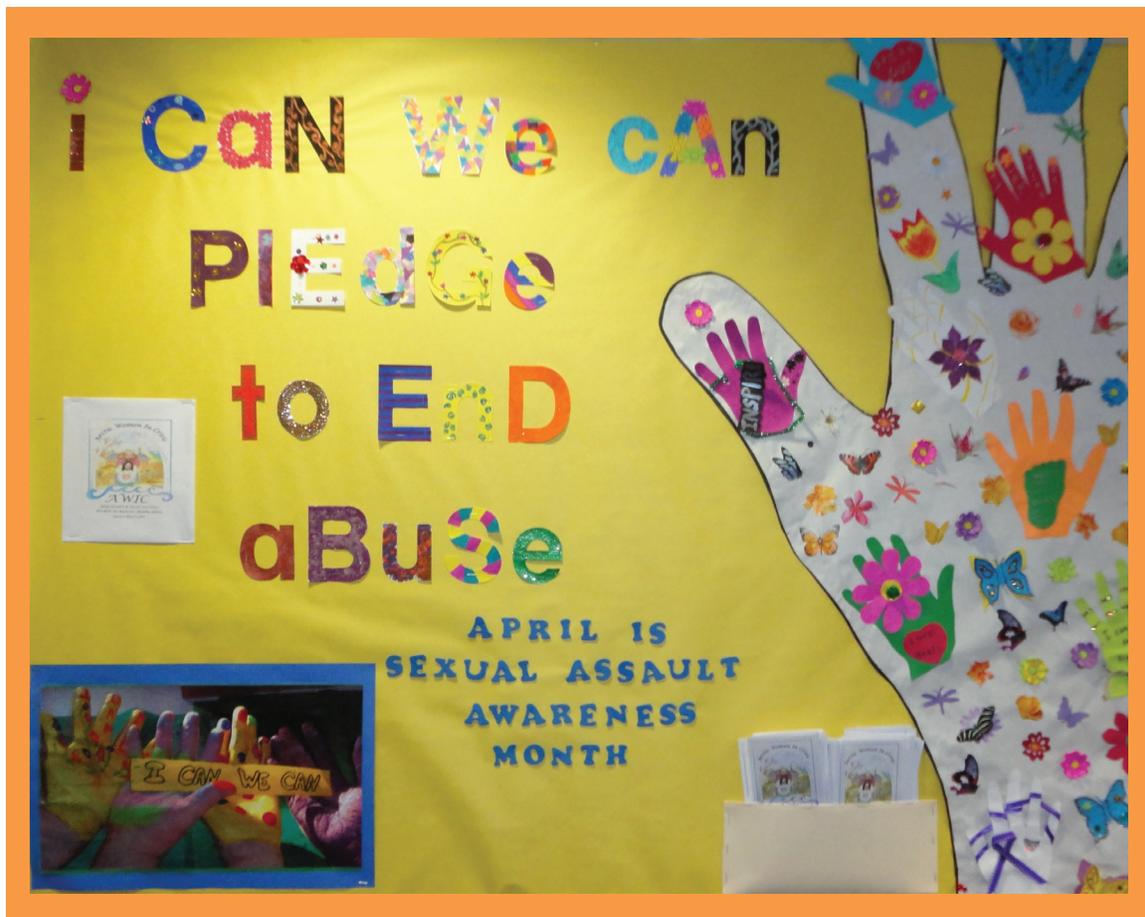


COUNCIL MEETING 4TH QUARTER MAY 2-3, 2013





MEETING LOCATION:
ARCTIC WOMEN IN CRISIS (AWIC)
5125 HERMAN STREET
BARROW, AK 99723-0069
907-852-0261

ATTEND VIA TELECONFERENCE LINE
CALL: 1-800-315-6338
ENTER CODE: 23872

COVER PHOTO: Arctic Women in Crisis (AWIC)

PHOTO BY: Leslianne Grencio, Counselor II

The cover photo is from a display for the 2013 Sexual Assault Awareness Month using the Window Between Worlds I CAN WE CAN campaign.

Arctic Women in Crisis (AWIC)
P.O. Box 69
Barrow, AK 99723-0069
907-852-0261

OUR VISION:

Alaska, free from domestic and sexual violence

OUR MISSION:

The Council provides safety for Alaskans impacted or victimized by domestic violence and sexual assault through a system of statewide crisis intervention, perpetrator accountability and prevention services.

OUR PURPOSE:

There is established in the Department of Public Safety the Council on Domestic Violence and Sexual Assault. The purpose of the Council is to provide for planning and coordination of services to victims of domestic violence or sexual assault or to their families and to perpetrators of domestic violence and sexual assault and to provide for crisis intervention and prevention programs.

