

Victim/Witness Program Funding History and Outlook

A Report Prepared Pursuant to Item 391 B2 of the 2006 Appropriation Act for:

John W. Marshall, Secretary of Public Safety

The Honorable John H. Chichester, Chairman, Senate Finance Committee

The Honorable Vincent F. Callahan, Jr., Chairman, House Appropriations
Committee

Virginia Department of Criminal Justice Services
202 North Ninth Street, 10th Floor
Richmond, Virginia 23219

October 10, 2006



Commonwealth of Virginia
Department of Criminal Justice Services

October 10, 2006

Memorandum

TO: John W. Marshall, Secretary of Public Safety
The Honorable John H. Chichester, Chairman, Senate Finance Committee
The Honorable Vincent F. Callahan, Jr., Chairman, House Appropriations Committee

FROM: Leonard G. Cooke, Director

RE: Funding of Victim/Witness Programs

As you know, Item 391 B2 of the 2006 Appropriation Act directs the Department of Criminal Justice Services to "provide a report on the current and projected status of federal, state and local funding for victim-witness programs supported by the [Victim-Witness] Fund." Item 391 B2 further indicates that "copies of the report shall be provided to the Secretary of Public Safety and the Chairmen of the Senate Finance and House Appropriations Committees by October 16, 2006."

In response to this directive, I have enclosed, for your review, a report entitled, "Victim/Witness Program Funding History and Outlook."

My staff and I look forward to discussing this report with you and appreciate your concern regarding these important programs providing invaluable services to innocent victims of crime.

cc: Marilyn Harris, Deputy Secretary of Public Safety

Preface

Item 391 B2 of the 2006 Appropriation Act directed the Department of Criminal Justice Services to provide a report on the current and projected status of federal, state and local funding for victim-witness programs supported by the Victim-Witness Fund and to provide copies of the report to the Secretary of Public Safety and the Chairmen of the Senate Finance and House Appropriations Committees by October 16, 2006.

Staff of the Department's Victims Services Section prepared the following report in accordance with the directive described above.

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Executive Summary

Currently, there are 102 local grant funded Victim/Witness Programs and four statewide victim assistance programs. Local programs are primarily located in prosecutors' offices and law enforcement agencies. In FY2006, these programs provided direct services to 64,315 victims.

The Victim/Witness Fund currently provides 63% of grant funds supporting Victim/Witness Programs. The remaining 37% comes from federal Victims of Crime Act (VOCA) grant funds administered by DCJS. For most programs, DCJS grants are the sole source of funding.

The "Virginia Victim/Witness Fund" (see §19.2-11.3) was established in 1995. Fund revenue is generated through a \$3 assessment collected by the clerks of court from convicted offenders. The \$3 assessment on offenders has never been increased and no General Funds have been appropriated to support Victim/Witness Programs from FY1996 through FY2007. The 2006 Appropriation Act currently includes appropriation of \$500,000 in General Funds to support Victim/Witness Programs in FY2008.

Over the last five years, on average, the Victim/Witness Fund collected about \$4.2 million annually from convicted offenders. During the same time period, annual expenditures from the Fund to support services for crime victims through local Victim/Witness Programs have averaged \$6.2 million per year. A balance was maintained in the Fund as program services, implementing the Victims Bill of Rights (19.2-11.01), were expanded statewide. Available Fund revenue is no longer sufficient to maintain programs statewide.

Without an FY2008 appropriation of \$2,679,571 in General Funds, grant awards to Victim/Witness Programs will be reduced and it is estimated that 15,140 crime victims will not receive program services annually.

