

# Domestic Violence Task Force Report

In 1997, then State Auditor Phil Bryant conducted a Performance Audit on Domestic Violence with the following four objectives:

- Review statewide policies related to domestic violence;
- Review policies and procedures of the Mississippi State Department of Health related to the administration of funds awarded to domestic violence shelters;
- Review policies and procedures of the Division of Public Safety Planning, Mississippi Department of Public Safety, related to the administration of funds awarded to domestic violence shelters, directly and passed through units of local government; and,
- Review policies and procedures of the Mississippi Department of Economic and Community Development related to the administration of funds awarded to domestic violence shelters.

*Victim advocates across the state have seen little indication of change since the State Auditor conducted a performance audit on domestic violence in 1997.*

Findings from this audit included indication of fragmentation and lack of coordination and collaboration. The report stated, “This fragmentation is primarily due to various sources of federal funding targeting different populations that may include victims of domestic violence...There is little communication between these agencies regarding funding of domestic violence related projects and use of funds by recipients.”

A second finding was a lack of a statewide policy to address the problem of domestic violence and the indication that different state agencies are taking different paths that do not create a single vision for the state. The recommendation of the audit included the formulation of a statewide strategic plan with clearly defined goals, policies, and priorities to guide individual agency plans.

The third finding addressed the lack of data on incidences of domestic violence, which could be corrected by a recommended statewide mechanism to collect and monitor reliable data from all related agencies.

The fourth finding centered on the lack of required training for law enforcement. The audit suggests that the Board of Law Enforcement Officers Standards and Training should evaluate its current curriculum and make efforts toward training officers.

Victim advocates across the state have monitored this process since the audit of 1997 and seen little indication of change. Therefore, a group of these advocates requested further review of these issues.

### *Seven Areas Addressed by the Task Force*

As a result of that request, the Legislature passed during its 2013 Regular Session and Governor Phil Bryant signed Senate Bill 2631, which created the Domestic Violence Task Force. Senate Bill 2631 requires the task force to provide recommendations and advice to the Legislature in seven areas, as follows:

1. Streamlining funding to domestic violence shelters resulting in uniform and objective funding and auditing standards;
2. Providing recommendations regarding the Victims of Domestic Violence Fund under Section 93-21-117 and its disbursement to shelters;
3. Considering the impact, definition, funding and certification of batterer intervention programs;
4. Creating standards for confidentiality of client records;
5. Updating training requirements for grant monitors, law enforcement and court personnel;
6. Providing uniform reporting and automation options; and,

*The Mississippi Legislature passed a bill in 2013 creating the Domestic Violence Task Force to provide recommendations and advice in 7 key areas.*

7. Implementing the formation of a domestic violence commission with the charge of executing recommendations made by this task force.

### *Task Force Recommendation*

*The Mississippi Commission Against Interpersonal Violence should become the state entity responsible for administering all domestic violence and related monies.*

Having conducted research on the seven areas, the Domestic Violence Task Force recommends legislative action to create the Mississippi Commission Against Interpersonal Violence (MCAIV) and that the duties and powers of this Commission include designation as the sole state entity responsible for administering all state and federal-pass-through domestic violence and related monies. Additionally, it is recommended that the Commission be given the authority to develop, promulgate and implement certification and reporting standards for domestic violence and related victim service providers, and that any organization seeking to serve victims or receive funding be required to comply with such standards and become certified. Other legislative action is recommended to address a number of the 7 areas prescribed by the legislature as described below.

Recommended changes will not result in any added expenses to the state, but rather will result in a reorganization which will ultimately result in better efficiency and improvement of services for victims. Changes will require an amendment to MISS CODE. ANN. § 93-21-117 changing the administering agency of the Domestic Violence Prevention Fund from the Mississippi State Department of Health to the Mississippi Commission Against Interpersonal Violence and amending any other statute to change the administering agencies of all other domestic violence and other related funds from their current state agencies to the Mississippi Commission Against Interpersonal Violence. Further the MCAIV would also be able to utilize a percentage of the federal grants for administrative purposes.

The Task Force recommends housing all domestic violence related monies under the MCAIV and the creation of uniform standards for certification, to be used as a basis to qualify for funding because funding from multiple sources has created the current environment in which the needs described in S.B. 2631 have come into being.