-Alaska Statute 18.66.010

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AGENDA

4TH QUARTER - FY13
MAY 2-3, 2013



THURSDAY, MAY 2, 2013

9:00 a.m.	Call to Order Roll Call Conflict Inquiry Agenda Approval Minute Approval: 3rd Quarter Meeting, Juneau	Susan Cushing
9:30	Executive Director Report	Lauree Morton
10:15	BREAK	
10:30	Network Report	Peggy Brown
11:00	Arctic Women in Crisis (AWIC)	Virginia Walsh
Noon	LUNCH courtesy of AWIC	
1:30 p.m.	AK Military and Sexual Assault Response	Darmalay Williams
2:15	Dashboard Indicators: Childhood Exposure to Domestic Violence Child and Youth Victimization Reports of Harm	Patty Owen
2:45	BREAK	
3:00	Council Comments	Susan Cushing
4:00	Tour of AWIC	

FRIDAY, MAY 3, 2013

9:00 a.m.	Community Hosts for FY 2014 Council Meetings	Susan Cushing
9:15	2014 Victim Service and Batterers Intervention Program Continuation Awards	Susan Cushing
9:45	Emerging Programs Plans	Lauree Morton
10:30	BREAK	
11:15	2015 Budget Discussion - Prep for Summer Meetings	Susan Cushing
Noon	LUNCH	
1:15 p.m.	DVSA Initiative Workgroups	Lauree Morton
2:15	BREAK	
2:30	Audit Review Sunset Extension	Lauree Morton
3:00	S*T*O*P and Other Federal Plans	Lauree Morton
4:00	ADJOURN	

DRAFT MINUTES FOR APPROVAL

FROM 3RD QUARTER - FY13 MEETING
FEBRUARY 21-22, 2013
HELD IN JUNEAU, ALASKA

Will be available at the 4th quarter meeting in Barrow and on the CDVSA website following the meeting.



FINANCIAL REPORT

AS OF MARCH 31, 2013



CURRENT FEDERAL GRANTS

Report Period Ending: March 31, 2013

PROGRAM	AWARD #	START	END	AMOUNT	EXPENDED	BALANCE
FFY10 RDVCV	2010-WR-AX-0059	10/01/10	12/31/12	900,000.00	900,000.00	-
FFY08 SVSEP	2008-CW-AX-K010	10/01/08	03/31/13	399,757.00	399,757.00	-
FFY09 STOP VAWA	2009-WF-AX-0044	06/01/09	05/31/13	771,824.00	726,929.11	44,894.89
FFY10 STOP VAWA	2010-WF-AX-0019	08/01/10	06/30/13	795,903.00	578,897.67	217,005.33
FFY11 STOP VAWA	2011-WF-AX-0003	07/01/11	06/30/13	799,382.00	240,180.77	559,201.23
FFY11 SASP	2011-KF-AX-0025	08/01/11	07/31/13	152,035.00	66,221.70	85,813.30
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	361,413.61	372,601.39
FFY12 STOP VAWA	2012-WF-AX-0028	07/01/12	06/30/14	796,817.00	161,392.10	635,424.90
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	169,459.56	463,941.44
FFY11 VOCA	2011-VA-GX-0045	10/01/10	09/30/14	1,410,228.00	1,374,384.17	35,843.83
FFY12 VOCA	2012-VA-GX-0058	10/01/11	09/30/15	1,307,108.00	393,576.00	913,532.00
FFY12 SVSEP	2012-CW-AX-K028	10/01/12	09/30/15	359,721.00	76,111.51	283,609.49
Totals:				10,654,943.00	6,812,015.20	3,842,927.80

- 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

FUNDING SOURCE STATUS

Report Period Ending: March 31, 2013

COMPONENT EXPENDITURES	Total Authorization	Total Expenditures	Balance
Personal Services	761,200.00	555,067.77	206,132.23
Travel	223,700.00	166,270.22	57,429.78
Services	2,123,500.00	712,546.81	1,410,953.19
Commodities	56,000.00	27,075.28	28,924.72
Capital Outlays	25,500.00	0.00	25,500.00
Grants and Benefits	13,277,500.00	11,317,444.00	1,960,056.00
Totals:	16,467,400.00		

FUNDING SOURCES

General Fund	11,024,600.00
Inter-Agency Receipts	1,737,700.00
Federal Grants	3,705,100.00
Totals:	16,467,400.00

BATTERER'S INTERVENTION PROGRAM (BIP) MEMORANDUM OF AGREEMENT

BETWEEN THE DEPARTMENT OF PUBLIC SAFETY
AND
DEPARTMENT OF CORRECTIONS



MEMORANDUM OF AGREEMENT

BETWEEN

STATE OF ALASKA DEPARTMENT OF PUBLIC SAFETY

AND

STATE OF ALASKA DEPARTMENT OF CORECTIONS

This memorandum of agreement is entered into between the State of Alaska Department of Public Safety (DPS) and the State of Alaska Department of Corrections (DOC) for purposes of DOC delegating the responsibility for approving and regulating batterer intervention programs to the Counsel on Domestic Violence and Sexual Assault (CDVSA), an entity within DPS.

I. Background.

Alaska long has had the distinction of the state in our nation of having the highest or near highest rate of domestic violence per capita. The State of Alaska, particularly the executive branch, is committed to reducing the prevalence of domestic violence and the resulting ill effects.

In the 1990s, batterer intervention programs were developed in Alaska as a part of the strategy to address Alaska's domestic violence problem.

Persons who receive services at batterer intervention programs in Alaska include state criminal justice system referrals, state civil office of children services referrals, tribal referrals, and self-referrals.

