



COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

Francine C. Ecker
Director

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October 15, 2014

The Honorable S. Chris Jones, Chairman
House Appropriations Committee
P.O. Box 406
General Assembly Building
Richmond, VA 23219

The Honorable Walter A. Stosch, Chairman
Senate Finance Committee
10th Floor, General Assembly Building
910 Capitol Street
Richmond, VA 23219

Dear Delegate Jones and Senator Stosch:

Attached is a report on "Current and Projected Status of Federal, State and Local Funding for Victim Witness Programs", as directed by Item 389 B.2, Chapter 2 of HB5002.

Please contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Francine C. Ecker".

Francine C. Ecker
Director

Attachment

cc: Richard E. Hickman, Jr., Deputy Staff Director, Senate Finance Committee
The Honorable Brian Moran, Secretary of Public Safety and Homeland Security
Paul Van Lenten, Jr., Legislative Fiscal Analyst, House Appropriations Committee

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



Virginia Department of Criminal Justice Services
1100 Bank Street, Richmond, Virginia 23219
www.dcjs.virginia.gov
October 16, 2014

Preface

Item 389 B.2, Chapter 2 of HB5002 directs that the *Department of Criminal Justice Services shall provide a report on the current and projected status of federal, state and local funding for Victim/Witness Programs supported by the Fund. Copies of the report shall be provided annually to the Secretary of Public Safety and Homeland Security, the Department of Planning and Budget, and the Chairmen of the Senate Finance and House Appropriations Committees by October 16 of each year.*

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Executive Summary

For fiscal years '15 and '16, there are 105 local and four statewide Victim Witness programs funded by the Virginia Crime Victim Witness Fund. Services provided by these programs include: explaining to crime victims their rights; assisting them in obtaining protective orders; helping victims apply for compensation; explaining the criminal justice process; accompanying victims to court; assisting in the preparation of victim impact statements; and providing crisis intervention and other services. Annually these programs typically provide direct services to approximately 60,000 crime victims.

The Department of Criminal Justice Services (DCJS) funds the Victim Witness programs from the federal Victims of Crime Act (VOCA), state General Funds, and Special Funds from court fines and fees. Local Victim Witness programs reside in local government agencies primarily in Commonwealths' Attorneys' and Sheriffs' offices.

Highlights for FYs15/16:

- New fulltime Victim Witness program in Nottoway County.
- A 3% increase in funding for all programs.
- Working with Highland County to establish a new part-time program for FY16.

After several years without any expansion to un-served localities and no funding increases to existing local programs, DCJS was able to initiate services this year to one un-served locality, plan for adding another, and also provide a 3% increase in grant awards to all of the programs. This funding increase of \$348,566 is due to an increase in federal VOCA funds and careful management of the state Special Fund. Despite the modest increase, Victim Witness Programs continue to face the financial challenges associated with both increased demand for services and increased operating costs.

Victim Witness Programs are working within an increasingly complex environment that includes new types of crimes and diverse victim needs. Cases involving human trafficking may include multiple jurisdictions and victims with different native languages and cultural backgrounds. Both the needs of victims and new protective order laws passed by the General Assembly have increased the need for staff, training, and resources. In addition, five localities in Virginia still do not have Victim Witness Programs. There is a continued need for additional resources to provide services to crime victims in the remaining unserved localities and to meet the increased demand for services in currently served areas.

VICTIM WITNESS PROGRAM OVERVIEW

Program Overview

With the addition of new services this year to Nottoway County, there are now 105 local grant funded Victim Witness Programs and four 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 they:

- 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.

