



COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

The Honorable Jackson H. Miller
Director

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Chief Deputy Director

October 1, 2024

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The Honorable L. Louise Lucas
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General Assembly Building
201 North 9th Street
Richmond, Virginia 23219

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

Mr. Michael Maul
Director
Virginia Department of Planning and Budget
1111 East Broad Street
Richmond, VA 23219

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

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. Local Victim Witness Assistance Programs are housed in government agencies, primarily in the offices of Commonwealth's Attorneys and local law enforcement.

Item 408 B.2 of the 2022–2024 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* [Virginia Crime Victim-Witness Fund]. Attached please find the report for this year.

Please contact me with any questions.

Sincerely,

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

Jackson H. Miller
Director

Attachment

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

2024



Virginia Department of Criminal Justice Services
1100 Bank Street, Richmond, Virginia 23219
www.dejs.virginia.gov
October 2024

Preface

Item 408 B.2 of the 2022–2024 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 [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.*

Table of Contents

Preface.....	i
Table of Contents	ii
Executive Summary	1
Victim Witness Grant Program Overview.....	2
Current and Projected Status of Federal, State, and Local Funding	4
Conclusion	9

Executive Summary

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. 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 2024 (SFY 2024), there were 114 total projects (111 local and 3 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.

Between federal fiscal years 2015 and 2019, each state's federal VOCA victim assistance funding allocation significantly increased, with Virginia's allocation increasing to a high of over \$85 million in 2018. 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. Federal VOCA funding has now declined significantly, directly impacting grant awards to Victim Witness Assistance Programs. In addition, deposits into the Virginia Crime Victim-Witness Fund (state special fund) have also declined, resulting in a year-end cash balance of \$1,457,355 as of June 30, 2024.

The SFY 2024 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 was used to help maintain SFY 2024 grant awards by offsetting a potential mid-year reduction due to lower-than-anticipated balances in the Virginia Crime Victim-Witness Fund.

Victim Witness Grant Program Overview

The Criminal Justice Services Board (CJSB) approves 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);¹
- 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).

¹ 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 2024, the CJSB approved funding to 114 VWGP-funded programs for SFY 2025 with a total award of \$19,363,749. This represents a 7.3% increase from SFY 2024 award amounts. This increase was possible due to additional state general funds appropriated for Victim Witness Assistance Programs in the 2024-2026 biennium state budget. The amount of additional state general funds is sufficient to return VWGP-funded programs to SFY 2023 levels of grant funding.

Table 1 provides information about annual awards through the VWGP.

**TABLE 1: Virginia’s Victim Witness Grant Program (VWGP) Awards
SFY 2018–SFY 2025**

State Fiscal Year	State General Funds	State Special Funds	Victims of Crime Act (VOCA) Funds²	TOTAL
SFY 2018	\$943,700	\$3,510,775	\$13,363,450	\$17,817,925
SFY 2019	\$943,700	\$3,738,129	\$14,045,487	\$18,727,316
SFY 2020	\$943,700	\$3,738,129	\$14,045,487	\$18,727,316
SFY 2021	\$943,700	\$3,738,129	\$14,045,487	\$18,727,316
SFY 2022	\$943,700	\$4,833,471	\$13,480,065	\$19,257,236
SFY 2023	\$943,700	\$5,187,598	\$13,242,295	\$19,373,593
SFY 2024	\$2,264,578	\$3,866,720	\$11,918,066	\$18,049,364
SFY 2025	\$5,996,036	\$1,482,922	\$11,884,791	\$19,363,749

² 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 Victim Witness Grant Program awards during the state fiscal year indicated.

