



KENTUCKY JUSTICE &
PUBLIC SAFETY CABINET

VOCA 2021

AWARD RECOMMENDATIONS REPORT

Victims of Crime Act Formula Grant Program
Award Period October 1, 2021 - September 30, 2022

INTRODUCTION

This is the Kentucky Justice and Public Safety Cabinet's Executive Summary for the Victims of Crime Act Formula Program (VOCA) Award Recommendations, which will encompass the grant period October 1, 2021 to September 30, 2022.

The mission of the KJPSC is to ensure the safety and security of Kentucky communities through a fair and impartial administration of taxpayer resources. Our approach centers on protecting citizens, restoring victims and reforming wrongdoers - all in a focused environment where everything is measured for accountability and performance. The Cabinet seeks the best possible return from our public safety investment, using evidence-informed programs, fiscal discipline, and data-driven strategies. Likewise, we are committed to holding offenders to the highest standards of personal accountability and responsibility.

The Grants Management Division (GMD), within the KJPSC, prepared this Executive Summary.

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VICTIMS OF CRIME ACT FUNDING

Victims of Crime Act (VOCA) Formula Victim Assistance Grant Program awards may be used to provide funding to public agencies and not-for-profit organizations that offer direct services to victims of crime. Priority is given to projects that provide services to victims of child abuse, sexual assault, and domestic violence.

In addition to these priority categories, the VOCA program funds projects that serve other individuals such as victims of burglary or theft, survivors of victims of homicide, victims of drug and alcohol-related crime, elderly victims, and adult survivors of sexual abuse and/or assault which was suffered while they were children. Services to these groups focus on crisis intervention and assistance in obtaining benefits from compensation programs. State agencies, local units of government, and private not-for-profit organizations may apply for these funds.

The Crime Victims Fund (the Fund) was established by the Victims of Crime Act (VOCA) of 1984. The Fund is financed by fines and penalties paid by convicted federal offenders, not from tax dollars. As of 2020, the Fund balance is over \$6 billion and includes deposits from federal criminal fines, forfeited bail bonds, penalties, and special assessments collected by U.S. Attorneys' Offices, federal courts, and the Federal Bureau of Prisons.

STATE ADMINISTERING AGENCY

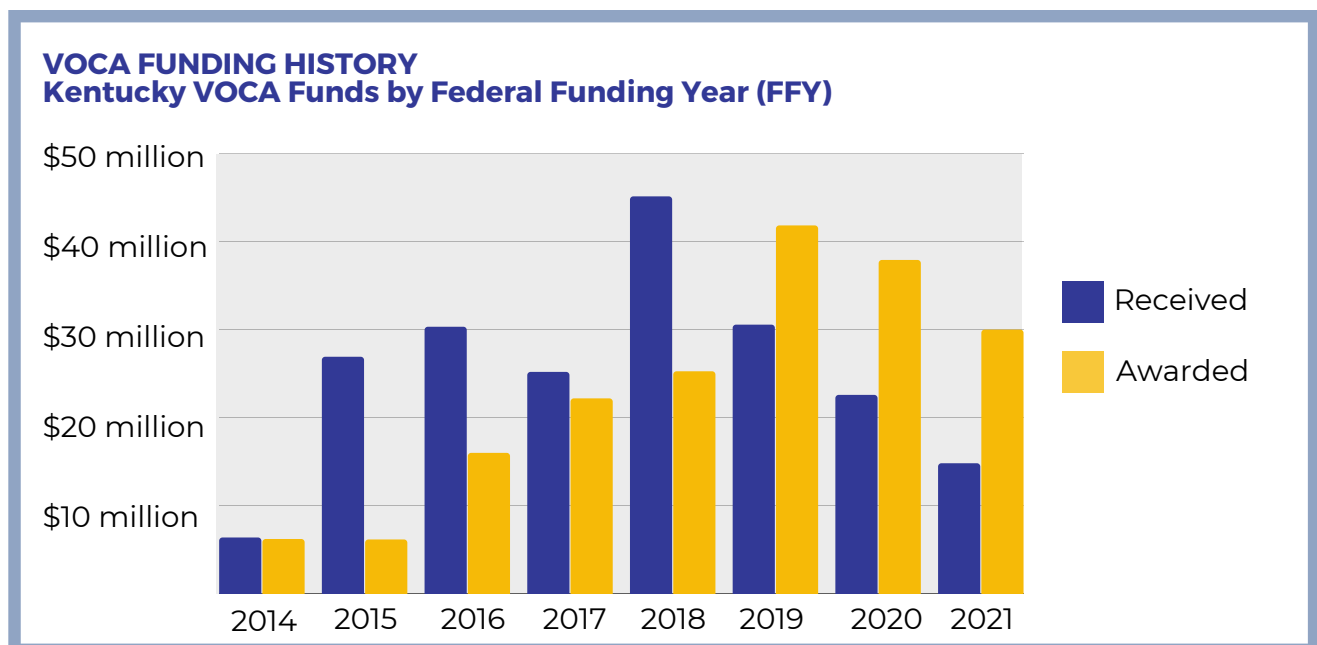
The KJPSC is the State Administering Agency (SAA) for federal criminal justice grants in Kentucky. The KJPSC coordinates diverse funding sources, including VOCA grants, to assure delivery of the most efficient and effective services to crime victims. Within the KJPSC, the Grants Management Division (GMD) is responsible for administration of VOCA subawards from application through closeout, as well as subrecipient monitoring and implementation of an annual competitive VOCA solicitation process.

