

# Report Highlights

## Why DLA Performed This Audit

The audit determines whether there is a need for the council's continued existence and whether the council's termination date should be extended. The council is set to terminate June 30, 2022, and will have one year from that date to conclude its administrative operations.

## What the Legislative Auditor Recommends

1. The executive director should allocate resources to ensure the annual report is submitted in accordance with council bylaws.
2. The executive director should improve training to help ensure document retention procedures are followed.
3. The executive director should work with the Department of Law to expedite regulatory updates.
4. The executive director should continue to work with the Department of Public Safety and the Office of Information Technology to improve access to the Battering Intervention Program database.

# A Sunset Review of the Department of Public Safety, Council on Domestic Violence and Sexual Assault (council)

July 30, 2021

Audit Control Number 12-20130-21

## REPORT CONCLUSIONS

The audit concluded that the council generally operated in the public's interest by funding and monitoring Alaskan domestic violence and sexual assault programs and prevention activities. The council served as the central coordinator for related services throughout the state, conducted meetings in accordance with council bylaws, effectively met most statutory duties, and did not duplicate the efforts of other entities.

The audit also concluded that the council should improve document retention, access to the Battering Intervention Program database, and timeliness of annual report submission and regulation changes.

In accordance with AS 44.66.010(a)(5), the council is scheduled to terminate June 30, 2022. We recommend the legislature extend the council's termination date six years, to June 30, 2028.

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# ALASKA STATE LEGISLATURE

## LEGISLATIVE BUDGET AND AUDIT COMMITTEE

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September 17, 2021

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 and the attached report is submitted for your review.

DEPARTMENT OF PUBLIC SAFETY  
COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT  
SUNSET REVIEW  
July 30, 2021

12-20130-21

The audit was conducted as required by AS 44.66.050(a). Per AS 44.66.010(a)(5), the council is scheduled to terminate June 30, 2022. We recommend that the legislature extend the council's termination date to June 30, 2028.

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 black ink, appearing to read "Kris Curtis".

Kris Curtis, CPA, CISA  
Legislative Auditor

## ABBREVIATIONS

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AAC	Alaska Administrative Code
ACN	Audit Control Number
AS	Alaska Statute
BIP	Battering Intervention Program
CISA	Certified Information Systems Auditor
COVID-19	Coronavirus Disease 2019
CPA	Certified Public Accountant
CVF	Crime Victims Fund
DEED	Department of Education and Early Development
DHSS	Department of Health and Social Services
DLA	Division of Legislative Audit
DOC	Department of Corrections
DPS	Department of Public Safety
FY	Fiscal Year
LAW	Department of Law
MOA	Memorandum of Agreement
OIT	Office of Information Technology
PEC	Proposal Evaluation Committee
RFP	Request for Proposal
VOCA	Victims of Crime Act

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# ORGANIZATION AND FUNCTION

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## Council on Domestic Violence and Sexual Assault (council)

Alaska Statute 18.66.010 established the council within the Department of Public Safety (DPS) in 1981. The statute directs the council to:

*Provide for planning and coordinating 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 domestic violence training programs and to formulate standards and procedures for delivering services to victims through healthcare employees and facilities;

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## Exhibit 1

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### Council on Domestic Violence and Sexual Assault Members as of April 6, 2021

Teresa Lowe  
*Chair, Rural Public Member*

Lydia Heyward  
*Vice Chair, Public Member*

Ryon Turley  
*Public Member*

Angela Garay  
*Public Member*

Laura Brooks  
*DOC Designee*

John Skidmore  
*LAW Designee*

Jillian Gellings  
*DHSS Designee*

Niki Tshibaka  
*DEED Designee*

James Cockrell  
*DPS Commissioner*

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Source: Council website.

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- 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.

The council consists of nine members. Four are public members appointed by the governor, one of whom must be from a rural area, and five are the commissioners of DPS, DHSS, DEED, DOC, and LAW, or their designees. Before appointing a public member to the council, the governor may request recommendations from and consult with the nonprofit private organization, the Alaska Network on Domestic Violence and Sexual Assault.<sup>1</sup> The council membership as of April 6, 2021, is shown in Exhibit 1 on the previous page.

The council is staffed by an executive director and eight support staff. All council staff are classified<sup>2</sup> employees, except for the executive director, who is an exempt<sup>3</sup> employee.

Exhibit 2 compares position titles and salary ranges of council staff from the end of the prior audit, March 2013, to February 2021. According to management, since the last audit the Research Analyst position was upgraded from a II to a III to help with retention. An Administrative Officer I position was transferred from the council to DPS's Administrative Services Division in FY 11; however, the position was still funded by the council through a reimbursable service agreement. The position was transferred back to the council during FY 14, but was eliminated in FY 16 due to budget cuts along with the Office Assistant II position. In FY 17 a Program Coordinator I position was eliminated due to budget cuts, bringing the staff count to six. Additionally, the Administrative Officer I

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<sup>1</sup> The Alaska Network on Domestic Violence and Sexual Assault is comprised of 23 victim service providers, many of which receive council funding.

<sup>2</sup> Alaska 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."

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



position was added back in FY 18, and the Criminal Justice Planner and Grants Administrator II positions were created in FY 19, bringing the staff count back to nine.

