

## Analysis

### Item 40: Department of Justice

#### Federal Grant Funding

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**Analyst:** John Borden

**Request:** Increase the Federal Funds expenditure limitation by \$14,430,275 for the Crime Victims Services program, transfer \$5 million Federal Funds expenditure limitation from the Division of Child Support program to the Crime Victims Services program, and transfer \$553,521 Federal Funds expenditure limitation from the Child Support Enforcement Automated System program to the Crime Victims Services program, for federal grant funding, as one-time adjustments.

**Analysis:** The Department of Justice (DOJ), Crime Victim Services Division (CVSD) is requesting a Federal Funds expenditure limitation increase of \$20 million for two purposes: (a) \$18.6 million for another supplemental increase to Victims of Crime Act assistance grant(s) (VOCA) funding; and (b) \$1.4 million for various other existing federal grants needs. The request is only for special payments and includes no new position or full-time equivalent authority.

As an aside, the Attorney General recently renamed the CVSD to the Crime Victim and Survivor Services Division; however, the Oregon Laws budget authority for the Division remains CVSD.

#### VOCA Background

Beginning with federal fiscal year 2015, the federal statutory cap for VOCA was increased for crime victim assistance, but not victim compensation, allowing for larger distributions of federal funding to states. Fees and fines on federal crimes is the source of revenue for VOCA.

The Legislature began approving one-time budget increases for VOCA grants beginning in 2016 (\$12.6 million) and continuing through 2017 (\$15.5 million). Historically, federal funding for VOCA has continued to increase from \$5.4 million in 2013-15, to \$24 million in 2015-17, and to an estimated \$46.1 million for the 2017-19 biennium. The current service level for VOCA is \$12 million. VOCA grant increases may extend into future years, but such increases are not guaranteed.

VOCA funds are one part of Oregon's complex funding mix for providing services to victims of domestic violence and sexual assault, which includes General Fund, Criminal Fines Account, Other Funds (Department of Human Services marriage license fee), Federal Funds, and local funding. The overall level of state and federal funding for domestic violence and sexual assault has increased significantly beginning with the 2013-15 biennium through to the current biennium.

VOCA grants are currently sub-granted to approximately 50 domestic/sexual assault service non-profit providers, 36 district attorney prosecutor-based victim programs, and 20 child abuse assessment centers. VOCA grants are allocated to subgrantees through both competitive and non-competitive grant processes.

For this supplemental request, as with past supplemental VOCA increases, VOCA grant funding will be used for the following: (1) one-time awards to existing direct service/non-profit providers; (2) one-time awards to district attorney prosecutor-based victim assistance programs and existing child

assessment centers; and (3) one-time awards for technology and other infrastructure type investments.

### VOCA Results

CVSD reports that prior supplemental VOCA fund investments have yielded the following results: (1) increased staffing to District Attorney Victim Assistance Programs; (2) increased funding to legal service providers to assist victims of crime, including domestic violence and sexual assault victims; (3) formula funding for all 21 child assessment centers, which has allowed smaller organizations to increase their hours of operation and larger organizations to expand services to include advocacy; (4) funding made available to all nine federally recognized tribes; (5) human trafficking intervention task forces created in nine counties; (6) seven institutions of higher education have increased campus sexual assault services; (7) funding was provided for statewide training for victim advocates; (8) domestic violence shelters received funding for facility infrastructure repairs and to expand satellite operations into communities with fewer resources; (9) expanded capacity at domestic violence shelters for people to bring pets; (10) funded two Oregon county “Court Dogs,” which provide comfort to victims during difficult court proceedings; and (11) provided funding for domestic violence/sexual assault providers to connect with Coordinated Care Organizations.

CVSD states that the program makes clear to all subgrantees that the increase in supplemental VOCA funding is one-time in nature and presents no ongoing obligation of the state.

