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DEPARTMENT OF JUSTICE

ATTORNEY GENERAL TOM MILLER

PRESENTATION TO

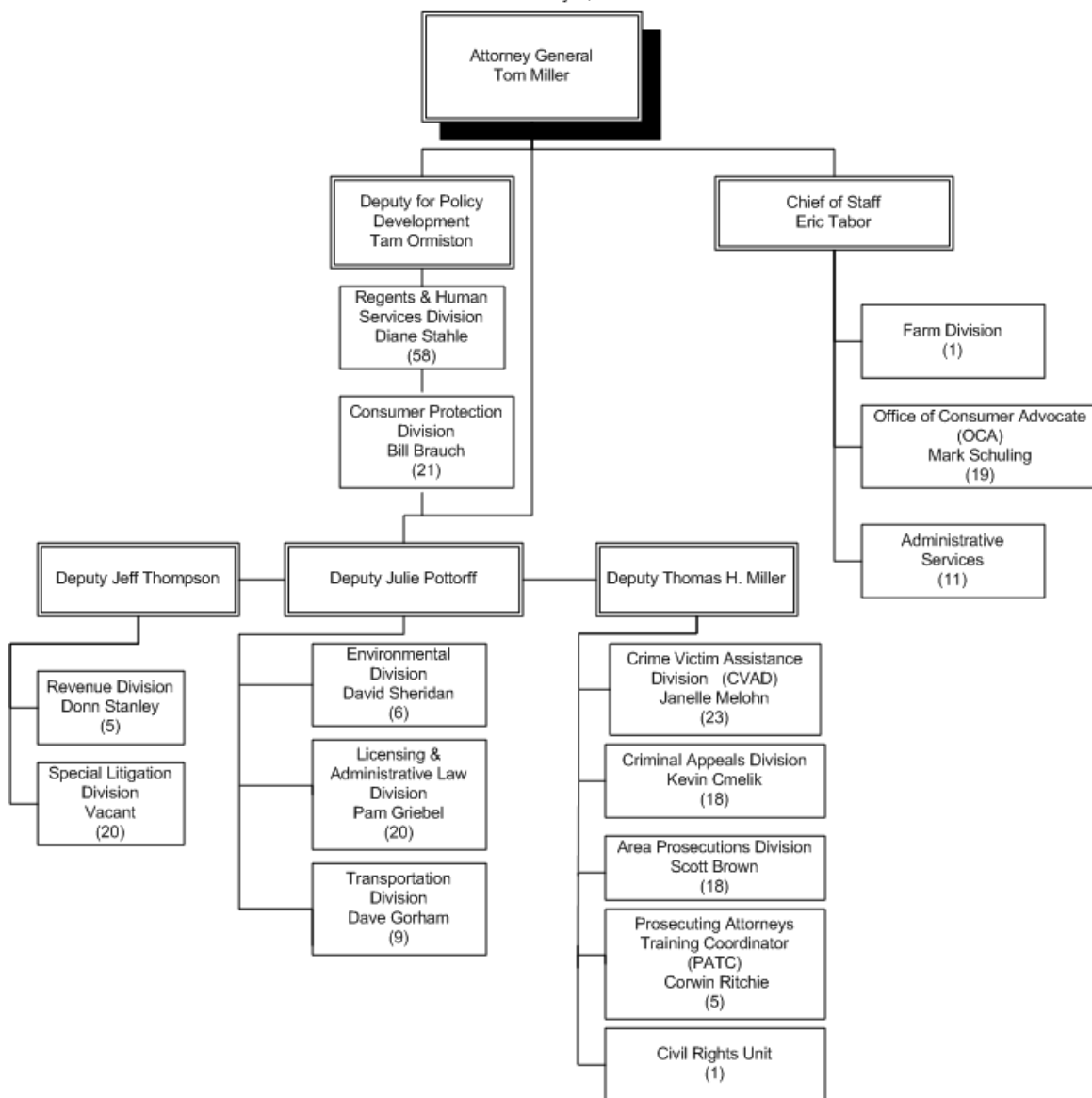
JUSTICE SYSTEMS
APPROPRIATIONS SUBCOMMITTEE

FEBRUARY 6, 2013

Department of Justice

Iowa Attorney General's Office

February 5, 2013



Requests for Additional General Fund Appropriations

I. Attorney General's Office - Criminal Law

Department's Original Budget Request: FY14 and FY15 - \$350,000 for two criminal appeals attorneys and two area prosecutors.

