
Victims of Crime Act (VOCA)

Crime Victims Fundamentals

Steve Derene
Executive Director
National Association of VOCA Assistance Administrators

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.

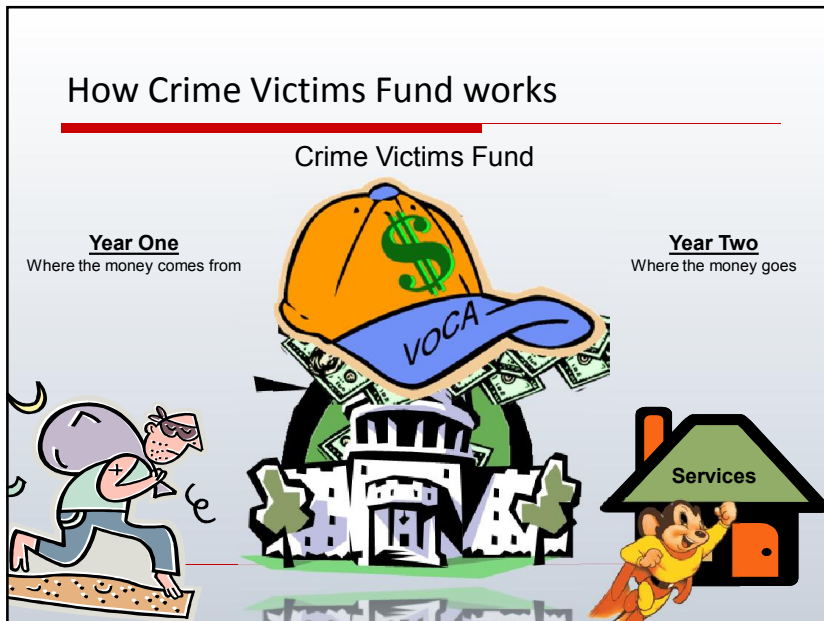


Not by taxpayers!!!

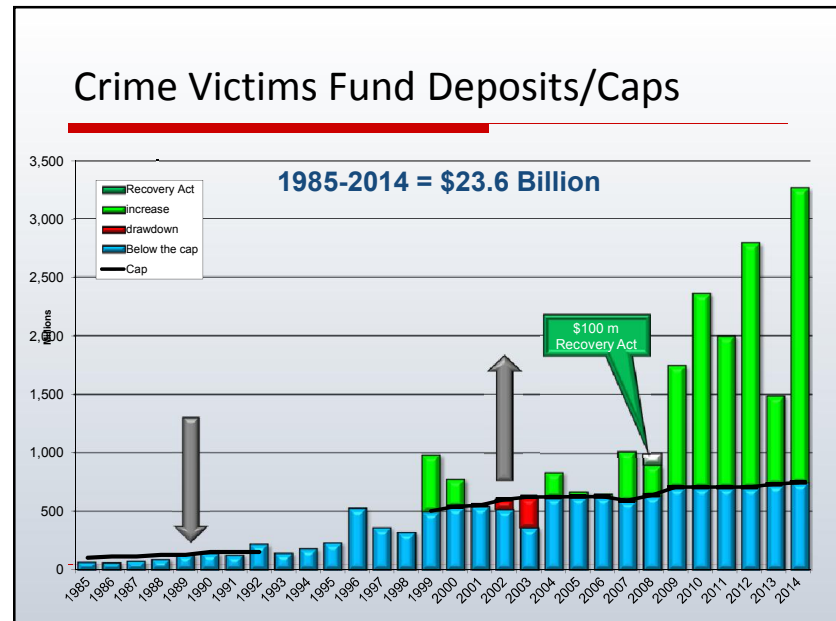
Doesn't add to debt or deficit



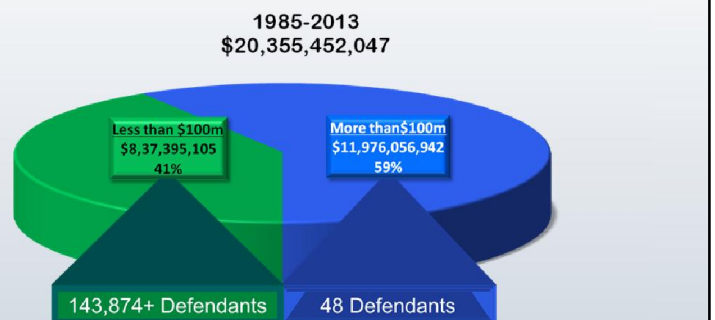
How Crime Victims Fund works



Crime Victims Fund Deposits/Caps



Who's paid into the Fund . . .



