



**Domestic Violence and
Sexual Assault Funding (HB 885)**

November 10, 2014

Overview



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- Methodology
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House Bill 885



- House Bill 885 (HB 885) was introduced by Delegate Christopher Peace during the Regular Session of the 2014 Virginia General Assembly and was passed by the legislature and signed into law by the Governor.
- The main text of the bill extended the time period for which certain claims for compensation by victims of crime could be considered by the Criminal Injuries Compensation Fund (CICF), and increased the amounts that can be awarded for various types of expenses.

House Bill 885



- HB 885 also contained a second enactment clause, which directed the Crime Commission to study the current federal and state funding streams for local programs that assist victims of sexual violence (SV) and domestic violence (DV).

House Bill 885



- Specifically, the Crime Commission was directed to:
 - “...convene a stakeholder workgroup to include state and local representatives from the sexual and domestic violence coalition; representatives from DCJS, DSS, VDH, the CICF, and other relevant state or local entities to support an efficient and comprehensive streamlining of current federal and state sexual and domestic violence victim service agency funding.”
 - The work group had to complete its work by September 30, 2014.

House Bill 885



- The purpose of the study was to look at the statewide system, as a whole, with the main objective of seeing what efficiencies can be brought to the grant funding process for local programs.
- Per the second enactment clause, three work group meetings were held (June 11, July 30, and September 10, 2014). Representatives from all state agencies, the Action Alliance, and local SV and DV agencies (SDVAs) attended.

Methodology



- Prior to these meetings, individual meetings were held with the relevant state agencies that currently distribute SDVA federal grants, including:
 - Va. Department of Criminal Justice Services (DCJS);
 - Va. Department of Social Services (VDSS);
 - Va. Department of Health (VDH);
 - Va. Department of Housing and Community Development (DHCD);
 - Va. Workers' Compensation Commission; and,
 - CICF.

Methodology



- Meetings were also held with the Action Alliance and many SDVA Directors.
 - All parties had multiple opportunities to have private, confidential conversations and meetings with staff.
- All of the state agencies, the Action Alliance, and SDVA Directors were surveyed.
 - Response rate of 96% for SDVA directors (51 out of 53 programs responded); 100% for state agencies and Action Alliance.
- Relevant budget and work load information was requested from the local SDVAs.
- Relevant federal statutes, regulations, and program guides were examined.

Methodology



- All of the parties were encouraged to give feedback, and provide suggestions on how the current federal and state grant funding process could be improved.
- Over 15 specific recommendations were received from work group members; the source for each recommendation was kept confidential.
 - Some of the recommendations were in conflict with one another.

Methodology



- A few of the recommendations received close to unanimous approval in anonymous polling of the work group members.
- Most of the recommendations had somewhat divided responses, and a few had very divergent views amongst the participants.
- SDVA Directors were also surveyed to determine their level of support or non-support for these recommendations.
 - Results were similar, in that the responses were varied and there was not much consensus from the field.

Federal Funds



- Acronyms used in referring to relevant funds:
 - **VOCA** (federal): Victims of Crime Act
 - **V-STOP** (federal, the “V” is added for Virginia): Services, Training, Officers, Prosecution
 - **SASP** (federal): Sexual Assault Services Program
 - **SAGP** (combination of state general fund monies and VOCA federal grant): Sexual Assault Grant Program
- All of these grants are administered by DCJS; VDSS receives some VOCA funds through DCJS.

Federal Funds



- Acronyms (continued):
 - **FVPSA** (federal): Family Violence Prevention and Services Act
 - **RPE** (federal): Rape Prevention and Education
 - **ESG** (federal): Emergency Solutions Grants
- FVPSA funds are administered by VDSS.
- RPE funds are administered by VDH.
- ESG funds are administered by DHCD.

Federal Funds



- The following Virginia agencies administer federal funds connected with SDVAs:
 - **DCJS:** VOCA (some of which goes through SAGP); V-STOP; SASP
 - **VDSS:** FVPSA; VOCA (via DCJS)
 - **VDH:** RPE
 - **DHCD:** ESG (funds are not DV specific, but may support some DV shelters)
 - **CICF:** VOCA (for victim compensation)

Federal Funds: VOCA



- Victims of Crime Act (VOCA) funding is a major source of federal grant money to all states, including Virginia, which received \$10.7 million in 2013 for victim assistance.
- The enabling statutes for VOCA funds are 42 U.S.C. § 10601 *et seq.*

Federal Funds: VOCA



- Some VOCA funds go towards crime victim compensation, per 42 U.S.C. § 10602, and are made directly to a crime victim compensation program.
 - In Virginia, this is the Criminal Injuries Compensation Fund, established by Va. Code § 19.2-368.18, under the Virginia Workers' Compensation Commission.
 - Received \$1.16 million during State Fiscal Year 2013.

