



## OFFICE OF RACIAL EQUITY AND SOCIAL JUSTICE


Marc Elrich  
County Executive

Tiffany Ward  
Director and Chief Equity Officer

### MEMORANDUM

November 5, 2024

To: Jennifer Bryant, Director  
Office of Management and Budget

From: Tiffany Ward, Director  
Office of Racial Equity and Social Justice 

Re: Racial Equity Impact Assessment (REIA) for Supplemental Appropriation (SA) #25-10 FY25 Operating Budget, Maryland Governor's Office of Crime Prevention and Policy (GOCPP), Competitive Victims of Crime Act (VOCA) Award, \$466,602

- I. **FINDING:** The Office of Racial Equity and Social Justice (ORESJ) finds that *Supplemental Appropriation #25-10 FY25 Operating Budget, Maryland Governor's Office of Crime Prevention and Policy (GOCPP), Competitive Victims of Crime Act (VOCA) Award* has the potential to advance equitable outcomes for Black, Indigenous, or People of Color (BIPOC) – particularly those who are Spanish-speakers – residing in Montgomery County as the funds are used to support the County's Victim Assistance Program through the Montgomery County State's Attorney's Office. As the sole funding source of the grant is generated from fees collected from offenders convicted of Federal crimes<sup>1</sup>, it is worth noting that the burden of financing VOCA falls primarily at the feet of low-income BIPOC individuals who are disproportionately overrepresented in the criminal justice system.
- II. **BACKGROUND:** *Supplemental Appropriation #25-10 FY25 Operating Budget, Maryland GOCPP, Competitive VOCA Award* aims to fund enhancements to the Montgomery County State's Attorney's Office's (MCSAO) Victim/Witness Unit by continuing funding for existing grant staff. The Victim/Witness Unit within the MCSAO provides services to victims and survivors of crime such as assistance navigating the circuit court system,

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<sup>1</sup> <https://gocpp.maryland.gov/grants/programs/voca/>

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reducing gaps in service, and coordinating with partner agencies. Grant funds will be used to enhance direct services to victims through the MCSAO Victim/Witness Unit by maintaining the unit's four existing Spanish-speaking Adult Circuit Court Victim/Witness Coordinators (VWC) and one Spanish-speaking Adult Circuit Court Victim Service Specialist (VSS) while also extending the contract of its four existing Victim Assistants.

In maintaining its bilingual staff, the MCSAO Victim/Witness Unit will be able to address increases in caseloads, providing greater support for victims of crime throughout the judicial process. Specifically, the MCSAO will improve its capacity to receive, access, process, interpret, and more efficiently obtain testimonial evidence while providing more services to victims and witnesses. By alleviating excessive caseloads from existing staff, internal data has shown that the MCSAO Victim/Witness Unit has been able to focus efforts on providing direct services to victims and underserved populations, including the high number of cases involving Spanish-speaking victims, ensuring timeliness and accuracy in which cases are processed—having directly reduced rates of re-victimization.

**III. ANALYSIS:** Many persons who are Limited English Proficient (LEP) fear the police and go to great lengths to avoid contact with them.<sup>2</sup> This is particularly the case as the current and increasingly hostile political environment—where immigrants' legal status is a prominent issue of national debate—has led to more and more immigrants abstaining from public services and avoiding government institutions.<sup>3</sup> Programs such as the MCSAO Victim/Witness Unit have the ability to help bridge gaps between these vulnerable communities and the government—with culturally competent staff being able to provide Spanish-speaking victims and witnesses with more time, attention, support, and rehabilitative services. It is for these reasons that ORESJ finds that this supplemental request for continued funding for the MCSAO Victim/Witness Unit has the ability to advance equitable outcomes for BIPOC communities in Montgomery County.

