



CVSD Advisory Committee Meeting Minutes

CVSD Conference Room, Suite 150A (Lower Level)
Thursday, January 22, 2015, 9:00 a.m. – 1:00 p.m.

Committee Members in Attendance: Desiree Coyote, Shirley Didier, Erin Ellis, Kim Larson, Cheryl O'Neill, Bob Robison, Michele Roland-Schwartz, Robin Selig, Daniel Staton represented by: Tim Moore, Merle Weiner, and Lynne Whiteman

Committee Members via Teleconference: Kris Billhardt, Justin Nelson, Becky Orf, Tawna Sanchez, and Barb Palicki

Guest in Attendance: Jayne Downing, Brent Leonhard (presenter), Erin Greenawald, Lea Sevey, and Amy Stubblefield

Guest via Teleconference: Clara Lindstrom, and Stephanie Striffler

CVSD DOJ Staff Present: Caitlin Brown, Jeanette Ewald, Diana Fleming, Mackenzie Gray, Mike Maryanov, Cathy Relang, Becky Smith, and Sherree Rodriguez

Committee Members Absent: Steve Bellshaw, Allison Cleveland, Yelena Hansen, Jenna Harper, Sybil Hebb, Amy Holmes Hehn, Kathryn Kelley, Terri Neimann, Chanpone Sinlapasai, Lauri Stewart, and Vanessa Timmons

Welcome and Introductions

Kim welcomed the committee members, our guest presenter Brent Leonhard, guests from the DHS Advisory Committee, and CVSD staff in attendance. Everyone introduced themselves to the group.

Minutes

The last CVSD Advisory Committee (AC) meeting was November 6, 2014. One revision request by Robin Selig, add her name to the "Committee Members Absent" list. No other revisions requested.

Follow-up to Indian Law, Tribal Relations, and Criminal Jurisdiction in Indian Country (Part 2 of two-part training)

Desiree Coyote and Brent Leonhard did a presentation on Indian Law, Tribal Relations, and Criminal Jurisdiction in Indian Country. This presentation was Part 2 of a two-part training that began at the previous AC meeting on 11/6/14. Stephanie Striffler presented Part 1, "Introduction to Indian Law, Tribal Relations, and Criminal Jurisdiction in Indian Country".



Q & A after presentation:

Mackenzie: Is there a hope that the VAWA 2013 reauthorization and related Tribal Pilot Project that included CTUIR will open the door to more types of cases coming back to tribal courts?

- Brent: The provisions were very narrowly tailored for a reason; low level marijuana possession cases, for example, are not the sort of things federal courts and judges are used to seeing, so having those pursued in tribal court would be an option.

Bob: What are the DV sentences typically?

- Desiree: Probation, community service, BIP training, and alcohol/drug assessments.
- Brent: 25 days in jail was the last one on top of the other steps.

Amy: How many tribes in Oregon will enact the VAWA 2013?

- Brent: I do not know. I have not seen any requests yet but that does not mean they will not.

Stephanie Striffler: How much change has there been in tribal court procedures with the pilot project?

- Brent: Nothing has changed, they are just non-Indian

Robin: Any information on how child abuse fits into this?

- Brent: Non-Indian involved depends on the jurisdictional makeup; if it is an Indian, the federal court could get involved. The Indian Child Welfare Act (ICWA) only applies to states and only in cases where the child is removed from the parents and put into foster care. This started because of states taking Indian children and placing them in non-Indian homes. At Umatilla, we intervene on almost all cases, but don't take the cases, we remain parties to the state court case and work with the state on ensuring that the best interests of the child are met. Our caseworkers work very closely with the state caseworkers to focus on trying to find the best home for the children if they do need to be removed from the home.

Becky O.: The judicial department regularly does training on ICWA and invites tribal judges to those as well just for everyone's information.

Multiple members of the AC thanked Brent for coming and commented on how well put together the presentation was.

