

Questions and Answers
Victims of Crime Act (VOCA) Victim Assistance Program Rule
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GENERAL PROVISIONS

1. When did the new VOCA Victim Assistance Program rule take effect?

Answer: The rule went into effect on August 8, 2016. (Posted August 2016; updated August 2018)

2. Does the new rule apply to awards already in effect, such as fiscal year (FY) 2014 and 2015 grants?

Answer: No, unless the state decides to apply the rule to such funding, which it may do under certain circumstances. In most cases, grant funds awarded by the Office for Victims of Crime (OVC) before the new rule took effect will continue to be subject to the VOCA Victim Assistance Program Guidelines; however, a state may choose to apply the new rule to any unobligated funding at the state or subrecipient level under such a grant.

Note: *All 2014 awards must have ended on September 30, 2017.*

OVC recommends that states adopt a bright-line approach and fund newly allowable services only with OVC grant funds awarded in FY 2016 and later, as this simplifies oversight and audit. The rule, however, does permit states to adopt alternative approaches. (Posted August 2016; updated August 2018)

3. If my state elects to use the new rule for awards already in effect, such as fiscal year (FY) 2015 grants, how do we document the election?

Answer: Discretionary decisions to apply the rule to grants awarded by the Office for Victims of Crime (OVC) before the rule's effective date must be documented, to facilitate monitoring and audit. The state should take care to ensure documentation is complete and retained in accordance with state and federal guidelines.

Example (state unobligated funding): A state wants to award unobligated funding from its FY 2015 VOCA victim assistance grant to an organization that will use it to provide services to incarcerated victims. Services to incarcerated victims are not allowable under the VOCA Victim Assistance Program Guidelines, but are allowable under the new VOCA rule. The state should note in the grant file (e.g., the solicitation, award documents, other communication to the recipient) that the funding for that award is subject to 28 CFR Part 94, Subpart A—not the VOCA guidelines. If the state does not include such a statement, an auditor would not know that the state had elected to allow the newly allowable use of funds, and would audit the grant according to the standards in the guidelines.

Example (subrecipient unobligated funding): A state awarded a subrecipient funding from an FY 2015 VOCA assistance grant. The subrecipient has funding remaining on its award that it has not yet obligated, and wants to use that funding to provide services to incarcerated victims. The subrecipient may NOT unilaterally use the funding for this activity, as this would violate the terms of its subaward, which is under the VOCA guidelines. Similarly, the state typically would not be able to compel the subrecipient to serve incarcerated victims, as this could not have been part of the subaward agreement. However, if BOTH the state and the subrecipient agree to modify the subaward, services to incarcerated victims would be allowable even though the subrecipient would be using FY 2015 money. (Note: OVC does not encourage states to take this approach, as it could be administratively burdensome or complicated, but permits it under the rule.) (Posted August 2016; updated August 2018)

4. Why didn't OVC just make the rule applicable to all VOCA assistance funding, including funding awarded in prior years?

Answer: A grant agreement is similar to a contract, and OVC cannot unilaterally change the terms of an agreement that it made in the past. Similarly, an agreement between a state and a subrecipient (unless otherwise specified in the agreement) typically is subject to the rules in effect when the agreement went into effect. Thus, in accordance with these principles, OVC applies the new rule to grants it awards after the effective date. OVC permits states to apply the rule to unobligated funding at the state level, should the state elect to do so. OVC also permits states to apply the rule to unobligated funding at the subrecipient level, though such changes to awards made in the past would (presumably) require the consent of both the state and the subrecipient. (Posted August 2016)

5. Does the new rule change how funding levels are determined for the states, or change the Crime Victims Fund "cap"?

Answer: No. The rule has no effect on the funding formulas for state administering agencies or the amount of funds awarded to the states from the Crime Victims Fund. (Posted August 2016)

6. Do the definitions of various terms change from the VOCA guidelines to the new rule?

Answer: Some definitions have changed. There are no meaningful changes to the definitions of the terms *crime victims*, *direct services*, and *victim of federal crime*. *Child abuse* is specifically defined in the rule to encompass a broad range of harm to children, and crimes that are considered child abuse under the law of the state administering agency's jurisdiction. Additionally, the term *spousal abuse*, terminology written into the statute in the 1980s, has been redefined to encompass

the more modern concepts of domestic violence (the term used in the VOCA Guidelines) and intimate partner violence. (Posted August 2016)

EVALUATION

1. What tools can state administrators and subgrantees use for project evaluations?

Answer: The Center for Victim Research was created to assist state administrators with project evaluations. Contact Susan Howley at showley@irsa.org or 202–842–9330. The [OVC Training and Technical Assistance Center](#) can also help identify tools that states and subgrantees can use for project evaluations. See 28 CFR 94.109(b)(5), 94.121(j). (Posted August 2018)

MATCH

1. What is the matching requirement?

Answer: Subrecipients must contribute 20 percent of the total project cost of each VOCA-funded project. Match contributions may be cash or in-kind. There is no match requirement for subrecipients that are federally recognized American Indian or Alaska Native tribes, projects that operate on tribal lands, subrecipients that are territories or possessions of the United States (except for the Commonwealth of Puerto Rico), or projects that operate therein. See 28 CFR 94.118. (Posted August 2016)

2. Is match able to be waived in part or in full?

Answer: Yes. State administering agencies (SAAs) may apply to the Director of OVC to request a full or partial match waiver for specific subrecipients. Waiver requests must be supported by the SAA and justified in writing. Waivers are entirely at the discretion of the OVC Director, who typically considers factors such as local resources, annual budget changes, past ability to provide match, and whether the funding is for new or additional activities requiring an additional match, versus continuing activities where match is already provided. See 28 CFR 94.118. (Posted August 2016)

3. Can state administering agencies (SAA) determine whether to waive the match requirement for subrecipients?

Answer: No. SAAs cannot determine whether subrecipients receive match waivers. As stated above, states have initial review of such requests, but must then submit

the requests to the Director of OVC for final review and consideration of a full or partial waiver. *See* 28 CFR 94.118 (Posted August 2018)

4. How does a subrecipient apply for a match waiver?

Answer: A subrecipient must apply for a match waiver through the state administering agency, which then sends the waiver request to OVC. *See* 28 CFR 94.118(b)(3) (Posted August 2018)

5. A multi-year project is supported with funding from three fiscal years (FY). Can a state administering agency submit a match waiver request for the multi-year project (e.g., FYs 2016, 2017, and 2018)?