**Exhibit 2**

<b>Council Staff Positions March 2013 Compared to February 2021</b>			
<b>March 2013</b>		<b>February 2021</b>	
<b>Position Title</b>	<b>Salary Range</b>	<b>Position Title</b>	<b>Salary Range</b>
Executive Director	24	Executive Director	24
Program Coordinator II	20	Program Coordinator II	20
Program Coordinator II	20	Program Coordinator II	20
Program Coordinator I	18	Program Coordinator I	18
Program Coordinator I	18	Research Analyst III*	18
Research Analyst II	16	Administrative Assistant II	14
Administrative Assistant II	14	Administrative Officer I	17
Office Assistant II	10	Grants Administrator II	17
Administrative Officer I	17	Criminal Justice Planner	21

\* Research Analyst III position has been vacant since June 20, 2020, due to reclassifying the position and recruitment.  
Source: Council management.

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## BACKGROUND INFORMATION

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### **Council Grant Administration Process**

The Council on Domestic Violence and Sexual Assault (council) is responsible for administering grants to local community organizations for domestic violence, sexual assault, and crisis intervention and prevention programs. Grant administration includes awarding grants, providing technical assistance, and monitoring various grantee and contractor activities.

Community organizations funded by the council provide a variety of public services. Grantee 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 battering intervention services, and assist victims in locating long-term housing.

During FY 20, the council funded 34 community-based victim services programs, six community-based battering intervention programs (BIP), and three prison-based BIPs, as well as 15 other programs, which include community prevention and readiness grants. Each year, the council issues requests for proposals (RFP) for grant funding that will become available during the next fiscal year. Most RFPs are for multi-year grant awards, so only a portion of grant programs have an RFP issued during a year. Once grantee RFP submissions have been scored, the scoring committee, made up of council staff and one council member, recommends funding levels to the council. The council makes final grant award decisions, including funding levels, based on the committee recommendations. Appendix B lists council-funded grantees by program for FY 18 through February 28, 2021.

### **Council Funding Sources and Federal Oversight**

The council receives direct State and federal funding, as well as interagency funding from the Department of Public Safety and the Department of Corrections (DOC). State funding includes general

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funds and recidivism reduction funds.<sup>4</sup> Federal funding includes grants from the Family Violence Prevention Services Act, Violence Against Women Act, Sexual Assault Services Program, and Victims of Crimes Act.

As a condition of receiving federal funding, the council is subject to federal oversight. The council received an onsite federal review during FY 18 and two desk reviews during FY 21. As a result of the federal onsite visit, the council created additional grant monitoring tools. New monitoring tools included a yearly risk analysis to determine if an onsite review is necessary, a desk review for years a grantee does not receive an onsite review, a checklist of items to be reviewed before a desk review or an onsite review occurs, and a checklist of items to be reviewed during a desk review or an onsite visit.

## **Battering Intervention Programs**

BIPs were developed as part of a comprehensive strategy to reduce the occurrence and rate of domestic violence in Alaska. Per AS 44.28.020(b), DOC has the responsibility for approving and regulating BIPs with the approval of the council. DOC delegated the responsibilities of drafting regulations and approving, monitoring, and regulating Alaska's BIPs through a memorandum of agreement (MOA) with the council. The MOA provides funding to the council for an amount to be determined each year (FY 21 funding level was not to exceed \$175,000).

Not all BIPs receive council funding. As of February 2021, there were six approved and council-funded BIPs, and four approved programs that were not funded by the council. All funded programs are required to submit program data and statistics to the council on a quarterly basis.

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<sup>4</sup> Alaska Statutes 43.61.010 (c) and (d) establish the recidivism reduction fund. Fifty percent of the excise tax on marijuana collected must be deposited into the fund. The legislature may use the recidivism reduction funds to make appropriations for recidivism reduction programs.

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# REPORT

## CONCLUSIONS

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In developing our conclusion regarding whether the Council on Domestic Violence and Sexual Assault's (council) termination date should be extended, its operations were evaluated using the 11 factors set out in AS 44.66.050(c), which are included as Appendix A of this report. Under the State's "sunset" law, these factors are to be considered in assessing whether an entity has demonstrated a public policy need for continued operations.

The audit concluded that the council generally operated in the public's interest by funding and monitoring Alaskan domestic violence and sexual assault programs and prevention activities. The council served as the central coordinator for related services throughout the state, conducted meetings in accordance with council bylaws, effectively met most statutory duties, and did not duplicate the efforts of other entities.

The audit also concluded that the council should improve document retention, access to the Battering Intervention Program (BIP) database, and timeliness of annual report submission and regulation changes.

In accordance with AS 44.66.010(a)(5), the council is scheduled to terminate June 30, 2022. We recommend the legislature extend the council's termination date six years, to June 30, 2028.

Detailed report conclusions are as follows.

### **The council generally operated in the public's interest.**

Council meetings were conducted effectively. During FY 18 through February 28, 2021, the council met 16 times with at least one meeting per quarter as required by council bylaws. Additionally, at least one meeting per fiscal year included a statewide public teleconference hearing. The audit reviewed seven of the 16 meetings and found all seven were properly noticed, a quorum was met, and the agendas allowed for public comment.

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The audit reviewed council annual reports due during the audit period. In accordance with AS 18.66.050(10), the FY 18 and FY 19 reports included information regarding council activities, plans for new services and programs, and council concerns related to domestic violence and sexual assault. As of May 1, 2021, the council had not submitted the FY 20 annual report to the governor. According to council management, the report has not been completed and submitted due to staff vacancies and the significant resources necessary to compile information for inclusion in the report. Additionally, council management stated that the FY 18 and FY 19 annual reports were provided two months and four months respectively past the January 15<sup>th</sup> deadline set in the council's bylaws. Delays in issuing the annual reports were due to lack of resources caused by vacancies as well as competing priorities. (See Recommendation 1)

**Funding for the council's programs is expected to decrease significantly during FY 22.**

Council funding sources were comprised of federal funds, State general funds, recidivism reduction funds, and interagency receipts from the Department of Public Safety (DPS) and the Department of Corrections (DOC). Exhibit 3 shows the expenditures and funding sources for FY 18 through February 28, 2021.