As the SAA, the KJPSC has sole discretion to determine which organizations will receive funds, and the amount of their awards, subject to the requirements of VOCA, VOCA Final Rule 28 CFR 94, and the provisions of the Department of Justice (DOJ) Grants Financial Guide relating to conflicts of interest. The KJPSC

ensures compliance with the pass through requirement to allocate a minimum of ten percent of each year's VOCA grant to the following three priority categories of victims specified in the certification requirement in VOCA: (1) sexual assault, (2) spousal abuse (including domestic and intimate partner violence), and (3) child abuse. An additional ten percent must be allocated to the fourth priority category of previously underserved victims, as determined by crime victimization type, the demographic characteristics of the crime victim, or both. For VOCA 2021-22, KJPSC determined that \$500,000 would be set aside for new subrecipients serving victims of crime. This represents approximately 2% of the available award.

FUNDING AVAILABILITY SUMMARY

Federal Fiscal Year (FFY) VOCA awards to the KJPSC for FFY 2019, FFY 2020, and FFY 2021 were reduced from prior FFY award amounts by 32%, 26%, and 37% respectively. KJPSC was awarded \$14.8 million in VOCA formula grant funds for FFY 2021, a 19% reduction from its FFY 2020 award. Due to its practice of awarding the average of the three previous federal awards received, KJPSC was able to award \$30 million in VOCA 2021-22 solicitations. Current VOCA subrecipients have been notified that an additional 20% reduction in available funding for subawards is projected for the VOCA 2022-23 solicitation as GMD cannot sustain awarding more each year than the average of the three previous federal awards received.



VOCA 2021-22 SOLICITATION

SAAAs are required to have a documented methodology for selecting subrecipients, follow Department of Justice (DOJ) grant rules regarding conflict of interest, and are encouraged, but not required, to fund eligible subrecipients through a competitive process. Each year, the KJPSC GMD awards VOCA funds through a competitive solicitation process. The VOCA 2021-22 solicitation was publicly advertised and open from April 1 to May 14, 2020. Applications were submitted in Intelligrants (IG), KJPSC's electronic grants management system. GMD staff were available throughout the application process to offer technical assistance with the IG platform.

The VOCA 2021-22 solicitation included greater application diversity than prior grant periods, with an increase in organizations such as prosecutor-based programs and law enforcement victim advocacy projects. Kentucky recently passed Marsy's Law, which established a set of Victims' Rights at the constitutional level, and so those entities now have constitutionally-required victim notification responsibilities.

- A total of 145 prospective subrecipients applied for VOCA 2021-22 awards and requested a total federal share of \$43,081,997.
- 131 (90.3%) applicants had received a VOCA subaward during the prior year. Federal share request across continuing programs totaled \$41,829,223.
- 14 (9.7%) applicants were not recipients of prior year VOCA subawards. Federal share request across these programs totaled \$1,252,774.

FUNDING PRIORITIES

In accordance with the VOCA Final Rule, 28 CFR § 94.104(b), GMD prioritized funding for programs serving victims of sexual assault, spousal abuse, child abuse, and previously underserved victim categories. GMD will exceed the VOCA Final Rule requirement of allocating a minimum of 10% of this award to assist victims belonging to each priority category.

