



## Washington State Office of Civil Legal Aid

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To: Civil Legal Aid to Crime Victim Subrecipients and Stakeholders  
Department of Commerce, Office of Crime Victims Advocacy

From: Jim Bamberger, Director

Re: FY 2020-2022 Final Amendments to the Integrated Civil Legal Aid to Crime Victims  
Plan

Date: June 10, 2019

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Below you will find an outline of the history, initial experience, process, and final amendments to the 2016 Integrated Civil Legal Aid to Crime Victims Plan.

### **I. Background and History**

In 2016, the Office of Civil Legal Aid adopted the first Statewide Integrated Legal Aid to Crime Victims Program (Crime Victims Legal Aid Program). The program originated from findings in the 2015 Civil Legal Needs Study and related data analysis showing the range of civil (non-criminal) legal problems experienced by low-income people in Washington State who identified as victims of domestic violence and sexual assault. The Crime Victims Legal Aid Program was the result of extensive conversations within the statewide legal aid community.<sup>1</sup> The objective was to direct recently expanded federal Victims of Crime Act (VOCA) funding to address the critical civil legal problems experienced by crime victims in Washington State.

The Crime Victims Legal Aid Program is grounded in a set of guidelines and expectations set forth in the plan. These are:

A. Program services will be delivered by civil legal aid programs with a demonstrated history of providing services to crime victims, especially those who have experienced domestic violence or sexual assault, victims of human trafficking, child abuse, and other crimes against people.

B. Program resources will be invested to underwrite a full range of civil legal aid services for crime victims, consistent with applicable VOCA regulations and guidelines.

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<sup>1</sup> A description of the process employed by OCLA and corresponding efforts can be found at: <https://www.american.edu/spa/jpo/upload/Washington-State-VOCA-Narrative.pdf>

C. Within the limits of available funds, program services will be offered equitably to persons throughout Washington State. Resources will be invested in a way that will ensure that members of historically marginalized populations have equitable access to culturally and linguistically responsive civil legal aid services.

D. Civil legal aid services will, where practicable, be made available to crime victims where they seek and receive other services arising from or related to their victimization. This may be at courthouses, domestic violence or sexual assault victim support or service centers, shelters, or other appropriate locations. The objective is to minimize hardship on client victims and maximize coordination of legal services with other professional services needed by the client.

E. Crime victims will be eligible for legal aid services from the program without regard to age, income, ethnicity, citizenship or immigration status, race, sexual orientation, gender identity, religion, language, ability or disability, or other legally protected characteristic.

F. While program services are not subject to income eligibility limits, limited resources and limited client service capacity require the establishment of service delivery and case acceptance priorities. Priority focus will be given to clients presenting the most critical legal needs and who experience the greatest barriers to securing the legal help they need to address the problems arising from their victimization. Case acceptance priorities will consider victims' social, cultural, racial and language barriers, geographic isolation, cognitive ability and/or literacy limitations. Priorities will also consider the vulnerability of victims and their families (including vulnerability due to legal status), the nature of their criminal victimization, the existence of physical and/or mental disabilities, and other characteristics that effectively or disproportionately limit their ability to secure resolution of the problem(s) without legal assistance. Formal criminal charges will not be required in order for a crime victim to obtain civil legal aid services under this plan.

G. Legal aid providers will coordinate with one another to offer as seamless an array of legal services to crime victims throughout Washington State as possible.

In September 2016, the Office of Crime Victims Advocacy at the Washington State Department of Commerce and the Office of Civil Legal Aid entered into an interagency grant agreement to fund the Civil Legal Aid to Crime Victims Plan. Over the past three years, seven legal aid partners have received sub-grants to provide a range of services with a range of crime victim profiles. As contracted and authorized through FY 2019, crime victim civil legal aid staffing includes:

- A. **Statewide Advocacy Coordinator (1.0 FTE):** 1.0 FTE attorney located at the Northwest Justice Project (NJP) to provide support, mentoring, coordination, training for all VOCA-funded legal aid attorneys with the goal of developing a statewide community of practice

dedicated to meeting the civil legal needs of crime victims. Also serves as primary partner with the OCLA Program Manager to identify and address crime victim service delivery initiatives, identify and address challenges, develop and deliver training, and recommend, as appropriate, changes to staffing patterns and priorities of client service focus. Finally, work with national leaders/partners in developing best practices for the delivery of civil legal aid services to victims of crime.

