



COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services


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October 9, 2013

Memorandum

TO: The Honorable Lacey E. Putney, Chairman, House Appropriations Committee
The Honorable Walter A. Stosch, Chairman, Senate Finance Committee

FROM: Garth L. Wheeler 

RE: Report on the Status of Funding for Victim-Witness Programs

Paragraph B.2, Item 393 of the 2013 Appropriations Act, directs the Department to report annually on the current and projected status of federal, state and local funding for victim-witness programs supported by the Virginia Crime Victim-Witness Fund.

Accordingly, I have enclosed a copy of this year's report.

Please contact me if you have any questions.

Enclosure

cc: The Honorable Marla Graff Decker, Secretary of Public Safety
Mr. Daniel Timberlake, Director, Department of Planning & Budget

Report on Current and Projected Status of Federal, State and Local Funding for Victim/Witness Programs

A Report Prepared Pursuant to Item 393 B.2 of the 2013 Appropriation Act for:

The Honorable Marla Graff Decker, *Secretary of Public Safety*

The Honorable Walter A. Stosch, *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

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October 16, 2013

Preface

Item 393 B.2 of the 2013 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, 2013.

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Executive Summary

Currently there are 104 local grant funded Victim/Witness Programs and 4 statewide victim assistance programs in Virginia. The Department of Criminal Justice Services (DCJS) uses three funding streams to make grants to support these services for victims of crime: federal Victims of Crime Act (VOCA) funds, Victim/Witness Special Funds, and state General Funds. 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 2013 (FFY2013) VOCA funds are being utilized to support Victim/Witness Programs in State Fiscal Year 2014 (SFY2014).

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 approximately 60,000 crime victims.

Victim services are not immune from funding reductions and annual uncertainties that have impacted other federal grant programs. After receiving increases (rather than reductions) in federal funds in previous years, Virginia's federal VOCA funds were reduced by 11% for SFY2013. However, for SFY2014, federal funds were increased by 12%. Due to sequestration issues and anticipated additional federal funding reductions, the VOCA fund increase could very likely become a decrease again next year. This unpredictability reaffirms the volatility and inability to project sustainable increases to federal grant programs. Because state General Fund allocations for Victim/Witness programs have remained the same for the last few years, it is only through adjusting withdrawals from the Victim/Witness Special Fund that funding for the victim assistance programs in Virginia remain reliable from year to year. As we move forward, we continue to seek opportunities to not only avoid reductions but to gradually increase capacity for Victim/Witness services.

Federal Funding Outlook

Congress sets the VOCA appropriation level annually, but due to delays in approving a FFY federal budget, the federal Office for Victims of Crime was not able to provide funding award information to DCJS for many months after the current funding year was in effect. Fortunately, the most recent federal award reverses the decrease in the prior year's award. With all of the uncertainty about the federal budget, it is not clear if we will see sustained level funding or a return to reductions in VOCA funding. However, possible reductions may not be as drastic for programs serving crime victims as for other federal grant programs.

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 still remains at \$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 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. Even as the overall crime rate continues to decline, revenue for this fund is expected to remain static or gradually increase along with the state's population.

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 have reported a decline in the percentage of their total budgets supported with local funds.

Conclusion

Victim/Witness Programs continue to face financial 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. While having three sources has mitigated volatility in total grant awards, both operational costs and demand for services have increased over time, and the total grant award has not kept pace.

The appropriation of General Funds beginning in SFY2008 averted a funding crisis and helped stabilize the funding outlook for Victim/Witness Programs. However, reductions in the General Fund in SFY2011 and the annual volatility of federal VOCA funding have required an increased reliance on the Victim/Witness Special Fund.

Victim/Witness Programs are working within an increasing complex environment that includes new types of crimes and diverse victim needs. Crimes such as Human Trafficking frequently involve multiple jurisdictions and victims with different languages and cultural backgrounds. The many needs of victims and new protective order laws have increased the need for staff, training, and resources. In addition, six localities in Virginia still do not have Victim/Witness programs in their area. The need for additional funding for Victim/Witness Programs 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 2013 (FFY2013) VOCA funds support Victim/Witness Programs in State Fiscal Year 2014 (SFY2014).

Federal VOCA funds available to Virginia have fluctuated considerably over the years. The FFY2008 VOCA award was at a nine year low. 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 requests by 8% in SFY2009.

The FFY 2009 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 SFY 2010 to the level awarded in SFY2008.

The FFY 2010 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 SFY 2011. By utilizing all available VOCA funds and modestly increasing the allocation from the Victim/Witness Special Funds, DCJS was again able to provide “level funding” for programs in SFY2011.

