



# COMMONWEALTH of VIRGINIA

## *Department of Criminal Justice Services*

The Honorable Jackson H. Miller  
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March 7, 2024

The Honorable Terrance C. Cole  
Secretary of Public Safety and Homeland Security  
Patrick Henry Building  
1111 East Broad Street  
Richmond, Virginia 23219

The Honorable Luke E. Torian  
Chairman, House Appropriations Committee  
General Assembly Building  
201 North 9<sup>th</sup> Street  
Richmond, Virginia 23219

The Honorable L. Louise Lucas  
Chair, Senate Finance and Appropriations Committee  
General Assembly Building  
201 North 9<sup>th</sup> Street  
Richmond, Virginia 23219

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

Pursuant to the 2022 Appropriations Act (2022 Virginia Acts of Assembly, Chapter 780, Item 408 B.2), the Department of Criminal Justice Services produced the attached report on the current and projected status of federal, state and local funding for victim-witness programs supported by the Virginia Crime Victim-Witness Fund.

Please contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jackson H. Miller".

Jackson Miller

Attachment

c: Michael Maul, Director, Department of Planning and Budget

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

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2023



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

[www.dcjs.virginia.gov](http://www.dcjs.virginia.gov)

October 16, 2023

## Preface

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Item 408 B.2 of the 2022-2024 Appropriations Act directed 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 [Virginia Crime Victim-Witness 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

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The Virginia Department of Criminal Justice Services (DCJS) provides funding support to Victim Witness Assistance Programs through the Victim Witness Grant Program (VWGP), using federal Victims of Crime Act (VOCA) grant funds, state general funds, and state special funds accrued from court fees. The grant awards are based on a funding method that DCJS developed with the input of local programs and stakeholders. Local Victim Witness Assistance Programs are housed in government agencies, primarily in the offices of Commonwealth's Attorneys and local law enforcement.

In state fiscal year 2023 (SFY2023), there were 114 total projects (111 local and three statewide) funded through the VWGP. Projects focused on the delivery of services required under Virginia's Crime Victim and Witness Rights Act (Title 19.2, Chapter 1.1 of the *Code of Virginia*). Services provided by these programs include explaining to crime victims their rights; assisting victims 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.

Beginning with the federal Appropriations Act of 2015, each state's federal VOCA victim assistance funding allocation was significantly increased, with Virginia's allocation increasing more than four-fold. The availability of increased VOCA funding allowed DCJS to address long-unmet needs within local programs, especially the need to increase staffing levels and to initiate programs in unserved areas; however, federal VOCA funding is now precipitously declining and will directly impact grant awards to Victim Witness Assistance Programs. In addition, deposits into the Virginia Crime Victim-Witness Fund (state special fund) have been declining, and the fund's balance is very low.

## Victim Witness Grant Program Overview

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The Criminal Justice Services Board (CJSB) must approve all DCJS grant awards made through the Victim Witness Grant Program (VWGP). Grants are awarded directly to administrators in localities or state agencies, who have the responsibility for fiscal management and compliance with all grant terms and conditions. Within the programs, local project directors have the day-to-day responsibility for managing the projects to ensure that the Virginia Crime Victim and Witness Rights Act (“Rights Act”) is upheld.

Victim Witness Assistance Programs in Virginia 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. The Rights Act focuses on the provision of information and assistance to victims as their cases proceed through the criminal justice process, but programs can also provide information, support, and assistance to victims outside of the formal criminal justice process. Programs 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 in a way that protects their privacy;
- 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;
- Explaining and helping victims apply for compensation through the Virginia Victims Fund (VVF);<sup>1</sup>
- Explaining the criminal justice process;
- Assisting victims in preparing victim impact statements;
- Assisting victims in obtaining protective orders;
- Notifying victims of case status, court dates, and inmate status;
- Accompanying victims to court and criminal justice-related meetings;
- Providing crisis intervention; and
- Providing case disposition information (i.e., final status or outcome of an arrest or prosecution).

