

# MONTANA STOP IMPLEMENTATION PLAN 2014 – 2016



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**Section I: Introduction**

The Montana Board of Crime Control (MBCC) is pleased to submit this Three-Year Implementation Plan as one part of managing the STOP (Services, Training, Officers, Prosecution) Violence Against Women Act (VAWA) Formula Grant. As the State Administering Agency (SAA), MBCC administers the STOP Formula Grant, the Sexual Assault Services Program (SASP) Formula Grant and the OVC VOCA Formula Grant. MBCC has successfully managed formula and discretionary grants from OVW and OVC since 1989 and has sub-granted funds annually to more than 70 victim service programs across the state of Montana.

This Three-Year Implementation Plan is organized to follow the STOP Formula Program Implementation Plan Checklist and Tool to ensure that all requirements from the VAWA Reauthorization have been met.

*A. The date on which the plan was approved by the state:*

This plan was reviewed and approved by all members of the VAWA Committee on March 18, 2014.

*B. The time period covered by the plan:*

This Three year Implementation Plan will act as the planning document for future STOP funding in Montana with awards beginning in the fall of 2014 through April 2017. Specific compliance and required elements will be adopted beginning with Montana's next round of awards for FY 2015. This document will guide decisions and will be periodically reviewed by the VAWA Committee to ensure that the state is meeting the goals and objectives set forth.

The Montana Board of Crime Control is governed by a board of eighteen (18) members who are appointed by the Governor of Montana. Board members are appointed to four year terms and come from a variety of backgrounds, including the Attorney General, the Chief Public Defender, a county commissioner, attorneys, child abuse and victim service program directors, law enforcement, tribal members and citizens. The mission of the Board of Crime Control is to proactively contribute to public safety, crime prevention and victim assistance through planning, policy development and coordination of the justice system in partnership with citizens, government and communities. There are several guiding principles that help direct the work of the Board and the staff, most notably the following:

- That the Montana Board of Crime Control is the lead coordinating agency in crime prevention and public safety and that we have an ongoing responsibility to be good and effective stewards of the taxpayers' dollars to that end.
- In sponsoring and supporting efforts to promote innovation, best practices and collaboration related to public safety, crime prevention and victim advocacy.
- That victim services should be adequately funded and available to all who need them.

MBCC, in coordination with public and nonprofit agencies, provides STOP funding to programs that encourage the development and strengthening of law enforcement, prosecution, and judicial programs to combat violent crimes against women as well as developing and strengthening of victim service programs in responding to those crimes. MBCC strives to support innovative projects across the state in an effort to reduce violence against women, provides services for victims of domestic abuse, dating violence, sexual assault, and stalking, and promotes the overall enhancement of the criminal justice system in Montana.

The goal of this Implementation Plan is to guide the funding of OVW grant money across the spectrum of victim programs in Montana and in doing so, to develop collaborations and partnerships that strengthen services to victims of crime, particularly women who have been abused in dating relationships and domestic violence situations, sexually assaulted, stalked, or murdered. Responding to the immediate needs of victims must be done in coordination with effectively equipped and appropriately trained law enforcement officers and prosecutors. The new provisions of the 2013 Reauthorization of VAWA will enable Montana to improve services in helping all women and others who are victims of violence.

## **Section II: Description of Planning Process**

### *A. A brief description of the planning process:*

The 2013 Reauthorization of VAWA resulted in significant changes to how states would fund their victim service programs. The subsequent impact on potential funding decisions and the required development of a new planning document led to the convening of Montana's VAWA Committee in August 2012. The Committee is composed of 16 members representing judges, prosecutors, law enforcement, victim service providers, and tribal representatives, including personnel from the Attorney General's Office, Department of Corrections, and the Montana Coalition Against Domestic and Sexual Violence. In addition to professional

affiliation, consideration is given to making sure that the group includes members from the most rural parts of the state, including tribal members. A list of the VAWA Committee members can be found in Appendix A.

As a starting point for developing a new plan, the Committee reviewed Montana's 2010-2013 Implementation Plan. A survey of goals important to victim service providers, law enforcement, prosecutors, judges, and others was sent out in August of 2012 and the results of the survey were given to the Committee for consideration. The Committee began developing the structure of the plan at that first meeting. Three subsequent committee meetings led to the development of this new plan. The Committee will continue to meet at least twice a year to ensure that the plan supports effective funding decisions and leads to the development of innovative programs. Email communication to the members will be ongoing.

The process for awarding STOP VAWA funds in Montana begins with the annual Request for Proposal (RFP) release in December. The RFP remains open for six weeks; applications are due to MBCC in mid-January. All applications are reviewed by victim program staff and then recommendations for funding in the specific allocation categories are given to the Application Review Committee (ARC), a group of eight MBCC Board members. The ARC meets in May to review grant applications and to make recommendations to the full Board. The Board then meets in June to hear the ARC's recommendations and has final award authority. Awards and contracts are for one year and are distributed in mid-June. Upon receipt of the formula grant monies, MBCC reimburses programs beginning in September. Compliance checks through quarterly narrative and fiscal reports are conducted as well as annual monitoring visits. Annual progress and closeout reports are submitted as required. Any issues that come up in training or in the previous RFP/contracting process are reviewed for the next round of grants. And the process begins again.

Historically, the Board has funded programs on a continuation basis to maintain core services across the state. The new requirements of VAWA may cause a shift in how Montana's projects are funded in the future. With the large set-aside for sexual assault, PREA compliance, and the requirement to fund more underserved populations and reach all areas of the state, including those most rural, a competitive process is most likely for grants funded from 2015 VAWA funds. This change will impact small programs that have relied on continuation funding and may not have the sustainability of larger programs.

*B. Documentation from each member of the planning committee as to their participation in the planning committee:* This documentation can be found in Appendix B.

*C. Description of how the state coordinated this plan with the state plan for the Family Violence Prevention and Services Act and the programs under the Victims of Crime Act and section 393A of the Public Health Service Act (Rape Prevention Education), including how this implementation plan changed as a result of such coordination:*

In compliance with this OVW requirement, MBCC staff met with program managers for Family Violence Prevention and Services Act (FVPSA) and Rape Prevention Education (RPE), to determine if this implementation plan would change after reviewing their state Plans. Each program serves a specific purpose. FVPSA provides the primary federal funding stream dedicated to the support of emergency shelter and supportive services for victims of domestic violence and their dependents. A significant portion of funding (70%) goes directly to states as a formula grant to support state emergency shelters. In many ways, the FVPSA program and the VAWA program share similar requirements. Identifying underserved populations, ensuring equitable distribution of grant funds geographically across the state, providing funds to culturally specific populations, and providing technical assistance to programs are primary requirements when funding victim programs. The state's FVPSA program funds twenty-two (22) shelters in Montana, the majority of whom also receive funding from MBCC through STOP VAWA.

