

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

**MINUTES OF  
CDVSA Legislative Task Force Recommendations Meeting  
April 10, 2008**

**Department of Public Safety, 450 Whittier Street  
DPS Commissioner's Conference Room  
Juneau, Alaska**

**CALL TO ORDER & ROLL CALL**

Acting Chair Rick Svobodny called the teleconference meeting of the Council on Domestic Violence and Sexual Assault to order at 1:15 p.m. on Thursday, April 10, 2008. Four Council members were present at roll call. Barbara Thompson joined the teleconference at 2:15 p.m.

**Council members present:** **Richard Svobodny**, Department of Law (vice chair); **Colonel Audie Holloway**, Department of Public Safety, AST; **Ann House**, Public Member; **Bill Hogan**, Department of Health & Social Services; **Barbara Thompson**, Department of Education & Early Development (2:15 p.m.)

**Council members absent:** Stephanie McFadden and Yvonne Sarren

**Council staff present** (in person or by teleconference): **Chris Ashenbrenner**, Executive Director; **Lauree Morton**, Program Specialist; **Jo Griggs**, Administrative Manager; **Paul McCarthy**, Associate Coordinator; **Linda Hoven**, Associate Coordinator; **Ella Nierra**, Administrative Assistant

**REVIEW CDVSA LEGISLATIVE TASK FORCE RECOMMENDATIONS**

Council members continued reviewing the recommendations in the CDVSA Legislative Task Force report, issued March 1, 2008. The report's recommendations were grouped under six separate subject headings, and the Council got through two of the sections at the last meeting:

1. The Council's relationship and consultation with other state agencies; and
2. The statutory responsibilities and priorities of the Council.

The Council had tabled any action on the Task Force recommendation under #2 above, dealing with moving CDVSA employees from exempt status to the classified (non-exempt) service, until they had more information on which to base a decision. Executive director Chris Ashenbrenner had been asked to speak with her staff and to write a short report on the pros and cons of exempt and non-exempt employee status. A copy of the executive director's one-page report was handed

out at this meeting [*on file at the CDVSA Office*].

Ms. House suggested that the Council follow CDVSA staff's preference to be classified (non-exempt) employees, except for the executive director position.

Colonel Holloway said another reason to accept the Task Force recommendation is that having non-exempt employees lends stability to the CDVSA office and to the Council itself.

Chair Svobodny asked if anyone objected to informing the Task Force that the Council agreed with the two recommendations dealing with staff. There was no objection.

When queried by the Chair, Ms. Ashenbrenner said this item would have to go into the hopper of statute changes that are needed in order to implement some of the Task Force recommendations.

Mr. Hogan inquired if the current positions would have to be reclassified if moved to non-exempt status. Ms. Ashenbrenner replied that some of the positions would have to go into a similar classified job specification. Mr. Hogan said that when that happens there is a chance, for whatever reasons, that some positions might be classified at a lower range. He hoped that would not happen, but he was mentioning it as a potential issue. Ms. Ashenbrenner agreed that a lower classification range was a possibility but she thought it unlikely when she looked at descriptions of the current job duties. She added that she found out that current employees would not have to reapply for their jobs when the switch happens.

The Council moved on to the third section of findings and recommendations in the Task Force Report.

**The appointment process for members of the Council.** (page 15 of report)

*Recommendation 1* - Mandatory ethics training for all Council members to make clear their role on the Council.

Chair Svobodny ascertained that everyone was in agreement with this recommendation. He asked the executive director if the training could be scheduled for the Council's quarterly meeting in June. Ms. Ashenbrenner said she would check on the availability of the State training. She added that another factor is how to incorporate the ethics training into a new Council member's orientation; either that, or have an annual ethics training session for everybody. Chair Svobodny asked her to check what the Administration has because he thought there was an on-line ethics training module that could be included in an orientation packet.

*Recommendation 2* - Change language in statute from "shall" to "may" in regards to the Governor consulting the Alaska Network on Domestic Violence and Sexual Assault (ANDVSA) regarding the appointment of public members to the Council.

Ms. Ashenbrenner related that there was a huge discussion about this at the Task Force.

Mr. Hogan explained that there was a perception that if the Network could recommend Council members to the Governor, and several were appointed, that the Council would or could be somehow biased. And because the Council is responsible for giving out grant monies to Network members, that bias could create a potential conflict of interest. He said he believed the Network was okay with changing the recommended language in statute from "shall" to "may."

Chair Svobodny noted that this would be another legislative change to add to the list. He added that the wording that the Network "shall" make recommendations to the Governor does not say that the Governor has to accept them. However, changing "shall" to "may" makes it clearer.