Diana: One of the questions from last time was about the importance of the government-to-government relationships. The importance of government to government relationships with Oregon Tribes and the potential impact that our funding decisions in any local community may have on tribes was conveyed during the Tribal Nation Listening Tour. The listening tour included CVSD Fund Coordinator (s) and Desiree Coyote, representing the Confederated Tribes of the Umatilla Indian Reservation (and as a VAWA IP Planning Subcommittee and CVSD AC member) that conveyed the importance of the state and tribal collaborative relationship.



- Desiree: One concern is that state funders award money to DV/SA providers across the state based on population. The population and service area includes the Tribal Nations. Tribal Nations receive a separate award in this same allocation process. How should funders advise Tribal Nations' concerns if issues come up as a result of not receiving county services (such as shelter). I know this discussion is bigger than the state. How do we use knowledge we gain through trainings like this to ensure that the benefit (of these types of trainings) reaches those communities and those folks we fund to provide those services? My concern as an enrolled member would be to make sure they know what my role is here. Not all employees who do DV/SA work for Tribal Nations are enrolled members but even if they are they may not have all the information behind what got us to where we are now. Also, they need to understand that we even have the right to be free from the goodwill of others. As funders, how do we handle it in a way that does not affect the tribe in a negative way?

Diana: A number of states with these same questions have reached out to you with similar concerns. This issue came up at the 14th National Tribal Nations Conference in Palm Springs (non-profit agencies contracting with Tribal Nations for services that should be free of charge). Additionally, that VAWA 2013 Reauthorization requires that all state and federally recognized tribes must be included in planning discussions similar to a federal consultation tribal process. All state and federally recognized tribes should be invited to the table. This could mean that they are sent a written document to comment on or that they are invited to a meeting or conference call. Regardless of format, states should make sure to give sufficient notice to tribes and should keep records of who was invited, how they were invited (e.g., email), and whether and how they participated. Many states have intertribal councils, or related groups that can facilitate communication with the tribes in the state.

- Desiree: Especially with the reauthorization, there is now an awareness that the Tribal Nations need to be present at the table when steps and actions are taken. We want to make sure that the work we do to benefit the Tribal Nations actually benefits the Tribal Nations.

Erin Ellis: From a sexual assault service provider, what is the best-case scenario in looking for a partnership?

- Desiree: As a baseline, I can state that as a community-based advocate for tribes, I know and understand DV work in rural Oregon and working with the state. I understand all the pieces. I cannot say that for the other tribes. If I did not go back to my tribe, they would not have the knowledge that we have now. I certainly wish that for us as funders we would have included the tribes at the table with DV/SA training and discussions before now. I would have thought that as funders your agencies would have taken accountability and that would include training the tribal nations for true collaboration. When we work at addressing communities of color, that is one thing, but tribal nations are very different. When I came aboard years ago, I could not answer what kind of services and trainings that tribes had in Oregon. We had to do a survey to figure that out. I think there were a



number of things we should have done and steps we needed to take for the benefit of all communities. Understanding what it means to be an ally is a good first step; there are so many things that should have been done, and that we can do moving forward. I'm cautious of what we do as an AC. I hope that all the fund coordinators at CVSD understand the difficulties all folks have on and off the reservation who have these issues. We can do so much more, though I don't know how to put it: As a survivor of DV and SA in the state of Oregon and as a recent victim of racial harassment it is maddening that we are still addressing the inequities not just of communities of color but how invisible I feel as a tribal member. At the state level, I have been doing this work for 20 years, and we are still going back to ally building, equity, and education. It is frustrating to see that we are still addressing these issues. This training is to help you understand why it is important to make sure those DV/SA funds do go to help the tribes.

Brent: Non-profit entities receive funds that are intended for the tribes. If the idea is that they are not providing service to them already, and require additional funds to do so, it is probably a violation of federal rights laws. The consideration that the very limited funds not being able to go to the entity for which it was intended is concerning.

