

ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



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SUMMARY OF: A Sunset Review on the Department of Public Safety, Council on Domestic Violence and Sexual Assault, May 21, 2013

PURPOSE OF THE REPORT

In accordance with Title 24 and Title 44 of the Alaska Statutes (sunset legislation), we have reviewed the Council on Domestic Violence and Sexual Assault's (council or CDVSA) activities. The purpose of this audit was to determine if there is a demonstrated public need for its continued existence and if it has been operating in an effective manner. As required by AS 44.66.050(a), this report shall be considered by the committee of reference during the legislative oversight process in determining whether the council should be reestablished. Currently, under AS 44.66.010(a)(5), the council will terminate on June 30, 2014, and will have one year from that date to conclude its administrative operations.

REPORT CONCLUSIONS

The council is serving in the public's interest by funding and monitoring Alaskan domestic violence and sexual assault response programs and prevention activities. Additionally, the council effectively served as the central coordinator for related services throughout the State. However, areas for operational improvements were noted as discussed in the Findings and Recommendations.

CDVSA is scheduled to terminate June 30, 2014. We recommend the council's termination date be extended eight years to June 30, 2022.

FINDINGS AND RECOMMENDATIONS

1. The council should address its statutory responsibility to consult with the Department of Health and Social Services to formulate standards and procedures as required by AS 18.66.300.
2. The council's executive director should implement written procedures to ensure public notices are posted timely.
3. The council's executive director should improve grant award and monitoring policies and procedures.

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August 5, 2013

Members of the Legislative Budget
and Audit Committee:

In accordance with the provisions of Title 24 and Title 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the Council on Domestic Violence and Sexual Assault (council), and the attached report is submitted for your review.

DEPARTMENT OF PUBLIC SAFETY COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

May 21, 2013

Audit Control Number
12-20085-13

This audit was conducted as required by AS 44.66.050 and under the authority of AS 24.20.271(1). If not extended by the legislature, the council will terminate on June 30, 2014. In our opinion, the termination date for the council should be extended. We recommend the council's termination date be extended to June 30, 2022.

The audit was conducted in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. Fieldwork procedures utilized in the course of developing the findings and recommendations presented in this report are discussed in the Objectives, Scope, and Methodology.

A handwritten signature in blue ink, appearing to read "Kris Curtis".

Kris Curtis, CPA, CISA
Legislative Auditor

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OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Title 24 and 44 of the Alaska Statutes, we have reviewed the Council on Domestic Violence and Sexual Assault's (council or CDVSA) activities to determine if there is a demonstrated public need for its continued existence and if it has been operating in an efficient and effective manner.

As required by AS 44.66.050(a), this report shall be considered by the committee of reference during the legislative oversight process in determining whether the council should be reestablished. Currently, under AS 44.66.010(a)(5), the board will terminate on June 30, 2014, and will have one year from that date to conclude its administrative operations.

Objectives

The three, central audit objectives were:

1. Determine if the council's termination date should be extended.
2. Determine if the council is operating in the public's interest.
3. Provide a current status of recommendations made in the prior sunset audit.

Scope and Methodology

The assessment of CDVSA's operations and performance was based on criteria set in AS 44.66.050(c). Criteria set out in this statute relate to the determination of a demonstrated public need for the council.

The audit examined the council's operations and activities from July 2008 through March 2013 except where otherwise noted.

During the course of the audit, the following were reviewed and evaluated:

- Council meeting minutes, annual reports, legislative reports, and Alaska Statutes to gain an understanding of council functions, responsibilities, goals, and objectives. This included determining compliance with statutes concerning the required number of quarterly meetings and quorums, and the nature and extent of public input. Additionally, the council's progress in addressing identified goals and objectives were evaluated.
- CDVSA-related statute and regulation changes from July 2005 through March 2013 to determine whether the changes enhanced or impeded the council's activities.

Furthermore changes were evaluated for consistency with statutory purpose to ascertain if the council operated in the public's interest.

- CDVSA staff classification and pay range changes from July 2005 through March 2013 to determine if there were significant changes in staffing levels and compensation.
- Requests for proposals and award processes for the FY 12 and FY 13 council subgrants to verify established procedures were followed and to identify potential improvements.
- Public notice documentation to ascertain whether public notices for board meetings were published as required by Alaska Statutes and council bylaws.
- CDVSA and Alaska Network on Domestic Violence and Sexual Assault websites to identify possible duplication of efforts. Furthermore, the council's website was reviewed to identify council funding sources.
- The prior sunset audit of CDVSA to identify previous recommendations and issues affecting the council.

Council members and Department of Public Safety (DPS) staff were interviewed throughout the audit to identify and evaluate various issues related to council activities. Areas of inquiry included council operations, DPS support, duplication of efforts, and the council's goals and objectives during the audit period.

A random sample of four of 34 subrecipients who received community-based victim services, prison-based batterers' intervention, community-based batterers' intervention, and sexual assault services program funds was selected to evaluate the council's on-going subrecipient monitoring activities. Two monitoring years were examined for the selected subrecipients. Testing focused on FY 12 monitoring since it was the most recent fiscal year completed. Furthermore, one additional year from FY 09 through FY 13 was randomly chosen for each subrecipient program selected for testing. In instances where no FY 12 grant was issued, the most recent year was tested. In determining sample size, the applicable control risk and inherent risk were considered low. Thus, a minimum sample size of 10 percent was determined sufficient to meet audit objectives.

A random sample of five of 46 onsite monitoring-visit files were reviewed to verify CDVSA staff followed established monitoring procedures and to verify subrecipients complied with grant awards. In determining sample size, the applicable control risk and inherent risk were considered low. Thus, a minimum sample size of 10 percent was determined sufficient to meet audit objectives. Due to the number of errors, testing was expanded to 11 onsite monitoring files.

Two separate random samples of council member qualifications were completed. The first random sample selected two of the 20 council members that were active during the audit period. To ensure testing of the unique requirements for public member seats, a second random sample of two of the eight public members that were active during the audit period was conducted. Both samples were selected to ensure council members met the statutory requirements unique to the seat they filled. In determining the sample size, the control risk and inherent risk were considered low for each sample. Thus, a minimum sample size of 10 percent was determined sufficient to meet audit objectives.

