

**MANAGEMENT AUDIT OF THE  
COUNTY OF SANTA CLARA  
VICTIM AND WITNESS ASSISTANCE CENTER  
OPERATED BY SILICON VALLEY FACES**

**Prepared for the  
Board of Supervisors  
of the County of Santa Clara**

**By the:**

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**April 2009**

# County of Santa Clara

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April 27, 2009

Supervisor Ken Yeager, Chair  
Supervisor Dave Cortese, Vice Chair  
Board of Supervisors Finance and Government Operations Committee  
70 West Hedding Street  
San Jose, CA 95110

Dear Supervisors Yeager and Cortese:

At the direction of the Board of Supervisors, we have completed a management audit of the County of Santa Clara Victim and Witness Assistance Center operated by District Attorney's Office through a contractor, Silicon Valley FACES. This management audit was conducted pursuant to the authority granted to the Board of Supervisors under the Board's power of inquiry, as provided in Article III, Section 302 (c) of the County Charter, and in conformity with the auditing standards of the United States Government Accountability Office.

This audit was selected in response to a request made to the Board of Supervisors by the District Attorney. The decision to conduct the management audit was also made in accordance with the Board of Supervisors' Management Audit Program risk assessment procedures.

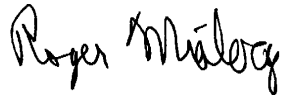
The purpose of the management audit was to examine the operations, management practices and finances of the Victim and Witness Assistance Center, and to identify opportunities to increase the Center's efficiency, effectiveness, and economy. The scope of the management audit did not include an examination of the policy question of whether the service should be brought in-house and provided directly by District Attorney staff, rather than by contract. Therefore, the report makes no recommendations in that regard. The audit commenced with entrance conferences in November 2008. A draft report was issued on March 4, 2009, and exit conferences were held with District Attorney and Silicon Valley FACES managers between March 18 and April 8, 2009. Written responses from the department and contractor were received on April 24, 2009, and have been attached to the management audit report for the Board's consideration.

Supervisor Ken Yeager  
Supervisor Dave Cortese  
April 27, 2009  
Page 2

Based on audit procedures, a total of four findings with 33 corresponding recommendations were developed. Included are findings related to improvements in the County's victim witness service procurement and agreement structures; methods for effectively monitoring the Center's performance and to ensure that client outreach is optimized; establishing controls for determining the Advocacy Unit's staffing, resource utilization, and functional priorities; and improvements in the Silicon Valley FACES Victim and Witness Assistance Center's budgeting, accounting, and financial management procedures.

Although most of the recommendations contained in this report are directed to the Silicon Valley FACES Victim and Witness Assistance Center, issues were also raised that require the attention of the Office of the District Attorney and the Board of Supervisors. We would like to thank the Executive Director of Silicon Valley FACES, Director of the Victim and Witness Assistance Center, the District Attorney, and all other County and contractor staff involved with this management audit for their cooperation and assistance.

Respectfully Submitted,



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Board of Supervisors Management Audit Manager

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# Table of Contents

	<u>Page</u>
Executive Summary .....	i
Introduction.....	1
1. Contracting for Services .....	1-1
2. Strategic Management and Outreach .....	2-1
3. Advocacy Unit Management .....	3-1
4. Budget and Financial Procedures.....	4-1
Appendix 1: Peer County Survey Results	

**WRITTEN RESPONSE FROM THE SANTA CLARA COUNTY DISTRICT  
ATTORNEY**

**WRITTEN RESPONSE FROM SILICON VALLEY FACES**

## Executive Summary

The Santa Clara County Board of Supervisors authorized this *Management Audit of the Victim and Witness Assistance Center* as part of the County's FY 2008-2009 Management Audit Program. This audit was conducted in accordance with generally accepted government auditing standards of the United States Government Accountability Office. The audit was performed pursuant to the Board's power of inquiry specified in Article III, Section 302 (c) of the Santa Clara County Charter.

The purpose of the management audit was to examine the operations, management practices and finances of the Victim and Witness Assistance Center, and to identify opportunities to increase the Center's efficiency, effectiveness, and economy. The scope of the management audit did not include an examination of the policy question of whether the service should be brought in-house and provided directly by District Attorney staff instead of by contract. Therefore, this question was not examined by management audit staff and the report makes no recommendations in this regard.

As part of this management audit, we interviewed representatives from the Victim and Witness Assistance Center and the Office of the District Attorney. To understand the operations of the Victim and Witness Assistance Center, we reviewed documentation provided by the Center, survey responses provided by other jurisdictions, and various other internal and external documents. We also analyzed data collected from systems maintained by the Center or elsewhere in the County.

This report identifies four findings with 33 corresponding recommendations. Included are findings related to improvements in the County's victim witness service procurement and agreement structures; methods for effectively monitoring the Center's performance and to ensure that client outreach is optimized; establishing controls for determining the Advocacy Unit's staffing, resource utilization, and functional priorities; and improvements in the Silicon Valley FACES Victim and Witness Assistance Center's budgeting, accounting, and financial procedures.

A synopsis of each of the findings and related recommendations is provided on the pages that follow.

## **Section 1: Contracting for Services**

Victim and witness services have been performed by Silicon Valley FACES and its predecessor organizations since program funding was first made available by the federal government nearly 32 years ago. However, these services have never been competitively bid, even after the County became the recipient agency responsible for the administration of grant funding in 1986.

Although sole source contracts are permitted by law and, under certain circumstances by County policy, specific requirements for justifying the reasons for purchasing victim/witness assistance services from a sole source provider have not been met. Further, current practices have not provided the public with assurance that services are being procured from the most capable vendor at the lowest possible cost.

In addition, the County has not consistently entered into formal agreements with Silicon Valley FACES to define the scope of services, obligations of the parties, program performance objectives or technical contracting requirements for major components of the victim witness assistance program. Instead, Silicon Valley FACES is shown in four major State grant awards as the “implementing agency,” subject only to the terms and conditions set by the State but not by the County.

Should the County choose to continue purchasing victim witness assistance services from a private provider, such services should be contracted after soliciting bids through a formal request for proposal process. If the County chooses to contract with a provider on a sole source basis, justifications should be made for doing so, in accordance with the Board of Supervisors’ contracting policies. Structuring the service procurement and agreements in this manner will strengthen liability protections for the County, foster provider accountability and create selection process transparency.

Based on these findings, the Board of Supervisors should:

- 1.1 In consultation with the County Executive, County Counsel and the District Attorney, make a determination regarding whether the capabilities, qualifications and experience of Silicon Valley FACES justifies purchasing victim/witness compensation and advocacy services from the organization on a sole source basis;
- 1.2 Depending on the Board’s determination, direct the County Executive to work with the District Attorney to solicit proposals through a competitive process or to appropriately justify a decision to proceed with establishing a sole source contract with Silicon Valley FACES for services;

- 1.3 Direct that contracts for services be established with any provider(s) who may be selected to perform victim/witness compensation and advocacy services for the County, as the grant recipient and local administrator of federal and State grant funds; and,
- 1.4 Ensure that the contracts for services include key provisions outlined in the Board of Supervisors' policies, including those requiring performance standards, performance evaluation processes, insurance and indemnification requirements, nondiscrimination provisions, statements regarding the contract term and conditions for extensions, and the payment of prevailing wages to employees.

There would be no cost to establish justifications for sole source contracting, soliciting competitive bids from qualified providers or entering into contracts for victim/witness compensation and advocacy services.

Structuring the service procurement and agreements in the suggested manner will strengthen liability protections for the County, foster provider accountability and create selection process transparency.

## **Section 2: Strategic Management and Outreach**

Although the State Victim Compensation and Government Claims Board provides reasonable oversight of the victim compensation function by inserting itself in the claim processing and approval process, similar oversight is not provided by the California Emergency Management Agency (CalEMA) for advocacy services provided by Silicon Valley FACES. In addition, the District Attorney has not developed systems for establishing program standards of service or measures of performance against such standards. As a result, performance expectations are unclear and not effectively monitored.

For example, although caseload and service data are being collected in accordance with grant requirements, this data is not used to make strategic or informed decisions about the Advocacy Unit's staffing, resources, service priorities or outreach. In addition, staff activities are not effectively linked to organizational objectives, and cross training by function and work location does not regularly occur.

Further, the Advocacy Unit's outreach processes and efforts could be improved. Interviews with various advocacy staff suggested that there is a varying understanding of the processes to be used and extent to which they should be reaching out to the victims. Most Advocacy Unit staff generally have very limited interactions with District Attorney or other County department staff, particularly with regards to obtaining feedback on victim advocacy service needs and priorities. The Victim and Witness Assistance Center's website contains very limited information for potential clients.

Based on these findings, the District Attorney should:

- 2.1 Request the California Emergency Management Agency to periodically conduct contractor site visits (i.e., both technical assistance and monitoring site visits) on a rotation not to exceed three years, to ensure that program objectives are being met; that grant requirements and applicable laws and regulations are being followed; that contractor staff receive technical assistance when required; and that the Victim and Witness Assistance Center's programmatic, administrative, and fiscal components are assessed on a regular basis.
- 2.2 Improve its monitoring of contractor services and activities, including establishing a more effective management and performance reporting structure based on defined standards of performance, and demonstrated with existing data and a broader range of more meaningful measures of performance.
- 2.3 Using the management and performance reporting structure recommended in this section, establish service objectives that can be linked to both organizational and staff performance measurements.

The Director of the Victim and Witness Assistance Center should:

- 2.4 When resources permit, consider reinstating the system of staff rotation to various advocacy service locations, to broaden staff exposure to the County's victim assistance system/network, increase interaction with client departments, alleviate staff burnout, and promote cross-training.
- 2.5 Implement procedures to record and measure victim/witness feedback, to enhance organizational service quality and to provide individual staff guidance on areas where individual performance could be improved.
- 2.6 Establish a systematic approach for communicating with and obtaining feedback from various client agencies, including the Office of the District Attorney, regarding victim advocacy and service needs and priorities, to ensure that all types of victims are served by the Center; and, to ensure that County staff and agencies are familiar with the Center's staff and services.
- 2.7 Consider enhancing the Victim and Witness Assistance Center website by introducing better and more robust information, including, at a minimum, descriptions of all of the services the Center provides; victim/witness rights and other legal mandates; guide to the criminal justice system; information on or links to the other community organizations; and, County agencies that provide direct and indirect services to victims.



There would be no cost to implement these recommendations, although increased management staff time would be required to establish improved standards and measures of contractor performance. State and County oversight would be enhanced, and contractor staff would be provided with a more complete understanding of organizational goals and objectives. Individual staff performance would potentially improve.

### **Section 3: Advocacy Unit Management**

The Advocacy Unit has direct service staff equating to 9.28 Full-Time Equivalent (FTE) positions, including 1.0 FTE Advocacy Unit Supervisor and 8.28 FTE Advocates. These staff provide various services to victims, including assisting with the filing of claims, obtaining restitution and navigating court processes. The Advocates assisted 6,810 new victims in FY 2007-08 and 4,150 new victims in the first half of FY 2008-09. Most clients were victims of domestic violence, driving under the influence, hit and run, assault and child sexual abuse offenses.

The Advocacy Unit has not implemented a sufficient approach for assigning, tracking or managing Advocate workload activities. For example, the Unit does not assign cases systematically, resulting in workload imbalances among Advocates. In addition, the caseload data currently collected are unreliable, and Advocates have inconsistent methods for recording crucial information. A review of staff worksheets showed that some contained incorrect calculations, and that none of the quarterly totals that were reported to the State matched with the totals in the Advocates' physical records. Further, the Unit has not established key internal controls, including comprehensive policies and procedures and an appropriate performance review system.

Such weaknesses have resulted in management's inability to sufficiently assess staff productivity, determine appropriate staffing and priorities, and develop a more strategic approach for providing victim services and outreach. Establishing sufficient caseload monitoring procedures, implementing controls for tracking advocacy activities, and developing key management tools and quality measures will strengthen the Advocacy Unit's ability to ensure the quality, sufficiency, and accountability of the its advocacy staffing, functions, operations and services.

Based on these findings, the Director of the Victim and Witness Assistance Center should:

- 3.1 Establish a systematic approach (e.g., maintaining a central database, regularly monitoring caseloads) to all Advocates' victim referral and intake assignments by:

- (a) Taking into consideration the Advocates' existing caseload and workload activities, as well as the Advocates' varying types and levels of victim witness activities and responsibilities, to ensure that all Advocates receive appropriate and balanced caseload and workload;
  - (b) Regularly monitoring the Advocates' caseload and workload to ensure that staff time and resources are utilized efficiently and effectively; and
  - (c) Establishing an intake rotation system that takes into account daily fluctuations to ensure that intake caseloads among staff are as balanced as possible.
- 3.2 Establish policies and procedures for systematically and electronically keeping track of the following data, and for regularly analyzing such data, to assess resource needs, identify deficiencies in Advocacy outreach efforts, and determine where Advocates should be assigned to perform victim outreach activities:
- (a) Data on how victims are referred to the Victim and Witness Assistance Center, and
  - (b) Data on geographic locations where the victims are from;
- 3.3 In conformance with the California Emergency Management Agency grant requirements, keep accurate, complete, and orderly records as source documentation to support the information reported in the progress report. At minimum, establish protocols to improve the Center's victim caseload data quality and data gathering efforts, including:
- (a) Making sure that all Advocates understand and implement the standard definitions and instructions for reporting and collecting caseload statistics (e.g., statistics on the types of cases and types of services provided);
  - (b) Developing a standard electronic template for the Advocates to use in maintaining their victim caseload statistics to facilitate the ease of data compilation, data search, and data analysis;
  - (c) Requiring the Advocacy Unit Supervisor to conduct a random sample review of each Advocate's electronic Record of Contacts on an ongoing basis to determine the numbers' accuracy and completeness;
  - (d) Requiring the Advocacy Unit Supervisor to check and make sure that the statistics reported to the State match those that are recorded by the staff;

- (e) Requiring Advocates to maintain electronic records of their victim follow-up and correspondence activities, ongoing caseloads, various advocacy activities, status of assistance, and client contacts/phone calls that would allow the Director to assess whether the victims' needs are being effectively addressed;
  - (f) Requiring the Advocacy Unit Supervisor to conduct an ongoing random sample review that involves tracing the Advocates' reported activities (i.e., as they are reported in the monthly Records of Contacts) to a corroborating source document (e.g., the Advocate's intake notes, activity logs, desktop calendars, etc.) to ensure that the activities reported by the Advocates actually occurred;
  - (g) Establishing and implementing one standard activities-based functional timesheet template for all Advocates to use; and
  - (h) Requiring the Advocacy Unit Supervisor to maintain one central database system that includes information on the total number of victims currently being assisted, as well as the total number of cases that have been closed or have been active for a period of time for each Advocacy staff.
- 3.4 Once the Advocacy Unit has implemented tighter controls for collecting reliable and useful caseload and workload data, analyze the data gathered on an ongoing basis for management decision-making purposes to determine a more efficient utilization of the Center's staff and resources.
- 3.5 Coordinate with the District Attorney's Office's Restitution Unit to:
- (a) Determine an appropriate division of restitution workload between the two agencies that is consistent with the State grant requirements;
  - (b) Determine whether duplication of efforts is happening; and
  - (c) Address both the Victim and Witness Assistance Center's and the District Attorney's resource limitations in determining the County's restitution staffing priorities.
- 3.6 Coordinate with the District Attorney's Office, the Probation Department, and other relevant County agencies in revising its Restitution Evaluation Manual to incorporate policies and procedures that address the following:
- (a) That all Advocates are given as accurate and complete victim information (e.g., contact information and police reports) as possible in a timely manner; and

- (b) That all responsible agencies use consistent restitution reporting standards to ensure the restitution reports' quality and effectiveness in helping victims receive restitution.
- 3.7 Establish and implement a policies and procedures manual for the Advocacy Unit that, at minimum, addresses and ensures the following:
- (a) That goals and objectives are established;
  - (b) That standard procedures and protocols are in place; and
  - (c) That accountability and quality control measures are clearly and consistently communicated.
- 3.8 Establish and implement a performance review/appraisal form that is specifically for the Advocates and that includes, at minimum,
- (a) Measurable and relevant competencies;
  - (b) Specific/actionable goals (e.g., training needs, exposure to certain processes and procedures) for Advocates; and
  - (c) Specific corrective actions that are tracked.

The District Attorney should:

- 3.9 Establish and implement policies and procedures to ensure that the victim/witness contact information is accurately and completely entered into the County's relevant data systems (e.g., the Criminal Justice Information Control Database and the Victim Restitution Application).

Implementation of all recommendations should be accomplished using existing resources. For example, the Center should first use its current data processing system (i.e., Excel) to track and maintain critical caseload, workload, and advocacy activities data (as identified in this section) before it considers migrating into the DAMION Advocate System. The benefits include vastly improved caseload and workload monitoring procedures, better quality caseload and activities data, and enhanced accountability measures, which have the potential to result in less staff costs through better staff accountability and more efficient use of staff hours and resources. In addition, the Advocacy Unit's management staff would be equipped with the tools necessary to determine how to better allocate staff time and resources, as well as determine advocacy outreach and program/service priorities, which have the potential to further maximize the victim advocacy dollars received by the County. Furthermore, establishing key internal controls and quality measures, including comprehensive

policies and procedures and a relevant performance review system could result in increased efficiency and reduced unnecessary costs through enhanced staff and overall program accountability.

#### **Section 4: Budget and Financial Procedures**

Silicon Valley FACES has not finalized nor implemented its internal financial or accounting policies and procedures, which are important for clearly defining internal controls; facilitating appropriate and consistent processes; communicating expectations; and preventing inaccuracies and re-work. Policies and procedures are crucial to properly account for assets and accurately report financial transactions.

The Office of the District Attorney currently does not actively participate in developing the Victim and Witness Assistance Center's budget, limiting collaboration between responsible parties to ensure that grant funds are being budgeted appropriately and effectively. In addition, the District Attorney's review practices do not provide adequate assurance that the Center's monthly invoices are accurate, resulting in reimbursements for the wrong amounts. Further, the Center has not developed a cost allocation plan to ensure sufficient return of reimbursable overhead costs incurred by the County. Sound internal controls are needed so that the victim witness program budget is sufficient; reimbursements are always valid and accurate; and a more appropriate indirect cost rate is used for reimbursement purposes.

Despite the Silicon Valley FACES's claims about having cash flow problems, a review of its financial statements indicates that the organization has considerable cash balances and that they could potentially liquidate some investments to meet cash flow needs. In addition, Silicon Valley FACES also has a contingency reserve totaling \$694,320, which was originally set aside pending the completion of Silicon Valley FACES's separation from the national organizational over four years ago. Silicon Valley FACES should utilize all its available resources and fully examine its options for making contingency reserves available for cash flow purposes, especially for providing sufficient funds for the County's victim witness program.

