6 – 7 2012, page 51. DOC supports this recommendation.

### Current Statutory and Regulatory Provisions:

AS 12.55.1010 currently provides in pertinent part:

- Before granting probation to a person convicted of a crime involving domestic violence, the court shall consider the safety and protection of the victim and any member of the victim's family. If a person convicted of a crime involving domestic violence is placed on probation, the court may order the conditions authorized . . . and may (1) require the defendant to participate in and complete to the satisfaction of the court one or more programs for the rehabilitation of perpetrators of domestic violence **that meet the standards set by, and that are approved by, the Department of Corrections in AS 44.28.020(b)** (emphasis added).

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## Current Statutory and Regulatory Provisions continued

AS 44.28.020 outlines some of the duties DOC shall provide:

The **department shall, with the approval of the Council on Domestic Violence and Sexual Assault, adopt standards, by regulation, for rehabilitation programs for perpetrators of domestic violence** as defined in AS 18.66.990 and for the approval of those programs. For purposes of AS 12.55.101, AS 18.66.100 (c), and AS 33.16.150 (f), the department shall approve a program if the department determines that the program meets the standards. Upon 2 application of a program, the department may waive one or more standards and approve the program if the department determines

- (1) there is good cause for the waiver;
- (2) the safety of victims and children is not compromised by the waiver;
- (3) an acceptable alternative is provided by the program.

Emphasis added.

Alaska Administrative Code 22 AAC 25.010 outlines DOC's duties and responsibilities to ensure that domestic violence programs adhere to standards adopted by DOC. It also outlines DOC's duties to ensure program compliance with those standards. A copy of the regulation is attached for review. The above-mentioned statutes and regulations apply to both community and prison batterers' intervention programs.

Nothing in the statutes or regulations permits DOC to delegate its duties and responsibilities to the CDVSA. To the best of my knowledge, there is no formal Memorandum of Understanding or Delegation of Authority from DOC to the CDVSA authorizing the CDVSA's current responsibilities.

### **The Department of Correction's Actual Role and Duties:**

Today DOC provides none of the oversight duties required by state statute and administrative regulation. These duties have been, over time, been subsumed into the mission of the CDVSA. How or when this occurred is unknown to DOC.

DOC houses Batterer Intervention Programs in four of its prisons, Juneau, Fairbanks, Palmer and the Pt. McKenzie Farm. These programs are controlled and operated completely by the community provider which also operates the local community based program. DOC provides no control or oversight over any of the institutional programs.

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## **Funding:**

Each year, including in FY12, DOC executes a Reimbursable Service Agreement (RSA) with CDVSA to operate the BIP programs. DOC RSAs \$106,500 to the CDVSA to provide for the prison-based BIPs and another \$68,500 to monitor all approved programs. In the last few years DOC has not been provided with any information detailing how these monies are spent or with performance measures. 3

## **The Department of Correction's position regarding the roundtable recommendation:**

DOC fully supports the Summer 2012 roundtable recommendation. If DOC is required by statute and regulation to provide batterer intervention program oversight and the statute does not permit the department to delegate its authority, then both the statute and regulation should be changed to reflect the reality of what is currently taking place. In the alternative, DOC should take responsibility for these programs as outlined in the statute and regulations. Practically speaking this would be difficult for the department as it does not currently have the personnel to provide the required batterer intervention oversight.