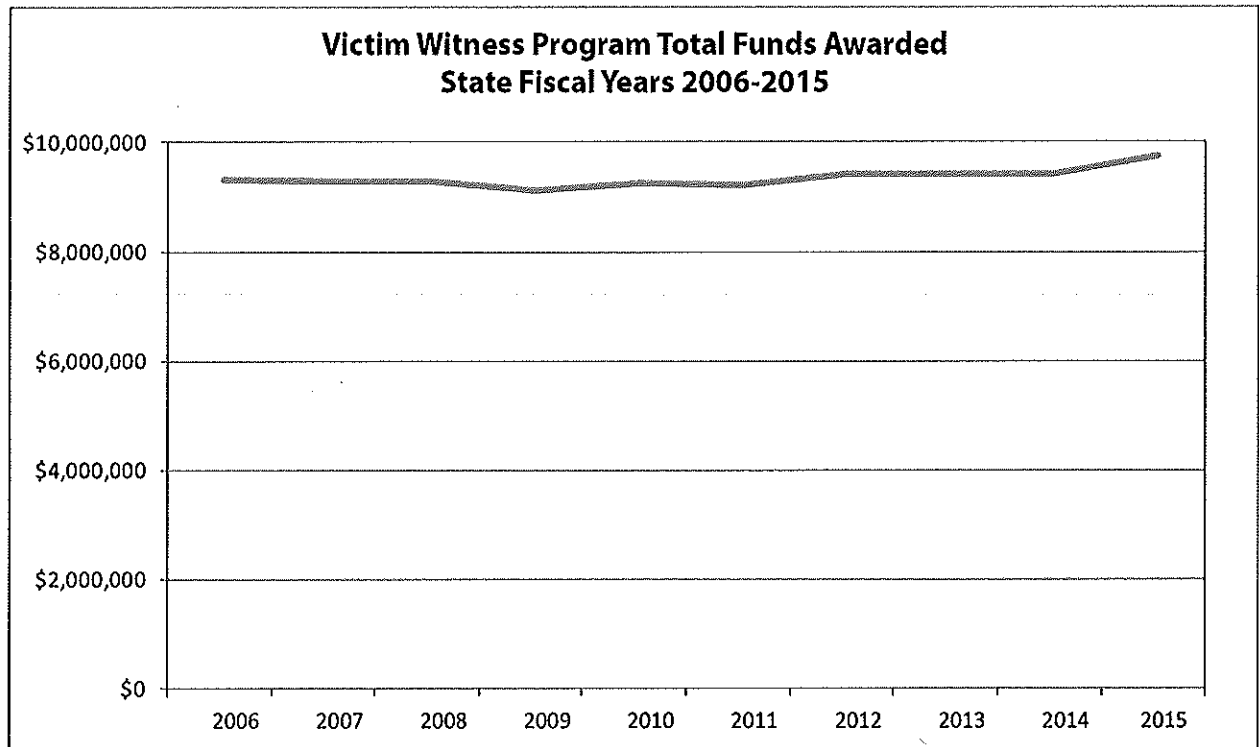
Services provided include, but are not limited to:

- | | |
|--|--|
| - Explaining victims' rights | - Notifying victims of case statuses, court dates, and prisoner statuses |
| - Explaining and helping victims apply for compensation through the Criminal Injuries Compensation Fund (CICF) | - Accompanying victims to court and criminal justice related meetings |
| - Explaining the criminal justice process | - Providing crisis intervention |
| - Assisting victims in preparing victim impact statements | - Providing case disposition information |
| - Assisting victims in obtaining protective orders | |

Victim Witness Programs:

- provide comprehensive victim assistance services through 23 specific service objectives;
- are government based and serve all victims in 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; and
- are primarily located in the offices of Commonwealth's Attorneys and Sheriffs' Offices

Victim Witness Program Funding Overview and History



State Fiscal Year	Victim-Witness Program
2006	\$9,307,990
2007	\$9,296,457
2008	\$9,272,662
2009	\$9,101,109
2010	\$9,243,791
2011	\$9,229,323
2012	\$9,413,912
2013	\$9,412,893
2014	\$9,412,892
2015	\$9,761,458

The Current Outlook for FY2015/2016

DCJS issued Victim Witness Program Grant Guidelines in April 2014 outlining application requirements for grants covering the period July 1, 2014 through June 30, 2016. The projected grant awards were conditioned on the availability of sufficient funding. The current outlook for each funding source is briefly described below.