Ms. Ashenbrenner said she had a bias on this recommendation. She said it is very important that the people on the Council have an understanding and appreciation for the dynamics of what domestic violence and sexual assault are in the world. She thought that was the intent of the original statute that said the Governor shall consult with the Network, because the Network is the coalition of people that is able to tap into public members who have the background and understanding to make very important decisions on the Council. Because there is nothing specified in statute to try to get that expertise in the subject matter, as there is for almost every other board and commission, it bothered her to back off even a little bit in the statutory language. She said the Governor should consult with the Network to get that expertise in public members on the Council. The Governor does not have to accept the Network's recommendations, but at least it brings the issue forward that the Network is the people who know who the experts are in Alaska.

Chair Svobodny indicated that he would talk to Annie Carpeneti in the Department of Law about the concerns that the executive director just raised so Ms. Carpeneti could take them into account when drafting the new statutory language. He wondered if the Governor has ever appointed a public member to the Council who did not know anything about domestic violence and sexual assault.

Mr. Hogan said he understood that some people have been appointed who had little or no experience in domestic violence or sexual assault. Ms. Ashenbrenner said that was correct.

Chair Svobodny queried the Council members present and determined that there was no objection to accepting this recommendation of the CDVSA Task Force.

*Recommendation 3 - Extend terms (on the Council) from two to three years.*

Ms. House spoke in support of three-year terms, because Council members spend the first year learning a great deal and the second year is still spent learning more, and the third year a member is knowledgeable.

Ms. Ashenbrenner explained that this was a recommendation from the Council's former chair, Kim Williams.

Chair Svobodny said that another legislative change would be necessary to implement this Task Force recommendation. He asked if there was any objection to accepting this recommendation: there was no objection.

The Council took up the next section of the report:

**The location of the Council within the state administrative structure.** (page 16 of the report)

*Recommendation 1* - The CDVSA should remain in the Alaska Department of Public Safety.

Chair Svobodny noted that the Council discussed this recommendation at the March 13 meeting.

No one wished to comment on it further, and it was unanimous to accept this recommendation.

The Council moved on to the next section of the report:

**The Council's compliance with grant management requirements.** (page 17 of the report)

*Recommendation 1* - The Council should consult with the State Department of Health and Social Services (DHSS) regarding their work with the Rasmuson Foundation, in an effort to streamline the grant process and reduce the administrative burden for grantees and the State.

As background, Mr. Hogan explained that 2-1/2 to 3 years ago the Rasmuson Foundation approached DHSS to develop ways to streamline the department's grant-making process, in order to reduce the burden on the many grantees receiving money from DHSS. The Rasmuson Foundation provides sabbaticals of three to six months for executive directors of nonprofit agencies in Alaska, and they heard consistently from executive directors that they wanted to time their sabbatical so that it did not coincide with the grant "season." The executive directors, especially of smaller agencies, spend an inordinate amount of time responding to requests for proposal. In some cases, they are getting 15 to 20 grants from state departments. As a result, Rasmuson committed to work with DHSS, with three primary goals: (1) streamline the process so that it reduced the administrative burden for grantees; (2) reduce the burden for DHSS; and (3) over time improve outcomes for the recipients of DHSS services. Rasmuson contracted with a consulting firm that looked at the DHSS grant-making business processes and produced a series of recommendations that the department is in the process of implementing. One example is that if the grant from DHSS is less than \$50,000, the recipient does not have to report quarterly but maybe every six months or once a year, and the financial reporting is made a lot easier.

Mr. Hogan stated that the Task Force discussed in several meetings how burdensome the grant-making process is for the victim service programs and the batterers intervention programs, etc. It is a lot of work for the grantees to prepare the applications and appear before the Council to describe their proposals. It is a lot of work for the Council and staff to review all the grant applications and try to make good funding decisions based on the proposals, the knowledge of

the programs, and on a short question-and-answer period. In many instances, it essentially ends up that agencies receive exactly the same funding as they had gotten before — so what is the purpose.

Mr. Hogan said the Task Force made this recommendation with the notion that he could provide a link to the CDVSA executive director and the Council to try and figure out a way to implement some of the things that DHSS is doing with the Rasmuson project.

Ms. Ashenbrenner said one of the differences is that the smallest regular CDVSA victim services grant is \$88,000 and they range up to a million dollars. She thought the Council needed to find the balance between streamlining the grant process for everybody concerned and still demonstrating appropriate stewardship of the money. That being said, she was all for working with Rasmuson or whomever to do something that makes sense, that really focuses on outcomes, and that does not create unnecessary burden for anybody. She said another concern is that the process gets streamlined so much that the Council no longer has much interaction with the grantees. It is very important to keep the dialogue going with the victim services agencies so that Council members are aware of the problems and can make some policy decisions and help make improvements. One of the key ways the Council has done that in the past has been interacting with all the program executive directors every two years at the funding meeting. While she was not advocating for keeping that process, she said it points out the importance of keeping a balance between streamlining and still staying in touch with the programs.

Mr. Hogan stated that he was not saying the Council shouldn't be good stewards of the public dollar or that the Council shouldn't hold people accountable. But he urged going into this with an open mind about ways to make the grant-making process more efficient.