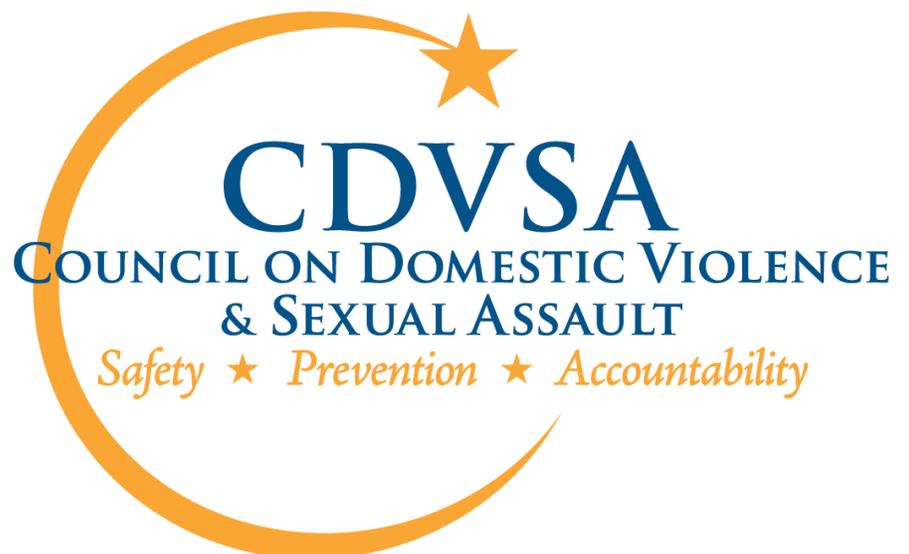
Rightfully so, this administration is requiring all state departments to produce performance measures showing the effectiveness of state funded programs. Under the current statutory and regulatory system, DOC is the agency receiving the funding and the agency ultimately accountable for the results of these programs, yet practically only acts as a funding pass-through agency.

For the reasons outlined above, DOC supports the recommended statutory and regulatory modifications placing oversight authority over the BIPs with the CDVSA. The statute and regulations should comport with current practice or current practice should comport with the legal requirements.

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# 2012 Council Office/Staff Tasks Related to Batterers' Intervention Programs (BIPs)

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## 2012 Council Office/Staff Tasks Related to BIPs

### Recommend Approval/Non-approval of Applicants

Program Coordinators respond to inquiries regarding establishing an approved program—at a minimum sending out an application packet with instructions to the potential program. Technical assistance may be provided to applicants as they complete the packet.

Upon receipt of an application, program coordinators have 120 days to review all application materials, visit the program as necessary and make a recommendation to the department of corrections for approval or non-approval of the applicant.

### Monitor Approved Programs

Program Coordinators are the direct contact for all BIP programs, funded and non-funded, and ensure all approved programs are in compliance with DOC regulations through on-site evaluations and review of annual self-evaluation reports. (On-sites may take three days and include review of policies and procedures, personnel and participant files, meeting with staff and board members, meeting with community stakeholders-law enforcement, prosecutors, magistrates/judges, victim service providers, attending at least one group and meeting with at least one program participant) .

Program Coordinators ensure all funded programs are in compliance with CDVSA grant award conditions through quarterly narrative and financial report reviews.

Program Coordinators and Research Analyst provide technical assistance throughout the year to all approved programs' staff—primarily through phone consultation.

Research Analyst oversees data collection by all funded programs—within the next quarter data collection will expand to all approved programs.

Funding: The department of corrections partially funds the above with a \$68.0 RSA to CDVSA.

### Disperse Grants

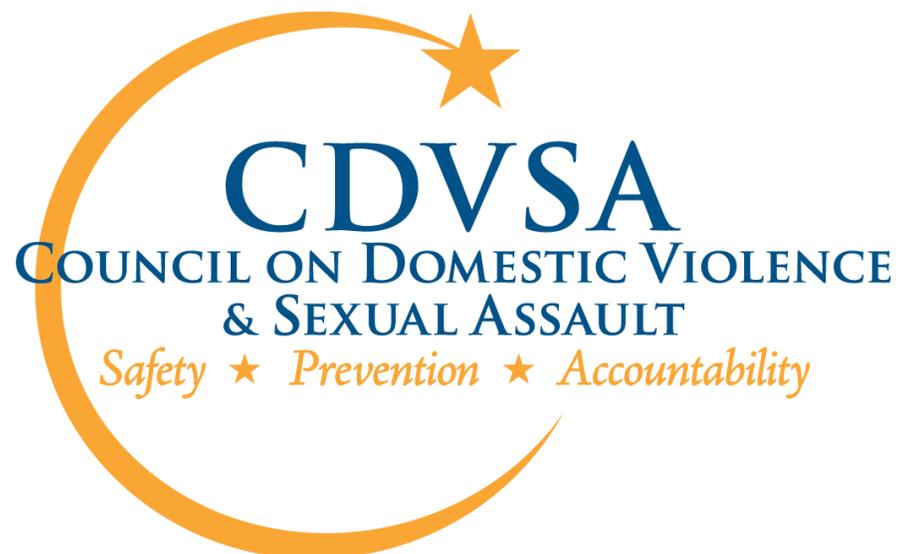
Program Coordinators act on Council direction to provide funding for successful grant applicants. They develop grant award forms and instructions; interact with program staff to ensure appropriate documentation; and monitor expenditures throughout the fiscal year.