Victim/Witness Program Funding History and Outlook

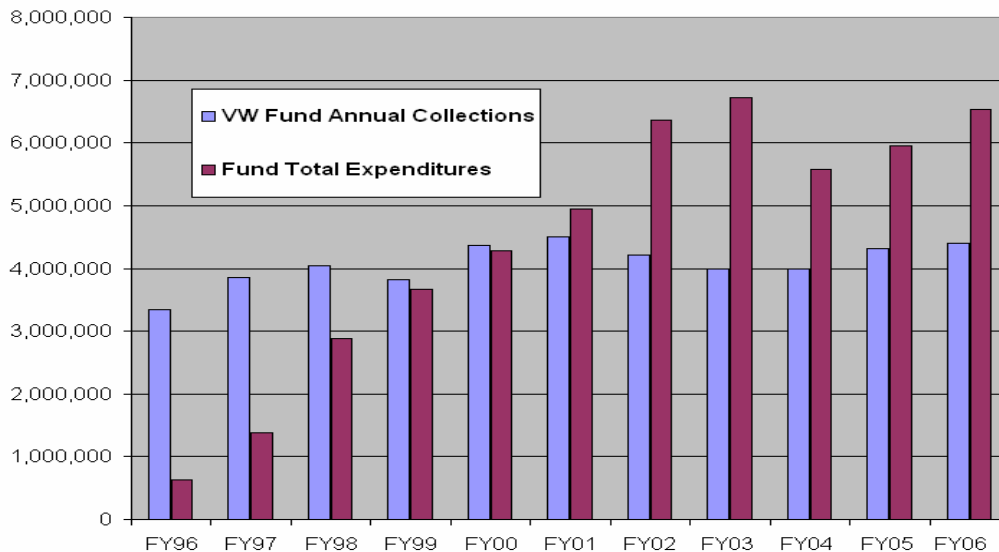
Issue

Without an FY2008 appropriation of \$2,679,571 in General Funds, grant awards to Victim/Witness Programs will be reduced and it is estimated that 15,140 crime victims will not receive program services annually. This estimate includes 463 family members of homicide victims, 309 adult victims of sexual assault, 618 child victims of sexual abuse, and 4,326 victims of domestic violence. A General Fund appropriation of \$2,679,571 would enable DCJS to fund programs at current levels and increase FY2008 awards to all current grantees by 3%, in order to at least partially cover increases in personnel costs.

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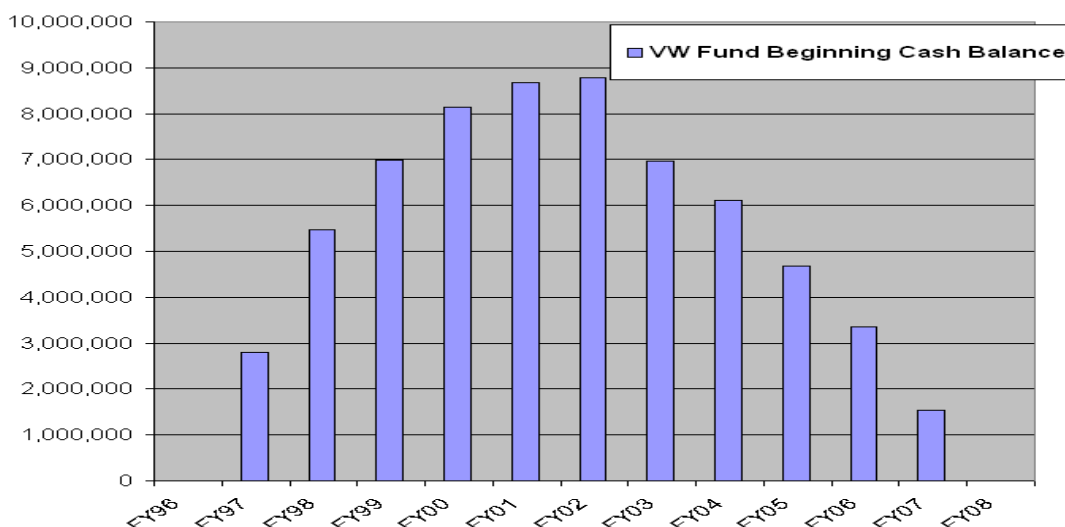
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VW Fund Annual Court Collections and Expenditures



The Victim/Witness Special Fund year-end balance has declined 82% since FY2002, and will be depleted by FY2008.

VW Fund Beginning Cash Balance By Fiscal Year



Overview of Victim/Witness Programs

Currently, there are 102 local grant funded Victim/Witness Programs and four statewide victim assistance programs. Local programs are primarily located in prosecutors' offices and law enforcement agencies. In FY2006, these programs provided direct services to **64,315** victims.

All programs have a statutory mandate (under the Victims Bill of Rights; see 19.2-11.01) to serve all types of crime victims and ensure that victims:

- Have opportunities to make the courts aware of the full impact of crime;
- Are treated with dignity, respect, and sensitivity and that their privacy is protected;
- Are informed of their rights;
- Receive authorized services; and,
- Are heard at all critical stages of the criminal justice process.

Understanding and Addressing the Funding Gap

The "Virginia Victim/Witness Fund" (see §19.2-11.3) was established in 1995. Fund revenue is generated through a \$3 assessment collected by the clerks of court from convicted offenders. No General Funds have been appropriated to support Victim/Witness Programs from FY1996 through FY2007. The 2006 Appropriation Act currently includes appropriation of \$500,000 in General Funds to support Victim/Witness Programs in FY2008.

Increases in expenditures from the Fund are primarily attributable to increases in the cost of salaries and benefits, especially the cost of health insurance.