Federal Funding – Victim of Crime Act (VOCA)

The Federal Victim of Crime Act (VOCA) is a key funding component of Victim Witness programs. VOCA is comprised of fines collected by the federal government. Congress annually sets the VOCA appropriation which is then distributed to states using a funding formula. The funding awarded to Virginia over the past nine fiscal years has remained relatively consistent, allowing us to keep Victim Witness program funding level during this period. While we do not anticipate any significant changes in the near future, DCJS closely monitors this federal program because of its importance to Virginia.

State Funding – General Funds and Special Funds

The state special fund directed to Victim Witness programming consists of court-imposed fines and fees on a variety of both misdemeanor and felony convictions. The resulting monies which are annually deposited into the special fund have remained consistent over the past few fiscal years, and significant changes are not anticipated during the FY2015/2016 biennium.

State general funds are a critical component of the support for Victim Witness programs. DCJS recognizes that the current budget outlook is challenging, however continued support of state and local services to victims and witnesses of crime is an integral aspect of the justice system and we hope that the current general fund appropriation for FY2015/2016 remains level.

Local Funding

DCJS encourages programs to secure local funds to supplement the funds they receive from DCJS. Approximately 50% of the Victim Witness programs supplement their DCJS grants with local funds or in-kind support. Since approximately 90% of DCJS grant funding is used to support program personnel, local funding helps to pay for essential training, equipment, travel, and other operating costs. However, given current economic conditions, many programs have seen a decline in local funding. 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

The recent addition of a Victim Witness Program in Nottoway County still leaves five Virginia jurisdictions without services. The current 3% funding increase will be of assistance to existing programs, but does not make up for years of increased demand for services without a corresponding increase in resources. The grant awards have increased only 5% since FY2006, while local funding has generally declined or remained level.

Additional funding continues to be needed to address several ongoing issues, including the following:

Provide Victim Witness services to every locality in Virginia

There are five remaining localities in Virginia without Victim Witness programs or services. They are the counties of: Buckingham, Franklin, Highland, Rappahannock and Richmond. We are actively working with Highland County to establish a program in 2015. DCJS has received a request from the Commonwealth's Attorneys in each of the other localities requesting funds to establish a victim/witness program. We estimate that Franklin County would require one FTE and each of the other localities could be initially staffed at the .5 FTE level. To establish a program in all five localities would require the funding of three FTE's. To initially fund these positions, both salary and benefits, would cost approximately \$160,800 per year.

Support 30 additional FTE's in under-staffed Victim Witness Programs

Many local programs are significantly understaffed and 30 additional FTE positions are needed in the most seriously understaffed programs. This estimate is based on our Staffing Needs Assessment that examines crime statistics in each locality over a three-year period (2010-2012). Based on analysis of quarterly report data submitted by our funded programs, there are approximately 8,000 victims per year not receiving services. Funding for an additional 30 FTE's would help to ensure that these victims receive services. The initial cost to fund an additional 30 local FTE's is estimated at \$1.6 million per year.

Conclusion

Victim Witness Programs face many challenges including greater demand for services due to population increases, increasing operating costs, and diminishing resources at the local level. Program challenges also include the need to provide services to victims of human trafficking and those who experience multiple victimization, additional resources to address victims with language and cultural barriers, and the need to expand the use of evidenced-based and data-driven decision making in the field of victim services.

Maintaining a conservative approach to funding and a strategic use of the state's Victim Witness Fund have allowed us to avoid cuts to programs over the years and stabilize the funding outlook for the next fiscal year. For the FY15/16 biennium, this approach has enabled us to fund a new Victim Witness program and provide current programs with a minimal funding increase. In the future, additional funding is needed to provide access to Victim Witness services in unserved localities as well as meet the increased demand for services in currently served areas.