None of the sampling results were projected to the population. The detected errors were significant enough to identify areas for improvement without projection.

Financial data was obtained from the agency and reviewed for reasonableness; however, the amounts included in this report were not audited, and we express no opinion on them.

Council internal control procedures relating to various audit objectives, including procedures over awarding grants to subrecipients and ongoing onsite subrecipient monitoring, were assessed.

Inquiries regarding council-related complaints were made with the following organizations:

- Department of Public Safety's Commissioner's Office;
- Alaska State Commission for Human Rights;
- Office of the Ombudsman;
- Office of Victims' Rights;
- Department of Administration's Division of Personnel and Labor Relations; and
- United States Equal Employment Opportunity Commission.

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ORGANIZATION AND FUNCTION

Alaska Statute 18.66.010 established the Council on Domestic Violence and Sexual Assault (council or CDVSA) within the Department of Public Safety (DPS) in 1981. The statute charges the council 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.

The council's primary functions include:

- Developing, implementing, maintaining, and monitoring domestic violence, sexual assault, and crisis intervention and prevention programs in coordination with authorities in the field of domestic violence and sexual assault;
- Coordinating services provided by DPS, the Department of Law (LAW), Department of Education and Early Development (DEED), Department of Health and Social Services (DHSS), Department of Corrections (DOC), and other agencies;
- Consulting with public employers and other agencies required to provide continuing education programs for employees;
- Consulting with other agencies required to develop training programs regarding domestic violence and to formulate standards and procedures for delivering services to victims through health care employees and facilities;
- Providing technical assistance to programs and state and community agencies; and
- Overseeing, monitoring, coordinating, and dispensing funding for existing and expanding services and programs to meet domestic violence and sexual assault victims' needs.

Exhibit 1

**Council Members
As of March 31, 2013**

Susan Cushing
Chair, Public Member

Rachel Gernat
Public Member

Richard Irwin, Sr.
Public Member

Vacant
Rural Public Member

Joseph Masters
DPS Commissioner

Patricia Owen
DEED Designee

Melissa Stone
DHSS Designee

Richard Svobodny, Esq.
LAW Designee

Ronald Taylor
DOC Designee

The council consists of nine members. Four are public members appointed by the governor; five are DPS, DHSS, DEED, DOC, and LAW commissioners or their designees.

Before appointing a public member to the council, the governor may request recommendations from and consult with the nonprofit private organization, Alaska Network on Domestic Violence and Sexual Assault (network).¹

The council is staffed by an executive director, two Program Coordinator IIs, two Program Coordinator Is, a research analyst, an administrative assistant, and an office assistant. Before July 2009, all council staff were exempt employees. In 2009, all council staff became classified² employees, except for the executive director who remains an exempt employee.³

Several changes were made to CDVSA position titles and salary ranges since the 2005 sunset audit. Exhibit 2 compares position titles and salary ranges between the prior and current audit periods. An Administrative Officer I position was transferred from the council to DPS' Administrative Services Division in FY 11; however, the position is still funded by the council through a reimbursable service agreement. Exhibit 2 does not include a partially funded DOC criminal justice technician position which ended in FY 11.

Exhibit 2

July 2005 Compared to March 2013 Council Positions			
July 2005		March 2013	
Position Title	Salary Range	Position Title	Salary Range
Executive Director	24	Executive Director	24
Associate Coordinator	18	Program Coordinator II	20
Associate Coordinator	18	Program Coordinator I	18
Associate Coordinator	18	Program Coordinator I	18
Statistical Technician I	12	Research Analyst II	16
Administrative Assistant	13	Administrative Assistant II	14
Administrative Clerk II	8	Office Assistant II	10
Administrative Manager II	17	Administrative Officer I*	17
		Program Coordinator II	20

*The Administrative Officer I position was transferred to DPS' Division of Administrative Services during FY 11. This position continues to be funded by the council through a reimbursable service agreement.

The council is authorized to receive and disperse both state and federal funds. A large part of the council's responsibilities involve administering grants to local community organizations for domestic violence, sexual assault, and crisis intervention and prevention programs. Grant

¹The network is comprised of 18 victim service providers, many of which receive council funding.

²Alaska Statute 39.25.100 defines *classified* employees as "all positions in the State service not included in the exempt service or in the partially exempt service."

³Exempt employees are not covered by a bargaining unit and are not subject to the provisions and rules adopted under AS 39.25.110.

administration includes providing technical assistance and monitoring various grantee and contractor activities.

Community organizations funded by the council provide a variety of public services. Organizational efforts are directed toward providing victims a safe environment either through housing at a community shelter or through using a network of designated “*safe homes*.” Additionally, funded organizations educate and counsel victims about domestic violence and sexual assault issues, provide batterers’ intervention services, and assist victims in locating long term housing.

During FY 13, the council funded 20 community-based victim services programs, six community-based batterers’ intervention programs (BIP), and three prison-based BIPs as well as 13 other programs. Appendix A includes a table of council funded grantees.

Funding Sources

The council receives direct state and federal funding. The council also receives state and federal funding indirectly through interagency receipts from DOC, DHSS, and the Office of the Governor. State funding includes general funds and, through FY 11, Permanent Fund Dividends withheld from incarcerated felons and misdemeanants. Appendix B describes the council’s federal funding sources.

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REPORT CONCLUSIONS

In developing our conclusion regarding whether the Council on Domestic Violence and Sexual Assault's (council or CDVSA) termination date should be extended, we evaluated the council's operations using the 11 factors set out in AS 44.66.050. According to the State's "sunset" law, these factors are to be used in assessing whether an agency has demonstrated a public policy need for continuing operations.

We conclude, the council served the public's interest by funding and monitoring Alaskan domestic violence and sexual assault response programs and prevention activities. The council effectively served as the central coordinator for related services throughout the State; however, areas for improvement were identified.

Areas for improvement noted in the audit include improving: (1) council coordination with the Department of Health and Social Services, (2) public notices of council meetings, and (3) grantee administration. These findings are addressed as Recommendation Nos. 1 through 3.

