Crime Victims Fundamentals

Victims of Crime Act (VOCA)
What is the Crime Victims Fund?

- Created in 1984 as dedicated revenue source for the Victims of Crime Act (VOCA) to support state victim assistance and crime victim compensation.
- “special account,” separate, self-sufficient, mandatory spending account.
- Only Federal funding dedicated solely to supporting services to victims of all types of crimes.
- Paid entirely by Federal criminal offenders, Not by taxpayers!!!

Doesn’t add to debt or deficit
Revenues - Source of Deposits

- Offender-based revenues:
  - Criminal Fines
  - Special Assessments
  - Forfeited Appearance Bonds
  - “Son of Sam” proceeds
  - Federal inmate care fees, court orders, miscellaneous

- Private Gifts, donations, bequests

- Some exceptions:
  - Environmental (Endangered Species, Lacey Act, navigable waters)
  - Miscellaneous (Railroad unemployment insurance, postal fund, county school funds)
Crime Victims Fund Deposits/Caps

1985-2016 = $28 Billion
Crime Victims Fund Deposits/Caps

1985-2015 = $26.6 Billion
Crime Victims Fund Opening Balance

$1.5 Billion rescinded


985 1,262 1,269 1,239 1,000 1,212 1,261 1,285 1,678 1,984

3,095 4,752 6,046 8,186 8,954 11,792 12,080 10,038

$1.5 Billion

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Where the Money Goes...

VOCA Authorized Programs

□ Under the cap
- Children’s Justice Act ($20m)
- U.S. Attorneys’ Victim/Witness Coordinators ($20-$30m)
- FBI Victim Assistance Specialists ($16-$26m)
- Federal Victim Notification System ($4-$5m)
- OVC Discretionary Grants ($113-$125m)
- State Crime Victim Compensation Formula Grants ($137-$165m)
- State Victim Assistance Formula Grants ($445m-$2.2b)

□ Above the cap
- Antiterrorism Emergency Reserve (up to $50m)

Other Costs
- OJP Management and Administration (M&A) – since 2012 ($50-$78m)
- Office of Inspector General – 2015, 2016 ($10m)
- Transfer to VAWA – 2016 ($379m)
State VOCA Assistance Grants

- Of the amount available:
  - 56 jurisdictions.
  - Base amount
    - Each state, DC, PR and VI = $500,000.
    - American Samoa, Guam, Northern Marina Islands = $200,000.
  - Remainder distributed on population.
- For each grant, year of grant plus 3 years.
- State discretion to select subgrantees and amount
VOCA Assistance Rule

- Effective August 8, 2016
VOCA State Grant Requirements

- Governor designates State Admin. Agency
- “Priority” (10%) given to eligible crime victim assistance programs providing assistance to victims of:
  - sexual assault
  - spousal abuse *(includes domestic and intimate partner violence)*
  - child abuse
- Make funds available (10%) for previously underserved victims of violent crime by crime type and/or by victim demographic characteristics other than “priority” groups.
- Non-supplantation of State or local *public* funds.
- Only for direct victim services, except States *may* retain up to 5% for administration and training.
VOCA Funding, by Crime Type

FY 2013

Domestic Violence 147,022,506 40%
Child Abuse (Physical and Sexual) 79,983,690 22%
DUI/DWI Crashes 5,029,071 1%
Other 25,638,589 7%
Assault 13,921,258 4%
Robbery 6,768,041 2%
Survivors of Homicide Victims 9,556,396 3%
Adults Molested As Children 7,455,706 2%
Elder Abuse 7,862,093 2%
Adult Sexual Assault 61,567,135 17%
Agency Types by Amount

FY 2011

- Non-Profit: 72%
- CJS: 22%
- Non-CJS: 5%
- Tribal: 1%
- Other: 1%
- Law Enf: 5%
- Prosecution: 14%
- Court: 1%
- Other: 1%
- Corrections: <1%
- Probation: <1%
Subgrantee Requirements

Statutory Eligibility Requirements
☐ Public or nonprofit agency.
☐ Have non-VOCA financial support (new/existing program).
☐ Use volunteers (unless waived for compelling reasons).
☐ Promote coordination of victim services within its community.
☐ Assist victims seeking crime victim compensation benefits.
☐ Does not discriminate against victims who disagree with the way the State is prosecuting the case.