Based on these findings, the Victim and Witness Assistance Center should:

- 4.1 Establish and implement policies and procedures to ensure that the monthly invoices submitted to the District Attorney's Office are accurate, valid, and complete;
- 4.2 Maintain adequate documentation and calculations of all the line-item costs that are invoiced to the County;

- 4.3 Collaborate with the Office of the District Attorney in developing and implementing a practical and robust approach for calculating the County's victim witness program indirect cost rate, in accordance with State grant guidelines. This calculation should accurately, completely and properly reflect and account for all reimbursable indirect overhead costs incurred by the Silicon Valley FACES and the County in administering the State victim witness grants; and
- 4.4 Once the appropriate indirect cost rate for the victim witness program has been derived, utilize this overhead rate in developing the Center's program budget, as well as in calculating the Center's monthly reimbursements from the State.

The Office of the District Attorney's Business Services Division should:

- 4.5 As part of the State grant proposal process, collaborate with the Victim and Witness Assistance Center Director in developing Santa Clara County's victim witness program budget to ensure, to the greatest extent possible, an inclusive process for identifying the County's full victim witness service staffing and resource needs and priorities;
- 4.6 Establish and implement adequate procedures for reviewing the monthly invoices for their validity, accuracy, and completeness before processing the invoices for payment;
- 4.7 On a regular basis, conduct a random sample review of the Victim and Witness Assistance Center's monthly invoices to ensure that:
  - (a) Staff names listed on the invoices match those in the corresponding timesheet documentation;
  - (b) The amounts listed under the line item operating costs/expenses (e.g., rent, utilities, telephone, postage, overhead, and other miscellaneous costs) have corroborating documentation (e.g., bills, contracts, etc.) that support the reported costs; and
  - (c) All the calculations and supporting documentation are accurate and complete.

The Silicon Valley FACES Board of Directors should:

- 4.8 Finalize and implement its internal accounting and financial policies and procedures, which should include appropriate measures for separately accounting for and tracking all of its grant programs and activities, including the victim and witness program's grants, reimbursements, and cost center

transactions to ensure appropriate classification and reporting of assets, liabilities, income and expenses. At minimum, these policies and procedures should include internal controls to ensure that:

- (a) Transactions have appropriate authorization;
- (b) Records are designed to sufficiently capture and track data and information;
- (c) Assets and records are physically secure;
- (d) Segregation of duties is in place;
- (e) Accounting records are periodically reconciled;
- (f) Periodic verifications of accounting data occurs; and
- (g) Analytical reviews occur to determine the reasonableness of financial records;

- 4.9 Utilize all its available and appropriate resources, including its liquid assets (e.g., cash, investments, etc.) to ensure that the County's victim witness assistance program continues providing its services to County residents;
- 4.10 Ensure that all financial information and documentation provided to its accountants relating to the Silicon Valley FACES's audited financial statements are as accurate and complete as possible. At a minimum, the Board should make sure that information on the organization's assets and liabilities are accurate and complete and that the audited financial statements accurately reflect the organization's restricted and unrestricted assets.
- 4.11 Fully examine its options and legal obligations for making the \$694,320 in contingency reserves available for the organization's cash flow, especially for the purposes of providing sufficient funds for the Victim and Witness Assistance Center's operating costs;
- 4.12 Develop a strategic plan that defines where the organization currently is and where it envisions itself in the future. At minimum, this strategic plan should establish a framework for deciding what types of organizational and investment tactics it needs to consider over the long term; and
- 4.13 Collaborate with the Silicon Valley FACES's Grant Writer, the Victim and Witness Assistance Center's management staff, and the Office of the District Attorney in setting strategic fundraising goals and objectives and in actively implementing continuous fundraising efforts to ensure that the County's victim witness needs are being met.

These recommendations could be implemented without new direct costs. The benefits of the recommendations would include having a clear direction for the allocation of and accounting for the County's victim witness funding and resources, as well as improved program efficiency through strengthened internal controls. By establishing financial and accounting policies and procedures and ensuring compliance, the County reduces the risk of loss due to budgeting inaccuracies, accounting mistakes, or invoicing errors. In addition, calculating the victim witness program's actual indirect cost allocation rate could potentially result in more dollar reimbursements from the State as a result of more accurately, completely and properly accounting for all reimbursable overhead costs incurred by the Victim and Witness Assistance Center and the County. Further, by utilizing Silicon Valley FACES's considerable cash balances, liquidating some investments, and using the contingency reserves to fund the Victim and Witness Assistance Center's ongoing program and staffing costs, the County's victim witness service needs could be sufficiently met. Having a more strategic approach to fundraising could also potentially provide the Silicon Valley FACES with a much needed sources of funds (i.e., above and beyond their current funding sources) to cover victim witness program operating expenses.



# Introduction

This *Management Audit of the Victim and Witness Assistance Center* was authorized by the Board of Supervisors of the County of Santa Clara as part of the County's FY 2008-2009 Management Audit Program, pursuant to the Board's power of inquiry specified in Article III, Section 302 (c) of the Santa Clara County Charter. The Board of Supervisors selected the audit topic after considering the annual County-wide audit risk assessment conducted by the Management Audit Division in accordance with Board directive. In addition, the management audit was selected after Board consideration of a request made by the District Attorney (DA) and consideration of her proposal to terminate the agreement with the current contractor and provide Victim and Witness Assistance Center services in-house using DA staff.

## Project Scope

The purpose of the management audit was to examine the operations, management practices and finances of the Victim and Witness Assistance Center, and to identify opportunities to increase the Center's efficiency, effectiveness, and economy. The Board of Supervisors did not request that the management audit examine the policy question of whether the service should be brought in-house and provided by District Attorney staff. Therefore, this question was not examined by management audit staff and the report makes no recommendations in that regard.

As part of this management audit, we interviewed representatives from the Victim and Witness Assistance Center and the Office of the District Attorney. To understand the operations of the Victim and Witness Assistance Center, we reviewed documentation provided by the Center, survey responses provided by other jurisdictions, and various other internal and external documents. We also analyzed data collected from systems maintained by the Center or elsewhere in the County.

This report includes four findings that encompass all areas of the Center's operations. Included are findings related to Silicon Valley FACES contractual relationship with the County, systems for establishing local program goals and objectives, enhancing outreach to the community, improving the oversight and management of advocacy staff, and strengthening the financial management of the organization.

Although we examined all areas of operations, we found that the Victim and Witness Compensation Unit was operating well and had a suitable amount of oversight, largely as a result of systems and processes established by the grantor agency, the State Victim Compensation and Government Claims Board (VCGCB). As a designated local Joint Powers Verification Unit, activities of the Compensation Unit are highly integrated with State operations and monitored by VCGCB. Policies and procedures, information systems and quality assurance mechanisms have all been designed by the State and are mandated for use by all of its grant recipients.

The Compensation Unit ensures that applications for compensation and documentation to justify claims are complete. The State takes direct responsibility for opening cases in its system, provides final claim and payment authorization and disburses funds. While the State's automated claims management system has some weaknesses, processes have been established which require extensive claims auditing by supervisory staff at the local level and ad hoc claims aging reports

have been established to monitor claims processing completion within mandated timeframes. We also found that processing activities were appropriately segregated and workload disbursed to ensure that individual claims would be recorded, reviewed, evaluated and resolved in a timely manner. Therefore, we have no substantive findings in this area.

## **Audit Methodology**

This management audit was conducted under the requirements of the Board of Supervisors Policy Number 3.35 adopted June 26, 2001. That policy states that management audits are to be conducted under generally accepted government auditing standards issued by the United States Government Accountability Office. In accordance with these requirements, we performed the following management audit procedures:

- Audit Planning: The management audit was selected by the Board of Supervisors using a risk assessment tool and estimate of audit work hours developed at the Board's direction by the Management Audit Division. After audit selection by the Board, a detailed management audit work plan was developed and provided to the Victim and Witness Assistance Center.
- Entrance Conference: An entrance conference was held with the Victim and Witness Assistance Center, as well as with the Office of the District Attorney, to introduce the management audit team, present the management audit scope, describe the management audit process, establish management audit procedures and protocols, and respond to questions. A letter of introduction from the Board, a management audit work plan, and a request for background information were also provided at the entrance conference.
- Pre-Audit Survey Interviews: A preliminary review of documentation and interviews with managers from the involved departments were conducted to obtain an overview understanding of the Victim and Witness Assistance Center, and to isolate areas of operations that warranted more detailed assessments. Based on the pre-audit survey, the work plan for the management audit was refined.
- Field Work: Field work activities were conducted after the completion of the pre-audit survey and included: (a) interviews with management and line staff of the Center; (b) a further review of documentation and other materials provided by the Center and available from other sources; (c) analyses of data collected manually and electronically from systems maintained by the Center or elsewhere in the County; and, (d) surveys of other jurisdictions to measure performance and to determine organizational and operational alternatives that might warrant consideration by the County of Santa Clara.
- Status Reporting: Informal status reports were provided to the Victim and Witness Assistance Center managers to describe the study progress and provide general information on our preliminary findings and conclusions.

- **Draft Report:** A draft was prepared and provided to the Silicon Valley FACES Executive Director and to the District Attorney. The draft report was also provided to County Counsel to obtain input regarding legal issues that surfaced during the course of the study.
- **Exit Conference:** An exit conference was held with the Victim and Witness Assistance Center's management staff and with the District Attorney to collect additional information pertinent to our report, to obtain their views on the report findings, conclusions, and recommendations, and to make corrections and clarification as appropriate.
- **Final Report:** A final report was prepared after review and discussion of the report content with the Silicon Valley FACES Executive Director and the District Attorney. The Silicon Valley FACES Executive Director and the District Attorney were requested to provide written responses, which are attached to this report.

### **Description of the Victim and Witness Assistance Center**

In 1977, the Victim and Witness Assistance Center was established by the National Conference of Christian and Jews (NCCJ) as part of a demonstration project as the first private non-profit victim assistance center in California. The goal of the pilot project was to see how well a nonprofit group, working independently from a district attorney's office, could perform the job of helping victims.

The Silicon Valley Conference for Community and Justice (SVCCJ), a public benefit, non-profit organization, was incorporated in July 2005 and began operations in September 2005, following a spin-off from the NCCJ initiated by the national organization. The local organization continued providing victim and witness assistance services and, in July 2008, the SVCCJ applied for a name change to Silicon Valley FACES.

According to its website, the Silicon Valley FACES' mission is to promote understanding and respect for all races, religion, and cultures through advocacy, conflict resolution, and education. Through staff and volunteers, collaborations with other agencies, government grants, and with the assistance of public and private donations, Silicon Valley FACES provides services to the community in six major program areas: (1) Victim and Witness Assistance; (2) Everytown (which is a program for high school students and volunteers, faculty, law enforcement, and community leaders to address the barriers of race, culture, gender, ethnicity, disability and religion); (3) Extremes of Hate: Holocaust Studies and Critical Thinking; (4) Martin Luther King Student Writing/Art/Multimedia Contest; (5) Common Ground; and (6) Interfaith Dialogue, Leadership Today, Flash Judgments, and Other Programs. In FY 2007-2008, the Victim and Witness Assistance Center comprised about 72 percent of all Silicon Valley FACES program service expenses.

The Victim and Witness Assistance Center provides an array of victim and witness assistance services, including assistance in seeking reimbursement for medical, mental health, funeral and burial, and income loss due to violence; assistance with identifying eligibility for restitution and

with restitution reporting; follow-up assistance; crisis intervention; emergency assistance; and resource and referral services. The Victim and Witness Assistance Center's Advocacy Unit assisted a total of 6,810 new victims in FY 2007-2008, while the Compensation Unit processed a total of 3,681 claims applications (representing a total of over \$2.8 million in victim compensation monies) in FY 2006-2007. The Center receives funding from various State grant sources, as well as County funds, as follows:

Table I.1

## Victim and Witness Assistance Center's Budgeted &amp; Actual Amounts, by Source

	<b>FY2008-2009 (Budget)</b>	<b>FY2007-2008 (Actuals)</b>	<b>FY 2006-2007 (Actuals)</b>
State VCGCB <sup>1</sup> (Compensation)	\$1,131,113	\$1,012,264	\$963,527
CalEMA <sup>2</sup> (Advocacy)	\$598,459	\$617,793	\$624,661
CalEMA (Parole Revocation)		\$115,791	\$52,398
State Spousal Abuser Prosecution Program	\$28,840 <sup>3</sup>	\$57,680	\$57,680
Santa Clara County General Fund (Restitution)	\$70,400	\$70,400	\$70,400
San Jose Police Department	\$50,697	\$12,753	\$51,648
Social Services Agency	\$88,018	\$76,691	\$88,018
<b>TOTAL</b>	<b>\$1,967,527</b>	<b>\$1,963,372</b>	<b>\$1,908,332</b>

Sources: Victim and Witness Assistance Center's grant applications and Silicon Valley FACES's Financial Statements for FY 2007-2008 and FY 2006-2007.

The Center's organizational structure, as of November 2008, is presented on the next page.

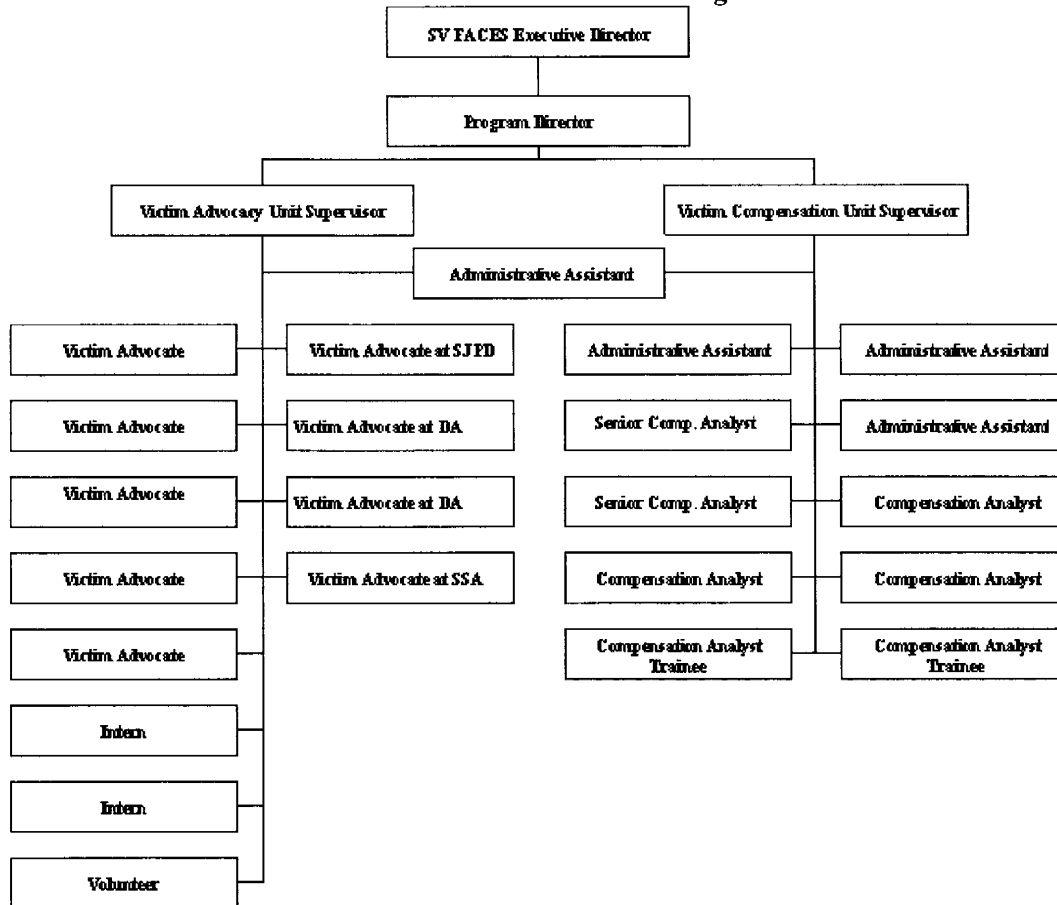
<sup>1</sup> VCGCB stands for the California Victim Compensation & Government Claims Board, which provide funding for the Compensation Unit. These dollars are passed through the Office of the District Attorney.

<sup>2</sup> CalEMA, or the California Emergency Management Agency is a name change from the California Office of Emergency Services (OES), which existed until recently. The funding shown in the table are passed through the Office of the District Attorney to Silicon Valley FACES, as the implementing agency.

<sup>3</sup> The original FY2008-2009 allocation for the domestic violence advocacy assistance from the State Spousal Abuser Prosecution Program was \$57,680. However, due to the lack of available funding, this State grant was cut by 50 percent, resulting in a revised FY2008-2009 State allocation of \$28,840.

Figure I.1

## Victim and Witness Assistance Center's Organizational Structure



Sources: Victim and Witness Assistance Center's files obtained from management staff.

## Victim and Witness Assistance Center Accomplishments

Management audits typically focus on opportunities for improvements within an organization. To provide a more balanced perspective on operations, Section 8.48 of the Government Auditing Standards, July 2007 Revision, published by the United States Government Accountability Office, requires that the management report include "positive aspects of the program reviewed." This section of the Introduction thus summarizes some of the current noteworthy accomplishments of the Victim and Witness Assistance Center.

- Proactive Board of Directors:** The Silicon Valley FACES Board of Directors has recently been taking a more proactive approach to implementing changes to the Victim and Witness Assistance Center's management and operations, with the goal of improving staff morale and

overall program operations. Many recent improvements in the operations can be attributed to the Board's actions during the past year.

- **Standard Procedures:** The Advocacy Unit Supervisor has recently established a number of standard procedures for the Advocates, which did not exist prior to his tenure as the Unit Supervisor. For example, he has developed a standard sheet that provides practical definitions and instructions for the Advocates to use in maintaining caseload statistics. In addition, he has recently implemented a spreadsheet for the Advocates to use in tracking some information regarding their caseloads. Further, at the writing of this report, the Advocacy Unit Supervisor has started drafting a policies and procedures manual for the Advocacy Unit.
- **Improved Progress Reports:** Officials from the California Emergency Management Agency recently commended the Center's Director and the Advocacy Unit Supervisor for submitting the best Progress Report ever submitted by the Victim and Witness Assistance Center. State officials stated that the Progress Report pertaining to the first half of FY 2008-2009 was very clear and organized, and emphasized the Unit's focus on victim advocacy.
- **Efforts to Improve Communication:** The Victim and Witness Assistance Center and District Attorney management staff have initiated some efforts to improve communication between the Center and the District Attorney's Office by holding monthly meetings with the District Attorney's program liaison. In addition, the Center's management staff has also initiated some efforts to improve communication with victims and witnesses by beginning to implement a client feedback form.
- **Successful Transition to New Compensation Database:** Over the course of the last year, the Compensation Unit was able to successfully transition from the State's old VOX mainframe system to the new CaRES web-based automated claims processing system.

It should also be noted that the current District Attorney has taken a more active role overseeing contractor operations, and that many of these recent improvements have occurred as a result of enhanced communication between the DA and the new leadership of Silicon Valley FACES. The District Attorney and the new leadership at Silicon Valley FACES should be commended for their efforts and be encouraged to continue this spirit of cooperation.

## Survey of Other Jurisdictions

To gain an understanding of distinctions and similarities between victim and witness assistance programs, we developed a survey and solicited responses from eight counties in addition to Santa Clara County's Victim and Witness Assistance Center. A total of five counties responded to our survey, three of which actually completed the survey (Alameda, Madera and San Diego counties), and another two responded through a limited-scope telephone interview (Napa and Sacramento counties). To supplement these limited survey responses, we obtained progress report documentation from the California Emergency Management Agency for all of the counties surveyed. These progress reports contained some basic information regarding the counties' victim advocacy programs.