Answer: Yes. A subrecipient may request a match waiver that covers more than 1 year of the project (e.g., one waiver to apply over a 3-year period). Additionally, a match waiver may be requested for multi-year projects that receive multi-year funding. A match waiver may be requested at any point during the award period. The request must be precise in specifying the information needed for the OVC Director to determine whether a waiver is justified. *See* 28 CFR 94.118(b)(3). (Posted August 2018)

6. What may be used to meet the match requirement?

Answer: Contributions must be derived from nonfederal sources, except as may be provided in the DOJ Grants Financial Guide, and may include, but are not limited to, the following:

- a. *Cash* (i.e., the value of direct funding for the project).
- b. *Volunteered professional or personal services*, the value placed on which shall be consistent with the rate of compensation (which may include fringe benefits) paid for similar work in the program; however, if the similar work is not performed in the program, the rate of compensation shall be consistent with the rate found in the labor market in which the program competes.
- c. *Materials/equipment*, but the value placed on lent or donated equipment shall not exceed its fair market value.
- d. *Space and facilities*, the value placed on which shall not exceed the fair rental value of comparable space and facilities as established by an independent appraisal of comparable space and facilities in a privately owned building in the same locality.
- e. *Non-VOCA-funded victim assistance activities*, including, but not limited to, performing direct services, coordinating or supervising those services, training victim assistance providers, and advocating for victims.

Additionally, any reduction or discount provided to the subrecipient shall be valued as the difference between what the subrecipient paid and what the provider's nominal or fair market value is for the good(s) or service(s). Contributions of match are restricted to the same uses, and the same timing deadlines for obligation and expenditure, as the project's VOCA funding. See 28 CFR 94.118. (Posted August 2016)

7. Can subgrantees use a vehicle as match (e.g., they have a vehicle to transport victims and want to use it as match)?

Answer: Yes, subgrantees may use an organization's vehicle to help meet the match requirement. However, subgrantees can only use *either* the vehicle's fair market value *or* the actual expenses (e.g., gas, insurance, maintenance) as match; they may not charge both as match. Additionally, the only portion of that cost that can be used as match is the portion associated with transporting victims. Subgrantees would need to provide supporting documentation of the in-kind match. See [2017 DOJ Grants Financial Guide](#), III.3. (Posted August 2018)

8. How should volunteer on-call time be accounted for when used as a form of match?

Answer: Volunteer on-call time should be treated in the same manner that a paid employee in a similar situation would be compensated. See 28 C.F.R. § 94.118(f). The state administering agency should follow the guidance provided under the Fair Labor Standards Act (FLSA) to determine the extent to which the duties of the on-call volunteer require that the volunteer can or cannot use his/her time effectively for his/her own purposes. Under regulations implementing the FLSA, an employee who is required—while on call—to remain so close to the employer's premises that he/she cannot use the time effectively for his/her own purposes is working while on call. See FLSA, 29 CFR 785.17. (Posted August 2018)

9. What recordkeeping requirements apply to project match?

Answer: Each subrecipient must maintain records that clearly show the source(s) and amount(s) of the contributions used as match, and the period of time for which such contributions were allocated. The basis for determining the value of personal services, materials, equipment, and space and facilities must be documented. Volunteer services must be documented by the same methods used by the subrecipient for paid employees. Generally, this should include timesheets substantiating time worked on the project. See 28 CFR 94.118. (Posted August 2016)

INDIRECT COST RATE

1. Assuming a subgrantee has an approved indirect cost rate, can indirect cost-related expenses be used as match?

Answer: Yes, but a subrecipient may count only *unrecovered* indirect costs as project match, and may do so only with the approval of the state administering agency. Unrecovered indirect costs are the difference between the amount of indirect costs charged to an award and the amount that *could* have been charged to the award under the subrecipient's indirect cost rate. This includes indirect costs associated with matching funds. For example, a subrecipient that budgets the salary of a full-time employee as match may also include in that match amount the indirect costs associated with that employee's salary, provided that those indirect costs are not recovered elsewhere. See Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR 200.306; October 9, 2015, [OVC Policy Change to VOCA Assistance Guidelines with regard to allowability of indirect costs to conform to 2 C.F.R. Part 200](#). (Posted August 2018)

2. May a state administering agency charge indirect costs to an annual VOCA grant for administrative costs?

Answer: Yes. A state administering agency may charge a federally approved indirect cost rate to the VOCA grant, provided that the total amount charged does not exceed the 5-percent limit for training and administration. See 28 CFR 94.109. (Posted August 2018)

3. What easy-to-use guidance can OVC provide regarding indirect costs?

Explanation of indirect costs: Indirect costs are facility and administrative expenses that an organization incurs by undertaking a grant project that are not easily allocated to specific project costs and are NOT included as a direct cost in the grant budget. Costs included in an indirect cost rate can be charged directly; however, for administrative convenience, some organizations prefer to establish an indirect cost rate and charge that against a direct cost base instead. Where a rate is applied, indirect costs are not budgeted as specific cost items, but rather are bundled into the rate that is charged against certain direct costs under the grant. The specific costs included in an organization's indirect cost rate vary, but typically include things like utility costs, organizational accounting fees, and equipment depreciation.

Indirect costs may be charged to an award only if (a) the recipient has a current (unexpired), approved negotiated indirect cost rate; or (b) the recipient is eligible to use, and elects to use, the de minimis indirect cost rate described in the Part 200 Uniform Requirements, as set out at 2 CFR 200.414(f).

Negotiated rate: For federal grants, indirect cost rates are negotiated between the organization and a specific agency (“cognizant agency for indirect costs”) that is designated to determine that organization’s rate. (State administering agencies may approve rates for their subrecipients.)

De minimis rate: Certain organizations that have never before negotiated an indirect cost rate may be eligible to apply a de minimis 10-percent rate that does not require a negotiated rate agreement (details below).

Applying for an indirect cost rate: If an organization does not have a current federally approved rate, the organization may request one through its cognizant federal agency, which will review all documentation and approve a rate for the applicant entity; or, if the applicant’s accounting system permits, applicants may propose to allocate costs in the direct cost categories. For assistance with identifying the appropriate cognizant federal agency for indirect costs, please contact the Office of the Chief Financial Officer (OCFO) Customer Service Center at 800–458–0786 or at ask.ocfo@usdoj.gov. If DOJ is the cognizant federal agency, applicants may obtain information needed to submit an indirect cost rate proposal at www.ojp.gov/funding/Apply/Resources/IndirectCosts.pdf.

Indirect cost rates for subrecipients: State administering agencies are responsible for approving indirect cost rates for their subrecipients. See 2017 DOJ Grants Financial Guide, III.11. If a subrecipient has an established federally approved rate, the state administering agency must honor that indirect cost rate.

Additional information: Additional information about indirect costs can be found on page 100 of the [2017 DOJ Grants Financial Guide](#).