Although the directives to the Task Force contained in S.B. 2631 were limited to domestic violence funding and related issues, the Task Force found that it was not possible to complete its mandate of making sound recommendations to the Legislature without considering and incorporating related areas into its inquiries, including sexual assault, human trafficking and to a lesser extent, child abuse, and other related victim services. This has come under the purview of the Task Force because many domestic violence shelters are already providing services to these victims and receiving funding for those services. The issues related to the funding, training, uniformity, data collection and the streamlining of the provision of effective, quality services to victims in these areas are too integrally related to those experienced by domestic violence service providers to exclude from the Task Force recommendations. Thus, to the extent necessary, Task Force considered and made recommendations regarding such services in addition to domestic violence services. The very name of the recommended Commission recognizes the need to broaden the scope of this organization beyond domestic violence, as the “Mississippi Commission Against Interpersonal Violence.” For purposes of this report, the term “interpersonal violence” is defined to include violence between family members and intimate partners, but also violence between acquaintances and strangers, and includes the crimes of domestic violence, stalking, sexual assault, trafficking, child sexual abuse, and related crimes.

## Current Environment

The task force has determined four main elements that are problematic in the current environment: lack of uniform funding and grant process, lack of grievance structure, lack of transparency and lack of accountability.

### *Lack of uniform funding and grant process*

The state agencies in Mississippi that administer grant funds to domestic violence shelters in the state do not have a uniform process or procedure or a written policy for the shelters to apply for grant funds, to receive the funds from the granting agencies, or to provide periodic reports to the granting agencies.

*A statewide strategic plan for funding to domestic violence shelters and statewide policies and procedures for grant administration of domestic violence funds have never been developed.*

The lack of a uniform process or procedure for the grant process is caused by the lack of a statewide strategic plan for funding to domestic violence shelters and a lack of statewide policies and procedures for grant administration of domestic violence funds. In addition to statutory mandates provided in MS. Code Section 93-21-107, with which any organization seeking funding from the Victims of Domestic Violence Fund administered by the MSDH must comply (discussed more fully below), each funding source has promulgated different internal rules with which organizations seeking funding must comply. Furthermore, the effects of not having a uniform process or procedure are that domestic violence shelters must send reports to multiple funding agencies. This results in an inefficient use of time and resources by shelters and other service providers, as well as creating a haphazard and unwieldy structure for receiving both state and federal funds. Ultimately, services to clients suffer.

### Federal Funds

The Mississippi Department of Public Safety (DPS), the Mississippi Development Authority (MDA) and the Mississippi State Department of Health (MSDH) administer federal funds to domestic violence shelters in the state of Mississippi through seven grants, originating from federal agencies, illustrated in the attached Exhibit A.

Exhibit B illustrates the differences in process and procedure utilized by each of the four state agencies in awarding and monitoring grants to the shelters.

### State Funds

In addition to the grants listed in Exhibits A and B, the Victims of Domestic Violence Fund, funded through state dollars, is administered by the Mississippi State Department of Health, Women's Health Office, and has its own process.

The MSDH Policy Office personnel have indicated to service providers that an in-house committee reviews grant applications, and a scoring system is utilized; however, the Women's Health Office has not shared this information with the domestic violence shelters after being requested to do so. The task force determined that MSDH utilizes both written and unwritten policies to determine eligibility, amounts to be

awarded before grant submission, and grant management requirements.

The MSDH requires the shelters to submit quarterly and annual reports as well as copies of checks, and requires the revision of the budget for any change made.

The Task Force also notes that site visits are not conducted consistently. When they are conducted, the shelters are not provided with any written protocol or evaluation criteria for the site visit in advance of the monitoring. Hence, shelters are being held accountable and findings have been made against shelters due to a lack of prior knowledge of expectations or for items of which they were unaware. Site visits conducted by the MSDH are primarily focused on the shelter facility and not the client files, financial records, or program services. The reason for the focus on the facility during site visits is unknown. The result is that the MSDH is holding shelters to standards which are neither included in Miss. Code Ann. Section 93-21-107, nor in any written policy which has been promulgated or provided to service providers.

### *Lack of grievance structure*

The task force has noted that a grievance structure does not exist to provide shelters with a means to a formal complaint process. Shelter directors have expressed concern regarding difficulty contacting grant administrators who can address their complaints regarding funding and reporting when the grant administrator has not addressed those complaints.

The lack of a grievance structure throughout the grant process is caused by the lack of statewide policies and procedures for administering grants to shelters. The effects of not having such a grievance structure are the inefficient use of time and resources by shelters in attempting to resolve grievances, and that funds are often held up for several weeks or months while shelters try to resolve issues. The result is that the shelters have difficulty paying their bills and payroll, sometimes having to use their reserve funds, and may also cause loss of personnel causing services to clients suffer.

### *Lack of transparency*

The Task Force has noted that grant providers show a lack of transparency regarding the utilization of domestic violence grant funds.