Most California counties provide victim and witness assistance services using district attorney staff. Recognizing this fact, the jurisdictions selected for this survey represented a mix of service models. Of the eight responding jurisdictions (excluding Santa Clara County), (a) three provide services using community based organization staff; (b) one provides services using probation department staff; and, (c) four provide services using district attorney staff.

When appropriate, information from the surveys has been included in various sections of the audit report. It should be noted that the survey responses contain self-reported information. The Management Audit Division did not verify the accuracy of the reported information. A summary of survey responses from and information gathered on each jurisdiction is included as Attachment I. Copies of the full response from each jurisdiction are available upon request.

## **Acknowledgements**

We would like to thank the Director of the Victim and Witness Assistance Center, the District Attorney, and their respective staff for their cooperation and assistance throughout this management audit. Staff were cooperative, open and eager to identify methods by which the Center can improve its operations and increase the level of victim and witness assistance services in the County. Managers, supervisors, and line staff provided much of the data contained in the report to the Management Audit Division staff, and certain recommendations are the result of interviews with managers and other staff during the course of the audit.

# 1. Contracting for Services

- **Victim/witness services have been performed by Silicon Valley FACES and its predecessor organizations since program funding was first made available by the federal government nearly 32 years ago. However, these services have never been competitively bid, even after the County became the recipient agency responsible for the administration of grant funding in 1986.**
- **Although sole source contracts are permitted by law and, under certain circumstances by County policy, specific requirements for justifying the reasons for purchasing victim/witness assistance services from a sole source provider have not been met. Further, current practices have not provided the public with assurance that services are being procured from the most capable vendor at the lowest possible cost.**
- **In addition, the County has not consistently entered into formal agreements with Silicon Valley FACES to define the scope of services, obligations of the parties, program performance objectives or technical contracting requirements for major components of the victim/witness assistance program. Instead, FACES is shown in four major State grant awards as the “implementing agency,” subject only to the terms and conditions set by the State but not by the County.**
- **Should the County choose to continue purchasing victim/witness assistance services from a private provider, such services should be contracted after soliciting bids through a formal request for proposal process. If the County chooses to contract with a provider on a sole source basis, justifications should be made for doing so, in accordance with the Board of Supervisors’ contracting policies. Structuring the service procurement and agreements in this manner will strengthen liability protections for the County, foster provider accountability and create selection process transparency.**

According to information obtained through interviews and documentation reviewed for this management audit, victim/witness compensation services were first provided by the National Conference of Christians and Jews (NCCJ) beginning in 1977. At the time, these services were primarily funded with federal grants.

Under this initial arrangement, the NCCJ was identified as the recipient agency under a pilot project funded by the grant. After the program became permanent in 1980, funding began to flow from the federal government through the State of California, and the State began to supplement funding from its own sources. In 1986, the County of Santa Clara became the contracting entity for the receipt of State funds. This arrangement continues today for victim/witness compensation and restitution services, funded by the State Victim Compensation and Government Claims Board (VCGCB); and, various advocacy services, funded by the California Emergency Management Agency (CalEMA). Other victim/witness advocacy services are separately funded through the County Social Services Agency and the San Jose Police Department.



In the 32 years since the program began, the NCCJ has gone through at least three transformations. First, the NCCJ renamed itself the National Conference for Community and Justice to broaden public perception of its mission. Second, and most significantly, in September 2005 the Silicon Valley chapter of the NCCJ separately incorporated as a Section 501(c)(3) nonprofit organization, called the Silicon Valley Conference for Community and Justice (SVCCJ), after separating from the national organization. At the time of the separation, the new organization assumed full responsibility for providing victim/witness compensation and advocacy services under existing contract and grant structures, and became financially independent from the national organization. Most recently, in 2008, the SVCCJ renamed itself Silicon Valley FACES.

Silicon Valley FACES has a broad mission, characterizing itself as a human relations organization concerned with: “(1) Youth leadership for an inclusive community; (2) Educational programs to reduce prejudice and teach respect; (3) Inter-religious partnership and understanding; (4) Conflict and violence prevention; and, (5) Advocacy and assistance for crime victims.”<sup>1</sup> It is important to note that, in addition to the victim/witness compensation and advocacy services that it provides for the County of Santa Clara and the City of San Jose, compensation services are also provided for a broader region that includes San Mateo County, pursuant to the Joint Powers Verification Unit designation established by the VCGCB.

#### *Contract Profile of Victim/Witness Compensation and Advocacy Programs*

The crime victim advocacy and assistance service objectives professed by Silicon Valley FACES represents only one of the five objectives expressed in the FACES mission statement. However, the actual expenditures for these services far surpass one-fifth of the organization’s cost. The Silicon Valley FACES’ June 30, 2008 financial statements show that more than 70 percent of the organization’s direct program costs were incurred for victim/witness compensation and advocacy services (the percentage calculation excludes the cost of administration and support).

Nonetheless, the County had established formal agreements with Silicon Valley FACES for only three of the seven programs that it provided for the County in FY 2007-08. For the other four programs provided in that year, FACES was merely designated as the implementing agency in each of the State grants received by the County. In various communications with the Board of Supervisors, the District Attorney’s Office has stated that the State funds merely “pass through”<sup>2</sup> the County to Silicon Valley FACES as the implementing agency. As will be discussed later in this finding, this description over-simplifies the responsibilities of the County as the recipient of these major grants.

In FY 2007-08, nearly 90 percent of the grant funding Silicon Valley FACES received from the County were provided through these “pass through” arrangements, amounting to \$1,745,848 in that year. County contracts were in place for only 10 percent of direct program costs, or \$204,771 in services, including: \$70,400 in General Fund contributions for victim restitution services; \$56,680 in State Department of Justice funding for advocacy services to victims of

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<sup>1</sup> Silicon Valley FACES webpage, “Who We Are” at <http://www.svccj.org/whoweare.html#mission>

<sup>2</sup> Including April 24, 2007 transmittal to the Board of Supervisors from Dolores Carr, District Attorney, regarding request to accept supplemental funding from the VCGCB

spousal abuse; and, \$76,691 in Social Services Agency funding for advocacy services to SSA clients.

The distribution of victim/witness compensation and advocacy funding by program and source is displayed in the table, below.

**Table 1.1**  
**Distribution of Victim/Witness Grant Receipts in FY 2007-08**

Responsible Agency	Program	Contract/ Pass Through	Source	Pass Thru Total	Contract Total	Functional Total
<i>Compensation Services</i>						
District Attorney	Victim Compensation	Pass Through	VCGC	\$ 1,012,264	\$ -	
District Attorney	Victim Restitution	Contract	County GF	-	70,400	
Subtotal				\$ 1,012,264	\$ 70,400	\$ 1,082,664
<i>Advocacy Services</i>						
District Attorney	Victim Witness Center	Pass Through	CalEMA	\$ 323,487	\$ -	
District Attorney	Victim Witness Center	Pass Through	OES - Federal	294,306	-	
District Attorney	Parole Advocacy Program	Pass Through	CalEMA	115,791	-	
District Attorney	Spousal Abuse Victim Advocacy	Contract	State DOJ	-	57,680	
Social Services Agency	Advocacy Program	Contract	County GF	-	76,691	
Subtotal				\$ 733,584	\$ 134,371	\$ 867,955
<b>Grand Total</b>				<b>\$ 1,745,848</b>	<b>\$ 204,771</b>	<b>\$ 1,950,619</b>
<b>Percent of Grand Total</b>				<b>89.5%</b>	<b>10.5%</b>	<b>100.0%</b>

Source: Silicon Valley FACES Financial Statements, Year Ended June 30, 2008, project contracts and grant agreements, and interviews.

#### *Long-Term Relationship with the County*

As shown in Table 1.1, the major grant program for victim/witness compensation services received over \$1.0 million in funding for operations during FY 2007-08. An additional \$733,584 was received from various grant sources for victim/witness advocacy services in that year. Despite the significance of these programs, Silicon Valley FACES continues to be the sole source service provider for the County, without having gone through a competitive selection process or having the sole source relationship with the County fully justified. Based on interviews, the main reason the service provider has not been selected through a competitive bid process is because these services have been provided by Silicon Valley FACES since inception and the organization is recognized as the regional expert in delivering the services.

#### *County Responsibilities Under Major Grant Agreements*

The contracts with the State of California for victim/witness compensation and advocacy services clearly name the County of Santa Clara as the grant recipient, as described below:

- The grant award with the VCGCB for \$2,262,226 over the two year period July 1, 2007 through June 30, 2009, shows that the agreement is between the State VCGCB and the "County of Santa Clara (SVCCJ)". The agreement further designates the "Contractor" as the

County of Santa Clara, and is signed by the Administrative Services Manager for the District Attorney's Office, as a representative of the County. In addition to statements on the scope of services to be provided, the grant agreement has several clauses limiting the State's financial obligations to the contractor if funds are not appropriated by the Legislature, places restrictions on the amount and use of funds, establishes workplace standards, and describes other requirements for the service provider that are beyond the direct control of the County.

- Similarly, the major grant award documents for the advocacy programs funded by CalEMA name the County of Santa Clara as the "Administrative Agency" and recipient. While the award documents name a representative of Silicon Valley FACES as the "Director" and designates the organization as the "Implementing Agency", the named Financial Officer is an accountant for the District Attorney. In the transmittal to the Board of Supervisors requesting adoption of a resolution to enter into the FY 2008-09 grant agreement, the District Attorney stated, "OES also requires the Board of Supervisors, as part of the resolution, to agree that the County will assume any liability arising out of the performance of the Grant Award." The resolution wording confirms this statement by the District Attorney.

Despite the programmatic and fiduciary responsibilities placed on the County as the grant recipient for these programs, no contracts exist between Silicon Valley FACES and the County that define the relationship of the parties, including the scope of services, contracting obligations, program performance objectives or the technical contracting provisions that are typically required of any other vendor providing professional services for the County.

## **Board of Supervisors Contracting Policies**

### *Sole Source Contracting*

The Board of Supervisors has established extensive contracting policies that are embedded in various directives issued by the County Executive and County Counsel. Principally, Section 5.1 of the Board's policies states that, "These policies reflect the Board's commitment to an open and competitive process with individuals and organizations that may do business with the County. It is the intent of the Board of Supervisors that these policies will promote the most cost-effective use of taxpayer dollars while contributing to the fairness and equal access to business opportunities in the County."

Although sole source contracts are permitted, Policy Section 5.15 states that "The agency/department must submit justification to and obtain approval from the Board of Supervisors" for any sole source contracting request over \$100,000. Section 5.15.2 provides specific guidance regarding "queries" that should be made when making such a request, including whether the sole source contractor has unique capabilities or qualifications, or "experience of a highly specialized nature."

Based on the review conducted for this management audit, no such justification has ever been prepared or submitted to the Board of Supervisors in anticipation of contracting with Silicon Valley FACES for victim/witness advocacy and compensation services.

### *Absence of a Contract Results in Exposure for the County*

In addition to non-compliance with the Board's policies regarding competitive bidding and/or sole source contracting, the lack of a formal contract results in unclear contractor responsibilities and creates certain exposures for the County. For example, Section 5.2.14 of the Board of Supervisors' contracting policies state that all contracts will include provisions requiring the selected contractor to:

- Comply with all applicable federal, state and local rules, regulations and laws;
- Maintain financial records (that are) . . . adequate to show that County funds were used for purposes consistent with the terms of the service contract; and,
- Provide specific information regarding the wage level, pay range and benefits for positions and job classifications.

Other Board policy sections require that contracts include performance standards (§5.3.3), performance evaluation processes (§5.3.4), specific insurance and indemnification requirements (§5.3.4.1), nondiscrimination provisions (§5.3.5), statements regarding the contract term and conditions for extensions (§5.3.6 and §5.3.7), the payment of prevailing wages (§5.3.14), and other provisions.

These policies were approved by the Board to protect the County's financial interests and to ensure that the public receives high quality services at the lowest possible cost. Although most of these requirements appear to be met by Silicon Valley FACES in practice, the lack of a contract that clearly states these requirements weakens the County's position in the event of questions, disputes or funding disallowances from the State.

## **Conclusions**

Services provided by Silicon Valley FACES have never been competitively bid nor has the District Attorney's Office provided justification for selecting Silicon Valley FACES as the sole source provider for victim/witness compensation and advocacy services. Although Silicon Valley FACES may possess unique capacity, qualifications and experience for providing such services, such a determination has not been formally made in accordance with Board of Supervisors' policy.

In addition, the County has entered into contracts with Silicon Valley FACES for approximately 10 percent of the victim/witness compensation and advocacy services it provides. However, for the remaining 90 percent, representing over \$1.7 million in services during FY 2007-08, no contracts have been established. Without contracts to specifically define the relationship of the provider to the County, including the scope of services, obligations of the parties, program performance objectives or the technical contracting provisions, the County's liability protections are weakened, provider accountability is unclear, and the selection process lacks transparency.

## **Recommendations**

The Board of Supervisors should:

- 1.1 In consultation with the County Executive, County Counsel and the District Attorney, make a determination regarding whether the capabilities, qualifications and experience of Silicon Valley FACES justifies purchasing victim/witness compensation and advocacy services from the organization on a sole source basis;
- 1.2 Depending on the Board's determination, direct the County Executive to work with the District Attorney to solicit proposals through a competitive process or to appropriately justify a decision to proceed with establishing a sole source contract with Silicon Valley FACES for services;
- 1.3 Direct that contracts for services be established with any provider(s) who may be selected to perform victim/witness compensation and advocacy services for the County, as the grant recipient and local administrator of federal and State grant funds; and,
- 1.4 Ensure that the contracts for services include key provisions outlined in the Board of Supervisors' policies, including those requiring performance standards, performance evaluation processes, insurance and indemnification requirements, nondiscrimination provisions, statements regarding the contract term and conditions for extensions, and the payment of prevailing wages to employees.

## **Costs and Benefits**

There would be no cost to establish justifications for sole source contracting, soliciting competitive bids from qualified providers or entering into contracts for victim/witness compensation and advocacy services.

Structuring the service procurement and agreements in the suggested manner will strengthen liability protections for the County, foster provider accountability and create selection process transparency.

## 2. Strategic Management and Outreach

- **Although the State Victim Compensation and Government Claims Board provides reasonable oversight of the victim compensation function by inserting itself in the claim processing and approval process, similar oversight is not provided by CalEMA for advocacy services provided by Silicon Valley FACES. In addition, the District Attorney has not developed systems for establishing program standards of service or measures of performance against such standards. As a result, performance expectations are unclear and not effectively monitored.**
- **For example, although caseload and service data are being collected in accordance with grant requirements, this data is not used to make strategic or informed decisions about the Unit's staffing, resources, service priorities or outreach. In addition, staff activities are not effectively linked to organizational objectives, and cross training by function and work location has not regularly occurred in the past year.**
- **Further, the Advocacy Unit's outreach processes and efforts could be improved. Interviews with various advocacy staff suggested that there is a varying understanding of the processes to be used and extent to which they should be reaching out to the victims. Most Advocacy Unit staff generally have very limited interactions with District Attorney or other County department staff, particularly with regards to obtaining feedback on victim advocacy service needs and priorities. The Center's website contains very limited information for potential clients.**

As the implementing agency for Santa Clara County's Victim and Witness Assistance Program, Silicon Valley FACES has an obligation to strategically use its resources and extend its services to as wide a client base as possible. As the grant recipient, the County has an obligation to establish performance objectives, ensure that services are widely available to the public and effectively monitor the activities of its designated service provider.

Section 1 of this report discusses the need to strengthen the County's relationship with Silicon Valley FACES through a formal contract and to establish performance expectations in accordance with the County's contracting policies. This section discusses methods that could be used by the State and the County to more effectively monitor contractor performance and to ensure that client outreach is optimized.

## **State Oversight**

Because the majority of the services provided by FACES are funded by the State, responsible State agencies have a direct interest and responsibility for making sure that funds are being appropriately spent. For victim/witness compensation services funded by the Victim Compensation and Government Claims Board (VCGCB), activities are highly integrated with State operations and closely monitored by VCGCB personnel. Policies and procedures information systems and quality assurance mechanisms have all been designed by the State and are mandated by the State for use by the grant recipients. As a local Joint Powers Verification Unit, FACES also assists local clients with preparing their applications for compensation and compiling documentation justifying the claim. The State takes direct responsibility for opening cases in its system, providing final claim and payment authorization, and disbursing funds to clients. Periodic audits of local JPV organizations are also conducted. This process integration structure results in a high degree of program oversight by the VCGCB.

The Victim Advocacy Program is not integrated with the California Emergency Management Agency (CalEMA) processes in the same manner or to the same degree as the Victim Compensation Program is with the VCGCB. Instead, CalEMA has a more traditional grantor relationship with the County and FACES, requiring periodic activity and financial reporting, and conducting other activities to monitor advocacy services. CalEMA is not a direct service provider and, therefore, its operations are not integrated with FACES' on a day-to-day basis.

As part of its monitoring responsibilities, CalEMA is responsible for conducting two types of site visits: (1) a technical assistance site visit and (2) a monitoring site visit. The purpose of a technical assistance site visit<sup>1</sup> is to make an assessment of current project conditions and to provide technical assistance to a contractor, when necessary. Such visits include performance assessments to review progress toward meeting program goals and objectives, agency organization, facilities, personnel policies, files, training, record-keeping, budgeting, expenditures, documentation, data collection, documentation supporting information submitted to the State on Status Reports/Progress Reports, and other matters. A monitoring site visit, on the other hand, is an on-site assessment of the programmatic, administrative, and fiscal components of an CalEMA-funded project. This monitoring site visit is more formal than a technical assistance site visit and results in a Monitoring Report, which provides a detailed review of the project and identifies areas in which the project complies and does not comply with the applicable laws, regulations, policies and program requirements. The Monitoring Report is a useful tool that helps guide the grant recipient and CalEMA when developing a Corrective Action Plan to strengthen and improve program operations.

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<sup>1</sup> Some of the areas covered by the Site Visit include determining whether the organization provides all the mandatory services; separation of duties by fiscal staff exists; expenditures are in accordance with the grant award agreement; equipment are purchased and used in accordance with Grant Award Agreement; statistics provided to the State are appropriately documented; functional timesheets are used; and staff is performing duties as stated in the Grant Award Agreement.

As part of this audit, CalEMA staff were interviewed to obtain their perspectives on the services being provided by Silicon Valley FACES. During those interviews, CalEMA staff stated that they believe that the Victim and Witness Assistance Center has provided CalEMA with sufficient documentation and information regarding its contract-related obligations with the State (e.g., contract proposals and quarterly reports). However, even though technical assistance site visits have recently been conducted by the State<sup>2</sup>, CalEMA staff expressed concern that a monitoring site visit has not been conducted in Santa Clara County in more than four years<sup>3</sup> and that this has affected the degree of oversight being provided. Without regularly conducted technical assistance and monitoring site visits, valuable tools for ensuring that victim witness assistance programs are meeting established objectives and are in compliance with applicable laws, regulations, policies and program requirements are lacking. Therefore, the District Attorney should request the California Emergency Management Agency to periodically conduct technical assistance and monitoring site visits on a rotation not to exceed three years, to ensure that program objectives are being met; that grant requirements and applicable laws and regulations are being followed; that contractor staff receive technical assistance when required; and that the Victim and Witness Assistance Center's programmatic, administrative, and fiscal components are assessed on a regular basis.