Chair Svobodny noted that by listening to the short report from Mr. Hogan the Council has already consulted with DHSS to hear what the department learned from the Rasmuson Foundation. He said there is no down side to consulting further with DHSS to get more detail about streamlining the grant process and to see if the CDVSA can implement any of those ideas. He added that the CDVSA will be more controlled by the federal government in how it deals with grants, than by Rasmuson and the state government.

Mr. Hogan cited an example that the prevailing wisdom in DHSS was that the federal government was requiring quarterly reporting from most, if not all, of its grantees. When DHSS asked for evidence of that requirement, it turned out that 95% of the time it was not true and that the practice had just evolved over time. He thought that with the CDVSA's limited number of funding sources, streamlining the grant process was doable. He suggested making one of the priorities of the strategic plan streamlining the grant-making process to achieve better outcomes. Then the Council could spend more time in the plan fleshing out this objective, and he could provide lots of documentation about what DHSS has been doing. The Council also might want to engage its own consultant or submit an application to the Rasmuson Foundation to get money directly for this.

Ms. House said she liked the idea of considering this recommendation in the strategic planning process.

Ms. Ashenbrenner mentioned that the CDVSA combines three different federal funding sources and the state money into one grant to programs. It can, and does, make it difficult for grantees because they have to be in compliance with three different sets of federal grant agreement conditions plus the state's grant conditions. It might not be possible to simplify those, but the Council can work on areas around that.

Ms. Ashenbrenner suggested that the Council not take separate action on the second recommendation in this section but consider it within the strategic planning process.

*Recommendation 2* - Grant terms should allow a renewal period extension for an additional period if grant compliance is maintained and grant conditions have not changed.

*Recommendation 3* - The Council should continue to work to establish clear guidelines, standards and parameters for grant applicants.

Chair Svobodny said that it did not bother him to consult with DHSS, especially with a representative of DHSS on the Council. He thought a goal here ought to be to streamline the grant process for both the grantor and the grantee, either through a strategic plan or through applying for a Rasmuson Foundation grant to guide the Council in doing that. He said the three recommendations should be dealt with together.

Mr. Hogan spoke in favor of attempting to streamline the grant-making process through the strategic plan. He said he would offer to make contact with the Rasmuson Foundation but it was probably a little premature at this point.

Ms. Ashenbrenner reported that she has been attempting to make contact with Sammye Pokryfki at the Rasmuson Foundation for a couple of weeks to develop a working relationship and exchange ideas.

Chair Svobodny clarified that the Council would be dealing with the three recommendations under this section of the Task Force Report as part of the strategic plan, but this was not to discourage Ms. Ashenbrenner from maintaining good relationships with the Rasmuson people.

The Council moved on to the next section of the report:

**The Council's mission, and the focus of the Council's mission on prevention.** (pages 18-20 of the report)

*Recommendation 1* - The Council needs to develop a strategic plan. The strategic plan needs to simplify the Council's mission and focus on the four key areas of prevention, intervention, crisis response, and perpetrator accountability.

Ms. Ashenbrenner pointed out the statutory mission of the Council written in a box in the Task Force Report next to another box containing a shorter statement about the mission of the Council. She explained that she did not know where the shorter statement came from, but she had used it in an annual report: "The mission of the Council on Domestic Violence and Sexual Assault is to reduce the causes and incidence and to alleviate the effects of domestic violence and sexual assault."

Ms. Griggs recalled that former executive director Barbara Mason and a budget person had written that mission statement.

Ms. House said that a discussion about this took place at the Council's March 13 meeting.

Chair Svobodny ascertained from fellow Council members that they agreed with the first recommendation to develop a strategic plan, and that the strategic plan should include a mission statement from the Council that includes prevention and the legislative finding that established the CDVSA.

*Recommendation 2* - The Legislature and the Governor should extend the Council until 2014 to allow the Council time to develop and implement their strategic plan. (HB 334 is already moving through the Legislature to accomplish this.)

Ms. Ashenbrenner stated that the CDVSA will sunset in 2011. The Task Force believed that extending it until 2014 would allow a few more years for the Council to implement a strategic plan and make improvements before the CDVSA is subjected to another Legislative Budget and Audit review. HB 334 passed the House almost unanimously and passed Senate Finance yesterday. The bill should be on the Senate floor this week.

Chair Svobodny indicated that the Council would tell the Task Force that it accepted recommendation 2.

*Recommendation 3* - The Council's mission statement should be rewritten to create a more proactive approach to the issues of domestic violence and sexual assault. The purpose of the Council should be to reduce domestic violence and sexual assault, not just to respond to it.

Chair Svobodny mentioned that the Task Force had said the Council's mission statement does not coincide with what it believes the mission statement is, but in this recommendation the Task Force appears to want the mission statement to say something different. He said that there will eventually be a bill drafted to enact several of the Task Force's recommended changes, and that legislation would be a good place to rewrite the mission statement for the Legislature and for the CDVSA.