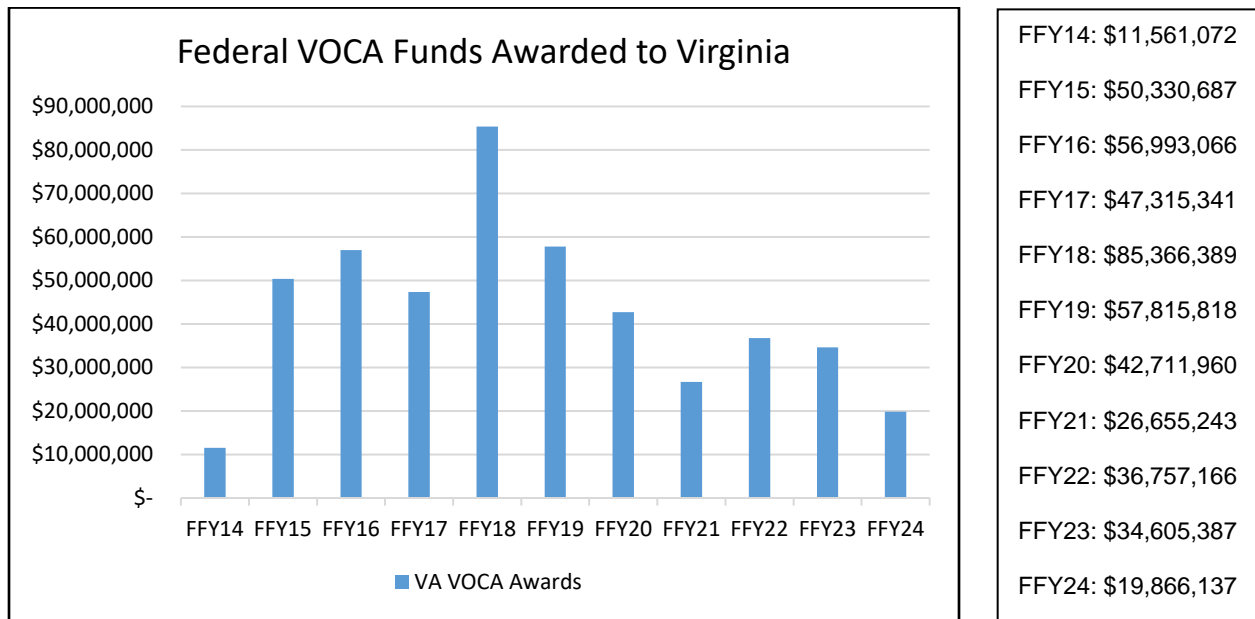
Current and Projected Status of Federal, State, and Local Funding

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.” All VOCA funds awarded to sub-recipients by DCJS must be matched at an amount of not less than 20%.

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 FFY 2018 with an award totaling over \$85 million. Since FFY 2018, awards have declined, with Virginia’s FFY 2024 award totaling \$19.87 million. Table 2 shows the fluctuations in Virginia’s VOCA awards over the past decade. Table 3 shows the percentage change in Virginia’s VOCA awards for each year.

**TABLE 2: Federal VOCA Funds Awarded to Virginia³
FFY 2014–FFY 2024**



³ 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
FFY 2014–FFY 2024**

Federal Fiscal Year	Virginia’s VOCA Allocation	Percent Change
FFY 2014	\$11,561,072	+7.6%
FFY 2015	\$50,330,687	+335.3%
FFY 2016	\$56,993,066	+13.2%
FFY 2017	\$47,315,341	-17.0%
FFY 2018	\$85,366,389	+80.4%
FFY 2019	\$57,815,818	-32.3%
FFY 2020	\$42,711,960	-26.1%
FFY 2021	\$26,655,243	-37.6%
FFY 2022	\$36,757,166	+37.9%
FFY 2023	\$34,605,387	-5.9%
FFY 2024	\$19,866,137	-42.6%

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

In 2021, the VOCA Fix to Sustain the Crime Victims Fund Act of 2021 (“VOCA Fix Act”) was passed, which is intended to address long-term sustainability of the CVF.⁴ 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, the CVF will not be able to sustain increased VOCA Cap levels like those from FFY 2015–FFY 2019. As of May 2024, the balance of the CVF was approximately \$1.5 billion. Current information about the status of the CVF is available at <https://ovc.ojp.gov/about/crime-victims-fund>.

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 SFY 2024, approximately 29.7% (\$11.9 million) of the VOCA funds obligated in Virginia supported the Victim Witness Grant Program.⁵

⁴ Full VOCA Fix Act text available at: www.congress.gov/bill/117th-congress/house-bill/1652/text

⁵ 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 2024–2026 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 were declining; however, in SFY 2023 and SFY 2024, deposit amounts have incrementally increased (see Table 4). Despite these increases, annual deposits remain far below the appropriated budget amounts, and the annual balance is much lower than past years.

