



COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

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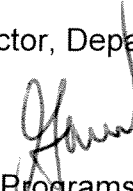
Memorandum

TO: The Honorable Marla G. Decker, Secretary of Public Safety

The Honorable Charles J. Colgan, Chairman, Senate Finance Committee

The Honorable Lacey E. Putney, Chairman, House Appropriations Committee

Daniel S. Timberlake, Director, Department of Planning and Budget

FROM: Garth Wheeler, Director 

RE: Funding of Victim/Witness Programs

As you know, Item 1-384 B2 of the 2011 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 1-384 B2 further indicates that "copies of the report shall be provided annually to the Secretary of Public Safety, the Department of Planning and Budget, and the Chairmen of the Senate Finance and House Appropriations Committees by October 16 of each year."

In response to this directive, I have enclosed, for your review, a report entitled, Report on Current and Projected Status of Federal, State and Local Funding for Victim/Witness Programs

cc: John Buckovich, Deputy Secretary of Public Safety



REPORT ON CURRENT AND PROJECTED STATUS OF FEDERAL, STATE AND LOCAL FUNDING FOR VICTIM/WITNESS PROGRAMS

A Report Prepared Pursuant to Item 1-384 B2 of the 2011 Appropriation Act for:

The Honorable Marla G. Decker, Secretary of Public Safety

The Honorable Charles J. Colgan, Chairman, Senate Finance Committee

The Honorable Lacey E. Putney, Chairman, House Appropriations Committee

Daniel S. Timberlake, Director, Department of Planning and Budget



Virginia Department of Criminal Justice Services
1100 Bank Street
Richmond, Virginia 23219
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October 16, 2011

PREFACE

Item 1-384 B2 of the 2011 Appropriation Act directed the Department of Criminal Justice Services (DCJS) 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, the Department of Planning and Budget, and the Chairmen of the Senate Finance and House Appropriations Committees by October 16, 2011.

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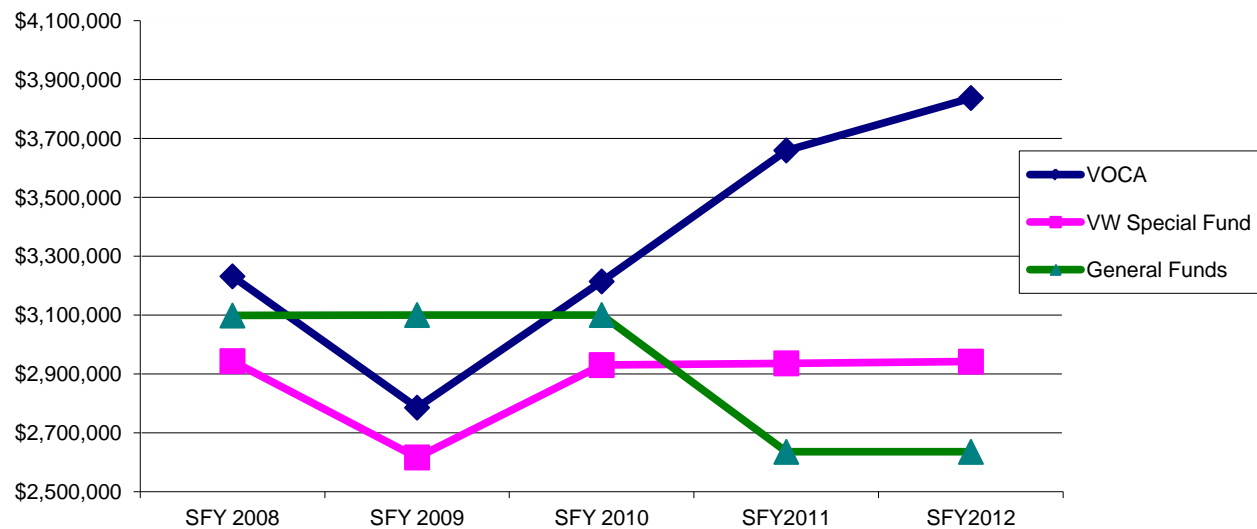
EXECUTIVE SUMMARY

Currently, there are 104 local grant funded Victim/Witness Programs and 4 statewide victim assistance programs. The Department of Criminal Justice Services (DCJS) uses federal Victims of Crime Act (VOCA) funds, Victim/Witness Special Funds, and General Funds to make grants to support these programs. Federal VOCA funds are awarded annually to Virginia, and federal fiscal year awards support programs in the following state fiscal year. For example, federal fiscal year 2011 (FFY2011) VOCA funds, awarded to Virginia in May 2011, are being utilized to support Victim/Witness Programs in State Fiscal Year 2012 (SFY2012).