A legislative task force was established in 2006 to review the council's operations and recommend changes. Most of the recommendations issued in the task force's 2008 report have been implemented. Batterers' intervention program-related recommendations remain partially addressed. Task force recommendations are discussed further in the Analysis of Public Need section of this report.

According to AS 44.66.010(a)(5), CDVSA is scheduled to terminate June 30, 2014. We recommend extending the council's termination date eight years until June 30, 2022.

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FINDINGS AND RECOMMENDATIONS

The 2005 sunset audit of the Council on Domestic Violence and Sexual Assault (council or CDVSA) contained two recommendations. The first recommended the council address its statutory responsibilities under AS 18.66.050(3) and AS 18.66.050(12) to consult with the Department of Education and Early Development (DEED) and the Department of Health and Social Services (DHSS). This recommendation was partially resolved and is reiterated in this report as Recommendation No. 1.

The second recommended amending CDVSA-related statutes concerning appointing public members to the council to avoid potential conflicts of interests. This recommendation has been resolved. FY 09 statutory changes permit the governor to consult with the network before appointing public members to the council but does not require the governor to do so.

Two new recommendations are made as part of this sunset audit.

Recommendation No 1

The council should address its statutory responsibility to consult with DHSS to formulate standards and procedures as required by AS 18.66.300.

Prior Finding

The 2005 sunset audit identified a need for coordination with DEED regarding education in school districts throughout the State. Specifically, there were no health and personal safety education guidelines available for school personnel to use to address domestic violence and sexual assault. Furthermore, the 2005 audit recommended the council consult with DEED, school district representatives, and grantees working on curricula development, to create a comprehensive standardized curriculum for schools statewide.

The 2005 sunset also identified a need for the council to consult with DHSS to ensure standards and procedures are available for health care personnel and facilities delivering services. Standards and procedures were to be used by all agencies, including council-funded grantees and health care providers within the State, for domestic violence and sexual assault victims.

Alaska Statute 18.66.050(3) and AS 18.66.050(12) require the council to work with state departments to develop standards, procedures, and education programs. However, due to limited staffing and the council's focus on grant maintenance and monitoring, the council was unable to fully address these statutory requirements during the prior audit period.

Legislative Audit's Current Status

The council has made substantial progress in addressing this recommendation. The council coordinated with DEED to develop, implement, and monitor school curricula regarding domestic violence and sexual assault. Specifically, the council implemented the Fourth R Initiative, a school-based curricula designed to include students, teachers, parents, and the community in reducing violence and risky behaviors. This portion of the prior recommendation is considered resolved.

The council enhanced coordination between departments through a signed memorandum of understanding (MOU) between the council and department commissioners represented on the council. The MOU requires coordination between the departments and the council to fulfill CDVSA-related statutory mandates.

The council coordinated with non-DHSS state agencies to create protocols for sexual assault forensic exams and organize Sexual Assault Response Teams (SART) training. SART training is provided to law enforcement officers, forensic examiners, crime lab personnel, and prosecutors to provide specialized intervention services for sexual assault victims.

Coordination with DHSS to develop standards and procedures did not occur. General standards and procedures for health care providers and facilities delivering services to domestic violence victims were developed over 10 years ago. However, the council and DHSS did not coordinate the continued delivery or ongoing availability of the standards to health care providers.

Alaska Statute 18.66.050(12) directs the council to consult with DHSS to formulate standards and procedures for health care personnel and facilities delivering services to domestic violence victims as required by AS 18.66.300.

Due to competing priorities and staff vacancies, coordination with DHSS concerning continued delivery and availability of required standards and procedures did not occur. Lack of coordination could lead DHSS and the council to duplicate services provided to health care personnel and facilities. Additionally, without readily available standards and procedures, service delivery by providers may not be consistent with standards.

We recommend the council address its statutory responsibility to consult with DHSS to formulate standards and procedures for delivery of services to victims of domestic violence by health care facilities and practitioners of the healing professions and personnel in those facilities as required by AS 18.66.300. Specifically, we recommend DHSS and council staff coordinate regarding the continued delivery and availability of standards.

Recommendation No. 2

The council's executive director should implement written procedures to ensure public notices are posted timely.

Between July 2008 and March 2013, 22 council meetings were held. Five meetings (23 percent) were not published on the State's Online Public Notice System. Of the 17 meetings that were published, 10 (59 percent) were not posted timely. Alaska Statute 44.62.310(e) requires reasonable public notice be given for meetings. Council bylaws, Article VI, sections 2 and 3 require regular quarterly meetings be posted 14 days in advance and special meetings be posted three days in advance.

The publishing deficiencies resulted from a lack of formal policies and procedures. Not properly publishing meetings may prevent interested public members from providing valuable input.

We recommend the council's executive director implement written procedures to ensure meetings are posted timely on the State's Online Public Notice System.

Recommendation No. 3

The council's executive director should improve grant award and monitoring policies and procedures.

During the audit period, council staff did not consistently use established forms to document grantee reviews. Furthermore, grantee onsite monitoring files did not consistently include a final monitoring report to the grantee or evidence that deficiencies had been resolved by the grantee. Our review of seven grant files and 11 onsite monitoring files found the following:

- Five of seven grant files showed inconsistent use of grant application compliance forms.
- Four of seven grant files demonstrated inconsistent use of CDVSA grant monitoring forms.
- Three of 11 onsite grantee monitoring files did not document recommendation followups.
- One of 11 onsite grantee monitoring files did not contain evidence that a monitoring report was issued to the grantee.

Alaska Statutes 18.66.050(7)-(8) authorize the council to receive and dispense funding for domestic violence, sexual assault, and crisis intervention and prevention programs; and to monitor such programs. By not using the established forms as described by policies and procedures, CDVSA could inappropriately fund ineligible programs. Furthermore, not providing grantees with final onsite monitoring reports or following up on identified deficiencies could result in the council funding noncompliant grantees. The deficiencies were

due to staff turnover during the audit period and a lack of procedures for ensuring forms were used appropriately and monitoring was complete.

