

ANALYSIS

Item 38: Department of Justice Victims of Crime Act Grant

Analyst: John Borden

Request: Allocate \$4,200,000 General Fund from the Emergency Fund to the Department of Justice to backfill a reduction in the federal fiscal year 2024 Victims of Crime Act federal grant.

Analysis: The Department of Justice (DOJ), Crime Victim and Survivor Services Division (CVSSD), requests an allocation \$4.2 million General Fund from the Emergency Board to backfill a reduction in the federal fiscal year (FFY) 2024 Victims of Crime Act (VOCA) federal grant allocation for one year. VOCA grants have two components: (a) compensation allocation; and (b) assistance allocation, and these funds are not interchangeable. Between FFY 2023 and FFY 2024 the compensation allocation increased from \$2 million to \$3.1 million, while the assistance allocation has decreased from \$17.2 million to \$9.9 million over that same time period. Nationwide, all states have experienced a reduction to their FFY 2024 VOCA assistance allocations.

DOJ typically awards VOCA allocations to subrecipients for a two-year period, with FFY 2024 VOCA subawards being expended between October 1, 2024, and September 30, 2026. While the allocation reduction totals \$7.3 million, DOJ has estimated the shortfall to be \$8.4 million based on the average of the last two-year subgrants rather than the using the change between FY 2023 to FFY 2024. The \$4.2 million requested by DOJ is intended offset the federal reduction and extend current funding levels for one year of the two-year grant cycle.

Background

VOCA funding is a federal formula rather than a competitive grant, with each state receiving an allocation based on population. VOCA funds are one part of Oregon's complex funding mix for providing services to victims of crime, which includes General Fund, Criminal Fines Account, Other Funds (through Department of Human Services marriage license fees), Federal Funds, local funding, and, beginning with the 2019-21 biennium and extending into the 2021-23 biennium, one-time federal Coronavirus Relief Funds.

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: the Attorney General Sexual Assault Taskforce, human trafficking, culturally specific awards, legal service providers, appellate advocacy, and bias crimes. 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. The last Secretary of State audit occurred in March 2020 and the program is currently undergoing a federal audit.

Grants are allocated to subgrantees through both non-competitive or formula grant processes and competitive awards. The grants require no state matching funds; however, there is a federal requirement for subgrantees to provide 20% matching funds. A state General Fund appropriation(s) and

Criminal Fines Account allocation for domestic and sexual violence provides most local matching funds with any remainder coming from local entity moneys.

CVSSD receives VOCA grants on a federal reimbursement basis and has three federal fiscal years to expend the VOCA funds. Subgrants can be comprised of multiple years of VOCA federal allocations, as CVSSD may attempt to evenly distribute allocations between federal fiscal years. CVSSD distributes funds to subgrantees on a quarterly basis and gives them between two and three federal fiscal years to expend the funds, at which point any unexpended amounts becomes available for new subawards the following federal or state fiscal year.

The 2023-25 legislatively approved budget for VOCA is estimated to be \$38 million in Federal Funds expenditure limitation and three permanent full-time positions (2.76 FTE) for the administration and distribution of federal grants. Of that total, \$37.2 million is for distribution to subgrant recipients through special payments. The 2023 and 2024 Legislatures have also appropriated General Fund to DOJ for VOCA-related programs, like Children's Advocacy Centers.

As with any federal revenue, funding is never guaranteed to extend into future years, and CVSSD has stated previously that the program makes clear to all subgrantees that any increases in VOCA funding is one-time in nature and presents no ongoing obligation of the state. As such, CVSSD prioritizes non-competitive funding over competitive funding to subgrantees whenever VOCA allocations decline, in order to provide stable funding for the core victim service programs.

FFY 2024 VOCA Allocation

The \$8.4 million estimated shortfall in the most recent VOCA allocation will impact the two-year subawards that cover October 1, 2024 - September 30, 2025 (\$4.2 million) and October 1, 2025 - September 30, 2026 (\$4.2 million). DOJ has requested funding totaling \$4.2 million, representing the first federal fiscal year; however, this time period spans both the 2023-25 and 2025-27 biennia. For the remainder of 2023-25, the amount required to backfill the estimated shortfall is \$3.15 million.

Although there are ongoing challenges with the state backfilling reductions in federally funded programs, given the importance of continuing services to victims of domestic violence and sexual assault, the Legislative Fiscal Office recommends that the Emergency Board allocate funding to offset the FFY 2024 VOCA assistance allocation reduction that occurs during the 2023-25 biennium, totaling \$3.15 million General Fund for nine months. The remaining \$1.1 million General Fund will need to be accounted for in the Department's 2025-27 biennial budget in order to fully account for the \$4.2 million VOCA assistance allocation backfill.