Services provided by Victim/Witness Programs include explaining victims' rights, assisting victims in obtaining protective orders, explaining and helping victims apply for compensation through the Criminal Injuries Compensation Fund (CICF), notifying victims of case statuses, court dates, and prisoner statuses, explaining the criminal justice process, accompanying victims to court and criminal justice related meetings, assisting victims in preparing victim impact statements, providing crisis intervention, and providing case disposition information. Annually these programs typically provide direct services to over 60,000 crime victims.

While having three sources of funding has mitigated volatility in total grant awards, operational costs have increased over time, while grant awards have not kept pace. In fact, the SFY2012 total award is just 1.1% more than the amount awarded to programs in SFY2006. It is also clear that increases in federal funds over the last two years have been offset by the \$465,000 decline in the General Fund appropriation and level allocations from the Victim/Witness Special Fund.

Funds Awarded by Source and Fiscal Year



Federal Funding Outlook

Congress sets the VOCA appropriation level annually and the federal Office for Victims of Crime cannot yet provide information to DCJS regarding the amount of federal VOCA funds that will be available to Virginia in FFY2012. Recently, House and Senate Appropriations Subcommittees have agreed on an appropriation level which, if adopted, may result in a decline in funding of approximately 3 percent, when compared to the FFY2011 allocations.

State Funding Outlook – General Funds and Special Funds

Due to the economic downturn, the General Fund appropriation supporting Victim/Witness Programs was reduced by \$465,000 in SFY2011 and SFY2012 to \$2,635,000. DCJS is hopeful that eventually an improving economy will allow restoration of the General Fund appropriation to \$3.1 million.

The Victim/Witness Special Fund balance had been significantly depleted by SFY2008 in order to maintain local programs and the delivery of essential services when federal VOCA funds were insufficient and no General Funds had yet been appropriated. However, with the appropriation of \$3.1 million dollars in General Funds beginning in SFY2008, and DCJS' conservative approach to managing current obligations against the Victim/Witness Special Fund, the Fund operating balance has improved. Given current obligations and anticipated annual revenue collections, DCJS projects that Special Fund allocations can be maintained at the current level of approximately \$3 million annually.

Local Funding Outlook

DCJS encourages allocation of local funds to support Victim/Witness Programs and maintain current staffing levels and the delivery of essential services. However, given current economic conditions, many programs have also seen declining local funding allocations. In fact, twenty-five percent (25%) of Victim/Witness Program Directors responding to a previous survey reported a decline in the percentage of their total budgets supported with local funds.

Conclusion

Victim/Witness Programs face challenges, given the uncertainty regarding the level of federal and state funding available, declining, uncertain, or inadequate local funding, and increasing costs of program operations.

The appropriation of General Funds beginning in SFY2008 averted a funding crisis and has stabilized the funding outlook for Victim/Witness Programs. However, the need for additional funding for Victim/Witness Programs also remains clear.

VICTIM/WITNESS PROGRAM OVERVIEW

PROGRAM OVERVIEW

Currently, there are 104 local grant funded Victim/Witness Programs and 4 statewide victim assistance programs.

Local Victim/Witness Programs are crime victim advocacy programs:

- With a statutory mandate (§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
 - Are heard at all critical stages of the criminal justice process

Services provided include, but are not limited to:

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|--|---|
| <ul style="list-style-type: none">❖ Explaining victims' rights❖ Explaining and helping victims apply for compensation through the Criminal Injuries Compensation Fund (CICF)❖ Explaining the criminal justice process❖ Assisting victims in preparing victim impact statements❖ Assisting victims in obtaining protective orders | <ul style="list-style-type: none">❖ Notifying victims of case statuses, court dates, and prisoner statuses❖ Accompanying victims to court and criminal justice related meetings❖ Providing crisis intervention❖ Providing case disposition information |
|--|---|

- Victim/Witness Programs:
 - Provide comprehensive victim assistance services. There are 23 specific service objectives.
 - Are government based and serve victims from within the criminal justice system
 - Have the mandate, expertise, and position to make the criminal justice system more responsive to victims' interests at critical stages of the criminal justice process
 - Are primarily located within the offices of Commonwealth's Attorneys. Program locations also include Sheriff's' Offices, Police Departments, and other local units of government.