The Violence Against Women Act, passed by Congress in 1994, established the Rape Prevention and Education program whose goal is to strengthen sexual violence prevention efforts at the local, state, and national level. In Montana, RPE funds contribute to reducing the statewide incidence of sexual violence through primary prevention efforts focused on influencing knowledge, attitudes, and behaviors of those most at risk to perpetrate. Efforts include community education and policy creation focused on gender equity. The RPE program includes education on several levels and awareness activities that support healthy relationships and respect. Currently, the RPE program does not have a state evaluation action plan. In compliance with the creation of a newly-required state plan, RPE will develop a team of state-level agencies that remain engaged in sexual assault prevention and require accurate assessment. The team will then steer the creation of the state evaluation action plan. FVPSA, MBCC and other state level partners will be stakeholders in creating a successful plan for the RPE program. The FVPSA and RPE managers as well as the Montana Coalition Against Domestic and Sexual Violence will

collaborate with MBCC on establishing a statewide needs assessment that will help future funding and strategic planning. With that, both program managers approved this plan and all look forward to partnering on the needs assessment. The OVW requirement of the state to consult with the RPE program and FVPSA program opened lines of communication which enabled us to partner on common issues. Additionally, the victims program at MBCC also administers the VOCA formula grant. All subgranting of STOP VAWA, SASP, and VOCA funds at MBCC occur during the same time period. There is no requirement for states to submit an annual VOCA plan but awards are made with the determination that VOCA funds will support OVW funding.

In 2010, MBCC developed the Automated Victims' Information Database (AVID) as a means to collect information about victimization and services provided to victims. AVID assists MBCC and the Department of Public Health and Human Services Child and Family Services Division (CFSD) in meeting federal reporting requirements for the STOP VAWA, Sexual Assault Services Program (SASP), Victims of Crime Act (VOCA), and the Family Violence Prevention and Services Act (FVPSA). As reporting requirements change, MBCC will consult with program managers to ensure appropriate and reasonable collection of data.

*D. Description of STOP planning activities that will occur on a regularly scheduled basis throughout the three-year period:*

Members of the VAWA Committee will meet at least twice a year after submission of this 2014 Implementation Plan to continue ongoing discussion about practices and emerging issues. Members of the committee collaborate on other projects. MBCC encourages and facilitates these collaborations, which ensures regular contact and responsive partnering in all areas.

### **Section III: Needs and Context**

*A. Data and a brief description of the state's population demographics and geographical information:*

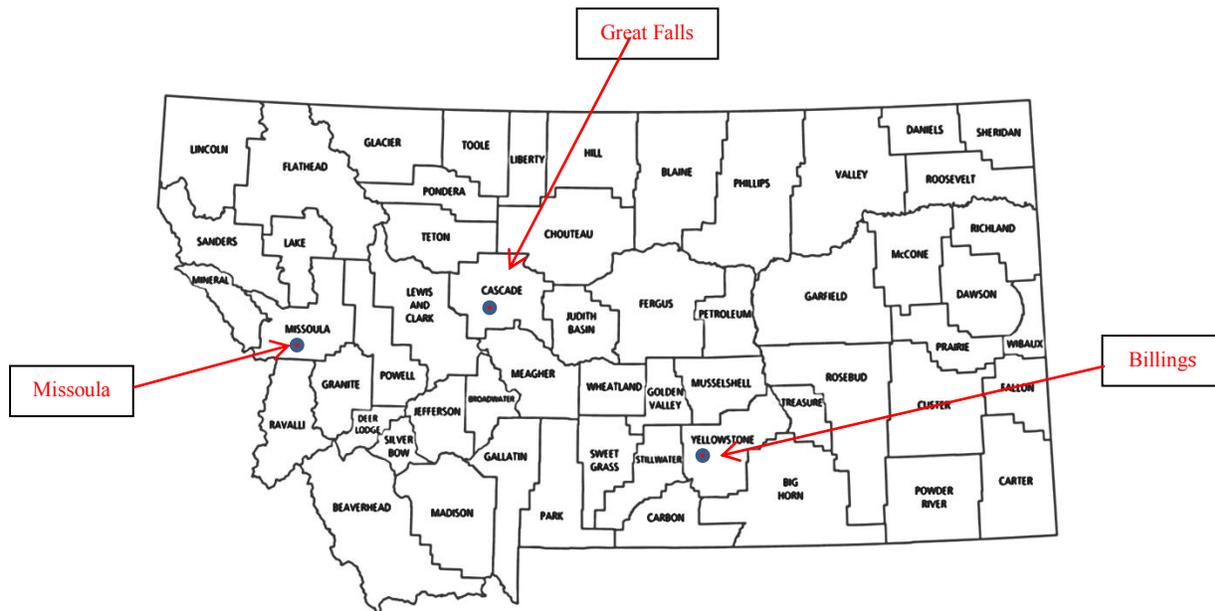
The state of Montana encompasses 145,545 square miles of rural and incorporated counties with a large portion of those in rural counties made up of an average population of 6.8 persons per acre compared to the national average of 87.4 persons per acre.<sup>1</sup> Only three cities in

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<sup>1</sup> [http://quickfacts.census.gov/qfd/meta/long\\_POP060210.htm](http://quickfacts.census.gov/qfd/meta/long_POP060210.htm)

Montana have more than 50,000 residents; the largest city in Montana is Billings with 107,000 residents followed by Missoula with 67,000 and Great Falls with 59,000. The remaining population is spread among the state’s 56 counties. The state ranks fourth in size but 44th in population, and is therefore the third lowest population density in the United States.<sup>2</sup> The fastest growing counties in Montana are Gallatin, Broadwater, and Flathead. The most populous county is Yellowstone followed by Missoula, Flathead, Gallatin and Cascade.

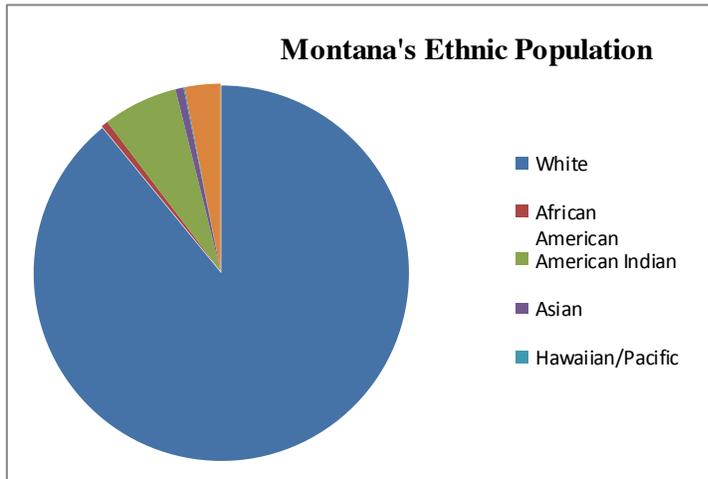
When considering services available to victims of domestic violence, sexual assault, dating violence and stalking, the sheer size of our sparsely-populated state presents challenges. Rural victims are our largest underserved population followed by Native American victims. The size of the state directly impacts the services available to victims and survivors of domestic and sexual abuse. Many victim service programs are required to serve multiple large counties. To accommodate those areas that have no victim services at all, several programs serve up to seven counties. Consequently, MBCC considers geography and location when awarding STOP funds but this dispersal of funds is limited by capacity within smaller, rural communities.



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<sup>2</sup> <http://en.wikipedia.org/wiki/Montana>

The state’s 2010 census estimates that there are currently 1,015,165 Montana residents. The state demographics show that 90% of the population consists of white non-Hispanic residents, followed by 6.5% American Indian, 3.1% Hispanic or Latino, 2.5% of two or more races, 0.7% Asian and 0.6% black or African American.<sup>3</sup> Montana has an aging population with



the largest group in the 45 to 64 year range.<sup>4</sup>

The poverty rate in Montana has remained higher than the U.S average since 1995 and higher than its surrounding states since 2000.<sup>5</sup> Accompanying the high rate of poverty is the high rate of unemployment among the poor.