## County Oversight

As discussed in Section 1 of this report, no contract exists between Silicon Valley FACES and the County that comprehensively defines the Advocacy Unit's relationship with the County, including the scope of services, contracting obligations, program performance objectives or the technical contracting provisions that are typically required of any other organization providing professional services for the County. As such, the Victim and Witness Assistance Center, particularly the Advocacy Unit, is currently not required to provide the Office of the District Attorney—or any other County entities—with any management or performance reports, aside from copies of the quarterly progress reports and contract proposals required by the California Emergency Management Agency.

Representatives of the District Attorney's Office, as the recipient of most of the State grants, indicated that compliance with the terms and conditions of the grant awards are the prevailing measurement of program accomplishments and that no other performance criteria have been established. This practice and comments made during interviews for this audit, suggest that the District Attorney's Office's monitoring of victim assistance services provided by FACES could be improved. Without a management and performance reporting structure (i.e., between the receiving agency and the implementing agency), the County's ability to ensure sufficient oversight of the County's Victim and Witness Assistance Program is limited. One way this can be accomplished is for the District Attorney to more systematically monitor contractor services and activities, including establishing a more effective management and performance reporting

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<sup>2</sup> According to the Center's management staff, two technical assistance site visits took place in FY 2008-2009 at the request of the Silicon Valley FACES Victim and Witness Assistance Center.

<sup>3</sup> The staff from the California Emergency Management Agency indicated that Site Visits have not been conducted by the State recently due to budget constraints and internal organizational restructuring.



structure based on defined standards of performance, and demonstrated with existing data and a broader range of more meaningful measures of performance.

#### *Use of Current Operational Data*

As previously stated in this report, various statistics are collected and reported by the Victim and Witness Assistance Center's Advocacy Unit staff as part of its grant requirement to provide the State with a quarterly progress report. However, these data are currently not being used by the Center's Director and the Unit Supervisor to make management decisions about the Unit's staffing, resources, outreach, or overall priorities.

For example, some staff from the Office of the District Attorney have indicated that not enough court escort/court support services or counseling-related services are being provided by the Advocates and that too much focus is being given to restitution and claims efforts.<sup>4</sup> In addition, the data on the types of crime can be useful in determining where outreach can be improved, as well as in monitoring local trends in crimes committed and victims served. By using the data that are already being collected as internal management tools to determine how to better allocate staff time and resources, as well as advocacy outreach and program/service priorities, FACES and the District Attorney's Office management staff could develop a more strategic approach to ensuring that victims and witnesses of all types of crimes receive a more comprehensive set of services.

#### *Developing Additional Standards and Measures of Performance*

In addition to more effectively using additional data, opportunities exist to develop a more robust set of standards and measures of performance for all activities conducted by the Victim and Witness Assistance Center. For example, based on interviews and a review of information provided by VWAC management, advocates limit follow-up with persons who may contact the Center for information but, ultimately, do not file a claim. The literature suggests that, often, victims of crime may be hesitant to seek help or may have concerns about making a claim for compensation or assistance because of the circumstances of the crime and other factors. One program goal could therefore be to increase the proportion of eligible victims and witnesses who follow through and file claims after making initial inquiries to the Center.

There are many performance standards that the County could develop and measurements that could be used to more effectively monitor the Victim and Witness Program elements for which it is responsible. Some examples of these are provided, below:

- Number of initial contacts made with victims and witnesses, sorted by initiating party and geographic region (e.g., victim or witness initiated; advocate outreach; North, South, or Central County; etc.);
- Client support activity provided by general service category (e.g., information and referral, claim preparation assistance, court assistance, etc.);

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<sup>4</sup> Victim and Witness Assistance Center's management staff indicated that they mainly provide the victims with services that are directly requested by the victims and that not all victims request court escort/court support services or counseling-related services.

- Number of contacts made with the victim after initial inquiry;
- Number of days between victim contacts, prior to claim filing;
- Number of initial victim contacts that migrate to claim status;
- Number of emergency requests for assistance;
- Number of claim withdrawals and/or denials;
- Number of days between initial contact and claim filing (i.e., contact aging); and,
- Number of days between initial contact and compensation or restitution (e.g., cycle aging).

This type of management information would allow the County to gauge the quality, timeliness and appropriateness of services provided by FACES staff and would serve as the foundation for establishing service objectives to be achieved for the program. Although some of this management information is currently reported in various forms, such measurements could be enhanced and expanded to provide management with a better understanding of performance.

#### *Linking Staff Activities to Organizational Objectives*

Because the Victim and Witness Compensation Unit is well integrated with State processes, goal, objectives and performance expectations are better defined than they are for the Advocacy Unit. For example, the State sets clear expectations that all compensation applications will be processed and transmitted to the VCGCB for approval within 90 days of submission by the client. Aging reports are provided by the State and those claims exceeding 90 days are reviewed by VWAC management and supervisory staff to determine the reasons for delay (e.g., a medical service provider has not submitted appropriate documentation).

However, similar standards and measures of performance do not exist for the Advocacy Unit or for the process as a whole. For example, although component parts of the process are measured to some degree, no indicators are tracked or statistics compiled that measure organizational performance or process performance from start to finish (e.g., days from initial contact to first compensation payment). Such information is useful and can be employed to provide staff with a better sense of unity and understanding of interrelationships with other parts of the organization. This information can also be used to measure staff performance against expectations.

In addition, even within the different organizational units of FACES, there is minimal cross training or exposure to other staff assignments. The Victim and Witness Assistance Center's management staff reported that they have previously established a rotation system for the Center's staff to expose them to various field operations and functions related the County's victim witness program. However, this rotation system had to be discontinued during recent efforts to stabilize the organization. When resources permit, the Victim and Witness Assistance Center's management staff should reinstitute this staff rotation system for a number of reasons.

For example, a number of the Advocacy Unit staff stated that they believe that rotation to satellite locations (i.e., to assignments outside of the Main Office, to the DA's Office, SSA or the Court) provides Advocates with a more comprehensive understanding of victim and witness assistance services. One Advocate reported that her previous experience working as an Advocate

at the District Attorney's Office and at another location in the County was very helpful and gave her a better appreciation of the importance of her current assignment.

A number of the Advocates also stated that they believe certain advantages exist by having staff out-stationed at the various County locations, including having access to various County data systems that are otherwise not available, and having better access to attorneys and Social Workers for victim referrals. This suggestion has merit. Therefore, when resources permit, the Victim and Witness Assistance Center's management staff should consider reinstating this staff rotation system in order to broaden staff exposure to the County's victim assistance system/network, increase interaction with client departments, alleviate staff burnout, and promote cross-training.<sup>5</sup>

Lastly, two of the four Advocates who are stationed outside the Victim and Witness Assistance Center's Main Office indicated that some departmental staff from their respective satellite locations didn't always know that an Advocate was actually onsite to provide victim witness assistance services. The Advocacy Unit Supervisor, as well as the Advocates, should ensure that all departmental staff in the satellite locations are well informed about the Victim Advocate's onsite presence and availability for victim referrals.

#### *Using Victim Statements to Monitor Staff Activities*

The Advocacy Unit currently does not survey the victims/witnesses it serves to assess the quality, sufficiency, and adequacy of the Unit's services. In addition, the Advocacy Unit currently does not systematically or regularly keep track of the feedback and comments (both negative and positive) it receives from victims and witnesses. Some Advocacy Unit staff indicated that the Center sometimes gets complaints from victims (e.g., unreturned phone calls, claims benefits not getting received) but that these complaints are not systematically tracked, nor are measures in place to hold appropriate staff accountable. The Advocacy Unit should consider facilitating a client satisfaction survey of the victims/witnesses it serves.<sup>6</sup> The Advocacy Unit Supervisor should systematically keep track of all the feedback received from victims (both negative and positive) and use such information to improve its services, holding staff accountable to the quality of the services they provide and implementing any corrective actions.<sup>7</sup>

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<sup>5</sup> Survey of Jurisdictions: In the San Diego County Victim Witness, the Program Director conducts twice a year internal trainings for staff promoting the importance of taking care of the care giver (i.e., the advocate). The Program Director informed that it is important to move victim advocates (i.e., not leaving them too long in certain areas such as child abuse, domestic violence, homicide) to prevent staff burnout and promote cross-training.

<sup>6</sup> During the course of this audit, the Victim and Witness Assistance Center, per the suggestion of and in collaboration with the Office of the District Attorney, has drafted a Confidential Customer Satisfaction Survey, which will be provided to all victims who access the Center's services. Silicon Valley FACES management staff indicate that the planned Customer Satisfaction Survey was initiated in February 2009.

<sup>7</sup> Survey of Jurisdictions: Orange County Victim Witness Assistance Program makes a client feedback form available to victims/witnesses, which is used by clients who wish to provide feedback on services.

## **Advocacy Unit Outreach**

### *Direct Outreach to Victims*

As previously mentioned, the contact information for those victims who are referred to the Victim and Witness Assistance Center by law enforcement agencies, the courts, community organizations, and others are passed on to the Advocacy Unit Supervisor, who then assigns the referred victims to the Advocates. It is up to the Advocate to contact the victim (either via the telephone or a letter) and initiate the assistance process. The Advocacy Unit currently has not established written policies and procedures for the Advocates to follow in terms of proactively contacting all victims.

Interviews with various Advocacy Unit staff indicated that the Advocates have varying understanding of how and how much they should be reaching out to the victims. One staff person indicated that Advocates are generally proactive in making telephone calls to victims that are identified in Family Court or those victims of sexual abuse, but that aside from Family Court or sexual abuse victims, it is basically up to the victim to contact the Center to receive services. Another Advocate stated that if they don't hear back from the victims after the initial contact that they generally do not do any more follow-up. Another staff indicated that complaints have been made by victims about an Advocate who did not respond to any of the victims' inquiries.

The Advocacy Unit Supervisor should ensure that all advocates consistently follow proper procedures for proactively contacting and following-up with victims. According to Silicon Valley FACES management staff, since this audit was undertaken, direct outreach activities have been enhanced. During the exit conference, we were advised that although there were only five outreach contacts made in FY 2007-08, the Advocacy Unit has made 23 contacts during the first nine months of FY 2008-09.

### *Outreach to County Agency Clients*

Besides the two Advocates that are stationed in the District Attorney's Office, Advocacy Unit staff generally have very limited interactions with District Attorney staff, particularly with regards to obtaining feedback on victim advocacy and service needs and priorities. Interviews with District Attorney staff indicated that the County needs a better system for making sure that Advocates are readily and easily available to all victims when needed. For example, one District Attorney staff person indicated that juvenile victims often need Advocates to assist them with victim services, but that he doesn't know what staff resources are available or whether Victim and Witness Assistance Center services are comprehensive. Having ongoing communication and outreach to staff at the various County agencies concerned with victim assistance, including the District Attorney's Office, would ensure that all types of victims are served by the Center and that County staff and agencies are familiar with the Center's staff and services.

### *Outreach Through Organizations & Events*

The Victim and Witness Assistance Center has operational agreements with various organizations around the region that are intended to provide maximum available assistance for victims residing in Santa Clara County and the Bay Area. Operational agreements exist with the following organizations: (a) Asian Americans for Community Involvement (San Jose); (b) Community Solutions (Morgan Hill and Gilroy); (c) YWCA Santa Clara Valley/Rape Crisis Center (San Jose); (d) Support Network for Battered Women (Mountain View); (e) Next Door Solutions to Domestic Violence (San Jose); (f) Center for Living with Dying; and (g) Vanished Children's Alliance. The Victim and Witness Assistance Center has also established formal operational agreements with various law enforcement agencies, including the Santa Clara County Sheriff's Department, and the Campbell, Gilroy, Milpitas, Mountain View, San Jose and Sunnyvale police departments.

In addition, the Victim and Witness Assistance Center is also part of the Santa Clara County Victim Support Network, which is comprised of the District Attorney's Office, the San Jose Police Department, the County's Juvenile Probation Department, the Department of Justice/U.S. Attorney's Office, and various other community organizations. The Center also has agreements with various police agencies and the State Police, and various staff attend community fairs and events to advertise the services they provide, including the Domestic Violence Conference, the City of San Jose's Annual Walk to End Domestic Violence, the Probation Resource Fair, and others<sup>8</sup>.

The Victim and Witness Assistance Center should continue these outreach efforts through connections with various organizations and outreach in community fairs and events to ensure that relationships with these organizations are developed and that the community knows about Santa Clara County's victim witness assistance program.

### *Outreach Through the Internet Website*

The Victim and Witness Assistance Center currently has a website that contains very basic information about the Center, including descriptions of some of the services available to victims, a link to the State Compensation Board's website, and the Center's address, telephone and fax numbers, and central e-mail address. The Center should consider improving its website by introducing better and more robust information, including information on all the services the Center provides, victim/witness rights and other legal mandates, guide to the criminal justice system, information on or links to the other community organizations and County agencies that provide direct and indirect services to victims, and other helpful information.<sup>9</sup>

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<sup>8</sup> Survey of Jurisdictions: San Diego County Victim Advocates promote their program and services by also appearing on local radio and television shows (County T.V). In addition, the Victim Advocates actively train first responders on elder abuse issues, and present to the clergy with regards to mandatory reporting of child abuse and elder abuse. A dedicated victim advocate goes to the medical examiner's offices twice a month to review their reports for possible deaths that were initially not listed as a crime.

<sup>9</sup> Survey of Jurisdictions: The San Diego District Attorney's Office has a user friendly website with information as to services for crime victims and most recently information regarding Marcy's Law.

## Conclusions

The State CalEMA could improve oversight for advocacy services provided by Silicon Valley FACES by conducting more frequent and regular site visits. In addition, the District Attorney has not developed systems for establishing program standards of service or measures of performance. As a result, performance expectations are unclear and not effectively monitored.

The Advocacy Unit's outreach processes and efforts could be improved. The Unit needs to strengthen its outreach to all types of victims from all parts of the County to ensure that victim advocacy resources are being maximized. Further, most Advocacy Unit staff generally have very limited interactions with District Attorney or other County department personnel, particularly with regards to obtaining feedback on victim advocacy service needs and priorities. The Center's website contains very limited information for potential clients.

## Recommendations

The District Attorney should:

- 2.1 Request the California Emergency Management Agency to periodically conduct contractor site visits (i.e., both technical assistance and monitoring site visits) on a rotation not to exceed three years, to ensure that program objectives are being met; that grant requirements and applicable laws and regulations are being followed; that contractor staff receive technical assistance when required; and that the Victim and Witness Assistance Center's programmatic, administrative, and fiscal components are assessed on a regular basis.
- 2.2 Improve its monitoring of contractor services and activities, including establishing a more effective management and performance reporting structure based on defined standards of performance, and demonstrated with existing data and a broader range of more meaningful measures of performance.
- 2.3 Using the management and performance reporting structure recommended in this section, establish service objectives that can be linked to both organizational and staff performance measurements.

The Director of the Victim and Witness Assistance Center should:

- 2.4 When resources permit, consider reinstating the system of staff rotation to various advocacy service locations, to broaden staff exposure to the County's victim assistance system/network, increase interaction with client departments, alleviate staff burnout, and promote cross-training.
- 2.5 Implement procedures to record and measure victim/witness feedback, to enhance organizational service quality and to provide individual staff guidance on areas where individual performance could be improved.

- 2.6 Establish a systematic approach for communicating with and obtaining feedback from various client agencies, including the Office of the District Attorney, regarding victim advocacy and service needs and priorities, to ensure that all types of victims are served by the Center; and, to ensure that County staff and agencies are familiar with the Center's staff and services.
- 2.7 Consider enhancing the Victim and Witness Assistance Center website by introducing better and more robust information, including, at a minimum, descriptions of all of the services the Center provides; victim/witness rights and other legal mandates; guide to the criminal justice system; information on or links to the other community organizations; and, County agencies that provide direct and indirect services to victims.

## **Costs and Benefits**

There would be no cost to implement these recommendations, although increased management staff time would be required to establish improved standards and measures of contractor performance. State and County oversight would be enhanced, and contractor staff would be provided with a more complete understanding of organizational goals and objectives. Individual staff performance would potentially improve.

### 3. Advocacy Unit Management

- **The Advocacy Unit has direct service staff equating to 9.28 Full-Time Equivalent (FTE) positions, including 1.0 FTE Advocacy Unit Supervisor and 8.28 FTE Advocates. These staff provide various services to victims, including assisting with the filing of claims, obtaining restitution and navigating court processes. The Advocates assisted 6,810 new victims in FY 2007-08 and 4,150 new victims in the first half of FY 2008-09. Most clients were victims of domestic violence, driving under the influence, hit and run, assault and child sexual abuse offenses.**
- **The Advocacy Unit has not implemented a sufficient approach for assigning, tracking or managing Advocate workload activities. For example, the Unit does not assign cases systematically, resulting in workload imbalances among Advocates. In addition, the caseload data currently collected are unreliable, and Advocates have inconsistent methods for recording crucial information. A review of staff worksheets showed that some contained incorrect calculations, and that none of the quarterly totals that were reported to the State matched with the totals in the Advocates' physical records. Further, the Unit has not established key internal controls, including comprehensive policies and procedures and an appropriate performance review system.**
- **Such weaknesses have resulted in management's inability to sufficiently assess staff productivity, determine appropriate staffing and priorities, and develop a more strategic approach for providing victim services and outreach. Establishing sufficient caseload monitoring procedures, implementing controls for tracking advocacy activities, and developing key management tools and quality measures will strengthen the Advocacy Unit's ability to ensure the quality, sufficiency, and accountability of the its advocacy staffing, functions, operations and services.**

In FY 2008-2009, the Victim and Witness Assistance Center has an approved California Emergency Management Agency (CalEMA) annual budget of \$598,459 to provide various mandated victim advocacy services required by California Penal Code §13835 through §13835.10<sup>1</sup>, including:

1. Crisis intervention, which requires timely and comprehensive responses to individual victim requests for services;

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<sup>1</sup> The Victim and Witness Assistance Center Advocates are also encouraged to provide the following optional services as long as their ability to carry out mandatory services is not impacted: employer intervention; creditor intervention; child care; notification to witnesses of changes in court calendars; funeral arrangements; witness protection; crime prevention information; assistance obtaining temporary restraining orders; transportation assistance; and accompaniment to court waiting areas.



2. Emergency assistance, which requires directly or indirectly providing victims with emergency food, housing, clothing, and, when necessary, cash;
3. Resource and referral counseling for community agencies serving victims;
4. Direct counseling or therapy for victim problems resulting from crime;
5. Assistance with processing, filing, and verifying crime victim claims (help preparing crime victim claims for reimbursement of losses, both medical and property);
6. Assistance obtaining the return of victim property held as evidence by law enforcement;
7. Orientation to the criminal justice system;
8. Court escort and assistance navigating the court system;
9. Presentations and training on victim assistance services for criminal justice agencies;
10. Public information on victim assistance services;
11. Case status and disposition reporting;
12. Notification to family and friends;
13. Notification to employers and intervention, when required; and
14. Assistance obtaining restitution by ascertaining economic loss, and providing the Probation Department, District Attorney and court with information related to client losses.