We recommend the council's executive director improve grant award and monitoring policies and procedures. Specifically, grant award file checklist forms should be consistently completed to ensure all appropriate documentation has been received and reviewed. Additionally, new procedures are needed to ensure results from monitoring visits are communicated to grantees and findings are appropriately followed up.

A ANALYSIS OF PUBLIC NEED D

The following analyses of the Council on Domestic Violence and Sexual Assault's (council or CDVSA) activities relate to the public need factors defined in "sunset" law AS 44.66.050(c). These analyses were not intended to be comprehensive but to address those areas we were able to cover within the scope of our review.

Determine the extent to which the board, commission, or program has operated in the public interest.

The council has operated in the public's interest by awarding and administering grants to community organizations around the State. These organizations provide services to domestic violence and sexual assault victims, batterers' intervention services to domestic violence perpetrators, and crisis intervention and prevention activities.

The council coordinates domestic violence and sexual assault prevention training throughout the State. Programs include "Training the Trainer" and sexual assault intervention training for law enforcement, forensic examiners, and prosecutors.

Determine the extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices that it has adopted, and any other matter, including budgetary, resource, and personnel matters.

During the audit period, CDVSA members were appointed in accordance with Alaska Statutes. The council met at least four times per year as statutorily required. Additional meetings were held in order to address funding and other topics as determined necessary.

Since the 2005 sunset audit, the council's victim services database was replaced. The database contained personally identifiable information which violated the federal *Violence Against Women Act* (VAWA). To comply with VAWA, the council implemented a new database system. Under the new database, local service providers record detailed service data into a standalone database on a dedicated computer at their respective sites.

The financial schedule shown in Exhibit 3 presents CDVSA's revenue and expenditures from FY 09 through March 2013. The amounts were provided by the Department of Public Safety's (DPS) Administrative Services Division and are unaudited. The schedule shows that expenditures exceeded revenues in several years. This does not represent a budgetary shortfall. Rather, the differences were due to the timing of revenue collection between state departments, use of encumbrances which allowed expenditures in a fiscal year following an appropriation, and federal reimbursement of expenditures in a subsequent fiscal year.

From FY 05 through FY 09, revenues and expenditures increased by approximately \$2.3 million. Increased expenditures were generally in the categories of personal services (\$240 thousand) and grants and benefits (\$2 million).

As shown in Exhibit 3, funding and expenditures continue to increase from FY 09 through FY 12. Increases were the result of the FY 12 addition of a prevention coordinator; a reduction in staff vacancies; increased funding through the governor’s *Choose Respect* initiative; and the additional focus on domestic violence and sexual assault prevention.

Council funding sources were comprised of federal funds, state general funds, Permanent Fund Dividends (PFD) for incarcerated individuals, and interagency receipts from the Department of Health and Social Services (DHSS), Department of Corrections (DOC), and the Office of the Governor. FY 11 was the last year the council received PFD funds. In FY 12, PFDs were consolidated as a DOC funding source, and CDVSA funding was supplanted with state general funds.

Exhibit 3

Council on Domestic Violence and Sexual Assault					
Schedule of Operating Expenditures and Funding Sources					
July 1, 2008– March 31, 2013					
(Unaudited)					
	FY 09	FY 10	FY 11	FY 12	July 1, 2012 – March 31, 2013
Expenditures					
Personal Services	\$ 618,065	\$ 602,183	\$ 576,017	\$ 664,613	\$ 555,068
Travel	68,245	54,795	66,547	203,441	165,684
Services	556,694	711,663	377,170	1,758,167	732,547
Commodities	8,798	10,188	14,858	81,362	34,645
Capital Outlay	-	-	-	-	-
Grants and Benefits	9,789,487	10,820,416	11,978,214	12,770,812	11,471,602
Total Expenditures	\$ 11,041,289	\$ 12,199,245	\$ 13,012,806	\$ 15,478,395	\$ 12,959,546
Funding Sources					
Federal	\$ 3,284,845	\$ 3,117,507	\$ 3,430,623	\$ 3,167,917	\$ 2,202,291
Interagency	653,012	635,336	713,014	1,526,279	845,776
PFD	5,567,800	8,247,632	7,606,700	-	-
General Fund	1,542,169	210,606	1,227,954	10,686,350	9,378,333
Total Funding Sources	\$ 11,047,826	\$ 12,211,081	\$ 12,978,291	\$ 15,380,546	\$ 12,426,400

Source: DPS Administrative Services Division.

Appendix A provides additional expenditure details by grantee. Total grant expenditures reported in Appendix A do not match amounts reported for grants and benefits in Exhibit 3. Differences by year between the two schedules were equal to or less than 1.5 percent. Both Exhibit 3 and Appendix A were provided by DPS Administrative Services Division staff and are unaudited. Differences between the two schedules were caused by: expenditures not identified as grantee payments; adjustments to expenditures not coded to a grantee; and non-grantee vendor payments recorded as grants and benefits.

The council monitors grantees by requiring quarterly and annual reports, and completing onsite reviews of grantee operations. However, CDVSA did not consistently follow existing procedures when reviewing grant applications and did not adequately document monitoring activities. (See Recommendation No. 3.)

Determine the extent to which the board, commission, or agency has recommended statutory changes that are generally of benefit to the public interest.

From FY 06 through FY 13, there were several statutory changes that directly affected the council, its staff, and operations. Significant statutory changes include:

- Adding two members to the council: a rural public member and DOC's commissioner or designee;
- Making the requirement for the governor to consult with the network on appointing public members optional;
- Changing council staff (except for the executive director) to classified status from exempt; and
- Extending public member appointment terms from two years to three years.

Statutory changes made during the audit period enhance the council's operations. Changes addressed 2005 sunset audit recommendations and the legislative task force report recommendations.

Determine the extent to which the board, commission, or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service that it has provided.

The council encouraged public participation by including a public comment period during each quarterly meeting. Additionally, annual public hearings concerning upcoming legislation and other topics of interest are statutorily required. CDVSA also utilized Facebook and website updates to share information with the public.