### VOCA Grant Details

DOJ has three federal fiscal years to expend the VOCA funds (grants for FFY 2015; 2016; 2017; and 2018). DOJ gives subgrantees between two and three federal fiscal years to expend the funds, which are distributed on a quarterly basis. CVSD receives VOCA grants on a federal reimbursement basis.

VOCA grants have been formula grants that require no state matching funds; however, a federal requirement does require subgrantees to provide 20% matching funds. A state General Fund appropriation and Criminal Fines Account allocation for domestic and sexual violence provide the majority of local matching funds with any remainder coming from local entities. For this request, no additional state funds will be required to help subgrantees meet their matching funds requirement, according to DOJ. Although not anticipated, DOJ could, if necessary, seek a federal waiver to remove the local matching funds requirement.

DOJ retains five percent of grant funding for administrative costs, which includes programmatic and fiscal reviews, program development and technical assistance, training, and grant management.

### Federal and State Oversight of VOCA

CVSD conducts oversight of subgrantees by: (a) monitoring progress, including a random quarterly financial report verification; (b) conducting desk audits, including the review of financial policies and procedures; (c) conducting separate administrative policy and financial policy risk assessments of each grantee; and (d) conducting comprehensive in-person site visits every four years.

CVSD itself was audited two years ago by the federal Office of Victims of Crime (OVC) and is in good standing, according to the agency. Another federal audit is scheduled to occur in the next 24 months. CVSD also provides OVC with quarterly performance reports from all grantees and subgrantees and these reports are tied to grant payments.

### Other (non-VOCA) Grant Requests and Changes

In addition to the VOCA increase, CVSD is requesting supplemental Federal Funds expenditure limitation increases totaling \$1.4 million for the following previously approved grants: Violence Against Women Act (\$288,049); John R. Justice (\$72,727); Safer Futures/Inmate Partnership Violence grant (\$154,707); VOCA Compensation (\$508,507); Save (\$19,030); and Training (\$417,248) for a total of \$1,357,730, including \$102,528 in savings from an un-related grant.

Lastly, there have been two noteworthy changes to CVSD grants. A previously approved VOCA training grant has been changed from a discretionary to a competitive grant. Award of this \$638,321 grant is pending. Second, the Governor recently announced a change in the state agency assigned to administer a competitive Child Justice Act grant from the U.S. Department of Health and Human Services. Grant administration will move from the Department of Human Services (Child Welfare) to the CVSD. Award of this \$210,000 annual grant is pending.

### Budget Request

DOJ's 2017-19 legislatively approved budget for CVSD federal grants totals \$34.5 million (nine positions; 8.63 FTE). If approved, this request would increase that budget to \$54.5 million (or by +58%) over the current service level budget. This is \$21.4 million (or +64.5%) more than the 2015-17 legislatively approved budget.

CVSD has a total need of an additional \$20 million in Federal Fund expenditure limitation. Of this amount, DOJ has \$5.6 million in one-time budgetary savings that can be used to offset the requests. Therefore, DOJ is requesting an increase of \$14.4 million in Federal Funds expenditure limitation and the transfers of \$5 million in Federal Fund savings from the Division of Child Support program to CVSD as well a transfer of \$553,521 in Federal Funds expenditure limitation from the Child Support Enforcement Automated System information technology project to CVSD.

**Legislative Fiscal Office Recommendation:** Increase the Federal Funds expenditure limitation by \$14,430,275 for the Crime Victims Services program, transfer \$5 million Federal Funds expenditure limitation from the Division of Child Support program to the Crime Victims Services program, and transfer \$553,521 Federal Funds expenditure limitation from the Child Support Enforcement Automated System program to the Crime Victims Services program, for federal grant funding.

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**Request:** Increase Federal Funds expenditure limitation by \$14,430,275 for three federally funded grant programs to assist victims of crime within the state for the Crime Victims' Services Division. Transfer Federal Funds expenditure limitation of \$5,000,000 from the Division of Child Support and \$553,521 from the Child Support Enforcement Automated System to the Crime Victims' Services Division, which allows the use of existing excess federal expenditure limitation within the Department of Justice for crime victims programs.