Mr. Hogan said he saw it as the Task Force giving the Council some guidelines about what they hope to see in the mission statement. But the Council has the responsibility and authority to

develop it in a way that makes the most sense for the Council. He suggested thanking the Task Force for wanting the Council to change the mission statement and be proactive in reducing domestic violence and sexual assault. However, it would be up to the Council to craft the mission statement language.

Chair Svobodny stated that in part the Legislature wants to be saying they are creating the CDVSA to be able to disperse funds. And the Council should be able to have its own mission statement that is not inconsistent with what the Legislature said but does not necessarily track with the statutory mission.

Mr. Hogan said he meant that the Council should develop the mission statement and then decide whether or not that mission statement should be included in the statute.

Chair Svobodny said he did not have a problem with that. Ms. House and Colonel Holloway agreed.

Ms. Ashenbrenner commented that it would be a first step of a strategic planning process. She added that she gets a little apprehensive about the premise that the CDVSA's mission is to reduce domestic violence and sexual assault, because the CDVSA does not have the tools or the authority to actually impact the rates of domestic violence and sexual assault.

Chair Svobodny said he disagreed, because if the Council were not worried about impacting the rate of dv/sa, then it should just skip the educational segment. Nobody would agree that the Council should do that, so then part of the mission is to reduce domestic violence and sexual assault.

Ms. Ashenbrenner stated that she thought the mission was to educate, to alleviate the effects of domestic violence and sexual assault, and to identify and try to eliminate the causal factors.

Mr. Hogan said that the Council does not have sole responsibility for reducing the incidence of domestic violence and sexual assault. He struggled with this notion with the Suicide Prevention Council, which decided after several years that maybe their primary responsibility was to reduce the rate of suicide — because if they are not focused on that, then who is. Likewise, if the Council is not focused on reducing the rates of domestic violence and sexual assault, who is. There are different short-term goals and benchmarks that CDVSA can achieve that will feel a lot more manageable than reducing the overall rates of domestic violence and sexual assault, but he thought that was the Council's responsibility.

Ms. House expressed that the goal of the Council should be to reduce domestic violence and sexual assault, rather than "shall."

Ms. Ashenbrenner said as long as she does not have to create a budget measure for the mission, and then get measured on the rates of domestic violence and sexual assault, and then lose funding if the rates have not gone down. She added that the only reason she does this job is

because she wants to reduce domestic violence and sexual assault and help the people who have been affected. But agencies can get wound up in bureaucratic terminology and end up somewhere where they didn't think they were going.

Chair Svobodny suggested writing into it that measures and means are not appropriate for evaluating whether the CDVSA is reducing domestic violence and sexual assault. He noted that everyone wants to prevent domestic violence and sexual assault, and he assumed that everybody wants to protect the Council from some arbitrary bureaucrat asking what the measure is and then cutting funding because there are more cases of domestic violence reported in 2009 than in 2008.

*Recommendation 4* - The Task Force suggests peer training for members of the Court System to ensure that victims receive a fair hearing when child custody is at stake.

Ms. Ashenbrenner said the issue was that the Task Force heard testimony about the seeming lack of understanding in the Court System of the dynamics of domestic violence in custody cases. It was not just judges; it was guardians ad litem, child custody investigators, the people making the decisions not recognizing or understanding that batterers manipulate their victims, their children, and the system in order to get custody and an unfair advantage. The Task Force reached the conclusion that the judicial system did not appear to have enough training in this area.

Mr. Hogan said that was an accurate synopsis. He added that the word "peer" is used in the recommendation because the Task Force generally felt that the training would be accepted better in the Court System if it were provided by a judge or someone who really understands the courts.

Ms. Ashenbrenner stated that many states have required domestic violence training for their guardians ad litem and child custody investigators. There is no such mandatory training in Alaska. Also other states actually have domestic violence specialists train the judges. In Alaska that is apparently not considered appropriate, so they don't have that advocacy based training in domestic violence. So there is probably work to be done with the Court System, both from the Task Force's perspective and from the public's point of view. There is funding available: 5% of the VAWA grant goes to the courts for some coordination, and the VAWA earmark is paying for a full-time coordinator. So there is a little more opportunity right now to do some things, but it should probably be part of the strategic plan as well, because it is not just the Court System but the whole legal system.

Chair Svobodny asked how the Court System is spending its 5% allocation of the VAWA STOP grant money.

Ms. Morton replied that a small portion of the 5% regular VAWA grant funds is set aside for judges and magistrates training. They usually go outside Alaska for a day or two, although they did have an in-state training this past year. Some of the funding goes to Suzanne DiPietro's salary as the magistrate coordinator. Some of it goes to the language line so people have access to a translator by phone for a court appearance if they do not speak English well. The majority of the VAWA earmark money is paying for the domestic violence initiatives coordinator position.

The Court System is also starting a probation conditions-of-bail-release project (for domestic violence cases).