Alaska Statutes 44.28.020(b) charges DOC with the responsibility for approving and regulating batterer intervention programs. The statute specifically provides that DOC, with the approval of CDVSA, is to promulgate regulations setting forth the criteria a provider must meet to be an approved and compliant program. The regulations found at 22 AAC 25.010 to 25.050 were promulgated pursuant to, and in accordance with, the statute.

II. Delegation of Responsibility.

DOC desires to delegate to CDVSA the responsibility for approving and regulating batterer intervention programs.

CDVSA has the experience and expertise to assume responsibility for discharging the duties of approving and regulating batterer intervention programs.

By means of this memorandum of agreement, DOC delegates to CDVSA the responsibility for discharging the duties of approving and regulating batterer intervention programs.

III. Funding.

CDVSA's agreeing to assume responsibility for approving and regulating batterer intervention programs expressly is conditioned on DOC annually executing reimbursable service agreements (RSA) to provide CDVSA adequate funding to cover to costs of discharging the responsibilities. The RSA to CDVSA will not exceed \$175,000.

This memorandum of agreement shall be effective on the date it is signed by duly authorized representatives of DPS and DOC and shall remain in effect until modified by written agreement signed by both parties or terminated by either party upon giving 60 day advance written notice of intent to terminate.

FOR THE STATE OF ALASKA,
DEPARTMENT OF CORECTIONS:

FOR THE STATE OF ALASKA,
DEPARTMENT OF PUBLIC SAFETY

Joseph Schmidt
Commissioner

Lauree Morton
Executive Director
Council on Domestic Violence and Sexual Assault

Date: _____

Date: _____

2013 ALASKA DASHBOARD

CHILDHOOD EXPOSURE TO DOMESTIC VIOLENCE CHILD AND YOUTH VICTIMIZATION REPORTS OF HARM



2013 ALASKA DASHBOARD

The 2013 Alaska Dashboard is a broad overview of population indicators on key issues impacting domestic violence and sexual assault in Alaska. The Dashboard looks at reported incidents, service utilization, protective factors, offender accountability and victimization survey results.

Each of the numbers in the Dashboard represents a life affected by these crimes.

We encourage you to go beyond the numbers by reading through the indicator definitions to better understand what is being reviewed. The progress column is meant to comment on whether or not progress at turning the curve is being made at a satisfactory pace. It should not be viewed as a comment on the rate of domestic violence and sexual assault in Alaska.

The level of domestic violence, sexual assault and sexual abuse of minors remains unacceptably high. It is our belief that any amount of domestic violence or sexual assault is too much.

The following highlight three of nine key issues+. The full 2013 Alaska Dashboard is available at www.dps.state.ak.us/CDVSA/dashboard.aspx

CHILDHOOD EXPOSURE TO DOMESTIC VIOLENCE

Childhood Exposure to Domestic Violence												
	Starting AK Data	Current AK Data	Percent Change	Progress								
1. Percent of adults exposed to intimate partner violence of parent	19.1%	19.2%	+1%	●								
2. Percent of mothers whose 3 year old child saw violence or physical abuse	4.0%	6.6%	+65%	●								
Definitions												
1. Percent of adults exposed to intimate partner violence of parent Behavioral Risk Factor Surveillance System (BRFSS). <u>Approximately every third year</u> , 2,500 adults in Alaska are asked "As a child, did you ever see or hear one of your parents or guardians being hit, slapped, punched, shoved, kicked or otherwise physically hurt by their spouse or partner?" Most current Alaska data is from 2009 and starting Alaska data is from 2006. Progress is uncertain ● because the data has not changed significantly. New data is expected after 2013.												
2. Percent of mothers whose 3 year old child saw violence or physical abuse Childhood Understanding Behaviors Survey (CUBS). Each year, over 1,000 mothers of three year old children are asked "Has your child ever experienced seeing violence or physical abuse in person?" Most current Alaska data is from 2011 and starting Alaska data is from 2009.												
<table border="1"> <caption>Childhood Exposure to Domestic Violence - Line Graph Data</caption> <thead> <tr> <th>Year</th> <th>Percent</th> </tr> </thead> <tbody> <tr> <td>2009</td> <td>4.0%</td> </tr> <tr> <td>2010</td> <td>7.2%</td> </tr> <tr> <td>2011</td> <td>6.6%</td> </tr> </tbody> </table>					Year	Percent	2009	4.0%	2010	7.2%	2011	6.6%
Year	Percent											
2009	4.0%											
2010	7.2%											
2011	6.6%											
Progress needs improvement ● because while there has been a small decline from the previous year, the violence exposure levels appear to be greater than they had been in 2009.												