Regionally-designated victim service providers exist in each of the Kentucky's 15 Area Development Districts, for services which include shelter and programming for victims of intimate partner violence affiliated with Kentucky Coalition Against Domestic Violence (KCADV), services focused on responding to and preventing sexual violence affiliated with Kentucky Association of Sexual Assault Programs (KASAP), and services provided by Children's Advocacy Centers (CACs) affiliated

with the Children’s Advocacy Centers of Kentucky (CAC Kentucky). GMD gives funding preference to those regionally-designated victim service providers, in order to avoid competition, conflict, or duplication of services. Other organizations that provide these types of services are also supported within those regions, if a program focuses on particular underserved populations or identifies within their project proposal additional need for services within a particular region.

GMD is actively working to expand services beyond its traditional client and subrecipient base in order to maximize the effective use of funds, better meet the evolving and complex needs of victims, and advance equity and support for underserved communities in Kentucky. Based on the information gathered from the state administrator’s support network, as well as members of the Violence Against Women Act (VAWA) (Implementation Planning Committee (IPC) and other multi-disciplinary and/or collaborative partnerships, existing information from the U.S. Census and other government entities, and responses to a recent needs assessment survey, KJPSC identified 15 areas of unserved, underserved, and inadequately served populations.

Unserved, Underserved, and Inadequately Served Victim Populations

- Persons with one or more disability
- Documented and undocumented immigrants and refugees
- Victims of sex/labor trafficking
- Victims of sexual assault in a campus setting (including junior colleges, community colleges, technical schools, historically black colleges and universities (HBCU), and other higher education settings including colleges and universities)
- LGBTQI victims
- Victimized elders
- Native American victims
- People of color
- People who are deaf/heard of hearing
- Geographically isolated individuals
- Those affected by rural/urban poverty
- Those who have been victimized prior to reaching adulthood
- Individuals who are incarcerated or under the supervision of federal, state, or local corrections or juvenile justice entities
- Spouses and children of combat veterans
- Individuals from traditionally marginalized religious groups

AWARD RECOMMENDATION PROCESS

Consultation with SAAs in other states revealed some SAAs employ a variety of strategies, including flat award percentage reductions across all of their VOCA subawards, to reach their level of available funding. GMD did not choose to employ a flat percentage reduction to reach the \$30 million target as determined by the three-year average of previous federal awards. Instead, GMD utilized a layered approach which contemplated many critical factors, including program size, award size, risk assessment score, the availability of direct services throughout the State and the sustainability of such services, the unmet needs of crime victims, and the extent to which other sources of funding were available for direct services. A fair and consistent methodology was applied to all application review and recommendation decisions:

VOCA 2021-22 AWARD RECOMMENDATION PROCESS

Application Review

Each application was reviewed by at least three Subject Matter Experts (SMEs). SMEs generated reviewer comments for each application, which will be made available to applicants upon request.

Risk Assessment

Risk Assessments were completed jointly in IG by VOCA Program and Financial Managers assigned to each 2020 award and who have the most familiarity with each subrecipient.

Subject Matter Expert Group Review Meetings

1. The SMEs participated in a total of five (5) award recommendation meetings from July 27 – August 10, 2021.
2. Group considered risk assessment scores and reviewer comments to determine any prior year VOCA subrecipients who would not receive a VOCA 2021-22 subaward. A total of six (6) programs in receipt of a prior year award were not recommended for a VOCA 2021-22 subaward, one (1) of which had rescinded their application prior to the close of the award recommendation process.
3. Group reviewed solicitations from pool of 14 applicants who were not recipients of prior year VOCA subawards and recommended funding for seven (7) new subgrantees.

