



Department of Justice

THOMAS J. MILLER
ATTORNEY GENERAL

ADDRESS REPLY TO:
HOOVER BUILDING
DES MOINES, IOWA 50319
TELEPHONE: 515-281-5164
FACSIMILE: 515-281-4902

DEPARTMENT OF JUSTICE
ATTORNEY GENERAL TOM MILLER
PRESENTATION TO
JUSTICE SYSTEMS
APPROPRIATIONS SUBCOMMITTEE

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Requests for General Fund Appropriations

I. Attorney General's Office - Criminal Law

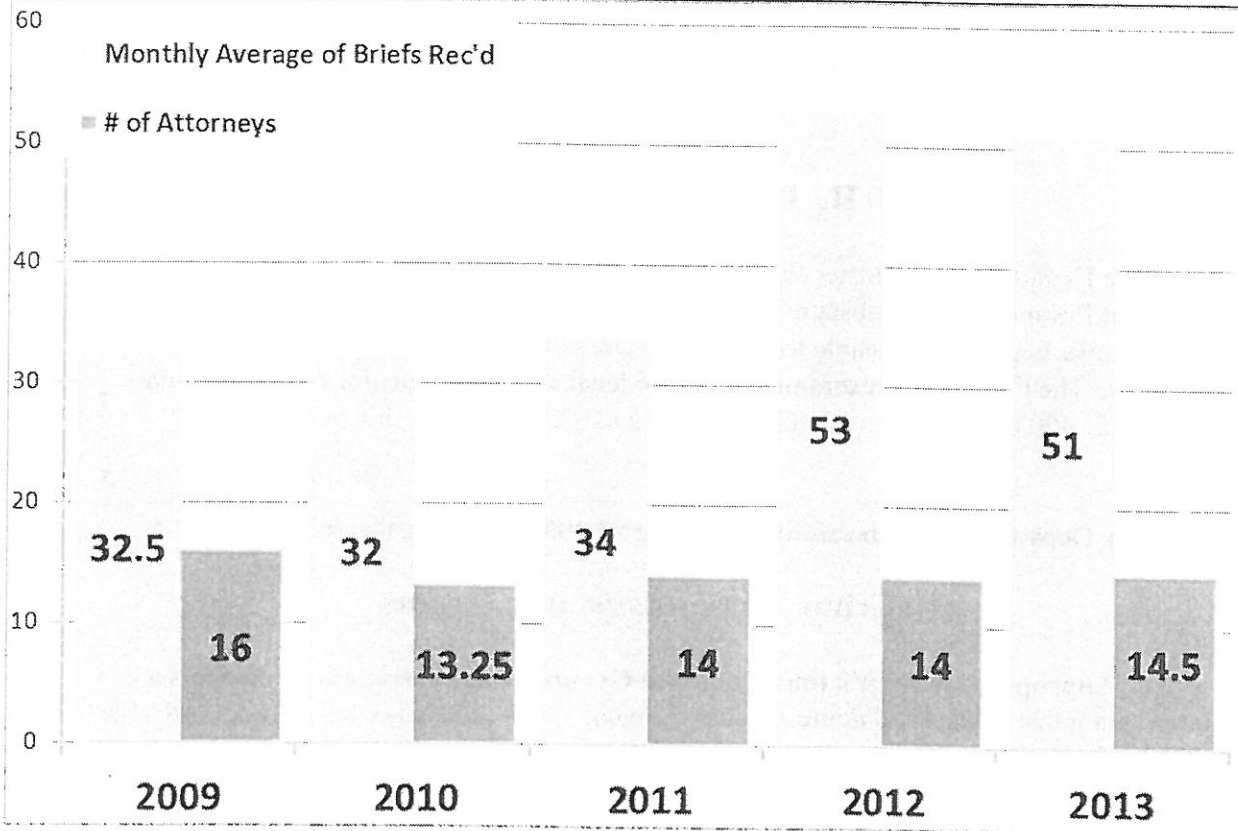
Last year, the Department requested \$350,000 for two new criminal appeals attorneys and two new area prosecutors. The Governor's budget recommendation for FY14 included \$175,000 for the criminal appeals attorneys and his recommendation for FY15 included the full \$350,000 for both criminal appeals attorneys and area prosecutors. The Legislature appropriated \$175,000 for FY14.