CDVSA is responsible for promulgating regulations under 13 AAC 90 and 95. The council has not proposed changes to domestic violence and sexual assault regulations since FY 06.

The council also adheres to 2 AAC 45: *Grant Administration* and 22 AAC 25: *Batterers' Intervention* regulations; however, CDVSA is not responsible for changes to these regulations. Changes were made to both the *Grant Administration* and *Batterers' Intervention* regulations between FY 06 and March 2013. Since CDVSA is not responsible for the changes to these regulations, the council did not conduct public hearings or receive testimony on the changes.

Council meeting notifications must be published on the State's Online Public Notice System per AS 44.62.310(e). The council did not consistently post meeting notices. (See Recommendation No. 2.)

Determine the extent to which the board, commission, or agency has encouraged public participation in the making of its regulations and decisions.

According to AS 18.66.040, "The council shall meet at least four times a year. At least one meeting each year shall include a statewide public teleconference hearing." The council holds public hearings on a calendar-year basis, typically in conjunction with a quarterly meeting. CDVSA did not hold public hearings in 2009 or 2010; however, the council held public hearings in 2011 and 2012 and is planning to hold a public hearing at the fall 2013 council meeting.

The council rotated the location of its quarterly meetings. Meetings were typically held in Anchorage and Juneau each year. The other two quarterly meetings were often held in other council funded program locations.

Public comment periods were provided in each meeting. The council also provided time at each meeting for presentations from the network and other state and local groups that are involved in the field of domestic violence and sexual assault.

Determine the efficiency with which public inquiries or complaints regarding the activities of the board, commission, or agency filed with it, with the department to which a board or commission is administratively assigned, or with the office of victims' rights or the office of the ombudsman have been processed and resolved.

From FY 09 through March 2013, no complaints were filed against CDVSA with the council's executive director, DPS' Commissioner's Office, the Office of Victims' Rights, or the State's Office of the Ombudsman.

Determine the extent to which a board or commission that regulates entry into an occupation or profession has presented qualified applicants to serve the public.

Since the council does not regulate occupations or professions, this criterion is not applicable.

Determine the extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission, or agency to its own activities and the area of activity or interest.

From FY 09 through March 2013, no complaints were filed against the council with the Department of Administration's Division of Personnel and Labor Relations, the United

States Equal Employment Opportunity Commission, or the Alaska State Commission for Human Rights.

Determine the extent to which statutory, regulatory, budgeting, or other changes are necessary to enable the agency, board, or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

This audit identified several changes that are necessary to better serve the public's interest. The council should coordinate with DHSS in developing and disseminating standards and procedures for the delivery of services to victims of domestic violence by health care facilities and practitioners of the healing professions and personnel in those facilities. This area of improvement was identified in the 2005 sunset audit and has not been fully addressed by the council. (See Recommendation No. 1.)

Council staff should consistently provide adequate notice for upcoming meetings. Timely public notice of meetings allows interested members of the public the opportunity to provide input to the council. (See Recommendation No. 2.)

Furthermore, council staff should consistently utilize forms and adequately document monitoring of funded organizations. Improving grant administration will help ensure grantees are providing services. (See Recommendation No. 3.)

In 2008, a legislative task force issued a report containing 26 recommendations to the council. Outstanding or partially addressed recommendations include: obtaining data for all batterers' intervention programs (BIP) in the State to facilitate program evaluation and funding determinations; and creating a database to compile BIP data and track results. Currently, CDVSA only collects BIP data from council funded programs. The council is beta testing a new BIP reporting system which is being created in conjunction with the University of Alaska Anchorage Justice Center. The council is scheduled to begin collecting data for all approved BIPs beginning July 2013.

The authority to update BIP regulations and approve BIPs in the State is currently held by DOC. According to the executive director, the council is pursuing a memorandum of agreement between DOC and DPS commissioners to transfer responsibility for BIP regulation updates and approval of new programs to the council.

Determine the extent to which the board, commission, or agency has effectively attained its objectives and purposes and the efficiency with which the board, commission, or agency has operated.

CDVSA operates under numerous objectives. Objectives include: five division performance metrics, nine objectives identified in annual reports to the governor, the council's strategic plan, and recommendations from the legislative task force. Each of the identified objectives relate to the council's 14 statutory requirements as defined in AS 18.66.050.

The council addressed the majority of the objectives identified in Alaska Statutes, performance measures, the strategic plan, and annual reports. Objectives not met include: the statutory requirement to consult with DHSS to formulate standards and procedures for health care facilities that provide services to domestic violence and sexual assault victims as stated in AS 18.66.050(12), obtaining data for all BIPs in the State, and implementing a database to compile BIP data. Per the council’s executive director, the expected implementation date for the outstanding BIP objectives is July 2013.

Determine the extent to which the board, commission, or agency duplicates the activities of another governmental agency or the private sector.

The network, a non-profit organization based in Juneau which promotes and sustains a collective movement to end violence and oppression through social change, is commonly misidentified as duplicating CDVSA services

A comparison of the council and the network is documented in Exhibit 4.

Exhibit 4

Council and Network Organizational Comparison	
Council	Network
<p>Organization: A state entity comprised of five state department commissioners and four public members.</p> <p>Mission: Provide safety for Alaskans victimized or affected by domestic violence and sexual assault through a system of statewide crisis intervention, perpetrator accountability, and prevention services.</p> <p>Services: Coordinating the State’s response to domestic violence and sexual assault. Providing funding to and supporting domestic violence, sexual assault, and batterers’ intervention programs throughout the State.</p>	<p>Organization: A statewide nonprofit organization comprised of 18 domestic violence/sexual assault service providers.</p> <p>Mission: Provide communication, cooperation, and links between programs and organizations whose primary focus is the elimination of domestic violence and sexual assault. Identify causes of domestic violence and sexual assault and develop initiatives to end violence</p> <p>Services: Providing technical assistance, legal advocacy support, pro-bono attorney connections, training and resource materials to member programs, attorneys, community organizations and other stakeholders.</p>

The network is a CDVSA grantee. Council funding received by the network is used to support public awareness campaigns, prevention, legal advocacy, and counseling activities. The council and the network cooperate by cosponsoring statewide training, conferences, and media campaigns as well as providing resource materials and prevention activities.