From FY 18 through February 28, 2021, the council issued \$64.6 million in grants for approved programs, of which \$28.3 million was federally funded. Federal funding increased 71 percent between FY 18 and FY 20, largely due to an increase in the federal Victims of Crimes Act (VOCA) program funding caused by an increase in the Crime Victims Fund (CVF).<sup>5</sup>

According to council management, beginning in FY 22 Alaska's allotment of the federal CVF is estimated to see a significant reduction due to a decrease in available funds. The reduction in federal funding is expected to decrease State victim services grants

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<sup>5</sup> The CVF was established by the VOCA. The CVF is financed by fines and penalties paid by convicted federal offenders. Funds in the CVF are allocated to the states through VOCA grants.

### Exhibit 3

## Council on Domestic Violence and Sexual Assault Schedule of Expenditures and Funding Sources FY 18 through February 28, 2021 (Unaudited)

	FY 18	FY 19	FY 20	July 1, 2020 - February 28, 2021
<b>Expenditures</b>				
Personal Services	\$ 839,786	\$ 875,876	\$ 1,085,526	\$ 636,352
Travel	79,733	75,915	52,821	-
Services	1,237,069	1,903,593	1,879,824	394,460
Commodities	236,971	16,806	25,524	2,056
Capital Outlay	4,588	34,448	-	-
Grants and Benefits	15,026,328	17,533,446	19,881,815	12,195,856
<b>Total Expenditures</b>	<b>\$ 17,424,475</b>	<b>\$ 20,440,084</b>	<b>\$ 22,925,510</b>	<b>\$ 13,228,724</b>
<b>Funding Sources</b>				
Federal	\$ 5,884,361	\$ 8,516,294	\$ 10,056,225	\$ 3,840,606
Interagency	138,509	189,700	174,553	<sup>6</sup>
Recidivism Reduction Fund	1,925,180	1,913,766	1,984,416	1,213,974
General Fund	9,487,619	9,909,335	10,520,391	7,589,978
<b>Total Funding Sources</b>	<b>\$ 17,435,669</b>	<b>\$ 20,529,095</b>	<b>\$ 22,735,585</b>	<b>\$ 12,644,558</b>

Source: DPS Administrative Services Division.

by 30 to 33 percent. Steps were being taken on the federal and State level to address the anticipated decrease in federal funding. On March 8, 2021, congress introduced the *VOCA Fix to Sustain the Crime Victims Fund Act of 2021*. The legislation makes the CVF

<sup>6</sup> The Memorandum of Agreement (MOA) with DOC provides for FY 21 interagency funding not to exceed \$175,000. The FY 21 funding is not included in the schedule because it processed after February 2021.

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more stable for future federal funding by adding a new source of revenue<sup>7</sup> to the fund and making changes to the formula grants supported by the fund. However, according to council management, even if the legislation passes it could take two to three years before state allotments increase. At the state level, House Bill 181 was introduced to appropriate \$6 million to the council from the American Rescue Plan Act funding. According to management, if additional funding is not secured, the decrease in federal funding will be proportionately allocated among all council grantees.

**The council effectively and efficiently awarded grants to qualified grantees.**

The audit reviewed the solicitation, scoring, and awarding process for all requests for proposals (RFP) issued during FY 18 and FY 20 and found that RFP submissions were appropriately scored by the scoring committee, funding recommendations were made to the council, and the grant awards matched the funding decisions made by the council. Appendix B provides a schedule of grantee payments by program for FY 18 through February 28, 2021.

**Except for a lack of document retention, the council effectively monitored grantees.**

Federal onsite and desk reviews of council activities led to operational improvements; however, the audit identified additional administrative improvements were needed over the grant review process. Auditors reviewed 11 grantee monitoring files and found that council staff generally assessed and reviewed the grantee programs in an effective manner and in accordance with council policies and procedures, although auditors found instances that review documents were not properly retained. Audit testing found one grantee's FY 20 risk analysis had been overwritten and saved with FY 21 risk information, and three grantees' review checklists and one grantee's final review closeout letter could not be located. (See Recommendation 2)

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<sup>7</sup> Specifically, the bill directs revenues collected from deferred prosecution and non-prosecution agreements to be deposited into the CVE.



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**The council does not duplicate the efforts of other entities.**

The council has been confused with the Alaska Network on Domestic Violence and Sexual Assault (network) and may appear to duplicate the efforts of the network. The audit found the roles and activities of the council and network are complementary in nature rather than duplicative. The network is a nonprofit organization comprised of 23 domestic violence and sexual assault service providers that provide technical assistance, legal advocacy support, pro-bono attorney connections, and training and resource materials to member programs, attorneys, community organizations, and other stakeholders. In contrast, the council is a State entity that coordinates the State's response to domestic violence and sexual assault while providing support and funding to domestic violence, sexual assault, and battering intervention programs throughout the state. As such, the council does not duplicate the efforts of the network or any other entity.

**Alaska's domestic violence and sexual assault regulations have not been updated since FY 06.**

Auditors noted that council program regulations have not been updated since FY 06; however, as of July 2021, the council had a regulatory project in progress that updates 13 AAC 90 Domestic Violence and Sexual Assault Program Standards and 13 AAC 95 Grant Programs.