CHILD AND YOUTH VICTIMIZATION

Child and Youth Victimization				
	Starting AK Data	Current AK Data	Percent Change	Progress
3. Percent of students experiencing physical dating violence in past year	13.3%	12.0%	-10%	●
4. Percent of students experiencing sexual violence in lifetime	10.1%	9.2%	-9%	●
Definitions				
3. Percent of students experiencing physical dating violence in past year Youth Risk Behavior Survey (YRBS). <u>Every two years</u> , over 1,000 students in traditional high schools are asked "During the past 12 months, did your boyfriend or girlfriend ever hit, slap, or physically hurt you on purpose?" Most current Alaska data is from 2011 and starting Alaska data is from 2009. Progress is satisfactory ● because current data has decreased by 10%. New data is expected after 2013.				
4. Percent of students experiencing sexual violence in lifetime Youth Risk Behavior Survey (YRBS). <u>Every two years</u> , over 1,000 students in traditional high schools are asked "Have you ever been physically forced to have sexual intercourse when you did not want to?" Most current Alaska data is from 2011 and starting Alaska data is from 2009. Progress is satisfactory ● because current data has decreased by 9%. New data is expected after 2013.				

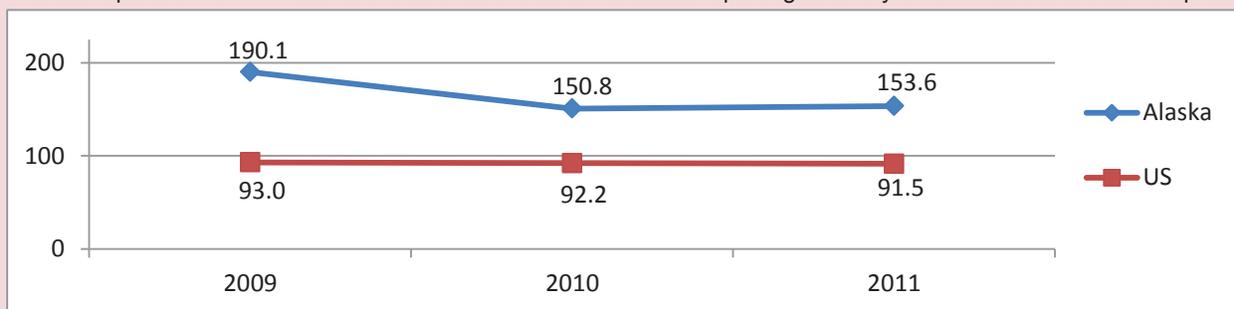
REPORTS OF HARM (CHILD AND YOUTH)

Reports of Harm (Child and Youth)				
	Starting AK Data	Current AK Data	Percent Change	Progress
5. Rate of reported child abuse and neglect per 10,000	190.1	153.6	-19%	●
6. Rate of reported child sexual maltreatment per 10,000	5.8	6.3	+9%	●

Definitions

5. Rate of reported child abuse and neglect per 10,000

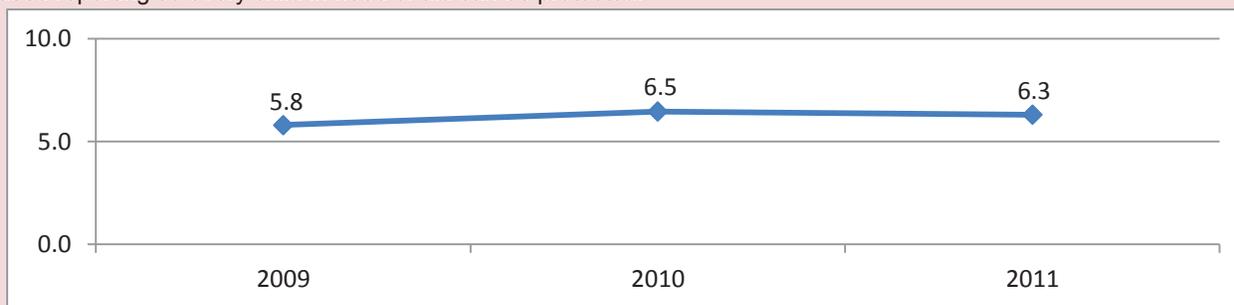
US Department of Health and Human Services (US DHHS). Rate of unique victims of reported and substantiated child abuse and neglect per 10,000 children ages 0-17. Child abuse and neglect is defined as any recent act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation; or an act or failure to act which presents and imminent risk of serious harm. Most current Alaska data is from 2011 and starting Alaska data is from 2009. For the purpose of the dashboard, this indicator is not used to measure rates of victimization. It is used to measure rates of substantiated reports of harm. Initiative efforts should lead to increased reporting so every child in need of aid can be protected.



Progress is unsatisfactory ● because substantiated reporting has decreased significantly since 2009.

6. Rate of reported child sexual maltreatment per 10,000

Office of Children's Services (OCS). Rate of non-duplicated children per 10,000 (ages 0-17) that are referred to the Office of Children's Services for substantiated incidents of sexual maltreatment. Sexual maltreatment includes sexual abuse (sexual assault, sexual abuse of a minor, incest, online enticement of a minor, unlawful exploitation of a minor, indecent exposure), sexual exploitation (allowing, permitting, or encouraging child prostitution), and prostitution or promoting prostitution. Most current Alaska data is from 2011 and starting Alaska data is from 2009. For the purpose of the dashboard, this indicator is not used to measure rates of victimization. It is used to measure rates of substantiated reports of harm. Initiative efforts should lead to increased reporting so every child in need of aid can be protected.



Progress is uncertain ● because the indicator has not changed significantly in the last 2 years.