4. Can state administering agencies use cost allocations plans, which are “pooled,” as indirect costs?

Answer: A cost allocation plan is a type of indirect cost rate utilized by a state agency. VOCA caps the administrative and training expense at 5 percent of the grant funds. Those administrative funds can be charged directly or indirectly (cost allocation plan), but not both. Regardless of the method used (direct/indirect), the amount charged to the grant cannot exceed the 5-percent cap. (Posted August 2018)

VOLUNTEERS

1. Must VOCA-funded programs use volunteers? Are there any exceptions to this requirement?

Answer: Yes, and yes. VOCA requires programs to use volunteers, to the extent required by the state administrative agency (SAA), in order to be eligible to receive VOCA funds. The chief executive of the state, who may act through the SAA, may waive this requirement, provided that the program submits written documentation of its efforts to recruit and maintain volunteers, or otherwise demonstrates why circumstances prohibit the use of volunteers, to the satisfaction of the chief executive. SAAs shall maintain documentation supporting any waiver granted under VOCA (*see* 34 U.S.C. 20103(b)(1)(C)), relating to the use of volunteers by programs. *See* 28 CFR 94.113. (Posted August 2016; updated August 2018)

2. May subrecipients use VOCA funds to train volunteers?

Answer: Yes. State administering agencies may allow subrecipients to use VOCA funds to train volunteers in how to provide direct services, when such services will be provided primarily by volunteers. Such use of VOCA funds will not count against the limit on state administering agency administrative and training funds. (Posted August 2016)

3. Can a state administering agency award a subrecipient funding solely for volunteer training?

Answer: Yes. As discussed in the preamble to the final rule, OVC intends that volunteer trainings may be funded by a state as either a stand-alone project or as part of a direct service project. If volunteer trainings are funded as stand-alone activities, however, they should be activities that leverage resources for direct victim services (e.g., a stand-alone project to train volunteers so that more volunteers are available to provide direct services). *See* 28 CFR 94.120(f). (Posted August 2018)

4. How may state administering agencies (SAA) utilize VOCA funds for training and administration?

Answer: SAAs may use up to the amount prescribed by VOCA at 42 U.S.C. 10603(b)(3) for training and administration. As of July 8, 2016, the amount is 5 percent of a state's annual VOCA grant. To use VOCA funds for training or administration, an SAA must notify OVC of its decision either at the time of application for the VOCA grant or within 30 days of such decision. Such notification shall indicate what portion of the amount will be allocated for training and what portion for administration. If VOCA funding will be used for administration, the SAA shall follow the rules and submit the certification required in 28 CFR 94.108 regarding supplanting. SAAs shall ensure that each training and administrative activity funded by the VOCA grant occurs within the award period, and shall maintain sufficient records to substantiate the expenditure of VOCA funds for training or administration. *See* 28 CFR 94.107. (Posted August 2016)

PASS-THROUGH ENTITIES

1. **Can a state pass through funding to another entity, such as another state agency or a coalition, to administer VOCA funds?**

Answer: Yes. States have broad latitude in structuring their administration of VOCA funding. VOCA funding may be administered by the state or by other means, including the use of pass-through entities (such as coalitions of victim service providers), to make determinations regarding award distribution and to administer funding. All of the same financial and reporting requirements that apply to states apply to the pass-through organization. *See 28 CFR 94.103(c).* (Posted August 2018)

SUPPLANTING

1. **What is supplanting and what are the rules concerning it?**

Answer: Supplanting, for purposes of the VOCA Victim Assistance Program and consistent with the DOJ Grants Financial Guide, is the deliberate reduction of state or local government funds otherwise available for victim assistance, because of the availability of VOCA funds.

In the context of state use of VOCA victim assistance funds for administrative purposes, where a state decreases its administrative support for the state crime victim assistance program, the state administering agency (SAA) must submit, upon request from OVC, an explanation for the decrease. Additionally, in each year that an SAA uses VOCA funds for administration, it shall establish and document a baseline level of non-VOCA funding required to administer the state victim assistance program, based on SAA expenditures for administrative costs during that fiscal year and the previous fiscal year, prior to expending VOCA funds for administration. *See 28 CFR 94.108.* (Posted August 2016)

2. **If a state administering agency (SAA) previously used VOCA funding to pay for a position but the SAA subsequently absorbed the cost, can it restore the position back to a VOCA-funded position?**

Answer: It depends. If the SAA changes the position from state-funded to VOCA-funded but adds another state-funded victim assistance position or victim assistance activity of equivalent cost, the state will not have decreased its overall support for victim services; therefore, no supplanting will have occurred. Supplanting may have occur, however, if the SAA simply changes the position from state-funded to VOCA-funded, such that the state's funding for victim assistance falls below its baseline for administrative costs. In the latter case, if the funding for the position was changed *deliberately* to replace available state funding with federal funding, supplanting likely will have occurred. OVC typically does not consider state funding fluctuations

that occur because of state-wide legislative/budget processes to be supplanting. In such cases of legislatively mandated budget cuts, an SAA's decision to support a position with VOCA funds may not necessarily indicate supplanting. (Posted August 2018)

PRIORITY ALLOCATIONS

1. What are the priority categories of crime types?

Answer: The rule does not change the priority categories, which are set by statute. The priority categories of crime victims are the three categories for which state administering agencies must allocate a minimum of 10 percent of each year's VOCA grant per category. The categories are specified at 42 U.S.C. 10603(a)(2)(A) and include victims of sexual assault, spousal abuse, and child abuse. (In addition to the priority categories, state administering agencies also are required to allocate a minimum of 10 percent of each year's VOCA grant to underserved victims of violent crime.) *See* 28 CFR 94.104. (Posted August 2016)

2. When should states verify priority allocations?

Answer: States should verify priority allocations annually in the subgrant award report. If the scope of a subaward changes in a way that affects the priority and underserved area allocations, then these allocations should be updated in the OVC Performance Measurement Tool within 30 days (as with any subgrantee award report updates). (Posted August 2018)

3. What qualifies when determining awards for underserved victims of crime?

Answer: The new rule uses the same approach as the VOCA Victim Assistance Guidelines. State administering agencies must identify such services for underserved victims of violent crime by the type of crime they experience (e.g., elder abuse), the characteristics of the victim (e.g., victims who identify as lesbian, gay, bisexual transgender, queer, or questioning [LGBTQ]), or both (e.g., victims of violent crime in high-crime urban areas). Underserved victims differ among jurisdictions, but some examples of often-underserved victim populations include, but are not limited to, DUI/DWI victims; survivors of homicide victims; American Indian/Alaska Native victims in certain jurisdictions with insufficient victim service resources; victims of physical assault; adults molested as children; victims of elder abuse; victims of hate and bias crimes; victims of kidnapping; child victims and adult survivors of child pornography; child victims of sex trafficking; victims of violent crime in high-crime areas; LGBTQ victims; victims of federal crimes; victims of robbery; and victims of gang violence. *See* 28 CFR 94.104. (Posted August 2016)

4. How must state administering agencies count the use of funds for underserved victims of crime who are not victims of violent crime?