According to council management, a contractor was hired during FY 19 to assist with drafting regulatory changes to ensure the changes complied with federal program requirements. Proposed changes were ready to be submitted to the Department of Law (LAW) for review and approval in FY 19; however, the council was asked to delay submission to allow the new governor's administration time to organize. LAW's review was further extended due to the COVID-19 pandemic. (See Recommendation 3)

**Inadequate program administration limited BIP effectiveness.**

DOC and the council did not effectively coordinate BIP administration. Statutorily, DOC has the responsibility for approving and regulating the programs; however, statutes require DOC to obtain the "approval of the Council on Domestic Violence and Sexual

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Assault.” DOC delegated the responsibility of drafting regulations, approving, and monitoring and regulating BIPs through an MOA with the council. The council drafted BIP regulation amendments and submitted the draft to DOC during FY 14, but the changes were not moved forward to LAW. Council management could not explain why DOC did not implement the council’s suggested regulation changes. The council has not pursued regulatory changes since FY 14.

The audit found the database used to collect and analyze BIP data was not readily accessible to BIP staff. The database, housed within DPS, is subject to heightened user security access requirements, such as fingerprinting and background checks, making the process to obtain access cumbersome and time-consuming. Due to delays in obtaining access, there were times when BIP grantees were asked to submit limited information on paper forms. Council management also stated that database reports could only be pulled by DPS information technology staff, making it difficult for council staff to obtain information. At the time of the audit, the council’s executive director was working with the Department of Administration Office of Information Technology (OIT) to improve access by moving the BIP database from DPS to OIT. (See Recommendation 4) Auditors noted that only the six funded BIP grantees were required to submit information via the database or paper forms. The four non-funded BIPs did not report data to the council, which limited the council’s ability to ascertain effectiveness of the non-funded programs.

The council’s executive director acknowledged that additional resources were necessary to effectively administer the program. Budget cuts led to a decision to eliminate a BIP-dedicated Program Coordinator I position during FY 17, which led to reduced monitoring. Further, outdated regulations and inadequate data collection were not effectively addressed by the council. Based on a BIP survey and the council’s awareness that BIP administration needed to be enhanced, a workgroup was assembled in March 2021 to improve BIP services. The project is estimated to take 12 to 18 months from the time the workgroup begins.

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## FINDINGS AND RECOMMENDATIONS

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The Council on Domestic Violence and Sexual Assault's (council) prior 2013 sunset audit<sup>8</sup> made three recommendations:

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

The prior recommendation regarding the council's statutory responsibility to consult with DHSS has been resolved. Alaska Statute 18.66.300 requires DHSS to develop standards and procedures for the delivery of services to victims of domestic violence by healthcare facilities in consultation with the council. Consultation with the council was achieved by the DHSS commissioner's membership on the council.

The prior recommendation for the executive director to implement written procedures to ensure public notices are posted timely has been resolved by developing a meeting preparation checklist that included a step for recording the meeting date and time in the State's Online Public Notices System. The audit reviewed seven of 16 meetings held during the audit period and found all seven were properly public noticed.

The prior recommendation for the executive director to improve grant award and monitoring policies and procedures has been partially addressed. Several improvements to monitoring procedures were made, including creating a yearly grantee risk analysis, a desk review procedure for years a grantee does not receive an onsite review, a checklist of items to be reviewed before a desk review or an onsite visit occurs, and a checklist of items to be reviewed

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<sup>8</sup> ACN 12-20085-13.

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during a desk review or an onsite visit. This audit identified that additional improvements were needed over document retention. Consequently, the prior recommendation is partially reiterated as Recommendation 2 below.

The audit makes three new recommendations.

**Recommendation No. 1:**  
**The executive director should allocate resources to ensure the annual report is submitted in accordance with council bylaws.**

As of May 2021, the council had not provided the FY 20 annual report to the governor or the legislature. The delay in submitting the FY 20 report was caused by vacancies and competing priorities. Additionally, the council received two federal reviews during FY 21, which reduced available staff resources.

The absence of timely information decreases transparency and may lead to policy decisions based on outdated information.

Alaska Statute 18.66.050(10) requires the council to annually report to the governor its activities, plans for new services and programs, and concerns, including recommendations for legislation necessary to carry out the duties of the council. Further, council bylaws, Article IX, Section 3 states that “the report is due to the legislature and governor by January 15 of each year.”

We recommend the council’s executive director allocate resources to ensure the annual report is submitted by January 15<sup>th</sup> each year.

**Recommendation No. 2:**  
**The executive director should improve training to help ensure document retention procedures are followed.**

The council did not consistently retain grantee monitoring documentation. Audit testing found three of 11 grantee monitoring files lacked sufficient documentation. Specifically,

- one grantee’s FY 20 risk analysis had been electronically overwritten and saved with FY 21 risk information;
- two FY 20 grantee and one FY 21 grantee review checklist(s) could not be located; and

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- one FY 20 grantee final review closeout letter could not be located.

The deficiencies were caused by human error.

Alaska Statute 18.66.050(8) requires the council to oversee and audit domestic violence, sexual assault, and crisis intervention and prevention programs. Per the Alaska Administrative Manual 05.130, documentation involves preserving evidence that substantiates a decision, event, transaction, or system. Documentation should be complete, accurate, and clearly written. It should be recorded timely and in a format that can be used efficiently.

Failing to retain monitoring documentation could result in an incorrect risk assessment, unresolved grantee findings, and/or future funding decisions based on incomplete information.

We recommend the council's executive director improve training to help ensure document retention procedures are followed.

