

## **SPECIAL REPORT**

# **\$1 Billion for DV Programs That Misuse Taxpayer Money and Place Victims at Risk**

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Each year the federal government spends \$1 billion on the national effort to combat domestic violence. Most persons assume such programs are indeed effective and succeeding in curbing partner violence. But a growing body of research casts doubt on that assumption.<sup>1</sup>

A recent incident in a Florida abuse shelter illustrates the concern:

Marilyn Hooks, 25, and Milaus Almore, 8 weeks pregnant, were residents in the SafeSpace shelter in Stuart, Florida. On October 31, 2007, the women fell into an argument. Hooks pulled out a knife and fatally stabbed Almore. Hooks was later charged with second-degree murder.

Before the incident, Hooks had made death threats to a staff member and resident, but the shelter manager ignored staff recommendations to evict the woman. Afterwards the manager was terminated from her position.<sup>2</sup>

Over the years, the U.S. Congress has enacted three major laws to fund domestic violence programs and services:

- Victims of Crime Act – 1984<sup>1</sup>
- Family Violence Prevention and Services Act – 1984<sup>2</sup>
- Violence Against Women Act – 1994<sup>3</sup>

These laws fund a variety of initiatives administered by the Department of Health and Human Services (DHHS) and Department of Justice (DoJ).

The Department of Defense Family Advocacy Program<sup>4</sup> and the federally-funded Legal Services Corporation<sup>5</sup> also have major domestic violence components. The total cost of these three laws and two programs is estimated at \$915 million annually.<sup>6</sup>

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<sup>1</sup> In FY2005 the cap on VOCA monies was set by Congress at \$620 million: <http://www.ojp.usdoj.gov/ovc/publications/factshts/vocacvf/fs000310.pdf>, page 2. According to the National Alliance to End Sexual Violence, “Domestic violence and sexual assault victims make up half of those receiving services” under VOCA: <http://www.naesev.org/Resources/VOCA.pdf>. This statement is corroborated by a report from the Idaho State Wide Assistance Report that notes 52.4% of the 7,909 persons who received VOCA monies in 2002 were victims of domestic violence or adult sexual assault: <http://www.ojp.usdoj.gov/ovc/fund/sbsmap/ovcpfid1.htm>. Therefore, it is estimated that VOCA provides \$310 million (620 x .5 = 310) each year for domestic violence and sexual assault services.

<sup>2</sup> Funded at \$125 million in FY2008: <http://www.whitehouse.gov/omb/expectmore/detail/10002150.2004.html>

<sup>3</sup> In FY2005 the Department of Justice was authorized \$391.8 million under the Violence Against Women Act: [http://www.ilw.com/immigdaily/news/2005\\_0802-crs.pdf](http://www.ilw.com/immigdaily/news/2005_0802-crs.pdf), Table 3.

<sup>4</sup> The Department of Defense Family Advocacy Program – <http://www.defenselink.mil/fapmip/> – was funded \$22 million in 2003: <http://www.ojp.usdoj.gov/ovc/ncvrvw/2005/pg4b.html>

<sup>5</sup> The Legal Services Corporation was appropriated \$348 million in FY2007: <http://www.lsc.gov/about/FY07app.php>. According to the LSC Fact Sheet, 38% of its caseload involves family matters, specifically domestic violence and child custody: [http://www.lsc.gov/about/factsheet\\_whatislsc.php](http://www.lsc.gov/about/factsheet_whatislsc.php). Assuming half of the 38% pertains to domestic violence, it is estimated that the LSC devotes \$66 million for domestic violence services: \$348 million x 19% = \$66 million.

Three other federal programs exist for which the costs are unknown, but are believed to represent a substantial amount:

- Citizenship and Immigration Service<sup>3,4</sup>
- Department of State Office of International Women’s Issues<sup>5</sup>
- Housing and Urban Development Emergency Shelter Grants Program<sup>6</sup> and Community Development Block Grants<sup>7</sup>

Thus the total federal outlay for domestic violence is conservatively estimated at \$1 billion dollars a year. Revenues from state governments and private and charitable contributions amount to an additional \$3 billion per year allocated to the domestic violence industry.<sup>8</sup>

Several bodies have been established to provide oversight to federally funded programs:

1. Government Accountability Office—arm of the U.S. Congress that investigates how taxpayer dollars are spent
2. Office of Management and Budget—White House office that oversees the conduct of federal agencies
3. Office of the Inspector General—conducts audits and investigations to deter waste, fraud, abuse, and misconduct

This Special Report identifies three major problems in the way domestic violence programs are being administered at the Department of Justice and the Department of Health and Human Services:

1. Lack of Accountability
2. Federal Mismanagement of Grant Monies
3. Grantee Misconduct and Fraud

These problems compromise the availability and effectiveness of programs and services designed to curb intimate partner aggression.