*Source: U.S. Sentencing Commission, 1996-2012

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:
 - Tribal courts/Court of Indian Offenses
 - District of Columbia laws
 - Code of Military Justice
 - Environmental (Endangered Species, Lacey Act, navigable waters)
 - Miscellaneous (Railroad unemployment insurance, postal fund, county school funds)

Where the money goes. . .

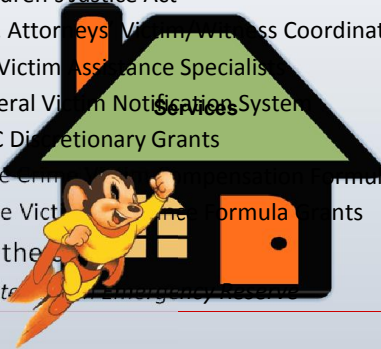
VOCA Statutorily Authorized Programs

Under the cap

- Children's Justice Act
- U.S. Attorneys' Victim/Witness Coordinators
- FBI Victim Assistance Specialists
- Federal Victim Notification System
- OVC Discretionary Grants
- State Crime Victim Formula Grants
- State Victim Compensation Formula Grants

Above the cap

- Antiterrorism



VOCA 2014 Allocations

		<u>M&A</u>	
<u>Under the cap</u>	745,000,000	57,705,752 (7.9%)	687,294,248
■ Children's Justice Act	19,985,988	-0- (0.0%)	19,985,988
■ U.S. Atty's Victim/Witness Coordinators	23,759,913	-1,859,913 (-7.9%)	21,900,000
■ FBI Victim Assistance Specialists	17,904,713	-1,404,713 (-7.9%)	16,500,000
■ Federal Victim Notification System	4,879,744	-379,744 (-7.9%)	4,500,000
<u>Of amounts remaining:</u>	678,469,642		
■ OVC Discretionary Grants – 5% of balance	33,922,482	-2,703,125 (-7.9%)	31,220,357
■ State Compensation Grants			
• 47.5% of balance = \$322.3 million			
• \$230 million state-funded benefits x 60%	137,398,000	-0- (0.0%)	137,398,000
■ State Victim Assistance Grants			
• 47.5% of balance = \$322.3 million plus			
• compensation rollover \$133.5 million	507,148,160	-51,358,258 (-15.9%)	455,789,902
<u>Above the cap</u>			
Antiterrorism Emergency Reserve – up to 5% after other allocations.			

OVC FY 2014 Tribal Assistance Grants

Grant Program	Amount
CTAS PA 6/ Children's Justice Act Partnership for Indian Communities	\$2,681,149
OVC Discretionary Grants	
CTAS PA 7/ Comprehensive Tribal Victim Assistance Programs	3,415,236
Federal International and Tribal Non-Competitive Grants	1,199,739
Vision 21 Tribal Community Wellness Centers	1,968,976
	\$6,583,951
State Victim Assistance Formula Grants (FY 2011)	2,503,598
	\$11,768,698

Compensation vs Assistance

State Crime Victim Compensation

- State programs that reimburse *individual crime victims* for certain out-of-pocket costs, such as medical expenses, mental health counseling, lost wages/support, burial/funeral costs.