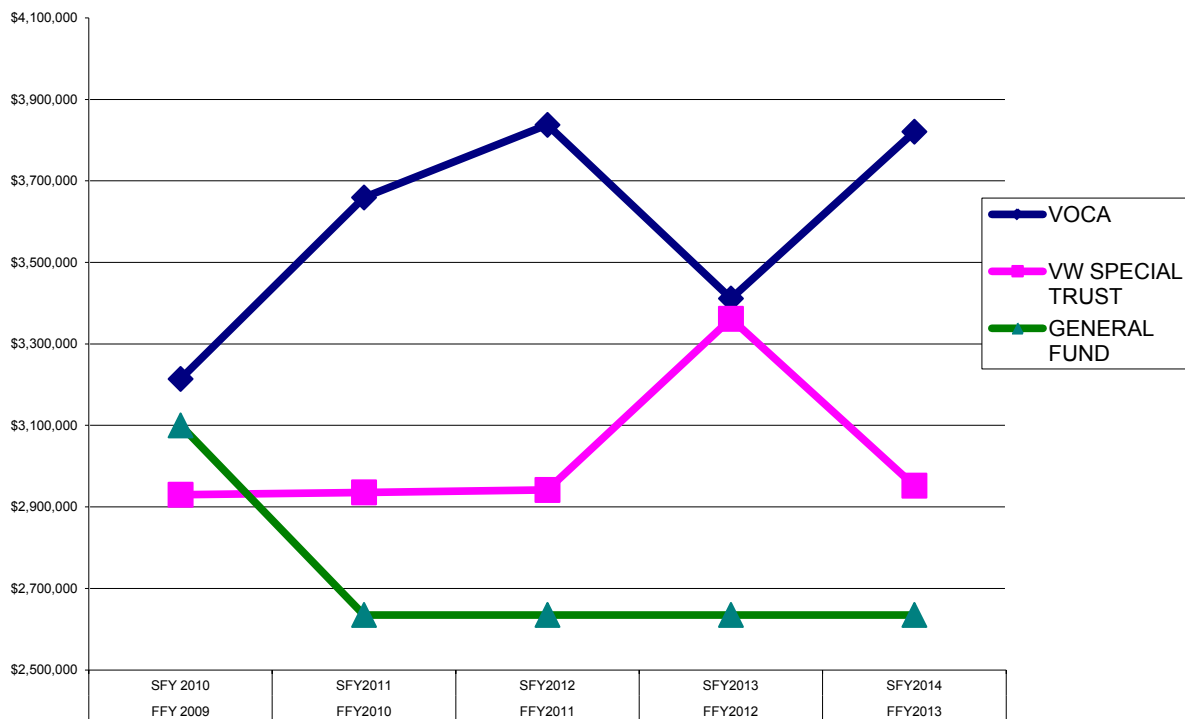
The FFY 2011 VOCA allocation, available for award to Victim/Witness Programs in SFY2012, increased by approximately \$175,000 when compared to the FFY2010 award. In June 2011, the Criminal Justice Services Board approved utilizing the available VOCA funds to support a 2% increase in Victim/Witness Program grant awards in SFY2012—the first increase in awards since SFY 2006.

After gradually increasing each year for the past three years, the FFY2012 VOCA allocation decreased by \$426,020. Fortunately, DCJS was able to increase its allocation from the state’s Victim/Witness Special Fund by a comparable amount, so that total funding for Victim/Witness programs remained the same in as in the prior year. With this year’s restoration of the previous reduction in federal funds, DCJS will be able to provide continued funding without taking more from the state Special Fund in the coming year. This should put total funding in a good position going into SFY 2015, and enable a slight expansion in program coverage.

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.

While having three sources of funding has mitigated volatility in total grant wards, the demand for services and operational costs have increased over time, and grant awards have not kept pace. The uncertainty and decreases in federal VOCA funds have been offset by an increased reliance on the state Victim/Witness Special Fund.

Funds Awarded by Source and Fiscal Year



The Current Outlook for SFY2015

In accordance with long standing practice, DCJS issued Victim/Witness Program Grant Guidelines in March 2012 delineating application requirements for annual grants covering the period July 1, 2012 through June 30, 2014. The projected SFY2013 and SFY2014 grant awards were conditioned on the actual availability of sufficient funding. The current outlook for each funding source is briefly described below.

Federal Funding Outlook

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. Due to delays in approving a FFY federal budget, the federal Office for Victims of Crime was not able to provide funding award information to DCJS for many months after the current funding year was in effect. Fortunately, the most recent federal award reverses the decrease in the prior year's award. With all of the uncertainty about the federal budget, it is not clear if we will see sustained level funding or a return to reductions in VOCA funding. However, possible reductions may not be as drastic for programs serving crime victims as for other federal grant programs.

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 remains at \$2,635,000 for SFY2013 and SFY2014. DCJS is hopeful that eventually an improving economy will allow restoration of the General Fund appropriation to \$3.1 million in future years.

In SFY2009 the Victim/Witness Special Fund balance had been significantly depleted. This proved challenging in efforts 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 in SFY 2015 can be maintained at the current level of approximately \$3 million annually.

Local Funding Outlook

On average, 92% of DCJS grant awards are 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 SFY2015. 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. Twenty-five percent (25%) of Victim/Witness Program Directors 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 2% 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 several 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 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. DCJS has received a request from Commonwealth's Attorneys in these localities to establish victim/witness programs. Most recently a request was received from Nottoway County. 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.

Based on a recent needs assessment, DCJS proposes providing funding for staffing at .5 FTEs for Victim/Witness programs in two additional localities in SFY2015: Nottoway and Highland Counties.

Provide training and resources to serve victims of complex crimes, non-English speaking victims and victims from diverse cultural backgrounds

Discussion: The impact of trauma, language and cultural barriers present increasing challenges to local staff and a need for additional training and resources. New protective order legislation has increased the need for staff coverage in General District Courts. Programs continue to reveal a need for training on identifying and providing services to child and adult victims of human trafficking, many of whom have no ties to the locality and are often reluctant to reveal personal information.

Conclusion

Victim/Witness Programs face many challenges such as meeting 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. Challenges also include services to victims of human trafficking, resources to address the increase in language and cultural barriers, changes in protective order legislation, and the need to explore and receive training on evidenced based practices in the field of victim services.

The appropriation of General Funds beginning in SFY2008 averted a funding crisis, and along with DCJS' conservative approach and use of the Victim/Witness Special Fund, it has stabilized the funding outlook for Victim/Witness Programs. However, the need for additional funding for Victim/Witness Programs also remains clear.