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<sup>1</sup> The Virginia Victims Fund (VVF) is administered by the Virginia Workers’ Compensation Commission. VVF provides assistance to individual victims of crime for out-of-pocket expenses, such as medical bills and funeral expenses. Information about VVF can be found at <https://virginiavictimsfund.org>.

In June 2023, the CJSB approved grant awards for 114 VWGP-funded programs for SFY2024, with awards totaling \$18,049,364. This represents a 6.8% decrease from SFY2023 award amounts. With this decrease, VWGP recipients have reported significant impacts such as layoffs, reduced staff hours, and minimal or no operating expenses, supplies, or travel costs.

Table 1 provides information about annual awards through the VWGP.

**TABLE 1: Virginia’s Victim Witness Grant Program (VWGP) Awards  
SFY2018–SFY2024**

<b>State Fiscal Year</b>	<b>State General Funds</b>	<b>State Special Funds</b>	<b>Victims of Crime Act (VOCA) Funds<sup>2</sup></b>	<b>TOTAL</b>
<b>SFY2018</b>	\$943,700	\$3,510,775	\$13,363,450	<b>\$17,817,925</b>
<b>SFY2019</b>	\$943,700	\$3,738,129	\$14,045,487	<b>\$18,727,316</b>
<b>SFY2020</b>	\$943,700	\$3,738,129	\$14,045,487	<b>\$18,727,316</b>
<b>SFY2021</b>	\$943,700	\$3,738,129	\$14,045,487	<b>\$18,727,316</b>
<b>SFY2022</b>	\$943,700	\$4,833,471	\$13,480,065	<b>\$19,257,236</b>
<b>SFY2023</b>	\$943,700	\$4,868,975	\$13,562,909	<b>\$19,375,584</b>
<b>SFY2024</b>	\$2,264,578	\$3,866,720	\$11,918,066	<b>\$18,049,364</b>

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<sup>2</sup> The VWGP is one of several grant programs that uses VOCA funds. The total VOCA award received by Virginia is divided among several different grant programs. The year of the federal award to Virginia will not be the same as the year of the awards made to sub-recipients, as awards to sub-recipients are generally made after the federal awards are received. The amount shown in Table 1 represents the amount of the VOCA award utilized for VWGP awards during the state fiscal year indicated.

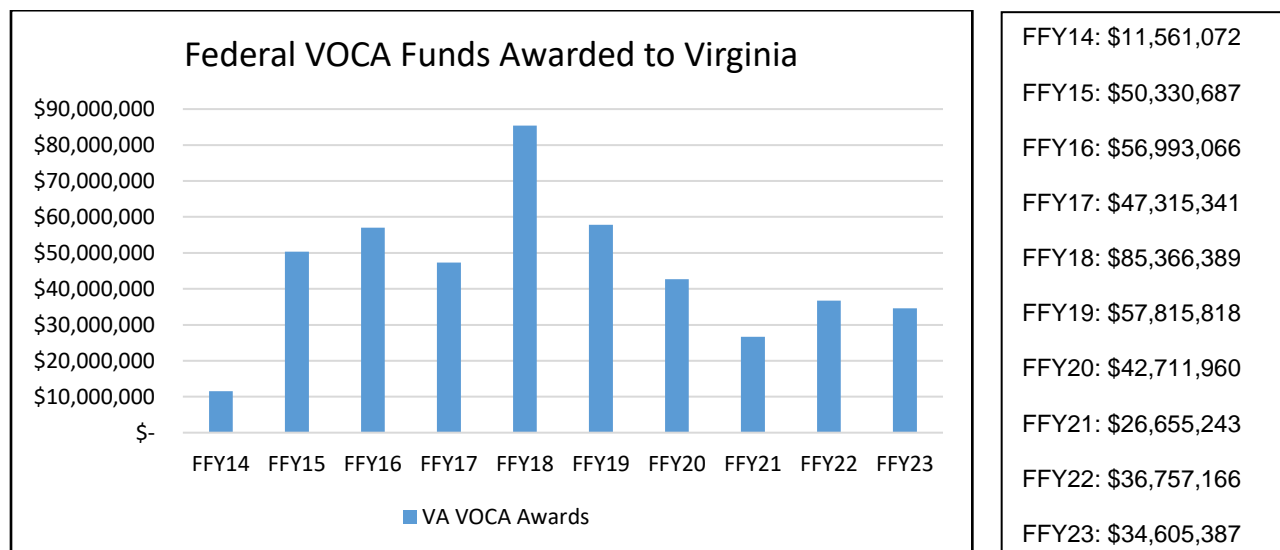
## Current and Projected Status of Federal, State, and Local Funding