Answer: The VOCA statute requires funding be allocated to projects serving “previously underserved populations of victims of *violent crime*.” States may still fund services for underserved victims of non-violent crimes, such as identity theft, with VOCA assistance grant funds, but cannot count those services toward meeting the required allocation for the underserved victim category. *See* 42 U.S.C. 10603(a)(2)(B). (Posted August 2016)

5. When reporting the allocation of subawards among priority categories and types of underserved victims, how should state administering agencies allocate those dollars used to provide services to individuals who may be underserved and who are also victims of a priority category crime?

Answer: State administering agencies may count funds allocated to such projects in either the priority category or the underserved category, but not both. *See* 28 CFR 94.104. (Posted August 2016)

6. Are states able to deviate from the underserved and priority percentages requirement?

Answer: Yes, if they request and receive an exception from the underserved and priority allocation requirements pursuant to 28 CFR 94.104(d). The OVC Director may approve an allocation that differs from the underserved and priority percentages requirement in response to a written request from the state administering agency that demonstrates (to the satisfaction of the Director) that there is good cause therefor. The VOCA Victim Assistance Guidelines also permit exception requests, but OVC records indicate that these are extremely rare. (Posted August 2016)

MONITORING

1. Can there be coordination of federal site visits, and a coordination of reports required by different federal programs?

Answer: The offices within the U.S. Department of Justice, Office of Justice Programs (e.g., OVC and the Office of the Chief Financial Officer) attempt to coordinate onsite visits, when possible. It is not possible for OVC to coordinate with other federal agencies to arrange site visits. It is not possible for OVC and other federal agencies to coordinate reports because each federal agency is statutorily mandated to execute unique programs and collect unique data. (Posted August 2018)

2. What are the requirements for monitoring subrecipients?

Answer: Unless the Director of OVC grants a waiver, state administering agencies (SAA) shall develop and implement a monitoring plan in accordance with the requirements of 28 CFR 94.106 and 2 CFR 200.331. The monitoring plan must include a risk assessment plan. SAAs must conduct regular desk monitoring of all subrecipients. In addition, SAAs shall conduct onsite monitoring of all subrecipients at least once every 2 years during the award period, unless a different frequency based on risk assessment is set out in the monitoring plan. SAAs must also maintain copies of site visit results and other documents related to compliance. See 28 CFR 94.106. (Posted August 2018)

3. What is a subrecipient's responsibility regarding collecting a rental deposit for a victim as part of the provision of transitional housing?

Example: A local program uses VOCA funds to pay for the first month's rent as a security deposit on an apartment for a victim. The victim moves after 18 months of living in the apartment, and the landlord returns the security deposit to the victim. Is the local program responsible for collecting the security deposit from the victim?

Answer: Transitional housing expenses, including rental and security deposits, are allowable, subject to any restriction on the amount, length of time, and eligible crimes set by the state administering agency. See 28 CFR 94.119(k) & (l). OVC encourages subgrantees to have an agreement in place with the landlord that the full/remaining deposit will be returned to the subgrantee and not the victim at the end of the lease. In the event that a subgrantee has not made an agreement with the landlord, the subgrantee should make a good faith effort to collect the security or rental deposit from the victim and document such efforts. (Posted August 2018)

4. How should state administering agencies monitor gas cards, bus cards, gift cards, etc.?

Answer: Some victim service organizations use gift cards to provide for the short-term needs of victims. In past audits of Office of Justice Program grant programs, the DOJ Office of the Inspector General has questioned grantee costs where there was inadequate internal control over gift card use or inadequate supporting documentation for what was purchased with the cards. State administering agencies should ensure that VOCA-funded projects that use gift cards to support services have written policies and internal controls regarding the purchase and use of such cards, and that such cards are used only as reasonably necessary. Such policies should address what approvals are required to purchase the cards, how the cards are stored and accounted for, what items may be purchased with the cards, and what supporting documentation is required for purchases. For example, if an organization allows staff social workers to use gift cards to purchase emergency items for a victim of domestic violence, it should require the social worker to obtain

prior approval from an office manager and/or supervisor, and, after purchase, to file the receipts with the written approval documentation. The organization should record the amount of the gift card in its general ledger when purchasing the gift card, track the actual amount spent on the gift card that was used for grant-related services, and make adjustments for any amount spent on the gift card that was not used for grant-related services. (Posted August 2018)

5. What standard and comprehensive questions can state administering agencies (SAA) ask subgrantees regarding civil rights to help ensure that subgrantees are complying with their civil rights obligations?

Answer: See the [Federal Civil Rights Compliance Checklist](#), which the Office of Civil Rights encourages SAAs to either use or adapt when monitoring subgrantees for civil rights compliances. Additionally, as a reminder, all SAAs must submit a “Methods of Administration” to the Office of Civil Rights every 3 years, setting forth how they are monitoring subrecipients’ compliance with civil rights. (Posted August 2018)

6. How long should an assistance program hold on to supporting documentation? Is there a difference between what is legally required and what the Office of Inspector General (OIG) is expecting?

Answer: All financial records, supporting documents, and other pertinent grant records must be retained for a period of 3 years from the date of the submission of the final expenditure report. See 2017 DOJ Grants Financial Guide, III.16, p. 126. Typically, OIG tests grantee compliance with what is legally required, including recordkeeping requirements. If there is an active OIG audit started before the expiration of the record retention period, a grantee may be required to retain records pertinent to that audit for longer, typically until the audit findings have been resolved and final action taken. (Posted August 2018)

7. Are SAAs expected to collect supporting data with every subrecipient financial report?

Answer: No. SAAs should instruct subrecipients to maintain data and documentation supporting their financial reports. SAAs should have access to this documentation, and, as needed, review it to verify the information submitted in the financial report. See also “Monitoring Question and Answer #6.” (Posted August 2018)

9. What is the extent of the state’s responsibility to validate and verify the data collected by subgrantees?

Answer: State administering agencies are expected to verify and validate data. According to 2 CFR 200.331, primary grantees must monitor the activities of subrecipients as necessary to ensure that subawards are used for authorized

purposes, in compliance with federal statutes, regulations, and the terms and conditions of the subawards; and that subaward performance goals are achieved. Pass-through entity monitoring of subrecipients must include review of financial and performance reports required by the pass-through entity.

