



COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

Francine C. Ecker
Director

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October 16, 2016

Memorandum

TO: The Honorable Brian J. Moran, Secretary of Public Safety and Homeland Security
The Honorable Thomas K. Norment, Jr., Co-Chairman, Senate Finance Committee
The Honorable Emmett W. Hanger, Jr., Co-Chairman, Senate Finance Committee
The Honorable S. Chris Jones, Chairman, House Appropriations Committee
Daniel S. Timberlake, Director, Department of Planning and Budget

FROM: Francine C. Ecker, Director

A handwritten signature in black ink, appearing to be "F. Ecker", written over a horizontal line.

RE: Funding of Victim/Witness Programs

As you know, Item 389 B.2, of the 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 389 B.2 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*".

c: Victoria H. Cochran, Deputy Secretary of Public Safety and Homeland Security

Enclosure

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
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October 16, 2016

Preface

Item 389 B.2, of the Appropriations Act 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 108 local Victim/Witness Programs and four statewide projects focused on the delivery of services required under Virginia's Crime Victims Bill of Rights. 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.

The Virginia Department of Criminal Justice Services (DCJS) supports Victim/Witness Programs using federal Victims of Crime Act (VOCA), state General Funds, and state Special Funds accrued from court fees. Local Victim/Witness Programs are located in local government agencies; primarily in Commonwealths' Attorneys' and Sheriffs' offices.

The federal Appropriations Act of 2015 included a provision raising the nationwide VOCA appropriation cap from \$745 million to \$2.361 billion. This unprecedented increase in the federal appropriation level resulted in significant increases to all state allocations.

In August 2015, Virginia received its federal fiscal year 2015 VOCA Fund allocation totaling \$50.3 million. This is more than four times as much as Virginia received in 2014, when the award totaled \$11.5 million.

Prior to this award, since FY2007, total funding awarded by DCJS to support local Victim/Witness Programs had increased just 4.8%. Thus, the availability of VOCA funds allowed DCJS to address long unmet needs within local programs, especially the need to increase staffing levels and the need to initiate programs in unserved areas.

In June 2016, the Criminal Justice Services Board awarded over \$13.3 million in VOCA funds to support Victim/Witness Programs and the number of VOCA funded positions within those programs increased from 96 to 292.

The number of crime victims served by VOCA supported projects is also projected to increase from 20,488 victims in FY15 to 72,413 in FY17.

General Fund support for Victim/Witness Programs remains important because General Funds:

- Provide a portion of the required 20% match to federal VOCA funds.
- Enable a sustainable expenditure level from the Victim/Witness Special Fund.

Victim/Witness Program Overview

There are 108 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:

- | | |
|--|---|
| <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 status, court dates, and prisoner status- Accompanying victims to court and criminal justice related meetings- Providing crisis intervention- Providing case disposition information |
|--|---|

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

The Current and Projected Status of Federal, State, and Local Funding

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. Prior to federal Fiscal Year 2015, VOCA funding awarded to Virginia over the prior 10 fiscal years had remained relatively stable. VOCA funds, in combination with available Special Funds and General Funds, allowed DCJS to maintain, but not significantly increase total Victim/Witness Program funding levels during this period. In fact, comparing FY2007 Victim/Witness Program grant awards to FY2016 initial awards, the total increase is only 4.8%.

The federal Appropriations Act of 2015 included a provision raising the nationwide VOCA appropriation cap from \$745 million to \$2.361 billion. This unprecedented increase in the federal appropriation level resulted in significant increases to all state allocations.

In August 2015, Virginia received its federal fiscal year 2015 VOCA Fund allocation totaling \$50.3 million. This is more than four times as much as Virginia received in 2014, when the award totaled \$11.5 million.

To plan for allocation of these funds, DCJS conducted an extensive survey of victim advocates statewide and, in September and October 2015, DCJS also conducted four regional “Listening Sessions” in order to gather additional input from victim advocates and allied professionals across the state. A total of 446 people attended the sessions.

As a result of these efforts and stakeholder input, in June 2016, the Criminal Justice Services Board awarded over \$34 million to maintain and expand core victim services through VOCA funded projects including Victim/Witness Programs, Domestic Violence Shelters, Sexual Assault Crisis Centers, and Child Abuse Programs. Victim/Witness Programs were awarded a total of \$13,386,985 in VOCA funds for FY17.

Consistent with Listening Session input, a portion of the VOCA allocation was also reserved to support New Initiatives through a new competitive grant program. On September 15, 2016 the Criminal Justice Services Board also approved award of more than \$13 million to support 60 VOCA New Initiative projects statewide.

Virginia’s federal Fiscal Year 2016 VOCA award totals more than \$56 million. Continued funding at this level is possible, given the VOCA Fund balance and annual deposits, which have averaged \$2.6 billion over the past three years.

State Funding – Virginia Crime Victim-Witness Fund

In 1995 the General Assembly established the Virginia Crime Victim-Witness Fund (see § 19.2-11.3) as a special non-reverting fund administered by DCJS to support victim and witness services that meet the minimum standards described at §19.2-11.1. A portion of the sum collected for fixed court fees is deposited into the state treasury to the credit of this Fund. The Fund is distributed according to grant guidelines developed by DCJS in accordance with §9.1-104.