#### Department of Public Safety

Regarding the VOCA (Victims of Crimes Act) grants to states, this federal statute requires states to allocate a minimum of 10% of funds to specific categories of victim services (e.g., domestic violence, sexual assault, child abuse, and previously underserved populations identified by the administering state agency). The percentage above the minimum 10% for each category is subject to change each year, but DPS has not been transparent with respect to who recommends, decides, and approves the percentages.

Regarding the VAWA (Violence Against Women Act) grants to states, this federal statute requires states to allocate a mandated percentage of funds to specific groups. The task force noted that DPS has not been transparent regarding how it accounts for these percentages.

#### Department of Health

As discussed above, in the administration of the Victims of Domestic Violence Fund, MSDH Policy Office has stated that an in-house committee reviews grant applications, and a scoring system is utilized; however, the methodology utilized by the Women's Health Office has not been shared with the domestic violence shelters.

### *Lack of Accountability*

The MSDH administers the Victims of Domestic Violence Fund through its Women's Health Office. This fund consists of monies appropriated by the legislature, interest accruing to the fund, monies received through criminal assessments, monies received from the federal government, donations, assessments collected on bail bonds, and monies received from other sources as may be provided by law. The MSDH was required by legislation to create a separate fund within

the state treasury into which these monies were to be deposited.

*For the fiscal years 2011 and 2012, the MSDH failed to distribute or account for a total of \$591,519.21 of funds intended to support domestic violence victim services.*

The task force has determined that collection amounts for the Victims of Domestic Violence Fund published by the Mississippi Department of Finance and Administration (DFA) and from the MSDH differ significantly. In response to a letter from the Task Force requesting information from FY 2011 and FY 2012 regarding this fund, MSDH admitted that the total amount of funds deposited into the Victims of Domestic Violence Fund for FY 2011 was \$768,593.95, however, the amount disbursed to eligible shelters was only \$377,566.11. Furthermore, for FY 2012, the total amount of funds deposited into the Victims of Domestic Violence Fund was \$797,731.59, while the amount disbursed to eligible shelters was only \$469,806.69. For the two years in question, this results in a total of \$591,519.21 of funds intended to support domestic violence victim services which were not distributed. There has been no explanation of why these funds were not made available for the services for which the Legislature mandated. Furthermore, the MSDH failed to create the separate fund as required by the Legislature. The members of the Task Force expressed outrage that the MSDH disregarded the legislatively mandated intent for these funds, and the lack of internal accountability for these funds within MSDH.

As a result of this determination by the task force and at the request of the task force, the Performance Evaluation and Expenditure Review (PEER) Committee has approved a project to look further into this and to determine amounts of monies not received by the shelters as far back as practicable from the Victims of Domestic Violence Fund.

## **Recommendations for Implementation of Commission**

To begin the process of implementing the formation of a domestic violence commission, as stated in S.B. 2631, the task force recommends that:

- The legislature pass the attached bill creating the Mississippi Commission Against Interpersonal Violence (MCAIV);

**This recommendation addresses Area 7.**



This recommendation addresses Area 2 & 7.

- The legislature amend MISS CODE. ANN. § 93-21-117 to change the administering agency of the Victims of Domestic Violence Fund from MSDH to the Mississippi Commission Against Interpersonal Violence so that the MCAIV becomes the state entity responsible for administering all state domestic violence, sexual assault and other related monies;

This recommendation addresses Area 1 & 7.

- The Legislature transfer the authority to administer funding from Victims of Crime Act and the Violence Against Women Act from DPS to the MCAIV;

This recommendation addresses Area 1 & 7.

- The Legislature transfer the authority to administer funding under the Family Violence Prevention and Services Program from the MSDH to the MCAIV;

This recommendation addresses Area 1 & 7.

- The legislature amend any other statute to change the administering agencies of all other domestic violence, sexual assault and related funds from their current state agencies to the MCAIV so that the MCAIV becomes the state entity responsible for administering all state and federal-pass-through domestic violence, sexual assault and related monies;

This recommendation addresses Areas 1, 2 & 7.

- The legislature grant the duty and authority to the Mississippi Commission Against Interpersonal Violence to develop a statewide strategic plan for streamlining the process by which victim service agencies seek and obtain funding, how this funding is distributed, and statewide policies and procedures for the administration of such funds, while respecting federal requirements, and that such policies and procedures specifically provide for an appeals and/or grievance process for grantees;

This recommendation addresses Area 1.

- That the legislature amend § 93-21-107(6) to allow the current cap on shelter funding to be adjusted for inflation;

This recommendation addresses Area 1.

- The legislature amend § 93-21-107(4) to clarify that the match requirement contained in that provision shall be based solely on state dollars;

This recommendation addresses Areas 1 & 7.