Program data, including demographics on recipients of services provided by the MCSAO Victim/Witness Unit, did not accompany this supplemental request. However, the inclusion of this information could highlight potential areas for improvement within the program. The supplemental request and grant primarily focus on meeting the needs of Spanish speakers—the largest LEP demographic in Montgomery County. As such, grant funds chiefly support Spanish-speaking coordinators and specialists to meet the needs of these victims and witnesses. Considering the breadth of diversity in Montgomery County, the MCSAO Victim/Witness Unit could work towards meeting the language needs of other LEP residents as other racial and ethnic groups within the county – particularly those identified as Asian – also represent a high number of residents with LEP.

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<sup>2</sup> [https://www.lep.gov/sites/lep/files/resources/vera\\_translating\\_justice\\_final.pdf](https://www.lep.gov/sites/lep/files/resources/vera_translating_justice_final.pdf)

<sup>3</sup> Ibid.

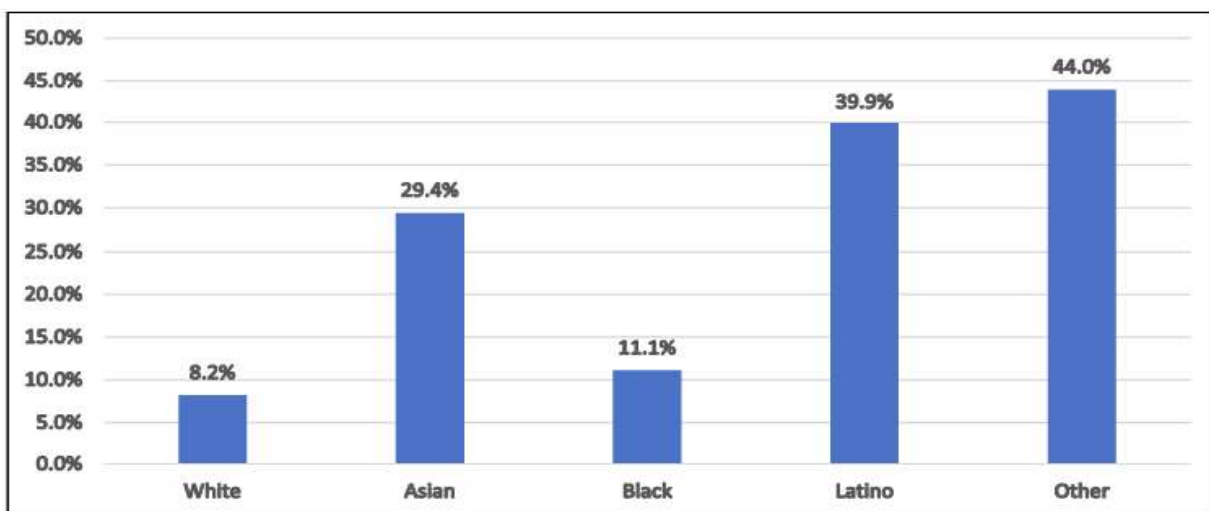
Racial Equity Impact Assessment (REIA) Supplemental Appropriation #25-10 FY25 Operating Budget, Maryland Governor's Office of Crime Prevention and Policy, Competitive Victims of Crime Act Award

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**SPEAKS ENGLISH "LESS THAN WELL"**

Year	Racial/Ethnic Group	Montgomery County	Maryland	United States
<b>2019</b>	White	8.2%	3.7%	5.7%
	Asian	29.4%	28.8%	30.9%
	Black	11.1%	3.1%	3.2%
	Latino	39.9%	39.9%	28.4%
	Other	44.0%	44.0%	32.4%



Year	Demographic Characteristics in Montgomery County
<b>2019</b>	<b>Asians</b> were around <b>3.5 times (358%)</b> as likely as Whites to speak English 'less than well'.
	<b>Blacks</b> were nearly <b>1.5 times (135%)</b> as Whites to speak English 'less than well.'
	<b>Latinos</b> were nearly <b>5 times (486%)</b> as likely as Whites to speak English 'less than well'.
	<b>Others</b> were over <b>5 times (536%)</b> as likely as Whites to speak English 'less than well'.