Governor's Recommendations: FY14 - \$175,000 for two criminal appeals attorneys. FY15 - \$350,000 for two criminal appeals attorneys and two area prosecutors.

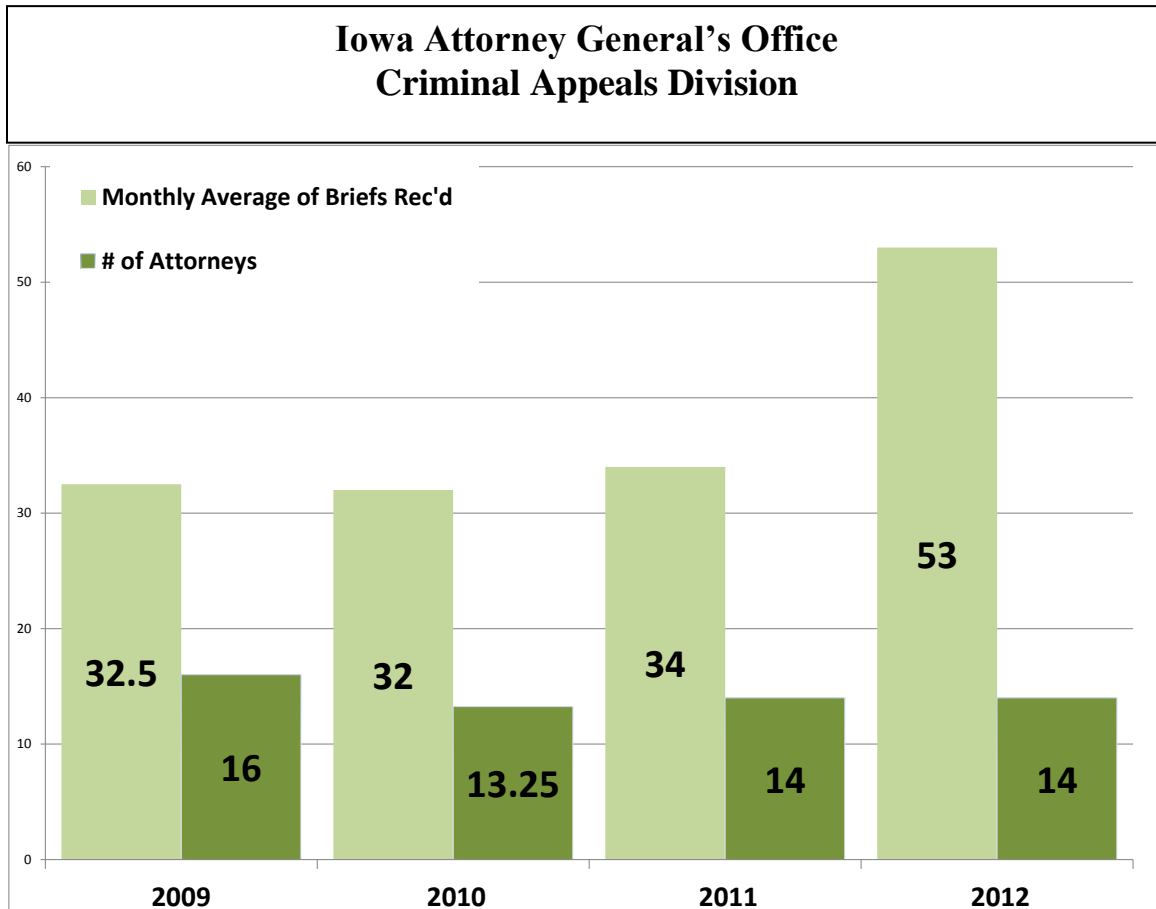
Justifications for the Request:

1. **Criminal Appeals Division.** The Office requests additional funding to pay for two entry-level criminal appeals attorneys. The request is based on the following factors:

- The Division handles all criminal appeals in the Iowa Court of Appeals and the Iowa Supreme Court. Competently **defending criminal convictions** obtained by county attorneys in the appellate courts is a crucial part of the criminal justice system and critical for public safety.
- Attorneys in the division are regarded by the Supreme Court and the Court of Appeals as some of the most **outstanding appellate advocates** in the state.
- Caseload for the Division has increased dramatically in the last four years, in large part to a recent rule of the Iowa Supreme Court requiring the briefing of dozens of appeals previously considered "frivolous." But, during the same period, the number of attorneys has declined from 16 to 14, a reduction of about 13%. **See Chart Below.** The backlog of cases is growing and a longer term solution is needed.
- Division attorneys, on average, are producing about **3.8 briefs per month.** This level of efficiency is far beyond **ABA standards** which provide that state appellate lawyers should produce about **2 per month.** (The Iowa Supreme Court cited this standard with approval in *Simmons v. State Public Defender*, 791 N.W.2d 69.)