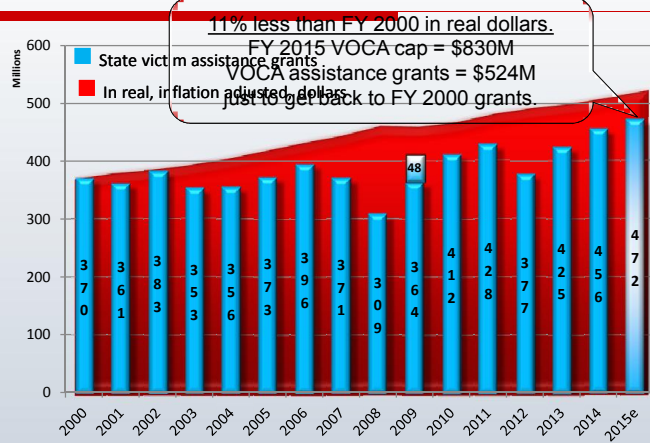


VOCA Victim Assistance

- Funds *agencies* that provide direct services to victims of all types of crimes, including emergency shelter, criminal justice support, advocacy, and crisis intervention.



VOCA Assistance Grants vs. Inflation



Fewer Victims Served

Type of Crime	2007	2012	Difference	Percent
Child Physical Abuse	182,298	182,775	477	0.3
Child Sexual Abuse	406,820	374,165	-32,655	-8.0
DUI/DWI Crashes	85,326	61,424	-23,902	-28.0
Domestic Violence	1,859,912	1,683,750	-176,162	-9.5
Adult Sexual Assault	237,047	205,963	-31,084	-13.1
Elder Abuse	69,782	37,274	-32,508	-46.6
Adults Molested As Children	92,946	60,009	-32,937	-35.4
Survivors of Homicide Victims	115,813	79,719	-36,094	-31.2
Robbery	179,216	176,719	-2,497	-1.4
Assault	313,847	300,526	-13,321	-4.2
Other	573,641	324,331	-249,310	-43.5
TOTAL	4,116,648	3,486,655	-629,993	-15.3

Source: FY 2007 and 2012 OVC National Performance Reports

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
 - Year of award plus 3 years.
-

VOCA Grant Requirements

- Governor designates State Admin. Agency
 - Certifies priority to:
 - eligible crime victim assistance programs providing assistance to victims of
 - sexual assault
 - spousal abuse
 - child abuse
 - previously underserved populations of victims of violent crime.
 - Priority means 10% of each grant.
-

State Funding

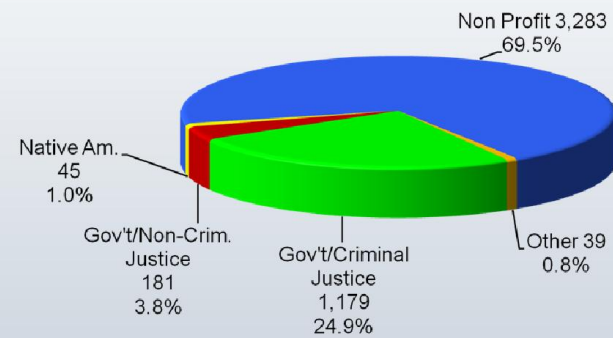
2014 State Grants

- \$268,519 (MP) to \$51,829,052 (CA)
- Median = \$5,518,894

No. of Subgrants awarded annually

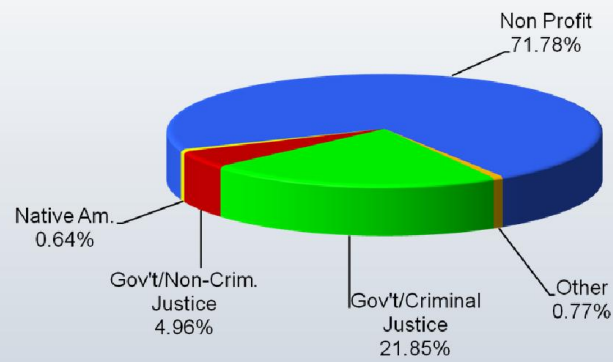
No. Subgrants	No.	Percentage
Less than 10	2	4.7
10 – 50	13	30.2
51 – 100	13	30.2
101 – 200	10	23.3
More than 200	5	11.6

FY 11 No. Subgrant Organizations



Source: FY 2011 OVC Subgrant Award Reports

FY 11 Subgrant Amounts



Source: FY 2011 OVC Subgrant Award Reports

Subgrantee Requirements

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

Match Requirements

- Cash or in-kind
- Non-Native American – 20% of total project cost (VOCA plus match)
- Native American
 - Current Guidelines – 5% of total project cost
 - Proposed Regulations – no match