Federal Funds: VOCA



- The VOCA funds that go towards victim assistance, per 42 U.S.C. § 10603, must go to “the chief executive of each State for the financial support of eligible crime victim assistance programs.”
- The chief executive must certify that the funds are used in accordance with the requirements listed under § 10603(a)(2).
 - Under the definitional subsection, § 10603(d)(5), the chief executive can include “a person designated by a chief executive to perform the functions of the chief executive.”
- Per the VOCA Final Program Guidelines, the Governor designates which state agency will administer these funds.

Federal Funds: V-STOP and SASP



- Both V-STOP funding and SASP funding come from the federal Violence Against Women Act Grant Program (VAWA).
- V-STOP is an important source of funding for Virginia, which received \$2.8 million in 2013.
- Virginia received \$274,000 in SASP funding in 2013; these funds are used to supplement local programs that already receive SAGP funding from Virginia.
 - (SAGP funding is a combination of VOCA funds and state general funds).
- The Governor is responsible for ensuring all V-STOP and SASP fund requirements are met.

Federal Funds: FVPSA



- The Family Violence Prevention and Services Act is authorized by 42 U.S.C. § 10401 *et seq.*
 - Comes from the Dept. of Health and Human Services, not Dept. of Justice.
- It requires the “chief executive officer of a State” to be the one who applies for any FVPSA formula grants going to that state, per 42 U.S.C. § 10407(a)(1).
 - Virginia received \$2.1 million in State Fiscal Year 2013.

Federal Funds: FVPSA



- In the application, the chief executive officer must “specify the State agency to be designated as responsible for the administration of programs... and for coordination of related programs within the jurisdiction of the State.”
 - In Virginia, that agency is VDSS.
- 42 US.C. § 10406(d) requires the state to submit an annual performance report to the federal Secretary of Health and Human Services describing the grantee and subgrantee activities that have been carried out with the grant funds, and containing an evaluation of the effectiveness of such activities.

Federal Funds: RPE



- Rape Prevention and Education (RPE) Initiative funding is authorized by 42 U.S.C. § 280b-1b.
 - VDH receives VAWA funds from the federal Centers for Disease Control “to be used for rape prevention and education programs conducted by rape crisis centers, State sexual assault coalitions, and other public and private nonprofit entities.”
- These funds are sent directly to the VDH; the amount in State Fiscal Year 2014 was \$653,000.

Federal Funds: ESG



- ESG funding comes from the federal Dept. of Housing and Urban Development.
- A portion of these funds is used to help support shelters for victims of domestic violence, but these funds are intended to help homelessness in general (e.g., people suffering from substance abuse, mental illness, etc.)

Federal Funds: Limitations



- All federal funds that are received must be used only for their intended and limited purposes.
- The General Assembly cannot “direct” the Governor to reallocate federal funds in a manner that would be inconsistent with the authorizing federal act.
 - (Va. Att. Gen. Opinion, May 31, 2002).

Federal Funds: Limitations



- Because of the certification requirements required of the Governor for VOCA funding that is given for victim services, it probably would not be possible to transfer responsibility over those funds to a non-executive branch agency.
- Similarly, because the Governor is responsible for selecting the agency that will distribute V-STOP, SASP, and FVPSA funds, that responsibility would probably not be given to a non-executive branch agency.

Federal Funds: Limitations



- The RPE funding comes directly from the federal CDC to VDH; it is unclear if the CDC would be willing to send those grant funds to another agency.

Federal Funds: Limitations



- Federal regulations, in particular 24 CFR § 576.400, require that ESG funds recipients must consult with each Continuum of Care that serves the recipient's jurisdiction, and coordinate with other targeted homeless services in the area.
- Federal requirements, and Virginia's Homeless Solutions grant process, would make it extremely difficult to transfer ESG funds from DHCD to another state agency.

Federal Funds: Limitations



- Conclusion: RPE and ESG funds likely cannot be transferred, at least practically speaking, to other agencies.
- VOCA, V-STOP, SASP, and FVPSA funds can, in theory, be transferred to other agencies; however, the final authority rests with the Governor, and they could only be transferred to executive branch agencies.

Overview of Local Programs



- There are 53 SDVAs in Virginia; some have been established for less than 5 years, while others have been around much longer (over 100 years).
 - Over 75% have been established for over 20 years.
- Agencies serve an average of 5-6 localities.