- **Unlike the state public defender's office** which can hire outside counsel to handle criminal appeals, the Office does not have this budget safety-valve.

Additional criminal appeals attorneys are needed to ensure the Department will be able to continue its excellent appellate defense of criminal convictions



2. **Area Prosecution Division.** The Office requests additional funding to pay for two experienced area prosecutors. The request is based on the following factors:

- Prosecutors assist county attorneys (particularly county attorneys in rural counties) with the **most serious and difficult crimes** in the state, especially murder and sexual abuse. Notable cases include the murder of Coach Ed Thomas, the slaying of the entire Bentler family in Bonaparte, and the Heemstra prosecution in Warren County.

- Prosecutors are **stretched to the limit** because they must juggle multiple cases in multiple judicial districts and counties - - with each case having its own timetable for hearings and trials. Prosecutors travel an average of 1,000 miles per month.
- Number of criminal trials remained steady in the last four years. But, during the same period, the number of general criminal attorneys has decreased from 10 to 7.5, a **reduction of about 25%**.
- **In addition** to prosecuting violent crimes, the division handles civil commitments under the Sexually Violent Predator program, Judicial Qualification Commission matters, public official misconduct cases, and extensive consultation, training, and technical assistance for county attorneys.

Additional area prosecutors are needed to ensure the Department will be able to continue its excellent prosecutorial assistance to county attorneys who must deal with some of Iowa's most violent crimes.

II. Iowa Legal Aid

Department's Original Budget Request: FY14 and FY15 – Increase General Fund Appropriation to Iowa Legal Aid from \$1,814,831 to \$2,400,000.

Governor's Recommendations: FY14 – Increase from \$1,814,831 to \$2,107,416. FY15 – Increase to \$2,400,000.

Justifications for the Request: See letter below:



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August 29, 2012

Attorney General Tom Miller
Second Floor
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**RE: FY14 Funding for Legal Services
for Persons in Poverty Grants Program**

Dear Attorney General Miller:

I am writing to update you on the latest information regarding Iowa Legal Aid's services and the challenges our program is facing from recent funding losses. I am also communicating to you the request of Iowa Legal Aid's Board of Directors, unanimously adopted at its meeting on Saturday, August 11, 2012, that the state provide funding in the amount of \$2.4 million in FY14. We recognize this is a significant increase, but it is still less than the reductions in Iowa Legal Aid's budget, considering the losses in federal and IOLTA funding since 2009.

The situation faced by low-income Iowans in need of access to the court system for assistance with civil legal problems is critical. Iowa Legal Aid's ability to meet those problems is as challenged now as it has been anytime in the 35 year history of Iowa Legal Aid. These factors led Iowa Legal Aid's Board of Directors to adopt the "Justice in the Balance: Low-income Iowans and the Court" initiative. This is a multi-pronged approach to address issues related to funding, volunteer resources and awareness of the role of legal services in improving the lives of low-income Iowans and the impact that civil legal assistance has on the courts and Iowa's communities.

I want to highlight just a few facts to illustrate these issues.

- The most recent census data indicates that 499,474 Iowans meet Iowa Legal Aid's income eligibility guidelines. This is up from 359,741 in the 2000 Census, and increase of 39%.
- Iowa Legal Aid closed 22,186 cases in 2011, serving an estimated 53,500 Iowans, 23,500 of whom were children. The number of cases closed in 2011 was almost 17% less than the number of cases closed by Iowa Legal Aid in 2010, a direct result of staff reductions. More than 15,000 people who requested services have been turned away or underserved.
- Each year for the last four years, funding from the Supreme Court's IOLTA Commission to Iowa Legal Aid and its subgrantee of LSC and state funds, HELP Legal Assistance, has been reduced as a result of low interest rates and falling revenues for the Commission. For the fiscal year beginning July 1, 2012, Iowa Legal Aid and HELP's IOLTA grants total \$135,380, an 85% reduction from the \$935,195 in grants received four years ago.
- Federal funding from the Legal Services Corporation for basic field programs around the country such as Iowa Legal Aid was reduced by almost 15% in 2012. For Iowa Legal Aid this means a reduction of \$391,255. This is on top of a reduction of over \$100,000 made in 2011, resulting in \$500,000 less in funding from LSC in 2012 than was received by Iowa Legal Aid in 2010.
- Iowa Legal Aid has experienced reductions in revenue, while expenses have continued to increase. Health insurance premiums are expected to increase by more than 25% in 2013, and there have been no salary increases since January 2010. Iowa Legal Aid is operating under a hiring freeze and currently has 15 fewer attorneys and 7 fewer support staff than it had at the beginning of 2010. As a result, Iowa Legal Aid has had to restrict intake in several areas of law. Although the number of persons eligible for legal assistance is increasing, Iowa Legal Aid projects that it will serve fewer low-income Iowans in 2012 because of the reductions in revenue and resulting reductions in staff.

