

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



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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

There are currently 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 victims in preparing victim impact statements; and providing crisis intervention and other services. Annually these programs provide direct services to approximately 60,000 crime victims.

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

Highlights for FY17:

- Working with Highland and Craig Counties to implement and maintain part-time programs.
- Planning for implementation of new Victim Witness services in remaining un-served localities (Buckingham, Franklin, Rappahannock and Richmond Counties).
- Continuation of the 3% increase in funding for all programs awarded in FY15.
- Planning and implementation of increased service capacity utilizing additional federal VOCA funding.

After several years without any expansion to un-served localities and no funding increases to existing local programs, DCJS was able to initiate services in FY15 to one un-served locality (Nottoway County), plan for adding another, and also provide a 3% increase in grant awards to all of the programs. The coming year will see continuation of these efforts along with planning and implementation of services to the remaining localities without victim services. An increase in federal VOCA funding will support expanded staff capacity in local programs, provide additional training for local agency staff and enhanced other victim services based on an inclusive strategic planning process. Victim Witness Programs continue to face the 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 to provide services to crime victims with more complex challenges and to meet increased demand in many localities across the state.

VICTIM WITNESS PROGRAM OVERVIEW

Program Overview

There are 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.

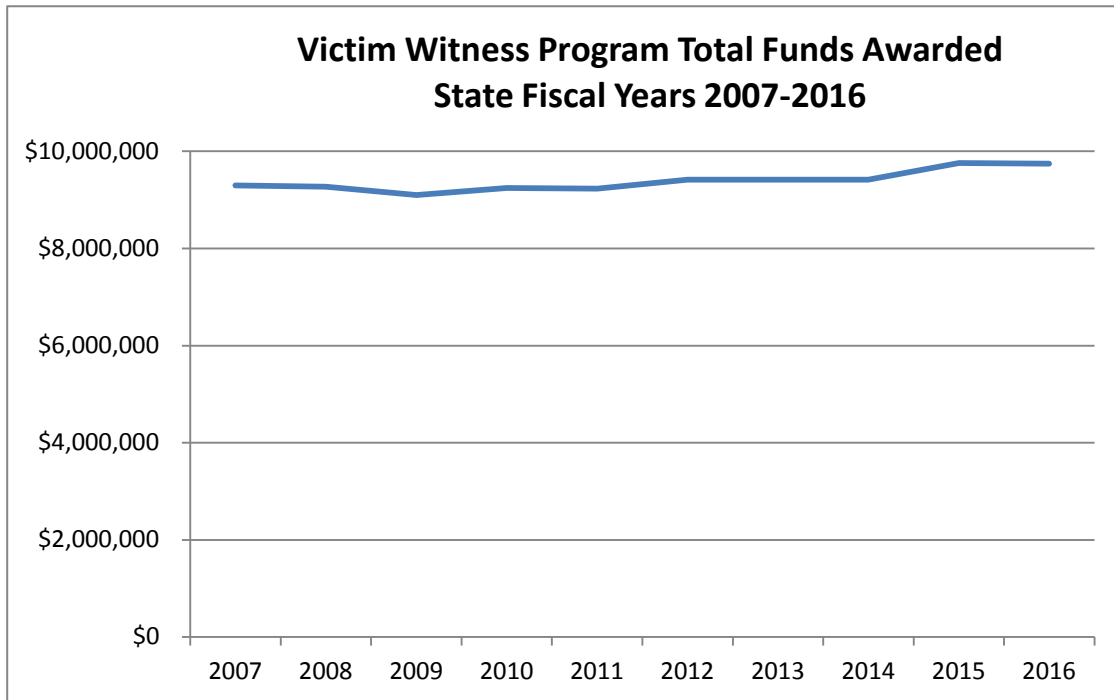
Services provided include, but are not limited to:

- | | |
|--|---|
| - Explaining victims' rights | - Notifying victims of case status, court dates, and prisoner status |
| - 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 33 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
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
2016	\$9,744,843

The Current Outlook for FY2016/2017

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 next few years.

State general funds are a critical component of the support for Victim Witness programs. Continued support of state and local services to victims and witnesses of crime is an integral aspect of the justice system and we anticipate that the general fund appropriation for FY2016/2017 will remain 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, some programs experienced a decline in local funding during the economic challenges of the last several years, during which twenty-five percent (25%) of Victim Witness Program Directors reported a decline in the percentage of their total budgets supported with local funds.

Federal Funding – Victim of Crime Act (VOCA)

The Federal Victim of Crime Act (VOCA) has been a key funding component of Victim Witness programs. VOCA is comprised of criminal fines, forfeitures and other non-tax revenues 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 10 fiscal years has remained relatively consistent, allowing us to keep Victim Witness program funding level or increased slightly during this period.

Starting in 2000, in response to large fluctuations in deposits, the U.S. Congress placed a cap on VOCA funds available for distribution to maintain a stable source of support for future services. However, with record-breaking deposits in recent years, in 2014 the Congress significantly increased the cap amount, resulting in major increases in state allocations for 2015. DCJS will use the additional VOCA Fund money to support expanded program capacity, provide training for local agency staff and improve existing services, as well as to develop new strategies to reach underserved victim populations and victims in underserved areas of Virginia. DCJS is engaged in a statewide planning process to determine priority needs in localities and will develop a grant allocation process for FY2016 that is compliant with federal and state requirements. Federal supplantation rules prohibit federal funds from being used to replace other funds designated for the same purpose.

Unmet Needs

The recent addition of a Victim Witness Program in Nottoway County still leaves five Virginia jurisdictions without services. The 3% funding increase awarded to programs for the current year will continue to support 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 resulting in an overall loss to programs.

Continued state funding at the same level combined with the increased federal VOCA funding will address several ongoing needs, 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 and to provide technical assistance to maintain services to Craig County. 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 and Buckingham Counties would each require one FTE and each of the other localities could be staffed initially at the .5 FTE level. To establish a program in all five localities would require the funding of 3.5 FTE's. To fund these positions, both salary and benefits, would cost approximately \$176,500 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, changes in law, increases in 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 victimizations, 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 each year. For FY16, this approach enabled us to sustain funding of a new Victim Witness program and continue to provide current programs with a minimal funding increase. For FY17, DCJS is engaged in an extensive planning and assessment process to make the most cost effective use of the additional federal VOCA funding, to include enhanced training and funding for new services, access to Victim Witness services in un-served localities and meeting the increased demand for services in currently served areas.