### Federal Funding – Victims of Crime Act (VOCA)

The federal Victims of Crime Act (VOCA) has been a key funding component for victim-serving organizations in Virginia and nationwide since 1984. In addition to the Victim Witness Grant Program (VWGP), VOCA funding supports sexual and domestic violence programs, child abuse programs, and other services for victims of crime throughout Virginia. VOCA is funded by criminal fines, forfeited bail bonds, penalties, and other non-tax revenues collected by the federal government into the Crime Victims Fund (CVF). The amount of VOCA funds allocated from the CVF is determined by Congress in the federal Appropriations Act and is referred to as the “VOCA Cap.” Typically, states must provide matching funds of at least 20%; however, there is currently a match waiver in place due to the COVID-19 pandemic and provisions of the VOCA Fix to Sustain the Crime Victims Fund Act of 2021 (“VOCA Fix Act”).<sup>3</sup>

Unfortunately, the financial health of the CVF is at risk. Since 2015, there have been significant fluctuations in the VOCA Cap and thus in the amount of VOCA dollars allocated to states. Virginia’s federal fiscal year (FFY) 2015 VOCA allocation totaled \$50.3 million. This was more than four times as much as Virginia received in 2014, when the award totaled \$11.5 million. The increase in awards peaked in FFY2018 with an award totaling over \$85 million. Since FFY2018, awards have declined, with Virginia’s FFY2023 award totaling \$34.6 million. Table 2 shows the fluctuations in Virginia’s VOCA awards over the last several years. Table 3 shows the percentage change in Virginia’s VOCA awards for each year.

**TABLE 2: Federal VOCA Funds Awarded to Virginia<sup>4</sup>**  
**FFY2014–FFY2023**



<sup>3</sup> Full VOCA Fix Act text available at: [www.congress.gov/bill/117th-congress/house-bill/1652/text](http://www.congress.gov/bill/117th-congress/house-bill/1652/text)

<sup>4</sup> Table 2 represents the total amount of the federal VOCA award to Virginia by federal fiscal year.



**TABLE 3: Virginia’s VOCA Awards Annual Percentage Change  
FFY2014–FFY2023**

<b>Federal Fiscal Year</b>	<b>Virginia’s VOCA Allocation</b>	<b>Percent Change</b>
FFY2014	\$11,561,072	+7.6%
FFY2015	\$50,330,687	+335.3%
FFY2016	\$56,993,066	+13.2%
FFY2017	\$47,315,341	-17.0%
FFY2018	\$85,366,389	+80.4%
FFY2019	\$57,815,818	-32.3%
FFY2020	\$42,711,960	-26.1%
FFY2021	\$26,655,243	-37.6%
FFY2022	\$36,757,166	+37.9%
FFY2023	\$34,605,387	-5.9%

*Source: DCJS Grant Awards from the Office for Victims of Crime*

In 2021, the VOCA Fix Act was passed, which is intended to address long-term sustainability of the CVF. Among other actions, the VOCA Fix Act directed monies from federal criminal settlements from non-prosecution and deferred prosecution agreements to be deposited into the CVF. Previously these funds were deposited into the General Treasury. It is hoped that these additional funds will enable the balance of the CVF to build back up over time. It is important to note that the VOCA Fix Act is not a short-term influx of funds into the CVF, but rather is intended to address sustainability of the Fund. Further, it remains to be seen how much money will be deposited into the CVF from the non-prosecution and deferred prosecution agreements. In the near future, it is unlikely that the CVF will be able to sustain increased VOCA Cap levels like those from FFY2015–FFY2019.