One aspect of the "Justice in the Balance" initiative is to seek increased state funding. That is what led to the request for \$2.4 million that the Board adopted on August 11.

I do want to acknowledge and express our appreciation for the funding that Iowa Legal Aid has received and will be receiving to support our efforts on behalf of distressed homeowners. Housing foreclosure cases have increased dramatically over the past two years and last year represented almost 10% of the total cases the program handled. However, many of these clients are not our typical clients and the funding losses we have experienced have meant fewer services for those facing abuse, loss of income, problems with access to health care, and seniors facing end-of-life issues.

We appreciate your support over the years and ask that you include the \$2.4 million in your FY14 budget request for the Legal Services for Persons in Poverty Grants Program. We also request the opportunity to meet with you, or other members of your staff, to discuss critical issues facing low-income Iowans with civil legal problems.

Sincerely,

Dennis Groenenboom
 Executive Director
 Direct Phone: 515-243-2980, Ext. 1620
 Email: dgroenenboom@iowalaw.org

DG/ak

cc: Eric Tabor
 Suzan Stewart, President of Iowa Legal Aid's Board of Directors

III. Crime Victim Assistance Grants

Department’s Request: FY 14 – \$2,000,000 for transition to the modernization plan described below and \$4,000,000 in additional General Fund appropriations.

Justifications for the Request: See talking points below:



Modernizing Iowa’s System of Services for Victims of Domestic Violence and Sexual Assault

Iowa’s system of services for victims of domestic violence (DV) and sexual assault (SA), which emerged in the 1970s and 80s, is now modernizing to better meet the needs of survivors. The current system of 28 mostly dual-service (both SA and DV) centers across the state offers emergency shelter care as its primary service option. The staffing and infrastructure needed to maintain a 24/7 shelter often overwhelms the budgets of local programs which limits other services that can be offered.

While shelter care remains an important part of the service continuum, it must not be the only perceived option. When domestic violence victims or victims of sexual abuse see emergency shelter care as the *only* gateway to help, many or most choose not to seek services. Sexual assault victims, in particular, rarely seek shelter care.

The Iowa Attorney General’s Office Crime Victims Assistance Division, which administers state and federal funds for DV and SA, has developed a plan reorganizing into comprehensive, outcome-based, community-based domestic violence and sexual assault services, including the provision of regional emergency shelter care. The Iowa Coalition Against Domestic Violence (ICADV) and the Iowa Coalition Against Sexual Assault (IowaCASA) and their member programs were involved in the plan’s development, and extensive public input has been sought. ICADV and IowaCASA support the reorganization plan.

Though the plan was initially driven by concerns about the sustainability of federal and state funds to serve Iowa’s victims, emerging evidence shows by modernizing our service delivery, we can dramatically improve program outcomes.

Independently verified data from Needle Analytics indicates a minimum of \$8m in additional funding is needed to increase the capacity of programs. This will add 147 field advocates. These additional advocates will serve nearly 20,000 more victims. The data also shows this level of increase in funding will still leave a minimum 8,583 victims without any services or support.

Additional Funding	Additional Number of Advocates	Additional Number of Victims Served
\$2,000,000	49	6,654
\$4,000,000	98	13,308
\$6,000,000	147	19,961
\$8,000,000	196	26,615
\$10,000,000	245	33,269

For further information, please contact ICADV or IowaCASA, or Rachel Scott (515.979.4025 or rqs.rachel@gmail.com) or Amy Campbell (515.554.5838 or amy@ialobby.com).

What Will a New System Look Like?

Though the primary services offered in the new system have been piloted very successfully in the states of Washington and Oregon (and to some degree, in a few of Iowa’s local programs), Iowa will be the first state in the nation to modernize its DV and SA service system statewide.

Rather than expending the majority of funds on costs associated with a network of shelters (bricks and mortar, utilities, food, maintenance, and 24/7 staffing), contractors in six regions of the state will be responsible for providing comprehensive, community-based DV services, comprehensive SA services, and emergency shelter services.