FY14 COMMUNITY HOSTS

FOR COUNCIL MEETINGS
FOR
JULY 2013 - JUNE 2014



UPCOMING COUNCIL MEETINGS

FY14 (JULY 2013 THROUGH JUNE 2014)

July 18, 2013	Budget Discussion in Anchorage
August 13, 2013	Budget Discussion in Anchorage
November 21-22, 2013	South Peninsula Haven House, Homer
February 26-27, 2014	Juneau
May 7-9, 2014	Advocates for Victims of Violence, Valdez

LeeShore Center in Kenai also invited the Council back to Kenai.

PRIOR COUNCIL MEETINGS

Most meetings historically have been held in Anchorage with the exception of the winter meeting which is always in Juneau. Summer funding meetings have been in Anchorage for applicant in-person defense of grant proposals--with change to PEC, last year's funding meeting was in Palmer.

FY 13 (JULY 2012 - JUNE 2013)

Barrow, Palmer, Ketchikan, Kenai

FY 12 (JULY 2011 - JUNE 2012)

Dillingham (full Council did not make it in—2 Council members attended the AVS release), Fairbanks

FY 11 (JULY 2010 - JUNE 2011)

Kodiak

Regional areas with funded programs to which the Council has not travelled:
Bethel, Cordova, Sitka, Nome, Unalaska, Kotzebue, Seward

FY14 CONTINUATION AWARDS

VICTIM SERVICES
COMMUNITY-BASED BIP
PRISON-BASED PBP



VICTIM SERVICE PROGRAMS

Increment for FY2014: \$ 287,500

Victim Services Programs	FY2013 Award	FY2013 Pgm amt to FY2013 grand total amt ratio	Amount Increase to FY2014	FY2014 Award
1. Alaska Family Services (AFS)	617,710	5%	15,488	633,198
2. Advocates for Victim of Violence (AVV)	340,840	3%	8,546	349,386
3. Abused Women's Aid in Crisis (AWAIC)	1,438,653	13%	36,072	1,474,725
4. Aiding Women in Abuse and Rape Emergencies (AWARE)	842,547	7%	21,125	863,672
5. Arctic Women in Crisis (AWIC)	420,254	4%	10,537	430,791
6. Bering Sea Women's Group (BSWG)	541,464	5%	13,576	555,040
7. Cordova Family Resource Center (CFRC)	145,694	1%	3,653	149,347
8. Interior Alaska Center (IAC) For Non-Violent Living	1,032,225	9%	25,881	1,058,106
9. Kodiak Women's Resource & Crisis Center (KWRCC)	395,687	3%	9,921	405,608
10. Lee Shore Center (LSC)	785,024	7%	19,683	804,707
11. Maniilaq Family Crisis Center (MFCC)	337,004	3%	8,450	345,454
12. Safe and Fear-Free Environment (SAFE)	650,507	6%	16,310	666,817
13. Sitkans Against Family Violence (SAFV)	462,111	4%	11,587	473,698
14. Seaview Community Services (SCS)	95,861	1%	2,404	98,265
15. South Peninsula Haven House (SPHH)	386,278	3%	9,685	395,963
16. Standing Together Against Rape (STAR)	810,976	7%	20,334	831,310
17. Tundra Women's Coalition (TWC)	1,087,718	9%	27,273	1,114,991
18. Unalaskans Against Sexual Assault & Family Violence (USAFV)	194,831	2%	4,885	199,716
19. Victims of Justice (VFJ)	82,839	1%	2,077	84,916
20. Women in Safe Homes (WISH)	798,156	7%	20,012	818,168
Total:	\$ 11,466,379	100%	\$ 287,500	\$ 11,753,879

BATTERER'S INTERVENTION PROGRAMS

Community-Based Batterer's Intervention Programs (BIP)	FY2013 Award	FY2014 Award
1. Alaska Family Services (AFS)	41,812	41,812
2. Aiding Women in Abuse and Rape Emergencies (AWARE)	4,979	4,979
3. Interior Alaska Center For Non-Violent Living (IAC)	69,292	69,292
4. Ketchikan Indian Corporation (KIC)	38,354	38,354
5. Lee Shore Center (LSC)	20,000	20,000
6. South Peninsula Haven House (SPHH)	25,563	25,563
Total:	\$ 200,000	\$ 200,000

Prison-Based Batterer's Programs (PBP)	FY2013 Award	FY2014 Award
1. Alaska Family Services (AFS)	46,589	46,589
2. Aiding Women in Abuse and Rape Emergencies (AWARE)	20,000	20,000
3. Interior Alaska Center For Non-Violent Living (IAC)	31,648	31,648
Total:	\$ 98,237	\$ 98,237

EMERGING PROGRAMS

FY14 FUNDING



EMERGING PROGRAMS

PROPOSED TIMELINE

Request for Proposal (RFP)	mid-June
Due back to office	mid-August
Out to PEC	last-August/first September
PEC meets	mid-September
Award period	October 1, 2013 - June 30, 2014

BUDGET DISCUSSION

BUDGET PREPARATION FOR FY15 FUNDING



FY15 BUDGET PREPARATION

Meetings scheduled: full day July 18th; ½ day August 13th both in Anchorage

BUDGET ITEMS

- Victim Services
- Emerging Programs
- Batterers Intervention Services
- Prevention