- B. **CLEAR\*CV (4.0 FTE):** 4.0 FTE attorneys located at NJP. This is a dedicated component of NJP's main client service intake call center, CLEAR. Unlike the main CLEAR line, CLEAR\*CV accepts fax referrals from crime victim service providers who have identified clients with civil legal needs arising from their victimization.

CLEAR\*CV is the only consistent access point for crime victim first responders and service providers. It is staffed by three full-time attorneys and is supported by a fourth attorney (floater) as demand or staffing disruptions require.

- C. **NAU-CV (1.0 FTE):** 1.0 FTE attorney located at NJP. This is the Native American component of the CLEAR\*CV hotline. Services are provided to Native American crime victims referred by tribal advocates or Native organizations serving Native communities.

- D. **Sexual Assault/Sexual Violence Hotline (2.0 FTE):** 2.0 FTE attorneys at Sexual Violence Legal Services to expand hotline services to victims of sexual assault or sexual violence throughout Washington State. Services are available through self-referral as well as referrals by providers.

- E. **General Crime Legal Assistance (13.0 FTE Statewide):** Services are provided on a regional basis in partnership with crime victim first responders, community-based domestic violence, sexual assault, and crime victim service providers and advocates; and on referral from CLEAR, CLEAR\*CV, and CLEAR\*NA.

- a. **East-Northwest Washington:** 2.0 FTE attorneys located at NJP's office in Spokane. These attorneys serve crime victims in Ferry, Stevens, Pend Oreille, Spokane, Lincoln, and Whitman counties.
- b. **South and Southeast Washington:** 1.0 FTE attorney at NJP located in Yakima, serving victims with general crimes in Yakima and Kittitas counties.
- c. **Northwest Washington:** 1.0 FTE attorney at NJP in Bellingham, serving victims of general crimes in Whatcom, Skagit, Island, and San Juan counties.
- d. **Olympic Peninsula:** 1.0 FTE attorney in Port Angeles, serving victims with general crimes in Clallam, Jefferson, and Kitsap counties.
- e. **South Puget Sound Region:** 1.0 FTE attorney at NJP in Olympia, serving victims of general crimes in Thurston, Mason, Lewis, Pacific, and Grays Harbor counties.
- f. **Snohomish County:** 1.0 FTE attorney at Snohomish County Legal Services, serving victims of general crime in Snohomish County. 1.0 FTE attorney at NJP in Everett, serving victims of general crime in Snohomish County.