Administrative Requirements
☐ Serve victims of Federal crimes.
☐ Match 20% of total project cost [except Native American projects].
☐ Confidentiality
VOCA Subgrants – Direct Services

(1) respond to the *emotional and physical needs* of crime victims;
(2) assist primary and secondary victims of crime to *stabilize their lives* after a victimization;
(3) assist victims to understand and participate in the *criminal justice system*; and
(4) provide victims of crime with a measure of *safety* and security such as boarding up broken windows and replacing or repairing locks.
Allowable direct services

- Immediate emotional, psychological, and physical health and safety
  - Crisis intervention
  - Accompaniment
  - Hotline counseling
  - Safety Planning
  - Emergency food, shelter, clothing and transportation
  - Short-term in-home care and supervision
  - Window, door or lock replacement and other safety repairs

- Emergency (48 hours) prescription/non-prescription medicine to prevent HIV/AIDS or other infectious disease, durable medical equipment or healthcare items.
Allowable direct services

- Personal advocacy, emotional support; case management
- Mental health counseling and care
- Peer-support
- Facilitate participation in criminal justice and other public proceedings arising from a crime
  - Advocacy
  - Accompaniment
  - Transportation, meals and lodging
  - Interpretations
  - Child and respite care
  - Notifications
  - Victim Impact Statement assistance
  - Property recovery assistance
  - Restitution assistance
Allowable Services/Activities

- Broadened emergency civil legal assistance
- Broadened forensic medical evidence collection examination.
- Forensic interviews
- Transportation
- Public Awareness
- Transitional housing
- Relocation
- Removed restriction on assistance to incarcerated individuals
- Coordination of activities
- Supervision of direct service providers
- Multisystem, interagency, multidisciplinary response.
- Contracts for professional services
- Automated systems and technology
- Restorative justice
Emergency Civil Legal Assistance

- Consistent with OVW Legal Assistance for Victims.
- Must be reasonably necessary as a direct result of the victimization.
- Examples:
  - Protective/restraining orders, campus administrative protection/stay-away orders;
  - Family, custody, contract, housing, and dependency matters, particularly for victims of intimate partner violence, child abuse, sexual assault, elder abuse, and human trafficking;
  - Immigration assistance for victims of human trafficking, sexual assault, and domestic violence;
  - Intervention with creditors, law enforcement (e.g., to obtain police reports), and other entities on behalf of victims of identity theft and financial fraud;
  - Intervention with administrative agencies, schools/colleges, tribal entities, and other circumstances where legal advice or intervention would assist in addressing the consequences of a person’s victimization.

- Unallowable – criminal defense and tort lawsuits
Allowable costs

- Personnel costs for direct services
- Skills training for staff
- Training related travel
- Organizational expenses
- Equipment and furniture
- Operating costs
- VOCA administrative time
- Leasing or purchasing vehicles
- Maintenance, repair or replacement of essential items
- Project evaluation
- Indirect costs
Unallowable costs

☐ Lobbying
☐ Research and studies
☐ Active investigation and prosecution of criminal activities
☐ Fundraising
☐ Capital expenses
☐ Victim compensation
☐ Medical care
☐ Management salaries and expenses
VOCA-funded services allowable only to the extent they meet the needs of the victim as it relates to the victimization – **not** to support services for pre-existing conditions or conditions not directly related to a criminal victimization.

VOCA-funds may not supplant existing public funds (to deliberately reduce State or local funds because of the Federal funds).

Although police report not required, expect a reasonable assessment that services relate to a crime and that responders would intervene in same manner as other crimes.

Inappropriate for victim service agencies to investigate crimes.

Difference between criminal behavior by primary caretaker and situations where individuals and caretakers are not able to provide for an incapacitated elderly adult.
<table>
<thead>
<tr>
<th>State</th>
<th>VOCA Administrative Agency</th>
<th>Phone</th>
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<tbody>
<tr>
<td>Alabama</td>
<td>Department of Economic and Community Affairs</td>
<td>334-353-3252</td>
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<tr>
<td>Alaska</td>
<td>Council on Domestic Violence and Sexual Assault</td>
<td>907-465-4356</td>
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<tr>
<td>Arkansas</td>
<td>Department of Finance and Administration</td>
<td>501-683-1685</td>
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<tr>
<td>California</td>
<td>Office of Emergency Services</td>
<td>916-324-9100</td>
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<tr>
<td>Colorado</td>
<td>Department of Public Safety</td>
<td>303-239-5703</td>
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<tr>
<td>Connecticut</td>
<td>Office of Victim Services</td>
<td>860-263-2760</td>
</tr>
<tr>
<td>Delaware</td>
<td>Criminal Justice Council</td>
<td>302-577-5030</td>
</tr>
<tr>
<td>District of</td>
<td>Executive Office of the Mayor, Office of Victim Services</td>
<td>202-727-3934</td>
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Contact Info

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