

ANALYSIS

Item 20: Department of Justice Victims of Crime Act Grant Supplemental

Analyst: John Borden

Request: Increase Federal Funds expenditure limitation by \$30,701,490 for the federal Victims of Crime Act grant.

Analysis: The Department of Justice (DOJ) - Crime Victim and Survivor Services Division (CVSSD) is requesting a supplemental Federal Funds expenditure limitation increase of \$30.7 million for a federal Victims of Crime Act assistance grant (VOCA). This request would be in addition to the \$22.2 million in Federal Funds expenditure limitation and position authority (three limited duration positions; 2.64 FTE) approved by the Legislature in 2021 (HB 5014). Since the submission of the agency's letter, a discrepancy was noted, and DOJ has requested to modify the request to \$35,110,718 Federal Funds or \$4.4 million more than was originally requested. If the revised request were to be approved, total VOCA funding for the 2021-23 biennium would be \$57.3 million.

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, local funding, and, beginning with the 2019-21 biennium, and extending into the 2021-23 biennium, one-time federal Coronavirus Relief Funding.

CVSSD is the federally designated entity for the administration of the state's VOCA grants. VOCA grants are sub-granted by CVSSD to approximately 50 domestic/sexual assault service non-profit providers, 36 district attorney prosecutor-based victim programs, 20 child abuse assessment centers, and for a variety of other purposes, including: Attorney General Sexual Assault Taskforce, human trafficking, culturally specific awards, legal service providers, appellate advocacy, and bias crimes. Grants are allocated to subgrantees through both competitive and non-competitive or formula grant processes. The grants 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 provides most local matching funds with any remainder coming from local entity moneys. For this request, no additional state funds will be required to assist subgrantees in meeting their matching funds requirement.

Fines, penalty assessments, bond forfeitures collected on federal crimes are the sources of revenue for VOCA. Federal law for the federal Victims of Crime Act Fund was modified in 2021 to redirect revenues from deferred prosecutions and non-prosecution agreements into the fund as well as increase from 60% to 75% state crime victim compensation payments. VOCA is a federal formula rather than a competitive grant with each state receiving an allocation. Beginning with federal fiscal year 2015 (i.e., 2013-15 biennium), the federal statutory cap for VOCA was increased for crime victim assistance, but not victim compensation, thereby allowing for larger allocations to states.

DOJ has three federal fiscal years to expend the VOCA funds. CVSSD receives VOCA grants on a federal

reimbursement basis. Sub-grants can be comprised of multiple years of VOCA federal allocations, as CVSSD may attempt to evenly distribute VOCA allocations between federal fiscal years. CVSSD gives subgrantees between two and three federal fiscal years to expend the funds, which are distributed on a quarterly basis; however, any unexpended amount becomes available for new sub-awards the following federal or state fiscal year.

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. CVSSD is currently undergoing a federal audit. The last Secretary of State audit occurred in March of 2020.

Prior to the 2013-15 biennium, current service level or base budget funding was approximately \$9.5 million; however, that increased to \$34.8 million for the 2015-17 biennium (+\$25.3 million or +267.9%), to \$33.5 million for the 2017-19 biennium (less \$1.2 million or -3.5%), to \$51.4 million for the 2019-21 biennium (+17.9 million or +53.4%) and is currently estimated to be \$57.4 million for the 2021-23 biennium (+\$5.9 million or +11.5%).

VOCA grant increases may extend into future years, but such increases are not guaranteed. CVSSD has stated previously, which is consistent with legislative direction, that the program makes clear to all subgrantees that the increase(s) in VOCA funding is one-time in nature and presents no ongoing obligation of the state. CVSSD prioritizes non-competitive over competitive grant funding to subgrantees when VOCA allocations decline to provide stable funding for core victim service programs.

During the legislative session in 2022, concern was expressed about federal reductions in VOCA allocations to states, including Oregon. CVSSD originally estimated a \$14 million decline in Oregon's VOCA allocation due to changes in how VOCA funding is collected by the federal government; however, the previously noted federal statutory change was enacted remedies the issue over the intermediate, but perhaps not the short-term.