- g. King County:** 1.0 FTE attorney at NJP’s Kent office and 1.0 FTE attorney at the King County Bar Association’s Pro Bono Services Program in Seattle, serving victims of general crime in King County.
  - h. Pierce /Kitsap Counties:** 1.0 FTE attorney at NJP’s Tacoma office, serving victims of general crimes.
  - i. Thurston/Mason Counties:** 1.0 FTE NJP attorney in Olympia, serving victims of general crime in Thurston and Mason counties, with limited coverage in Lewis County.
  - j. Southwest Washington:** 1.0 FTE NJP attorney in Vancouver, serving victims of general crime in Clark, Skamania, and Wahkiakum counties.
  - k. GAPS:** Northcentral Washington, Southeast Washington, Lewis/Cowlitz counties, most Indian reservations
- F. Integrated Rural Legal Assistance Project (IRLAP) (11.0 FTE Statewide):** IRLAP is a joint project of NJP and the Northwest Immigrant Rights Project (NWIRP). It serves rural adult and juvenile immigrant residents of Washington State who are eligible for legal status adjustment due to their status as victims of crime. NJP staff provide direct legal assistance and work with community based service providers, offering training and self-help assistance for victims of domestic violence, sexual assault, human trafficking, child abuse, and other crimes in both their home countries and here in the US. NWIRP provides legal assistance necessary to secure status adjustment for these immigrants. Often cases require action in state family and/or juvenile court before immigrants are eligible for status adjustment. In most cases, NJP attorneys or private attorney volunteers handle the state case, though NWIRP attorneys also periodically handle cases in state court. NWIRP attorneys and volunteers principally handle the immigration case.
- a. IRLAP South Puget Sound:** 1.0 FTE attorney at NJP in Aberdeen.
  - b. IRLAP Northwest WA:** 1.6 attorneys FTE at NWIRP and 1.0 attorney FTE at NJP, serving immigrant victims of crime in Skagit and Whatcom counties.
  - c. IRLAP Pierce County:** 1.0 FTE at Tacomaprobono, serving immigrant victims of crime in Pierce County. 1.0 FTE attorney at NWIRP (Pierce County) serving immigrant victims of crime.
  - d. IRLAP Southeast WA:** 1.8 FTE at NWIRP (Granger) and 1.0 FTE at NJP (Tri-Cities).
  - e. IRLAP Central WA:** 1.6 FTE at NWIRP (Granger) and 1.0 FTE at NJP (Yakima) serving Yakima and Kittitas counties.
  - f. GAPS:** Northcentral WA, Southwest WA, Olympic Peninsula, Spokane, and Northeast WA.
- G. Domestic Violence (DV) Asylum and Child Abuse (9.85 FTE Statewide):** As a result of increased migration over the past three to five years, Washington State experienced increased numbers of immigrant victims of domestic violence and child abuse who need specialized outreach and services. These victims may not be connected with existing services or service providers, and are more likely to be considered priorities for immigration enforcement. VOCA funding was dedicated to enable NWIRP attorneys and legal advocates to reach out to, support, and provide immigration services to these crime

victims, many of whom are eligible for asylum or adjustment based on their status as victims of domestic violence.

- a. **DV Asylum and Child Abuse Northcentral WA:** 1.0 FTE at NWIRP (Wenatchee) to provide immigration assistance to immigrant victims of domestic violence or child abuse.
  - b. **DV Asylum and Child Abuse Central WA:** 2.9 FTE at NWIRP Wenatchee to provide immigration assistance to victims of domestic violence or child abuse in Okanogan, Chelan, Douglas, Grant, Adams, Yakima, and Kittitas counties.
  - c. **DV Asylum and Child Abuse Puget Sound Region:** 3.3FTE at NWIRP (Seattle) to provide immigration assistance to victims of domestic violence or child abuse in King County and the greater Puget Sound region.
  - d. **DV Asylum and Child Abuse Southeast WA:** 1.0 FTE at NWIRP (Granger), providing immigration assistance to victims of domestic violence or child abuse in Benton and Franklin counties.
  - e. **DV Asylum and Child Abuse Pierce County:** 1.7 FTE at NWIRP to provide immigration assistance to victims of domestic violence or child abuse in Pierce County.
- H. Legal Assistance to Victims of Crime Detained at the Northwest Detention Center (1.0 FTE):** Many people who arrive in the US without legal authority, or who are otherwise detained at the Northwest Detention Center, are victims of crimes and eligible for asylum or other legal status adjustment. 1.0 FTE at NWIRP serve immigrant victims of crime detained at the Northwest Detention Center.
- I. Campesina Digna -- Serving Victims of Agricultural Workplace Sexual Assault (1 FTE):** Based in Wenatchee, one NJP attorney conducts outreach and provides services to victims of agricultural employment-based sexual assault. Services are primarily directed to immigrant non- and limited-English-proficient workers. *Campesina Digna* integrates litigation strategies with community partnerships to serve agricultural workers who are victimized by sexual predatory behavior on the job or as a condition of employment.
- J. Project Safety (King County) (6.0 FTE):** A collaborative agreement between the King County Prosecuting Attorney's Office (KCPAO) and the civil legal aid community provides courthouse-based services available to victims of crime, diagnosis of urgent civil legal problems, and seamless transfer from the crime victim advocates in the KCPAO to one of four appropriate legal aid providers (NJP, Sexual Violence Legal Services, Eastside Legal Assistance Program, and NWIRP). 6.0 FTE attorneys provide civil legal aid services to crime victims identified by KCPAO legal advocates at both the King County Courthouse in Seattle or the Maleng Regional Justice Center in Kent.