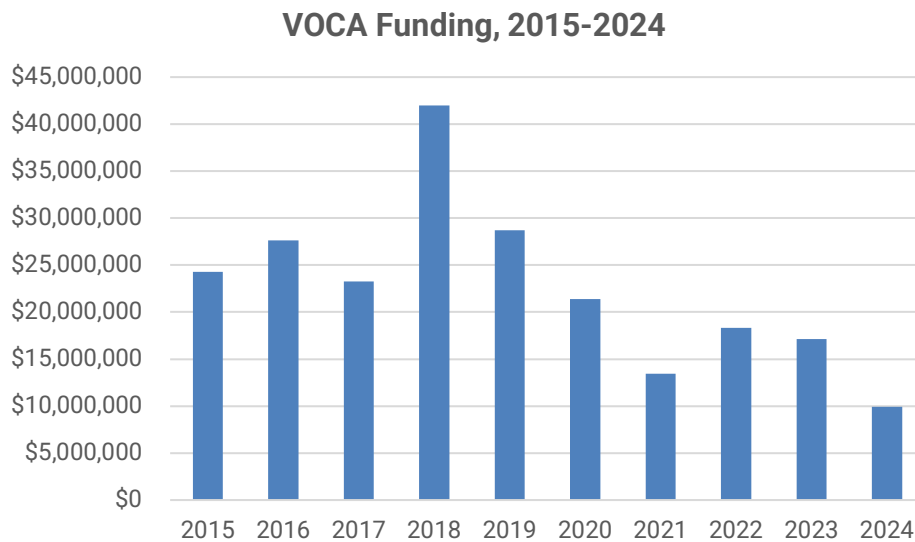
Finally, with the reductions to VOCA assistance allocations nationwide, it's possible that federal congressional action may remedy the shortfall, removing the need for state General Fund. However, if reduced VOCA allocations continue, DOJ must prepare a strategy for a reduced funding level, including prioritization of key programs and activities that receive funding.

Recommendation: The Legislative Fiscal Office recommends that the Emergency Board allocate \$3,150,000 from the Emergency Fund to the Department of Justice to backfill a reduction in the federal fiscal year 2024 Victims of Crime Act Assistance federal grant for the remainder of the 2023-25 biennium.

Request: Allocate \$4.2 million from the State Emergency Fund to backfill federal Victims of Crime Act (VOCA) funding reductions.

Recommendation: Approve the request.

Discussion: The Oregon Department of Justice (DOJ) is requesting \$4.2 million from the Emergency Board to continue to support domestic and sexual violence service programs. Over the last decade, Oregon has received an average of \$22.6 million per year in VOCA funding. However, this year, the state will only receive \$9.9 million, the lowest in 10 years, representing a 42.2 percent reduction from 2023.



Without additional funding, DOJ reports that 42 victims service programs across the state will lose their opportunity for grant funding beginning October 1, 2024. Programs affected include Children’s Advocacy Centers, Campus Sexual Assault programs, Culturally Specific programs, District Attorney Victim Assistance Programs, Domestic Violence and Sexual Assault programs, General Victims Assistance programs, Human Trafficking programs, and Legal Services.

Legal Reference: Allocation of \$4,200,000 from the State Emergency Fund to supplement the appropriation made by chapter 382, section 1(4), Oregon Laws 2023, for the Department of Justice, Crime Victim and Survivor Services Division for the 2023-25 biennium.



DEPARTMENT OF JUSTICE

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August 29, 2024

The Honorable Senator Rob Wagner, Co-Chair
The Honorable Representative Julie Fahey, Co-Chair
State Emergency Board
900 Court Street NE
H-178 State Capitol
Salem, OR 97301

Dear Co-Chairs:

Nature of the Request

Request to the Emergency Board for \$4.2 million in general fund to support foundational domestic and sexual violence service program grants that will be discontinued as of September 30, 2024. This action provides funding to extend current level services for one year.

Agency Action

Oregon receives federal Victims of Crime Act (VOCA) funds to provide grant funding to victim service programs across the state. Over the last ten years, Oregon has received an average of \$22,605,190 per year in VOCA funds; however, that amount has been decreasing and is now at an all-time low. In 2022, the legislature opted to provide Oregon Department of Justice (ODOJ) with General Fund dollars to preserve certain Competitive VOCA Grants (CVG). Those grants generally run on a two-year cycle, which ends on September 30, 2024. Oregon has not received additional VOCA funding to support an extension of these CVG grants, which have become foundational to serving crime victims in Oregon. As a result, ODOJ will not be able to fund the next round of CVG at the current service level. Without action from the Emergency Board, ODOJ will not be able to fund continuing grants for 42 victim service programs across the state.

Background

Congress signed the Victims of Crime Act (VOCA) into law in 1984 and created the Crime Victims Fund (CVF). VOCA funding (appropriated from the CVF) is the primary source of federal grants for victim services, including services for survivors of domestic violence, child abuse, sexual assault, stalking, trafficking, attempted homicide, and other crimes. Each year Oregon receives a formula VOCA allocation that is in turn used to provide funding to 146 victim service providers across the state.