Chair Svobodny stated that judges will think it is unethical for them to be trained by somebody who has an advocacy role in the process. So there needs to be a neutral training agency involved in training judges. However, there is an opportunity through the Office of Public Advocacy, which is part of the Department of Administration, where at least the guardians ad litem ought to receive training. The Council could make that suggestion, and if it is not well received, the Legislature can decide whether to force it upon them.

Chair Svobodny said he asked about the VAWA funding because he wondered how much of the money the Court System was really using toward domestic violence situations, and maybe the Council needs to be watching that more closely. He inquired if the language line could be used by someone arrested for heroin possession, for example, and not related to domestic violence at all.

Ms. Morton said she was fairly certain the language line was specific to domestic violence situations, but staff should be able to get that information from the Court System.

Chair Svobodny asked what the domestic violence initiatives coordinator is doing. Ms. Morton said part of the position's function is to look at the overall Court System's response in domestic violence cases on the civil side and coordinate any domestic violence response or initiatives that the Court System wants to have. For example, the Court System has needed to revise some of the protective order forms for several months, and the coordinator will pick up that project.

Ms. Ashenbrenner said she would like an agenda item at the June meeting where each of the VAWA players attend and tell the Council what they are doing. The Council is a bit disconnected from what the state agencies and the Network are doing with the VAWA grant. It would be time well spent for Council members to be able to ask questions of the people responsible for the various activities.

Chair Svobodny said it was a good idea but wondered if the June meeting agenda had room to add another item. Ms. Ashenbrenner indicated she was keeping track of what will be on the June agenda.

Chair Svobodny remarked that what keeps him in line at the Department of Law regarding how they are spending the VAWA grant money is that he swears on paper that the people are doing what they are supposed to be doing with it. He wanted assurance that the language line at the Court System was only being used for child custody cases and the like and not for criminal cases, where it could be drug dealers and others accessing the telephone translator service for court.

Referring directly to the recommendation, Ms. Ashenbrenner stated that the Council has no authority to tell the Court System to do any sort of training. But the Council could respond to the

Task Force by saying it was relaying the report findings and suggestions to the Court System.

[Barbara Thompson joined the meeting by teleconference at about 2:15 p.m.]

Chair Svobodny said the Council could suggest to the people who work in the executive branch who are involved in the Court System that they should receive training about domestic violence, but the Council cannot tell another branch of government to do anything. He said he would not be surprised if the Commissioner of Administration were to tell the Office of Public Advocacy or the Public Defenders Office that they will have to have certain training. The Court System receives 5% of VAWA funding through the CDVSA, but the Council does not control that. However, the Council could make sure that the Court System is actually doing domestic violence work with that funding.

Mr. Hogan and Colonel Holloway indicated they agreed with stressing the use of the word "suggest" in the CDVSA's response to the Task Force.

As part of a brief dialogue, Chair Svobodny stated that the Legislature could require that before the Court System hires a child custody investigator that the person has to have certain training. That is something the Council could suggest to the Court System.

*Recommendation 5* - The Council should re-examine their 14 mandates to determine if any should be rewritten in statute.

Chair Svobodny said he thought that would be part of the strategic planning. He asked for input about the Task Force's thinking and concerns on this recommendation.

Ms. Ashenbrenner related that Rep. Fairclough had asked her which of the 14 mandates were not applicable or could go away or be shrunk. She said she reviewed them over and over and ended up saying that there wasn't one mandate she could recommend eliminating because they are all worthy and well thought out. The truth is that the CDVSA does not have enough staff and resources to do them all.

Council members noted that a list of the 14 mandates was included in an appendix to the Task Force Report.

Colonel Holloway suggested informing the Task Force that the Council agreed to examine its 14 statutory mandates as part of the strategic planning process, that it was too big of a project to get into it at this meeting. Other Council members agreed.

*Recommendation 6* - The Council should collaborate with the national programs and organizations, such as the Centers for Disease Control and Office of Violence Against Women, to solicit grants specifically geared toward prevention in an effort to focus some funding on preventing domestic violence and sexual assault.

Ms. Ashenbrenner stated that if there were grants available for prevention the CDVSA would already be applying for them, but there is very little prevention money. The Network probably has the only viable domestic violence partner prevention grant with the Delta Project through the Centers for Disease Control (CDC). The CDC gives a grant of about \$188,000 a year to DHSS, which it passes on to CDVSA, that is for sexual assault prevention. The VAWA STOP grant does not allow any funding to be spent on prevention. She said it was a little disappointing that the Task Force did not make a recommendation that the Legislature should fund prevention efforts in the state. Instead, the only prevention recommendation was for the Legislature to fund the school health education specialist position in the Department of Education to develop curricula to address domestic violence, sexual assault and interpersonal violence. Then, the CDVSA is supposed to go out and look for federal grants that frankly do not exist in this area, at least not yet.