- Cheryl: Any grantee can subcontract.
- Mack: The difference is, saying "we will give you money to serve these victims" then I agree because they should be doing so anyway. Receiving that money should not be what determines if they serve tribal members. If a tribal agency doesn't already have a DV program then they are partnering with an existing program and saying we acknowledge that you are providing these services and we want to work with you.
- Lea: As a program person, we have had subcontracts in the past with tribes. It was intended to bridge the gap until their program was fully able to function on its own. It wasn't to provide core services but to provide services over and above what we already did specific to those victims that the tribe had identified. This was only until they got their own program up and running.
- Erin: Federally, VAWA is really changing and we are looking at no longer doing culturally specific services. What we are doing is perpetuating another organization's inability to support their own community. If we can stand back and help them develop capacity then maybe we should do that.
- Becky S.: We thought that most respectfully those tribes that accepted the funds would then get to decide how to use the funds the best way they saw fit. The tribe I work with did set up collaboration with two DV community organizations and figured out how to help with the expansion to help more tribal members. After bringing questions to them we rethought with their partners how they wanted to do business. They made some big shifts including a co-located advocate and doing outreach to make the services known to tribal members and cross training between agencies so their receptivity would be increased at the same time as creating the tribal program that is now brand new. I'm encouraged that with training and communication that growth is possible.



Brent: If the state is looking at its own policies and how to deal with things, they should be very concerned about money intended for the tribes going outside of the tribe. The idea that the tribal nation is essentially having to pay for those services is concerning.

- Jeanette: Are you saying we should not allow them to subcontract?
- Brent: No, they can and should be able to subcontract but the money should go to the tribes so they can decide.
- Jeanette: All money intended for the tribes go to the tribes.
- Jayne: Put language in that this money should not be used to provide services you should already be receiving. This can go to everyone that is subcontracted by a grantee.
- Diana: Many tribes nationally are looking at these same issues.

Joint Allocation Discussion and Review:

This summer we will be making more decisions between the CVSD AC and the DHS AC with the Joint allocations. Mackenzie will give a summary of what the joint allocation/equity formula is all about and how we got to where we are now with it.

The purpose behind the Equity Formula came from the 2006 Equity Study. The theory behind the Equity Study was that Oregon could develop a research-based method, or formula, for disseminating funds to provide statewide services. In 2007, we implemented the formula for the first time to divide funds across the state. This included CVSD's ODSVS money, a portion of VAWA funds, a portion for VOCA funds, and the DHS funds that included CFA, FVPSA, and MLT. Together, these blended state and federal funding streams created the pool from where we pull joint grant funding. The Equity Formula includes a prominent commitment to programs: to hold the funding steady, meaning that unless CVSD or DHS experience significant cuts in appropriations, programs will never receive less funding than they've received previously.

The formula we created is called the Base Plus Formula. Every grant starts with a "base amount" of what would be minimally needed to fund a program to provide the most basic crisis intervention services. The Equity Study determined that a statewide base of \$16 million supported these minimal services. Three FTE would go to all counties with over 6500 people; this would amount to \$120k. There is an exception for those counties under 6500 in population; those smaller counties have a base of 20k.

- Bob asked the group if the FTE included their benefits and how much these advocates are then making if it does.
 - Lea: \$14-16 an hour is the average wage for an advocate based on the survey that OCADSV did.
 - CVSD confirmed: Yes, the FTE does include benefits for the employees.

The "plus" in the Base Plus formula is derived from county population counts. Anything over 30,000 in population activates the "plus" piece of the formula.



Cheryl, Becky S., Mackenzie, and members of the DHS AC created a document to explain the funding formula. A draft was shared with this AC for review. This is still a working document; please contact Becky S. if you have any questions or corrections.

Hold Steady: For stability purposes, we committed that given adequate funds, no program would receive a cut in funding. They will always receive at least what they received the year before.

After the formula was implemented in 2007, we developed analytics across all the counties to determine how far we are as a state from the \$16m benchmark. Some counties were much closer to state funding goals than others after that first allocation. Assuming future funding increases, CVSD then had to determine how to help those further counties get closer to the 16m funding goal without harming those nearer counties' "hold steady amounts." CVSD built in the "bump"; any increase we receive that is outside of this hold steady pool would be divided in half. One half goes into the base/plus formula and the other half goes into a focused increase, or bump, given to the counties that are below their "goal". The idea is bring the lowest up at least to meet the next highest.