### **1. Lack of Accountability**

In order for a program to be accountable, it must have clearly-defined outcome goals. In turn the achievement of these goals is monitored via management information systems that collect data in a timely manner on appropriate process and outcome measures.

But as the following sections reveal, outcome goals and viable information systems have long been elusive for domestic violence programs at the Department of Justice and Department of Health and Human Services.

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<sup>6</sup> Victims of Crime Act: \$310 million. Family Violence and Prevention Services Act: \$125 million. VAWA: \$392 million. Department of Defense: \$22 million. Legal Services Corporation: \$66 million.

*Department of Justice*

Over the years the accountability measures at the DoJ Office on Violence Against Women (OVW) have come under scrutiny.

As early as 2002, the Government Accountability Office testified to Congress about OVW-administered programs. The GAO chided the OVW that information systems are “only as good as the management that wields them.” In response, OVW officials acknowledged that “they were not satisfied with the performance measures they used to gauge their performance.”<sup>9</sup>

In 2006, the Office of Management and Budget raised a similar concern, directing the Office on Violence against Women to:

- “Set more ambitious goals for program performance to ensure continuous improvement in program results” and
- “Develop a comprehensive evaluation plan for the Violence Against Women Programs to obtain better information on the program’s impacts.”

Two years later, the OVW had not established any new goals or drafted an evaluation plan.<sup>10</sup>

*Department of Health and Human Services*

The Administration for Children and Families at DHHS is responsible for administering grants authorized by the Family Violence Prevention and Services Act. DHHS enumerates its grant requirements in the Grants Policy Statement, including the requirement that grantees comply with the Education Amendments of 1972 which prohibit discrimination on the basis of sex.<sup>11</sup> So how well are the DHHS accountability systems operating?

In 2005 the Office of Management and Budget performed an audit of the DHHS domestic violence program. On the Program Results/Accountability measure, the DHHS scored only 7% out of a possible 100%. To remedy the deficiency, the OMB directed DHHS to “develop appropriate national grantee-supported performance outcome measures to demonstrate improved efficiencies or cost effectiveness.”

Appropriate “outcome measures” would include measures of intimate partner violence that are found in government-funded surveys such as the National Youth Risk Behavior Study<sup>12</sup> and the National Longitudinal Study of Adolescent Health.<sup>13</sup> But by early 2008, the DHHS had not developed even draft outcome indicators.<sup>14</sup>

In 2007, the Government Accountability Office audited the DHHS domestic violence grant records. To its surprise, they learned that the DHHS had not established standardized reporting methods, time periods, or forms for grant recipients. The data

quality was so poor that the GAO concluded, “we could not be assured that any survey data we obtained would be consistent and reliable enough for analysis of the specific information required.”<sup>15</sup>

Yet DHHS officials defended the sub-standard information, claiming that grant recipients “do not have the resources to devote to these data collection efforts” and asserting that collecting demographic data would “overburden” grantees.

Apparently DHHS officials believe that reporting basic utilization information is merely a paperwork exercise.

## 2. Mismanagement of Grant Monies

When accountability systems are weak, financial mismanagement becomes a greater concern. Such is the case at the DoJ Office on Violence Against Women. The DoJ policies are outlined in its *OJP Financial Guide*<sup>16</sup> and other documents.<sup>17,18</sup> Administering about 1,500 grants annually, the OVW has been the focus of five investigations since 2001:

1. In response to a request from the Senate Judiciary Committee, the Government Accountability Office performed an audit of 84 grants administered by the OVW. The probe identified numerous shortcomings, including:

- 66% of files did not have progress reports for the complete grant period.
- 85% of progress reports were late.
- 90% of files did not contain documentation that all planned site visits had occurred.