FUNDING SOURCES

- State General Funds
- State Interagency Receipts
 - Department of Health & Social Services, Behavioral Health (for victim services)
 - Department of Health & Social Services, Public Health (for victim services - sexual assault)
 - Department of Corrections (for BIPs—administrative support and prison batterers program grants)
 - Office of the Governor, Governor’s Initiative (prevention)
- Formula Federal Grants - The enacting federal legislation specifies how the funds are to be distributed.
 - Victims of Crime Act (VOCA)
 - Family Violence Prevention and Services Act (FVPSA)
 - Sexual Assault Services Program (SASP)
 - Services*Training*Officers*Prosecutors (S*T*O*P)
- Competitive Federal Grants - “discretionary” in that the Office on Violence Against Women has the responsibility to create the program parameters, qualifications, eligibility, and deliverables.
 - Grants to Encourage Arrest (GTEA)
 - Safe Visitation and Safe Exchange Program (SVSEP) also called Safe Havens
 - New ???

PROJECTS

- Regular victim service and BIPs grant cycle 2015-2016
- Outcome Measures; series of meetings—bring up David Voth
- BIPs regulation revision and best standards practice manual development; BIPs Summit
- Sexual Assault Response Team (SART) Training
- Domestic Violence Sexual Assault (DVSA) Initiative Workgroup
- Prevention
 - Green Dot
 - Fourth R and Fourth R evaluation
 - Girls on the Run (GOTR)
 - Coaching Boys into Men (CBIM)
 - Community Prevention Summit
 - media campaign
- Safe Havens
- Safe Alaska Family Team (SAFT)
- Legal Training/Language Access

MATERIALS NEEDED

- Program Input
- FY13 & FY14 Budgets
- Short description of each project
- Review Strategic Plan - Domestic Violence Sexual Assault (DVSA) Initiative recommendations?

DVSA INITIATIVE WORKGROUP

DOMESTIC VIOLENCE & SEXUAL ASSAULT (DVSA)



DVSA INITIATIVE BIG WORKGROUP

Originally housed within the Governor's Office, the Big Workgroup provided an opportunity for experts both within and outside of state government to gather to discuss possible recommendations for the Governor's consideration in moving forward the effort to end domestic violence and sexual assault in ten years. The Big Workgroup recommended possible strategies, potential allies/stakeholders, organizational responsibility to implement strategies, and approximate funding needs in five areas: primary prevention, children exposed, housing, civil legal, and adult services. The Governor's Office has considered these recommendations in developing Domestic Violence and Sexual Assault (DVSA) projects and budgets for state departments. The Big Workgroup last met in FY2012.

The Big Workgroup divided into subgroups to make further plans—prevention, offender accountability, victim services, criminal/legal and data. While all subgroups met consistently for about a year, the on-going subgroups were data and prevention. The data group organized around the need for a tool to comprehensively review, by population-based indicators, how we were progressing in Initiative work. The tool developed is now known as the Dashboard. The prevention group identified its members to be the same individuals who sat together on at least two other prevention committees—Rape Prevention Education (RPE) and Pathways, which at the time were working to merge their efforts. It made sense to acknowledge Pathways/RPE as the prevention subgroup.

Responsibility for the Big Workgroup has been ceded to the Council. Council staff recommends holding a Big Workgroup meeting to review projects bi-annually and to provide the Council with advice on moving strategies forward. Council staff further recommends asking members of the Big Workgroup to participate in small group discussions when expert advice would be helpful in developing policy or reviewing certain strategy implementation instead of reinstating formal subgroups.

The Council established a Governor's Initiative subcommittee comprised of Ms. Cushing, Commissioner Masters and now former member, Ms. Evans. Council staff recommends reorganizing the subcommittee and suggests its work include oversight of the Big Workgroup meetings and of the formation of the small groups.

Staff would appreciate discussion at this meeting on the above recommendations and on the advisability of constituting a planning/funding small group to unify various required federal plans—i.e. STOP, VOCA and FVPSA.

FEDERAL GRANT PLANS

S*T*O*P

&

OTHER FEDERAL PLANS



Following is the text from the letter from the Association of VAWA Administrators, Dorene Whitworth, AVA Coordinator

Hello STOP Administrators!!

AVA is providing the following summary of some of the changes included in VAWA 2013. Please remember that the effective date of VAWA 2013 is October of this year so these changes would apply to your 2014 STOP awards. This summary primarily includes changes affecting the STOP Formula Grant Program and is not an exhaustive list of all changes. The discussion provided should not be relied upon as a legal interpretation of VAWA 2013; it is simply a summary of some of the changes identified. Should you need a legal interpretation on a specific issue, we would recommend that you contact your program manager at OVW.

DEFINITIONS: VAWA 2013 added or clarified several definitions. I've discussed some below and simply listed others.

Culturally specific – VAWA 2013 refers to culturally specific as being those racial and ethnic minority groups defined in the Public Health Service Act at 42 U.S.C. 300u-6(g). That act defines racial and ethnic minority groups as American Indians (including Alaska Natives, Eskimos, and Aleuts); Asian Americans; Native Hawaiians and other Pacific Islanders; Blacks; and Hispanics. The term “Hispanic” means individuals whose origin is Mexican, Puerto Rican, Cuban, Central or South American, or any other Spanish-speaking country.