Montana remains a largely agricultural state, with few manufacturing industries. The state is seeing growth in the development of oil production on the eastern side of the state into North Dakota. The Bakken Oil fields have brought thousands of workers to the area but that is accompanied by significant increases in crime and social problems.

Montana is a large state facing many barriers to offering services: low population, inclement weather and road conditions, restricted access to communication and transportation services, and limited financial resources. Because of the lack of population and industry, the economies of communities are often unable to provide many with health care, law enforcement, and social services that are desperately needed. Law enforcement officers in many rural areas are limited to two officers on duty and because of the vast landmass, response time can be hours. The geography and economic conditions in many areas can be an obstacle to public education and outreach, providing and coordinating training, and maintaining an effective and accessible network of victim services.

<sup>3</sup> <http://quickfacts.census.gov/qfd/states/30000.html>  
<sup>4</sup> <http://www.census.gov/popest/data/state/asrh/2011/SC-EST2011-02.htm>  
<sup>5</sup> <http://www.montana.edu/extensionecon/countydata/statewidereportdec2011.pdf>

*B. Demographic data on the distribution of underserved populations within the state:*

*1. Native American Women*

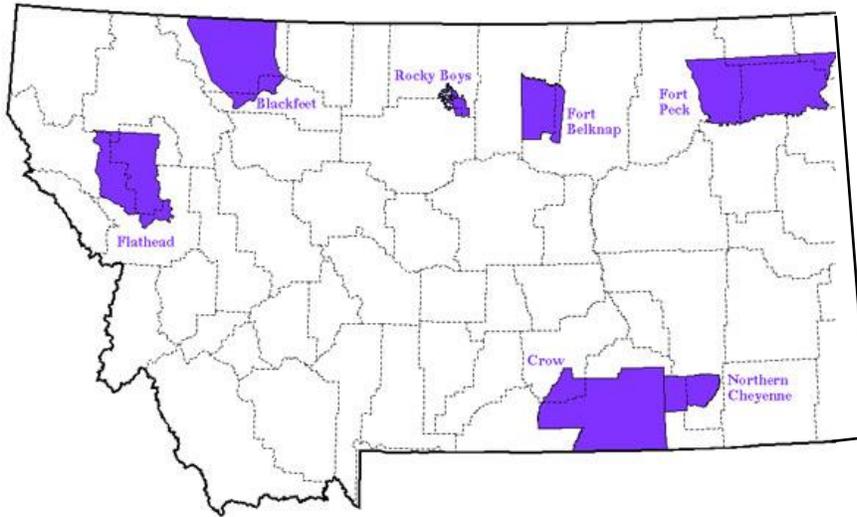
There are seven federally recognized Indian Reservations, comprising over 8,000,000 acres, in the state of Montana; each is a sovereign nation with a distinct government and legal system. A 2010 census showed that the Native American population is growing in four of Montana's seven reservations with the largest increase of 24 percent being recorded on the state's smallest reservation.<sup>6</sup>

The reservations are home to eleven Montana Indian tribes in total. Only one tribe, the Little Shell Chippewa, does not have its own reservation. The Crow Reservation is home to the Crow tribe, with nearly 10,000 members, located in south-central Montana and bordered by Wyoming. This is the state's largest reservation comprising 2.2 million acres. The Northern Cheyenne Reservation lies east of the Crow Reservation in southern Montana. It spans 444,000 acres and consists of 4,500 tribal members. The Fort Peck Reservation in northeastern Montana is home to 6,800 Assiniboine and Sioux people. The Fort Belknap Reservation is home to two tribes, the Gros Ventre and the Assiniboine, and consists of over 675,000 acres. The Rocky Boy Reservation is the smallest reservation in the state consisting of approximately 3,000 Chippewa Cree tribe members on its 130,000 acres. The Blackfeet Reservation is located in northwest Montana, encompassing 1.5 million acres near Glacier National Park. The population consists of over 10,000 American Indians, including over 8,500 enrolled Blackfeet. The Flathead Reservation is located in northwestern Montana and comprises 1.3 million acres that are home to the Confederated Salish and Kootenai tribes, a group of more than 5,000 that comprises members of the Bitterroot Salish, the Pend d'Oreille and the Kootenai tribes.<sup>7</sup> See map below for geographic location of American Indian Tribes in Montana.

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<sup>6</sup> [http://missoulian.com/news/state-and-regional/census-shows-growth-at-montana-indian-reservations/article\\_3a0abd26-593d-11e0-9460-001cc4c002e0.html](http://missoulian.com/news/state-and-regional/census-shows-growth-at-montana-indian-reservations/article_3a0abd26-593d-11e0-9460-001cc4c002e0.html)

<sup>7</sup> [http://www.ehow.com/list\\_7619609\\_indian-reservations-montana.html#ixzz2v23jidiP](http://www.ehow.com/list_7619609_indian-reservations-montana.html#ixzz2v23jidiP)



#### Montana Tribal Lands and People

- 11 Tribes, 7 Reservations
- 65,000 American Indians (~6.5% of MT total)
- 8 million acres of tribal lands (~8.6% of MT Total)

Native American women living in these areas are often physically isolated and reluctant to report abuse, a problem compounded by the unfortunate reality that it can take hours for often understaffed law enforcement agencies required to serve large geographic areas to respond. In rural and frontier areas there may be little hope of confidentiality or accountability. These factors dramatically reduce the chance that a Native American woman will report her victimization. Studies show that Native American women endure much higher levels of sexual and domestic violence than their non-Indian peers. A U.S. Department of Justice study on violence against women concluded that more than one in three American Indian and Alaska Native women will be raped, as compared to fewer than one in five of their non-Indian peers. Native women are 2.5 times more likely to be raped or sexually assaulted than American women in general.<sup>8</sup>

#### 2. *The Elderly*

Montana is experiencing a dramatic increase in the number of adults who will be 50 and older within the next 10 years, culminating in nearly a third of the overall state population by 2025. Currently, the senior population accounts for 15.7 percent of the total state population compared to 13.7 percent nationally. Some rural communities in Montana are estimated to have as much as 70% of their population over 65 within the next 10 years. Montana has an aging population with the largest group in the 45 to 64 year age range. By 2025, Montana is projected to rank no less than 5<sup>th</sup> and could be as high as 3<sup>rd</sup> in the nation in the percentage of per capita

<sup>8</sup> <http://tribalnations.mt.gov/docs/HonoringNativeWomenReport.pdf>

residents over the age of 65.<sup>9</sup> As our state population ages, our residents become vulnerable to many forms of abuse including domestic violence, sexual assault, stalking, abuse, neglect, and exploitation. Native Americans represent the culturally specific population for Montana, while our aging Montanans are our primary population-specific group.