### **Recommendation No. 3:**

**The executive director should work with the Department of Law (LAW) to expedite regulatory updates.**

Domestic violence and sexual assault regulations have not been updated since FY 06. At the time of the audit, a regulatory project was in progress to update 13 AAC 90 Domestic Violence and Sexual Assault Program Standards and 13 AAC 95 Grant Programs. Draft changes include removing the ability for subgrantees to charge clients for the emergency services provided. This change is needed to comply with federal requirements that prohibit the charging of fees for federally funded services.

According to council management, regulation updates were ready to be submitted to LAW for review in FY 19; however, the council was asked to delay submitting the updates to allow the new administration to take office and organize. The updates were delayed again in early 2020 due to the COVID-19 pandemic.

Alaska Statute 18.66.050(11) requires the council to adopt regulations in accordance with AS 44.62 (Administrative Procedure

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Act) to carry out its duties and responsibilities, and to protect the health, safety, well-being, and privacy of persons receiving services financed with council-funded grants or contracts.

Failing to update regulations timely could lead to decisions based on outdated information, adversely impact the effectiveness and efficiency of the council's programs, and put the State at risk of not following federal guidelines.

We recommend the executive director work with LAW to expedite the regulatory updates.

**Recommendation No. 4:**

**The executive director should continue to work with DPS and the Office of Information Technology (OIT) to improve access to the BIP database.**

The BIP database was not effectively and efficiently utilized by the council and BIP staff. According to management, the database is located within the Department of Public Safety (DPS) and is subject to Criminal Justice Information Services Division security requirements. New users must receive a full background check that requires fingerprinting. The process of obtaining fingerprints and waiting for the background check has delayed account setup, making it cumbersome and time-consuming to approve access for new program users.

Limited user access decreases the amount of data entered into the database and resulted in some BIP grantees submitting data via paper forms. Paper forms require manual entry into the system, which reduces available resources.

Alaska Statute 18.66.050(5) requires the council to develop and implement a standardized data collection system on domestic violence, sexual assault, and crisis intervention and prevention.

We recommend the executive director continue to work with DPS and OIT to improve the BIP and council access to the BIP database.

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# OBJECTIVES, SCOPE, AND METHODOLOGY

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In accordance with Title 24 and Title 44 of the Alaska Statutes, we have reviewed the activities of the Council on Domestic Violence and Sexual Assault (council) to determine if there is a demonstrated public need for its continued existence.

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, 2022, and will have one year from that date to conclude its administrative operations.

## Objectives

The three central, interrelated objectives of our report are:

1. To determine if the termination date of the council should be extended, and for how long.
2. To determine if the council is operating in the public's interest.
3. To determine the status of recommendations made in the prior sunset audit.

## Scope

The assessment of operations and performance of the council was based on criteria set out in AS 44.66.050(c). Criteria set out in this statute relates to the determination of a demonstrated public need for the council. We reviewed the council's activities from July 1, 2017, through February 28, 2021. Unaudited financial information is presented for the same time period.

## Methodology

During the course of our audit we reviewed and evaluated the following:

- The prior sunset audit report (ACN 12-20085-13) to identify issues affecting the council and to identify prior sunset audit recommendations.



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- Federal oversight audits to evaluate the council’s compliance with federal grant administration requirements.
  - Applicable statutes, regulations, and bylaws to identify council functions and responsibilities, determine whether statutory or regulatory changes enhanced or impeded council activities, and help ascertain if the council operated in the public interest.
  - The State’s Online Public Notices System to verify council board meetings were adequately public noticed.
  - Council board meeting minutes and annual reports to gain an understanding of council proceedings and activities, the nature and extent of public input, and whether a quorum was maintained.
  - Various state and news related websites to identify complaints against the council or other council related concerns.
  - Various websites to help evaluate the potential duplication of council activities.
  - Staffing levels as of February 28, 2021, to identify changes to council staffing since the prior audit.
  - Various program procedures and grantee guidance materials to gain an understanding of council oversight and assistance provided to grantees.
  - Internal controls over the grant issuance and grantee monitoring activities were assessed to determine if controls were properly designed and implemented.

To identify and evaluate council activities, we conducted interviews with council staff and council members. Specific areas of inquiry included: council operations, statutory duties, regulations, duplication of effort, and complaints against the council.

During the audit, the following samples were selected:



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- A random sample of seven of the 16 council board meetings held from July 2017 through February 28, 2021. Each council board meeting was reviewed to gain an understanding of council proceedings and activities, the nature and extent of public input, whether a quorum was maintained, whether each meeting was properly noticed, whether meetings were in accordance with council bylaws, and whether council vacancies impeded operations. The sample size was based on low control and inherent risk and moderate audit risk. Test results were projected to the population.
  - A random sample of two of the fiscal years in the audit scope. All proposal evaluation committee (PEC) documents were reviewed for each request for proposal (RFP) or notice of additional available funds issued during the sampled fiscal year to assess the solicitation and grant award process. Specifically, FY 18 and FY 20 were selected with four RFPs issued with a total of 67 grantee proposals received, and one notice of additional available funds issued with 10 grantee proposals received, respectively. The sample size was based on low control and inherent risk and moderate audit risk. Test results were projected to the population.
  - A random sample of three of 26 grantees receiving council funding during FY 19; four of 35 grantees receiving council funding during FY 20; and four of 35 grantees receiving council funding during FY 21 (through February 28, 2021). If a selected grantee did not receive a review, auditors determined reasonableness of not receiving a review and replaced the selection with another randomly selected grantee from the fiscal year that did receive a review. The subrecipient monitoring files were reviewed to assess the sufficiency of the grant monitoring process. The sample size was based on low control and inherent risk and moderate audit risk. Test results were not projected to the population.