Chair Svobodny asked the executive director if she felt comfortable with the Council telling the Task Force that CDVSA has looked for prevention grants and there are none. Ms. Ashenbrenner said there is a rural grant that is helping to fund some youth projects around the state. But the Council could say there is very limited funding available for prevention. The CDVSA was not successful last year in getting the rural grant but managed to get some money this year that pays for a few teen education programs. But as far as funding for overall campaigns focusing on prevention, if there is money out there staff will seek it out. But staff has not seen anything like that become available in the last several years.

Chair Svobodny requested that the executive director give him some language about what limited grants CDC has for prevention and the history of what the CDVSA has applied for, etc. He would incorporate this information into the response to the Task Force.

Colonel Holloway suggested adding that the CDVSA would keep its eye on any funding that becomes available and apply for it, and if the guidelines of existing grants change to allow using money for prevention efforts.

Ms. Ashenbrenner cautioned that the federal funding picture is looking extremely bleak next year.

The Council reviewed the next section of the Task Force Report, under the heading "**Other issues of interest to the Task Force.**"

Ms. Ashenbrenner said this section contained subjects that came up in Task Force discussions that they felt were important for the overall focus on domestic violence and sexual assault. These were things that were outside the Council's purview, but the Task Force wanted to document them in the report anyway. These dealt with the State Crime Lab, a statewide media campaign, and the apparent low incidence of law enforcement referral of reports for prosecution.

Chair Svobodny said his preference was for the Council not to respond to the Task Force about anything that they did not make recommendations on.

Colonel Holloway indicated he agreed.

Mr. Hogan noted that the second bullet under the statewide media campaign heading suggested that the Council should consider developing a statewide media campaign that targets specific groups in the state about issues of domestic violence and sexual assault. He said this was something to address in the strategic plan, as part of how to educate the public.

Ms. Ashenbrenner advised the Council to state that it would be willing to develop a budget and proposal for a statewide media campaign if funding became available.

Regarding the apparent low incidence of referrals for prosecution statewide, Chair Svobodny said the Council's response could be that meaningful statistics need to be gathered so there is evidence of low referrals, because the Task Force Report indicates this information is anecdotal.

Ms. Ashenbrenner said she has been hearing since she took the executive director position that there is a low referral from law enforcement and a low take-up by prosecution. The Task Force heard this over and over again too. She did not know if the Council had to respond to this section of the Task Force Report, but it would be a good idea to research the statistics that would either refute the claim or support it.

Chair Svobodny stated that he could find out how many cases are referred for prosecution each year and how many cases are declined. What he didn't know was how many cases police officers investigate and do not refer for prosecution, but he thought there were very few of those. Police officers receive training and are quite diligent about referring cases; if anything, they refer cases that they know are not really domestic violence just because they are concerned about not doing a police report. To get that number, you would have to know how many true cases of domestic violence there were that weren't referred to the district attorney's office. Other numbers that are hard to pin down are how many cases are declined because the victim disappeared or there was a wrong determination as to who was the initial aggressor. He said he does not believe that police are burying cases of domestic violence and not referring them to the district attorney offices.

Colonel Holloway commented that he agreed with the chair's response. He added that with the amount of emphasis being put on domestic violence cases, it would be rare (but not impossible in areas where things are a bit more laid back and people might try to unofficially take care of things) for police to not follow up on cases. He said the politically incorrect answer is the problem of the he-said/she-said situation, or when victims recant their charges because they are embarrassed or afraid or told only part of the truth. It is a lot easier to blame the system for not following up than to blame themselves or other people involved.

Chair Svobodny related a situation where a person is truly a victim of domestic violence and been assaulted repeatedly but doesn't report it. Then the offender reports that the person hit them on the head with the telephone, and the police respond and make an arrest. The shelter states that the woman has been assaulted eight times before and nothing happened. So there are eight

incidents of domestic violence that were not prosecuted, but the case of the guy being hit on the head is prosecuted because he is the only one who called the police. That is a manipulation of the system. But it is also why people hear that there are a lot of cases that are going uninvestigated, when they haven't been reported. Or the police are dealing with the immediate circumstance when it comes to light, not the year that led up to it.

Ms. Ashenbrenner noted that the chair was talking about the Department of Law, but most domestic violence incidents are charged at a misdemeanor level and dealt with by municipal prosecutors. Talking to the domestic violence workers, one hears a whole different story. She said she thinks everybody involved should sit down and talk it out because there are a lot of stories on the other side of the issue.

Chair Svobodny said he agreed there should be a way to have that conversation with people. Responding to the executive director's first comment, he said the Department of Law prosecutors are probably more sticklers for sufficient evidence than the prosecutors at the municipalities of Anchorage or Juneau — they are probably accepting more close cases than the Department of Law people.