	Non-Native American (20%)	Native American current (5%)	Native American proposed (0%)
Total Project	\$100,000	\$100,000	\$100,000
VOCA	75,000	95,000	100,000
Match	25,000	5,000	-0-

The screenshot shows the NAVAA website header with the logo "navaa National Association of VOCA Assistance Administrators". A navigation menu on the left includes links for "VOCA Funding", "VOCA Statute", "State Directory", "Strategic Planning", "Links - Matrix", "Members Only", "Login", "Register", and "Home". A search bar is located below the menu. The main content area features a table with columns for "State", "VOCA Administrative Agency", "Phone", and "Web Site (URL)". A large light blue box is overlaid on the table, containing the URL "www.navaa.org/statedirectory.html".

State	VOCA Administrative Agency	Phone	Web Site (URL)
Alabama	Department of Economic and Community Affairs	334-242-5819	
Arkansas	Department of Finance and Administration	501-683-1685	
California	Office of Emergency Services	916-324-9100	
Colorado	Department of Public Safety	303-239-4529	
Connecticut	Office of Victim Services	860-263-2760	
Delaware	Criminal Justice Council	302-577-5030	

State Funding

□ Funding cycles

- July – June (42%)
- October – September (44%)
- January – December (2%)
- Other, multiple, no response (12%)

□ Amount Awarded

- Reserve (49%)
- Entire grant (40%)
- Other, no response (11%)

□ Length of Subgrant Awards

- One year (72%)
 - Two years (19%)
 - Three years (7%)
 - Other response (2%)
-

State Funding

□ Competition

- All competitive (49%)
- All non-competitive, continuation (19%)
- Both competitive and non-competitive (28%)
- Other, no response (5%)

□ Different approaches/procedures

- Most use open RFPs
 - Local governmental bodies
 - Allocate by formula
 - Target specific types victimizations, services
-

Contact Info

Steve Derene
National Association of VOCA
Assistance Administrators
email: steve@navaa.org
tel: 608-233-2245
web: www.navaa.org



Crime Victim Compensation

The Basics
Benefits
Requirements
Procedures

Joan and Amber

- Jessica is severely assaulted at home by husband. Rae, their six-year-old daughter, witnesses and also is hurt. Husband damages TV and car, kills dog.
- Jessica and Rae seek medical care and counseling. Because of injuries, Joan can't work for a month. She'd like to get a new TV. And they want to bury their pet and get a new one.

Benefits

- Medical care
- Mental health therapy
- Lost wages
- Lost support
- Funeral
- In some states, Native American traditional healing
- Miscellaneous

● ● ● | Requirements

- Victim of violent crime: assault, rape, murder, drunk driving, child abuse, domestic violence
- Report to police and cooperate
- File timely application
- No contributory conduct
- Must be unreimbursed expense

● ● ● | Procedures

- File timely application in state where crime occurred
- Provide requested documentation: diagnosis, treatment plan, insurance info; EOBs
- Program reviews police report and documentation, makes decision
- Payment sent – usually directly

Special Issues

- Payer of last resort: use collateral resources first
- Pre-existing conditions: generally not covered
- Submit requested treatment plan
- If limits can be exceeded, make timely request
- No payment for missed appointments

Some Facts

- Compensation programs help 200,000 victims with \$450 million annually
- Most money – state and federal – comes from offenders, not taxpayers
- States operate under state law with supplemental federal funding
- Some foreign countries (Britain, Canada, EC, Australia, Japan) have programs




Some Myths?

- Native Americans and Alaskan Natives aren't eligible?
- Documentation is burdensome?
- Payment takes forever?

TRIBAL ACCESS
TO
VOCA ASSISTANCE
AND
CRIME VICTIMS' COMPENSATION

DECEMBER 2014



VOCA ASSISTANCE IN OKLAHOMA

In 2014, eight Tribal projects were funded at \$277,386 (average \$34,673).