Overview of Local Programs



- Most agencies provide dual services:
 - 62% (33 of 53) are dual;
 - 25% (13 of 53) are DV only; and,
 - 13% (7 of 53) are SV only.*
- Most agencies are accredited:
 - 89% (47 of 53) are fully accredited;
 - 6% (3 of 53) are in process of becoming; and,
 - 6% (3 of 53) are not accredited.*

* Information provided by Action Alliance.

Overview of Local Programs



- The approximate number of grants SDVAs manage varies:
 - 30% (16 of 53) manage 0-2 grants;
 - 32% (17 of 53) manage 3-4 grants;
 - 28% (15 of 53) manage 5-6 grants; and,
 - 9% (5 of 53) manage 7-8 grants.

Areas of Satisfaction and Concern



- One of the main findings of the surveys and from personal interviews was that SDVAs, on average, are “**somewhat to mostly satisfied**” with the vast majority of grant funding processes and grant-related services being provided by **all** of the state agencies.

Areas of Satisfaction and Concern



VA Department of Criminal Justice Services (DCJS)

- SDVAs reported satisfaction with:
 - Grant application and award process is facilitated in a timely manner;
 - Timely reimbursement and disbursement of funds;
 - Electronic/online submission of materials;
 - Willing to consider requests to disburse funds in advance.

Areas of Satisfaction and Concern



VA Department of Criminal Justice Services (DCJS)

- SDVAs reported concern with:
 - Grant monitors could do a better job (response time, accessibility, conflicting information);
 - Fiscal year grant cycles vary (both fiscal year and calendar year used, depending on grant);
 - Grants fund positions rather than services;
 - Technical assistance could be improved.

Areas of Satisfaction and Concern



VA Department of Social Services (VDSS)

- SDVAs reported satisfaction with:
 - Consistency of guidelines and grant application process;
 - Simple grant application process;
 - Clear, concise instructions;
 - Grant monitors are knowledgeable about DV issues, and are responsive to calls for assistance.

Areas of Satisfaction and Concern



VA Department of Social Services (VDSS)

- SDVAs reported concern with:
 - Difficulty in receiving grant funds in advance;
 - Grant materials are not submitted electronically;
 - Percentage allocations are difficult;
 - Grants fund positions rather than services.

Areas of Satisfaction and Concern



VA Department of Health (VDH)

- SDVAs reported satisfaction with:
 - Friendly and knowledgeable staff;
 - Continuation/renewal process for grants is for a lengthier period of time than with other grants.
- SDVAs reported concern with:
 - Lack of stability in funding;
 - Fiscal year grant cycle is inconsistent.

Areas of Satisfaction and Concern



VA Department of Housing and Community Development

- SDVAs reported satisfaction with:
 - Grant applications and reports are submitted electronically; and,
 - Monitors are helpful and friendly.
- SDVAs reported concern with:
 - Shift to Continuum of Care (CoC) approach, where SDVAs are sub-grantees with other community programs, has been challenging for some programs.

Areas of Satisfaction and Concern



SDVA Coalition/Action Alliance:

- SDVAs reported satisfaction with:
 - Advocacy for state funding and legislative changes is great;
 - Training opportunities are informative/specialized;
 - Work well with state agencies and legislators on behalf of SDVAs.

Areas of Satisfaction and Concern



SDVA Coalition/Action Alliance:

- SDVAs reported concern with:
 - VAData system is antiquated and limited;
 - Accreditation process, guidelines, and oversight are unclear, inconsistent, and/or unreasonable;
 - Hotline system is costly and can be inconsistent in terms of quality;
 - Perception that disagreement with AA's official positions could lead to retaliation/lack of help with issues in the future;
 - Perceived conflicts of interest or favoritism to some SDVAs over others.

Recommendations: Streamlining Funding



Recommendation #1:

- DCJS should reassume control over the portion of VOCA funds that currently go towards the DV Prevention and Services Grant administered by VDSS.
 - *It is inefficient for federal VOCA funds to go from one state agency to another state agency; DCJS is capable of administering those funds to local DV agencies.*

Recommendations: Streamlining Funding



Recommendation #2:

- The portion of VOCA funds that go towards the Child Abuse Treatment grant at VDSS should remain with VDSS.
 - DCJS does not have the level of experience that VDSS does in the area of child abuse programs.
 - These funds go to a wide array of programs, such as CASA.

Recommendations: Streamlining Funding



Recommendation #3:

- VDSS should retain control over the FVPSA federal funding stream.
 - They have traditionally been the recipient state agency for these federal funds, which come from U.S. Dept. of Health and Human Services.