As of June 30, 2023, the balance of the CVF was approximately \$2.36 billion; however, this total does not reflect expenditure obligations coming out of the CVF from the FFY2023 VOCA Cap. The FFY2024 VOCA Cap is anticipated to be set at \$1.2 billion, which could potentially result in a 41% decrease in awards to states and territories. Despite the decreases in the VOCA Cap, there is continued concern that the balance of the CVF is becoming too depleted and that revenues cannot sufficiently replenish the balance.

Given the funding volatility, and to better plan for future potential decreases, DCJS continuously monitors VOCA appropriations. Additionally, it is standard practice for DCJS to seek feedback and survey key stakeholders, such as victim advocates and allied professionals, in order to gather additional input about funding needs, service delivery gaps, and organizational capacity.

In SFY2023, approximately 28% (\$13.56 million) of the VOCA funds obligated in Virginia supported the Victim Witness Grant Program.<sup>5</sup>

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<sup>5</sup> As previously noted, the total VOCA award received by Virginia is divided among several different grant programs.

**State Funding – Virginia Crime Victim-Witness Fund (VCVWF)**

In 1995, the General Assembly established the Virginia Crime Victim-Witness Fund (*Code of Virginia* § 19.2-11.3) “as a special nonreverting fund to be administered by the Virginia Department of Criminal Justice Services (DCJS) to support victim and witness services that meet the minimum standards prescribed for such programs” through the Victim Witness Grant Program (VWGP). A portion of the sum collected for fixed court fees is deposited into the state treasury and credited to the VCVWF. The VCVWF is distributed according to grant guidelines developed by DCJS in accordance with the *Code of Virginia* § 9.1-104.

In the 2022–2024 biennium budget, a total of \$5,692,738 is appropriated each year from the VCVWF, assuming the Fund has this amount of money available. As with the federal Crime Victims Fund, annual revenues into the VCVWF have been declining (see Table 4). In SFY2020, annual deposits into the fund totaled \$2,983,021, almost \$1 million less than SFY2019 deposits of \$3,941,660. In SFY2021, annual deposits were even lower at \$2,262,504, and in SFY2022, annual deposits totaled only \$2,078,584. Deposits increased by 17.1% in SFY2023; however, the annual balance is currently at a concerning low amount.

**TABLE 4: Virginia Crime Victim-Witness Fund Annual Deposits and Balances  
SFY2017–SFY2023**

State Fiscal Year	VCVWF Annual Deposits	Percent Change	Annual Balance
SFY2017	\$3,887,966		\$7,347,294
SFY2018	\$3,927,686	+1.0%	\$9,169,550
SFY2019	\$3,941,660	negligible	\$9,319,855
SFY2020	\$2,983,021	-24.3%	\$8,958,482
SFY2021	\$2,262,504	-24.2%	\$7,278,770
SFY2022	\$2,078,584	-8.1%	\$4,869,156
SFY2023	\$2,435,035	+17.1%	\$1,769,649

Due to the significant decline in the VCVWF balance, DCJS anticipates lowering the amount of these funds obligated in SFY2025 by approximately 61% from SFY2024.

With the reductions in federal VOCA awards, and decreased revenues and a low balance in the VCVWF, recipients of VWGP grants will likely experience further significant reductions in award amounts without additional state funding support.