VICTIM/WITNESS PROGRAM FUNDING OVERVIEW AND HISTORY

DCJS uses federal Victims of Crime Act (VOCA) funds, Victim/Witness Special Funds, and General Funds to make grants to support these programs. Federal VOCA funds are awarded annually to Virginia, and federal fiscal year awards support programs in the following state fiscal year. For example, federal fiscal year 2011 (FFY2011) VOCA funds, awarded to Virginia in May 2011, are being utilized to support Victim/Witness Programs in State Fiscal Year 2012 (SFY2012).

Federal VOCA funds available to Virginia have fluctuated considerably over the years. For example, Virginia's FFY2008 VOCA award (\$2.78 million) was at a nine year low and decreased 17% compared to the FFY2007 award. Due to the appropriation of General Funds in SFY2009 and the availability of Special Funds, DCJS was able to mitigate, but not eliminate, the impact of the downturn in federal VOCA funding. Programs were required to reduce their DCJS grant funding requests by 8% in SFY2009.

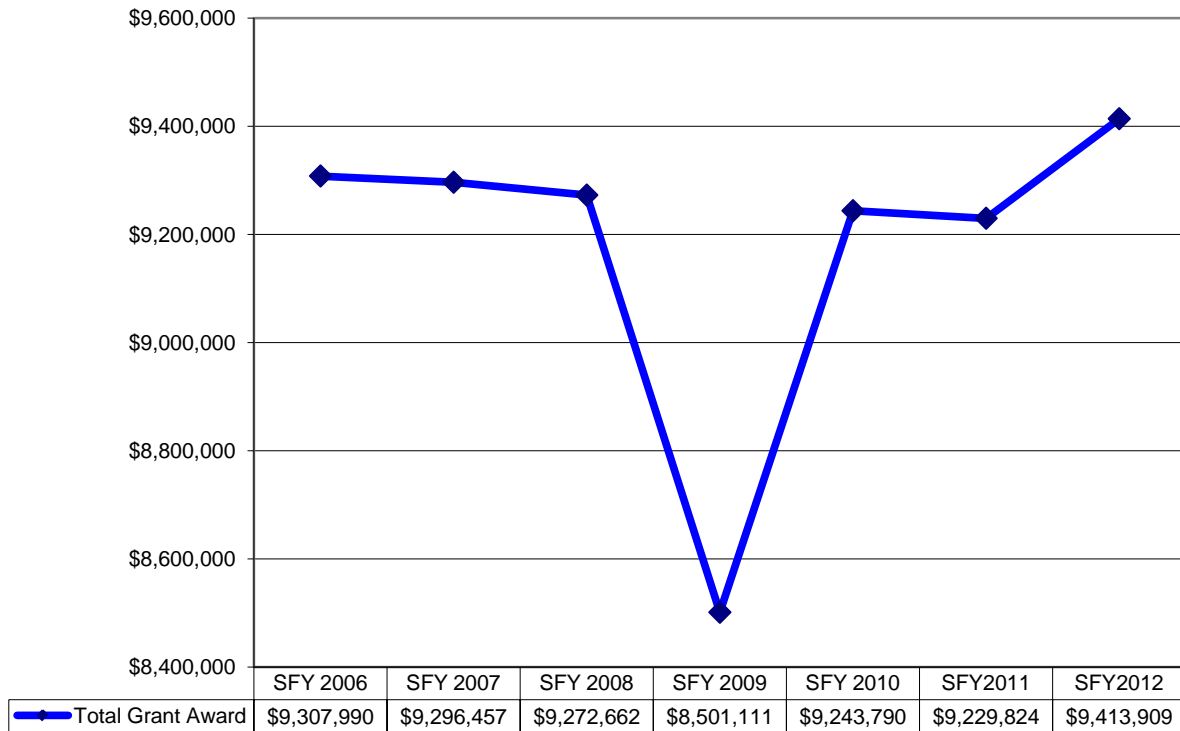
The FFY2009 VOCA award rebounded and DCJS was able to restore funding for programs in SFY2010. Specifically, by utilizing the \$3.1 million General Fund appropriation, combined with increased federal VOCA funds and Victim/Witness Special Funds, DCJS was able to restore funding for programs in SFY2010 to the level awarded in SFY2008.