Funding: The department of corrections funds community-based batterers intervention programs that provide classes to incarcerated offenders through an RSA of approx. \$106.0 to CDVSA--the Council funds community-based programming with a general fund appropriation of \$200.0 .

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# Batterers' Intervention Program (BIP) Recommendations Review

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## **Batterers Intervention Programs (BIPs): Background, Recommendations, Suggested Implementation**

### **Background**

The how-to, reasons for and efficacy of these programs have been questioned nationally since their development—the field is quite young—late 1970-early 1980s and searching itself for what works and what doesn't. In Alaska, the Male Awareness Program grew out of AWAIC and at the time AWARE was created MEN, Inc. was developed in Juneau. The program associated with Kenai Women's Resource and Crisis Center, now LeeShore in Kenai, started as more than an awareness program—early on looking at stopping batterer behavior.

The Network and Council developed the 1995 batterers standards in an effort to regulate programs that were popping up without consistency of message or agreement in philosophy. BIPs grew with the passage of the DV and Victim Protection Act of 1996. In short order, courts were provided a mechanism to send convicted offenders to programs, DOC was given the responsibility for approving programs and worked with the Council to establish regulations.

The regulatory and funding processes have remained fairly static.

As part of the legislative task force examination of the Council during the previous sunset review cycle, questions arose as to the efficacy of these programs—were they “working” and if not, why was the state funding them? There was also a letter of concern sent from then Representative Ralph Samuels regarding state funding of the programs.

In an effort to respond to the task force recommendation to examine BIPs, the Council formed a “task force” of stakeholders and service providers to review the DOC regulations and the programs. This task force completed one year of work and during an interim report to the Council, the Council decided to suspend the task force without taking action on the preliminary findings of the group. The project slid to the back burner as other concerns (changes in executive directors, the emergence of the governor's initiative, etc.) took precedence.

Representative Fairclough communicated her continued interest in addressing BIPs to both Council members and staff. Council members expressed increasing interest in addressing the issue as well. DOC engaged the Judicial Council to report on the state of BIP programming—looking in communities with Council-funded programs and the Justice Center was contracted to review data collected from the funded programs. It was determined there was not enough data collected to make statistically significant comments about the efficacy of the programs.

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## Recommendations

Bringing us to this summer, July-August 2012—Council staff convened three roundtables of service providers and interested parties to review the previous work done and develop recommendations for the Council to structure forward movement in accomplishing compliance with the Legislative Task Force BIPs recommendation prior to the next Council sunset review. Providers from eleven of the fourteen approved programs chose to participate in one or more of the roundtables. Representatives from the Department of Corrections, the Alaska Court System and the Alaska Network on Domestic Violence and Sexual Assault also participated. Following are the recommendations:

1. Move the responsibility for the programs from DOC to CDVSA.
2. Revise regulations to be broad in scope and develop best practices/standards policy document with details.
3. Change name from rehabilitation of perpetrators of domestic violence to better reflect accountability—batterers accountability program, choice and accountability program .
4. Use contracts to fund services.
5. Change from individual program application to coordinated community application—all system players would apply as cohesive group for approval .

## Suggested Implementation-revised from September 2012

Repeal statutes for DOC responsibility/authority for BIPs.

Draft regulations—would like regulations complete within 6-9 months of first draft.

Provide opportunity for criminal justice working group to review at early stage-in middle-and after public comment .