- The legislature grant the MCAIV the authority and duty to promulgate and implement uniform standards for

shelter and other service provider certification policies and procedures to ensure uniformity in in the quality of services, reporting, funding, and inspections;

This recommendation addresses Area 3.

- The legislature create a definition of the term “batterer intervention programs,” and amend §§ 93-5-24, 99-15-26, and 93-21-113, and any other necessary provisions of law to clarify these are the types of programs intended;

This recommendation addresses Area 4.

- The legislature amend §§93-21-109 and 93-21-107(7) to require that all victim advocates maintain strict confidentiality of all victim information, or be guilty of a misdemeanor or be held civilly responsible;

This recommendation addresses Area 6.

- The legislature grant to the MCAIV the authority to gather and report data on domestic violence, sexual assault and related issues;
- The legislature amend any other relevant provisions of state law in furtherance of these recommendations; and

This recommendation addresses Areas 1, 2 & 7.

- The Mississippi Commission Against Interpersonal Violence consider the findings and recommendations presented in the pending PEER audit report regarding the Victims of Domestic Violence Fund.

***Need for legislative action to create uniform standards for shelter certification***

The Task Force recommends that the MCAIV be given the duty to promulgate and implement uniform standards for domestic violence, sexual assault, and human trafficking service providers. In this way, uniformity of services can be achieved, and the standards can be used as a basis to streamline funding to these organizations by providing one set of standards with which they are required to comply, rather than the current system of multiple standards imposed by various funding sources. There is no requirement that an entity identifying itself as such a provider comply with any uniform certification standards. State law does not address uniformity of domestic violence shelter standards, except to the extent that Section 93-21-101

et seq., which defines a domestic violence shelter as: “a place established to provide temporary food and shelter, counseling, and related services to victims of domestic violence” and which sets certain geographic and other criteria to establish a shelter and to receive funding administered by the MDHS. These are not certification standards. State law nowhere recognizes or references any standards for sexual assault or human trafficking service providers.

The Mississippi Coalition Against Domestic Violence (MCADV) has developed certification standards for shelters and programs, but these are not mandated or even recognized by any state law. The MCADV is not recognized by state law as an entity to perform this function. Compliance is purely voluntary in nature.

There is a process whereby a shelter may voluntarily receive certification from the MCADV, and that the MCADV has established Minimum Standards for Domestic Violence Programs (most currently revised in June 2011). Shelters operating in Mississippi may apply to become a member of the MCADV, and then comply with those minimum standards.

The Domestic Violence Task Force surveyed twelve domestic violence service providers in the state of Mississippi and received responses from eight. All eight responded that their shelters follow the minimum standards for domestic violence shelters promulgated by the MCADV. All eight responders also responded that there were other standards or requirements imposed upon them by various funding sources or local governments.

Some responders indicated being required to submit as many as five and six different reports, many of which were submitted on a monthly, quarterly and annual basis (the quarterly summarizes the monthly, the annual summarizes the quarterly). Some responders indicated regular annual visits by fire department and health department for code/health purposes, others indicated those visits were sporadic or had to be requested.

A cursory review of surrounding states indicates that there is state law mandating the creation of standards for domestic

violence shelters (the task force reviewed Alabama, Tennessee, Louisiana, Georgia, Florida, Kentucky, Oklahoma laws). Some state laws reviewed place the authority to establish and enforce such standards on a state agency, (human services or equivalent, state attorney general, health department), others on their state domestic violence coalition with specific directions to that coalition regarding their duties.

The cause of the lack of a requirement for certification is that there has not been a clear mandate by the Mississippi Legislature creating one. The effect of the lack of any one official certification process impacts services provided to victims in various parts of the state. Therefore, any organization could declare itself a domestic violence shelter or domestic violence program without any oversight, guidance or accountability.

The task force recommends legislative action (see attached proposed legislation) clearly establishing one entity to create and implement uniform standards for domestic violence, sexual assault and other related programs in the state of Mississippi and including a mandate that any organization identifying itself as a domestic violence shelter comply with those standards and submit to the certification process. The Mississippi Coalition Against Domestic Violence and the Mississippi Coalition Against Sexual Assault shall be authorized to provide technical support services to member agencies. Any such legislation would necessarily have to address funding, include batterer intervention programs and confidentiality.

*Allow the current cap on shelter funding to be adjusted for inflation by indexing the \$50,000 to 1983 dollars.*

MISS. CODE ANN. § 93-21-107(6) states that no domestic violence shelter may receive more than \$50,000 annually from state funding. This statute was created in 1983 when annual collective funding available for the domestic violence shelters was less than it is today. Therefore, in order to assure that each shelter received sufficient funds, a \$50,000 cap was placed on monies distributed to each shelter from this fund. However, over time, the funding to the Victims of Domestic Violence Fund has increased. The effect of leaving the cap in place means that there will most likely be a

surplus in the fund that will never be used, and thus, services to victims will not be operating at their full potential.