In addition to the grant from CalEMA, the District Attorney also has service agreements with the Silicon Valley FACES Victim and Witness Assistance Center to perform victim restitution assistance services (\$70,400 from the General Fund); and, domestic violence victim advocacy assistance (\$28,840 from the State Spousal Abuser Prosecution Program<sup>2</sup>). In FY 2008-2009, the Victim and Witness Assistance Center also has agreements with two other public agencies: (1) \$88,018 from the Santa Clara County Social Services Agency to consult with social worker staff and provide victim advocacy services to ensure that eligible children in the Dependency Intake Unit apply for benefits from the State crime victim compensation fund; and, (2) \$50,679 from the San Jose Police Department to provide on-site advocacy services to victims of crime, their families and witnesses. Table 3.1 shows the Advocacy Unit's consolidated budget for FY 2007-2008 and FY 2008-2009.

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<sup>2</sup> As previously noted, the original FY2008-2009 allocation for the domestic violence advocacy assistance from the State Spousal Abuser Prosecution Program was \$57,680. However, due to the lack of available funding, this State grant was cut by 50 percent, resulting in a revised FY2008-2009 State allocation of \$28,840.

**Table 3.1****Advocacy Unit's Budgeted Amounts, by Sources**

Source of Funds	FY2008-2009	FY2007-2008
CalEMA (Victim Witness Assistance)	\$598,459	\$642,605
Santa Clara County General Fund (Restitution)	\$70,400	\$70,400
State Spousal Abuser Prosecution Program	\$28,840	\$57,680
San Jose Police Department	\$50,697	\$50,697
Social Services Agency	\$88,018	\$88,018
CalEMA (Parole Revocation)		\$186,078
<b>TOTAL</b>	<b>\$836,414</b>	<b>\$1,095,478</b>

Sources: Victim and Witness Assistance Center's grant applications.

**Victim Advocacy Unit Staffing & Functions**

The Victim and Witness Assistance Center's Advocacy Unit is comprised of one Advocacy Unit Supervisor and 8.28 FTE Advocates. Five individuals (4.48 FTE) are assigned to the Center's main office; two individuals are assigned to the District Attorney's Office (1.8 FTE); one individual is assigned to the Social Service Agency (1.2 FTE, including part-time assistance from the staff person assigned to SJPd); and one individual is assigned to the San Jose Police Department (0.8 FTE). About half of the ten individuals assigned to the Advocacy Unit are multi-lingual and speak languages other than English, including Spanish, Vietnamese, Hindi, Cantonese, Arabic, and Assyrian. The duties of these staff are as follows:

- The Unit Supervisor oversees the Advocates, assigns cases, reviews reports and statistics, and prepares progress reports. The Unit Supervisor is not regularly assigned a caseload, but is directly involved in more complex referrals, provides translation services when needed, and responds to client complaints. The position is fully funded by the CalEMA.
- The five Advocates assigned to the main office respond to public inquiries and assist new clients with obtaining services. In this role, these Advocates will assist potential clients with the preparation of applications and the compilation of support documentation used by the Compensation Unit and State to determine benefit eligibility. These staff also provide crisis intervention support services and will assist clients with requests for emergency assistance. These 4.48 FTE positions are fully funded by the CalEMA.
- The two Advocates assigned to the District Attorney's Office perform unique functions. The first Advocate position, which was created in 1994, is funded by the District Attorney from General Fund discretionary resources and is responsible for advising prosecutors on the extent and monetary value of damages suffered by victims and witnesses in felony cases. The second Advocate position is responsible for providing outreach and court support for

domestic violence victims. Funding for this 0.8 FTE position was provided through the State Spouse Abuser Prosecution Program, or SAPP.

- The one Advocate assigned to the Social Services Agency provides victim advocacy services for children in the Dependency Intake Unit, to ensure that eligible child crime victims apply for benefits from the State crime victim compensation fund. This position is fully funded by the SSA from General Fund discretionary resources.
- The one Advocate assigned to the San Jose Police Department provided on-site advocacy services to victims of crime, their families and witnesses. Funded at 0.8 FTE position by the SJPDP, the other 0.2 FTE position provides support to the full time SSA Advocate, described previously. The partial 0.2 FTE position is responsible for processing petitions from juveniles who request to be taken out of custody. As of January 2009, the portion of the position funded by the San Jose Police Department has been eliminated by the City.

In addition to these direct service staff, 50 percent of the Victim and Witness Assistance Center's Program Director position is allocated to the Advocacy Unit to provide general oversight and to perform certain administrative functions. Approximately 50 percent of one Administrative Clerk position serves as the receptionist for the Unit, performs related administrative duties, and provides outreach and assistance to potential clients appearing before the Family Court.

The Advocacy Unit also utilizes the services of two interns and a volunteer, all of whom are located in the main office. Each of the two interns works a total of 12 hours per week, and the volunteer works a total of 8 hours per week, for a total of 32 volunteer hours per week. These unpaid staff provide assistance in various capacities, including performing administrative functions, filing, shadowing the Advocates during victim interviews and in courtrooms, following-up with victims, and miscellaneous other tasks assigned by Advocates.

## **Advocacy Caseload**

The California Emergency Management Agency requires the Victim and Witness Assistance Center to submit progress reports on a quarterly basis. These reports document the program's progress toward achieving objectives in accordance with the terms of the agreement with the State and provides statistics on the Advocacy Unit's project activities, including the total number of victims and witnesses served, the types of crime involved, the types of services provided to victims, and the Advocacy staff's training activities. Based on the progress reports submitted by the Victim and Witness Assistance Center to the State, the Advocates assisted a total of 6,810 new clients in FY 2007-2008, and a total of 4,150 new clients in the first half of FY 2008-2009. The following table displays the total number of victims and witnesses served by the Center.

Table 3.2

## Victim Advocacy Unit's Caseload

	FY08-09 (first half)	FY07-08	FY06-07	FY05-06
Number of New Victims	4,150	6,810	7,966	7,208
Number of New Witnesses	0	0	730	359
<b>TOTAL SERVED</b>	<b>4,150</b>	<b>6,810</b>	<b>8,696</b>	<b>7,567</b>

Sources: Victim and Witness Assistance Center's Progress Reports submitted to CalEMA.

Based on the statistics included in the progress reports provided by the Victim and Witness Assistance Center to the State for the first half of FY 2008-2009 and for FY 2007-2008, most of the victims served by the Advocates were victims of domestic violence (28%), hit and run (14%), driving under the influence (14%), assault (13%), child sexual abuse offenses (8%), property crimes (8%), robbery (4%), homicide survivors (3%) and adult sexual assault (2%). The remaining six percent served persons who were victims of a variety of miscellaneous offenses.

Most of the services provided by the Advocacy Unit staff include providing new clients with assistance filing and documenting compensation and restitution claims, and responding to individuals on case status or disposition<sup>3</sup>. These services require a substantial amount of telephone and mail correspondence with the victims, law enforcement agencies and health care providers. In addition, Advocates also provide crisis intervention services and assist clients with obtaining emergency services, when necessary.

## Case Assignments

The Victim and Witness Assistance Center's Advocates currently receive their cases in one of two ways: (1) referrals are made to the Center by law enforcement, the courts, community service organizations, and others; and, (2) through local outreach efforts and word of mouth, direct contact is made with the victims, either by telephone or at the Center.

### *Referrals*

When referrals are made, cases are "evenly" assigned by the Advocacy Unit Supervisor without considering existing caseload numbers or complexity. For example, if five victims are referred to the Center, each of the five Advocates will receive one victim. The Advocacy Unit Supervisor stated that an exception to this even-distribution method occurs when the victim requires special services, such as language translation. For example, if three of five new referrals require Spanish translation, the Spanish-speaking Advocates will receive all three referrals, and the remaining clients will be assigned to other Advocates.

<sup>3</sup> For the purposes of the progress report, each service may only be counted once per victim per victimization.

A review of caseload statistics for the first three months in FY 2008-2009 indicated that caseload imbalances exist among Advocates. For example, for the Advocates located in the main office, the total number of new victims assisted ranged between 48 new clients for one Advocate to 323 new clients for another Advocate, with an average of 233 new clients assisted per Advocate in the main office. Even though such a disparity in caseload levels among Advocates can be partly attributed to the Advocates' varying types and levels of activities and responsibilities, the Unit Supervisor should still take the Advocates' caseload levels into consideration when assigning new cases to ensure that the Advocates' caseloads and workloads are as balanced as possible.

Further, for the Advocates located offsite (i.e., outside the main office), the total number of new victims assisted ranged between 103 new clients for one Advocate to 244 new clients for another Advocate, with an average of 164 new clients assisted per offsite Advocate. This average shows a lower level of caseload compared to the average for Advocates in the main office, which could be partly attributed to the Advocates' varying types and levels of activities and responsibilities in their respective offsite locations. However, even though these Advocates are located offsite, the Advocacy Unit Supervisor should still maintain its role as the Advocates' Supervisor and regularly monitor the caseload assigned to offsite Advocates to ensure that these staff's time and resources are utilized efficiently and effectively.

Providing staff with a balanced workload and caseload is necessary to ensure that Advocates are properly managing their activities, that they are establishing clear task priorities, that cases are not falling through the cracks, and that Advocates do not get burned-out in the process. A more systematic and methodical approach to assigning cases to Advocates is, therefore, needed in order to ensure that all resources are being utilized to the fullest extent possible and that appropriate workload is assigned to each staff, taking into consideration the staff's current workload and availability, as well as the Advocates' various victim witness activities and responsibilities. Such a system would require the Advocacy Unit Supervisor to maintain a central database that includes all of the current cases being handled by each Advocate to ensure that staff workload is as balanced as possible. Such information, if collected regularly from all victims and witnesses and systematically analyzed, could also be useful for determining Advocate resource needs, including numbers of personnel and where staffing should be assigned.

Data on how victims are referred to the Victim and Witness Assistance Center can be a useful source of information for conducting resource needs assessments, facilitating process evaluations, and determining victim assistance plans and priorities. For example, if the Center's referrals are mostly derived from certain law enforcement agencies, a reallocation of resources may be needed to prioritize Advocate staffing or outreach at such agencies. Even though referral data can be an important program evaluation tool, Advocates do not keep track of how the victims are referred to the Center in all circumstances, and the limited data that are already being collected are not analyzed for the purposes of determining program staffing and priorities. Advocates currently collect referral information only if the victim decides to apply for victim compensation, since referral information is included as part of the victim compensation application. However, information on how the victim is referred to the Center is not systematically collected for those victims who may make an inquiry but decide not to apply for victim compensation. By not collecting and analyzing such information, Advocacy Unit

managers are missing a critical piece of information that could be used to determine Advocate assignments.

#### *Telephone Contacts or Walk-ins*

Another way that the Advocates receive cases is when there is direct contact with the victims by telephone or when they visit the Center (i.e., “walk-ins”). If a victim calls or comes into the Victim and Witness Assistance Center for the first time, the victim is referred to an Advocate who is scheduled to provide services and process intake paperwork for new clients at the time of contact. The victims may have learned about the Center through a variety of different sources, including documents issued by various law enforcement agencies listing the Center’s services and contact information; the Center’s brochure, which is available in various locations, including the District Attorney’s Office and courtrooms; the Center’s website; or through the Center’s public presentations and community outreach efforts.

Each Advocate is scheduled to perform victim intake duties twice a week for either a morning shift (8:30 a.m. to 12:30 p.m.) or an afternoon shift (12:30 a.m. to 5:00 p.m.). When a new victim calls or walks in to the Center, the victim will then become part of the caseload of the Advocate that is scheduled to do intake at the time of the call or the walk-in. The Advocacy Unit Supervisor tries to ensure that each Advocate is assigned to one busy shift and one not-so-busy shift by reflecting this on the schedule. However, these schedules are rarely changed, so daily fluctuations in workload have the possibility of skewing individual caseloads. The Advocacy Unit Supervisor should, therefore, establish an intake rotation system that takes into account these daily fluctuations to ensure that intake caseloads among staff are as balanced as possible.

Data on victims’ geographic locations can be a useful information in understanding geographic patterns of where crime victims live, which can be helpful in assessing the Center’s outreach activities, resource allocation, and staffing priorities. For example, if management determines from the victims’ geographic location data that no victims and witnesses from certain parts of the County are reflected in their walk-ins or caseloads even though crime rates have been increasing in those areas, the Center’s management staff can then use this information to more actively engage its Advocates in those areas. The Advocacy Unit Supervisor currently does not keep track of the geographic locations where the victims are from. Even though this information exists in the various forms filled out by the Advocates (either through the referral or intake process), such information is not gathered systematically and centrally to determine whether victims from all parts of Santa Clara County are receiving services. Representatives from the District Attorney’s Office indicated that certain areas in the County may not be receiving as much victim witness services as other areas and that victim witness assistance resources should be reallocated accordingly. Without the relevant data to assess whether this regional disparity in victim services provision may exist, it is difficult to determine the extent to which this regional disparity may be impacting services to the community. Tracking such information would enable the Unit Supervisor to determine patterns of where crime victims live, which can serve as one of the basis for determining the Unit’s strategies in terms of its outreach activities, resource allocation, and staffing priorities.

## Tracking Cases & Workload

Caseload and workload analyses are important tools in evaluating the efficiency and effectiveness of any program. Such analytical tools assist in translating program practices into hard data which can be used for program evaluation. Having a systematic approach for analyzing staff's case and work activities can assist management in making informed decisions about how to more efficiently utilize its limited resources (e.g., staff). Representatives from the District Attorney's Office have expressed some concerns about the Advocates from the Victim and Witness Assistance Center not being available or present in certain County courts (e.g., Juvenile Courts) or District Attorney units (e.g., sexual assault unit), where Advocates are needed to provide victim services. However, because the Victim and Witness Assistance Center currently lacks meaningful systems to assess staffing in relation to workload and service needs, the organization is unable to make informed decisions about how to more effectively and efficiently utilize and place its advocacy staff.

The California Emergency Management Agency's Grant Recipient Handbook indicates that all funded projects are required to participate in data collection and submit progress reports. It also requires that projects must keep accurate, complete, and orderly records as source documentation to support the information reported in the progress report.

The Advocacy Unit Supervisor currently collects certain caseload and workload information from Advocacy staff through the monthly Records of Contact, which include tallies of the number of new victims and witnesses served (including information on special needs victims), the types of crime involved, and the types of services provided. These data are primarily used to generate the quarterly reports provided to the California Emergency Management Agency as part of its grant requirements. In addition, Advocates also provide the Supervisor with records on presentations and/or training provided by the Advocate each month, including information on where the presentation or training took place, what the Advocate did, and level of participation. Furthermore, each Advocate also separately maintains and reports his/her monthly restitution-related activities, including the number of restitution hearings attended, the total number of victims involved, the number of new referrals, and the total remaining open cases.

Data reliability is critically important not only in providing the State with accurate progress reports, but also in planning and assessing any organization's performance. A reliable dataset helps administrators in making informed management decisions about its staffing allocations that would better maximize the use of available resources and ultimately improve its operations. Even though caseload data are currently being collected for the purposes of the quarterly progress reports provided to the California Emergency Management Agency, the Advocacy Unit lacks sufficient procedures for ensuring that the caseload data that it collects are as accurate and complete as possible. For example, until recently, the Advocacy Unit did not have an internal document that provided standard definitions for the mandatory and optional victim witness services it provided, nor did it have internal instructions for how to properly count and classify clients. This lack of standard definitions and instructions has resulted in Advocates classifying clients inconsistently and reporting the wrong types of services provided to victims. The Advocacy Unit Supervisor reported that an internal document has been recently developed that provides explicit definitions for each of the types of service provided by the Advocates. The

Supervisor should, therefore, ensure that all Advocates understand these standard definitions and instructions and that Advocates adhere to these standards as part of their data collection duties on an ongoing basis.

In addition to data reliability, the Advocacy Unit should also develop a more streamlined and consistent approach for gathering caseload data, which is necessary to ensure a more effective use of staff time, as well as ensure the ease of caseload information search, compilation, and analysis. The Advocacy Unit currently lacks a more standard and automated approach to maintaining their caseload data. For example, the Advocates do not consistently use the same forms when reporting their Records of Contacts, and only a few of the staff maintain and record their statistical information electronically. Based on our review of the Record of Contacts for the first three months in FY 2008-2009, the twelve Advocates that reported statistics used four different Record of Contacts formats, making it difficult to assess the accuracy and completeness of the information provided.

In addition, only three out of the twelve Advocates inputted their statistics electronically; the other 9 staff (or 75 percent of the Advocacy staff) recorded their statistics manually. A review of the Record of Contacts shows that a few of the records contain incorrect sums for the total number of new victims served, and in one instance, the sum was entered under the incorrect type of crime. Further, a review was conducted to determine whether the statistics reported in the quarterly progress reports match those statistics that are reported in the Advocates' monthly Records of Contacts. Based on our limited review of these documents, it was difficult to reconcile both sets of statistics. For example, the progress report for the first quarter in FY 2008-2009 indicated that no new witnesses were served, while the Advocates' monthly Records of Contacts indicated that 71 new witnesses were served. In addition, the review of the progress report for FY 2007-2008 indicated that none of the quarterly totals for the new victims served matched the totals in the Advocates' Records of Contacts (i.e., two of the quarterly totals in the progress report were higher than the quarterly totals for the Records of Contacts, while the other two quarters showed lower sums).

Having the statistics entered electronically by each Advocate (e.g., through a basic Excel spreadsheet) could streamline the process for reviewing the accuracy of the Advocates' caseload statistics. In addition, automating the Unit's data collection efforts could reduce the amount of time currently spent by Advocacy staff in maintaining, tracking and reporting caseload information. Currently, each Advocate manually fills out a one-page form for each victim assisted to describe the client (i.e., new victim or new witness), the type of crime involved, and the types of services provided. At the end of the month, each advocate then compiles all of the one-page forms filled-out for each victims for the month, tallies the information, then inputs the monthly tallies into the Record of Contact. These Records of Contact are then submitted to the Advocacy Unit Supervisor, who re-tallies the records and inputs the statistics in an Excel spreadsheet to derive the information for the progress report. Such a manual system creates unnecessary steps and inefficiencies in the staff's use of their time, which could be streamlined by having each Advocate enter their caseload statistics into a standard electronic spreadsheet that the Unit Supervisor can easily compile at the end of the month. The Advocacy Unit Supervisor should, therefore, establish and implement a standard electronic template for the Advocates to



use in maintaining their victim caseload statistics and information that would streamline and improve the Unit's data gathering efforts (i.e., data compilation, data search, and data analysis).<sup>4</sup>

The Advocacy Unit Supervisor reported that he is currently conducting a random sample review of the Advocates' statistics books (which are comprised of sheets of information regarding each victim or witness assisted) to check whether the Advocates are consistently applying the correct terms and definitions for the type of crime and the type of services categories. In addition to this quality control measure, the Advocacy Unit Supervisor should also conduct a random sample review of each Advocate's electronic Record of Contacts on an ongoing basis to determine the numbers' accuracy and completeness. Further, the Advocacy Unit Supervisor should also ensure that the statistics reported to the State match those that are recorded by the staff.