While the network compliments CDVSA activities, it does not duplicate them. Overall, council activities are not duplicated by other governmental agencies or private sector organizations.

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APPENDICE**S**

The appendices included in this report provide financial information concerning the Council on Domestic Violence and Sexual Assault (council). This includes payments to subrecipients as well as listing federal funding sources. The amounts reported are unaudited, and we express no opinion on them.

Appendix A – Provides a list of council subrecipients from FY 09 through FY 13, separated by victim services programs, community-based batterers’ intervention programs, prison-based batterers’ intervention programs, and other program grants. The list includes council payments to grantees by service program for each fiscal year from FY 09 through March 31, 2013.

Appendix B – Provides a listing of federal funding sources received by the council from FY 09 through FY 13. The list includes the funding agency and the funding description.

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Appendix A

Schedule of Council on Domestic Violence and Sexual Assault Payments to Grantees July 1, 2008 through March 31, 2013 (Unaudited)

	<u>FY 09</u>	<u>FY 10</u>	<u>FY 11</u>	<u>FY 12</u>	<u>July 2012 – March 2013</u>
Victim Services Program Grants					
Alaska Family Services (Palmer)	\$ 505,041	\$ 510,372	\$ 546,451	\$ 595,052	\$ 373,984
Advocates for Victims of Violence (Valdez)	281,048	296,989	317,984	323,220	312,436
Abused Women's Aid in Crisis (Anchorage)	1,090,979	1,205,740	1,290,977	1,478,322	1,318,765
Aiding Women in Abuse and Rape Emergencies (Juneau)	583,078	678,223	726,168	769,609	771,362
Arctic Women in Crisis (Barrow)	357,118	371,174	397,413	403,957	385,234
Bering Sea Women's Group (Nome)	474,871	480,202	514,149	522,615	496,342
Cordova Family Resource Center (Cordova)	94,240	113,672	121,708	123,712	109,272
Interior Alaska Center for Non-Violent Living (Fairbanks)	821,133	916,141	980,905	1,040,137	946,207
Kodiak Women's Resource and Crisis Center (Kodiak)	303,723	348,525	373,163	379,308	362,713
LeeShore Center (Kenai-Soldotna)	559,367	651,620	697,685	742,742	588,768
Maniilaq Family Crisis Center (Kotzebue)	306,101	309,655	331,545	337,004	252,753
Safe and Fear-Free Environment (Dillingham)	468,580	545,209	583,751	621,851	596,297
Sitkans Against Family Violence (Sitka)	343,346	394,400	422,281	429,234	423,601
Seaview Community Services (Seward)	89,947	101,637	108,822	95,861	71,895
South Peninsula Haven House (Homer)	316,840	354,929	380,020	386,278	354,089
Standing Together Against Rape (Anchorage)	581,346	676,560	724,388	775,840	736,487
Tundra Women's Coalition (Bethel)	799,186	930,592	996,378	1,050,334	997,075
Unalaskans Against Sexual Assault and Family Violence (Unalaska)	138,564	165,477	177,175	180,092	178,595
Victims for Justice (Anchorage)	-	57,600	46,254	62,687	75,936
Women in Safe Homes (Ketchikan)	582,641	678,763	726,746	764,072	732,830
Total Victim Services Program Grants	<u>8,697,149</u>	<u>9,787,480</u>	<u>10,463,963</u>	<u>11,081,927</u>	<u>10,084,641</u>
Community Batterers' Intervention Program Grants					
Alaska Family Services (Palmer)	52,812	41,812	41,812	41,812	38,328
Aiding Women in Abuse and Rape Emergencies (Juneau)	-	-	-	-	4,564
Interior Alaska Center for Non-Violent Living (Fairbanks)	64,312	64,312	64,312	69,292	63,245
Ketchikan Indian Corporation (Ketchikan)	24,156	48,313	48,313	38,354	9,588
LeeShore Center (Kenai)	-	20,000	20,000	24,979	15,000
Providence Valdez Counseling Center (Valdez)	9,000	-	-	-	-
South Peninsula Haven House (Homer)	25,563	25,563	25,563	25,563	23,433
Total Community Batterers' Intervention Program Grants	<u>175,843</u>	<u>200,000</u>	<u>200,000</u>	<u>200,000</u>	<u>154,158</u>

Appendix A
(Continued)

**Schedule of Council on Domestic Violence and Sexual Assault
Payments to Grantees July 1, 2008 through March 31, 2013**
(Unaudited)

	<u>FY 09</u>	<u>FY 10</u>	<u>FY 11</u>	<u>FY 12</u>	<u>July 2012 – March 2013</u>
Prison Batterer Intervention Program Grants					
Alaska Family Services (Palmer)	\$ 46,589	\$ 46,589	\$ 46,589	\$ 46,589	\$ 42,706
Aiding Women in Abuse and Rape Emergencies (Juneau)	20,000	20,000	20,000	20,000	18,333
Interior Alaska Center for Non-Violent Living (Fairbanks)	31,648	31,648	31,648	31,648	29,011
Total Prison Batterer Intervention Program Grants	<u>98,237</u>	<u>98,237</u>	<u>\$98,237</u>	<u>98,237</u>	<u>90,050</u>
Other Program Grants:					
Abused Women's Aid in Crisis Inc. (Anchorage)	27,375	-	79,597	21,700	-
Advocates for Victims of Violence (Valdez)	69,390	40,589	22,878	45,756	23,878
Aiding Women in Abuse and Rape Emergencies (Juneau)	81,571	46,527	49,384	54,628	35,162
Alaska Institute for Justice (Anchorage)	19,120	-	14,461	-	39,819
Alaska Family Services Inc (Palmer)	7,560	-	54,873	46,369	425
Alaska Network on Domestic Violence and Sexual Assault (Statewide)	254,855	462,152	493,991	844,013	707,485
Cordova Family Resource Center (Cordova)	63,867	34,839	22,870	45,740	25,684
Interior Alaska Center for Non-Violent Living (Fairbanks)	32,502	22,477	124,624	179,625	150,764
Kenaitze Indian Tribe (Kenai)	-	-	-	-	11,324
Leeshore Center (Kenai-Soldotna)	61,615	28,215	65,219	56,990	25,714
Maniilaq Family Crisis Center (Kotzebue)	19,870	-	-	-	-
North Slope Borough a.k.a. Arctic Women in Crisis (Barrow)	11,997	-	-	-	-
Safe and Fear-Free Environment Inc. (Dillingham)	-	-	51,388	55,296	25,714
South Peninsula Haven House (Homer)	-	-	22,626	45,252	25,441
Standing Together Against Rape (Anchorage)	-	-	39,523	13,175	-
Tribal Government of St Paul (St Paul)	-	5,366	13,384	-	-
Tundra Women's Coalition (Bethel)	46,867	26,733	69,098	53,399	38,267
Women in Safe Homes (Ketchikan)	-	-	48,259	54,253	25,714
Total Other Program Grants	<u>696,589</u>	<u>666,898</u>	<u>1,172,175</u>	<u>1,516,196</u>	<u>1,135,391</u>
Total Council on Domestic Violence and Sexual Assault Payments	<u>\$ 9,667,818</u>	<u>\$ 10,752,615</u>	<u>\$ 11,934,375</u>	<u>\$ 12,896,360</u>	<u>\$ 11,464,240</u>