*Legislative action to define “batterer intervention programs”*

A standard definition of “batterer intervention program” is a program which “focus[es] on behavior modification for perpetrators of domestic violence in an effort to prevent domestic violence from reoccurring.” There appear to be only two statutes in the Mississippi Code that specifically reference such programs. MISS. CODE ANN. § 93-5-24(9)(a)(iii)(2) references “a batterer’s treatment program;” MISS. CODE ANN. § 93-5-24(9)(b)(ii) references “a treatment program;” MISS. CODE ANN. § 93-5-24(9)(d)(ii)(3) references “a program for intervention for perpetrators.” These code sections address custody issues in Chancery Court related to child custody. MISS. CODE ANN. §99-15-26(2)(a)(iv) references “a program designed to bring about the cessation of domestic abuse.” This code section is the “non-adjudication” statute, which provides for certain criminal charges to be dismissed upon the successful completion of court-imposed conditions. Additionally, MISS. CODE ANN. § 93-21-113 also references the ability of prosecutors to refer offenders to “counseling” in lieu of further prosecution. None of these statutes define the nature or type of the program intended, leading to confusion and inconsistencies in the courts. Additionally, inadequate or inappropriate programs, like anger management, which are not specifically designed with full awareness of the dynamics of domestic violence, are often substituted for true batterer intervention programs, a practice which puts victims’ lives in danger.

The task force determined that there are at least five organizations in the State offering specific batterer’s intervention programs. Those five organizations are the Gulf Coast Women’s Center for Nonviolence (Biloxi); the Center for Violence Prevention (Pearl); Care Lodge Domestic Violence Shelter (Meridian); Domestic Abuse Family Shelter (Laurel); and SAFE (Tupelo). Other programs may exist and be in use in the State, but the task force was unable to determine the number or location of any such other programs. However, effective partnerships between existing batterer intervention programs and the courts are proven to reduce recidivism to 1 - 5%. Certain courts using the programs, such as Clinton

Municipal Court, maintain and have records to demonstrate a decrease in rates of recidivism for offenders who complete such programs.

*Need for legislation to create greater confidentiality for victims*

MISS CODE ANN. 93-21-109 states that records maintained by domestic violence shelters, except the official minutes of the board of directors of the shelter, and financial reports filed as required by statute with the board of supervisors or municipal authorities or any other agency of government, shall be withheld from public disclosure under the provisions of the Mississippi Public Records Act of 1983. §93-21-107(7) also requires that any domestic violence shelter require employees or volunteers of the shelter to maintain the confidentiality of any information that would identify individuals served by the shelter.

The task force expressed concern that these confidentiality provisions may not protect client information adequately. There are no penalties for improper disclosure of such information.

*Clarify match requirement to include only state dollars*

The task force has noted that the MSDH is requiring shelters to have a 25% local match on their total budget, which includes both state and federal funds (including federal funds that do not have any match requirements).

MISS. CODE ANN. § 93-21-107(4) states that not less than 25% of the operational cost of a domestic violence shelter shall be derived from local revenue sources of the local community served by the program. This statute refers only to state funds.

The cause of the 25% match requirement by MSDH on federal grants is a lack of clarity in state law that this requirement applies only to state funds. When this statute came into effect, the shelters were not receiving any federal funds. The effect of the lack of clarity in the statute is that this could result in shelters not applying for federal grants because they cannot meet MSDH's match requirement on the shelters' total budget.

*Need for legislative action to authorize the MCAIV to gather and report data on domestic violence and related issues*

Currently, the MSDH collects data from funded shelters to prepare an annual report to the legislature pursuant to §93-21-111. However, the reporting of this information is neither standardized nor automated, and is compiled as an aggregate report – information relative to individual shelters and the victims served by that program is not readily available absent a public records request. This unproductive and archaic process of collecting and reporting data provides little reliable information as to the real magnitude of the incidence of domestic violence, not only to the service providers, but equally important, to the policy-makers and the public.

Not all shelters are utilizing data management systems for collecting and maintaining data. The effect of not having access to data, not collecting data statewide, or of not having a uniformly defined data collection and management system is that any data collected is fragmented, misleading, and any information gained is not able to be meaningfully applied.