The FFY2010 VOCA award increased compared to the prior year, but this increase was more than off-set by the \$465,000 reduction in the General Fund appropriation supporting Victim/Witness Programs in SFY2011. By utilizing all available VOCA funds and modestly increasing the allocation from the Victim/Witness Special Fund, DCJS was again able to provide "level funding" for programs in SFY2011.

The FFY2011 VOCA allocation, available for award to Victim/Witness Programs in SFY2012, increased by approximately \$175,000, when compared to the FFY2010 award. In June 2011, the Criminal Justice Services Board approved utilizing the available VOCA funds to support a 2% increase in Victim/Witness Program grant awards in SFY2012 - the first increase in awards since SFY2006.

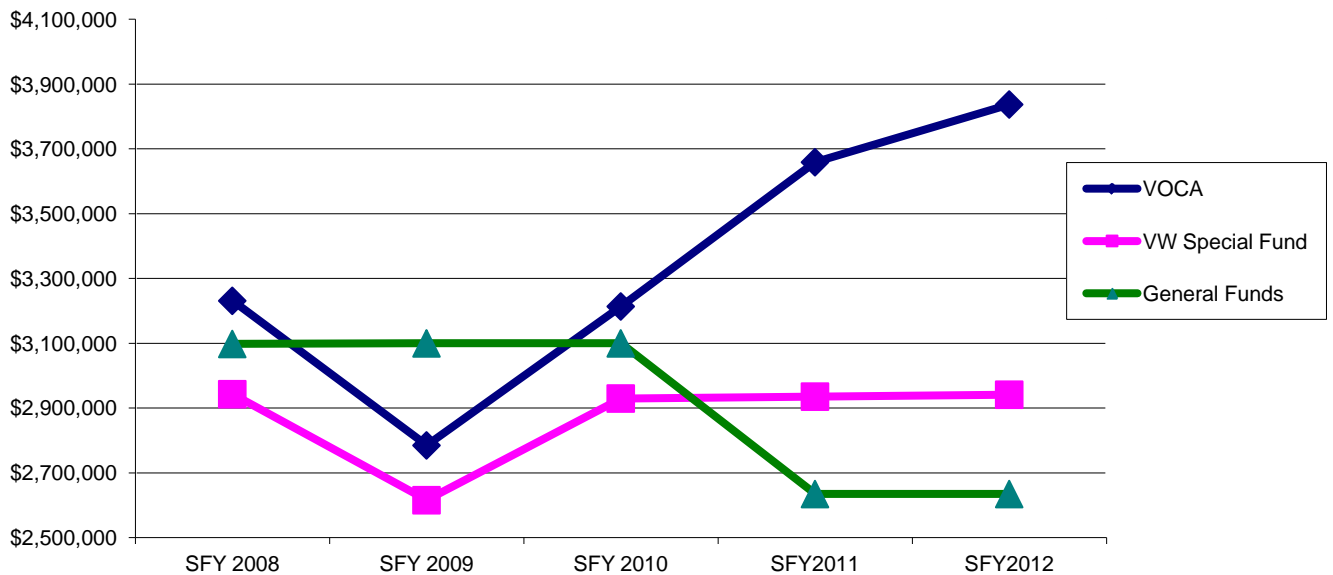
Having three funding streams supporting Victim/Witness Programs has clearly moderated overall funding volatility in recent years. Only when two of the three funding streams declined at the same time (SFY2009) did programs see a marked decline in grant awards.

Total Grant Awards by Fiscal Year



While having three sources of funding has mitigated volatility in total grant awards, operational costs have increased over time, while grant awards have not kept pace. In fact, the SFY2012 total award is just 1.1% more than the amount awarded to programs in SFY2006. It is also clear that increases in federal funds over the last two years have been offset by the \$465,000 decline in the General Fund appropriation and level allocations from the Victim/Witness Special Fund.

Funds Awarded by Source and Fiscal Year



THE CURRENT OUTLOOK FOR SFY2013

In accordance with long standing practice, DCJS anticipates issuing Victim/Witness Program Grant Guidelines in March 2012 delineating application requirements for annual grants covering the period July 1, 2012 through June 30, 2014. By March 2012, it is anticipated that Virginia's FFY2012 VOCA allocation, supporting programs in SFY2013, should be known. The projected SFY2013 and SFY2014 grant awards will be conditioned on the actual availability of sufficient funding. The current outlook for each funding source is briefly described below.