Source: DPS Administrative Services Division

Appendix B

Council on Domestic Violence and Sexual Assault Description of Federal Funding Sources

Funding Source and Federal Agency	Funding Description
<p><i>Family Violence Prevention Services Act</i> United States Department of Health and Human Services</p>	<p>The <i>Family Violence Prevention Services Act</i> provides federal funding to all states. The council uses this funding for domestic violence programs throughout Alaska. The organizations receiving grants provide assistance to domestic violence victims and their children. These organizations operate shelter facilities which are staffed 24 hours a day and provide a full spectrum of services including basic food, immediate shelter, crisis intervention, counseling, and medical/legal/personal advocacy.</p>
<p><i>Victims of Crime Act</i> United States Department of Justice</p>	<p>The <i>Victims of Crime Act of 1984</i> authorizes financial compensation for crime victims and financial support for state and local agencies that provide services to crime victims. The council awards this funding directly to programs that provide services to victims of domestic violence, sexual assault and other violent crimes.</p> <p>The federal program is funded by the fines and penalties levied against criminals convicted of federal crimes. As such, the amount available can vary significantly from year to year. To assist in planning for these variances, the council spreads the grant amount over a three-year period. This provides for a more stable continuation of funding for programs.</p>
<p><i>Violence Against Women Act</i> United States Department of Justice</p>	<p>In 1994, Congress passed the <i>Violence Against Women Act (VAWA)</i> to improve the national response to domestic violence and sexual assault. VAWA combines a series of federal sanctions and initiatives as well as national, state, and local resources to improve the response to crimes against women. These funds are delineated to four specific areas: prosecution, law enforcement, victim services, and discretionary.</p>
<p>Services, Training, Officers, and Prosecutors United States Department of Justice</p>	<p>Services, Training, Officers, and Prosecutors (STOP) is a component of VAWA. STOP funds are awarded to all states and territories through a federal formula that uses a base amount plus a consideration for population. Funds are used to improve the national response to domestic violence and sexual assault by combining a series of federal sanctions and initiatives as well as national, state, and local resources to improve the response to crimes against women. The council uses STOP funds for training for prosecutors, conferences about forensic evidence in domestic violence cases, and law enforcement task forces.</p>
<p>Sexual Assault Services Program United States Department of Justice</p>	<p>The Sexual Assault Services Program (SASP) is a component of VAWA. SASP is a formula grant available to all states. The council grants SASP funds to organizations that provide assistance to victims of sexual assault.</p>

Appendix B
(Continued)

**Council on Domestic Violence and Sexual Assault
Description of Federal Funding Sources**

Funding Source and Federal Agency	Funding Description
Grants to Encourage Arrest Policies United States Department of Justice	<p>The Grants to Encourage Arrest Policies (GTEA) program is a component of VAWA. This grant has focused on the development and implementation of laws, policies, and protocols that encourage or mandate the arrest of domestic violence offenders.</p> <p>The council currently uses GTEA funds to assist community-driven initiatives in providing regional forums on domestic violence. The forums are attended by state troopers, local prosecutors, tribal and state judiciary, village public safety officers, tribal members/citizens, victim advocates, probation/parole officers, and other social service and care providers.</p> <p>The purpose of the forums is to enhance attendees skills and develop a greater understanding of topics critical to the safety of women and their children, offender accountability, and coordinated responses to domestic violence. The training is also designed to promote communication, cooperation, and a mutual respect among the tribal/state/federal response systems.</p>
Rural Domestic Violence and Child Victimization United States Department of Justice	<p>The Rural Domestic Violence and Child Victimization (RDVCV) grant implements certain provisions of VAWA.</p> <p>The primary purpose of the RDVCV is to enhance the safety of domestic violence victims (dating violence, sexual assault, stalking, and child victimization) by supporting projects uniquely designed to address and prevent these crimes in rural jurisdictions. The council used this grant to fund projects in five rural areas of the State.</p>
Supervised Visitation and Safe Exchange Grant Program United States Department of Justice	<p>The Supervised Visitation and Safe Exchange Grant Program (SVSEP) provides an opportunity for communities to support the supervised visitation and safe exchange of children, by and between parents, in situations involving domestic violence, child abuse, sexual assault, or stalking. The council grants SVSEP funds to organizations that support a supervised visitation center.</p>



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

Department of Public Safety

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September 13, 2013

RECEIVED

SEP 23 2013

LEGISLATIVE AUDIT

Kris Curtis
Legislative Auditor
Division of Legislative Audit
PO Box 113300
Juneau, AK 99811-3300

Dear Ms. Curtis:

Thank you for the opportunity to respond to the preliminary report on the Council on Domestic Violence and Sexual Assault (CDVSA) audit conducted last spring. You have asked us to clearly state our agreement or disagreement with the report conclusions and recommendations.