VOCA 2021-22 AWARD RECOMMENDATION PROCESS

Subject Matter Expert Group Review Meetings (Continued)

4. In order to preserve VOCA funding for those programs that provided direct services for victims of crime, the group identified a list of categories that 2021 VOCA funds would not support. Ineligible categories included: new personnel costs, non-direct service related travel and training activities, indirect costs, alternative therapies, and non-print marketing/advertising. Personnel funding was prioritized towards positions and activities in support of direct victim services and budget allocations for continuing programs were capped at VOCA 2020-21 amounts. Recent statutory changes in required contribution rates to the Kentucky Public Pensions Authority (KPPA) reduced overall Personnel costs for many VOCA subgrantees from prior year levels. These expenses were removed from the total requested funding to arrive at a baseline from which to impose a percentage reduction (see below).
5. Recent Grant Adjustment Notice (GAN) activities for continuing programs were deconflicted. Expenses for items or activities already supported with VOCA 2020-21 funds through GANs were subtracted from federal share request.
6. Amounts of non-supported requests were subtracted from total federal share request for each agency. Additional subtractions were applied to agencies that, after subtraction of non-supported requests, had a remaining federal share request that was higher than their prior year award.
7. These reductions brought the total federal share request from \$43,081,997 to \$33,748,324.
8. Targeted percentage reductions were then applied to reach the \$30,000,000 limit on available funds. Small victim service programs were exempt from percentage reductions to prevent destabilization or closure of these entities. The remaining programs were organized into discrete groups by award size and risk assessment score.
 - 58 programs with award amounts *under* \$750,000 with low risk assessment scores received a 9% reduction
 - Five (5) programs with award amounts *over* \$750,000 with low risk assessment scores received a 19% reduction
 - Four (4) programs with award amounts *under* \$750,000 with medium risk assessment scores received a 15% reduction
 - Four (4) programs with award amounts *over* \$750,000 with medium risk assessment scores received a 25% reduction
 - 61 applicants with less than \$100,000 in federal share request received no additional reduction.

AWARD RECOMMENDATIONS

\$29,951,635 in VOCA 2021-22 awards were recommended by GMD in support of 132 programs. These funding allocations ensure that services are available throughout the Commonwealth to support victims of crime. This includes funding for programs that provide specialized, direct services to individuals in the priority victim categories required by the VOCA Final Rule. A more detailed breakdown will be available following execution of approved subaward documents on the GMD website accessible at <https://justice.ky.gov/Departments-Agencies/GMD/Pages/voca.aspx>. The award recommendations prioritize services to individuals impacted by the following crimes and those who are members of an underserved population identified in the recent needs assessment:

Sexual Assault

- 16 sexual assault service providers were funded
- 13 programs were affiliated with KASAP
- 3 were hospital-based sexual assault forensic examination (SAFE) programs

Intimate Partner Violence

- 17 shelter and intimate partner violence service providers were funded
- 14 programs (collectively operating 15 shelters) were affiliated with KCADV
- 3 were community-based programs providing emergency shelter or services to marginalized or underserved populations

Child Abuse

- 44 child abuse service providers were funded
- 15 were CACs affiliated with CAC Kentucky
- 21 were Court Appointed Special Advocate (CASA) programs affiliated with the Kentucky CASA Network (KCN)
- 1 was a hospital-based pediatric forensic medicine provider
- 8 were community-based programs offering shelter, therapy, or both services to victims of child abuse

Underserved

- 11 programs specializing in services to documented and undocumented immigrants and refugees, victims of sex/labor trafficking, LGBTQI victims, victimized elders, geographically isolated individuals, those affected by rural/urban poverty, people of color, survivors of homicide, and veterans were funded

In addition, VOCA 2021-22 subaward recommendations include support for 34 prosecution-based, 8 law-enforcement based, and 6 legal assistance programs, a majority of which offer intimate-partner violence-specific direct services as well as respond to needs of other crime victim groups. With these awards, GMD will exceed the minimum 10% allocation for the priority victim categories required by the VOCA Final Rule while also providing strong support to regionally-designated service providers. All regionally-designated victim service providers affiliated with KASAP, KCADV, and CAC Kentucky received VOCA 2021-22 subawards.

STATEMENT OF NON-PROSCRIPTION

KJPSC GMD recognizes that agencies are the experts on the needs of their respective programming. With this in mind, the GMD elected not to be proscriptive with how subrecipients rearrange their VOCA 2021-22 budget within the award amount during the budget modification phase. With the exceptions of denying unallowable costs and imposing a preliminary cap on the percentage of award funds that can be used to support administrative activities, GMD encourages subrecipients to reorganize their budget to best meet the approved project scope and their agency's needs.

FINAL APPROVAL

GMD's award recommendations were submitted to KJPSC leadership and the Governor's Office for final approval.

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