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# APPENDICES

## SUMMARY

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Appendix A provides the sunset criteria used in developing the conclusion regarding whether the Council on Domestic Violence and Sexual Assault's (council) termination date should be extended.

Appendix B lists council-funded grantees by program for FY 18 through February 28, 2021

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## APPENDIX A

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### **Analysis of Public Need Criteria AS 44.66.050(c)**

A determination as to whether a board or commission has demonstrated a public need for its continued existence must take into consideration the following factors:

1. the extent to which the board or commission has operated in the public interest;
2. the extent to which the operation of the board or commission 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;
3. the extent to which the board or commission has recommended statutory changes that are generally of benefit to the public interest;
4. the extent to which the board or commission 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;
5. the extent to which the board or commission has encouraged public participation in the making of its regulations and decisions;
6. the efficiency with which public inquiries or complaints regarding the activities of the board or commission 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;
7. the extent to which a board or commission that regulates entry into an occupation or profession has presented qualified applicants to serve the public;

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## APPENDIX A (Continued)

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8. the extent to which state personnel practices, including affirmative action requirements, have been complied with by the board or commission to its own activities and the area of activity or interest;
9. the extent to which statutory, regulatory, budgetary, or other changes are necessary to enable the board or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection;
10. the extent to which the board or commission has effectively attained its objectives and purposes and the efficiency with which the board or commission has operated; and
11. the extent to which the board or commission duplicates the activities of another governmental agency or the private sector.

# APPENDIX B

## Council on Domestic Violence and Sexual Assault Schedule of Payments to Grantees July 1, 2017 through February 28, 2021 (Unaudited)

	FY 18	FY 19	FY 20	July 1, 2020 - February 28, 2021
<b>Victim Services Program Grants</b>				
Abused Women's Aid in Crisis (Anchorage)	\$ 1,594,678	\$ 1,759,929	\$ 1,787,227	\$ 1,342,935
Advocates for Victims of Violence (Valdez)	388,944	420,104	431,237	281,648
Aiding Women in Abuse and Rape Emergencies (Juneau)	1,019,137	1,331,397	1,397,967	911,891
Alaska Family Services (Palmer)	688,553	693,966	706,243	392,220
Alaska Network on Domestic Violence and Sexual Assault (Statewide)	65,135	20,085	-	-
Arctic Women in Crisis (Barrow)	479,016	579,283	575,638	331,257
Bering Sea Women's Group (Nome)	585,016	541,263	609,761	296,053
Cordova Family Resource Center (Cordova)	184,347	213,741	264,884	182,808
Emmonak Women's Shelter (Emmonak)	-	398,336	367,514	328,299
Helping Ourselves Prevent Emergencies (Craig)	-	63,081	83,403	53,794
Interior Alaska Center for Non-Violent Living (Fairbanks)	1,338,986	1,513,285	1,522,096	669,231
Kenaitze Indian Tribe (Kenai)	35,725	168,139	162,374	138,573
Kodiak Women's Resource and Crisis Center (Kodiak)	465,120	643,543	756,886	529,259
Manilaq Family Crisis Center (Kotzebue)	168,867	350,780	371,843	289,104
Safe and Fear-Free Environment (Dillingham)	775,567	795,491	893,806	361,819
Seaview Community Services (Seward)	110,467	132,761	146,254	94,713
Sitkans Against Family Violence (Sitka)	531,298	507,584	585,053	324,892
South Peninsula Haven House (Homer)	435,401	634,551	707,382	387,194
Standing Together Against Rape (Anchorage)	917,513	977,254	1,202,022	626,771
The Leeshore Center (Kenai - Soldotna)	859,867	923,997	1,010,589	653,715
Tundra Women's Coalition (Bethel)	1,460,217	1,567,829	1,567,829	943,096
Unalaskans Against Sexual Assault & Family Violence (Unalaska)	208,062	209,263	250,655	172,470
Victims for Justice (Anchorage)	90,244	259,992	376,765	146,664
Women in Safe Homes (Ketchikan)	896,263	869,621	1,049,733	477,540
Working Against Violence for Everyone (Petersburg)	-	134,924	184,134	94,093
<b>Total Victim Services Program Grants</b>	<b>\$ 13,298,423</b>	<b>\$ 15,710,199</b>	<b>\$ 17,011,295</b>	<b>\$ 10,030,039</b>

# APPENDIX B (Continued)

## Council on Domestic Violence and Sexual Assault Schedule of Payments to Grantees July 1, 2017 through February 28, 2021 (Unaudited)