**Recommendation:** Approve the request.

**Discussion:** The Department of Justice (DOJ), Crime Victims' Services Division (CVSD) is requesting a total of \$19,983,796 Federal Funds expenditure limitation to administer a number of Victims of Crime Act (VOCA) formula and non-formula grants.

- CVSD was notified that their VOCA Assistance formula grant is increasing to just over \$42 million for Fiscal Year 2018. The agency has three years to spend the grant funding. The funding from this grant is distributed to direct victim service providers across Oregon. Specifically, the funding is provided to 55 domestic violence /sexual assault non-profit organizations, 36 District Attorney Victim Assistance Programs, and 20 child-abuse assessment centers.
- The Children's Justice Act (CJA) grant is a federal Department of Health and Human Services award now being allocated to DOJ, CVSD to administer effective on October 1, 2018. Previously, Oregon Department of Human Services (DHS), Child Welfare would apply for the award and CVSD would assist with administration. This change in process to directly award CVSD streamlines the process for both Oregon agencies, along with the reporting requirements to federal government. The 2018 grant award is estimated to be \$210,000 annually effective October 1, 2018. There is no state match requirement and the agency is reimbursed through the federal drawn down process.
- The U.S. Department of Justice, Office for Victims of Crime used to provide CVSD a formula-based Training and Technical Assistance Program grant for VOCA Victim Assistance Grantees. In May 2018, the federal government changed the solicitation from a formula-based grant to a discretionary grant. The program requirements for the grant award have not changed. CVSD applied for the grant in June 2018. CVSD application requested \$638,321 for the three-year period. There is no state match required and it is unknown when the U.S. DOJ will announce the award.

**Legal Reference:** Increase Federal Funds expenditure limitation established by chapter 576, section 3 (3), Oregon Laws 2017, for the Department of Justice, Crime Victims' Services Division, by \$14,430,275 for the 2017-19 biennium.

Transfer of \$5,000,000 Federal Funds expenditure limitation made by chapter 576, section 3, Oregon Laws 2017, for the 2017-19 biennium as follows:

<b><u>Subsection</u></b>	<b><u>Amount</u></b>
(3) Crime Victims' Services Division	+5,000,000
(4) Division of Child Support	- 5,000,000

Transfer of \$553,521 Federal Funds expenditure limitation made by chapter 702, section 36 Oregon Laws 2017, for the 2017-19 biennium, for the Department of Justice, Child Support Enforcement Automated System in the child support enforcement program, to the Federal Funds expenditure limitation made by chapter 576, section 3(3), Oregon Laws 2017, for the 2017-19 biennium, for the Department of Justice, Crime Victims' Services Division.



**DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL**

August 27, 2018

The Honorable Senator Peter Courtney, Co-Chair  
The Honorable Representative Tina Kotek, Co-Chair  
State Emergency Board  
900 Court Street NE  
H-178 State Capitol  
Salem, OR 97301-4048

Dear Co-Chairpersons:

**Nature of the Request**

The Oregon Department of Justice is requesting additional federal spending limitation in the amount of \$19,983,796. The Department is making this request at this time because the one-time increase in limitation provided for in the 2017-2019 budget was not sufficient to cover the full amount of federal funding the Department was set to receive. The Department was advised to make a request for additional limitation in advance of the 2019 Legislative Session.

**Agency Action**

In 2015 Congress increased the spending cap on the Victims of Crime Act (VOCA) fund. As a result, the formula grants to each state increased significantly over previous annual allocations.

The VOCA Assistance Formula Grant Program supports thousands of victim assistance programs throughout the Nation each year. VOCA formula grants for crime victim assistance are awarded to every state, the District of Columbia, and the territories of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. The states provide subgrants to local community-based organizations and public agencies that provide services directly to victims. Direct assistance to crime victims includes crisis counseling, telephone and onsite information and referrals, criminal justice support and advocacy, shelter, therapy, and additional assistance. Funds may also be used to develop new programs that address emerging needs, gaps in services, and training of victim service advocates.