The table below depicts additional General Funds needed to maintain current programs from FY2008 through FY2012. These estimates include a 3% increase in awards

annually in order to at least partially cover annual increases in personnel expenses. Additionally, estimates of funding needed to maintain current programs and establish two new part-time programs in currently un-served Nottoway and Buckingham Counties are presented below.

It is important to note that many local Victim/Witness Programs are understaffed and that the cost estimates below do not include funds to support 24 FTE's needed in the most severely understaffed programs. The estimated cost to accomplish all of these objectives in FY2008 is **\$ 3,894,563**.

	FY2008	FY2009	FY2010	FY2011	FY2012
Funding Needed to <u>Maintain Current Programs</u>	\$2,679,571*	\$2,610,522	\$2,920,550	\$3,239,727	\$3,568,324
Funding Needed to <u>Maintain Current Programs AND Start 2 Part-Time Programs</u>	\$2,727,023* * Includes \$500,000 GF currently appropriated in FY2008	\$2,659,397	\$2,970,892	\$3,291,579	\$3,621,732

The Current Outlook for FY2008

Should no additional General Funds be appropriated in FY2008, grant awards are currently scheduled to be reduced by 10% in July 2007. Even with this reduction in awards, and the current allocation of \$500,000 in General Funds in FY 2008, the Victim/Witness Fund currently is still projected to have a **deficit in FY2008**.

Consequently, DCJS may be forced to increase the projected 10% grant reductions in FY2008, in order to avoid a deficit in the Victim/Witness Fund.

A 10% reduction will have a dramatic impact on service delivery and local program staffing. Twenty-six of the 106 FY2008 projected grant budgets indicate that a 10% reduction will require lay-offs and/or pay cuts. These numbers are likely to increase as FY2008 budgets are finalized. Sixty-five of the 106 grant funded programs have 1 or fewer FTE positions, and with personnel expenses comprising 93% of grant awards, the predicted lay-offs and program closures appear inevitable.

For each FTE eliminated, FY2006 statistics suggest that **280 victims will not receive program services. This includes an estimated 79 domestic violence victims, 62**

assault victims, 17 sexual abuse or sexual assault victims, and 8 family members of homicide victims.

Consequences if the Victim/Witness Fund Year End Balance is Depleted

If the year-end Fund balance is depleted, consequences could include:

Elimination of up to 60 full and part-time Victim/Witness Programs, the only local victim assistance programs with a statutory mandate to serve victims of all types of crimes and ensure that they receive information and assistance required by the Victims Bill of Rights and the Virginia Constitution.

Elimination of 55 FTE's, resulting in **15,140 victims not being served**. This includes an estimated 463 family members of homicide victims, 309 adult victims of sexual assault, 618 child victims of sexual abuse, and 4,326 victims of domestic violence.

Current Local Funding and Closing the Funding Gap Through Local Cash Match

To close the funding gap, without new General Funds, would require DCJS to impose on localities a reduction or cash match of 15-30%.

This approach faces significant opposition and obstacles for reasons including the following:

Funding is a State Responsibility – The Constitution of Virginia (Article I, Section 8-A) and state law (19.2-11.01) establish victims' rights. Sections 19.2-11.01 and 19.2-11.03 further mandate that state funded Victim/Witness Programs provide all victims information and assistance in securing their rights and receiving services in accordance with the Victims Bill of Rights.

Programs Are Currently Under-Funded – No new state funds have been invested in these programs in more than ten years. As indicated above, many programs are significantly under-staffed and 24 additional FTE positions are needed. This estimate is based on DCJS' Victim/Witness Staffing Needs Assessment that examines crime statistics in each locality. For the past several years, DCJS has been forced to impose "level funding" on these programs. Additionally, grant funds have been insufficient to provide salary increases like those available to other state funded local employees. Demand for program services, by citizens and criminal justice system partners, has outpaced available funding as these programs have become institutionalized and the criminal justice system has become more responsive to victims needs and interests.

A Match Requirement is Inequitable. A large urban locality, like Virginia Beach, would be required to continue to support five locally funded FTE positions **and** to provide an additional \$39,088 - \$78,176 in cash match. In the 16 localities reporting locally funded FTE's, officials tend to take the view that a match requirement gives them no "credit" for their current financial support for the programs and that such a

requirement amounts to a financial penalty for that support. Alternatively, an economically stressed locality like Pittsylvania County may well elect to discontinue the Victim/Witness Program due to a cash match requirement.

Note: An article to this effect appeared in the Danville Register on March 20, 2006.