*C. State/Territory criminal justice and court data pertaining to domestic violence, sexual assault, dating violence and stalking.*

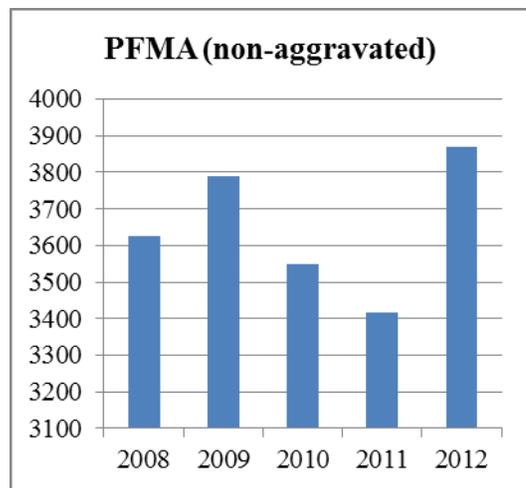
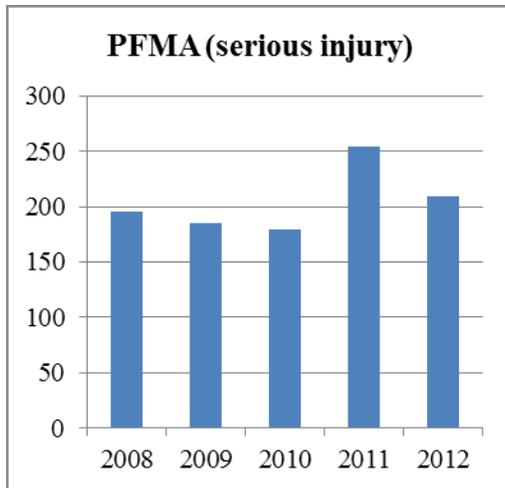
The Statistical Analysis Center (SAC), housed within the Montana Board of Crime Control, compiles and publishes the Crime in Montana report based upon crime statistics submitted by law enforcement agencies across the state. The crimes are reported to the Montana Incident Based Reporting System (MTIBRS) which is the state’s version of the FBI’s National Incident Based Reporting System (NIBRS). Below is a summary of domestic violence, sexual assault, stalking and related offenses for the past five years:

<b>Measures: Number of Offenses</b> Provided by MBCC SAC					
<b>Incident Date (10)</b>					
<b>Offense Type (02)</b>	2008	2009	2010	2011	2012
Partner or family member assault (serious injury) (0441)	196	185	179	254	209
Partner or family member assault (non-aggravated) (0828)	3,627	3,789	3,550	3,416	3,869
Sexual abuse of children (1723)	96	158	145	109	176
Sexual assault (1713)	532	499	491	447	493
Sexual intercourse without consent (0211)	317	326	318	322	333
Same-sex forcible rape (0221)	19	17	19	16	31
Sexual intercourse (forcible sodomy) w/o consent (0213)	21	18	17	20	22
Sexual intercourse (with object) w/o consent (0212)	5	12	7	10	11
Statutory rape - sexual intercourse w/o consent (1711)	36	46	39	32	50
Incest (36A)	50	42	29	41	54
Stalking (0826)	208	235	218	161	181
Violation of no-contact order (2665)	44	64	74	45	98
Violation of protective order (2673)	373	346	342	277	333
<b>TOTAL</b>	<b>5,524</b>	<b>5,737</b>	<b>5,428</b>	<b>5,150</b>	<b>5,860</b>

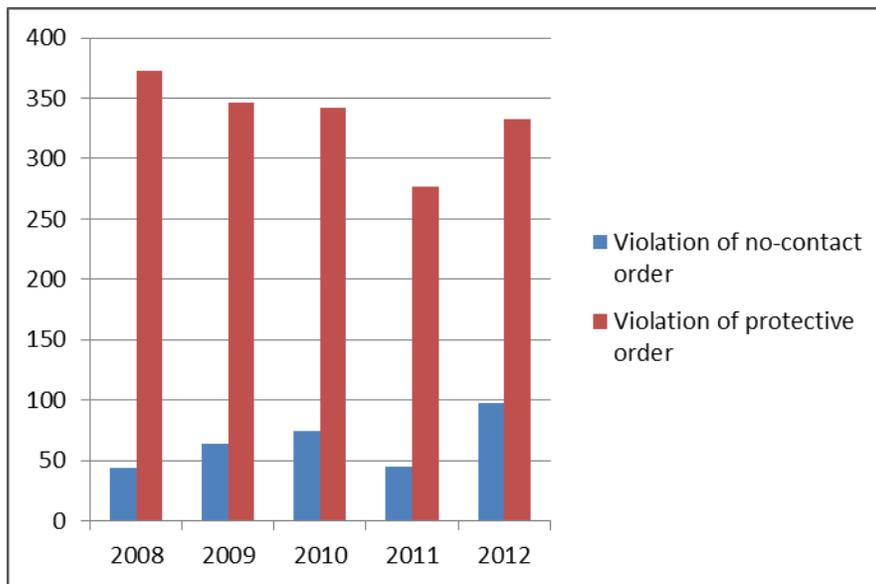
The largest increase in incidents are PFMA arrests and in Violations of Protective Orders. The two charts below show the rate of both aggravated and non-aggravated Partner Family Member

<sup>9</sup> <http://www.dphhs.mt.gov/sltc/services/aging/StatePlanAging/StatePlanFinal2011.pdf>

Assaults over the five year time period, reflecting a decrease in aggravated PFMA but a 12% increase in non-aggravated PFMA.



Also of interest is the increase in the violation rate of both No-Contact Orders and Protection Orders from 2011 to 2012:



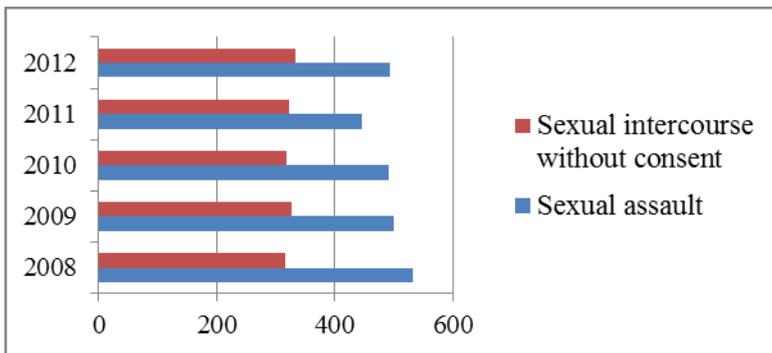
The ten-year period covering 2002 to 2011 reflects a downward trend in violent crime rates per 100,000<sup>10</sup> but a relatively unchanged occurrence of rapes as reported to law

<sup>10</sup> <http://mbcc.mt.gov/Data/publications/cim/CIM2010-11.pdf>

enforcement. The table below shows a summary of domestic violence, sexual assault, stalking and related offenses for the past five years:

<b>Violent Crime by Offense by Year</b>					
	2007	2008	2009	2010	2011
Homicide	1%	1%	1%	1%	<1%
Aggravated Assault	79%	77%	75%	79%	81%
Rape	12%	13%	13%	12%	12%
Robbery	8%	9%	11%	8%	6%

Sexual assaults in the state have remained somewhat steady over the past five years as shown below:



[Crime data reflected in these tables comes from the Montana Incident-Based Reporting System which collects information about crime victims, arrestees, offenders, and property data and the incidents and offenses committed by or against them through MBCC’s Statistical Analysis Center.]

