



Legislative Fiscal Bureau

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June 30, 2009

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Justice: Section 13.10 Requests for the Use of Federal Economic Stimulus Funding for Crime Victim Compensation and Assistance, and for the Internet Crimes Against Children Task Force -- Agenda Item II

REQUEST

By letter dated June 16, 2009, the Governor requested that the Joint Committee on Finance approve the allocation and expenditure of the following amounts received under the federal American Recovery and Reinvestment Act (ARRA) of 2009: (a) \$872,000 in 2008-09 for grant awards to organizations that provide direct services to crime victims; (b) \$264,175 in 2008-09 for the crime victim compensation program under the Department of Justice (DOJ); and (c) \$735,622 in 2008-09 to the Wisconsin Internet Crimes Against Children Task Force, which is led by DOJ.

BACKGROUND

Grant Awards to Organizations that Provide Direct Services to Crime Victims. The federal Victims of Crime Act (VOCA) provides funding to states for victim assistance programs. Federal VOCA funds are generated from a number of sources, including criminal fines collected from defendants convicted of federal offenses, penalty assessments on federal felony or misdemeanor convictions, and the proceeds of forfeited federal appearance bonds and bail bonds.

Federal VOCA funding for victim assistance programs may be subgranted by the state to public or private nonprofit agencies. Services provided under this program include direct social services to victims such as counseling, shelter, crisis intervention, and legal advocacy.

Several federal requirements govern VOCA grants to the state. At least 10% of the funds must support each of the following categories of victims: sexual assault; domestic violence; and child abuse. Public or private nonprofit subgrantees must provide a 25% match for the VOCA

grants awarded. Grant recipients must also promote the coordination of victim services within their communities. This federal directive has resulted in a variety of cooperative efforts among VOCA recipients and other local victim service providers.

The annual VOCA award to the state for victim assistance programs is received and administered by DOJ. For federal fiscal year (FFY) 2007, 82 agencies received grants totaling \$7,015,700. For FFY 2008, 82 agencies received grants totaling \$7,225,300.

Crime Victim Compensation Award Funding. The DOJ crime victim compensation program compensates victims and their dependents for the cost of medical treatment (both physical and mental), lost wages, funeral and burial expenses, loss of support to dependents of a deceased victim, and replacement costs of any clothing or bedding that is held for evidentiary purposes. In addition, victims who are homemakers may be compensated for expenses related to securing homemaker services when someone must be hired to perform these services. The maximum award for any one injury or death is \$40,000. This amount is in addition to a \$2,000 maximum reimbursement of burial expenses that may be awarded.

Funding for the crime victim compensation program is provided from the following sources: (a) general purpose revenue (GPR); (b) Part A of the crime victim and witness assistance surcharge; (c) restitution payments received by the state from defendants to offset prior awards made to victims under the program; and (d) from grants awarded under the federal VOCA program. The federal VOCA program matches 60% of state funding for crime victim compensation.

For 2008-09, \$3,058,800 (\$1,258,000 GPR, \$1,012,000 FED, \$488,800 PR in crime victim and witness assistance surcharge revenue, and \$300,000 PR in restitution funding) is budgeted to make awards to victims of crime.

Wisconsin Internet Crimes Against Children (ICAC) Task Force. The ICAC Task Force was created in 1998 with federal funding to counter the emerging threat of offenders using online technology to sexually exploit children. The task force conducts investigations, provides investigative, forensic and prosecutorial assistance to police agencies and prosecutors, encourages statewide and regional collaboration, and provides training for law enforcement, prosecutors, parents, teachers, and other community members. The task force also coordinates with the Wisconsin Clearinghouse for Missing and Exploited Children, to provide support services to children and families that have experienced victimization.

The Wisconsin ICAC Task Force is led by DOJ. The ICAC task force unit in DOJ is authorized 15.0 full-time equivalent (FTE) positions in 2008-09, including 10.0 GPR-funded positions, 4.0 PR-funded positions, and 1.0 FED-funded position.

ANALYSIS

Grant Awards to Organizations that Provide Direct Services to Crime Victims. Under ARRA, the states and U.S. territories are receiving a one-time VOCA award of \$47.5 million for direct services for crime victims. Each state receives a base award amount of \$500,000. Additional

award funding is provided to the states based on population. Wisconsin's one-time VOCA award for these services under ARRA totals \$872,000.