Colonel Holloway commented that 10 to 15 years ago he would have said the problem was that the police were dealing with things in a family matter type of response and not treating them as legal problems. That is not the case anymore. At one time poor report-writing on the part of police officers could have been a problem, but now that would be rare. Prosecutors realize that poor report-writing could be a factor, and they will have somebody contact the victim first to make sure the officer's interpretation of the situation was correct before dropping the case.

Ms. Ashenbrenner said this concern came out during public testimony before the Task Force. Chair Svobodny remarked that public comments come from people who have specific issues and complaints.

Colonel Holloway said it may not be possible for the Council to respond to this in a manner that the public will accept or believe because people have their own version of reality about cases not being forwarded for prosecution.

Mr. Hogan asked if there was any analysis to be done once the Council got the data that the chair said was available for cases referred for prosecution at the Department of Law each year and the number that are declined.

Chair Svobodny said not really, that it would just indicate how many cases in a year did not meet DOL screening standards, which is whether the prosecutor could prove a case to a jury beyond a reasonable doubt. The response to the Task Force could simply be that there has to be better data collecting systems.

CDVSA associate coordinator Paul McCarthy explained that the municipal prosecutors in Anchorage had some sort of in-house monitoring entity for a while. That data is not going to

have the objectivity that would come from outside monitoring. Approved batterers intervention programs in Anchorage have no idea how many court orders there are in the programs because the courts don't inform them: they have to rely on the individuals showing up in the room every week. He thought that was completely inadequate. The Anchorage Police Department does not inform programs of who has been arrested for domestic violence related offenses (the spectrum of disorderly conduct, harassment, etc.), but somebody ought to be finding out those numbers. There is real need for some kind of monitoring body that would almost function as an auditing type body, and that would cost money to run.

Chair Svobodny said the Council's response could be that in order to respond to this it needs hard data. If appropriate funding became available, the Council would recommend the types of studies that one could do.

Mr. McCarthy stated that the Alaska Judicial Council has done some work, and the Justice Center through the University of Alaska Anchorage has done some studies when they've had funding.

Ms. Ashenbrenner said there are lots of different studies that are needed in the state, and the Council has to figure out the priorities as part of the strategic planning and which studies it wants to have done. Then CDVSA could work with those entities that could do the studies that the Council identifies as the most important to focus on.

Mr. Hogan voiced agreement with that.

Chair Svobodny referred to the second point under this section in the Task Force Report, which was about the number of batterers who fail to complete the batterers intervention program as a condition of their parole (probably meaning probation) and have a warrant issued for them. The point went on to say that law enforcement and prosecution do not have the resources to enforce the warrants. He said he agreed that law enforcement probably does not have the resources but that is not the case with prosecution — when the warrants get executed, they are prosecuted. He said he had no problem saying that Public Safety should get more resources to execute warrants.

When queried, Colonel Holloway said he did not have a bit of a problem with that statement.

**The next section of the Task Force Report dealt with batterers intervention programs**  
(page 23-24 of report).

*Recommendation 1* - Program funding should be contingent on the provider demonstrating the effectiveness of the program in preventing or reducing recidivism. If they cannot provide the documented effectiveness of the program, CDVSA should not provide funding nor should they certify these programs. Performance measures must be instituted and Department of Correction's (DOC's) regulations will need to be changed to impose new reporting requirements. Defunding programs is not the only answer.

*Recommendation 2* - State departments should establish a memorandum of understanding (MOU) to develop an initiative to collect data. A comparison should be done as to which groups have the greatest rate of recidivism and a clear definition of what constitutes recidivism (arrest for DV-related incident, violation of an existing restraining order, or the filing of a new restraining order could serve as easy reference points).

*Recommendation 3* - CDVSA should also look at the sharp decline in the numbers of second and third offences when compared to the number who commit a first domestic violence offense. This would give greater insight into designing programs which have the greatest chance of making a positive impact. There is likely much benefit to implementing an assessment process to determine the need for a person to participate in a batterers intervention program and at what level. This assessment could function much like the one individuals are required to obtain regarding substance abuse.

*Recommendation 4* - If a method of determining the level of need is put in place, CDVSA can likely come closer to identifying that core group of hardcore offenders and focus the limited resources on them rather than diluting the resources on the larger group.

Colonel Holloway stated that for recommendation 1 it might be hard for batterers intervention programs (BIPs) to prove their effectiveness if they haven't been doing it very long.

Ms. Ashenbrenner agreed. She remarked that she resisted these recommendations at every Task Force meeting that they were discussed. Her resistance was to recommendations that were very prescriptive, and she was aligned with Jack Coghill and Con Bunde in their view that the Task Force should be looking from the 30,000-foot level and making general recommendations. She thought that all of a sudden the BIP recommendations became much too specific. The batterers intervention programs have lots of room for improvement, and it is a whole strategic plan onto itself, but many of the Task Force recommendations are too prescriptive at this point.

Ms. House recalled that it was mentioned at the last meeting that Fairbanks has a BIP that seems to be working very well and that measures results.