**Section IV: Plan Priorities and Approaches**

**A. Identified Goals**

*1. Concise description of current project goals and objectives:*

Current project goals and objectives remain in place from the 2010-2012 Implementation Plan, namely to prioritize victim service programs that assist victims of domestic violence, sexual assault, dating violence and stalking. With the next round of awards to subgrants (state FY 2016 - programs will be notified of awards in June, with funds to be reimbursed by MBCC in September 2015 when federal block grant funds are received), MBCC will be fully in compliance with the Reauthorization of VAWA requirements. Four priority areas were identified in the prior plan: 1. to fund programs that provide training to law enforcement, the judiciary, and prosecutors; 2. to fund programs that enhance services to teenage female victims of sexual violence; 3. to allocate 10% of the allocated 30% of victim services to underserved populations that encompass rural and Native American populations; and 4. to fund programs that

would develop and provide statewide training on firearm prohibition for judges. In preparation for this new Implementation Plan, The VAWA Committee has selected six new priority purpose areas, discussed below.

2. *Goals and objectives for reducing domestic violence-related homicides within the state:*

Reducing domestic violence-related homicides within the state is a priority for both MBCC and the Office of Victim Services, located within the Montana Department of Justice. The Domestic Violence Fatality Review Commission (DVFRC), authorized by state statute in 2003, seeks to reduce homicides caused by family violence. The Commission is mandated to provide a biennial report to the Legislature, Attorney General, Governor and Chief Justice of the Supreme Court. Comprised of eighteen (18) multi-disciplinary experts from across the state, these dedicated volunteers study domestic violence homicides in a positive, independent, confidential and culturally appropriate and victim-sensitive manner, and make recommendations to address systemic and societal factors which unpin family violence systems and societal change. Though the Commission is not required to provide measurable goals and objectives for reducing domestic violence-related homicides—and therefore goal and objectives cannot be listed for this plan—the Commission’s report provides findings and recommendations resulting from the team’s annual review of two intimate partner homicides (IPH). The Commission has identified gaps and inadequacies in the response to domestic violence at both the local and state level, which is a critical first step in preventing future family homicides. Montana’s DVFRC has been widely praised and is considered a model for the nation.

These team reviews have successfully identified gaps because team members hear from a multitude of viewpoints, including law enforcement, doctor and hospitals, family members, coworkers, school personnel, friends of victims, shelter staff, victim advocates and others to learn more about victims, offenders, and the dynamics of domestic abuse and violence. The review teams study law enforcement reports, criminal histories, medical and autopsy records, presentence investigations, newspaper stories and criminal justice records. The reviews take place in the community where the homicide occurred. This multidisciplinary approach results in an accurate portrayal of missed opportunities, agency involvement, local and state services provided, and strategies that work. The end result of each review is the establishment of best-practices, and the implementation of more innovative and creative solutions which local and state

partners utilize in an effort to prevent future domestic violence related homicides. The program also identifies areas for future legislation, as well as tools to aid law enforcement. Other effects include expanding Montana's Crime Victim Compensation Program and the Crime Victim Notification program. Other notable outcomes from the Commission reviews include technological improvements for tribal courts, expanded information on trauma-informed care, increased/improved focus on children left behind after homicides, and better contacts between state and tribal judges. Together, these outcomes may result in fewer intimate partner homicides.

The most visible result of the Commission is the Hope Card, a wallet sized card that lets law enforcement know of a permanent Order of Protection, which is particularly helpful when a person is in a different jurisdiction. The Hope Card contains information about the person restrained under the order and any children or other individuals who are protected. In addition the Hope Card contains the respondent's photo, name, birth date, sex, race, eye and hair color, height, weight, and any distinguishing features like scars or tattoos. This compact, portable card is issued by the state of Montana and by four Tribal Courts, with the remaining three Tribal Courts scheduled to implement the program. One of the major accomplishments and outcomes of the DVFRC is the formation of the Native American Domestic Violence Fatality Review Commission which will begin their first review in the Spring of 2014 in an effort to reduce the number of Native American domestic homicides in Montana.

Since the inception of the Montana Domestic Violence Fatality Review Commission resulting from the passage of House Bill 116 in 2003, at least 112 Montanans have died in 73 intimate partner homicide events as of December 31, 2012. The most recent biennial *Report to the Legislature*, a statutory requirement, shows 48% of these deaths were homicide and suicide, 38% were homicide only, and 14% were familicide. Fatalities include 74 primary victims, 31 suicidal perpetrators, and 7 children. Male perpetrators totaled 73%, while female perpetrators totaled 27%. Firearms were used in 78% of cases, with knives used in 12% of cases.

Included in the most recent report, in 2012 there were six incidents of intimate partner homicide, tragically resulting in ten deaths. Three of these events ended with the offenders' suicides. The number of homicides decreased in 2013, to four events resulting in five deaths, although one high profile homicide in Glacier National Park received a lot of media attention. 2014 began with yet another homicide/suicide.

The commission is charged with identifying trends and making recommendations that move our state closer to zero domestic violence-related deaths. In viewing the Commission's work, the following goal and objectives have been established:

Goal: To identify trends and make recommendations at a state level that will result in keeping victims safe and reducing domestic violence-related homicides.

Objectives:

- To provide the final three tribal courts (Blackfeet, Fort Belknap and Rocky Boy) with the capacity for Hope Cards – electronic court case management systems and specialized printers.
- To continue the collaboration and joint trainings between Montana Department of Justice, the Bureau of Indian Affairs, the U.S. Attorney's Office, and the MT-WY Tribal Judges Association.
- To expand the state's Crime Victim Compensation Program to increase the reimbursement rate for funeral expenses. The \$3,500 figure has not been raised since 1995 and its limitation can place a financial burden on families of those killed in intimate partner homicides.
- To identify, train and provide financial support to members of a statewide Native American domestic violence fatality review team. To conduct at least one review of a Reservation-based death this biennium.
- To increase knowledge and use of DOJ's Limited English Proficiency language line services for domestic violence victims.
- To institute automatic referrals to Child Protective Services and a guardian ad litem or Court Appointed Special Advocate (CASE) for all children following an IPH.
- To adapt Montana's 24/7 Sobriety Program to arrests for Partner or Family Member Assault (PFMA) that include substance abuse. This would require that those free on bond and/or serving a suspended sentence be tested daily for alcohol use. A positive test would revoke the bond or suspended sentence and return the offender to jail.

For more information on the Montana Domestic Violence Fatality Review Commission, please see the latest report available here: <https://doj.mt.gov/victims/domestic-violence-fatality-review-commission/> Located on this page are links to the Biennial Reports with the most recent *2013 Report to the Legislature*.

## B. Priority Areas

1. *Narrative about the priorities or goals the state has set regarding how STOP funds will be used:*

- a. *If the state plans to address the “Crystal Judson” purpose area, include narrative on providing the required training.*

The state is not planning to address the “Crystal Judson” purpose area.

The next round of funding for VAWA in 2014 will incorporate new priority purpose areas resulting from the 2013 Reauthorization of VAWA. The VAWA Committee has identified the following goals for each priority area and accompanying objectives to achieving success in each area:

1. Training law enforcement officers, judges, other court personnel, and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of sexual assault, domestic violence, stalking, and dating violence, including the use of nonimmigrant status under subparagraphs (U) and (T) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).
  - a. Goal: To develop a training protocol.
    - i. Create a tool kit to collaborate statewide with services that are available in different communities by combining with local resources for on-site trainings.
    - ii. Create a comprehensive statewide needs assessment that will bring together the FVPSA, RPE, and Dual Coalition program managers to identify available services for victims, underserved populations, tribal needs, and existing gaps in services.
    - iii. Include probation and parole officers and dispatchers in training; involve law enforcement through advocate-led trainings, sessions at the annual Crime Prevention Conference, or regional training events.
    - iv. Address turnover in law enforcement recognizing that more consistent staffing will allow for more regular, timely trainings.
    - v. Identify other avenues to provide training. Many officers and deputies may not attend the Law Enforcement Academy where specialized

scenario-based instruction is taught. Consequently, there's a need to identify ways to deliver training to seasoned officers.

2. Developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying, classifying, and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of sexual assault, dating violence, stalking, and domestic violence.
  - a. Goal: Assess barriers and usage of sharing electronic criminal history.
    - i. Compile data from tribal courts; identify gaps in transmitting data.
    - ii. Ensure/encourage tribal access to electronic systems that can be shared through the National Crime Information Center (NCIC) and other systems in accordance with tribal codes.
    - iii. Identify ways to fund data collection systems and data repository for tribes.
3. Developing, enlarging, or strengthening victim services and legal assistance programs, including sexual assault, domestic violence, stalking, and dating violence programs, developing or improving delivery of victim services to underserved populations, providing specialized domestic violence court advocates in courts where a significant number of protection orders are granted, and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of sexual assault, dating violence, stalking, and domestic violence.
  - a. Goal: Support the new Montana Victim Advocate Academy.
  - b. Goal: Streamline data collection systems for victim service providers.
  - c. Goal: Enhance and strengthen outreach to the LGBT community.
    - i. Encourage victim service organizations to provide outreach and education to the public and community members.
    - ii. Adapt training and the language of organizational materials to ensure that resources are available and that the information provided is appropriate and helpful for underserved victims.

4. Developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women, including the crimes of sexual assault, dating violence, stalking, and domestic violence.
  - a. Goal: Assess barriers and usage of sharing electronic criminal history, e.g., NCIC.
  - b. Goal: Support the Domestic Violence Native American Fatality Review Team.
  - c. Goal: Build capacity.
    - i. Raise awareness of VAWA.
      1. Encourage and support tribes and tribal courts to implement VAWA as they build services to address violent crimes.
5. Developing, enlarging, or strengthening programs to assist law enforcement, prosecutors, courts, and others to address the needs and circumstances of older and disabled women who are victims of domestic violence, dating violence, stalking or sexual assault, including recognizing, investigating, and prosecuting instances of such violence or assault and targeting outreach and support, counseling, and other victim services to such older and disabled individuals.
  - a. Goal: Identify best practices and coordinated responses to people with disabilities and the elderly.
    - i. Educate the public about the legal system response/obligation of elder abuse reporting.
6. Developing, enlarging, or strengthening programs addressing sexual assault against men, women, and youth in correctional and detention settings.
  - a. Goal: Educate the public about the reality of rape and sexual assault against individuals in correctional and detention settings.
    - i. Prioritize youth detention settings.
  - b. Goal: Identify the extent to which allegations of sexual assault are being reported in detention and correctional settings.
    - i. Prioritize youth.
2. *General descriptions of the types of programs and projects that will be supported with STOP dollars:*

Montana's STOP funded programs are split into five different groups according to allocation categories as required by VAWA. These five groups are law enforcement, prosecution, victim services, discretionary, and courts. The subgrantees remain relatively unchanged in these categories as Montana has historically funded continuation programs in an effort to support and enhance existing services. New applicants have generally been funded in years of static or increased federal funding.

Law Enforcement: In this allocation category, applicants are police departments, sheriffs' offices, and the state's Law Enforcement Academy. The police departments and sheriffs' offices utilize VAWA funding to fund personnel who work exclusively on misdemeanor domestic violence, sexual assault and related cases. In some cases, the VAWA officer is a designated Domestic Violence Police Officer responsible for investigating violence against women crimes, sexual assaults, stalking incidents, and teen date rape. At times, the officer is also in charge of the sexual offender registrations, and tracking and verifying locations and revocation of status, if necessary. Generally, the investigator serves as a liaison between law enforcement, service organizations and the victim. These positions help facilitate cooperative efforts among all agencies involved in the complaint and investigation of crimes against women.

The Montana Law Enforcement Academy (MLEA) funds a program trainer/coordinator that oversees all aspects of domestic violence training at the academy and ensures that officers are trained in providing victim safety and offender accountability. Domestic Violence scenario training is delivered as part of the Basic Curriculum at MLEA during the Academy's 12 week intensive training course.

Prosecution: In this allocation category, applicants are Victim/Witness Assistants in County Attorneys' Offices and the state's Legal Services Association. VAWA funding supports the personnel costs of a full time Domestic Violence Prosecutor in Billings. This prosecutor only handles cases involving domestic violence, sexual assault and stalking and is responsible for all stages of prosecution of these cases to ensure victims are helped, receive justice, and offenders comply with conditions of release. The Victim Witness assistants in our county attorneys' offices work closely with victims of domestic violence, sexual assaults, stalking, and violations of protection and no contact orders. The role of a victim assistant is to provide civil legal advocacy and court accompaniment. Currently, four such programs are funded in Montana for this purpose.

Additionally, the Montana Legal Services Association receives VAWA funding for personnel costs for attorneys who provide free civil legal services to victims throughout the state. These domestic violence specialists provide legal advice and counsel, help with document preparation, provide full representation in court, and represent victims in administrative and alternative dispute resolution proceedings. These attorneys also provide services directly to the Crow and Northern Cheyenne Reservations.

Victim Services: In this allocation category, STOP funds support anywhere between ten to fifteen direct service programs for victims of domestic violence, sexual assault, and stalking. The majority of these programs run shelters in addition to providing hotline services, crisis intervention, material and financial assistance, personal advocacy, medical accompaniment, court accompaniment, counseling services, and transportation. As discussed previously, in many cases, these programs serve up to seven counties in their areas. These programs also provide education and outreach to professionals, students, volunteers, and others in their communities.

STOP funds also support a Sexual Assault Nurse Examiner program in Missoula, which is one of our larger cities. This program works with victims of sexual assault. The project provides for forensic medical exams and forensic interviewing, advanced SANE training to other medical providers in the state, and expands community outreach and education to many counties across the state and reservations.

In meeting the 10% set-aside for culturally specific programs, funding for personnel costs for an advocate enhances emergency shelter, counseling, legal assistance, transportation, basic survival skills and other services to victims in Lake County and the Flathead Reservation.

3. *A description of how the funds will be distributed across the law enforcement, prosecution, courts, victim services, and discretionary allocation categories.*

Funding provided by the STOP grant is allocated in accordance with the STOP VAWA regulations. There are five allocation categories with specified minimum percentages of the total amount allocated to the state. The law enforcement category receives a minimum of 25%, the prosecution category receives a minimum of 25%, the victim services category receives a minimum of 30%, the courts category receive a minimum of 5%, and the remaining allocation amount is in the discretionary category. In Montana, funding has for the past several years consistently followed these allocations with one exception. The discretionary category has largely been used to increase funding for victim services. The Domestic Fatality Review

Commission and SANE Training projects use only about 3% of funding in this category which allows an additional 12% of funds to boost the victim services category to approximately 42%. The intrinsic need for small, rural programs to simply keep their doors open is met through this discretionary funding.