Total current VOCA-funded civil legal aid attorneys: 49.85 FTE Attorneys

In addition to the foregoing, OCLA is actively engaged in negotiations to fund a two-year pilot crime victim legal aid project for reservation-based Native Americans in rural and remote parts

of the state. If negotiations are successful, this project could begin sometime in the late spring of 2019.

In July 2018, the Office of Civil Legal Aid published the first report documenting the substance and impact of VOCA-funded civil legal aid services. The report is found at <https://ocla.wa.gov/wp-content/uploads/2018/07/Civil-Legal-Aid-to-Crime-Victims-Report-Final.pdf>

## II. Civil Legal Aid to Crime Victims 2020-2022 Planning Process

In the fall of 2018, the Office of Crime Victims Advocacy (OCVA) commenced a stakeholder process to plan for updates to its State Plan for the investment of VOCA funding in Washington State. This process involved both a widely distributed stakeholder survey, as well as a meeting of principal statewide entities involved in the delivery of services to victims of crime. While only 5% of respondents to the stakeholder survey identified as being affiliated with civil legal aid providers, the most frequently noted unmet and or emerging need was civil legal assistance for victims of crime.

Contemporaneous with the OCVA process, OCLA began a process to determine whether and, if so, what changes might be incorporated into the Integrated Civil Legal Aid to Crime Victims Plan. Like OCVA, OCLA conducted a broad-based stakeholder survey and convened an extended meeting with key civil legal aid stakeholders. The survey went out to more than 100 individuals, including civil legal aid organizations, prosecuting attorneys, crime victim service centers, statewide coalitions, and others. Fifty-five (55) surveys were completed. The core findings of the survey responses are outlined below:

1. **Existing Civil Legal Aid Capacity is Insufficient.** The near-universal response was that current levels of service are inadequate to respond to the needs of crime victims. There were numerous variations on this theme, often driven by (a) the geographic area where respondent provides services, and (b) the nature of the program with which the respondent is affiliated.
  - a. **Geography:** Respondents in rural areas felt that there were inadequate services being provided to crime victims who experience significant transportation barriers and where there are significantly fewer overall resources. This theme was most pronounced in responses from eastern Washington. At the same time, providers in more populous areas of Spokane, Snohomish, Pierce/Kitsap, and Clark counties expressed concern about the limited VOCA-funded legal aid capacity in their regions.
  - b. **Program-Specific Perspectives:** Most of those who are affiliated with domestic violence and/or sexual assault service providers expressed concern about the lack of capacity to provide extended legal representation in family law cases for victims of domestic violence and sexual assault, a lack of services to individuals who identify as LGBTQ+, and a lack of services to youth and adults who are homeless.