- Erin: There is also a disparity among counties as well because some counties have a wide variety of programs and others have two, like in Washington County.
 - Mackenzie: The numbers we look at for determining allocations are county population numbers. The Equity Study determined need based on victim counts and needs. We don't factor the number of programs within a county into the formula, but do look at how those funds will be divided within the counties.
- Brent: Have you considered changing the tribe to be based on 1.0 FTE instead of population?
 - Mackenzie: In 2013, we brought the Tribal Nations into the formula and at that point, the decision had been to look at enrollment rates. However, yes we will need to have more of a discussion around that now that they are in the formula. The theory at the time was that when we looked at enrollment rates they put them in the category of our smaller counties so that they would receive their full base of \$20k.
- Jayne: Two things that we did when we first started is develop an understanding of the issues in Multnomah County, which has so many programs because of the high population, and an understanding of rural counties and the difficulties they have based on geography, and resource availability. Then we added the tribes in, as they deserved. I think if you talk to those midrange programs, you would hear that there is a change in how they want/need funding. It may be time to look at that and the equity in it.
- Mackenzie: In 2013, there was a large ODSVS increase. Per year there was an additional \$1.66 million. This was the first time there was a substantive increase in the formula. The ACs had to decide how to move forward with this large increase. The ACs previously looked at what the allocations would look like with \$8.5 million in statewide funding.



The smaller counties would be at the 20k base and the larger counties at 80k bases. In 2013, we met that 8.5 million mark and needed to decide what to do after this. As the funding gets closer to \$16.5 million, the calculations are going from counting “all population” to closer to “only above the 30k” population mark. This will be a gradual change based on funding. We also have legal aid formulas that receive only ODSVS funds. They are not really part of the formula but as we receive increases, they receive increases proportionate to the rest of the formula.

In 2013, we also had another big discussion that we have termed, “the orange and blue funding scenarios”.

The *orange* is based on: base/+ population formula, not paying attention to the holding steady commitment at first, then consider what are they already receiving. If they are receiving more than the allocation would give them based on the base/population calculation, we would bring them to the hold steady amount.

The *blue* is based on: everyone starts with what they already had, dividing the increase amounts with 50% to the base/population and 50% to the bump. The difference with blue is starting where programs were already funded and adding the increase on top of that.

In 2013, we decided to continue with the blue formula because this is how the joint allocation had been run from the beginning. Both ACs expressed interest in having more conversation around these funding schemes, and in changing it in the future because of how it ends up looking for the counties. With the *blue* formula, the smaller counties reach full funding quicker and then would stop receiving increases. With the *orange* formula, CVSD starts from scratch each time with what their base/plus allocation should be, not considering their previous allocation.

- Merle: So is the goal to get them all at 100%? What happens to the two that are above 100% already?
 - Mackenzie: Those were already funded at that amount so with the hold steady we agreed to not take any money away from them to maintain stability and meaningful access. Either formula that is chosen will honor the hold steady piece.
- Jayne: It used to be that you would be funded based on when you came into the formula until the equity study came in.
 - Mack: the blue/orange is a big discussion that needs to happen as a group. The road of getting to not counting the first 30k population, how we increase the base, how we want to move forward with the tribal nations and the smaller counties. With the possibility of increasing above the 6,500, these are all questions we would love to have answered and have a plan for the future and when we get to the goal.
 - Becky S.: The last time we made these allocations and had the conversations towards equity, we were not very equitable with conversation time between



CVSD and DHS ACs. When we look at this in June, we need to look at decisions for this biennium and the longer term issues that we want to start picking up now.