Under ARRA, DOJ must utilize this award to: (a) respond to the emotional and physical needs of crime victims; (b) assist primary and secondary victims of crime to stabilize their lives after a victimization; (c) assist victims to understand and participate in the criminal justice system; and (d) provide victims of crime with a measure of safety and security such as boarding up broken windows and replacing and repairing locks.

Department of Justice staff indicates that the recipients and specific utilization of this grant award is still being determined. As a result, information is not currently available as to which organizations will receive this grant funding, in what amount, and for what purpose.

As these grant funds must be utilized by DOJ to provide direct services to crime victims as specified under ARRA, the Committee could consider approving the Governor's recommendation. Alternatively, if the Committee wishes to review the allocation process and award decisions made by DOJ, the Committee could deny the request at this time. Under this alternative, the Department could be directed to resubmit the request to the Joint Committee on Finance when award determinations have been made specifying for the Committee both the allocation process used, as well as an identification of the organizations receiving funding, in what amount, and for what purpose.

Crime Victim Compensation Award Funding. Under ARRA, the states and U.S. territories are receiving a one-time VOCA award of \$47.5 million for crime victim compensation awards. Wisconsin's one-time VOCA award for crime victim compensation totals \$264,175. The Department of Justice indicates that \$250,967 under this award would be utilized to compensate crime victims and to pay medical service providers who treated eligible crime victims. The remaining \$13,208 under the one-time award would be used to address administrative costs of the Office for Crime Victim Services.

ICAC Funding. Under ARRA, \$41.5 million is provided for state and local law enforcement and prosecutorial agencies currently receiving funding under the federal ICAC Task Force program. Awards allocated under ARRA are in the form of formula grants, including continuation funding. The DOJ award under ARRA totals \$735,622. Under ARRA, these funds must be utilized to address the following goals and objectives: (a) maintaining and expanding state and regional ICAC task forces in order to prevent, interdict, investigate, and prosecute technology-facilitated child exploitation and Internet crimes against children; (b) improving task force effectiveness in order to prevent, interdict, investigate, and prosecute technology-facilitated child exploitation and Internet crimes against children; and (c) budget award funds to pay full or part-time salaries, as appropriate, for law enforcement officers, prosecutors, forensic analysts, administrative support, and other related professionals.

Department of Justice staff indicates that the award would be utilized to improve the effectiveness of the Wisconsin ICAC Task Force and affiliated law enforcement agencies. The award would be utilized to fund an additional 1.0 FTE forensic analyst at DOJ for a four-year

period, as well as 2.0 FTE office operations associates for a two-year period. The office operations associate positions would assist with public education, cyber tip management, and other investigative and program support for the ICAC program. In addition, agent overtime would be funded to increase the investigative capacity of the ICAC program. The Department indicates that the award would be expended as follows: (a) \$428,784 for salaries; (b) \$157,035 for fringe benefits; (c) \$79,325 for grant management costs; (d) \$43,637 for supplies; (e) \$25,750 for equipment; and (f) \$1,091 for travel costs.

ALTERNATIVES

A. Grant Awards to Organizations that Provide Direct Services to Crime Victims

1. Approve the Governor's recommendation to increase the expenditure authority to the Department of Justice's (DOJ) federal aid; victim assistance appropriation [s. 20.455(5)(mh)] by \$872,000 in 2008-09, to permit federal American Recovery and Reinvestment (ARRA) act funding to be subgranted to organizations to provide direct services to crime victims.

2. Deny the request, but direct DOJ to resubmit the request when award determinations have been made. Specify that the Department identify the allocation process, the organizations receiving funding, the amount of each award, and the purpose of the award.

3. Deny the request.

B. Crime Victim Compensation Award Funding

1. Approve the Governor's recommendation to increase the expenditure authority to the DOJ federal aid; victim compensation appropriation [s. 20.455(5)(m)] by \$264,175 in 2008-09, to permit federal ARRA funding to be allocated for crime victim compensation awards.

2. Deny the request.

C. Wisconsin Internet Crimes Against Children (ICAC) Task Force

1. Approve the Governor's recommendation to increase the expenditure authority to the DOJ law enforcement services' federal aid, state operations appropriation [s. 20.455(2)(m)] by \$735,622 in 2008-09, to permit federal ARRA funding to be utilized for the Wisconsin ICAC Task Force.

2. Deny the request.

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