## State Funding – General Funds

State general funds are an important component of support for the VWGP. In SFY2011, the general fund appropriation supporting Victim Witness Assistance Programs was reduced by 15% to \$2,635,000, and remained at that level until SFY2018 when it was further reduced to \$943,700 (a reduction of 64%). Since then, the annual general fund appropriation remained at that same level until SFY2024 (see Table 5).

**TABLE 5: State General Fund Appropriations  
SFY2010–SFY2023**

State Fiscal Year	State General Fund Annual Appropriation	Percent Change
SFY2010	\$3,100,000	
SFY2011–SFY2017	\$2,635,000	-15%
SFY2018–SFY2023	\$943,700	-64%
SFY2024	\$2,264,578	+140%

The SFY2024 state budget initially appropriated \$943,700 in general funds to support Victim Witness Assistance Programs. In September 2023 the budget was amended and an additional \$1,320,878 of general funds was appropriated, for a total of \$2,264,578. This increased funding will be used to help maintain SFY2024 grant awards by offsetting a potential mid-year reduction due to lower-than-anticipated balances in the VCVWF.

With reductions in VOCA funding and decreased revenue into the VCVWF, additional state general fund support for Victim Witness Assistance Programs is needed to ensure *Code of Virginia*-required services for victims can continue at current levels.

## Local Funding

DCJS continues to encourage programs to secure local funds to supplement the grant awards they receive from DCJS. With the reductions to SFY2024 awards, several VWGP recipients have reported that their localities offer some financial assistance to support programming. As grant awards will likely continue to decline, Victim Witness Assistance Programs may need to obtain more local or other financial support in order to continue operating effectively. Going forward, programs can no longer rely solely on VWGP funds to support the full costs of their projects and DCJS may need to require that localities provide a match to federal funds, when allowed.

DCJS staff have had multiple conversations over the years, both internally and with external stakeholders, about requiring local match from Victim Witness Assistance Programs. DCJS has identified both benefits and challenges to this approach.

## Conclusion

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Historically, the Virginia Department of Criminal Justice Services (DCJS) has endeavored to provide stable and consistent levels of funding for Victim Witness Assistance Programs to ensure the continued provision of services codified under the Virginia Crime Victim and Witness Rights Act. Beginning with the higher FFY2015 VOCA award to Virginia, DCJS was able to maintain and/or increase VWGP award amounts from SFY2016 through SFY2023; however, this trend is no longer sustainable with existing resources. Reductions to VWGP award amounts were made for SFY2024 and additional significant reductions are likely in the future.

Federal VOCA funds and state VCVWF funds cannot continue to support the VWGP to the extent they have previously. Beginning in SFY2025, DCJS projects significant reductions annually to VWGP awards without additional state or other funding sources.

Recommended actions include:

1. Change the funding structure for the three statewide projects by directly appropriating state general funds to the respective state agencies to reduce their reliance on grant funding used to meet their individual codified responsibilities for victim services.

VWGP funds currently support three statewide projects providing codified victim services through the following state agencies: Office of the Attorney General, Virginia Department of Corrections, and Virginia Parole Board. Each of these agencies has specific and distinct responsibilities to serve victims in the *Code of Virginia*. It is recommended that state funding be directly allocated through the state appropriation process to these state agencies, within their agency budgets, in order for them to meet their required responsibilities. This would end their reliance on grant funding and ensure that the state meets its codified responsibilities within its agencies. If this were to occur, grant funds that are currently obligated to these three state agencies could be re-allocated to the 111 local Victim Witness Assistance Programs, which would help to stabilize funding for these programs.

2. Increase the state general fund appropriation for Victim Witness Assistance Programs. For SFY2025, it is anticipated that the VWGP may experience a reduction of up to \$2,500,000 and be further reduced up to an additional \$2,500,000 in SFY2026. Approximately \$2.4 million and \$4.8 million in additional state funding support is needed over the next two fiscal years respectively to maintain these grant awards at their current funding levels.
3. Consider requiring localities to provide a match to federal funding as may be allowed.