**TABLE 4: Virginia Crime Victim-Witness Fund Annual Deposits and Balances
SFY 2017–SFY 2024**

State Fiscal Year	VCVWF Annual Deposits	Percent Change	Annual Balance
SFY 2017	\$3,887,966		\$7,347,294
SFY 2018	\$3,927,686	+1.0%	\$9,169,550
SFY 2019	\$3,941,660	negligible	\$9,319,855
SFY 2020	\$2,983,021	-24.3%	\$8,958,482
SFY 2021	\$2,262,504	-24.2%	\$7,278,770
SFY 2022	\$2,078,584	-8.1%	\$4,869,156
SFY 2023	\$2,435,035	+17.1%	\$1,769,649
SFY 2024	\$2,592,785	+6.5%	\$1,457,355

Due to the continued low balance in the VCVWF, DCJS significantly reduced the amount of these funds obligated for the VWGP in SFY 2025, from \$3,866,720 in SFY 2024 to \$1,482,922 in SFY 2025 (a decrease of 62%).

State Funding – General Funds

State general funds are an important component of support for the VWGP. In SFY 2011, the general fund appropriation supporting Victim Witness Assistance Programs was reduced by 15% to \$2,635,000 and remained at that level until SFY 2018 when it was further reduced to \$943,700 (a reduction of 64%). The annual general fund appropriation remained at that same level until SFY 2024 (see Table 5).

**TABLE 5: State General Fund Appropriations
SFY 2010–SFY 2025**

State Fiscal Year	State General Fund Annual Appropriation	Percent Change
SFY 2010	\$3,100,000	
SFY 2011–SFY 2017	\$2,635,000	-15%
SFY 2018–SFY 2023	\$943,700	-64%
SFY 2024	\$2,264,578	+140%
SFY 2025	\$5,988,807	+164%

The SFY 2024 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 was used to help maintain SFY 2024 grant awards by offsetting a potential mid-year reduction due to lower-than-anticipated balances in the VCVWF.

For SFY 2025, state general fund support for Victim Witness Assistance Programs increased significantly in order to offset losses in VOCA funding. These additional funds allowed DCJS to increase SFY 2025 VWGP awards, returning grant awards to SFY 2023 levels. Without the additional influx of state general funds, VWGP awards would have been reduced an estimated 7%-12%. Many staff of Victim Witness Assistance Programs have expressed their gratitude for these additional state funds.

With reductions in VOCA funding and low VCVWF balances, it is critical that state general fund support continue for Victim Witness Assistance Programs to ensure the *Code of Virginia*-required services for victims can remain at current levels. Increased funding would enable programs to better serve communities through additional victim assistance, higher staffing levels, and increased services. Victim Witness Assistance Programs offer essential services and support to victims and witnesses, which promotes their ability to participate in the criminal justice process.

Local Funding

DCJS continues to encourage programs to secure local funds to supplement the grant awards they receive from DCJS. With the reductions to awards in SFY 2024, several VWGP recipients reported that their localities offered some financial assistance to support programming. With uncertainty about future funding levels, Victim Witness Assistance Programs may need to obtain more local or other financial support in order to continue operating effectively and serving crime victims in Virginia. 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

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 FFY 2015 VOCA award to Virginia, DCJS was able to maintain and/or increase VWGP award amounts from SFY 2016 through SFY 2023; however, this trend is no longer sustainable with existing resources. Although DCJS was able to restore funding to SFY 2023 levels, future reductions to VWGP award amounts may occur due to continued decreases in VOCA funding.

Federal VOCA funds and state VCVWF funds cannot continue to support the VWGP to the extent they have previously. Beyond SFY 2025, much uncertainty remains about the future of VWGP funding.

Actions for consideration:

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 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. **Maintain or increase the state general fund appropriation for Victim Witness Assistance Programs.**

It is anticipated that the VWGP will experience a reduction of up to \$2,500,000 (20%) in federal VOCA funds in the next year, which will be offset by the state general fund appropriation of \$8,388,807 allocated for SFY 2026 in the current Appropriations Act. However, reductions will be necessary in SFY 2027 without additional VOCA or state general funds.

3. **Consider increasing the revenues into the Virginia Crime Victim-Witness Fund (special fund) to offset reductions in federal funding.**
4. **Consider requiring localities to provide a match to federal funding as may be allowed.**