- Bob: Congress raised the VOCA cap and I understand that is uncertain if it will pass.
 - Cathy: There are many unknowns about the VOCA money that will come to the state. We do know that it has passed for 2015 and is increased upwards of 22 million, 4x what we have been getting. How we handle that is a question we are facing. We still do not know if this is a one-time deal or if it will continue. How do you deal with going from 5.4 million to 20 million? We are in the initial steps of processing what we want to do with the funds. We have been looking at one-time infrastructure grants along with many other options. We will keep everyone posted and in the loop, so we all know how we want to spend the money because we definitely want to spend it all. We know there are several gaps in services. We have been talking with other states and looking at their plans, but not a lot of people have gotten off the ground yet.

There are actually three things with VOCA going on all at once. According to the feds with the increase, there will be more scrutiny on the funds. The performance measure data collection is moving forward and OVC and is really committed to backdating this to October 2014. When six state VOCA administrators met with OVC, they said they will not get accurate data but OVC still wants to move forward with these dates. We will get the next version soon, hopefully. Back in October 2013, we sent in comments to the draft guidelines, but a final version has not come out. OVC says we will see them soon. Three things at once with VOCA that are big.

- Mackenzie: One thing we have been discussing with the VOCA increase is: if it does turn into a one-time increase, would it be detrimental to put it into the formula to then take it away after those funds are spent out?
 - Jayne: While this increase is unusual it is a good time to talk about where we want to use that money as a state. We do not want to destabilize programs by giving lots of FTE then taking away. Perhaps there are other ways to improve the programs that are not staff increases. These meaningful changes could help programs stabilize in the long term even if the money is a one-time increase.
 - Jeanette: We at CVSD have been talking about getting together work groups so that we can get some good ideas from everyone statewide. Once we get the regulations and the performance measures that will help us too in knowing what to do with this money. Information will go out on the listserv.

Concluding the Discussion: 2014 SASP and VOCA-C Application Reviewer Feedback:

At the last AC meeting, we were not able to talk about purpose and priorities for competitive funding. This survey and the responses were sent out to the group prior to the AC meeting on November 6, 2014.



In looking at the five options in the survey for competitive funding, you can see the first two are clearly more favored than the other three options. These two highest scoring statements are:

1. The purpose of competitive funding should be to enhance and improve existing services.
2. The purpose of competitive funding should be to ensure programs are able to maintain essential FTE regardless of if the project includes any enhancements or improvements (for VOCA, specifically pertains to maintaining 1.0 FTE for rural DAVAP programs).

The group agreed that these two statements are representative of what they hear from colleagues.

These need not be mutually exclusive statements; however, Bob is concerned that this means that new innovative programs would lose points if they were not an already-established program. The group discussed this, that there is always the question of if the program is a good one to start with and how successful they would be in running a new project specific to the competitive funding. Jayne agreed with the issue of how well the program is running currently with some conversations going to geography: if they are the only program in the county then they tend to receive funding even if they are not the best running program.

Erin brought up the idea of having a vetting process that includes interviewing either the applicant or other programs near/around the applicant that would give the reviewers as sense of the program in their community. This would help the reviewers or CVSD learn if they are a great program and have the passion there that might be hard to express on the paper application. Others suggested that if this were a possibility then to have the interview process happen after the applicant makes it through the application process and meets a minimum score.

Erin would like to have an assessment done by NAO so that it is complete and no program people have to do it themselves. It would be a great tool and use of the VOCA increase.

- Jeanette: Depending on the restrictions, that is something we could look at doing.

Cathy reminded the group that the new proposed OVC guidelines suggest that every five years the funds should be competitive.

Representation on the CVSD Advisory Committee:

As a Division, we are looking at the diversity of our funding and the representation on the AC. We welcome input from everyone on individuals that would give our AC more diverse representation. This includes geographically and representation of populations.

Please send ideas or suggestions to CVSD.

Jeanette will send out the membership chart and this representation chart to the AC.



Announcements and Adjourn:

Desiree announced that the Tribal Summit is May 20-21, 2015 and she will send out information to the AC.

The next AC meeting is on May 21, 2015 when we will review VAWA Competitive applications.

Meeting adjourned at 1:00 p.m.