When verifying data, state administering agencies should consider the five C's:

1. **Completeness:** Reports should be complete, with all required questions answered. For the most part, system validations and analyst verifications ensure that reports are complete, but occasionally these checks miss something.
2. **Correctness:** Information reported should correctly represent the activities completed by the subgrantee. When reviewing reports for correctness, data should be compared to the solicitation, application, and any other grant documents or guidance to ensure that subgrantees are doing what they are supposed to be doing.
3. **Correlation:** Subgrantee activities should show a parity with progress in spending down award funds. If a subgrantee has spent only 5 percent of their funds but has reported completing 80 percent of their activities, something is probably off in the data.
4. **Consistency:** Reports should be consistent over time. How and what a subgrantee reports should change only because their activities are changing, not because they are reporting in a different manner.
5. **Comprehensiveness:** Data reported should cover the major activities that occurred during the reporting period. The report should document important milestones and challenges.

(Posted August 2018)

REPORTING

1. What types of reports must a state administering agency submit?

Answer: Generally, state administering agencies must submit subgrant award reports and performance reports. See 28 CFR 94.105. Other reports may be required by the solicitation, depending on cross-cutting federal requirements for that fiscal year (e.g., FFATA subaward reports, submission of the Methods of Administration to the OJP Office for Civil Rights within 90 days of award, FAPIIS reporting). (Posted August 2016)

2. What is a state administering agency responsible for when submitting a subgrant award report (SAR)?

Answer: The state administering agency must submit an SAR within 90 days of the subaward start date using the [OVC Performance Measurement Tool](#). See 28 CFR

94.105; [fiscal year 2018 VOCA Victim Assistance solicitation](#). More information about the SAR is available [here](#). (Posted August 2016; updated August 2018)

3. What is a state administering agency (SAA) responsible for when submitting a performance report?

Answer: SAAs must submit performance report data to OVC on a quarterly basis via the [OVC Performance Measurement Tool](#) (PMT). Additionally, SAAs must export the data from PMT and upload it into OJP's Grants Management System on an annual basis. See 28 CFR. 94.105; the [fiscal year 2016 VOCA Victim Assistance solicitation](#). More information about performance reporting is available [here](#) and [here](#). (Posted August 2016)

4. What is a state administering agency's (SAA) responsibility to report fraud, waste, abuse, and similar misconduct?

Answer: SAAs must promptly notify OVC of any formal allegation or finding of fraud, waste, abuse, or similar misconduct involving VOCA funds. Additionally, SAAs must promptly refer any credible evidence of such misconduct to the DOJ Office of the Inspector General. Finally, SAAs must apprise OVC in a timely fashion of the status of any ongoing investigations. See 28 CFR 94.105. (Posted August 2016)

ELIGIBILITY

1. Are state coalitions eligible to receive program funds?

Answer: Yes. State coalitions are eligible if they are providing "direct services" or "services to victims of crime" and meet the other VOCA statutory and regulatory eligibility requirements. VOCA sets forth the criteria for determining the eligibility of a "victim assistance program," which includes, but is not limited to, a program that (a) is operated by a public agency or a nonprofit organization . . . and provides services to victims of crime, (b) demonstrates a record of providing effective services to victims of crime . . . , and (c) uses volunteers in providing such services. See 34 U.S.C. 20103(b)(1)(A)-(F). The new VOCA rule provides that "direct services" or "services to victims of crime" are services described in VOCA and services that (1) respond to the emotional, psychological, or physical needs of crime victims; (2) assist victims with stabilizing their lives after victimization; (3) assist victims with understanding and participating in the criminal justice system; or (4) restore a measure of security and safety for the victim. See 28 CFR 94.102(1)-(4).

Additionally, the "coordination of activities" is an allowable cost for activities supporting direct services. Specifically, "coordination of activities" that facilitate the provision of direct services includes, but is not limited to, statewide coordination of

victim notification systems, crisis response teams, multidisciplinary teams, coalitions to support and assist victims, and other such programs; and salaries and expenses of such coordinators. *See* 28 CFR 94.120(a). As noted in the preamble, the new rule gives states the latitude to allow subrecipients to use VOCA funds for activities coordinating victim services.

Additionally, if a state coalition is being used as a pass-through organization, the coalition is eligible to receive administrative and training funding. *See* 28 CFR 94.103(c). State administering agencies are limited to using 5 percent of their VOCA assistance funds for administrative and training purposes. *See* 34 U.S.C. 20103(b)(3); 28 CFR 94.107(a). (Posted August 2018)

2. How must state administering agencies (SAAs) determine which organizations receive funds and in what amounts?

Answer: SAAs have the sole discretion to determine which organizations receive funds and in what amounts, subject to the requirements of VOCA and the provisions in the DOJ Grants Financial Guide relating to conflicts of interest. SAAs must maintain a documented methodology for selecting all competitive and noncompetitive subrecipients. Additionally, SAAs are encouraged to award funds through a competitive process, when feasible. Typically, such a process entails an open solicitation of applications and a documented determination, based on objective criteria set in advance by the SAA (or pass-through entity, as applicable). *See* 28 CFR 94.104(e). (Posted August 2016)

3. Are state administering agencies permitted to use their annual VOCA grants to fund their own direct service projects?

Answer: Yes. As was permitted by the VOCA Victim Assistance Guidelines, a state administering agency may use no more than 10 percent of its annual VOCA grant to fund its own direct service projects, unless the Director of OVC grants a waiver. *See* 28 CFR 94.104(f). (Posted August 2016)

4. May state administering agencies (SAA) make awards to faith-based and neighborhood programs?

Answer: Faith-based and neighborhood programs are eligible to receive VOCA awards if they meet other eligibility requirements of VOCA and the SAA. SAAs must ensure that such programs comply with all applicable federal laws, including 28 CFR Part 38 (the U.S. Department of Justice's regulation on partnerships with faith-based and other neighborhood organizations, which was revised on April 4, 2016). In particular, 28 CFR 38.2 allows faith-based and religious organizations to retain their independence and carry out their mission, including the definition, development, practice, and expression of their religious beliefs, provided that they do not use

direct federal financial assistance, whether received through a prime award or a subaward, to support or engage in any explicitly religious activities, including activities that involve overt religious content, such as worship, religious instruction, or proselytization. *See* 28 CFR 94.112(a)(1). (Posted August 2016)

5. May state administering agencies make awards to crime victim compensation programs?

Answer: Yes. State administering agencies may provide VOCA victim assistance funding to compensation programs only for the purpose of providing direct services that extend beyond the essential duties of the staff administering the compensation program. Such services include, but are not limited to, crisis intervention, counseling, and providing information, referrals, and followup for crime victims. *See* 28 CFR 94.112(a)(2). (Posted August 2016)

6. May state administering agencies (SAA) make awards to victim service organizations located in an adjacent state, including awards to tribal organizations across state lines?