It appears that the definition of culturally specific is primarily focused on women of color. This narrow definition of culturally specific no longer includes such groups as the disabled community or other ethnic minorities not specifically listed. However, those groups could possibly be included under the new definition of “Population Specific Services”. The Implementation Plan must address how each state/territory will meet the needs of culturally specific groups.

Personally Identifying Information – this definition is expanded to include additional information (driver's license numbers, passport number, or student identification number) that is likely to disclose a victim's identity and adds “regardless of whether the information is encoded, encrypted, hashed, or otherwise protected”.

Rape Crisis Center – the definition of rape crisis center now includes governmental entities provided, however, that the entity is not part of the criminal justice system (such as a law enforcement agency), and the governmental entity must be able to offer comparable level of confidentiality as a non-profit entity.

Rural State – this has been changed to refer to a population density of 57 (formerly 52) or fewer persons per square miles or a state whose largest county has fewer than 250,000 (formerly 150,000).

Sexual Assault – expands the definition to “including when the victim lacks capacity to consent”.

Underserved Populations – now includes victims underserved because of sexual orientation and gender identity.

Victim Services or Services – now includes advocacy “through medical, civil or criminal justice”.

Youth – previously identified youth as a teen or young adult but now clearly defines youth as a person who is 11-24 years of age. One question that arose is whether a CAC would now be eligible for STOP funding. OVW is reviewing this question; however, if a CAC were to be considered for funding, they would need a documented history of providing treatment for SA and DV.

Other new or expanded definitions include Alaska Native Village, Culturally Specific Services, Homeless, Population Specific Organization, Population Specific Services, Sex Trafficking, Tribal Coalition, and Unit of Local Government.

NEW PURPOSE AREAS:

(14) developing and promoting State, local, or tribal legislation and policies that enhance best practices for responding to domestic violence, dating violence, sexual assault, and stalking;

This new purpose area seems to promote lobbying under the prior definition AVA and administrators have been provided. In talking with Marnie Sheils, AVA learned that the actual lobbying prohibition describes activities that constitute lobbying “unless prior authorization has been provided”. For years administrators have voiced their concerns, and policy makers recognized that states need to push for legislative and policy changes to comply with changes in VAWA. The new language in VAWA 2013 provides the direct authorization needed thereby waiving the lobbying restrictions in regard to “enhancing best practices”

(15) developing, implementing, or enhancing Sexual Assault Response Teams, or other similar coordinated community responses to sexual assault;

(16) developing and strengthening policies, protocols, best practices, and training for law enforcement agencies and prosecutors relating to the investigation and prosecution of sexual assault cases and the appropriate treatment of victims;

(17) developing, enlarging, or strengthening programs addressing sexual assault against men, women, and youth in correctional and detention settings;

(18) identifying and conducting inventories of backlogs of sexual assault evidence collection kits and developing protocols and policies for responding to and addressing such backlogs, including protocols and policies for notifying and involving victims;

(19) developing, enlarging, or strengthening programs and projects to provide services and responses targeting male and female victims of domestic violence, dating violence, sexual assault, or stalking, whose ability to access traditional services and responses is affected by their sexual orientation or gender identity, as defined in section 249(c) of title 18, United States Code; and

(20) developing, enhancing, or strengthening prevention and educational programming to address domestic violence, dating violence, sexual assault, or stalking, with not more than 5 percent of the amount allocated to a State to be used for this purpose.

GENERAL PROVISIONS:

In calculating population for purposes of determining funding amounts, VAWA 2013 removes the phrase “not including populations of Indian tribes”. This change ensures that tribal populations will be included in the total population count in all states/territories. Therefore, states with high tribal populations will most likely see an increase in their funding as compared to those states with lower tribal populations.

In the area addressing the category distributions, the 5% designated in the court category must now go “to” State and local courts (including juvenile courts). The court category can no longer be awarded to non-court entities for projects benefiting the court system. However, a court receiving an award from the state could sub-contract with a non-court entity.

VAWA 2013 also mandates that 20% of the total award shall go to projects that meaningfully address sexual assault. This 20% must be allocated for programs or projects from 2 or more of the proscribed categories (e.g. law enforcement, prosecution, victim services, courts). This doesn’t change the totals distributed to law enforcement, prosecution, victim services or courts; it simply states that administrators must ensure that 20% of their award must address sexual assault and must be pulled from 2 or more of the current categories to reach to full 20%. States will have 2 years from enactment (October 2013) to meet this mandate.

A modification was made as it relates to match under the STOP program. As you will recall, states were required to ensure a 25% match to all grant expenditures awarded. This included funds awarded to non-profit, non-governmental organizations. The new language states that “costs of the projects for victim services or tribes for which there is an exemption . . . shall not count toward the total costs of the projects.” Previously, OVW interpreted that funds awarded to victim service providers under the law enforcement, prosecution, and court categories must provide match. This is currently under review due to the new definitions offered for victim services and victim service provider within VAWA 2013.