For these reasons local officials (Commonwealth's Attorneys, Sheriffs, Police Chiefs, City Managers, and County Administrators) have voiced opposition to a local cash match requirement or reduction in grant awards.

Summary of Findings

In summary:

- Victim/Witness programs are the only victim assistance programs with a Code responsibility to implement the Victims Bill of Rights and to serve all types of crime victims within the criminal justice system.
- Funding is viewed as a state responsibility.
- Programs are currently significantly under funded and under-staffed, and additional cutbacks cannot be absorbed without catastrophic impact on services to crime victims and local programs.
- Cash match is viewed as inequitable.
- No new state funds have been invested in programs in more than 10 years.
- Without allocation of additional General Funds it is estimated that annually more than 15,000 victims will not receive program services.

Consequently, DCJS recommends that consideration be given to appropriating additional General Funds sufficient to close the funding gap in FY2008 and beyond.

Such investment of additional General Funds supports core functions of the court including: serving justice, promoting public confidence in the judiciary, holding offenders accountable, and ensuring that crime victims:

- Are informed of their rights;
- Have opportunities to make the courts aware of the full impact of crime, and;
- Are treated with fairness, dignity, and respect.

Victim/Witness Program Funding History and Outlook										
	FY05	FY06	FY07	FY08	FY09	FY10	FY11	FY12		
VW Fund Beginning Cash Balance	\$4,675,900	\$3,357,079	\$1,535,959	-\$344,535	\$0	\$0	\$0	\$0		
Annual VW Fund Revenue (coll + int+ Transfers)	\$4,627,578	\$4,709,880	\$4,549,489	\$4,533,074	\$4,538,933	\$4,541,371	\$4,543,833	\$4,546,320		
Federal VOCA Available for Award to VW	\$3,081,846	\$3,240,443	\$3,442,309	\$3,442,309	\$3,442,309	\$3,442,309	\$3,442,309	\$3,442,309		
General Fund Appropriation	\$0	\$0	\$0	\$500,000						
Total Revenue Available	\$12,385,324	\$11,307,402	\$9,527,757	\$7,630,848	\$7,981,242	\$7,983,680	\$7,986,142	\$7,988,629		
Total Expenditures	\$9,028,245	\$9,771,443	\$9,872,292	\$10,310,419	\$10,591,764	\$10,904,230	\$11,225,869	\$11,556,953		
Funding Gap - Difference Between Available Revenue and Expenditures To Maintain Staffing	\$3,357,079	\$1,535,959	-\$344,535	-\$2,679,571	-\$2,610,522	-\$2,920,550	-\$3,239,727	-\$3,568,324		
Expenditure Details										
Fund Total Expenditures	\$5,946,399	\$6,531,000	\$6,429,983	\$4,188,539	\$4,538,933	\$4,541,371	\$4,543,833	\$4,546,320		
VOCA Award	\$3,081,846	\$3,240,443	\$3,442,309	\$3,442,309	\$3,442,309	\$3,442,309	\$3,442,309	\$3,442,309		
General Fund Award	\$0	\$0	\$0	\$500,000	\$0	\$0	\$0	\$0		
Additional General Funds Needed				\$2,179,571	\$2,610,522	\$2,920,550	\$3,239,727	\$3,568,324		
Total Expenditures	\$9,028,245	\$9,771,443	\$9,872,292	\$10,310,419	\$10,591,764	\$10,904,230	\$11,225,869	\$11,556,953		
VW Fund Ending Cash Balance	\$3,357,079	\$1,535,959	-\$344,535	\$0	\$0	\$0	\$0	\$0		
Funding Gap (Total Additional Revenue Needed to Maintain Current Staffing)				\$2,679,571	\$2,610,522	\$2,920,550	\$3,239,727	\$3,568,324		
Funding Gap (Total Additional Revenue Needed to Maintain Current Staffing and Start 2 Part-Time Programs)				\$2,727,023	\$2,659,397	\$2,970,892	\$3,291,579	\$3,621,732		



Commonwealth of Virginia
Department of Criminal Justice Services

October 10, 2006

Division of Legislative Automated Systems
ATTN: Angie Murphy
Legislative Documents and Reports Processing
910 Capitol Square
General Assembly Building, Suite 660
Richmond, VA 23219

Dear Ms. Murphy:

Please find enclosed our report entitled "Victim/Witness Program Funding History and Outlook." This report is provided pursuant to item 391 B2 of the 2006 Appropriations Act.

We appreciate the opportunity to present this report to the Chairmen of the Senate Finance and House Appropriations Committees for their consideration. Should you have any questions, please contact me at (804) 786-8008.

Sincerely

John Mahoney
Assistant Chief,
Victims Services Section