4. *Documentation from the prosecution, law enforcement, court, and victim services program to be assisted, describing:*
  - a. *The need for the grant funds*
  - b. *The intended use of the grants*
  - c. *The expected result of the grant funds, and*
  - d. *The demographic characteristics of the population to be served including age, disability, race, ethnicity, and language background.*

These letters of documentation can be found in Appendix C.

5. *Information on the state's progress toward meeting the sexual assault set-aside:*

The 2013 Reauthorization of VAWA requires that “not less than 20 percent of the total amount granted to a state under this subchapter shall be allocated to programs or projects in 2 or more allocations that meaningfully address sexual assault, including stranger rape, acquaintance rape, alcohol or drug-facilitated rape, and rape within the context of an intimate partner relationship.” States have until March 7, 2015 to implement the sexual assault set aside. Montana’s plan is to solicit applications in the next round of funding that will specify this requirement. The current round of funding to Montana’s subgrantees will not meet this requirement as the RFPs were written prior to the release of OVW FAQs for meeting the new provisions. The state will address this new requirement in subgrantee workshop training in the summer of 2014. This will ensure that programs assess their capacity to provide sexual assault services. The majority of victim service providers in Montana are dual program providers, meaning they serve victims of both sexual assault and domestic violence. With this new requirement, the state’s programs will need to build comprehensive sexual assault services programs, rather than core services that meet basic needs. Training and education will be provided by MBCC to encourage going beyond the most immediate, pressing needs of a victim of sexual assault. The use of innovative ideas and programs that address victims holistically will be regarded as an important part of meaningfully addressing sexual assault.

The state may also meet this sexual assault set-aside by addressing PREA compliance as the Governor of Montana is unable to certify PREA compliance by May 15, 2014. A new PREA Coordinator has recently been hired by the Department of Corrections; MBCC will be working with the coordinator to determine what, if any, penalty will be applied to OVW grant funds and how potential penalties can be used to achieve the state's compliance.

6. *Subgrant listing with contact information, brief descriptions of each project, the funding allocation category under which the award was made, the type of entity to which the award was made and the statutory purpose area(s) addressed by the funded work.*

The list of subgrantees with required information can be found in Appendix D.

### **C. Grant-making Strategy**

1. *Description of how the state will give priority to areas of varying geographic size with the greatest showing of need based on the availability of existing domestic violence, dating violence, sexual assault and stalking programs:*

As noted in Section III, Montana has numerous barriers to providing adequate services to victims; these barriers are largely low population, inclement weather and road conditions, restricted access to communication and transportation services, and limited financial resources. MBCC has funded programs with the intent to cover as many areas of the state as possible. The significant lack of programs in some counties means that neighboring counties' programs are providing services outside of their immediate jurisdiction. Of the 56 counties in Montana, STOP provides funding for services in twelve (12) of these counties. While that number is only one-fifth of the state's counties, funding from the SASP grant goes to an additional three counties and funding from the Office of Victims of Crime (OVC) VOCA grant goes to over 30 counties statewide. This strategic funding through MBCC allows grant money to flow to some remote areas of the state that need services the most. However, building capacity in other remote areas is difficult without additional victim funds. There is a clear need for the state to provide general funds to support and strengthen victim programs, particularly in extremely rural areas and on tribal reservations. Lack of sufficient funding to programs is a problem. Many programs do not receive their requested amount from STOP and struggle to provide even basic services to victims.

2. *A description of how the state will determine the amount of subgrants based on the population and geographic area to be served:*

The award of subgrants is based on: 1. allocation categories; 2. number of grant applications received in each category; and 3. whether the grants are for continued funding or for new projects. Historically, the state has awarded continuation projects and then, in years when funding is increased, new projects. During the following award cycle, all attempts are made to fund existing programs at 100% of the previous year's award or more. Rarely can the state fund the entire amounts requested by programs because the need for additional funding is so great. For example, in funding the 2013 projects under STOP, the law enforcement category had five applicants who requested a total of \$467,000; MBCC awarded a total of \$225,168 in subgrants to all five applicants. In many cases, the state is limited by program availability, capacity and applications. Montana has great challenges which make equitable distribution of funds based on population and geography difficult. There are many areas where victim service programs simply don't exist. The funding that would be required to start up new shelters and victim outreach offices is significant. There are a couple of programs that run satellite offices in other towns and counties. These satellite offices generally have shorter office hours and limited staff to respond to victims. There is no quick and easy solution to provide services in all areas of the state.

3. *A description of how the state will equitably distribute monies on a geographic basis including nonurban and rural areas of various geographic sizes:*

Montana has few urban areas, as compared to most other states, which means that our funding is stretched over large rural areas. As mentioned previously, the state is so large that providing funding for every county or available program is not achievable. A strategic restructuring of services may assist in serving large geographic areas on a regional scale, rather than local scale. However, the infrastructure doesn't currently exist to support regional services, like shelters. While making services more regional might make sense geographically, absent significant funding increases it is not economically feasible. The reality is that it costs much more per victim to provide services in a rural, isolated location than it does in urban areas. The costs incurred in transporting victims long distances for shelter, court accompaniment, or other services is a barrier.

4. *Description of methods to be used for solicitation/review of proposals and selection of subgrant projects and for which sectors these methods apply:*

MBCC victim program staff release Request for Proposals (RFPs) on an annual basis. Applications must be submitted on time and with all required documents. The following items are requested:

- ✓ Signature page with original signatures
- ✓ Financial Resource Disclosure Form
- ✓ Verification for System of Award Management Registration
- ✓ Position descriptions
- ✓ Proof of non-profit status
- ✓ Letters of support
- ✓ Budget and Budget Narrative
- ✓ Project Narrative including Executive Summary, Needs Statement, Goals and Objectives, Implementation Plan, Evaluation Plan and Sustainability Plan
- ✓ Consultation with Victim Service Providers

MBCC utilizes a scoring rubric to ensure staff objectivity in reviewing applications and recommending funding. The rubric and accompanying score sheet can be found in Appendix E. Rubric scoring is used as a tool to further assist the Application Review Committee and the Board in their funding deliberations process. However, the Board reserves the right to award funds to programs they believe are the best use of STOP VAWA funds, regardless of the applicant's rubric scores. An example of the rubric is included in the RFP for transparency purposes. The rubric includes checks to ensure that the applicant is eligible to apply, addresses at least one federal purpose area, targets services to women, ensures that all costs and services are allowable, provides services at no cost to the victim, addresses a priority purpose area as determined by the VAWA Committee, and includes match (if required).

*5. A timeline for the STOP grant cycle:*

MBCC subawards STOP funds annually to grantees. The timeline for such awards follows:

- December – Release of victim program RFPs; all existing programs as well as those who have been denied, and others who have expressed interest, are sent notice of application one month prior to release. Reminders are sent out two weeks prior and then one week prior to the release. Programs are given a six week timeframe to submit applications.

- January – Victim program RFPs close; grant applications are due to the Montana Board of Crime Control.
- February through May – MBCC victim program staff review applications; staff funding recommendations are given to the Application Review Committee in early May.
- June – Crime Control Board hears recommendations from the Application Review Committee for funding. The Board approves all funding for victim programs. Decisions are final. Award packages are sent out to programs. Funding for programs is on a reimbursement basis and does not begin until the award from OVW is received in September.
- August – Subgrantee Workshop Training is provided to programs by MBCC staff; topics may include improving grant writing skills, managing a budget, general grant management, completing quarterly fiscal and narrative and annual federal reports, data management, and other topics as requested.
- September through October – MBCC victim program staff conduct monitoring site visits; desk audits are conducted throughout the year as needed, and full audits may occur at any time throughout the year.
- October through December – MBCC staff complete annual progress and closeout reports.