The Department of Justice is the administering agency for Oregon's VOCA assistance grant. In September 2015, the Department received \$24.3 Million in VOCA Assistance funding, an increase of more than \$18.5 million over 2014's allocation. Again, in both 2016 and 2017, the Department received more than \$22 million in VOCA funding. The Department has been notified that it will receive more than \$42 million in VOCA funding for FY 2018.

The VOCA Assistance Grant funds sub-grants to direct victim service providers across the state, including more than 55 domestic violence/sexual assault service non-profits, 36 District Attorney Victim Assistance Programs, and 20 child abuse assessment centers across the state. Programs funded through VOCA grants include:

- Victim Assistance Programs in each of the 36 Oregon county District Attorney Offices;
- Twenty of the 21 Child Abuse Intervention Centers located throughout the state;
- Center for Hope and Safety;
- The SAFE Project;
- Volunteers of America;
- Safe Harbors;
- Sexual Assault Resource Center;
- Parents of Murdered Children;
- Center Against Rape & Domestic Violence;
- Ecumenical Ministries of Oregon; and
- HAVEN from Domestic Violence

A comprehensive list of VOCA funded programs can be seen at our website at <https://www.doj.state.or.us/crime-victims/grant-funds-programs/victims-of-crime-act-voca-assistance-fund/>

The 2016 and 2017 VOCA increases are allocated to these programs in two- and three-year grants funding, per VOCA Federal Guidelines, for increases in direct service capacity, program infrastructure, emergency funding, and advocate training. The Department of Justice requests increased Federal Funds expenditure limitation to expend the increased VOCA funds.

No state match is required.

The total Federal Funds expenditure limitation for the Department of Justice Crime Victims' Services Division for the 2017-19 biennium is \$34,481,824. This limitation is used for many programs within the division, including VOCA Assistance, VOCA Compensation, the VOCA Training Grant, the Antiterrorism and Emergency Assistance Program (AEAP) grant in response to the October 2015 Umpqua Community College shooting, the Sexual Assault Victims Emergency Medical Response (SAVE) Fund, Violence Against Women Act (VAWA) Grants, the John R. Justice Grant, and the Safer Futures Fund Grant. For all of these programs, we project total Federal Funds expenditures in this division during the 2017-19 biennium to be \$54,465,620. The shortfall in current expenditure limitation is \$19,983,796.

In addition to the request for additional Federal Funds expenditure limitation, the Department of Justice would like to take this opportunity to inform you of two recent changes to grant programs in the Crime Victims' Services Division. First, a federal formula grant that previously was awarded to the Department of Human Services will now be awarded to the Department of Justice. The Children's Justice Act (CJA) is federal Department of Health and Human Services money awarded to states through the U.S. Children's Bureau, which is part of the federal

Administration for Children and Families. The Governor's Office in each state appoints a state administering agency, and in Oregon historically that appointee was DHS Child Welfare. CVSD staff have assisted DHS in administering the grant. In 2018, DHS was already in the process of completing their application for 2018 funds when the decision was made to shift the award to the Department of Justice. Therefore, DHS worked out with the Children's Bureau to complete the grant application and to provide a letter from the Governor requesting the award to be made to DOJ. On average, CJA allocates about \$210,000 per year to Oregon, which is a draw-down award. We expect that the 2018 CJA award will come to DOJ on or around October 1, 2018. We have the year of the award, plus two years, to administer the funds, which we will do mostly through competitive grant-making procedures. The 2018 award must be obligated by September 30, 2021 and expended by December 31, 2021. A part of the grant award is used to fund a part of the annual Oregon Forensic Interviewer training. Looking ahead to next year's grant award, DOJ plans to submit the application for the October 2019 grant award in early 2019.