Draft best practices/standards document— group of 7-9 service providers, Tribal representative, defense Bar, LAW, DOC, ACS, Council member and staff work to present draft at Juneau meeting—finalize by May/June meeting—implement July 1, 2013.

Concurrently develop application form, monitoring guide, outcome measures.

Preparation—first 6 months of FY 2014 communities work to develop and submit applications—new system up and running January 2014.

Data Collection/Evaluation—review at end of second implementation year—revise best practices doc as necessary—review at end of fourth year—revise—create report at end of fifth year (year 9 of the initiative) to evaluate efficacy of projects—recommend next steps.

Staff Comments: Staff concur with recommendations 1, 2 and 5. More dialogue is necessary before a name change is enacted (#3) and more research is needed to weigh benefits of contracts over grants (#4).

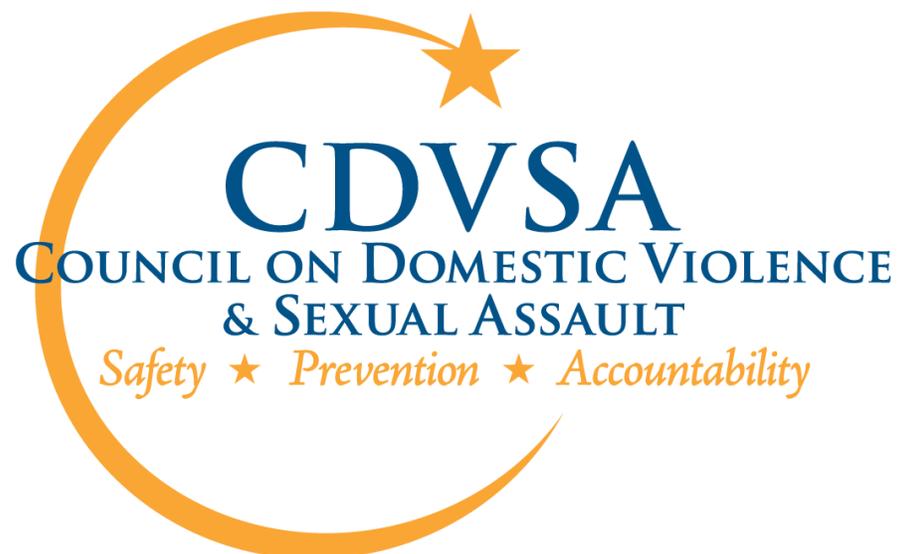
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# Department of Corrections Batterers' Intervention Program (BIP) Regulations

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## 22 AAC 25

# Department of Correction's Batterers Intervention Program Regulations

### 22 AAC 25.010. Standards and approval of programs

(a) An individual or agency offering a program for the rehabilitation of perpetrators of domestic violence that will be imposed as a condition of probation under AS 12.55.101 (a), as a condition of a protective order under AS 18.66.100 (c), or as a condition of parole under AS 33.16.150 (f), must, before providing the counseling or education, receive approval for the program from the department under this chapter. The individual or agency may apply to the department for approval by submitting an application on a form provided by the department to the council for its review and comments. The department will review the recommendations made by the council regarding the approval or denial of the application. The department will provide the applicant with written notification of the approval or denial of the application within 120 days of receipt of the application by the council.

(b) The department will approve a program for the rehabilitation of perpetrators of domestic violence if the program

(1) proves to the satisfaction of the department that it complies with the provisions of this chapter; and

(2) agrees to periodic audits and unannounced on-site inspections by the department or by an agency designated by the department to ensure compliance with the provisions of this chapter; the audits and inspections may include interviews of staff, a review of records related to program policies and procedures and a review of records of program participants on probation or otherwise in the custody of the department; records reviewed by the department or by an agency designated by the department in the course of an audit or inspection do not become public records by virtue of the audit or inspection.

(c) Unannounced on-site inspections described in (b) of this section will be conducted in a manner designed to minimize disruption to regularly-scheduled program activities.