Answer: Yes. SAAs may award VOCA funds to otherwise eligible programs that are physically located in an adjacent state, but in making such awards, the SAA shall provide notice of such award to the SAA of the adjacent state, and coordinate, as appropriate, to ensure effective provision of services, monitoring, auditing of federal funds, compliance, and reporting. *See* 28 CFR 94.112(a)(3). (Posted August 2016, updated August 2018)

7. When making an award, how must a state administering agency (SAA) assess the organizational capacity of a program to ensure that the program is eligible to receive VOCA funding?

Answer: When making a VOCA award, an SAA must determine that the program has either a *record of effective services to victims of crime and support from sources other than the Crime Victims Fund* OR *substantial financial support from sources other than the Crime Victims Fund*.

A program has demonstrated a *record of effective services to victims of crime and support from sources other than the Crime Victims Fund* when, for example, it demonstrates the support and approval of its direct services by the community, its history of providing direct services in a cost-effective manner, and the breadth or depth of its financial support from sources other than the Crime Victims Fund.

A program has *substantial financial support from sources other than the Crime Victims Fund* when at least 25 percent of the program's funding in the year of or the

year preceding the award comes from such sources, which may include other federal funding programs. If the funding is non-federal (or meets the DOJ Grants Financial Guide exceptions for using federal funding for match), then a program may count the used funding to demonstrate non-VOCA substantial financial support toward its project match requirement. *See* 28 CFR 94.112(b). (Posted August 2016)

ACTIVITIES THAT SUPPORT DIRECT SERVICES

1. What are allowable costs for activities that support direct services?

Answer: Supporting activities for which VOCA funds may be used include, but are not limited to, the following:

1. Coordination of activities.
2. Supervision of direct service providers.
3. Multi-system, interagency, multidisciplinary response to crime victim needs.
4. Contracts for professional services.
5. Automated systems and technology.
6. Volunteer trainings.
7. Restorative justice.

See 28 CFR 94.120. (Posted August 2016)

2. What types of “restorative justice” are allowable expenses to be covered by VOCA victim assistance funding?

Answer: Restorative justice activities support opportunities for crime victims to meet with perpetrators, including, but not limited to, tribal community-led meetings and peace-keeping activities, if such meetings are requested or voluntarily agreed to by the victim. Victims must always have the opportunity to withdraw from participation, and there must be a reasonably anticipated beneficial or therapeutic value to the crime victim. Ultimately, the state administering agency maintains the discretion to determine what restorative justice activities it wishes to fund, and has the responsibility of monitoring and overseeing the program. *See* 28 CFR 94.120(g). (Posted August 2018)

3. What are coordination activities?

Answer: Coordination activities that facilitate the provision of direct services include, but are not limited to, statewide coordination of victim notification systems, crisis response teams, multidisciplinary teams, coalitions to support and assist victims, and other such programs; as well as the salaries and expenses of such coordinators. *See* 28 CFR 94.120(a). (Posted August 2016)

4. Can subrecipients be funded to provide only coordination activities?

Answer: Yes. The new VOCA rule gives state administering agencies the latitude to allow eligible subrecipients to use VOCA funds for activities involving the coordination of victim services. The preamble of the rule provides that most of the changes to the final rule expanded state flexibility in the use of VOCA funding. “Some changes, like allowing more flexibility to coordinate and leverage community resources . . . impose no costs but allow states to use existing funding more efficiently.” See 28 CFR 94, Preamble I.C.

5. If VOCA victim assistance funds are used to support a coordinator position, what, if any, are the restrictions on the coordinator regarding management activities?

Answer: Costs for coordination activities that facilitate the provision of victim services, including the salary of a coordinator, are allowable. Coordination activities may include, but are not limited to, organizing meetings of various victim service organizations, leading/participating in multidisciplinary teams, and sharing information (as appropriate) between service providers to coordinate services or advocacy for victims. Coordinators may have supervisory roles over direct service providers in an organization, provided that the state administering agency determines that funding a supervisory position is necessary to effectively facilitate direct victim services. While management activities such as those performed by the executive directors, board members, or other top-level administrators of a victim service organization should not be funded with VOCA funds, coordination activities and roles that are integral to facilitating direct services typically would not fall within the category of disallowed management-related costs. See 28 CFR 94.120(a)-(b); 94.121(a); 94.122(h). (Posted August 2018)

ALLOWABLE EXPENSES

1. May a state administering agency use VOCA funds to support statewide automated victim information and notification (SAVIN) systems?

Answer: Yes. See 28 CFR 94.120(e). (Posted August 2018)

2. Can VOCA funds pay for HIV/preventive medicines?

Answer: Yes. Costs are allowable, on an emergency basis (i.e., when the state compensation program, the victim’s health insurance plan [or, in the case of a minor child, the victim’s parent’s or guardian’s health insurance plan], Medicaid, or another healthcare funding source is not reasonably expected to be available quickly enough to meet the emergency needs of a victim [typically within 48 hours of the crime]), for non-prescription and prescription medicine, prophylactics, or other

treatment to prevent HIV/AIDS infection or other infectious diseases. *See* 28 CFR 94.119(a)(9). (Posted August 2018)

3. Can a victim and/or a service provider be reimbursed for transportation expenses for travel beyond the typical court proceedings (e.g., to transport a victim to counseling)?

Answer: Yes, as long as the underlying service necessitating the transportation is an allowable expense under the VOCA rule. The rule provides that “transportation of victims to receive services and to participate in criminal justice proceedings” is an allowable direct service cost. *See* 28 CFR 94.119(i). (Posted August 2018)

4. Can a state administering agency fund a standalone public awareness campaign with program dollars?

Answer: Certain standalone public awareness campaigns may be allowable uses of program dollars under the new VOCA rule, so long as the campaigns are related to raising awareness about crime victimization. For example, supporting public awareness and education presentations in schools, community centers, and other public forums that are designed to inform crime victims of specific rights and services and provide them with or refer them to services and assistance is an allowable cost for supporting direct services. *See* 28 CFR 94.119(j). (Posted August 2018)

5. May VOCA victim assistance funding be used to support repairs to housing, including a home or apartment, used by a victim who is experiencing housing relocation or transition resulting from a victimization?

Answer: Yes. State administering agencies may use VOCA victim assistance funding to fund window, door, and lock replacement or repair. *See* 28 CFR 94.117(a)(1)(viii). (Posted August 2018)

6. May VOCA victim assistance funds be used to support building adaptations to comply with the Americans with Disabilities Act?

Answer: Yes. States may use VOCA victim assistance funding to support required minor building adaptations that are necessary to meet DOJ’s standards for implementing the Americans with Disabilities Act. States are responsible for monitoring and overseeing modifications to property and ensuring compliance with all applicable laws, rules, and regulations. *See* 28 CFR 94.121(d). (Posted August 2018)

7. What are direct services for personal advocacy and emotional support?

Answer: Personal advocacy and emotional support services include, but are not limited to, the following:

1. Working with a victim to assess the impact of a crime.
2. Identification of a victim's needs.
3. Case management.
4. Management of practical problems created by the victimization.
5. Identification of resources available to the victim.
6. Provision of information, referrals, advocacy, and follow-up contact for continued services, as needed.
7. Traditional, cultural, and/or alternative therapy/healing (e.g., art therapy, yoga).