Recommendations: Hotline



Recommendation #4:

- VDSS should review the hotline needs of SDVAs to see if more of them can locally manage a hotline, and should evaluate the feasibility of assuming responsibility for a state hotline for SDVAs that are not able to maintain their own 24 hotline system.
 - *VDSS already has experience maintaining a 24 hour hotline for mandatory reports of child and adult abuse and neglect **at no cost to local departments of social services.***
 - *The money currently spent by both DCJS and DSS on the present hotline system could then be made available, at least in part, to the local SDVAs.*
 - *Fees for SDVAs should be eliminated.*

Recommendations: Accreditation



Recommendation #5:

- DCJS should manage an accreditation program for local SDVA programs, similar to VLEPSC for law enforcement agencies.
 - *Accreditation of programs is an extremely important function that should be directly overseen by the Commonwealth.*
 - *DCJS can ensure evaluations and inspections are consistent and impartial, and conflicts of interest are avoided.*

Recommendations: Advisory Committee



Recommendation #6:

- An Advisory Committee on Sexual Assault and Domestic Violence Programs should be created within DCJS, similar to the Advisory Committee on Juvenile Justice.
 - *Coordination and communication between state agencies and local SDVAs should be fostered.*
 - *Operational efficiencies in awarding and monitoring grant funds can be further identified and shared between agencies.*
 - *Increases expertise in recognizing and finding solutions to common complaints and problems faced by local SDVAs.*

Recommendations: Advisory Committee



Recommendation #6 (cont.):

- The Advisory Committee would have the responsibility for advising and assisting DCJS, VDSS, VDH, and DHCD in their work with local programs, and help them coordinate with each other.
 - Could help avoid duplicative or unnecessary awards.
 - Could recommend ways to ensure equitable distribution of funds to SDVAs.
 - Could provide a unique, big picture approach to working on the myriad problems created by sexual and domestic violence.

Recommendations: Advisory Committee



Recommendation #6 (cont.):

- The membership of the Advisory Committee would consist of 13 members, including the following, or their designees:
 - Commissioner of VDSS;
 - Director of DCJS;
 - Commissioner of Health;
 - Director of DHCD;
 - Executive Director of Action Alliance;
 - The Attorney General;
 - A member of the House of Delegates;

Recommendations: Advisory Committee



Recommendation #6 (cont.):

- Membership (cont.):
 - A member of the Senate; and,
 - Five persons appointed by the Governor:
 - a representative of a crime victim organization or a victim of crime;
 - a member of a victim/witness organization in Virginia;
 - a director of a local sexual assault program;
 - a director of a local domestic violence program; and,
 - a director of a local program that deals with both sexual assault and domestic violence.

Recommendations: Advisory Committee



Recommendation #6 (cont.):

- The Advisory Committee would review statewide plans, conduct studies, and make recommendations on needs and priorities for the development and improvement of local services to victims of sexual assault and domestic violence.

Recommendations: Advisory Committee



Recommendation #6 (cont.):

- The Advisory Committee would also provide guidance for the accreditation process for local programs:
 - Help devise appropriate standards and minimum requirements; and,
 - Recommend guidelines to ensure evaluations and inspections are consistent and impartial, and conflicts of interest are avoided.

Recommendations: VAData System



Recommendation #6 (cont.):

- The Advisory Committee should determine what data collection is needed by state agencies, and which data system or systems best meet those needs, while at the same time being useful and not too cumbersome for local programs.
 - It is unusual for important data systems to not be maintained by state agencies.
 - The VAData system is old and may not be capable of being upgraded.
 - A new system may be required.

Recommendations: Improving Agency Operations



- The Advisory Committee could play a role in helping and encouraging state agencies in certain areas that have been identified as needing improvements or changes in the grants funding or monitoring process.

Recommendations: Improving Agency Operations



- DCJS should be encouraged to:
 - Improve the performance of their grant monitors;
 - Attempt to run all of their grant cycles on a fiscal year, not a calendar year (only affects the SAGP program);
 - Allow grantees to submit grant applications electronically;
 - Determine what forms can be combined or eliminated or made more efficient for grantees, consistent with other state agency grants.

Recommendations: Improving Agency Operations



- VDSS should be encouraged to:
 - Allow grantees to submit grant applications electronically;
 - Allow grantees to submit application forms, reports, etc., electronically;
 - Become more willing to provide funding at the start of the grant cycle for local programs, if particular circumstances indicate this would be helpful;
 - Determine what forms can be made consistent with other state agency grants.

Recommendations: Improving Agency Operations



- VDH should be encouraged to:
 - Allow grantees to submit grant applications electronically;
 - Make the fiscal grant year cycles consistent.*

* Release of funds is not always in control of VDH as they are dependent upon the federal CDC.



Discussion