The number of Tribes funded represents a 300% increase since 2008

VICTIMS ASSISTANCE

- ▶ 2014 Award: \$5,454,952
- ▶ 115 subgrants awarded
- ▶ 7 tribal projects funded through
 - ▶ Cherokee Nation
 - ▶ Choctaw Nation
 - ▶ Comanche Nation
 - ▶ Iowa Nation
 - ▶ Kaw Nation
 - ▶ Muscogee (Creek) Nation
 - ▶ Wichita and Affiliated Tribes
- ▶ 3% of award was given to programs designated as tribal

VICTIMS COMPENSATION

- ▶ 2014 Award: \$1,663,000
- ▶ 11.6% of claims received in 2014 were from American Indians.



ENCOURAGING TRIBES TO ACCESS FEDERAL GRANTS

What can states do to encourage tribes to apply for VOCA Assistance and other grant dollars available?

- Expand the application period (minimum 5 months)
- Offer one-on-one technical assistance
- Offer to send copies of sample grants
- Offer grant-writing workshops that are tribal specific and are held in tribal facilities

ACCESS TO CRIME VICTIMS COMPENSATION: WHAT STATES CAN DO

What can states do to encourage tribal members have access to victims compensation benefits?

- Visit tribal headquarters and meet with victim advocates
- Find out the needs of victims in Indian Country
- Educate staff and boards on tribal customs and culture
- Develop culturally specific materials
- Expand benefits
- Modify materials to explain expanded benefits
- Provide training to tribal victim advocates and social services

ACCESS TO CRIME VICTIMS COMPENSATION: WHAT TRIBES CAN DO

What can tribes do to help victims access Crime Victims Compensation Benefits?

- Develop a relationship with the state compensation office
- Learn compensation eligibility requirements and educate victim advocates
- Attend compensation program board meetings
- Educate state compensation staff about tribal customs
- Assign a tribal victim advocate to be a liaison with the state program
- Assist victims in completing paperwork and gathering documentation needed to file a claim
- Make the compensation program poster and brochures available and visible in tribal facilities

COVERED EXPENSES

- ▶ **Medical**
- ▶ **Dental**
- ▶ **Funeral and burial**
- ▶ **Counseling**
- ▶ **Prescriptions**
- ▶ **Loss of Support**
- ▶ **Victims' Wage Loss**
- ▶ **Caregiver Wage Loss**
- ▶ **Dependent Care**
- ▶ **Sexual Assault Exams**
- ▶ **Crime Scene Clean-up**

COMPENSATION FOR TRADITIONAL AMERICAN INDIAN SERVICES

- ▶ Burial clothing for the deceased
- ▶ Meals/Food Baskets
- ▶ Gifting or Giveaway Items
- ▶ Quilts
- ▶ Tobacco given as gifts
- ▶ Expenses for one-year healing ceremony, if applicable, including travel expense to the ceremony
- ▶ Faith-based counseling
- ▶ Child care during funeral
- ▶ Reimbursement for items provided for use during healing ceremonies (i.e. wood/fuel)
- ▶ Traditional native counseling and healing from an elder or spiritual healer, minister or pastor
- ▶ Healing lodge ceremonies
- ▶ Smudging or smoking ceremonies and items used for those ceremonies

Encourage victims or persons involved in ceremony to keep receipts.

THE COST?

Since the inception of the enhanced benefits in 2010, a cumulative total of less than \$10,000 has been requested and paid for traditional burial and healing ceremonies. Outreach to tribal communities continues to be a priority in our office.

QUESTIONS?

CONTACTS

Suzanne Breedlove
Director of Victims Services
District Attorneys Council
405-264-5006

Suzanne.Breedlove@dac.state.ok.us

Brian Hendrix
District Attorneys Council
State-Tribal Crime Victim Liaison
405-264-5006

Brian.Hendrix@dac.state.ok.us

Stephanie Lowery
VOCA Program Specialist
District Attorneys Council
405-264-5006

Stephanie.Lowery@dac.state.ok.us

DeLynn Fudge
Federal Grants Division Director
District Attorneys Council
405-264-5008

DeLynn.Fudge@dac.state.ok.us