As of July 1, 2015 the balance in the Fund was \$5.89 million and the ending balance as of June 30, 2016 was \$5.85 million. Annual revenue to the Fund averages \$3.9 million. In FY16 expenditures from the Fund exceeded revenue deposited by approximately \$41,000. DCJS has and will continue to manage allocations and expenditures from the Fund so that an appropriate operating balance can be maintained.

State Funding – General Funds

State General Funds are an important component of the support for local Victim/Witness Programs. Due to an economic downturn, the General Fund appropriation supporting Victim/Witness Programs was reduced by \$465,000 in SFY2011 to \$2,635,000 and has remained at that level. These funds are being used in FY2017 to provide a portion of the required 20% match to federal VOCA funds supporting Victim/Witness Programs.

Due to this 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 been maintained as indicated above.

General Fund support for Victim/Witness Programs remains important because General Funds:

- Provide a portion of the required 20% match to federal VOCA funds.
- Enable a sustainable expenditure level from the Victim/Witness Special Fund
- Enable maintenance of a reasonable Victim Witness Special Fund operating balance, as a hedge against any decline in federal VOCA funds.

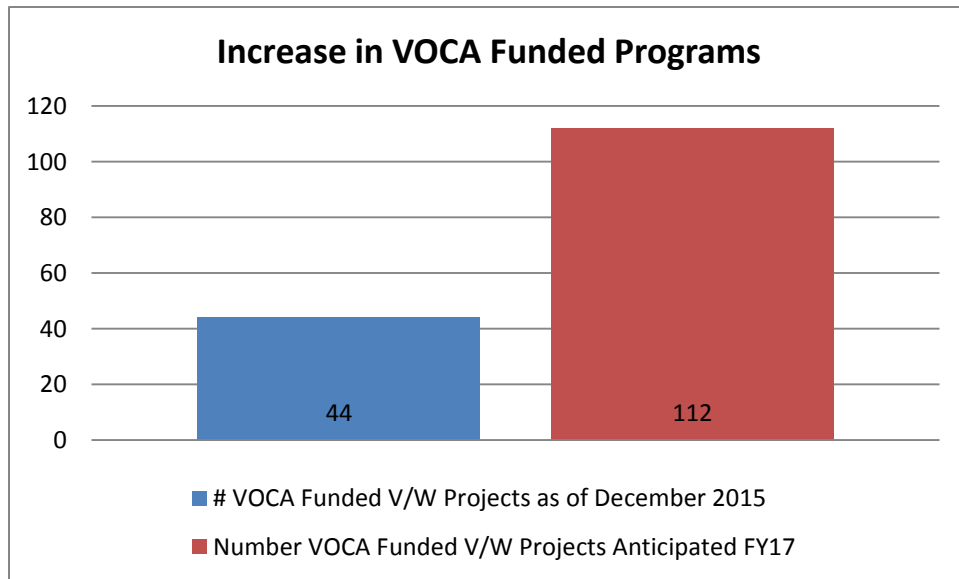
Local Funding

DCJS encourages programs to secure local funds to supplement the funds they receive from DCJS. In FY2017, 88% of DCJS grant funding is used to support program personnel serving crime victims. Local funding often helps to pay for essential training, equipment, travel, and other operating costs. However, some programs report declines in local funding due to current economic challenges. This trend appears likely to continue in the near term.

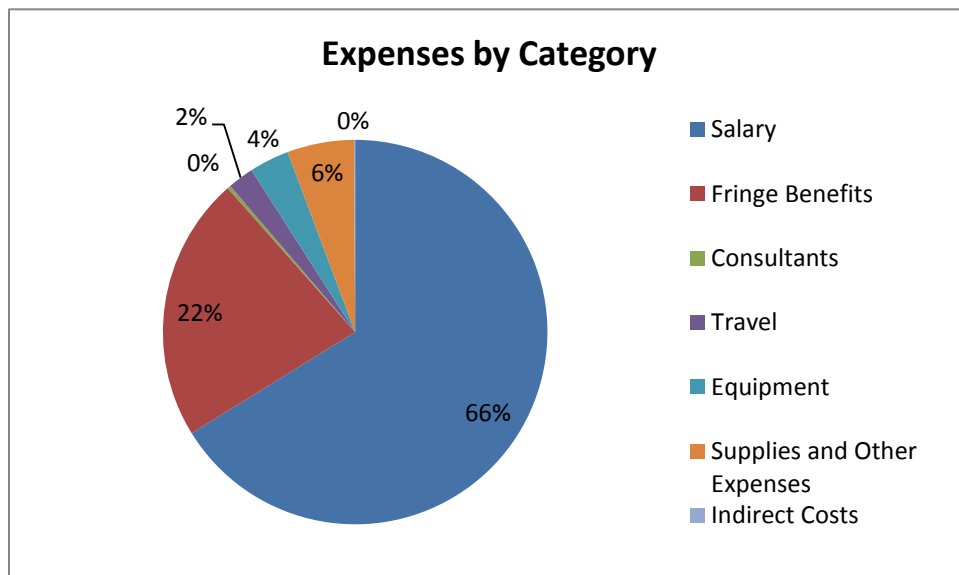
Long Standing Needs Addressed

As indicated previously, Victim/Witness Program grant awards increased only 4.8% from FY2007 through FY2015. The unprecedented increase in VOCA funding, combined with the availability of state funds allowed local programs and DCJS to address numerous long-standing needs including the following:

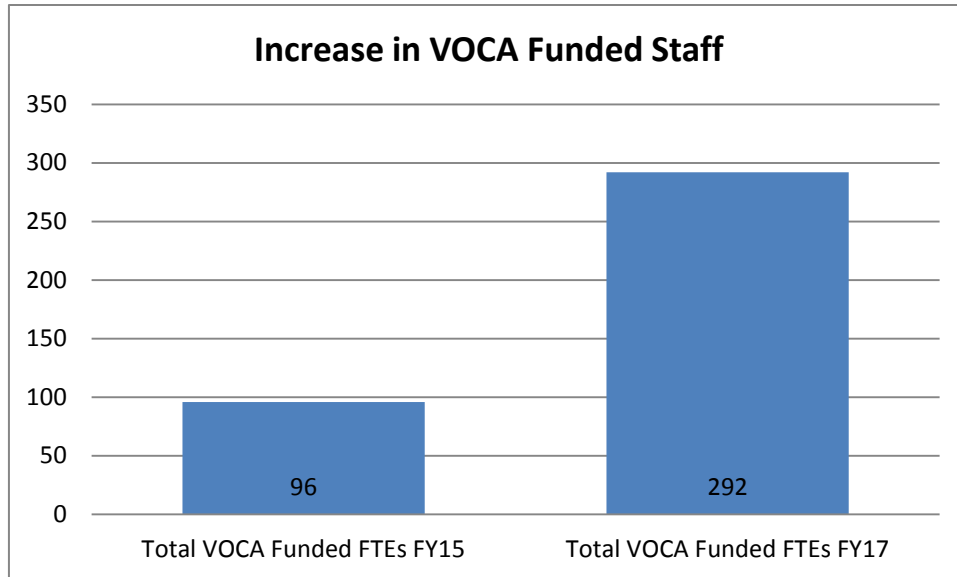
New Victim/Witness Programs serving Buckingham, Cumberland, Franklin, and Richmond counties were established. And, the number of Victim/Witness Programs supported with VOCA funds increased from 44 to 112.



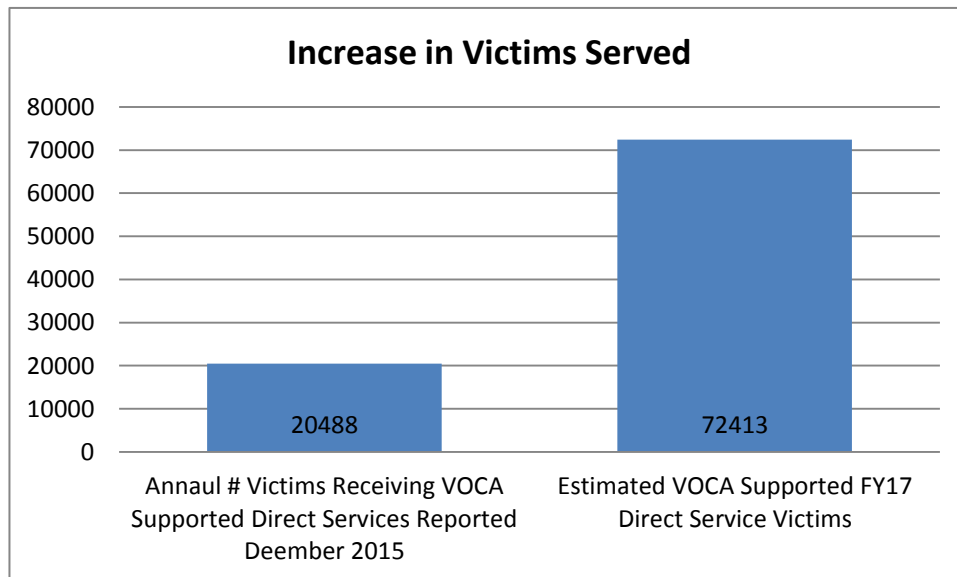
Grant funds continue to be focused on supporting personnel delivering direct services to crime victims (88% of total FY2017 awards).



The number of Full-Time Equivalent positions (FTEs) supported with VOCA funds in Victim/Witness Programs increased from 96 in FY16 to 292 in FY17. This includes 87 new positions.



The number of crime victims served by VOCA supported projects is projected to increase from 20,488 victims in FY15 to 72,413 in FY17.



Conclusion

Historically DCJS has taken a conservative approach to funding Victim/Witness Programs which included conservative and strategic utilization of the Victim Witness Fund. This approach allowed DCJS to avoid or mitigate funding cuts to local programs during lean years. With the increase in VOCA funds, this approach also placed DCJS in good position to cost effectively maximize utilization of federal funds by leveraging 80% federal support of program costs through investment of 20% in state funds.