Assessing the Advocates' effectiveness in addressing the victims' needs is crucial since the provision of victim assistance is the Center's bread and butter. As indicated in the State Penal Code, the counties' victim and witness assistance programs are aimed at providing services to "reduce the trauma and insensitive treatment that victims and witnesses may experience in the wake of a crime." In addition, victim and witness assistance programs are expected to effectively deliver comprehensive services to victims and witnesses in each county. As such, it is necessary that the Victim and Witness Assistance Center is able to assess the effectiveness of its staff in proactively providing assistance to victims, and one method for assessing the Advocates' effectiveness is through the review of their follow-up and correspondence with victims and the steps taken by the Advocates in providing appropriate and comprehensive services. At the time of the review, not all Advocates systematically or electronically keep track of their ongoing caseloads, advocacy activities, status of assistance, client contacts/phone calls, or other workload-related measures. The Unit Supervisor should require Advocates to maintain a more systematic and electronic record of their ongoing caseload and activities that would enable the Advocates and the Supervisor to determine the status of their cases, the number of victims being served, and the key steps taken to ensure that victims' needs are being effectively addressed.

In addition, the Unit Supervisor should conduct an ongoing random sample review that involves tracing the Advocates' reported activities (i.e., as they are reported in the monthly Records of Contacts) to a corroborating source document (e.g., the Advocate's intake notes, activity logs, desktop calendars, etc.) to ensure that the activities reported by the Advocates actually occurred. Advocacy Unit staff informed that one staff was recently terminated due partly to issues involving falsified (i.e., inflated) statistics and the staff's inability to follow-up with the victims. Having a systematic approach to keeping track of source documents (e.g., intake notes/logs, personal notes, activities log, etc.) and reviewing such corroborating source documents against the Advocates' reported Records of Contacts would ensure the overall accuracy of the caseload statistics and enhance the Unit's accountability controls and procedures.

An activities-based functional timesheet is an important management tool that allows supervisors and program managers to determine the staff's daily activities; track the amount of time spent on

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<sup>4</sup> Survey of Jurisdictions: In San Diego County, Victim Advocates use an internal/electronic system to capture both mandatory and optional services to victims. Fresno County has implemented a paperless system of tracking statistics and case management.

tasks and projects; and monitor and control aspects of employee time and attendance, including staff productivity and time management. Even though Advocates are involved in a variety of advocacy-related activities (e.g., victim intake, restitution-related tasks, community outreach, court support, etc.), the Advocacy Unit staff currently do not keep track of their time through an activities-based functional timesheet. The Advocacy Unit Supervisor should ensure that all staff use an activities-based functional timesheet in keeping track of their time and that sufficient functional information (i.e., activities-based beyond the usual “time-in” “time-out” information) is included in each timesheet to enable management to measure and track each staff’s activities and workload.

The lack of a systematic and electronic approach to tracking the Advocates’ caseload and workload, as evident from the various examples described in the preceding paragraphs, has resulted in the Advocacy Unit Supervisor’s inability to assess whether staff are being as productive and efficient as possible, or whether the resources currently available are sufficient and are being used appropriately. The Unit Supervisor reported that there is currently no one central system or database that includes information on the total number of victims currently being assisted, basic information on the victims (e.g., cities), as well as the total number of cases that have been closed or have been active for a period of time. The Advocacy Unit Supervisor should, therefore, maintain a database that tracks all the victims being assisted by the Advocates to more accurately assess the Advocates’ productivity and time management abilities, establish sufficient accountability controls, and determine the sufficiency of the Unit’s staffing and resources.

Once the Advocacy Unit has implemented tighter controls and more robust policies and procedures for collecting reliable and useful caseload and workload data, the Victim and Witness Assistance Center’s management staff should make sure that such data are analyzed and reported on a regular basis and are used by the management and supervisory staff in its decision making, particularly with regards to systematically reviewing staff workload levels to determine a more efficient utilization of its limited staff and resources.<sup>5</sup>

## **Restitution Function**

One of the mandatory services provided by the Advocates involves assisting victims and witnesses of crime with obtaining restitution, including ascertaining the client’s economic loss. As part of this restitution process, the Advocate completes the Statement of Loss Questionnaire on behalf of the victim to calculate out-of-pocket expenses that directly resulted from the crime. Like the State Board of Control’s Victim Compensation Program, qualifying losses include wage loss and medical expenses. Through interviews with the victims, gathering relevant documentation, and reviewing police reports, the Advocate’s goal is to determine what portion, if any, of the victim’s losses are covered by insurance and determine an exact dollar amount to request for restitution.

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<sup>5</sup> The Advocacy Unit Supervisor reported that the Center has recently looked into purchasing the DAMION Advocate System, which is an integrated case management software system designed to assign, maintain, and track the services provided by advocates to victims and witnesses. However, due to limited resources, the Center was unable to purchase the DAMION System, which costs approximately \$18,000.

One of the Advocates located in the District Attorney's Office prepares restitution reports for mostly felony cases,<sup>6</sup> while the rest of the Victim and Witness Assistance Center's Advocates prepare restitution reports for only misdemeanor cases. Staff from the District Attorney's Office, on the other hand, prepare restitution reports for all felony cases, as well as some misdemeanor cases. An official from the California Emergency Management Agency indicated that the primary focus of part of the State advocacy grant monies received by the County (i.e., those grant monies from the federal Victim of Crime Act) is to provide assistance to victims of violent crimes (i.e., beyond misdemeanor cases). As such, the Center's management staff may not be allocating the Advocates' victim witness activities appropriately, per State grant specifications. In addition, since both the Victim and Witness Assistance Center's Advocates and the District Attorney's Office's misdemeanor team are involved in preparing restitution reports for the County's misdemeanor cases, duplication of efforts could be occurring. The Victim and Witness Assistance Center management staff should, therefore, collaborate with the District Attorney's Office's Restitution Unit to (a) determine an appropriate division of restitution workload between the two agencies that is consistent with the grant requirements; (b) determine whether duplication of efforts is happening;<sup>7</sup> and (c) address both the Victim and Witness Assistance Center's and the District Attorney's resource limitations in determining the County's restitution staffing priorities.

In addition to these workload and staffing issues, better systems should also be in place to ensure that Advocates get in touch with the victims in a timely manner and that restitution reports are of quality to ensure the effectiveness of the County's overall restitution collection process. A number of Victim and Witness Assistance Center Advocates reported that the contact information for victims that are passed on to the Center by the District Attorney's Office are not always accurate or complete, nor are they always readily available for Advocates to prepare restitution reports in a more timely manner. In addition, a District Attorney staff indicated that the reports produced by the Victim and Witness Assistance Center's Advocates are not always helpful in terms of restitution collection, as some reports either lacked an "analysis of the losses" (e.g., lack of sufficient legal basis for the collection of the losses) or indicated only very minimal follow-up with the victims. A Restitution Evaluation Manual currently exists, which includes guidelines for contacting the victim, evaluating the victim's loss, common problems, writing the restitution reports, and closing the file, as well as sample forms and contact information. However, the Manual currently does not include provisions for determining whether adequate steps are in place to ensure the accuracy and completeness of the victims' contact information and whether sufficient standards are in place to ensure that the information contained in the restitution reports are as accurate and complete as possible. As such, the Advocacy Unit Supervisor should work with the District Attorney's Office, the Probation Department, and other relevant County agencies in making sure that Advocates are given as accurate and complete victim information as possible in a timely manner and that all responsible agencies use consistent restitution reporting standards to ensure the restitution reports' quality and effectiveness in

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<sup>6</sup> The Advocate located in the District Attorney's Office who mainly prepares restitution reports for felony cases indicated that staff from the District Attorney's misdemeanor unit would sometimes request for him to prepare restitution reports for misdemeanor cases. The Advocate indicated that these misdemeanor cases comprise approximately 2 percent or 3 percent of his annual restitution workload.

<sup>7</sup> The District Attorney states that efforts are continuously made to reduce or eliminate duplication of effort.

helping victims receive restitution. Related to this effort, the District Attorney's Office should also make sure that the victim/witness contact information is entered into the County's database systems as accurately and completely as possible to avoid delays in contacting victims and in generating restitution reports.

## **Internal Controls and Quality Measures**

### *Policies and Procedures*

Policies and procedures provide a strategic link between the organization's goals and visions and its day-to-day operations. Well-written policies & procedures allow employees to understand their roles and responsibilities within predefined limits; enable management to guide operations without constant management intervention; provide staff with a clear and easily understood plan of action; and help eliminate common misunderstandings and potentially costly decisions by clearly identifying job responsibilities, boundaries and guidelines. In addition, by establishing and implementing policies and procedures, the organization benefits by allowing managers the freedom to concentrate on strategic issues because policies and procedures are in place to guide the normal-day-to-day operations.

The Advocacy Unit does not have comprehensive policies and procedures that define service structure or guide operations. The Advocacy Unit currently has no written guidelines for its Advocates in terms of how their duties and responsibilities should be performed (e.g., standards for following-up with victims, outreach to victims and the community, etc.); the expectations relating to caseload and workload tracking and management; accountability measures and quality controls to ensure the quality, consistency, and sufficiency of the services provided to victims and witnesses; and others relevant matters. Due to the lack of policies and procedures, not all staff may have a consistent understanding of the Unit's procedures and expectations.

For example, one Advocacy Unit staff stated that she really didn't know what the Advocate position entailed when she first started and that no written guidelines were provided to her, except for the written policies and procedures provided by the State Compensation Board. Although advocacy training is provided through the State and ongoing professional development activities take place, having a written policies and procedures manual for the Advocacy Unit would ensure that goals and objectives are established; standard procedures and protocols are in place; and accountability and quality control measures are clearly and consistently communicated. The Advocacy Unit Supervisor should, therefore, establish these policies and procedures, communicate these guidelines to staff, and ensure that all Advocacy Unit staff adhere to the policies and procedures.

### *Performance Evaluations*

Performance evaluations are important opportunities for supervisors and employees to share in open dialog concerning attainment and setting of goals, as well as the employee's individual performance. Performance evaluations should strive to stimulate communication between the supervisor and employee; create a mutual understanding between the employee and supervisor concerning the duties and responsibilities of the employee's job and of the performance objectives established for the appraisal period; and identify and resolve performance issues, as necessary. In addition, performance evaluations provide managers with information to aid in personnel decisions, which may require an assessment of an individual's job performance. Further, consistent and constructive employee performance evaluations are important for employee morale, as employees want to know how they are doing, what they are doing well, as well as areas that need improvement.

The Advocacy Unit Supervisor annually assesses the Advocacy staff's performance on a variety of job-related areas, including time management, accountability, quality and quantity of work, client/customer services, and other areas. One appraisal form is currently used for all of Silicon Valley FACES staff, regardless of the staff functions and program areas. As such, generic performance criteria are being used in evaluating Advocates, making it difficult to accurately assess the Advocate's performance. The Advocacy Unit Supervisor reported that it is difficult to measure some of the job appraisal areas (e.g., time management) since the Advocacy Unit does not collect sufficient data to determine, for example, that staff are able to effectively organize time to maximize efficiency and productivity. The Advocacy Unit Supervisor should, therefore, develop an appraisal form specifically for the Advocates that include measurable and relevant competencies. In addition, this appraisal form should also include specific/actionable goals (e.g., training needs, exposure to certain processes and procedures) for Advocates to encourage continued professional development, as well as specific corrective actions to address any performance issues, as needed.<sup>8</sup> The Advocacy Unit Supervisor should regularly conduct such reviews for all staff, as well as systematically track all the performance appraisal dates, goals, and corrective actions.

## **Conclusion**

The Victim and Witness Assistance Center, particularly its Victim Advocacy Unit, serves as Santa Clara County's primary provider of victim and witness assistance services, including reporting on case status and disposition; providing assistance filing claims and obtaining restitution; performing court escort services and support; providing clients with resource referrals; performing crisis intervention activities; and conducting training and presentations to community and County agencies. Each year, Advocacy staff assist thousands of new victims that

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<sup>8</sup> Survey of Jurisdictions: Orange County conducts an all-staff training focusing on a topic related to the field or a skill useful in providing services to the public. In FY07-08, the County focused on team building, self-care and "compassion fatigue," recognizing the fact that assisting crime victims can have an emotional impact on advocates. We also found that Riverside County has developed an internal Advocate Academy to provide training on services, working with victims in various crime types, and an overall orientation of the criminal justice system.

are referred to the Center by law enforcement agencies, the courts, community organizations, and others, including local outreach efforts. However, Silicon Valley FACES has generally not established key policies and procedures, sufficient guidelines and measures, or quality controls for determining a more effective approach to advocacy staffing, resource utilization or functional priorities.

## Recommendations

The Director of the Victim Witness Assistance Center should:

- 3.1 Establish a systematic approach (e.g., maintaining a central database, regularly monitoring caseloads) to all Advocates' victim referral and intake assignments by:
  - (a) Taking into consideration the Advocates' existing caseload and workload activities, as well as the Advocates' varying types and levels of victim witness activities and responsibilities, to ensure that all Advocates receive appropriate and balanced caseload and workload;
  - (b) Regularly monitoring the Advocates' caseload and workload to ensure that staff time and resources are utilized efficiently and effectively; and
  - (c) Establishing an intake rotation system that takes into account daily fluctuations to ensure that intake caseloads among staff are as balanced as possible.
- 3.2 Establish policies and procedures for systematically and electronically keeping track of the following data, and for regularly analyzing such data, to assess resource needs, identify deficiencies in Advocacy outreach efforts, and determine where Advocates should be assigned to perform victim outreach activities:
  - (a) Data on how victims are referred to the Victim and Witness Assistance Center, and
  - (b) Data on geographic locations where the victims are from;
- 3.3 In conformance with the California Emergency Management Agency grant requirements, keep accurate, complete, and orderly records as source documentation to support the information reported in the progress report. At minimum, establish protocols to improve the Center's victim caseload data quality and data gathering efforts, including:
  - (a) Making sure that all Advocates understand and implement the standard definitions and instructions for reporting and collecting caseload statistics (e.g., statistics on the types of cases and types of services provided);
  - (b) Developing a standard electronic template for the Advocates to use in maintaining their victim caseload statistics to facilitate the ease of data compilation, data search, and data analysis;
  - (c) Requiring the Advocacy Unit Supervisor to conduct a random sample review of each Advocate's electronic Record of Contacts on an ongoing basis to determine the numbers' accuracy and completeness;

- (d) Requiring the Advocacy Unit Supervisor to check and make sure that the statistics reported to the State match those that are recorded by the staff;
  - (e) Requiring Advocates to maintain electronic records of their victim follow-up and correspondence activities, ongoing caseloads, various advocacy activities, status of assistance, and client contacts/phone calls that would allow the Director to assess whether the victims' needs are being effectively addressed;
  - (f) Requiring the Advocacy Unit Supervisor to conduct an ongoing random sample review that involves tracing the Advocates' reported activities (i.e., as they are reported in the monthly Records of Contacts) to a corroborating source document (e.g., the Advocate's intake notes, activity logs, desktop calendars, etc.) to ensure that the activities reported by the Advocates actually occurred;
  - (g) Establishing and implementing one standard activities-based functional timesheet template for all Advocates to use; and
  - (h) Requiring the Advocacy Unit Supervisor to maintain one central database system that includes information on the total number of victims currently being assisted, as well as the total number of cases that have been closed or have been active for a period of time for each Advocacy staff.
- 3.4 Once the Advocacy Unit has implemented tighter controls for collecting reliable and useful caseload and workload data, analyze the data gathered on an ongoing basis for management decision-making purposes to determine a more efficient utilization of the Center's staff and resources.
- 3.5 Coordinate with the District Attorney's Office's Restitution Unit to:
- (a) Determine an appropriate division of restitution workload between the two agencies that is consistent with the State grant requirements;
  - (b) Determine whether duplication of efforts is happening; and
  - (c) Address both the Victim and Witness Assistance Center's and the District Attorney's resource limitations in determining the County's restitution staffing priorities.
- 3.6 Coordinate with the District Attorney's Office, the Probation Department, and other relevant County agencies in revising its Restitution Evaluation Manual to incorporate policies and procedures that address the following:
- (a) That all Advocates are given as accurate and complete victim information (e.g., contact information and police reports) as possible in a timely manner; and
  - (b) That all responsible agencies use consistent restitution reporting standards to ensure the restitution reports' quality and effectiveness in helping victims receive restitution.
- 3.7 Establish and implement a policies and procedures manual for the Advocacy Unit that, at minimum, addresses and ensures the following:
- (a) That goals and objectives are established;

- (b) That standard procedures and protocols are in place; and
  - (c) That accountability and quality control measures are clearly and consistently communicated.
- 3.8 Establish and implement a performance review/appraisal form that is specifically for the Advocates and that includes, at minimum,
- (a) Measurable and relevant competencies;
  - (b) Specific/actionable goals (e.g., training needs, exposure to certain processes and procedures) for Advocates; and
  - (c) Specific corrective actions that are tracked.

The District Attorney should:

- 3.9 Establish and implement policies and procedures to ensure that the victim/witness contact information is accurately and completely entered into the County's relevant data systems (e.g., the Criminal Justice Information Control Database and the Victim Restitution Application).

## **Costs and Benefits**

Implementation of all recommendations should be accomplished using existing resources. For example, the Center should first use its current data processing system (i.e., Excel) to track and maintain critical caseload, workload, and advocacy activities data (as identified in this section) before it considers migrating into the DAMION Advocate System. The benefits include vastly improved caseload and workload monitoring procedures, better quality caseload and activities data, and enhanced accountability measures, which have the potential to result in less staff costs through better staff accountability and more efficient use of staff hours and resources. In addition, the Advocacy Unit's management staff would be equipped with the tools necessary to determine how to better allocate staff time and resources, as well as determine advocacy outreach and program/service priorities, which have the potential to further maximize the victim advocacy dollars received by the County. Furthermore, establishing key internal controls and quality measures, including comprehensive policies and procedures and a relevant performance review system could result in increased efficiency and reduced unnecessary costs through enhanced staff and overall program accountability.



## 4. Budget and Financial Procedures

- Silicon Valley FACES has not finalized nor implemented its internal financial or accounting policies and procedures, which are important for clearly defining internal controls; facilitating appropriate and consistent processes; communicating expectations; and preventing inaccuracies and re-work. Policies and procedures are crucial to properly account for assets and accurately report financial transactions.
- The Office of the District Attorney currently does not actively participate in developing the Victim and Witness Assistance Center's budget, limiting collaboration between responsible parties to ensure that grant funds are being budgeted appropriately and effectively. In addition, the District Attorney's review practices do not provide adequate assurance that the Center's monthly invoices are accurate, resulting in reimbursements for the wrong amounts. Further, the Center has not developed a cost allocation plan to ensure sufficient return of reimbursable overhead costs incurred by the County. Sound internal controls are needed so that the victim witness program budget is sufficient; reimbursements are always valid and accurate; and a more appropriate indirect cost rate is used for reimbursement purposes.
- Despite the Silicon Valley FACES's claims about having cash flow problems, a review of its financial statements indicates that the organization has considerable cash balances and that they could potentially liquidate some investments to meet cash flow needs. In addition, Silicon Valley FACES also has a contingency reserve totaling \$694,320, which was originally set aside pending the completion of Silicon Valley FACES's separation from the national organization over four years ago. Silicon Valley FACES should utilize all its available resources and fully examine its options for making contingency reserves available for cash flow purposes, especially for providing sufficient funds for the County's victim witness program.