(d) Except as provided in (e) of this section, the department will withdraw its approval of a program for the rehabilitation of perpetrators of domestic violence, and will notify the local court, prosecutor, law enforcement agency, and other criminal justice and social service agencies, if the department determines that

(1) the program no longer complies with one or more of the provisions of this chapter; or

(2) the program knowingly submitted false or materially misleading information in the process of applying for or maintaining approval under this chapter.

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## 22 AAC 25.010. Standards and approval of programs continued

(e) Notwithstanding (d) of this section, the department will place an approved program on probationary status for a specified period not to exceed 90 days if the program fails to comply with one or more of the provisions of this chapter and the department determines that the violation is not significant and probation can rectify the non-compliance with this chapter. Failure of the program to achieve compliance within the specified probationary period will result in the application being denied or withdrawal of approval for the program.

(f) Upon application of a program, the department will waive one or more standards set out in this chapter and approve the program if the department determines that

(1) there is good cause for the waiver;

(2) the safety of victims and children is not compromised by the waiver; and

(3) an acceptable alternative to the standard being requested to be waived is provided by the program.

(g) An applicant or an individual or agency operating an approved program may appeal an adverse decision under this section by submitting a written notice of appeal to the deputy commissioner of the Department of Corrections within 30 days of receipt of notification of the decision. The notice of appeal must contain a statement of the reasons for the appeal and must cite any legal authority upon which the appeal is based. Notice of an adverse decision will be sent by certified mail, return receipt requested, to the last address on file in the records of the department for the applicant or individual or agency. The deputy commissioner will review a written notice of appeal that is received timely and issue a decision to the applicant or individual or agency. The deputy commissioner's decision is the final administrative action.

**History:** Eff. 7/1/96, Register 139; am 11/13/98, Register 148; am 11/29/98, Register 148

**Authority:** AS 44.28.020

## 22 AAC 25.020. Administration, organization, and management

(a) An approved program must develop and implement written policies and procedures in accordance with the provisions of this chapter that

(1) express a primary commitment to the safety of domestic violence victims, including children;

(2) recognize that the goal of intervention is to stop domestic violence;

(3) express an intent to operate a program that holds perpetrators of domestic violence solely responsible for their behavior regardless of the presence of psychological problems, interpersonal skills deficits, or substance abuse;

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## 22 AAC 25.020. Administration, organization, and management continued

- (4) recognize that participation in a program cannot guarantee violence-free behavior;
- (5) recognize that a perpetrator of domestic violence is a violent offender who requires a specialized form of intervention;
- (6) recognize that the program is part of a larger criminal justice system comprised of law enforcement officers, prosecutors, victim advocates, correctional agencies, and judges who work together to hold perpetrators of domestic violence accountable for their violence and to prevent further domestic violence;
- (7) recognize that it is inappropriate and dangerous for a victim and the perpetrator of domestic violence against the victim to participate in counseling in which both the victim and perpetrator are present;
- (8) identify program participants who have not been the principal physical aggressor in instances of domestic violence and provide separate program services for those participants;
- (9) provide for the dissemination of
  - (A) new or revised policies and procedures to all staff and volunteers;
  - (B) a summary of the policies and procedures to local victim advocacy agencies, criminal justice agencies, the department, and the council; and
  - (C) a complete set of policies and procedures to an agency specified in (B) of this paragraph, upon the written request of the agency;
- (10) provide a written description of each service that the program offers;
- (11) provide a personnel management system that includes minimum training and qualifications for staff and volunteers as required by 22 AAC 25.060, written job descriptions, and lines of authority within the program;
- (12) provide a code of ethics for the conduct of staff and volunteers;
- (13) impose a duty to warn potential victims of the threat of violence by a program participant, including guidelines for identifying situations that involve a duty to warn, and make that policy and procedures available for review and input by local victim advocacy agencies;
- (14) require program staff to advise program participants of the program's obligation to warn potential victims of threats of violence by program participants; and

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## 22 AAC 25.020. Administration, organization, and management continued

(15) establish a process for the prompt notification of law enforcement agencies and the victim of threats of violence by the program participant.