Second, the DOJ Crime Victims' Services Division currently has a three-year federal formula training grant from the U.S. Department of Justice, Office for Victims of Crime. This grant accompanied the expansion of VOCA that was approved in SB 5701 (2016) [see SB 5701 budget report, page 51].

The division has applied for a renewal of the training grant, which is now a discretionary grant. The solicitation title of the grant is "OVC FY 2018 Discretionary Training and Technical Assistance Program for VOCA Victim Assistance Grantees." The grant solicitation was released May 17, 2018; the application was due June 18, 2018. We do not know when U.S. DOJ will announce awards.

The goal of this grant program is to provide training and technical assistance to VOCA victim assistance service providers and others who work with crime victims. Activities funded through this program may include, but are not limited to, the establishment or enhancement of state victim assistance academies (SVAA), statewide training initiatives, crime victim-related conferences, basic training for new programs, or scholarships to attend conferences and/or training for service providers and others who work with victims of crime. Subawards ("subgrants") are permitted under this program.

The new grant would run from October 1, 2018 to September 30, 2021. The division has requested the following amounts: Year 1 = \$206,155; Year 2 = \$213,834; Year 3 = \$218,332; Total = \$638,321.

### **Action Requested**

The Oregon Department of Justice respectfully requests an increase of \$19,983,796 to its Federal Funds expenditure limitation to cover the higher level of VOCA grant funds allocated to Oregon and to provide small adjustments in limitation to other federal grant funding streams noted above.

To help offset the requested Federal Funds expenditure limitation increase, the Department has identified \$5,000,000 in projected available Federal Funds expenditure limitation in the Division of Child Support that can be transferred to the Crime Victims' Services Division to offset a part of the needed increase. The Department has also identified \$553,521 in projected available Federal Funds expenditure limitation in the Child Support Enforcement Automated System that can be transferred to the Crime Victims' Services Division to offset a part of the needed increase.

<b>Transfer of Federal Funds Expenditure Limitation</b>	
<b>Division</b>	<b>Federal Funds</b>
Division of Child Support	\$-5,000,000
Child Support Enforcement Automated System	\$-553,521
Crime Victims' Services Division	+\$5,553,521

The remaining need for \$14,430,275 in Federal Funds expenditure limitation would need to come from an increase that is not transferred from elsewhere in the Department.

#### **Legislation Affected**

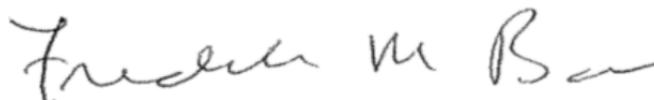
Transfer of \$5,000,000 Federal Funds expenditure limitation made by chapter 576, section 3, Oregon Laws 2017, for the 2017-19 biennium as follows:

<b><u>Subsection</u></b>	<b><u>Amount</u></b>
(4) Civil Enforcement Division	\$-5,000,000
(3) Crime Victims' Services Division	+\$5,000,000

Transfer of \$553,521 Federal Funds expenditure limitation made by chapter 702, section 36, Oregon Laws 2017, for the 2017-19 biennium, for the Department of Justice child support enforcement automated system in the child support enforcement program, to the Federal Funds expenditure limitation made by chapter 576, section 3 (3), Oregon Laws 2017, for the 2017-19 biennium, for the Department of Justice Crime Victims' Services Division.

Increase the Federal Funds expenditure limitation established by chapter 576, section 3(3), Oregon Laws 2017, for the Department of Justice, Crime Victims' Services Division, by \$14,430,275 for the 2017-19 biennium.

Sincerely,



Frederick M. Boss  
Deputy Attorney General

Co-Chairs Courtney and Kotek  
State Emergency Board  
August 27, 2018  
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cc: Ellen F. Rosenblum  
Shannon Sivell  
Art Ayre  
Robert Schiewe