The Department is respectfully requesting \$350,000 for FY15. The Department would allocate the additional \$175,000 for a criminal appeals attorney and an area prosecutor for the reasons outlined below:

1. **Criminal Appeals Division.** An additional criminal appeals attorney is needed to ensure the Department will be able to continue its excellent appellate defense of criminal convictions.

- The Division handles all criminal and post-conviction 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 is 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 five years, in large part to a recent rule of the Iowa Supreme Court requiring the briefing of dozens of appeals previously considered "frivolous." Although two new attorneys started this fall, the **Chart Below** shows the trend line and the need for an additional attorney.
- Division attorneys, on average, are producing about **4 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 Department does not have this budget safety-valve.

**Iowa Attorney General's Office
Criminal Appeals Division**



2. **Area Prosecution Division.** An additional area prosecutor is 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.

- 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 frequently travel up to a 1,000 miles per month.

- Number of criminal trials remained steady in the last five 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.

II. Legal Aid of Iowa

The Department administers a state grant program that funds civil legal services for indigent Iowans. Due to substantial cuts in federal funding and reductions in other revenues, Iowa Legal Aid is unable to provide services to thousands of eligible individuals. The Governor's recommendation for legal services grants for both FY14 and FY15 was \$2,400,000. The Legislature appropriated \$2,180,562 for this purpose for FY14.

The Department is respectfully requesting **\$2,400,000** for legal services for FY15.

III. Crime Victim Assistance Grants

1. Appropriation for Victim Assistance Grants. The Department administers a grant program that funds local domestic abuse, sexual abuse and shelter-based programs. For FY13, the line item appropriation for victim assistance grants was \$2,876,400. For FY14, the Department asked the legislature for a \$6 million appropriation increase - to \$8,876,400. For FY14, the legislature increased appropriations for victim grants by \$4 million – to \$6,876,400 in two sections: First, the basic line item appropriation approved by the legislature was \$6,734,400. Second, the legislature moved the balance of the Cigarette Fire Safety Fund, \$142,000, to victim grants. The Governor line item vetoed the second provision.

For FY15, the Department respectfully requests the full amount approved by the legislature for FY14 - **\$6,876,400**.

2. Modernization of Victim Service Provision. The Department's Crime Victim Assistance Division ("CVAD"), with assistance from the Iowa Coalition Against Domestic Violence, the Iowa Coalition Against Sexual Assault and many others, is working to modernize Iowa's system of victim service provision by taking what has been learned from victims, best practices of past and present models, and Iowa specific and national service statistics. The goal is to establish a system that is cost effective, sustainable and client-focused.

a. Gaps Addressed by Modernizing Services. There are several gaps which the modernization efforts are attempting to address:

- Inequitable distribution of funds statewide.
- Quality services to both urban and rural areas.
- Needs of victims vs. allocation of funds (40% of total funds allocated to shelter-based services were being utilized by only 11% of the victims served)
- Programs were reaching only about 8% of all estimated sexual assault victims.
- Shelter vacancy rates were about 42% statewide, equating to about \$3.3 million in unused emergency shelter beds annually.
- Victims' needs for more permanent, long-term housing solutions were not being addressed.

b. Description of Modernization Plan. Under the modernization plan, the victim service area is the State of Iowa, divided into six regions that are similar in geographic makeup, number of counties, distance to travel, and urban/rural mix. Each region contains one or two shelter based programs, one or two domestic abuse comprehensive programs and one or two sexual assault comprehensive programs. Through a competitive grant process, CVAD moved from funding 20 shelter-based programs to funding only nine shelter-based programs. CVAD moved from funding roughly 28 dual programs to funding twelve domestic abuse comprehensive programs and ten sexual abuse comprehensive programs. Three programs closed their doors permanently and seven programs elected to keep their shelters open with alternate funds (Dubuque Y, Clinton Y, Burlington Y, Ames ACCESS, Spencer CAASA, Sioux Center-FCC, Atlantic-FCSN). CVAD committed about \$1.65 million in victim compensation fund dollars towards transition grants to allow programs time (up to a year) to transition into, or out of, services in an effort to create a more seamless process for victims.

c. Measures of Success. During the past legislative session, CVAD said a \$4 million increase in state appropriations would result in at least 98 more advocates in the field and an additional 13,308 additional victims served. With the \$4 million increase, CVAD was able to put about 120 advocate FTEs in the field. CVAD transition grants paid for 31 advocate FTEs to remain in place throughout the transition year. Transition grants also paid for mobile advocacy equipment, supplies, marketing and many other programmatic costs associated with the move into, or out of, services.