(b) In developing and implementing its policies and procedures, and in delivering services, an approved program must

(1) communicate on an ongoing and regular basis with a local victim advocacy agency, if there is one that serves the community, and document the communication;

(2) communicate on an ongoing and regular basis with local criminal justice agencies, and document the communication;

(3) identify the resources within the area serviced by the program that provide the same, or similar, or supplementary services to perpetrators and victims of domestic violence; and

(4) consider the characteristics, concerns, and distribution of the populations to be served, including the population's culture, heritage, traditions, and language.

**History: Eff. 11/13/98, Register 148**

**Authority:** AS 44.28.020

## 22 AAC 25.030. Program services

(a) In the delivery of services, an approved program

(1) must:

(A) establish and implement a gender-specific written curriculum that incorporates the requirements set out in this chapter;

(B) require a program participant to attend and participate in a minimum of 24 weeks of weekly gender-specific group counseling sessions;

(C) make a written intake assessment and a written service plan for each program participant that contains a profile of the participant's current and past domestic violence, screening for substance abuse and mental health indicators, descriptions of past and current behavior, lethality assessment, safety checks, and a strategy for case management of the participant;

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## 22 AAC 25.030. Program services continued

(D) require the program participant to enter into a written contract and sign releases of information as described in (b) and (c) of this section;

(E) require the program participant to complete homework assignments;

(F) use confrontation as an educational tool;

(G) conduct regular, formal case reviews of the progress of program participants and maintain written records of the participants' attendance, payment of fees assessed by the program, group participation, updated lethality assessments, and regularly conducted safety check information;

(H) establish a mechanism to ensure that

(i) regular victim safety checks are made;

(ii) victim safety checks are reviewed; and

(iii) victims are referred to a local victim advocacy agency;

(I) coordinate services provided under the approved program with those provided by substance abuse and mental health service providers serving the community;

(J) require all staff to report any known or suspected child abuse or neglect to the division of family and youth services in the Department of Health and Social Services as required by AS 47.17.020 ;

(K) require all staff who have reasonable cause to believe that a vulnerable adult has suffered harm to report the harm of the Department of Administration as required by AS 47.24.010 ;

(L) develop and implement written discharge criteria as required by (e) of this section;

(M) develop and implement a standardized record-keeping system for program participants, including a procedure for the periodic review of program participants' records, the protection of information that is confidential by law, and the closure and storage of files;

(N) monitor program participants' recidivism; and

(O) evaluate the program as required by 22 AAC 25.040;

(2) may not suggest, encourage, or facilitate a program participant's participation in counseling in which both the program participant and the participant's victim are present.

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## 22 AAC 25.030. Program services continued

(b) An approved program shall develop a contract to be signed by the program participant, that includes at least the following:

(1) a description of the confidentiality requirements and releases of information signed by the program participant, including notification of the limitations of confidentiality set out in 22 AAC 25.030(c) (1) and (2);

(2) the program participant's agreement to remain free of violence;

(3) the program participant's agreement to

(A) advise the program of all biological and adoptive children;

(B) provide the program with a copy of any court or administrative order that requires the program participant to pay child support;

(C) comply with the requirements of AS 25.27.265 (b), if applicable, and comply with requests for information or cooperation from any child support enforcement agency enforcing a court or administrative order that requires the program participant to pay child support;

(D) provide documentation of child support payments if ordered to pay directly to the custodian of the child; and

(E) sign a release of information to allow the program to obtain the program participant's payment record if ordered to pay through a child support enforcement agency;

(4) the program participant's agreement to pay all fees assessed under (d) of this section fees and court ordered costs related to domestic violence incidents, and to comply with child support and court orders;

(5) the program participant's agreement to comply with the program's standards and requirements, including substance abuse and mental health treatment, if a referral is made;

(6) the program participant's agreement to disclose to the program any violations of the contract with the program throughout the duration of participation in the program;

(7) the program participant's agreement not to participate, while in the program, in any kind of counseling directly involving both the participant and the participant's victim; and

(8) the program participant's understanding of the compliance requirements of the program, and the actions that the program will take in the event of the participant's non-compliance.