The GAO concluded that “inconsistent documentation and the lack of systematic data could hinder VAWO’s ability to measure whether it is achieving its goals.”<sup>19</sup>

2. In 2002, the GAO evaluated the quality of five multi-million dollar program evaluations of OVW grants. The investigation identified serious data collection and analytical problems that “raise concerns about whether the evaluations will produce definitive results.” The GAO pointedly asked whether the OVW was “making sound investments, given the millions of dollars spent on these evaluations.”<sup>20</sup>

3. In its *2005 Semi-annual Report to Congress*, the Office of the Inspector General analyzed OVW grants to Native American and Alaska Native tribes. According to its report, “OVW did not ensure that funds were made available in a timely manner.” Even when required reports were not received from grantees, the OVW continued to authorize payments. When the grant ended, OVW was not “closing out expired grants in a timely

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<sup>7</sup> At that time the OVW was known as the Violence Against Women Office—VAWO.

manner.” The report concluded the OVW was “not effectively monitoring tribal grant programs.”<sup>21</sup>

4. In 2006, the OIG examined the grant closeout process at the Department of Justice. That investigation identified numerous instances of financial mismanagement by the OVW, including:

- 54% of OVW grants closed in 2005 did not meet the 6-month grant closeout requirement.
- Delays in making debt payments unnecessarily tied up \$14.3 million of federal money.

Of greater concern, the OIG noted that OVW grant officers had illegally instructed grantees to “draw down any remaining funds, even though the 90-day liquidation period has passed.” The report reached the worrisome conclusion that the Office on Violence Against Women did “not conform to federal regulations and their own policies.”<sup>22</sup>

5. More recently, the Inspector General probed Department of Justice grant programs and concluded, “Too often the OIG has observed a misplaced emphasis on expeditiously awarding grants and a lack of commensurate emphasis on monitoring the grants awarded.” Highlighting a long-standing problem, the OIG commented the OVW has “failed to ensure that grants were closed in a timely manner.”<sup>23</sup>

### **3. Grantee Misconduct and Fraud**

Given the shortcomings in grant administration procedures described above, it is not surprising that numerous recipients of federal monies have been found to engage in financial misconduct and fraud.

#### *Misconduct*

Probes by the DoJ Office of the Inspector General have turned up numerous instances of grant expenditures that were unsupported, questionable, excessive, or non-allowable:

1. A 2003 audit of a grant to Dane County, Wisconsin, to encourage arrest policies identified widespread problems, including the commingling of grant funds and inability to account for expenditures. The report concluded, “we question \$1,766,964 in grant funds received”—which amounts to 99% of the total grant expenditures.<sup>24</sup>
2. An audit of a STOP formula grant to the Texas Office of the Governor stated, “we question \$106,452 in grant fund expenditures. In addition, \$348,384 in excess funds drawn down and \$852,650 in program matching costs were identified as unsupported.” These questionable, excess, and unsupported expenses represented 19% of the total award.<sup>25</sup>

3. A 2005 audit of Legal Aid of Nebraska identified \$1.3 million (64.5% of the total grant funds awarded) in non-allowable and questionable expenses. The investigation concluded that Legal Aid:

“(1) did not maintain adequate accounting records of costs charged to the grant; (2) did not adequately monitor its contractors; and (3) was reimbursed for costs charged to the grant that were not supported by adequate documentation or were not allowable according to the approved grant budget.”<sup>26</sup>

Eighteen months later, the OVW had implemented only three of the eleven recommendations arising from the audit, leading the Department of Justice to classify the OVW response as delinquent.<sup>27</sup>

4. Audits revealed the following Indian tribes routinely failed to submit accurate and timely grant reports and often charged for unallowable costs:

- Inter-Tribal Council of Nevada<sup>28</sup>
- Lac Courte Oreilles Tribal Government<sup>29</sup>
- South Puget Intertribal Planning Agency<sup>30</sup>
- Yavapai-Apache Indian Nation<sup>31</sup>
- Osage Tribal Council<sup>32</sup>
- Southern Ute Indian Tribe<sup>33</sup>
- Confederated Tribes of the Chugachmiut Indian Reservation<sup>34</sup>
- Confederated Tribes of the Umatilla Indian Reservation<sup>35</sup>

### *Fraud*

Reports have revealed several cases of embezzlement by service providers:

1. In 1999, Denorvas Stevenson, former director of a woman’s shelter in Shawnee, Oklahoma, was charged with eight counts of embezzlement after an audit revealed more than \$56,000 in undocumented and unauthorized expenses. Stevenson was fired after Project Safe board members discovered the agency was \$40,000 in debt and owed \$12,000 in back payroll taxes.<sup>36</sup>

2. In 2006, Paulette Wang, former treasurer of Asian Women United in Minnesota, pleaded guilty to embezzling \$265,000 from her domestic violence organization.<sup>37</sup>