	FY 18	FY 19	FY 20	July 1, 2020 - February 28, 2021
<b>Victims of Crime Act (VOCA) Enhanced Services Grants</b>				
Aiding Women in Abuse and Rape Emergencies (Juneau)	\$ -	\$ -	23,253	\$ 23,300
Alaska Network on Domestic Violence and Sexual Assault (Statewide)	-	-	141,459	116,538
Anchorage Community Mental Health Services (Anchorage)	-	-	16,850	54,907
Bristol Bay Area Health Corporation (Dillingham)	-	-	52,091	6,275
Catholic Community Services (Juneau)	-	-	37,516	56,217
Copper River Basin Child Advocacy Center (Gaknoa)	-	-	48,588	28,083
Interior Alaska Center for Non-Violent Living (Fairbanks)	-	-	47,946	33,946
Providence Alaska Medical Center (Anchorage)	-	-	62,312	40,494
Resource for Parents and Children Stevie's Place (Fairbanks)	-	-	48,805	50,353
South Peninsula Haven House (Homer)	-	-	-	28,897
Standing Together Against Rape (Anchorage)	-	-	-	543
Tanana Chiefs Conference (Fairbanks)	-	-	122,404	83,343
The Children's Place (Wasilla)	-	-	84,053	85,440
The Leeshore Center (Kenai – Soldotna)	-	-	8,593	21,079
Tundra Women's Coalition (Bethel)	-	-	31,425	24,631
Volunteers of America Alaska (Anchorage)	-	-	43,877	73,125
Women in Safe Homes (Ketchikan)	-	-	8,097	16,869
<b>Total VOCA Enhanced Services Grants</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 777,269</b>	<b>\$ 744,040</b>
<b>Community Batters' Intervention Program Grants</b>				
Aiding Women in Abuse and Rape Emergencies (Juneau)	\$ 25,000	\$ 60,300	\$ 56,430	\$ 42,324
Alaska Family Services (Palmer)	41,812	38,049	47,636	25,901
Interior Alaska Center for Non-Violent Living (Fairbanks)	69,292	63,700	76,300	52,500
Ketchikan Indian Corporation (Ketchikan)	38,354	34,902	42,189	31,641
South Peninsula Haven House (Homer)	25,563	24,627	10,650	15,225
The Leeshore Center (Kenai – Soldotna)	20,000	18,200	31,800	22,500
<b>Total Community Batters' Intervention Program Grants</b>	<b>\$ 220,021</b>	<b>\$ 239,778</b>	<b>\$ 265,005</b>	<b>\$ 190,091</b>



# APPENDIX B (Continued)

**Council on Domestic Violence and Sexual Assault  
Schedule of Payments to Grantees  
July 1, 2017 through February 28, 2021  
(Unaudited)**

	FY 18	FY 19	FY 20	July 1, 2020 - February 28, 2021
<b>Prison Batters' Intervention Program Grants</b>				
Alaska Family Services (Palmer)	\$ 40,589	\$ 42,395	\$ 43,878	\$ 31,329
Aiding Women in Abuse and Rape Emergencies (Juneau)	20,000	31,005	34,105	25,578
Interior Alaska Center for Non-Violent Living (Fairbanks)	37,648	33,947	40,657	27,978
<b>Total Prison Batters' Intervention Program Grants</b>	<b>\$ 98,237</b>	<b>\$ 107,347</b>	<b>\$ 118,640</b>	<b>\$ 84,885</b>
<b>Other Program Grants</b>				
Abused Women's Aid in Crisis (Anchorage)	\$ 60,000	\$ 76,600	\$ 76,600	\$ 57,450
Advocates for Victims of Violence (Valdez)	44,450	59,081	59,081	44,310
Aiding Women in Abuse and Rape Emergencies (Juneau)	282,327	324,676	357,145	267,858
Alaska Institute for Justice (Anchorage)	18,862	-	-	-
Alaska Network on Domestic Violence and Sexual Assault (Statewide)	260,398	216,522	216,522	85,327
Cordova Family Resource Center (Cordova)	75,000	72,425	93,684	64,893
Interior Alaska Center for Non-Violent Living (Fairbanks)	144,928	138,163	165,493	113,871
Kenaitze Indian Tribe (Kenai)	12,500	12,281	10,458	-
Ketchikan Indian Tribe (Ketchikan)	12,500	4,480	19,012	2,750
Safe and Fear-Free Environment (Dillingham)	56,945	75,697	80,454	62,202
Sitkans Against Family Violence (Sitka)	150,000	152,614	224,727	157,227
South Peninsula Haven House (Homer)	83,796	93,158	101,183	75,888
The Leeshore Center (Kenai – Soldotna)	65,000	73,258	91,066	62,868
Tundra Women's Coalition (Bethel)	34,419	64,162	76,856	52,881
Women in Safe Homes (Ketchikan)	60,000	60,380	76,657	53,073
Working Against Violence for Everyone (Petersburg)	38,691	52,625	60,667	46,203
<b>Total Other Program Grants</b>	<b>\$ 1,399,816</b>	<b>\$ 1,476,122</b>	<b>\$ 1,709,605</b>	<b>\$ 1,146,801</b>
<b>Total CDVSA Payments to Grantees</b>	<b>\$ 15,016,497</b>	<b>\$ 17,533,446</b>	<b>\$ 19,881,814</b>	<b>\$ 12,195,856</b>

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# Agency Response from the Department of Public Safety



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

## Department of Public Safety

OFFICE OF THE COMMISSIONER  
James E. Cockrell

5700 East Tudor Road  
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Main: 907.269.4542

150 3<sup>rd</sup> Street  
PO Box 111200  
Juneau, Alaska 99811-1200  
Main: 907.465.4322  
Fax: 907.465.4362

December 2, 2021

RECEIVED

DEC 02 2021

LEGISLATIVE AUDIT

Ms. Kris Curtis, CPS, CISA  
Legislative Auditor  
Division of Legislative Audit  
P.O. Box 113300  
Juneau, AK 99811-3300

Subject: **Confidential** Preliminary Audit Report on the Council on Domestic Violence and Sexual Assault

Dear Ms. Curtis:

This letter is the Department of Public Safety's (DPS) written response to the above-referenced report and recommendations.

### **Recommendation No. 1**

**The executive director should allocate resources to ensure the annual report is submitted in accordance with council bylaws.**

DPS agrees with this recommendation.