The National Resource Center for Domestic Violence, in coordination with the Department of Health & Human Services, has awarded funds to two national level researchers to evaluate Iowa's victim service restructure. Over the next two years, Iowa will be monitored closely for successes and failures. New program outcome measures will be implemented to collect new data, such as how many victims were served through alternate housing solutions.

d. Specific Success Stories. General statistics are not currently unavailable since CVAD is only five months into the contract/transition period. However, there are multiple success stories from around the state:

- Ft Dodge (Domestic and Sexual Assault Outreach Center). The increase in funding has meant this program has not turned away a victim for safe shelter services
- Adel (Crisis Intervention & Advocacy Services). This program has established models of “safe homes” consisting of churches, transitional housing, apartments, guest homes, hotels and RV’s, providing a variety of safe options to community shelter living, which the majority of victims prefer.
- SW Iowa. There was a request by a non-traditional law enforcement agency for services to a rural sexual assault victim less than a month into the transition period. An advocate was on scene and explaining services in less than 30 minutes. This law enforcement agency called CVAD to commend the advocacy agency and services received.
- Davenport (Family Resources Inc.). In FY12, the program sheltered a total of 243 victims. FRI began trying out the new model of services early, in anticipation of the changes CVAD was proposing for FY13. The program implemented a shelter/housing first assessment tool, reducing victim’s length of stay from 90 to 45 days and implemented a goal to move victims into more permanent housing solutions sooner. Over this five month time period (5/1/13-10/1/13), the Davenport shelter housed 175 clients and is on pace to serve at least 420 clients in total, which represents a 72% increase. Also, this number does not include those clients who were diverted from shelter entirely and were immediately placed into permanent housing solutions.

Consumer Education and Litigation Fund Cap

The Department’s Consumer Education and Litigation Fund (“Fund”) is established in Iowa Code section 714.16C and is comprised of amounts received from civil consumer fraud judgments and settlements. Under this code section, \$1.2 million is appropriated for each fiscal year from the Fund to be used by the Department for investigation, prosecution, and consumer education relating to consumer and criminal fraud.

Historically, the Department used General Fund dollars to pay for the costs to run the Consumer Protection Division (“Division”). However, when budget cuts were imposed on the Department in the last decade or so, the Department became totally reliant on the Fund and other dedicated funds to finance the Division. For many years, the Department has not used any General Fund dollars for the Division.

With costs rising for the Division, the Department asked the legislature to raise the \$1.2 million cap to \$2 million. This was done in 2009 for FY09, FY10, and FY11. *See* 2009 Iowa Acts chapter 178, section 20. This session law provision was amended in 2011 to extend the authority to spend \$2 million into FY12 and FY13. *See* 2011 Iowa Acts, chapter 134, section 20.

In 2013, the legislature amended section 714.16C and raised the cap to \$2 million permanently. The Governor item vetoed this provision, meaning the cap returned to \$1.2 million for FY14.

For FY14, the Department was able to utilize other dedicated funds to make up the \$800,000 decrease in spending authority from the Fund. However, to effectively continue the work of the Division, this option will not be sustainable in future fiscal years. The Department respectfully requests that the legislature approve a provision that would **increase the cap on the Fund to \$2 million through FY16**. This is a return to the practice of the legislature reviewing the need for the cap increase every two or three years.

Out-of-State Travel

Personnel from the Department travel out-of-state for the following reasons: (1) Meetings of the National Association of Attorneys General and other organizations attended by the Attorney General and a deputy. (2) Litigation purposes, including negotiations, depositions and appellate arguments. (3) Miscellaneous training conferences sponsored by the National Attorneys General Training and Research Institute and other entities. (4) Conferences and trainings related to the Crime Victims Assistance Division (“CVAD”), many of which are required by federal grants.

Over the last two and one-half fiscal years, the Department (excluding CVAD) spent an average of \$64,000 per fiscal year on out-of-state travel. Of this, about **\$19,000** was paid with General Fund dollars. Over the same period, CVAD spent an average of \$10,380 per fiscal year on out-of-state travel, none of which was paid with General Fund dollars.

All out-of-state travel is approved by the Attorney General or the Chief Deputy Attorney General.