The MCAIV should be responsible for gathering and reporting data on domestic violence, sexual assault and related crimes. The MCAIV should be given the authority and responsibility of creating uniform reporting mandates, defining terms and services, and ensuring training and support for these new standards, and to work with the Mississippi Coalition Against Domestic Violence and the Mississippi Coalition Against Sexual Assault to provide technical assistance in the delivery of training. Victim services agencies will be mandated to participate in data collection and report submission. The MCAIV will be empowered to edit or modify standards as needed for additional information or as required by grants. Proper uniform reporting provides valuable information necessary to apply for additional funding, for conducting needs assessments in particular communities, and for analyzing and developing a strategic plan for a statewide response to these crimes.

## Recommendations for Commission Once Established

The task force recommends that the Mississippi Commission Against Interpersonal Violence once implemented and operating, address the following points of concern:

This recommendation addresses Area 1.

- Determine a path by which shelters' funding becomes more equitable with its client population;

This recommendation addresses Area 3.

- Conduct further research on certification and implementation of batterer intervention programs;

This recommendation addresses Area 4.

- Determine the extent to which confidentiality of client records should be strengthened;

This recommendation addresses Area 5.

- Conduct further research on training requirements; and

This recommendation addresses Area 6.

- Conduct further research on uniform reporting and automation options.

*Determine a path by which shelters' funding becomes more equitable with its client population.*

MISS. CODE ANN. § 93-21-105 states four criteria that must be met by domestic violence shelters to qualify for state funding. First, the shelters must be distributed geographically throughout the state so that at least one shelter is located in each of the nine districts of the Mississippi Highway Safety Patrol, as these districts existed on July 1, 1983, before funding more than one shelter in a highway safety patrol district. More than one shelter may be funded in a highway safety patrol district upon a showing of documented need. The second criterion is that the shelter be able to provide services, the third criterion is that the shelter be able to secure community support, and the fourth criterion is the shelter's administrative design, while giving funding priority to those shelters in existence in 1983 that meet eligibility requirements. The MCAIV should further study ways to allow shelters' funding to be more equitable with its client population, rather than based upon arbitrary geographic districts.



### **Conduct further research on certification and implementation of batterer intervention programs**

Currently, no organization exists to formulate and/or to promulgate standards applicable to programs designed or purporting to bring about a cessation of domestic violence for purposes of certification, monitoring, or data collection and research; nor does any agency or organization exist for the purpose of applying standards through certification processes or monitoring of or accountability procedures for programs after certification.

The cause of a lack of standards and certification for batterer intervention programs is that there has not been a clear mandate by the Mississippi Legislature creating any. The effect of a lack of standards and certification is that it will not be possible to determine which programs are effective and which should be funded. Ultimately, services to victims suffer.

The MCAIV should conduct further research and/or a more comprehensive survey or investigation into (a) the formulation and implementation of standards and best practices for batterers intervention programs, (b) the best available processes for certification and program monitoring, and (c) effective ways to improve the availability of batterer intervention programs throughout the state.

### ***Determine the extent to which confidentiality of records of all victims should be strengthened***

MISS CODE ANN. 93-21-109 states that records maintained by domestic violence shelters, except the official minutes of the board of directors of the shelter, and financial reports filed as required by statute with the board of supervisors or municipal authorities or any other agency of government, shall be withheld from public disclosure under the provisions of the Mississippi Public Records Act of 1983.

The task force expressed concern that this statute does not grant confidentiality of client records, it only exempts those records from the MS Public Records Act. Without such specific confidentiality, sensitive information learned about a victim may be disclosed to the detriment of the victim.

Victims may be less likely to disclose sensitive information knowing that it could be released or used against them. Without the ability to freely exchange information and openly discuss intimate details that may assist in their recovery, victims may be negatively impacted. Further, the statute only protects such information of victims served by domestic violence shelters, but not victims of sexual assault, homicide survivors, human trafficking victims or other victims who receive services from other organizations.

The MCAIV should continue research to determine the need and manner of providing for specific confidentiality requirements for victims of domestic violence, sexual assault, homicide survivors, and victims of human trafficking and other crimes receiving victim services.

### *Conduct further research on training requirements*

Presently, grant administrators, law enforcement, prosecutors, and judges all receive training from different avenues with separate mandates concerning each area.

The MCAIV should conduct further research that will determine a way that all training originate from one source or authority such as a board or commission with autonomous authority, which would have oversight to ensure compliance to the law, rules, and regulations and best practices. It is not the belief of the Task Force that mandatory annual training be required by statute, but rather to allow those rules and regulations to be promulgated by the oversight authority which would allow for training to be adjusted as needed without periodic legislative revisions.