2. **Gaps in Current Legal Aid Services to Victims of Crime.** Sixty-two percent (62%) of respondents said that additional services were needed to address the needs of victims of domestic violence and sexual assault. Forty-five percent (45%) felt that additional services are needed to address the needs of victims of general crimes. Comments in this area referenced economic crimes (i.e., fraud and identity theft) and victims of gun violence, among others. Forty-two percent (42%) felt that additional services were needed to address the needs of victims living in rural parts of the state. Thirty-six percent (36%) of respondents identified victims of human trafficking. Another thirty-six percent (36%) identified victims of child abuse, and thirty-five percent (35%) identified adult abuse victims as underserved populations. Twenty-seven percent (27%) of respondents identified victims of hate crimes as an underserved population.
3. **Underserved Communities.** Seventy-one percent (71%) of respondents identified youth and adult crime victims who are homeless as underserved communities for which targeted legal aid services might be developed. Similarly, sixty-two percent (62%) identified victims who identify as LGBTQ+, while fifty-eight percent (58%) identified immigrants and refugees. Forty-seven percent (47%) identified victims living on or near Indian reservations, while forty-four percent (44%) identified crime victims of color as communities for which targeted services might be developed.
4. **Specific Comments:** Respondents were generous in sharing their thoughts about existing gaps, the effectiveness of existing services, communities in need of targeted services, and the types of crimes that victims experience that give rise to civil legal needs. Many of these comments will help OCLA assess the efficacy of existing services, explore alternative approaches to service delivery, and direct any additional resources made available during the FY 2019-2022 period. All comments are included in the attached survey results.

Some comments suggested services to individuals who are not victims of an underlying crime (e.g., individuals with landlord-tenant problems) or representation in cases that are expressly prohibited by federal guidelines (i.e., tort cases).

At the January 9, 2019, stakeholder meeting, discussion centered around the need for greater statewide capacity dedicated to coordination and training; the need to fill gaps in geographic services to victims of general crimes; victims with immigration related issues; services to on- and near-reservation crime victims; and expansion of capacity to provide extended services to victims of domestic violence, sexual assault, and other high-incidence crimes.

### **III. FY 2020-2022 Civil Legal Aid to Crime Victims Plan Amendments**

In February 2019 and after extensive process, OCVA extended the FY 2016 – 19 VOCA State Plan through FY 2022. Pursuant to the extended State Plan, OCVA will continue to invest 8.7% of available funding in civil legal aid services to crime victims. Under a formula developed by OCVA to ensure stable funding for VOCA-funded programs through the FY 2020 – 2022 period despite volatility in the annual level of federal support, OCLA will receive \$4.527M in annual funding for civil legal aid per year, of which \$4.327 will be available for subgrants. This new

funding level represents a \$960,000 reduction in available funding for VOCA funded legal aid client service operations beginning in FY 2020.

Because FY 2020 funding is insufficient to maintain current VOCA-funded levels of service, much less cover projected annual increases in the cost of providing service, OCLA initiated a process to strategically downsize and recalibrate the VOCA-funded client service footprint. A meeting was had with all VOCA-funded legal aid providers and individual follow-up meetings occurred with each.

A plan was forwarded to the VOCA-funded programs on May 7, 2019. No comments were received. After further review of budget realities, a final plan to right size the VOCA-funded client service footprint was developed. This plan calls for the reduction of ten (10) VOCA-funded FTE's effective July 1, 2019. It also calls for the conversion of previously designated IRLAP positions to General Crime positions, with continuing expectations that these attorneys provide IRLAP-related legal assistance in appropriate cases that may be referred to them. The ten positions eliminated include four (4) at Northwest Justice Project (Spokane, Yakima, Aberdeen, CLEAR\*CV), five (5) at Northwest Immigrant Rights Project (Granger, Wenatchee, Seattle, Tacoma), and one (1) at Snohomish County Legal Services.

#### **IV. Future Considerations**

Should VOCA funding expand during the FY 2020 – 2022 planning period, OCLA will invest such resources in accordance with the following priorities:

1. Restore lost crime victim service capacity, with special emphasis on urgent needs of immigrant victims of crime.
2. Close geographic capacity gaps in both the general crime and immigration-related crime victims programs.
3. Expand statewide training and support capacity with special emphasis on expanding the competency and capacity of local VOCA-funded attorneys to provide services to underserved client populations, including victims who identify as LGBTQ+; who come from communities of color that experience high rates of criminal victimization; trafficking victims; and other victims (including children, and homeless youth and adults) who experience unique needs, require unique client service approaches, and experience racial, social, cultural, or other burdens or barriers.