DPS and the Council on Domestic Violence and Sexual Assault (council) agree on the value and importance of documenting the annual activities and outcomes of the council, including timely reporting of this information for each fiscal year through an annual report. However, meeting the January 15 deadline for submitting the annual report has been challenging with many other pressing issues, including staffing gaps.

The council contracts with a communications organization to design, organize, and create the annual report once all information is gathered. With limited staff resources available to compile the needed information to highlight in each annual report, the council's plan to implement this recommendation is to reduce the volume and depth of the report, providing less narrative and more data visualization to convey the information required under AS 18.66.050(10).

Kris Curtis  
December 2, 2021  
Page 2 of 3

**Recommendation No. 2**

**The council's executive director should improve training to help ensure document retention procedures are followed.**

DPS agrees with this recommendation.

The executive director has overseen significant improvements to the council's document retention procedures in the past four years, including written policies and practices for many tasks such as sub-grantee payments, reimbursements, risk assessments, financial desk reviews, and onsite and virtual sub-grantee monitoring visits. A monitoring guidance document was developed for staff and sub-grantees to understand each task, the process, and the outcomes. In addition, in the last two years, the council started moving from a primarily paper filing system to electronic files, with the intent to eliminate paper files in the future altogether.

This recommendation is being addressed as the council migrates to a new grant management system. Sub-grantees will soon have the ability to submit all information to the council electronically through a single system, thereby reducing errors in document retention caused by having too many different ways information has been received and stored in the office.

**Recommendation No. 3**

**The executive director should work with the Department of Law to expedite regulatory updates.**

DPS agrees with this recommendation.

The council began revising and updating its administrative regulations in early 2017, but several challenges resulted in delays and a lack of overall progress. Nevertheless, implementation of this recommendation is now underway. In May 2021, LAW assigned an attorney in the Legislation and Regulation Section to work with the council to complete the revisions and begin the legal review to prepare for public comment. Council staff are working closely with LAW and are optimistic this effort will finalize the updates to the council's administrative regulations.

**Recommendation No. 4**

**The executive director should continue to work with the Department of Public Safety and the Office of Information Technology to improve access to the Battering Intervention Program database.**

DPS agrees with this recommendation.

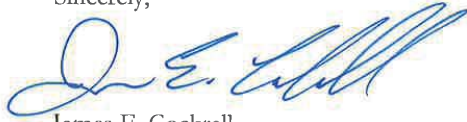
Kris Curtis  
December 2, 2021  
Page 3 of 3

The council staff is currently working with the appropriate information technology staff to get the Battering Intervention Program (BIP) database housed outside DPS' Criminal Justice Information System network to ensure unencumbered access by grantees to effectively implement this recommendation.

In closing, I appreciate the time and effort you and your staff invested in the sunst review process and am pleased with the conclusion that the council generally operated in the public's interest and should therefore be extended another six years to June 30, 2028.

Thank you for the opportunity to provide this response.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. E. Cockrell", is positioned above the printed name and title.

James E. Cockrell  
Commissioner

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# Agency Response from the Council on Domestic Violence and Sexual Assault



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

## Department of Public Safety

James E. Cockrell, Commissioner

### COUNCIL ON DOMESTIC VIOLENCE & SEXUAL ASSAULT

L. Diane Casto, Executive Director

150 3<sup>rd</sup> Street  
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Juneau, Alaska 99811-1200  
Main: 907.465.4322  
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Teresa Lowe, Chair CDVSA  
2414 Nugget Loop  
Fairbanks, AK 99709

December 6, 2021

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

RECEIVED

DEC 08 2021

LEGISLATIVE AUDIT

Subject: Response to the Preliminary Sunset Audit Report of the Council on Domestic Violence and Sexual Assault

Dear Ms. Curtis,

This letter is the Council's written response to the Sunset Audit report and recommendations.

#### Recommendation No. 1

The executive director should allocate resources to ensure the annual report is submitted in accordance with the council bylaws.

The council agrees with this recommendation

It is important to report annual activities of the council for each fiscal year this should be done in a timely manner therefore reducing the depth of the report while still ensuring that information is conveyed appropriately as required under AS 18.66.050(10).

#### Recommendation number 2

The council's executive director should improve training to help ensure document retention procedures are followed.



Alaska's Council on  
Domestic Violence  
& Sexual Assault



Ms. Kris Curtis, CPS, CISA  
December 6, 2021  
Page 2 of 2

The council agrees with this recommendation.

It is important to have appropriate and complete documentation available. With changing of technology and regulatory updates, it is important to ensure that all staff and sub-grantees know and understand this the policies and procedures to appropriately document information.

Recommendation No. 3

The executive director should work with LAW to expedite regulatory updates.

The council agrees with this recommendation.

Recently LAW assigned an attorney in the legislation and regulation section to work with the council. Council staff have been working closely with LAW to finalize updates to the council's administrative regulations.

Recommendation number 4

The executive director should continue to work with DPS and OIT to improve access to the BIP database.

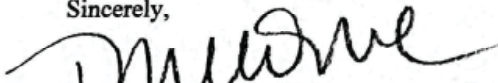
The council agrees with this recommendation.

Currently the BIP database is not easily accessible to the sub-grantees. The council staff is currently working with information technology staff to ensure that sub-grantees have clear access to the database.

I appreciate the time and effort everyone has put into the sunset review process. I am glad to know that the recommendation is to extend the council until June 30th, 2028, as it has generally operated in the public's interest.

Thank you for your time and reading my response to the draft report

Sincerely,



Teresa M. Lowe  
CDVSA board chair