### Accounting and Financial Procedures

In September 2006, at the District Attorney's request, the County's Controller-Treasurer Department's Internal Audit Division conducted an audit to determine if the funds granted to Silicon Valley FACES for services provided by the Victim and Witness Assistance Center in FY 2005-2006 had been appropriately allocated to the Center.<sup>1</sup> Internal Audit concluded that the Center had received all reimbursements from the County for all submitted claims, and that the claims were properly supported by appropriate documentation. Internal Audit also concluded that the payment process appeared satisfactory and there were no recommendations for revisions.

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<sup>1</sup> This audit's scope included reviewing all FY 2005-2006 claims application with evidence of reimbursements from the County and reviewing the claims' supporting documentation for arithmetic accuracy and appropriateness.

In addition to this audit, an independent accounting firm has been conducting annual financial audits of Silicon Valley FACES since FY 2005-2006, in accordance with generally accepted government auditing standards. These annual audits have shown that the Silicon Valley FACES's financial statements fairly present its financial position, including changes in its net assets and cash flows, and conform with generally accepted accounting principles. The accountant's report for FY 2007-2008 indicated that the results of testing found no instances of noncompliance with applicable laws or guidelines.

Despite having had audits with no material findings, the Silicon Valley FACES's Victim and Witness Assistance Center currently not finalized nor implemented the organization's internal policies and procedures for documenting its accounting and financial processes. Accounting and financial policies and procedures are important for clearly defining roles and responsibilities; facilitating efficient, consistent, appropriate and timely processes; communicating expectations; and preventing inaccuracies and re-work. Sound internal controls provide assurances that financial transactions and assets are appropriately and accurately accounted for in the organization's records, and management is specifically responsible for ensuring that sufficient controls are in place to safeguard assets and support organizational objectives.

According to the Silicon Valley FACES management staff, the organization drafted its own internal financial control policies and procedures after separating from the National Conference for Community and Justice (NCCJ) in 2005. However, this financial control policies and procedures manual was never finalized nor implemented. Silicon Valley FACES should, therefore, finalize and implement its internal accounting and financial policies and procedures and make sure that this manual includes appropriate measures for separately accounting for and tracking all of its grant programs and activities, including the victim and witness program's grants, reimbursements, and cost center transactions to ensure appropriate classification and reporting of assets, liabilities, income and expenses. At a minimum, in finalizing its manual, these policies and procedures should include internal controls to ensure that:

- (a) Transactions have appropriate authorizations;
- (b) Records are designed to sufficiently capture and track data and information;
- (c) Assets and records are physically secure;
- (d) Segregation of duties is in place;
- (e) Accounting records are periodically reconciled;
- (f) Periodic verifications of accounting data occurs; and
- (g) Analytical reviews occur to determine the reasonableness of financial records.<sup>2</sup>

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<sup>2</sup> According to the Silicon Valley FACES Executive Director, starting on January 1, 2009, The Health Trust took over the various accounting and financial functions for the Silicon Valley FACES. The Health Trust is a non-profit organization that, among other services, provides financial and administrative support services to other non-profit organizations.

## **Budget Development, Invoice Processing & Cost Allocation**

### *Budget Development*

The Victim and Witness Assistance Center's total budgeted amounts for its two main programs (i.e., the Advocacy Program, which is funded by the California Emergency Management Agency, and the Compensation Program, which is funded by the California Victim Compensation and Government Claims Board) are set by the two State agencies that administer the grant programs. These agencies calculate how much a county will receive from available victim witness assistance grant funding by taking into account the county's population level and the county's crime statistics<sup>3</sup>. A State official interviewed for this audit stated that the crime statistics currently used in grant funding calculations for the Advocacy program are at least 10 years old, and that the State is working on revising this methodology by basing allocations on more recent statistics and by obtaining and incorporating feedback from county representatives who are familiar with victim witness program operations and needs.

As part of the grant proposal process for the two main grant programs, the Director of the Victim and Witness Assistance Center (as the implementing agency) is charged with developing line-item budgets for both the Advocacy Unit and the Compensation Unit. The total budgeted amounts approved by the granting State agency are used by the Director to formulate a line-item budget for each Unit, regardless of each Unit's actual staffing and resource needs. These proposed budgets are then submitted to the District Attorney's Office's Administrative Services Fiscal Officer for review, approval, processing and submission to the California Emergency Management Agency (CalEMA).<sup>4</sup>

The Office of the District Attorney currently has not historically participated in developing the budget for the Victim and Witness Assistance Center, even though it has been the department's implicit responsibility to do so as the primary recipient of the State victim witness grants. As previously mentioned, the grant proposals submitted to the State designate the County of Santa Clara as the grant recipient, and are signed by the Administrative Services Manager for the District Attorney's Office, as a representative of the County. As the formal recipient of State victim witness grants, the Office of the District Attorney should take greater responsibility for determining whether the line-item budgets drafted by the Center's Director (and are included in the proposals) appropriately reflect the County's victim witness needs and priorities.

However, we were advised during interviews, that the District Attorney's Office - despite having a stake in the budget proposals being made - has typically only reviewed the budget proposal for its alignment with grant requirements and for determining whether the proposed budget deviates significantly from the previous years' budgeted amounts. This approach limits collaboration

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<sup>3</sup> According to the California Emergency Management Agency (CalEMA) Recipient Handbook, allocation of funds is contingent on the enactment of the State budget. OES does not have the authority to disburse any funds until the budget is passed and the Grant Award Agreement is fully executed.

<sup>4</sup> Once the grants have been approved and awarded by the State agencies, a transmittal is submitted to the Board of Supervisors to accept the grant award amounts from the California Emergency Management Agency (CalEMA) and the California Victim Compensation and Government Claims Board (VCGCB). Also included in this transmittal is the County's contribution for these programs. A service agreement is made between the County and the Silicon Valley FACES for victim witness advocacy restitution services, which is the only County contribution.

between the responsible parties to ensure that grant funds are being appropriately budgeted in accordance with the County's priorities, especially at a time when grant funds are tight. The Office of the District Attorney should, therefore, more proactively work with the Center's Director in developing the County's victim witness program budget to ensure, to the greatest extent possible, that the grant proceeds align with County objectives and victim witness service staffing and resource needs.

#### *Invoice Processing*

The Victim and Witness Assistance Center currently receives funds through a reimbursement process (i.e., expend cash before claiming an expenditure) in which the Center sends a monthly invoice to an agency within the County that the Center has an agreement with to provide victim and witness assistance services (i.e., the Office of the District Attorney and Social Services Agency). In the case of the two main VCGCB and CalEMA grants, the Victim and Witness Assistance Center sends monthly invoices to the District Attorney's Business Services Division. The amounts of these invoices vary from month to month, depending on personnel assignments, program activities and costs.

When the Division receives the Center's monthly invoices, Business Services Division staff would check the amount for the accuracy of calculations and make sure that the invoiced amounts are not significantly different from one-twelfth of the total annual grant amount. The Business Services Division staff also enters these amounts into a spreadsheet for tracking purposes and to project Victim and Witness Assistance Center expenditures against the budget. These desk audit procedures, while appropriate, could be enhanced by the Office of the District Attorney's Business Services Division to ensure that monthly invoices are accurate, complete and in conformity with the requirements of the grants.

For example, sufficient review does not occur for ensuring the validity, accuracy, and completeness of line item amounts or the invoice documentation. For example, the Business Services Division staff did not identify and address inaccuracies and discrepancies in the line item amounts for the July 2008, August 2008, and October 2008 invoices until after the invoiced amounts had been paid. In addition, Business Service Division staff indicated that they don't regularly review the back-up documentation (e.g., the staff timesheets) to ensure that all staff hours are properly recorded; and, don't regularly or systematically check the validity and accuracy of the Victim and Witness Assistance Center's staffing list or line item costs (e.g., rent, utilities, telephone, postage, overhead, and other miscellaneous costs). Because the reimbursement amounts are significant, especially for the two main grant programs, which totaled \$612,804 for the advocacy grant and \$1,005,736 for the compensation grant in FY 2007-2008, it is critical that invoices are verified against source documentation and that adequate controls are in place to ensure invoice validity, accuracy, and completeness.

As such, the Victim and Witness Assistance Center should establish and implement policies and procedures to ensure that the monthly invoices submitted to the District Attorney's Office are accurate, valid, and complete. In addition, the Center should also maintain adequate documentation and calculations of all line-item costs that are invoiced to the County.

Further, the Office of the District Attorney's Business Services Division should establish and implement adequate procedures for reviewing the monthly invoices for validity, accuracy, and completeness before processing the invoices for payment. The Division should also consider

conducting a random sample review of the monthly invoices to ensure that (a) the staff list matches the Center's actual staffing; (b) line item operating costs/expenses (e.g., rent, utilities, telephone, postage, overhead, and other miscellaneous costs) match with billing or other corroborating documentation; and (c) calculations and supporting documentation are accurate and complete.

#### *Cost Allocation*

The Victim and Witness Assistance Center has not developed a cost allocation plan to ensure sufficient return of reimbursable overhead costs incurred by Silicon Valley FACES and the County for administering victim witness grant programs. Without the development of more precise indirect cost rates, the risk of inaccurate and incomplete reimbursements to Silicon Valley FACES increases.

Based on a high level review of the Silicon Valley FACES's financial statements for FY 2007-2008, the organization had \$644,351 in support services costs (excluding fund raising-related costs<sup>5</sup>) and \$2,560,665 in program costs, which equate to an organizational indirect cost rate of over 25 percent. Even though not all of the \$644,351 in support services costs may be allowable costs, such a high level percentage could potentially mean that the victim witness program's indirect overhead costs are higher than the 10 percent flat-rate that is currently being charged against the State grants for indirect costs. As such, indirect costs that are recovered from the State could potentially be higher if the actual overhead rate for the victim witness program was calculated.

According to CalEMA grant guidelines, indirect costs are shared costs that cannot be directly assigned to a particular activity, but are necessary to the operation of the organization and the performance of the project, including the costs of administrative salaries, accounting services, and operating and maintaining facilities. Potentially allowable overhead costs that are incurred by the Office of the District Attorney in administering victim and witness grants, as well as processing monthly invoices, are currently not reflected in the indirect costs charged to the State. In addition, the Victim and Witness Assistance Center's management staff have indicated that the Center's share of the Silicon Valley FACES rental costs may not be appropriately allocated, given the Victim and Witness Assistance Center's number of staff and occupied square footage. As such, a more robust approach is needed, above and beyond the 10 percent flat-rate approach, in order to more accurately, completely and properly account for reimbursable indirect overhead costs incurred by the Silicon Valley FACES and the County. The Victim and Witness Assistance Center's Director should work with the District Attorney's Office in developing a practical approach to derive the County's actual indirect cost rate for the victim witness program, and implement such overhead rate in obtaining reimbursements from the State.

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<sup>5</sup> According to the CalEMA Recipient Handbook, CalEMA grant funds cannot be used for organized fundraising, including financial campaigns, endowment drives, solicitation of gifts and bequests, or similar expenses incurred solely to raise capital or obtain contributions, unless fundraising for the furtherance of grant objectives is specifically allowed under the terms of the program.

## Cash Flow

Cash flow management refers to the need to have cash be available when needed. Even if income matches or exceeds expenses in a given year, the cash from the income may not arrive in time to pay bills as they come due. To avoid disruptions in the organization's operations, cash flow can and should be projected, monitored, and controlled by the organization. Victim and Witness Assistance Center management staff have indicated that the Silicon Valley FACES has problems with cash flow and that they have periodically needed to activate a line of credit to cover ongoing personnel and program costs.<sup>6</sup>

Consequently, Silicon Valley FACES has had to make interest payments as a result of using credit to cover expenses. In addition, in December 2008, the Center asked the District Attorney's Office for a possible advance payment to cover personnel costs, suggesting that the Silicon Valley FACES may be having cash flow difficulties when attempting to cover operating expenses.

However, despite Silicon Valley FACES management staff's statements about having cash flow problems, a review of the Silicon Valley FACES's financial statements for FY 2007-2008 indicates that the organization has had considerable cash balances and that it could potentially liquidate some investments to meet cash flow needs. For example, based on the organization's Statement of Financial Position, as of June 30, 2008, Silicon Valley FACES had a total cash balance of \$254,414 and total investments worth \$259,973, which totaled \$514,387 in liquid or semi-liquid assets.

In addition, the organization had a total of \$186,838 in grants/accounts receivables, which represented payments due from the County for grant related activities. Because the County typically pays on such invoices within 30 days of receipt, prior to reimbursement from the State, these funds can generally be relied upon shortly after making a claim. If Silicon Valley FACES is in actual need of cash flow relief, the Silicon Valley FACES Board of Directors could utilize such cash balances and liquidate investments in order to ensure that the County's victim witness assistance program continues providing services to County residents.

The Silicon Valley FACES's Statement of Financial Position (as of June 30, 2008) indicated that only \$40,000 of their assets were held as permanently restricted assets and \$72,944 in temporarily restricted assets, for total restricted assets of \$112,944.<sup>7</sup> During the course of this management audit, Silicon Valley FACES management staff reported that, as of June 30, 2008, the organization's permanently restricted cash assets actually totaled \$341,611, which was not identified in the organization's audited financial statements. If this higher amount was, in fact, Silicon Valley FACES's total permanently restricted assets and not the lower amount of

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<sup>6</sup> The Center's management partly attributes this cash flow problem to significant delays in the County's processing of reimbursement payments. However, the time involved in processing the Victim and Witness Assistance Center's monthly invoice claims, which are mostly processed by the District Attorney's Business Services Division, takes only between one to two weeks, which is a standard (i.e., not delayed) timeframe for processing vendor claims in Santa Clara County.

<sup>7</sup> In not-for-profit accounting, permanently restricted assets are assets that are restricted by outside agencies or persons, as contrasted with assets over which the entity has control and discretion. An example of a permanently restricted asset is donated property on which the donor has placed a restriction on its use.

\$112,944, as reported in the audited financial statements, then the amount reported in the Statement of Financial Position was either not accurate or reported in a manner that would provide a reader with a full understanding of the financial position of the organization.

It is necessary that all information reflected in the organization's financial statements is as accurate and complete as possible in order to ensure that the Silicon Valley FACES Board of Directors and its management staff are aware of the organization's true financial position, and that the most reliable financial numbers are available for the purposes of identifying available resources, particularly with regards to the Victim and Witness Assistance Center's operations. At a minimum, the Board of Directors should make sure that information pertaining to the organization's assets and liabilities, as part of its Statement of Financial Position, are accurate and complete and that the audited financial statements accurately reflect the organization's restricted and unrestricted assets.

*Large Cash Balances Have Existed Since at Least 2005*

To some extent, the cash and investments described above have existed because Silicon Valley FACES has maintained a contingency reserve of \$694,320 since separating from the National Conference for Community and Justice (NCCJ) in 2005. When Silicon Valley FACES was still part of the NCCJ, the organization would send their monthly reimbursements for grant funded victim witness assistance expenses to the NCCJ, and the NCCJ would then send Silicon Valley FACES funds to cover victim witness program expenses.

When Silicon Valley FACES separated from NCCJ, it stopped sending grant receipts to the national organization and the national organization ceased reimbursing FACES for Victim and Witness Assistance Center costs. The contingency was established because Silicon Valley FACES was concerned that, due to the timing of these changes, it may have an obligation to refund prior period cost reimbursements to the NCCJ as part of any financial settlement associated with the organizational separation of the two entities.

According to the Silicon Valley FACES's Financial Statement for FY 2007-2008, a total of \$694,320 was still being held as a contingency reserve, pending the completion of its spin-off from the NCCJ. The accountant for the Silicon Valley FACES, who is familiar with this contingency reserve, reported that the national organization has not claimed any costs since the separation and that it is very unlikely that NCCJ will be pursuing any claims against Silicon Valley FACES.<sup>8</sup> The Silicon Valley FACES Board of Directors should, therefore, fully examine its options and legal obligations for making these contingency reserves available for the organization's needs, especially for the purposes of providing sufficient cash resources for the Victim and Witness Assistance Center's operations. Had Silicon Valley FACES reversed this contingency in FY 2007-08, the unrestricted net assets of the organization would have changed from a negative \$68,626 to a positive \$625,694. With liquid and semi-liquid cash assets of over \$580,000, the organization should not have been experiencing cash flow difficulties at that time.

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<sup>8</sup> According to the accountant for the Silicon Valley FACES, as part of their annual financial audit of the organization, they will require specific representations from Silicon Valley FACES management and the Board of Directors regarding this contingency reserve, as well as a review of the attorney confirmation and other related documentation pertaining to this reserve.

### *Other Funding Sources*

One of the most strategic actions an organization's board of directors can take for the health of the organization is to plan for future finances. Month-to-month cash flow issues are one thing, but ensuring the organization is able to exist and grow far into the future is a different kind of planning entirely. In order to plan for the future, the Silicon Valley FACES Board of Directors should develop a strategic plan that defines where the organization currently is and where it envisions itself in the future. This will enable the organization to have a framework for deciding what types of organizational and investment tactics it needs to consider over the long term. As part of this strategic framework, the Board of Directors of Silicon Valley FACES should be more proactive in obtaining other funding sources (i.e., above and beyond their current sources) for its victim witness program. Currently, the Silicon Valley FACES does not have a strategic plan for the organization as a whole, nor does it have a strategic approach to finding new sources of funds for its victim witness assistance operations. The Silicon Valley FACES's Board of Directors should, at minimum, work with the organization's Grant Writer, the Victim and Witness Assistance Center's management staff, and the Office of the District Attorney in setting strategic fundraising goals and objectives and in actively implementing continuous fundraising efforts to ensure that the County's victim witness needs are being met.

## **Conclusion**

The Silicon Valley FACES's Victim Witness Assistance Center receives a significant amount of funding—via pass-through grants—from the California Emergency Management Agency and the California Victim Compensation and Government Claims Board, allowing it to provide an array of services to thousand of victims and witnesses in Santa Clara County. Even though the organization has been performing this function for a number of years, Silicon Valley FACES needs to improve its budgeting and financial procedures to ensure that State restitution funds are properly accounted for and that all victim witness assistance dollars are used for their intended purposes. The Silicon Valley FACES, the Victim and Witness Assistance Center and the Office of the District Attorney need to work together in addressing the current deficiencies in various facets of victim witness program budgeting and accounting functions, including establishing policies and procedures, budget development, invoice processing, and indirect cost plan allocation. In addition, the Silicon Valley FACES Board of Directors should be more proactive in making sure that the County's victim witness assistance program has sufficient sources of funds (e.g., cash balances, investments, and contingency reserves) in order to provide continuous victim witness services to County residents. Further, a more strategic approach is needed by responsible entities in setting fundraising goals and objectives to ensure that all victims and witnesses in the County receive as much services as possible.