The Department of Public Safety (DPS) agrees with the recommendation to extend the CDVSA Sunset through June 30, 2022. CDVSA plays a vital role in coordinating the state's response to the crimes of domestic violence and sexual assault as well as the state's new focus on primary prevention efforts.

I have reviewed the preliminary report and CDVSA's response. I agree with the conclusions in the report and agree with CDVSA's plan of action for complying with the recommendations in a timely manner.

On DPS' behalf, I would like to thank the audit team for their professional and thorough review of CDVSA. Please let me know if you need further information.

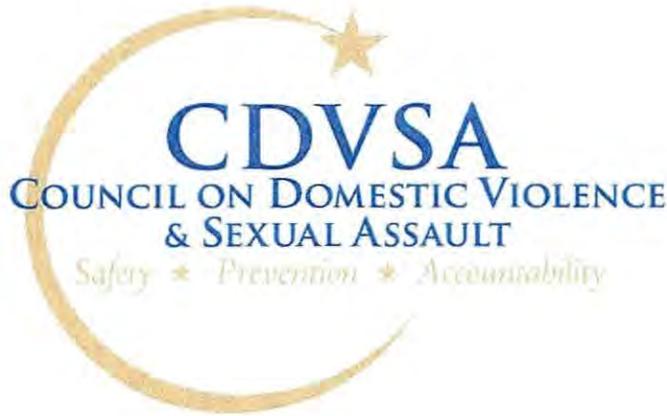
Sincerely,

A handwritten signature in black ink, appearing to read "J. Masters", with a long horizontal flourish extending to the right.

Joseph A. Masters
Commissioner

Cc. Lauree Morton, CDVSA, Executive Director
Jeff Hoover, DPS – Administrative Services, Director

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Department of Public Safety

COUNCIL ON DOMESTIC VIOLENCE &
SEXUAL ASSAULT
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RECEIVED
SEP 18 2013
LEGISLATIVE AUDIT

September 13, 2013

Dear Ms. Curtis:

Thank you for the opportunity to respond to the preliminary audit report generated as a result of the audit conducted last spring for the Council on Domestic Violence and Sexual Assault (CDVSA). You have asked us to clearly state our agreement or disagreement with the report conclusions and recommendations. If we concur with a recommendation, you've asked us to indicate the methods used, or anticipated to be used, for implementing the recommendation with completion dates. If we do not concur, you've asked us to explain the reason for our disagreement.

We agree with the recommendation to extend the CDVSA through June 30, 2022. CDVSA is a critical nexus between state government, non-governmental organizations (NGO) and local communities working to end current and prevent future domestic violence and sexual assaults.

Recommendation No. 1: The council should address its statutory responsibility to consult with DHSS to formulate standards and procedures as required by AS 18.66.300.

We agree with this recommendation. While CDVSA is required to provide consultation, it is the DHSS (AS 18.66.300) that is required to adopt the standards and procedures; to consult with CDVSA, the Department of Commerce, Community, and Economic Development, private agencies that provide services for victims of domestic violence, and persons with expertise in providing health care and other services to victims of domestic violence; and, to make available

to health care facilities and practitioners of the healing arts and personnel in those facilities a written notice of the rights of victims of domestic violence and the services available to them.

Methods anticipated to be used for implementing the recommendation: the CDVSA executive director will identify the position in the DHSS responsible for health care facilities, set-up an appointment to review these complementary statutory duties and offer to coordinate a workgroup to assist DHSS to review, revise and redistribute such standards and procedures. Timeline: The CDVSA executive director will meet with DHSS staff prior to the CDVSA meeting in November, 2013. She will provide an update on consultation progress at that meeting.

Further, CDVSA will establish a fiscal year calendar to routinely offer consultation to entities we are statutorily required to provide consultation. Timeline: The calendar will be reviewed at the November 2013 meeting and implemented thereafter.

Recommendation No.2: The council's executive director should implement written procedures to ensure public notices are posted on the State's Online Public Notice System timely.

We agree with this recommendation.

Methods used to implement the recommendation: May 2013, CDVSA staff developed a quarterly meeting checklist to ensure all requirements for preparing for quarterly meetings are fulfilled. The checklist will be used by the Office Assistant or in her absence the designated staff person assuming the responsibility for meeting preparation. The Office Assistant or designee will be responsible for requesting the information be posted on the State of Alaska Public Notices page in a timely manner. The checklist will also be reviewed by all staff during the staff meeting held just prior to the quarterly meeting.

Further, a quarterly meeting page will be added to the CDVSA website. Content will include prior meeting minutes, current meeting packets and a listing of quarterly meetings by fiscal year. This will enhance the public's ability to be aware of the CDVSA's work. Timeline: Completed by November 2013.

Recommendation No.3: The council's executive director should improve grant award and monitoring policies and procedures.

We agree with this recommendation.

Methods anticipated to be used for implementing the recommendation: CDVSA staff took the opportunity of distributing the FY14 grant awards to review the forms grantees are required to

complete to ensure the most recent federal and state statutory requirements are listed. Necessary revisions were made to the forms prior to distribution.

The Program Coordinators met and decided grantee file content placement and agreed upon a method for ensuring content is accurate and all required forms are submitted and included in the grantee files. The Program Coordinators will meet quarterly to review all grantee files for completeness. Timeline: Completed

To ensure results from monitoring visits are communicated to grantees, and documented as such, as well as ensure follow-up to recommendation compliance, Program Coordinators will submit draft evaluations, replies from grantees, and final evaluations with recommendation compliance documentation to the Executive Director for review. The Executive Director will initial documents at each stage of the process. Timeline: On-site files will also be reviewed on a quarterly basis.

CDVSA appreciates efforts by the auditing team to review our work and make recommendations for improvement. We are ready to continue forward movement in Alaska's efforts to end current and prevent future domestic violence and sexual assaults during the next eight years.

Sincerely,



Lauree Morton, CDVSA Executive Director

cc. Joseph Masters, DPS Commissioner
Jeff Hoover, Administrative Services Director