

Analysis

Item 7: Department of Justice / Department of Administrative Services

Supplemental Funding for Victims of Domestic and Sexual Violence

Request: Increase the Federal Funds expenditure limitation for the Department of Administrative Services initially established at the April 23, 2020 meeting of the Emergency Board by \$1,000,000, from funding made available to states through the Coronavirus Relief Fund (CRF) to support the transfer of CRF to the Department of Justice and increase the Other Funds expenditure limitation for the Department of Justice - Crime Victims Survivor Services Division established at the June 5, 2020 meeting of the Emergency Board by \$1,000,000 for funding from the CRF received from the Department of Administrative Services and transferred to the Department of Justice for victims of domestic and sexual violence.

Analysis: On March 27, 2020, the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act became law. One of the many funding components the CARES Act contains is a \$150 billion Coronavirus Relief Fund (CRF). Through the CRF, the CARES Act provides for payments to state, local, and tribal governments to pay costs associated with the impact of COVID-19.

The CARES Act requires that payments from the CRF can only be used to cover expenses that:

- 1) Are necessary expenditures incurred due to the COVID-19 public health emergency;
- 2) Were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the state or local government; and
- 3) Were incurred during the period between March 1, 2020 and December 30, 2020.

The expenditure of funds for victims of domestic and sexual violence are deemed an eligible use of CARES Act funding. The COVID-19 pandemic is viewed as a catalyst for increased violence within the home and there continues to be anecdotal evidence of marked increases in the demand for domestic and sexual violence services above current funding levels.

The Legislature in 2001 established the Oregon Domestic and Sexual Violence Services (ODSVS) program within the Department of Justice (DOJ) - Crime Victims Survivor Services Division (CVSSD) (ORS 147.450-471). The program provides non-competitive state-funded grants to an estimated 58 domestic and sexual violence service providers throughout the state, including federally recognized tribal governments. These non-profit and tribal entities use a combination of state and local funding to provide victims of domestic and sexual violence with crisis services, housing, safety plans, advocacy services, and access to legal services, of which OSDVS is one of several sources of state funding. In general, OSDVS funding is distributed using a two-part formula that includes a base amount plus a prorata share that is largely based on county population. An advisory committee, appointed by the Attorney General, makes recommendations to DOJ on the distribution of funding. OSDVS administrative costs are statutorily limited to ten percent of available funding; however, CVSSD limits such costs to five percent.

The 2019-21 legislatively approved budget for OSDVS totals \$19.4 million, of which \$13.1 million is General Fund, \$6.0 million is Other Funds (CRF), and \$305,489 is Other Funds (punitive damage awards) and which includes the following investments for domestic and sexual violence providers:

- HB 2006 (2019) provided \$3.0 million General Fund for emergency housing.

- Emergency Board (April 2020), in response to the COVID-19 pandemic, allocated another \$2.0 million General Fund for emergency housing. This appropriation was subsequently shifted to Other Funds (CRF) by the Second Special Legislative Session in 2020 (August 2020).
- Emergency Board (June 2020), in response to the COVID-19 pandemic, provided \$4.0 million Other Funds (CRF) for base-level provider support (\$1.5 million); emergency housing (\$1.5 million), and mental health services (\$1.0 million).
- Administratively, in the summer of 2020, the Attorney General, in response to the COVID-19 pandemic, reprioritized \$1.06 million of existing Federal Funds from a Victims of Crime Act grant to enhance base-level services.

Of the \$6.0 million in CRF funding received by DOJ, \$4.9 million (or 81%) has been distributed to providers. According to DOJ, in order to distribute all remaining CRF funds, the agency would require the flexibility to reallocate approximately \$391,197 between base-level, emergency housing, and mental health service categories.

Caseload reporting related to the COVID-19 pandemic is unavailable at this time, but has been directed by prior Emergency Board actions. Prior to the pandemic there had been an absence of data collection by DOJ on the demand for domestic and sexual violence services, caseloads, and case outcomes, as there is no statutory requirement to collect such data. The Legislature in 2021 may want to consider a statutory change to require data collection.

Some domestic and sexual violence service providers are unable to procure local housing and mental health provider services, especially in those communities impacted by catastrophic wildfire. Smaller providers also have limited administrative capacity to absorb and expend one-time CRF funding prior to December 30, 2020. In practical terms, what this means is: (a) that larger providers in more populous areas, and in locales not impacted by wildfire, are having to absorb the impact of cases outside their normal coverage areas; (b) larger providers have more administrative capacity to expend supplemental CRF funding by December 30, 2020; and (c) larger providers may have better access to technical services and staffing, emergency housing, and mental health services.

This request is to provide an additional \$1.0 million in CRF funding for domestic and sexual violence service providers. DOJ proposes to distribute the funds to those providers with demonstrated (unmet) needs for base-level services, emergency housing, and mental health services. DOJ has initially allocated the funding across seven regions in the state with \$350,000 to each region for base-level funding and \$650,000 of per capita funding for targeted service needs. DOJ has already identified \$380,000 of immediate provider needs and is working with providers on additional funding needs.

Entities that receive funding are to report to DOJ on the number of individuals and families that received assistance, as well as the type and cost of assistance provided. DOJ should be prepared to report on the distribution of funding between the state's urban, tribal, and rural communities.

The CRF funding from the CARES Act will be transferred from the Department of Administrative Service to DOJ for deposit into the Oregon Domestic and Sexual Violence Services Fund. DOJ is able to absorb the administrative costs associated with the distribution.

Recommendation: The Co-Chairs of the Emergency Board recommend increasing the Federal Funds expenditure limitation for the Department of Administrative Services initially established at the April

23, 2020 meeting of the Emergency Board by \$1,000,000, from funding made available to states through the Coronavirus Relief Fund (CRF) to support the transfer of CRF to the Department of Justice and also recommend increasing the Other Funds expenditure limitation for the Department of Justice - Crime Victims Survivor Services Division initially established at the June 5, 2020 meeting of the Emergency Board by \$1,000,000 for funding from the CRF received from the Department of Administrative Services and transferred to the Department of Justice for victims of domestic and sexual violence. The Department of Justice is instructed to undertake prudent action to fully expend by December 30, 2020 any remaining CRF funds that were previously approved by the Legislature or the Emergency Board, including the reallocation of any unobligated funds between base-level, emergency housing, and mental health service categories.