3. In 2007, the Department of Justice reported to Congress about a \$299,815 grant to the South Central Region Tribal Nations and Friends Domestic Violence Coalition: “[O]ur investigation determined that the executive director of the Coalition stole over \$100,000 in grant funds, and two board members of the Coalition stole approximately \$25,000 and \$37,000, respectively.”<sup>38</sup> Cindy Lou Shores, Wenona Barnett, and Angela Camp of Ponca City, Okla., were charged with conspiracy and theft of federal funds. Shores was later sentenced to 17 months in federal prison and ordered to pay \$170,000 in restitution.<sup>39</sup>

4. In 2008, John Scott, former executive director of Domestic Violence Emergency Services (DOVES) in Roanoke, Va., was sentenced to serve one year in prison and ordered to pay \$48,000 in restitution, arising from embezzlement of shelter funds.<sup>40</sup>

A Michigan case involves falsification of financial records:

In June 2006, SafeHouse of Michigan was ordered to repay \$483,000 in federal funds because services it had billed for could not be verified. The order followed the resignation of executive director Susan McGee, who admitted that she had falsified federal financial reports to cover up delinquent tax payments.<sup>41</sup>

### **Federal Foot-Dragging**

The previous sections of this report document how domestic violence programs lack accountability and are plagued by financial mismanagement, which in turn creates the shadowy environment in which fraud can arise. Yet federal officials have been notoriously slow to remedy the problem. Four examples illustrate the pattern:

1. As early as 1998, serious problems have been documented with Indian tribe grants. Seven years later, the Office of the Inspector General concluded that the Office of Violence Against Women still was “not effectively monitoring tribal grant programs.”<sup>42</sup>
2. In 2001, the OMB identified widespread problems with grant management at the OVW.<sup>43</sup> Six years later, a probe similarly concluded that the OVW has “failed to ensure that grants were closed in a timely manner.”<sup>44</sup>
3. In 2002, OVW officials testified to Congress that “they were not satisfied with the performance measures they used to gauge their performance.”<sup>45</sup> Four years later, the OMB echoed exactly the same problem. And six years after OVW’s admission to Congress, performance measures still had not been operationalized.<sup>46</sup>
4. In 2005, the OMB directed the Administration for Children and Families to “develop appropriate national grantee-supported performance outcome measures.” Apparently believing that sound reporting policies would be “burdensome” to grantees,<sup>47</sup> three years later no new measures had been implemented.<sup>48</sup>

Why aren’t federal employees doing more to assure that taxpayer-funded programs are accountable and effective?

### **Pitting Effectiveness vs. Ideology**

This Special Report portrays a free-wheeling industry in which lack of outcome measures, mismanagement of grant monies, and fraud have become widespread. But misuse of federal money is not the only concern.

Scores of research studies show that domestic violence programs are ineffective at best and harmful at worst. Examples of programs that have been shown to be ineffective are batterer intervention programs<sup>49,50</sup> and restraining orders.<sup>51</sup>

Mandatory arrest policies for partner assault offer an object lesson of a well-intentioned but harmful violence prevention strategy. Several early evaluations showed that mandatory arrest can harm victims.<sup>52,53,54</sup> A recent Harvard University study revealed a 54% increase in partner homicides following enactment of such laws.<sup>55</sup>

Mandatory arrest for restraining order violations may place victims at risk, as well. One evaluation concluded, “Increases in the willingness of prosecutors’ offices to take cases of protection order violation were associated with *increases in the homicide* of white married intimates, black unmarried intimates, and white unmarried females.”<sup>56</sup>

Despite these findings, \$65 million of VAWA monies were authorized in FY2005 to encourage such policies.<sup>57</sup> Even though the 2005 renewal of VAWA shifted from a must-arrest to pro-arrest stance, to date none of the 22 states has repealed its mandatory arrest policies. And persons continue to die, needlessly.

Not only are domestic violence programs ineffective and harmful, previous reports have documented how domestic violence programs bias the judiciary,<sup>58,59</sup> violate civil liberties,<sup>60,61</sup> engage in sex-based discrimination,<sup>62</sup> and weaken families and harm children.<sup>63</sup>

So why does the domestic violence industry continue to advocate for dysfunctional policies and programs?

The answer, according to the National Academy of Sciences, is that intimate partner violence programs are “driven by ideology and stakeholder interests rather than by plausible theories and scientific evidence of cause.”<sup>64</sup>

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