See 28 CFR 94.119(b) (Posted August 2016)

8. What are direct services for mental health counseling and care?

Answer: Mental health counseling care includes, but is not limited to, outpatient therapy/counseling (including, but not limited to, substance-abuse treatment, so long as the treatment is directly related to the victimization) provided by a person who meets the professional standards to provide these services in the jurisdiction in which the care is administered. *See 28 CFR 94.119(c). (Posted August 2016)*

9. Can VOCA victim assistance funds be used to support “capacity evaluations,” which can be used to determine if a victim has the necessary decisionmaking ability regarding a particular need?

Answer: Yes. Capacity evaluations, which are particularly relevant for older victims of crime, are an allowable use of VOCA victim assistance funding. Capacity evaluations facilitate the provision of victim services and help inform service providers and investigators about how to interact with the victims.

10. Can mental health counseling be provided in-house?

Answer: Yes. Under the same standards as under mental health counseling and care, mental health counseling can be provided through in-house treatment so long as the treatment is directly related to the victimization. *See 28 CFR 94.119(c). (Posted August 2018)*

11. Can funds be used for alternative forms of therapy/support?

Answer: Yes. Direct services for which VOCA funds may be used include, but are not limited to, personal advocacy and emotional support, including traditional, cultural, and alternative therapy/healing, such as art therapy and yoga. This list of examples is not exhaustive; other alternative forms of therapy may be supported with VOCA victim assistance funds. State administering agencies have the discretion to determine which alternative forms of therapy VOCA funds may support. *See 28 CFR 94.119(b)(7).* (Posted August 2018)

12. What are direct services for peer support?

Answer: Peer support includes, but is not limited to, activities that provide opportunities for victims to meet other victims, share experiences, and provide self-help, information, and emotional support. *See 28 CFR 94.119(d).* (Posted August 2016)

13. What are allowable direct service costs for forensic medical evidence collection examinations?

Answer: Forensic medical evidence collection examinations for victims are allowable to the extent that other funding sources such as state appropriations are insufficient. Forensic medical evidence collection examiners are encouraged to follow relevant guidelines or protocols issued by the state or local jurisdiction. Subrecipients are encouraged to provide appropriate crisis counseling and/or other types of victim services that are offered to the victim in conjunction with the examination. Subrecipients are also encouraged to use specially trained examiners such as Sexual Assault Nurse Examiners. *See 28 CFR 94.119(g).* (Posted August 2016)

14. If a Sexual Assault Nurse Examiner (SANE) is VOCA grant-funded to perform sexual assault forensic medical examinations, can court preparation and testimony time be considered paid time and paid with grant funds?

Answer: VOCA Victim Assistance funds can be used to fund the time of a SANE's testimony in court in support of the victim service they provide. The court preparation and testimony are related to the services provided to the victim, and therefore are allowable.

15. When may forensic interviews be allowable direct service costs?

Answer: Forensic interviews may be allowable direct services with the following parameters:

1. Results of the interview will be used not only for law enforcement and prosecution purposes, but also for identification of needs such as social services, personal advocacy, case management, substance abuse treatment, and mental health services.
2. Interviews are conducted in the context of a multidisciplinary investigation and diagnostic team, or in a specialized setting such as a child advocacy center.
3. The interviewer is trained to conduct forensic interviews appropriate to the developmental age and abilities of children, or the developmental, cognitive, and physical or communication disabilities presented by adults.

See 28 CFR 94.119(h) (Posted August 2016)

16. What are the parameters related to forensic medical evidence collection and the covered costs, and is there a limit?

Answer: Forensic medical evidence collection examinations for victims are an allowable expense to the extent that other funding sources such as state appropriations are insufficient and STOP Violence Against Women Act funds cannot be used. Except as otherwise noted in the rule and VOCA, there is no limit to the amount of funding used to support forensic medical evidence collection. *See 28 CFR 94.119(g). (Posted August 2018)*

17. Are there established criteria for who can collect medical evidence and for what crime types?

Answer: Forensic medical evidence collection examiners are encouraged to follow relevant guidelines or protocols issued by the state or local jurisdiction. Subrecipients are encouraged to provide appropriate crisis counseling and/or other types of victim services that are offered to the victims in conjunction with the examination. Subrecipients are also encouraged to use specifically trained examiners such as Sexual Assault Nurse Examiners. The state has the discretion to determine the amount of funding and the types of crimes for which VOCA victim assistance funding may be used. *See 28 CFR 94.119(g). (Posted August 2016)*

18. Is it allowable to lease or purchase a vehicle with VOCA funds?

Answer: Yes, provided that the state administering agency determines that the lease or purchase of the vehicle is essential to the provision of direct services. Administrative costs for which VOCA funds may be used by subrecipients include leasing or purchasing vehicles. *See 28 CFR 94.121(h). (Posted August 2016)*

19. If a tribal subgrantee wants to assist tribe members in a nonadjacent state with eligible relocation services to another state, is it allowable?

Answer: Yes, so long as the state administering agency authorizes the expense. Relocation expenses—generally, those expenses that are necessary for the safety and well-being of a victim—are allowable expenses. *See* 28 CFR 94.119(l). (Posted August 2018)

20. What research and evaluation costs can be supported with VOCA Victim Assistance Program funding?

Answer: VOCA victim assistance funds cannot be used to support research. Under the new rule, research and studies are unallowable expenses. *See* 28 CFR 94.122(b). (Posted August 2018)

State administering agencies may use their administrative funds, which are capped at 5 percent, for program evaluation, which includes, but is not limited to, surveys or studies that measure the effect or outcome of victim services. *See* 28 CFR 94.109(b)(5). Additionally, subrecipients may use VOCA funds to support evaluations of specific projects in order to determine their effectiveness within the limits set by the state administering agency. *See* 28 CFR 94.121(j). (Posted August 2018)

21. Can VOCA-funded evaluation results be published in academic journals?

Answer: Yes, VOCA-funded evaluations may be published in academic journals. State administering agencies and subgrantees retain the copyright on materials produced with VOCA Victim Assistance Program funding; however, the U.S. Department of Justice retains a license to use the material. (Posted August 2018)

22. Can VOCA funds be used to support batterer intervention programs?

Answer: It depends. All VOCA-Victim Assistance funded activities must be for the purpose of providing assistance to victims of crime. The driving factor for states to consider is whether the funding is being used to provide services to victims of crime. VOCA-victim assistance funded programs shall only expend VOCA-victim assistance funding for “providing services to victims of crime.” *See* 34 U.S.C. §20103(b)(2). A state considering funding a batterer intervention program must determine if the program is using funding to provide services to victims of crime who are also batterers. If the state determines that the program is providing services to victims of crime (who are also batterers), then the program may be supported with VOCA-Victim Assistance funding. If, however, the program is not providing services to victims of crime (who are also batterers), then the program may not be funded with VOCA Victim Assistance funding. (Posted August 2018)

23. Can VOCA funds be used to make repairs to subrecipient facilities such as shelters and rape crisis centers that have been damaged by a storm? Specifically, would the following be considered allowable expenses: making repairs to replace floors, drywall, electrical systems, HVAC units, or roofs that have been damaged as a result of flooding or winds due to a natural disaster, which are necessary for the facility and not covered by insurance or another federal funding stream (e.g., the Federal Emergency Management Agency)?