**Source:** American Community Survey

Jupiter Independent Research Group. *Racial Equity Profile Update: Montgomery County*. April 2023.

In addition to expanding the program to support bilingual coordinators and specialists who speak languages outside of Spanish, it is important to consider the source of VOCA funds and work to ensure that the BIPOC, immigrant, and low-income communities intended to greatly benefit from services and resources provided by the MCSAO Victim/Witness Unit do not experience undue burden as potential financiers of the program. As previously noted, the sole funding source of the VOCA grant is generated from fees collected from offenders convicted of Federal crimes—with millions of dollars being deposited into this

Fund each year coming from criminal fines, forfeited bail bonds, penalty fees, and special assessments collected by U.S. Attorney's Offices, U.S. Courts, and the Bureau of Prisons<sup>4</sup>.

Due to structural and systemic factors, the burden of financing VOCA falls primarily at the feet of low-income BIPOC individuals who are disproportionately overrepresented in the criminal justice system. After the Civil War and during the Jim Crow era, Southern carceral systems used fines and fees to oppress Black families.<sup>5</sup> While the current system of fines and fees does not explicitly seek to penalize low-income BIPOC communities, the data is clear in that Black and Latinx defendants experience higher rates of pre-trial detention and financial conditions of release imposed on them compared to other demographic groups.<sup>6</sup> Even when set at a relatively low amount, many defendants cannot afford bail and, as a result, remain jailed for the duration of their case. Additionally, when people are convicted of an offense, the costs to them and their families continue to accumulate with the vast majority of sentences, including fines, fees, or both, even in cases where jail or prison time is also imposed.<sup>7</sup> As a result, individuals, and oftentimes their families:

- give up necessities like rent, food, medical bills, car payments, and child support in order to pay down their court debt;
- were jailed for failure to pay court debt;
- used payday loans to cover court debt;
- committed a crime to pay off court debt;
- were turned down for a diversion program like drug court because they could not afford it; and
- received money or food assistance from a faith-based charity or church that they would not have had to request if it were not for their court debt.<sup>8</sup>

While VOCA funding will continue to ensure that low-income, BIPOC victims and witnesses of crime – particularly Spanish speakers – will have access to culturally responsive services and supports, it is imperative that the MCSAO Victim/Witness Unit works to ensure that the program meets the diverse language needs of all county residents. Additionally, ORESJ also recommends the SAO consider the source of funding and work to ensure that undue burden is not placed on these already marginalized communities. For reasons highlighted above, noting the financial toll fines and fees placed on BIPOC, low-income individuals, and families, the victim-offender overlap may also burden beneficiaries of the MCSAO Victim/Witness Unit as they could eventually become funders for VOCA.

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<sup>4</sup> <https://gocpp.maryland.gov/grants/programs/voca/>

<sup>5</sup> <https://www.urban.org/urban-wire/how-do-fines-and-fees-affect-families-well-being>

<sup>6</sup> <https://www.usccr.gov/news/2022/us-commission-civil-rights-releases-report-civil-rights-implications-cash-bail>

<sup>7</sup> <https://vera-institute.files.svdcdn.com/production/downloads/publications/past-due-costs-consequences-charging-for-justice-new-orleans.pdf>

<sup>8</sup> <https://www.ncsl.org/civil-and-criminal-justice/assessing-fines-and-fees-in-the-criminal-justice-system>

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Statistics show that being an individual who has committed violent crimes correlates with an elevated risk of later becoming a victim of violent crime in addition to violent crime victims being shown to be more likely than others to later engage in violence.<sup>9</sup> As such, if preventative measures are not put in place, those intended to be helped by the MCSAO Victim/Witness Unit could later become perpetrators of criminal activity, accruing fees that ultimately go towards funding the grant.

cc: John McCarthy, State's Attorney for Montgomery County  
Tricia Swanson, Director, Strategic Partnerships, Office of the County Executive

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<sup>9</sup> <https://nij.ojp.gov/topics/articles/overlap-between-those-committing-offenses-who-also-are-victims-one-class-crime>