Mr. Hogan said it might be working for the people who complete the program, but the Task Force heard from the police chief in Fairbanks that people are referred to the BIP and they don't complete, and the police department might get a report that they don't complete, but then it's "so what." The department does not have the capacity to follow up. He said he did not find the Task Force recommendations that prescriptive, unless it was around the specifics of what data to collect.

Ms. Ashenbrenner stated that the Council needs to start at the highest level, starting with what recidivism is.

Mr. Hogan replied that he, Chair Svobodny and Colonel Holloway are part of the Criminal Justice Working Group, and this is one of the things they are looking at. The Task Force

recommendations are actually timely.

Ms. Ashenbrenner agreed that the Council has to examine the efficacy of the BIPs and how to measure them and get common definitions and understanding.

Colonel Holloway and Mr. Hogan voiced agreement with a response to the Task Force along those lines. Colonel Holloway added that the CDVSA has to include these programs but has to make sure that they are not faulty and that they really follow through on things. He thought that was part of the Council's job anyway.

Ms. House said she agreed with that.

Mr. McCarthy indicated he agreed as well. He said any real study of the effectiveness of BIPs would take a few years. There are good and bad studies, and the good ones are experimental and have control groups — not just comparing completers with non-completers. Doing a good study would be a big undertaking and would cost money.

Colonel Holloway recalled that several people present attended a training at the Captain Cook where they heard that nationally recognized people have done studies and reviewed the information, and the studies show that BIPs work for the people who come with the right attitude or who realize they have to make a change, but the experts cannot figure out why it works. So how is the Council going to come up with the answers when even those experts cannot figure it out. He said the Council needs to say something generally positive that it supports BIPs and wants to keep working with them because it is a partial solution to the problem of domestic violence, just like putting some people in jail is a partial solution to the problem. But neither of them is the total answer.

Chair Svobodny suggested saying that batterers intervention programs should be accountable for determining whether their programs are effective in preventing domestic violence and preventing recidivism. Further, that there needs to be uniformity in the measurements that are used among the programs. The Council is aware that the Criminal Justice Working Group is attempting to define recidivism for criminal matters. When a standard definition of recidivism is completed by the Criminal Justice Working Group, the CDVSA should review it and see if it is appropriate for batterers intervention programs.

Other people indicated they were satisfied with that response to the Task Force. Ms. Ashenbrenner added that she fully supported the idea of the Council reviewing the definition of recidivism that the working group develops because she is concerned that it will be purely whether perpetrators go back to jail or not, and she wants something broader than that.

Ms. Ashenbrenner noted that Ralph Samuelson of Legislative Budget and Audit pointed out the inability to really gather any data on BIPs, and she wanted to say that the CDVSA staff is working on getting better data right now. It is challenging because the CDVSA only funds some batterers programs in the state. And for those that are state-approved through the Department of

Corrections (DOC) but not CDVSA funded, the CDVSA is limited in what it can require from them. It may take changing the DOC regulations to require approved programs to report data, which is kind of an unfunded mandate. There is a lot of work to do in this area, beyond the recommendations about consistency in the Task Force Report.

Regarding recommendation #3 (assessment process to determine if a person should participate in a BIP and at what level), Mr. McCarthy stated that risk assessment tools exist, but they are not being used in Alaska. The tools tend to be administered by probation officers in states like Oregon that have probation officers work with misdemeanants who are convicted of domestic violence-related crimes.

Ms. Ashenbrenner reported that a BIP working group of experts around the state is being formed to work on various issues. The Council could address recommendation #3 by explaining that the CDVSA is starting an intensive BIP review process to figure things out.

Chair Svobodny said that would be an appropriate response to recommendation #3.

Colonel Holloway stated that the same response could go for recommendation #4, except to note that we (who is we??) already do some triaging to look for those persons who are repeat offenders, and there has been training on identifying those sociopathic type offenders who are very good at hiding things. That can be ramped up better with more training.

Chair Svobodny said that three-strikes-and-you're-out is going to get there with supervised probation for batterers.

Ms. Ashenbrenner mentioned that there is some controversy about whether to put very many resources into those 20% of bad offenders who seem to go ahead and repeat no matter what is done with them; maybe more resources should go into the people who are ready and willing to change.

Chair Svobodny said he did not disagree with that. But he backed having somebody watching over the really dangerous guys.

Ms. Ashenbrenner reviewed that staff was going to write up some responses to the Task Force and Chair Svobodny was going to write up some others, and the Council would get to review the drafts.

Ms. Ashenbrenner asked Council members if they wanted to start the strategic planning process at the two-day meeting in June, and if so, if she should work on procuring a facilitator for that effort.

Chair Svobodny suggested using the first day of the June meeting for strategic planning and the second day for the regular agenda. He asked the executive director to proceed with getting a facilitator for the June meeting.

## **ADJOURNMENT**

The meeting adjourned at 3:15 p.m.

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

Confidential Office Services  
Karen Pearce Brown  
Juneau, Alaska