6. *Whether STOP subgrant projects will be funded on a multiple or single-year basis:*  
STOP subgrants will continue to be funded on a single-year basis until state funding is available to cover the gap in funding.

7. *A description of how the state will ensure that any subgrantees will consult with victim service providers during the course of developing their grant applications in order to ensure that the proposed activities are designed to promote the safety, confidentiality, and economic independence of victims.*

Prosecution, Law Enforcement and Court based applicants are required to consult with state or local victim service programs during the course of developing their grant applications in order to ensure that the proposed services, activities and equipment acquisitions are designed to promote the safety, confidentiality and economic independence of victims of domestic violence, sexual assault, stalking and dating violence. Subgrantees work on multidisciplinary teams to provide effective coordinated community response to victims; these MDTs include victim

service providers in their communities. These applicants must submit certification that they have coordinated with victim programs and that certification is maintained in MBCC grant files.

#### **D. Addressing the Needs of Underserved Victims**

##### *1. Description of how the state will recognize and address the needs of underserved populations as defined by the Violence Against Women Act (VAWA) 2013.*

With the 2013 Reauthorization of VAWA, the definition of “underserved populations” now includes those who are underserved because of sexual orientation, gender identity and religion. Using the established and expanded definitions, Montana’s Native Americans are identified as “culturally specific” populations and as “underserved” because they face barriers to services including limited programs, funding, and infrastructure in rural, isolated areas such as reservations. As noted in Section III, Native Americans are the largest racial group in Montana following white, non-Hispanics at 6.5% of the population. With the new definitions, Montana’s elderly, rural, and disabled can be considered “population specific” and those residents who are LGBTQ, and those who are deaf, among many other groups, are now considered “underserved populations”; this is defined as “populations who face barriers in accessing and using victim services, and includes populations underserved because of geographic location, religion, sexual orientation, gender identity, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General or by the Secretary of Health and Human Services, as appropriate.”<sup>11</sup> Montana’s victim service programs strive to provide services to every person seeking help regardless of race, gender, age, sexual orientation, disability or other minority group.

In an effort to reach LGBTQ victims, MBCC will provide training and examples of gender neutral posters, brochures, intake forms, etc. to requesting programs in order to provide an appropriate and welcoming environment in shelters and offices for victim services. This will accompany new and appropriate Office of Civil Rights training as required by federal guidelines.

As discussed above, Montana has a large number of elderly citizens and that demographic is expected to increase. Consequently, MBCC recently applied for an OVW grant to provide enhanced training and services to adults in later life. This grant opportunity will

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<sup>11</sup> [http://also-chicago.org/sites/default/files/2014\\_STOP\\_IP\\_TOOL\\_2\\_26\\_2014\\_FINAL.pdf](http://also-chicago.org/sites/default/files/2014_STOP_IP_TOOL_2_26_2014_FINAL.pdf)

provide specialized, focused training to law enforcement agencies, courts, prosecutors and victim service providers in an attempt to eliminate elder abuse, neglect and exploitation in Montana. Current existing training and educational programs available for those working with senior victims are underfunded throughout the state. A critical part of the application process for this grant included the signing of an MOU by all partners and the submission of Letters of Commitment to attend training. MBCC received commitments from police departments and sheriff's offices in nine different cities across the state – reaching almost 80% of uniformed, sworn officers. MBCC also received commitments from more than 200 victim advocates across the state to attend training. This significant response is evidence of substantial interest and need. If MBCC were awarded a grant, we could expect an even greater response from our partners.

*2. Specifics on how the state plans to meet the set aside for culturally specific community based organizations.*

The set aside of 10% from the Victim Services allocation category is met by awarding funds to programs that assist Native Americans in counties near or on reservations. These programs are generally the only shelter and 24 hour crisis response for sexual assault, domestic violence, and stalking victims in these isolated areas. These programs promote collaboration and partnership with local agencies, particularly those who work with Native American victims. MBCC ensures that one of the priority areas for the VAWA Committee - that of developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women - is addressed in the program's application. Meeting the set aside for culturally specific community based organizations has not been a problem.

*3. A description of how the state will ensure that monies set aside to fund culturally specific services and activities for underserved populations are distributed equitably among those populations.*

MBCC staff and the VAWA Committee recognize the need to quantify “culturally specific” and “underserved” populations in order to equitably distribute funds for victim services. Conducting a comprehensive needs assessment in collaboration with FVPSA, RPE, and the Coalition Against Domestic and Sexual Violence will help identify who these populations are, where they are located, what services are available, and any gaps in service. Once the needs assessment is conducted and the results are analyzed, the VAWA Committee will reexamine priority areas to determine the best use of STOP funds across the state. This

Implementation Plan serves as a planning tool and as such, it is understood that this is a fluid document which will be updated annually as changes occur. Potential changes to the plan include addressing populations who are not currently identified as underserved.

4. *Specific information as to which subgrantees meet the required 10% set aside for culturally specific organizations within the victim services allocation.*

Safe Harbor, Inc. is a nonprofit agency that provides emergency shelter and crisis intervention services to victims on the Flathead Reservation, and in Lake, Sanders, Mineral and Missoula counties. Safe Harbor has received OVW STOP funding for many years and is consistently one of MBCC's top subgrantees in completing quarterly fiscal and narrative reports, annual federal reports, and submission of grant applications. Safe Harbor is located on the Flathead Reservation and the majority of their clients are Native Americans. Safe Harbor is actively involved in ensuring their clients receive services that are culturally appropriate and has a Memorandum of Understanding in place with the CSKT tribe to provide shelter to Native American victims. Members on staff and of Safe Harbor's Board are Native Americans as well. Please see Appendix F for Safe Harbor's Tribal Outlook.

5. *Specific information on how administrative set-aside will be used.*

MBCC will use the allowed 10% for administrative purposes. Administrative funds will be used to pay for the program manager, accountant and administrative support; travel for on-site monitoring; travel and related expenses for the VAWA Subcommittee; data collection from programs; supplies and equipment; and general operating expenses related to the administration of the grant.

## **Section V: Conclusion**

The Montana Board of Crime Control is the State Administering Agency established to promote community justice and public safety, crime prevention and victim assistance. Through collaborations with state and local agencies and nonprofits, MBCC will continue to fund more than 60 victim service programs across the state through the use of STOP VAWA, SASP, and VOCA federal funds. The VAWA Committee recommends that 2014-2017 STOP VAWA funds be used to support the following six priority purpose areas:

1. Training law enforcement officers, judges, prosecutors and courts.
2. Develop, install or expand data collection and communication systems.

3. Develop, enlarge or strengthen victim service programs for the underserved.
4. Develop, enlarge or strengthen programs addressing the needs of Indian tribes.
5. Develop, enlarge or strengthen programs addressing the elderly and disabled.
6. Develop, enlarge or strengthen sexual assault programs in correctional settings.

The goal of this Implementation Plan is to guide the VAWA Committee to fund core services across the state while supporting innovative programs addressing the needs of rural, underserved, and culturally specific populations, sexual assault, and PREA compliance all while promoting the safety, confidentiality, and economic independence of victims in Montana.