## **Recommendations**

The Victim and Witness Assistance Center should:

- 4.1 Establish and implement policies and procedures to ensure that the monthly invoices submitted to the District Attorney's Office are accurate, valid, and complete;



- 4.2 Maintain adequate documentation and calculations of all line-item costs that are invoiced to the County;
- 4.3 Collaborate with the Office of the District Attorney in developing and implementing a practical and robust approach for calculating the County's victim witness program indirect cost rate, in accordance with State grant guidelines. This calculation should accurately, completely and properly reflect and account for all reimbursable indirect overhead costs incurred by the Silicon Valley FACES and the County in administering the State victim witness grants; and
- 4.4 Once the appropriate indirect cost rate for the victim witness program has been derived, utilize this overhead rate in developing the Center's program budget, as well as in calculating the Center's monthly reimbursements from the State.

The Office of the District Attorney's Business Services Division should:

- 4.5 As part of the State grant proposal process, collaborate with the Victim and Witness Assistance Center Director in developing Santa Clara County's victim witness program budget to ensure, to the greatest extent possible, an inclusive process for identifying the County's full victim witness service staffing and resource needs and priorities;
- 4.6 Establish and implement adequate procedures for reviewing the monthly invoices for their validity, accuracy, and completeness before processing the invoices for payment;
- 4.7 On a regular basis, conduct a random sample review of the Victim and Witness Assistance Center's monthly invoices to ensure that:
  - (a) Staff names listed on the invoices match those in the corresponding timesheet documentation;
  - (b) The amounts listed under the line item operating costs/expenses (e.g., rent, utilities, telephone, postage, overhead, and other miscellaneous costs) have corroborating documentation (e.g., bills, contracts, etc.) that support the reported costs; and
  - (c) All the calculations and supporting documentation are accurate and complete.

The Silicon Valley FACES Board of Directors should:

- 4.8 Finalize and implement its internal accounting and financial policies and procedures, which should include appropriate measures for separately accounting for and tracking all of its grant programs and activities, including the victim and witness program's grants, reimbursements, and cost center transactions to ensure appropriate classification and reporting of assets, liabilities, income and expenses. At minimum, these policies and procedures should include internal controls to ensure that:
  - (a) Transactions have appropriate authorization;
  - (b) Records are designed to sufficiently capture and track data and information;
  - (c) Assets and records are physically secure;
  - (d) Segregation of duties is in place;

- (e) Accounting records are periodically reconciled;
  - (f) Periodic verifications of accounting data occurs; and
  - (g) Analytical reviews occur to determine the reasonableness of financial records;
- 4.9 Utilize all its available and appropriate resources, including its liquid assets (e.g., cash, investments, etc.) to ensure that the County's victim witness assistance program continues providing its services to County residents;
- 4.10 Ensure that all financial information and documentation provided to its accountants relating to the Silicon Valley FACES's audited financial statements are as accurate and complete as possible. At a minimum, the Board should make sure that information on the organization's assets and liabilities are accurate and complete and that the audited financial statements accurately reflect the organization's restricted and unrestricted assets.
- 4.11 Fully examine its options and legal obligations for making the \$694,320 in contingency reserves available for the organization's cash flow, especially for the purposes of providing sufficient funds for the Victim and Witness Assistance Center's operating costs;
- 4.12 Develop a strategic plan that defines where the organization currently is and where it envisions itself in the future. At minimum, this strategic plan should establish a framework for deciding what types of organizational and investment tactics it needs to consider over the long term; and
- 4.13 Collaborate with the Silicon Valley FACES's Grant Writer, the Victim and Witness Assistance Center's management staff, and the Office of the District Attorney in setting strategic fundraising goals and objectives and in actively implementing continuous fundraising efforts to ensure that the County's victim witness needs are being met.

## **Costs and Benefits**

The above recommendations could be implemented without new direct costs. The benefits of the recommendations would include having a clear direction for the allocation of and accounting for the County's victim witness funding and resources, as well as improved program efficiency through strengthened internal controls. By establishing financial and accounting policies and procedures and ensuring compliance, the County reduces the risk of loss due to budgeting inaccuracies, accounting mistakes, or invoicing errors. In addition, calculating the victim witness program's actual indirect cost allocation rate could potentially result in more dollar reimbursements from the State as a result of more accurately, completely and properly accounting for all reimbursable overhead costs incurred by the Victim and Witness Assistance Center and the County. Further, by utilizing Silicon Valley FACES's considerable cash balances, liquidating some investments, and using the contingency reserves to fund the Victim and Witness Assistance Center's ongoing program and staffing costs, the County's victim witness service needs could be sufficiently met. Having a more strategic approach to fundraising could also potentially provide the Silicon Valley FACES with a much needed sources of funds (i.e., above and beyond their current funding sources) to cover victim witness program operating expenses.

Appendix I (Page 1 of 3)  
 Highlights of Survey Results - Management Audit of the Victim and Witness Assistance Center

	Victim Witness Program Structure	Victim Witness Program Staffing	County Population (as of 7/1/07)	Number of Victims & Witnesses Served FY07-08	Number of Claims Applications Received by State FY06-07	Total State OES Grant Expended (Advocacy Only) FY07-08	Total Compensation Paid by Joint Powers Verification Units FY06-07	Challenges Identified (Highlights)	Best Practices Identified (Highlights)
<b>Santa Clara</b>	CBO: Victim and Witness Assistance Center	1 Program Director; 2 Unit Supervisors; 9 Victim Advocates, 7 Compensation Analysts; 3 Support Staff (based on FY08-09 budget)	1,820,176	6,810	3,681	\$612,804	\$3,429,655	(a) lack of sufficient funding; (b) various other challenges identified in the audit report	(a) practices are identified in the audit report
<b>San Diego</b>	DA's Office	1 Program Director; 2 Program Supervisors; 18 Victim Advocates; 2 Support Staff (based on survey response)	3,120,088	14,688	2,991	\$1,208,537	\$1,981,232	(a) lack of sufficient funding (b) "specialty victims" based on language and culture are under reported	(a) regularly conducts internal training on relevant issues; (b) developed internal electronic system to capture caseload data ; (c) promote program via local radio and television shows; (d) user friendly website
<b>Alameda</b>	DA's Office	1 Program Director; 1 Program Supervisor; 8 Victim Advocates (based on FY07-08 OES Progress Report information for Advocacy Unit only)	1,530,620	7,459	3,067	\$851,889	\$3,951,280	(a) lack of sufficient funding; (b) caseload statistics do not include non-crime victims and previous crime victims	(a) satellite offices exist to serve various parts of the county; (b) an electronic caseload tracking system is used; (c) a formal "shadow" program exists to train new advocates

Appendix I (Page 2 of 3)  
 Highlights of Survey Results - Management Audit of the Victim and Witness Assistance Center

	Victim Witness Program Structure	Victim Witness Program Staffing	County Population (as of 7/1/07)	Number of Victims & Witnesses Served FY07-08	Number of Claims Applications Received by State FY06-07	Total State OES Grant Expended (Advocacy Only) FY07-08	Total Compensation Paid by Joint Powers Verification Units FY06-07	Challenges Identified (Highlights)	Best Practices Identified (Highlights)
<b>Sacramento</b>	DA's Office	1 Program Director; 2 Program Supervisors; 8.3 Victim Advocates; 2.5 Office Assistants (based on FY07-08 OES Progress Report information for Advocacy Unit only)	1,415,117	4,951	1,891	\$780,486	\$3,273,067	(a) lack of sufficient funding; (b) having professional staff results in higher staff costs; (c) being in the DA's Office, finding a balance between victim advocacy and prosecution	(a) advocates are all professional staff with master's degrees; (b) Program Director carries a caseload
<b>Madera</b>	CBO: Community Action Partnership of Madera County	1 Program Director; 1 full-time Victim Advocate; 2 half-time Victim Advocates (based on survey response)	149,916	666	239	\$191,246	Does not have a Joint Powers Authority	(a) lack of sufficient funding and staffing;	(a) all staff are cross trained; (b) coordinate with other non-profits located in the same building; (c) serve victims beyond prosecution
<b>Napa</b>	CBO: Volunteer Center of Napa Valley	1 Program Director; 1.5 Victim Advocates (based on survey response)	135,554	341	223	\$156,832	Does not have a Joint Powers Authority	(a) lack of sufficient funding; (b) more and more, law enforcement agencies are expecting them to be with the victims in court	(a) independence and flexibility of being a non-county entity (providing service to victims beyond prosecution); (b) Program Director carries a caseload; (c) organization also operates other programs, including domestic violence, rape crisis, elder abuse programs.
<b>Orange</b>	CBO: Community Service Programs, Inc.	no survey response provided	3,098,183	10,507	1,891	\$1,028,957	\$2,318,216	no survey response provided	(a) regularly conducts all-staff training focusing on a topic related to the field; (b) developed a client feedback form for victims to assess services

Highlights of Survey Results - Management Audit of the Victim and Witness Assistance Center

	Victim Witness Program Structure	Victim Witness Program Staffing	County Population (as of 7/1/07)	Number of Victims & Witnesses Served FY07-08	Number of Claims Applications Received by State FY06-07	Total State OES Grant Expended (Advocacy Only) FY07-08	Total Compensation Paid by Joint Powers Verification Units FY06-07	Challenges Identified (Highlights)	Best Practices Identified (Highlights)
Riverside	DA's Office	no survey response provided	2,070,315	16,800	2,257	\$862,397	\$3,190,088	no survey response provided	(a) developed an internal Advocate Academy to provide training to staff
Fresno	Probation Department	no survey response provided	923,052	6,133	668	\$666,496	Does not have a Joint Powers Authority	no survey response provided	(a) implemented a paperless system of tracking statistics and case management.

NOTES:

- \* Only Alameda, Madera, and San Diego counties actually filled out and responded to the survey.
- \* Napa and Sacramento counties responded to the survey via limited-scope telephone interviews.
- \* Contra Costa, Fresno, Kern, Orange, and Riverside counties did not respond to our survey. Program information for these counties were derived from Progress Reports obtained from OES.
- \* County Population Data derived from California State Association of Counties website (<http://www.csac.counties.org/>) downloaded 12/29/08.
- \* Number of Advocacy Victims/Witnesses Served data from the counties' Progress Reports, California Office of Emergency Services.
- \* Number of Claims Applications Data from the Victim Compensation & Government Claims Board Statistical Data Report, FY 2006-07.
- \* Total State OES Grant Expended data from the counties' Progress Reports, California Office of Emergency Services.
- \* Total Compensation Paid by Joint Powers Unit Data from the Victim Compensation & Government Claims Board Statistical Data Report, FY 2006-07.
- \* Staffing information from survey responses, interviews with county representatives, and/or counties' Progress Reports to OES.
- \* Challenges and Best Practices information from survey responses, interviews with county representatives, and/or the counties' Progress Reports to OES.

# County of Santa Clara

Office of the District Attorney

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Dolores A. Carr  
District Attorney

DATE: April 24, 2009

TO: Board of Supervisors

FROM: Dolores A. Carr *Dolores A Carr*  
District Attorney

SUBJECT District Attorney Response to the Management Audit of the Victim Witness Assistance Center

I would like to thank the staff of the Harvey Rose Accountancy Corporation for their work in completing the audit of the County's Victim Witness Assistance Center.

As you are aware, I am seeking to change the service provision model effective July 1, 2009, from a contractor-based program to one staffed within the Office of the District Attorney. I initially briefed the Public Safety and Justice Committee on September 11, 2008 on my request to change the service model, after discussions with the leadership of the current service provider. I also requested this management audit as a prudent review of the current service provider's operations in the event the program transitioned to one staffed by County employees.

State law mandates that victims of crime be provided assistance in a number of different ways and provides \$1.7 million per year in funding to Santa Clara County. For many years the District Attorney has sub-contracted victim services to a not-for-profit organization currently called Silicon Valley FACES. This agency also runs youth leadership and educational programs in the community. The Victim Witness Assistance Center is a part of the larger organization. This audit makes many valuable recommendations with regard to how a contractual service provision model should be structured going forward. However, I believe that the most efficient and effective way to address the areas of concern identified by the audit would be to bring the services directly in-house and under my authority and control.

Recommending this transition came after significant research and thought. Services to victims and witnesses of crimes are an integral part of the mission of the District Attorney. Ensuring that these services are provided in the most efficient and effective manner possible is critical. It is also essential for the District Attorney to have management oversight of the services provided to victims and witnesses to ensure both the quality of services and the efficient use of government funds provided for that purpose.

April 24, 2009

As a part of my overall evaluation of operations and programs under my purview upon assuming office, I learned that the vast majority of victim/witness assistance centers state-wide are run within District Attorneys' offices. Only three other counties' programs are run by a not-for-profit organization. There are a number of reasons for this:

- Serving victims is an integral part of the mission of the District Attorney's Office;
- Since law enforcement bring their reports to us daily, we can more easily and quickly connect with victims rather than waiting for them to come to us;
- We already provide victim/witness services, including a unit devoted to victim restitution, and thus, would be able to avoid duplication and overlap of services;
- Having victim/witness advocates in our office will allow our lawyers to access them for court accompaniment more easily;
- I would be able to staff our north and south county offices with an advocate. Currently the contracted model is centered in San Jose with limited access for residents outside that immediate area;
- Overhead expenses would be reduced – we would become a one stop shop;
- There would be regular and frequent opportunities for cross-training with our staff, creating a better awareness of victims' rights in prosecutors;
- We would enhance our ability to ensure any exculpatory evidence advocates might receive would be turned over promptly to the defense;

Most importantly, Marsy's Law, a constitutional provision passed by initiative in November 2008 increases obligations of law enforcement and District Attorneys with regard to victims' rights. Since I am now responsible under the California Constitution for making sure we meet our obligations to victims, it makes sense for me to have authority over the operations.

Lastly, recent organizational turnover and fiscal challenges within Silicon Valley FACES may imperil the long-term sustainability of the program, and places the provision of services to victims and witnesses unnecessarily at risk. Bringing the program in-house staffed by County employees would provide a superior level of stability and organizational support essential to maintain a vital program into the future.



April 24, 2009

Mr. Steve Foti  
Principal/Partner  
Mr. Mark de la Rosa  
Principal Analyst  
Harvey M. Rose Associates, LLC  
1390 Market Street  
Suite 1025  
San Francisco, CA 94102

Dear Messrs. Foti and de la Rosa:

Thank you for the opportunity to review and respond to the audit report of our Victim Witness Assistance Center. I am grateful for the thorough review of this important program. We appreciate the professional and fair approach with which you completed this audit. Your understanding of the complexity involved in administering the Victim Witness Assistance Center is demonstrated throughout the report.

The Management Team of our Victim Witness Assistance Center and I are proud of our accomplishments and are grateful that you recognize them in your report. We are particularly pleased that your review of our Compensation Unit noted the strength of this part of our program, including the oversight role that our supervisory staff plays due to the current weaknesses in the State's automated claims management system. We agree with the vast majority of the recommendations made in your audit report. We began implementing many of them as they were brought to our attention during the data gathering phase of the audit, and will implement other recommendations in the months ahead.

What follows is our response to specific chapters of the report.

Chapter 1. Contracting for Services

The audit recommends that the Board of Supervisors, in consultation with the County Executive, County Counsel and the District Attorney, make a determination as to whether Santa Clara County should contract with Silicon Valley FACES (SV FACES) as a sole source provider for Victim Witness Assistance services.

With over thirty years experience in providing these services SV FACES would welcome the opportunity to formalize a relationship with Santa Clara County as the sole source provider. We would also welcome clearly outlined contracts with the County.



## Chapter 2. Strategic Management and Outreach

As mentioned in the audit report, a strategic decision was made to suspend for the current fiscal year our regular practice of rotating the Advocates throughout the various service locations. We experienced a significant turnover of management staff in a relatively short period of time coinciding with the beginning of the current fiscal year. In order to bring stability to the Victim Witness Assistance Center we decided to maintain the Advocates at their current locations. Plans are already underway to resume the rotation practice in the next fiscal year.

The audit finds, and we agree, that the VWAC should record and measure victim and witness feedback. This recommendation was implemented in February of this year through a collaborative effort with the District Attorney's Office. The Supervisor of the Advocacy Unit uses this information to provide positive feedback, as well as to guide the Advocates in areas needing improvement. The Unit Supervisor and Director also use this information to make management decisions regarding cross training and rotation of staff.

The Victim Witness Assistance Center website is currently in the process of being improved to include descriptions of all of the services the Center provides; victim/witness rights and other legal mandates; a guide to the criminal justice system; and links to the other community organizations and County agencies that provide direct and indirect services to victims.

## Chapter 3. Advocacy Unit Management

We believe that the vast majority of the recommendations made in this section can be addressed through a database designed to track statistics and generate meaningful reports. These reports would assist the Director and the Unit Supervisor in assessing resource needs and identifying deficiencies in advocacy outreach efforts. We are researching various off-the-shelf alternatives. In the meantime, the Unit Supervisor has developed and implemented a spreadsheet that allows for the electronic tracking of statistics.

Electronic entry of data by all Advocates is scheduled to begin on May 1. The spreadsheet that will be used has already been designed.

A functional timesheet is under design and will be implemented on June 1.

A policies and procedures manual for the Advocacy Unit is currently under design by the Director and the Unit Supervisor.

A performance review/appraisal form has been designed to include measurable goals and objectives specific to the individual Advocates. This form will be implemented in June of this year.

## Chapter 4. Budget and Financial Procedures

We are committed to sound governance and management practices. As an important part of this commitment SV FACES engaged the services of The Health Trust (THT) in January of this year to provide accounting services for the agency. Prior to moving our accounting function to THT, SV FACES operated under a set of internal controls. Since moving the accounting function to THT, SV FACES and THT have put sound internal controls in place to ensure appropriate separation of duties; to ensure that accountability is maintained for all transactions; and to prevent mistakes and detect them on a timely basis if they occur. SV FACES' Board of Directors

will approve clearly stated internal accounting policies and procedures for the agency for implementation in FY10.

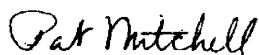
THT provides expertise in working with government grants. As a result, monthly invoices submitted to the County for reimbursement go through a three-step review process before they are submitted to ensure accuracy and adequate documentation. In addition, THT provides expertise in helping SV FACES develop an indirect cost ratio that best reflects the organization and will be used in future budgeting.

We are currently working with our accountants regarding the removal of the contingencies, which will have a favorable impact on our balance sheet. We expect this adjustment to occur prior to the end of this fiscal year. With respect to our liquidity needs, the Board has been actively engaged in developing strategies to raise funds both in the short term and long term for our operations and infrastructure needs. As mentioned previously, we are working with our Victim Witness Assistance Center on an appropriate indirect cost ratio to support the basic SV FACES infrastructure.

Our Board of Directors will discuss the need for a strategic plan for SV FACES at its June meeting.

Again, thank you for the very thorough review of our Victim Witness Assistance Center and for the opportunity to respond to the audit report. We will continue to follow up on its recommendations.

Sincerely,



Pat Mitchell, SFCC  
Executive Director  
Silicon Valley FACES