Federal Funding Outlook

The federal Office for Victims of Crime cannot yet provide information to DCJS regarding the amount of federal VOCA funds that will be available to Virginia in FFY2012. Congress sets the VOCA appropriation level annually and there often is significant variance between what is proposed and what is contained in the final federal budget.

The U.S. Senate Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies, often referred to colloquially as the CJS Subcommittee is one of twelve subcommittees of the U.S. Senate Committee on Appropriations. The CJS Subcommittee recently recommended a FFY 2012 VOCA appropriation of \$705 million. The House has recommended the same appropriation level. Consequently, if this appropriation level is adopted, the National Association of VOCA Assistance Administrators (NAVAA) estimates that FFY2012 state allocations could decline by approximately 3 percent, when compared to the FFY2011 allocations.

State Funding Outlook – General Funds and Special Funds

Due to the economic downturn, the General Fund appropriation supporting Victim/Witness Programs was reduced by \$465,000 in SFY2011 and SFY2012 to \$2,635,000. DCJS is hopeful that eventually an improving economy will allow restoration of the General Fund appropriation to \$3.1 million in future years.

The Victim/Witness Special Fund balance had been significantly depleted by SFY2008 in order to maintain local programs and the delivery of essential services when federal VOCA funds were insufficient and no General Funds had yet been appropriated. However, with the appropriation of \$3.1 million dollars in General Funds beginning in SFY2008, and DCJS' conservative approach to managing current obligations against the Victim/Witness Special Fund, the Fund operating balance has improved. Given current obligations and anticipated annual revenue collections, DCJS projects that Special Fund allocations can be maintained at the current level of approximately \$3 million annually.

Local Funding Outlook

On average in SFY2011, 92% of DCJS grant awards were allocated to support personnel expenses of local program staff providing direct services to crime victims and it is unlikely that this percentage will change during SFY2012. This leaves very little grant funding to support essential training, equipment, travel, and other operating costs. Programs continue to face pressure to cut costs and to seek local funding to augment grant awards.

Given the grant award limitations described above, DCJS encourages allocation of local funds to support Victim/Witness Programs and maintain current staffing levels and the delivery of essential services. However, given current economic conditions, many programs have also seen declining local funding allocations. In fact, in response to a survey, twenty-five percent (25%) of Victim/Witness Program Directors responding reported a decline in the percentage of their total budgets supported with local funds.

UNMET NEEDS

On the whole, programs face ongoing demand for services but may have less capacity to provide services due to factors including: increasing program costs, grant awards which have increased only 1.1% since SFY2006, declining or uncertain local funding, under-staffing, and limited budgets to support training of new and veteran staff.

Without additional state or federal resources, DCJS cannot address ongoing issues including the following:

Support approximately 30 additional FTE positions in under-staffed Victim/Witness Programs

Discussion: Many local programs are significantly under-staffed and 30 additional FTE positions are needed in the 10 most under-staffed programs. This estimate is based on DCJS' Victim/Witness Staffing Needs Assessment that examines crime statistics in each locality. Based on analysis of quarterly report data submitted by currently funded programs, it is estimated that the addition of 30 FTE's would result in more than 8,000 more victims served annually. The total cost associated with adding these FTE's is estimated at \$1.6 million.

Initiate new programs in six unserved localities

Discussion: There are six localities in Virginia without Victim/Witness programs. They are the counties of: Buckingham, Franklin, Highland, Nottoway, Rappahannock, and Richmond. It is estimated that Franklin County would require 1 FTE and each of the other localities could be staffed at the .5 FTE level. Thus, six localities could be staffed with a total of 3.5 FTE's. Costs associated with this proposal are estimated at \$200,000.

CONCLUSION

Victim/Witness Programs face challenges, given the unmet needs outlined above, uncertainty regarding the level of federal and state funding available, declining, uncertain, or inadequate local funding, and increasing costs of program operations.

The appropriation of General Funds beginning in SFY2008 averted a funding crisis and has stabilized the funding outlook for Victim/Witness Programs. However, the need for additional funding for Victim/Witness Programs also remains clear.