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## 22 AAC 25.030. Program services continued

(c) An approved program must

(1) immediately disclose the following information to the program participant's victim, the program participant's current domestic partner, the sentencing court, the program participant's probation or parole officer, a local law enforcement agency, the local victim advocacy agency and the prosecutor:

(A) threatened or actual destruction of property by the program participant;

(B) threats to violate, attempts to violate or actual violation of child custody or child visitation orders by the program participant; and

(C) threats of physical harm or actual physical harm to any person or pet by the program participant; information listed under this subparagraph must also be disclosed to the person who is the intended victim of the program participant's threats;

(2) release the following information to the program participant's victim, the program participant's current domestic partner, the sentencing court, the program participant's probation or parole officer, a local law enforcement agency, and the prosecutor:

(A) the program participant's attendance records in the program;

(B) the program participant's compliance with or termination from the program; and

(C) disruptive group behavior in the program by the program participant; and

(3) provide to the program participant's victim and current domestic partner

(A) the merits and limitations of the program;

(B) information on domestic violence and options for victims; and

(C) a referral to local victim advocacy agencies.

(d) An approved program shall require a payment of fees for services of the program. The fees may be determined on a sliding scale based on a program participant's ability to pay, and may include community work service in lieu of monetary fees. Failure to pay these fees shall be treated as a failure to comply with program requirements.

(e) An approved program must develop written discharge criteria for

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## 22 AAC 25.030. Program services continued

(1) termination from the program when a program participant fails to comply with program requirements; and

(2) compliance with the program, based upon at least the following:

(A) no incidents of physical or sexual violence by the program participant for at least six months;

(B) compliance by the program participant with attendance requirements, which may permit no more than two unexcused absences from program activities;

(C) appropriate participation in the program by the participant as reflected in formal case reviews;

(D) compliance by the program participant with all the conditions and provisions of the contract entered into under (b) of this section; and

(E) payment by the program participant of all applicable fees under (d) of this section.

**History:** Eff. 11/13/98, Register 148; am 11/29/98, Register 148

**Authority:** AS 44.28.020

## 22 AAC 25.040. Program participant monitoring and program accountability

(a) An approved program shall monitor the recidivism of all program participants for a period of not less than 12 months following their compliance with the discharge from the program or non-compliance and termination from the program. This procedure must include, whenever possible:

(1) interviews of the victim and the program participant's current domestic partner;

(2) review of the former program participant's criminal justice records;

(3) interviews with the former program participant; and

(4) contact with the local victim advocacy agency and other appropriate agencies.

(b) An approved program must submit, no later than February 1 a written report evaluating its services for the previous calendar year in a format specified by the department. The approved program must provide a copy of the report to the department. The report must include

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## 22 AAC 25.040. Program participant monitoring and program accountability cont.

- (1) an assessment of the effectiveness of the program;
- (2) a description of the types of data collected;
- (3) an identification of program elements that have proven effective and the factors impacting the elements;  
and
- (4) an assessment of how the program affects the community that the program serves, including the program participants and victims of domestic violence.

(c) In addition to the requirements of (b) of this section, the department may request that an approved program file with the department statistics, schedules, and other information that the department determines is reasonably necessary for the department to determine the efficacy of the approved program. An approved program must furnish the data, statistics, schedules, or other information requested by the department no later than 90 days from the date of the request. An approved program that does not timely submit the requested information will be subject to withdrawal of approval of the program under the provisions of 22 AAC 25.010(d) , unless the approved program provides information to the department that the department determines is good cause as to why the program did not timely submit the requested information.

**History:** Eff. 11/13/98, Register 148; am 8/28/2011, Register 199

**Authority:** AS 44.28.020

## 22 AAC 25.050. Confidentiality of personal program participants' records

- (a) Except as provided in 22 AAC 25.030(c) , personal program participant records are confidential to the extent allowed by state or federal law and are not public records. Nothing in this section, however, limits the use of personal program participant records in a criminal investigation or a legal proceeding.
- (b) Information pertaining to victim safety checks must be maintained in a manner that protects the confidentiality of the victim.

**History:** Eff. 11/13/98, Register 148