### *Conduct further research on uniform reporting or automation options*

The MCAIV should further evaluate appropriate data management systems to ensure uniform reporting. Not all shelters utilize a data management system for collecting and maintaining data on services, demographics, the types of victims served or other relevant information. The effect of having a uniform data management system with well-defined parameters and terms would be (1) a centralized place for storage of this information, (2) data is easily validated, (3) data is not open to interpretation, and (4) funding sources

**This recommendation addresses Area 6.**

would have immediate access to aggregated data. Programs around the state, as well as the State of Mississippi itself, would benefit by being able to provide valid, relevant and current information when applying for grants.

## **Conclusion**

The Domestic Violence Task Force recommends that the legislature pass the attached bill to create the Mississippi Commission Against Interpersonal Violence, which will manage current and future state programs related to domestic violence prevention.

## Exhibit A: Seven Federal Domestic Violence Prevention Grants to State

Grant Name	Mississippi administering agency of federal pass-through funds	Federal agency of origin
Victims of Crime Act (VOCA)	DPS	U.S. Department of Justice, Office for Victims of Crime
Violence Against Women Act (VAWA-STOP) Services, Training, Officers, and Prosecutors	DPS	U.S. Department of Justice, Office on Violence Against Women (OVW)
Violence Against Women Act (VAWA) Sexual Assault Services Program (SASP)	DPS	U.S. Department of Justice, Office on Violence Against Women (OVW)
Family Violence Prevention and Services Grant	MSDH	U.S. Department of Family and Children's Services
Rape Prevention and Education Grant (Sexual Violence and Prevention Grant)	MSDH	Center for Disease Control (CDC)
Crime Bill Funds Grant	MSDH	Center for Disease Control (CDC)
Emergency Solutions Grant	MDA	Housing and Urban Development

## Exhibit B: Federal Grant Processes Utilized by State Agencies

Grant Name	Mississippi Agency	Grant Process
<b>Victims of Crime Act (VOCA)</b>	DPS	<ul style="list-style-type: none"> <li>• DPS uses federally required pre-determined percentage of the state grant award for utilization by domestic shelters;</li> <li>• Starting approximately three years ago, DPS began providing subgrantees a pre-determined amount to request in the grant application;</li> <li>• Determination and calculation of DPS's pre-determined amounts are unknown;</li> <li>• Grant review process is unknown;</li> <li>• DPS utilizes written and unwritten policies to determine eligibility, award amounts, and grant management requirements;</li> <li>• DPS requires that sub-grantees attend a Grant Implementation Workshop;</li> <li>• Monthly, quarterly, and annual reports required of sub-grantee;</li> <li>• Sub-grantee must submit copies of checks, returned checks, and bank statements for financial reporting requirements;</li> <li>• Several banking and back up documents are required of subgrantees to verify receipt of direct deposit payroll and on-line payments;</li> <li>• Budget revision required for any budgetary change;</li> <li>• DPS spot checks financial grant files, but does not conduct an audit of the grant funds.</li> </ul> <p><b>State Grant Award(s) Amount:</b>  <b>2013 Award - \$ 4,237,000</b>  <b>2012 Award - \$ 3,826,000</b>  <b>2011 Award - \$ 4,303,000</b></p>
Violence Against Women Act (VAWA) Sexual Assault Services Program (SASP)	DPS	<ul style="list-style-type: none"> <li>• Quarterly and annual reports required of sub-grantee;</li> <li>• Sub-grantee must submit copies of checks, returned checks, and bank statements for financial reporting requirements; and several banking and back up documents to verify receipt of direct deposit payroll and on-line payments.</li> <li>• Budget revision must be submitted for any budgetary change; and</li> <li>• DPS spot checks financial grant files, but does not conduct an audit of the grant funds.</li> </ul> <p><b>State Grant Award(s) Amount</b>  <b>2013 Award - Unknown</b>  <b>2012 Award - \$257,565</b>  <b>2011 Award - \$169,687</b></p>