The Legislature in 2022 appropriated \$11.25 million General Fund, on a one-time basis, for a potential revenue shortfall in the VOCA grants. CVSSD determined that the VOCA reduction was spread over two biennia and that the shortfall for the 2021-23 biennium is estimated to be \$3.8 million and the shortfall for the 2023-25 biennium is estimated to be \$13.2 million; however, Federal Fiscal Year 2022 VOCA allocations to states have yet-to-be announced. If these estimates hold, CVSSD would only be able to expend \$3.8 million of the \$11.25 million General Fund appropriation this biennium with the remainder reverting to the state's General Fund at the end of the biennium.

As an aside, the Legislature in 2021 (HB 5014) adopted a budget note that requested CVSSD to report to the Joint Committee on Ways and Means during the legislative session in 2023 on how services to victims of domestic violence and sexual assault have been funded from the 2013-15 to the 2019-21 biennia and how funding decisions were determined and distributed, how governance, oversight, compliance, and auditing were conducted, and how performance standards were established, reported and outcomes measured.

Recommendation: The Legislative Fiscal Office recommends that the Emergency Board increase the Federal Funds expenditure limitation for the Department of Justice - Crime Victim and Survivor Services Division by \$35,110,718 Federal Funds for a federal Victims of Crime Act grant.

20
Department of Justice
Gibson

Request: Increase Federal Funds expenditure limitation by \$30.7 million for the federal Victims of Crime Act (VOCA) grant.

Recommendation: Approve the request, with the following modification: Increase Federal Funds expenditure limitation by \$35.1 million for the federal Victims of Crime Act (VOCA) grant.

Discussion: The Department of Justice (DOJ) Crime Victim and Survivor Services Division (CVSSD) administers the Victims of Crime Act (VOCA) funds for the State of Oregon. VOCA is a federal grant program administered by the U.S. Department of Justice, Office of Victims of Crime and allocates funding to states for the purposes of expanding and enhancing victim services. For Oregon, DOJ utilizes these funds to provide sub-grants to organizations directly serving victims of crimes.

Each biennium, DOJ estimates the anticipated allocation of VOCA funding Oregon will receive. The Legislature authorizes a portion of the estimate and directs DOJ to return to a subsequent meeting of the Emergency Board for the remaining Federal Fund expenditure limitation once the specific grant amount is known. During the 2021 Legislative Session, DOJ received \$22,241,142 Federal Funds expenditure limitation for the VOCA grant. In the Agency's request, the total VOCA funding noted was \$52,942,632, however the most recent estimate for the VOCA grant allocated to Oregon is \$57,351,860 Federal Funds. The Agency is requesting the remaining \$35,110,718 of additional Federal Funds expenditure limitation be authorized.

VOCA Grant Allocated to Oregon	\$ 57,351,860
Federal Funds expenditure limitation authorized in 2021 Legislative Session	(22,241,142)
Remaining Federal Funds needing expenditure limitation authorization	\$ 35,110,718

Legal Reference: Increase Federal Funds expenditure limitation established by chapter 427, section 3(3), Oregon Laws 2021, for the Department of Justice, Crime Victim and Survivor Services Division, by \$35,110,718 for the 2021-23 biennium.



DEPARTMENT OF JUSTICE

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April 29, 2022

Senator Peter Courtney, Co-Chair
Representative Dan Rayfield, Co-Chair
Joint Emergency Board
900 Court Street NE
H-178 State Capitol
Salem, OR 97301

Nature of the Request

The Department of Justice – Crime Victim and Survivor Services Division (CVSSD) requests **\$30,701,490** of additional Federal Funds expenditure limitation for the federal Victims of Crime Act (VOCA) grant. The 2021 Legislature authorized initial Federal Funds expenditure limitation based upon the estimated amount of the federal grant funding with the direction that DOJ would return to the Emergency Board to seek the remaining Federal Funds expenditure limitation once DOJ knew the actual amount of available federal funding. The initial Federal Funds expenditure limitation provided to DOJ was \$22,241,142. The total amount of available federal funding for VOCA is \$52,942,632 resulting in the need for the additional Federal Funds expenditure limitation to expend the full amount of federal funding.