VOCA grants administered by the Oregon Department of Justice, Crime Victim and Survivor Services Division (CVSSD) are primarily awarded as part of a non-competitive multi-agency formula grant or as CVG. Non-competitive VOCA formula grant funds are combined with both VOCA and other state and federal funds and awarded in two-year grants that follow the state biennial calendar. CVG were historically funded by federal VOCA funds and have been traditionally awarded in two-year grants that follow the federal fiscal year. In 2022, the Oregon Legislature opted to provide ODOJ \$11,250,005 in general fund, of which \$7,411,435 was to maintain the CVG. This year, Oregon will only receive \$9,906,452, the lowest amount Oregon has received in the last ten years and a 42.2% cut from 2023. Over the last decade of stable and significant VOCA funding, the CVG has consistently funded more than 42 programs across the state. Categories of service providers that have been funded by the CVG include:

- **Children's Advocacy Centers:** Children's Advocacy Centers are community-based, child-friendly, and trauma-informed organizations that coordinate a multidisciplinary response to child maltreatment and abuse allegations.
- **Campus Sexual Assault programs:** These programs serve students who experience sexual assault and gender-based violence on college campuses.
- **Culturally Specific programs:** These programs provide services tailored to meet the unique needs of underserved populations, including victims and survivors who are Native American, immigrants, refugees, individuals from particular ethnic communities (e.g., Latinx, Russian/Slavic, etc.), LGBTQ-identified, teens and young adults, and more.
- **District Attorney Victim Assistance Programs (DAVAPs):** District Attorney offices across the state employ in-house victim advocates to serve victims of crime, helping them to understand and navigate legal processes, connect with services, and obtain restitution.
- **Domestic Violence and Sexual Assault (DVSA) programs:** These programs provide a wide variety of services to victims and survivors of domestic violence and sexual assault, dating violence and stalking.
- **General Victims Assistance programs:** Some programs do not focus on a specific subset of victims (such as DVSA, trafficking, etc.) but instead serve all victims of crime. This is a catch-all category to make sure we capture all of the types of programs funded by VOCA grants.

- **Human Trafficking programs:** These programs serve victims of human trafficking, which may include sex trafficking, labor trafficking, or both forms of human trafficking.
- **Legal services:** Legal services organizations provide a variety of legal services to victims and survivors (e.g., immigration legal services).

Services provided by these programs include, but are not limited to:

- On-scene crisis intervention, emergency transportation, and safety planning
- Sexual Assault Response Teams and Sexual Assault Nurse Examiners
- Medical providers and services (e.g., Qualified Mental Health Professionals)
- Mental health services
- Confidential case management
- Victim advocates who assist victims in a variety of circumstances (e.g., medical and legal settings, navigating insurance claims and Crime Victims Compensation, securing Title IX accommodations)
- Assistance navigating the criminal justice system, including accompaniment to court hearings
- Basic needs assistance and financial support
- Bilingual, culturally specific and trauma-informed programming and services
- Support group facilitators and coordinators
- Healthy Relationships classes
- Parent Child Therapeutic Services
- Support lines
- Community outreach and public awareness building
- Training for system and non-system-based community partners
- Therapeutic residences for minor survivors
- Staff to work with volunteer victim advocates

Statement of the Problem

Over the last decade, Oregon has received an average of \$22,605,190 per year in VOCA grant funding. This year, Oregon will only receive \$9,906,452, the lowest amount ODOJ has received in the last ten years, only 43.8% of the average yearly funding over those ten years, and a 42.2% cut from 2023. In 2022, the legislature opted to provide ODOJ with general funds to preserve certain CVG. The federal government is not maintaining previous levels of funding and if legislature wants to continue these grants, ODOJ will need General Fund resources. Two years of funding would best support stability of programs. However, due to state budget constraints, ODOJ is requesting \$4.2 million to extend current level services for one year.

Below are the specific amounts of VOCA grant funding Oregon has received from the federal government over the last ten years:

2015	\$24,260,854	2020	\$21,358,596
2016	\$27,651,313	2021	\$13,413,897
2017	\$23,281,899	2022	\$18,314,009
2018	\$42,009,045	2023	\$17,153,369
2019	\$28,699,463	2024	\$9,906,452

Though VOCA funding has fluctuated, it has remained stable enough since 2015 for ODOJ to plan grant allocations and project funding in two- to four-year increments. That has created stability across programs and has cemented VOCA's status as the largest funding source for victim service programs receiving grants through the ODOJ and the state of Oregon. This makes the 42% reduction from 2023 even more significant for programs as ODOJ cannot maintain the current service level of grant funding due to the VOCA cut. This will first impact the CVG grantees as their current grant award ends on September 30, 2024. This request of \$4.2 million will fund CVG for one year of the amount traditionally awarded in two-year grants that follow the federal fiscal year. Fully funding the two-year grants would require \$8.4 million dollars of general fund.

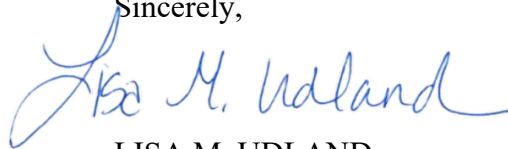
Action Requested

The ODOJ requests \$4.2 million dollars in general fund and associated limitation from the Emergency Board. This money will immediately be allocated to the 42 programs providing services to continue their grants for one year.

Legislation Affected

Oregon Laws, ch. 382 §1 (4) (2023).

Sincerely,



LISA M. UDLAND
Deputy Attorney General

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