Comprehensive services to survivors of domestic violence and sexual assault include, but are not limited to:

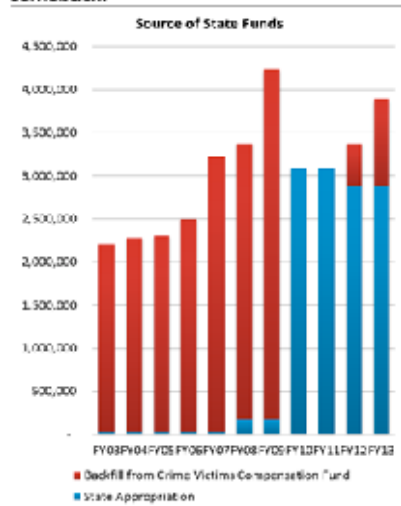
- **Rapid rehousing:** help securing permanent, safe housing for the victim; providing limited cash assistance, if needed, to pay security and utility deposits or rent.
- **Mobile tailored advocacy:** trained advocates meet the victim in a place of the victim’s choosing to determine needs and develop a plan that provides as few or as many services as the victim needs. This is especially crucial for victims of sexual assault or abuse, who may be young adults or children, and for whom shelter-based care is not needed.
- **Financial or legal counseling to assist victims in a variety of matters:** seeking protective orders, divorce, child custody and support, affording the home after the abuser has left, troubleshooting rental agreements, etc.

Using Funds Effectively for Iowa's Survivors of Domestic Violence and Sexual Assault

How Are Victim Services Funded?

The Iowa Attorney General's Office, Crime Victims Assistance Division currently administers the federal and state funds to domestic violence and sexual assault programs on a grant basis. Services for victims are funded by a combination of federal, state, and local funds. Over the last ten years, federal funds have comprised 50-65% of all victim service dollars in Iowa.

The Iowa General Assembly appropriates funds in a line-item called Victim Assistance Grants within the budget of the Attorney General's Office. In FY2003, the Legislature appropriated \$30,000 for Victim Assistance Grants, and the Attorney General's Office made a transfer from the Crime Victims Compensation Fund (CVCF), a fund paid by criminal fines and restitution to assist victims of all sorts of crime, to cover the deficit. This reliance on transfers continued until FY2009, when the Fund was drained. As the chart below demonstrates, this priority funding for victim services appears to be making a comeback.



What are the Costs of Waiting to Modernize the System?

In the last ten years, 11 domestic violence and/or sexual assault programs in Iowa have closed their doors. Failure to address issues with the overall fiscal sustainability of Iowa's victim services system means yet more programs will close this year. This is the reason the Attorney General's Office, ICADV, and IowaCASA came together to find ways to ensure that needed services, instead of physical structures, are protected and that services are available to victims and survivors—no matter where they live.

Sustainability of programs means not only providing an adequate and reliable state appropriation from year to year, but addressing with deliberate speed the well-documented, long-term drains on program effectiveness that severely limit the services.

Waiting to modernize costs taxpayers about \$3.3 million each year in unused emergency shelter beds. 11.2% of victims served in FY2011 utilized shelter, which left 88.8% utilizing other outreach services. Across the state, the shelter vacancy rate is 42%—a trend consistent from year to year and with national figures. About 40% of Victims Services Support program resources currently maintain shelters, which serve only 11.2% of victims.

Waiting to modernize keeps thousands of victims each year on an "invisible waiting list." Because currently we are not able to offer the community-based, client-based services they need, many survivors instead don't ever seek our help, or only do so when the need for services has become intensified. For instance, it is estimated that only 8% of Iowa's victims of sexual assault seek services.

Waiting to modernize wastes momentum and resources for programs who have already developed regional plans together. Though not without difficulty, our local programs have already made decisions for what makes the most sense as service models and providers in the six regions. Several programs have already acknowledged that sheltering clients is not their strength of service, so have chosen to begin the transition out of sheltering and focus on other core services. Prolonging the process of reducing the number of shelters will divert funds away from the development of new services to reach more victims.

Waiting to modernize keeps our survivors, programs and communities from realizing the better outcomes and increased effectiveness that other communities have experienced. Programs in Washington and Oregon report impressive long-term gains for families from rapid rehousing services. Families who have received these services are much more likely to be in stable housing, and they experience greater rates of safety, employment, and children's academic success. Overall, they utilize fewer emergency and safety net services.