<p>Violence Against Women Act (VAWA-STOP) Services, Training, Officers, and Prosecutors</p>	<p>DPS</p>	<ul style="list-style-type: none"> <li>• DPS uses federally required pre-determined percentage of the state grant award for utilization by domestic shelters;</li> <li>• Grant amounts for most sub-grantees are determined with initial grant contract, and many award amounts have remained the same since 1996;</li> <li>• Per grant RFP, a scoring process is utilized to determine eligibility, however, decision-making process and final scores are unknown to shelters;</li> <li>• As part of a strategic plan, a planning committee convenes annually to discuss VAWA grant; most committee members do not rotate off, and few are appointed;</li> <li>• DPS utilizes written and unwritten policies to determine eligibility, award amounts, and grant management requirements;</li> <li>• DPS requires that sub-grantees attend a Grant Implementation Workshop;</li> <li>• Annual site visits are not consistently conducted;</li> <li>• Monthly, quarterly, and annual reports required of sub-grantee;</li> <li>• Sub-grantee must submit copies of checks, returned checks, and bank statements for financial reporting requirements; and several banking and back up documents to verify receipt of direct deposit payroll and on-line payments;</li> <li>• Budget revision must be submitted for any budgetary change; and</li> <li>• DPS spot checks financial grant files, but does not conduct an audit of the grant funds.</li> </ul> <p><b>State Grant Award(s) Amount</b>  <b>2013 Award - Unknown</b>  <b>2012 Award - \$ 1,548,336</b>  <b>2011 Award - \$ 1,574,618</b></p>
<p>Family Violence Prevention and Services Grant</p>	<p>MSDH</p>	<ul style="list-style-type: none"> <li>• MSDH, Women's Health Office provides subgrantees with a pre-determined amount to request in the grant application;</li> <li>• Calculation and determination of MSDH's pre-determined amounts are unknown;</li> <li>• Quarterly and annual reports required of sub-grantee;</li> <li>• Sub-grantee must submit copies of checks for financial reporting requirements;</li> <li>• Budget revision must be submitted when there is staff turnover;</li> <li>• As of 2013, Women's Health Office is now funding <u>non-residential shelter</u> domestic violence/children programs;</li> <li>• MSDH spot checks financial grant files, but does not conduct an audit of the grant funds; and</li> <li>• Annual site visits are not consistently conducted.</li> </ul> <p><b>State Grant Award(s) Amount</b>  <b>FY2014 Award - \$1,027,306</b>  <b>FY2013 Award - \$1,027,833</b>  <b>FY2012 Award - \$1,033,500</b>  <b>FY2011 Award - \$1,033,500</b></p>

<p>Rape Prevention and Education Grant (Sexual Violence and Prevention Grant)</p>	<p>MSDH</p>	<ul style="list-style-type: none"> <li>• MSDH, Women's Health Office provides subgrantees with a pre-determined amount to request in the grant application;</li> <li>• Calculation and determination of MSDH's pre-determined amounts are unknown;</li> <li>• Criteria for rape crisis program is unknown;</li> <li>• Quarterly and annual reports required of sub-grantee</li> <li>• Sub-grantee must submit copies of checks for financial reporting requirements;</li> <li>• Budget revision must be submitted when there is staff turnover. MSDH spot checks financial grant files, but does not conduct an audit of the grant funds; and</li> <li>• Annual site visits are not consistently conducted.</li> </ul> <p><b>State Grant Award(s) Amount:</b>  <b>2014 Award - Unknown; however, MSDH has provided the pre-determined award amount to programs/subgrantees.</b>  <b>2013 Award - \$215,706</b>  <b>2012 Award - \$340,000</b></p>
<p>Crime Bill Funds Grant (Rape Prevention and Education Grant)</p>	<p>MSDH</p>	<ul style="list-style-type: none"> <li>• MSDH, Women's Health Office provides subgrantees with a pre-determined amount to request in the grant application;</li> <li>• Calculation and determination of DPS's pre-determined amounts are unknown.</li> <li>• Quarterly and annual reports required of sub-grantee</li> <li>• Sub-grantee must submit copies of checks for financial reporting requirements;</li> <li>• Budget revision must be submitted when there is staff turnover;</li> <li>• MSDH spot checks financial grant files, but does not conduct an audit of the grant funds; and</li> <li>• Annual site visits are not consistently conducted.</li> </ul> <p><b>State Grant Award(s):</b>  <b>2014 Award - Information not provided by MSDH</b>  <b>2013 Award - Information not provided by MSDH</b></p>
<p>Emergency Solutions Grant</p>	<p>MDA</p>	<ul style="list-style-type: none"> <li>• Sub-grantees are required to attend a Grant Orientation workshop before applying for funds;</li> <li>• After grant application is submitted, MDA staff conduct a site visit for sole purpose of evaluating the shelter;</li> <li>• MDA utilizes written policies to determine eligibility, award amounts, and grant management requirements;</li> <li>• Once sub-grantee is approved for funding, MDA requires that all attend a Grant Implementation Workshop;</li> <li>• Site visit is conducted during grant period, and monitor reviews client files and conducts desk audit of financial reimbursement requests; additional facility site visit is conducted near the end of the grant period;</li> <li>• Monthly and annual reports required of sub-grantee</li> <li>• Sub-grantee must submit copies of checks for financial reporting requirements.</li> </ul> <p>State Grant Award Not available at this time</p>