States are given an addition 3 years to ensure compliance with some of the new mandates of VAWA 2013. Of particular interest are:

- States must ensure they incur the full out-of-pocket costs for forensic medical exams – states will no longer be able to bill a victim’s insurance company and reimburse for out-of-pocket costs.
- States must coordinate with health care providers in the region to notify victims of sexual assault of the availability of rape exams at no cost to the victims.

APPLICATION REQUIREMENTS:

States/Territories will need to provide proof of compliance with:

- Payment of forensic medical exams,
- Payment for fees and costs relating to domestic violence and protection order cases, and
- Prohibition on polygraph examinations.

AVA will work with OVW to clarify what this “proof” must look like.

IMPLEMENTATION PLAN

Remember – your Implementation Plan for 2014-2016 will be due at the same time of your FY 2014 STOP Application.

VAWA 2013 clearly defines who must be involved in the planning process. You should review this carefully when initiating the planning process. Those entities include:

- The state sexual assault coalition
- The state domestic violence coalition;
- The law enforcement entities within the state;
- Prosecution offices;
- State and local courts;
- Tribal governments in those states with state or federally recognized Indian tribes;
- Representatives from underserved populations, including culturally specific populations;
- Victim services providers;
- Population specific organizations; and
- Other entities that the state or Attorney General identifies as needed for the planning process.

AVA questioned the reference to “Tribal governments” because some states have numerous recognized tribes within their borders and it would be difficult to ensure all are represented. OVW determined that if the state has a tribal consortia that would provide representation for all tribes, a representative from the tribal consortia would satisfy this mandate.

There is a new mandate that STOP Implementation Plans shall be coordinated “with the State plans described in . . . of the Family Violence Prevention and Services Act . . . and the programs described in . . . the Victims of Crime Act . . . and . . . the Public Health Service Act.” AVA will be working with OVW to clarify what level of coordination is necessary to meet this mandate.

States must also include language on how they will meet the mandates for the 20% set-aside for sexual assault as described in subsection (c)(5). They will also be required to provide the following documentation:

- From each member of the planning team as to their participation;
- From prosecution, law enforcement, court, and victim services programs describing
 - o The need for the grant
 - o The intended use of grant funds
 - o Expected results
 - o Demographics
- A description of how states will ensure that subgrantees will consult with victim service providers during the drafting of their applications;
- Demographic data on the distribution of underserved populations within the states and how the states will meet the needs of underserved, including the minimum for population specific services.
- How states will ensure equitable distribution.
- Goals and objectives for reducing domestic violence-related homicides.

AVA will work with OVW to clarify the best way to document each of the items listed.

Please note that in reference to FY 2013 STOP awards, administrators have the following options:

- Administrators can write and submit a new plan this year if they’ve already started one (this plan would only be good for this one year only), or
- Administrators can submit a letter indicating they will continue operating for another year under the 2010-2012 plan previously submitted, or

- Administrators can offer minor modifications to the FY 2010-2012 plan for FY 2013 if necessary.

With the FY 2014 STOP application:

- All administrators must submit a new plan under the new guidelines for a planning cycle of 2014-2016. This is regardless of whether a new plan was submitted for FY 2013.

REALLOCATION LANGUAGE

This language is one of the most beneficial to STOP administrators as it provides the flexibility to spend down awards when monies are returned or unspent. The language in VAWA 2013 allows that “a state may use any returned or remaining funds for any authorized purpose under this part if (1) funds from a subgrant awarded under this part are returned . . . or (2) the state does not received sufficient eligible applications to award full funding within the allocations . . .” This language allows administrators to pool small pots of returned or unspent monies and fund additional projects that fall within the federal purpose areas regardless of which category the monies were returned from or where they are reallocated.

Administrators do not need prior approvals from OVW to facilitate the reallocation of funds; however, administrators should document the fact that the monies were returned. In the case of their not receiving sufficient applications in a specific category, states should be prepared to show what type of outreach they did in attempting to ensure they received eligible applicants for the specific category. This information would be kept with your internal records and would not need to be provided to OVW unless asked for.

AVA also questioned how reallocated funds would be reflected in their annual Muskie report. OVW indicated they will coordinate with Muskie to see if any modifications will be necessary to the annual reports.

During the recent calls with OVW, Marnie Sheils also identified that STOP funds can now be used for a large range of legal assistance including divorce services. She described that STOP-funded projects for the provision of legal assistance must meet special conditions identified under the LAV grant, e.g. that the program has demonstrated expertise in providing legal assistance to victims of domestic violence, dating violence, sexual assault or stalking in the targeted population.

As stated above, this is not an exhaustive list of changes to VAWA. If you have questions or concerns you can contact me, your OVW program manager, or Marnie Sheils, OVW Legal counsel.

Sincerely,

Dorene Whitworth,
AVA Coordinator

VICTIM SERVICE COMMUNITY-BASED BIP PRISON-BASED PBP PROGRAMS

3RD QUARTER - FY13 NARRATIVES

The due date for funded programs to submit 3rd quarter reports was April 30th. They are not available for this meeting. Reports will be sent as a supplement later this month.



COUNCIL ON DOMESTIC VIOLENCE & SEXUAL ASSAULT

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