Agency Action

Victims of Crime Act (VOCA) is the only federal grant program supporting direct assistance to victims and survivors of all types of crimes. The primary purpose of the VOCA grant program is to enhance and expand services to crime victims and crime survivors.

The Victims of Crime Act was passed by Congress and signed into law by President Reagan on October 12, 1984. The Act serves as the central source of federal financial support for direct services to victims of crime. VOCA is administered at the federal level through the United States Department of Justice, Office for Victims of Crime, which annually awards a grant to each state, the District of Columbia and the United States Territories. Those agencies, in turn, subaward to organizations that provide direct service to victims of crime. The money for these grants comes from the Crime Victims Fund, a special fund into which fines, penalty assessments,

bond forfeitures collected from convicted federal offenders and certain other collections are deposited; taxpayers do not fund VOCA grants. From the Crime Victims Fund deposits available for victim assistance grants, each state grantee receives a base amount of \$500,000, except for the territories of Northern Mariana Islands, Guam, and American Samoa, which are eligible to receive a base amount of \$200,000. The Republic of Palau's share is governed by the Compact of Free Association between the U.S. and the Republic of Palau. The remaining Crime Victims Fund deposits are distributed to each state, based upon the state's population in relation to all other states, as determined by current census data. No state match is required

The Department of Justice is the administering agency for Oregon's VOCA assistance grant. 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, Court Appointed Special Advocate programs, legal services programs, campus-based programs, human trafficking task forces, and culturally specific programs. Programs funded through VOCA grants include, but are not limited to:

- 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

Non-Competitive subawards are intended to support and fund core victim services throughout the state and are usually funded for the same services year after year. The amount of funding for each program is established through a formula, starting with a base amount with additional funding based on population. Noncompetitive applications are reviewed by CVSSD prior to moving into grant awarded status. Competitive subawards are funding opportunities offered in which an applicant submits a proposal for a project or program to be funded. Typically, competitive awards are 2-to-3-year awards. Applications go through an external review process through which guest reviewers read and score each application and make recommendations to the CVSSD Advisory Committee for funding. These allocation and review practices have been vetted and supported by the CVSSD Advisory Committee.

CVSSD monitors subrecipient awards for compliance with applicable federal and state guidelines. We also monitor to determine if subrecipients are providing services outlined in their grant applications and in accordance with the CVSSD Grant Agreement, established program policies and procedures, and the Grant Management Handbook. Programs are required to report

performance as detailed in their grant agreements. CVSSD accomplishes monitoring objectives through a variety of techniques, including risk assessments, reviewing reports, reviewing policies, conducting telephone interviews, and in-person visits to subrecipient agencies.

Federal funding for the VOCA grant has been decreasing over the last three years. The 2018 allocation was \$42,009,045, with the subsequent years steadily decreasing as follows: 2019 allocation at \$28,699,463; 2020 allocation at \$21,358,596, and the 2021 allocation at \$13,413,897. The allocation for 2021 represented a 30% reduction in funds. As a result of this decrease in federal funding, the 2022 Legislature (HB 5202 section 225) authorized \$11,250,000 of General Fund to help stabilize funding levels for the important programs described above.

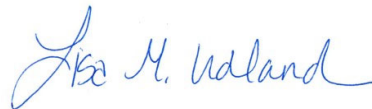
Action Requested

The Department of Justice – Crime Victim and Survivor Services Division (CVSSD) requests **\$30,701,490** of additional Federal Funds expenditure limitation for the federal Victims of Crime Act (VOCA) grant. The 2021 Legislature authorized initial Federal Funds expenditure limitation based upon the estimated amount of the federal grant funding with the direction that DOJ would return to the Emergency Board to seek the remaining Federal Funds expenditure limitation once DOJ knew the actual amount of available federal funding. The initial Federal Funds expenditure limitation provided to DOJ was \$22,241,142. The total amount of available federal funding for VOCA is \$52,942,632 resulting in the need for the additional Federal Funds expenditure limitation to expend the full amount of federal funding.

Legislation Affected

Oregon Laws 2021, Chapter 427, section 3(3).

Sincerely,



LISA M. UDLAND
Deputy Attorney General

cc: Shannon Sivell, Director of the Crime Victim and Survivor Services Division
William O'Donnell, DOJ Chief Financial Officer
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