Answer: 28 CFR 94.119(a)(8) allows for expenses for direct services associated with the immediate emotional, psychological, and physical health and safety (other than medical care) of crime victims, including window, door, or lock replacement or repair, and other repairs necessary to ensure victim's safety.

28 CFR 94.121(d) allows for organizational expenses to support building modifications that would improve a program's ability to provide services to victims.

28 CFR 94.122(e) covers expressly unallowable subrecipient costs. No VOCA funds may be used to fund or support capital expenses, including capital improvements, property losses and expenses, and construction (except as specifically allowed elsewhere in this subpart).

In this circumstance, if the repairs or replacements due to the hurricane or natural disaster are necessary to ensure victims' safety in the shelters and rape crisis centers, including replacing floors, drywall, electrical systems, HVAC units, or roofs, then this would be allowable under the rule as an exception to prohibited construction. *See* 28 CFR 94.119(a)(8), 94.121(d), 94.122(e). (Posted September 2018)

24. Can VOCA funds be used to pay for excess staffing time (including overtime) for staff who have to remain at a facility past their normal work days in order to keep a shelter open during a storm and its aftermath?

Answer: Yes. Overtime is an allowable expense under the rule and the DOJ Grants Financial Guide. (Posted September 2018)

25. Can VOCA funds be used to pay for hotel accommodations for victims who may have to be put up somewhere else while a shelter is out of service?

Answer: Yes. The rule sets forth a non-exhaustive list of examples of allowable direct service costs, including costs associated with the immediate emotional, psychological, and physical health and safety of victims, such as emergency shelter. This may include hotel expenses in these circumstances. *See* 28 CFR 94.119(5). (Posted September 2018)

SUBRECIPIENT AWARD PERIOD TIMING

1. **A subrecipient has a 2015 award that ends on September 30, 2018. Due to a recent natural disaster, the subrecipient wants to make repairs to its shelter. If the subrecipient obligates funds to conduct repair work on or before September 30, 2018, may activities to complete the repairs occur after September 30, 2018?**

Answer: If the subgrantee elects to spend remaining 2015 funds on repairs to its shelter, it must obligate those funds by September 30, 2018, and it has 90 days to complete performance on the obligated funds (i.e., they have the liquidation period of the award to complete performance). Therefore, the subgrant will end on September 30, 2018, but the subgrantee will file its final Federal Financial Report on December 31, 2018, noting its final expenditures for the award.

Essentially, **the subgrantee will not be incurring any new obligations on the 2015 award beginning October 1, 2018**, but will make its final drawdowns related to the obligations that were incurred prior to September 30, 2018. To be clear, the subgrantee only has 90 days to complete performance on obligations made with funds expiring on September 30, 2018. No new obligations on the 2015 funds may be made after September 30, 2018. (Posted September 2018)

TRAINING

1. Can only the administrative and training percentage (5 percent) of VOCA victim assistance funding be used for developing training?

Answer: The answer depends on who is being trained and for what purpose. State administering agencies may use the administrative and training percentage of their VOCA victim assistance funding to develop trainings. *See* 28 CFR 94.107, 94.109, 94.110. This amount is currently restricted to 5 percent of the state’s total VOCA victim assistance award. *See* 34 USC 20103(b)(3).

Subrecipients may use their VOCA victim assistance funding to support the “training [of] volunteers on how to provide direct services, when such services will be provided primarily by volunteers.” This training would not be subject to the 5-percent administrative and training restriction. *See* 28 CFR 94.120(f). Training exclusively for developing the skills of direct service providers, including paid staff and volunteers, including the development of materials and resources relating to the training, are allowable uses of VOCA victim assistance funding. *See* 28 CFR 94.121(b). These expenses do not fall within the 5-percent restriction on training and administration. *See* 28 CFR 94.107(e). (Posted August 2018)

2. What are allowable training costs?

Answer: VOCA funds may be used only for training activities that occur within the award period, and all funds for training must be obligated prior to the end of such period. Allowable training costs generally include, but are not limited to, statewide/regional training of personnel providing direct assistance and allied professionals, including VOCA-funded and non-VOCA-funded personnel, as well as managers and board members of victim service agencies; and training academies for victim assistance. *See* 28 CFR 94.110. (Posted August 2016)

3. When should training expenses be considered state administrative expenses, and when should they be considered subrecipient expenses?

Answer: Expenses associated with the general training of a large number of service providers should be considered expenses that fall under the state’s administrative costs. Expenses associated with the training of subrecipient staff should be considered expenses that fall under the subrecipient’s budget. (Posted August 2018)

ADMINISTRATIVE COSTS

1. What are allowable state administering agency (SAA) administrative costs under a VOCA victim assistance award?

Answer: Funds for administration may be used only for costs directly associated with administering a state's victim assistance program. Where allowable administrative costs are allocable to both the crime victim assistance program and another state program, the VOCA grant may be charged no more than its proportionate share of such costs. Costs directly associated with administering a state victim assistance program generally include the following:

- *Salaries and benefits* of SAA staff and consultants to administer and manage the program.
- *Training* of SAA staff, including, but not limited to, travel, registration fees, and other expenses associated with SAA staff attendance at technical assistance meetings and conferences relevant to the program.
- *Monitoring compliance* of VOCA subrecipients with federal and state requirements; support for victims' rights compliance programs; provision of technical assistance; and evaluation and assessment of program activities, including, but not limited to, travel, mileage, and other associated expenses.
- *Reporting* and related activities necessary to meet federal and state requirements.
- *Program evaluation*, including, but not limited to, surveys or studies that measure the effect or outcome of victim services.
- *Program audit costs* and related activities necessary to meet federal audit requirements for the VOCA grant.
- *Technology-related costs*, generally including grant management systems, electronic communications systems and platforms (e.g., web pages, social media), geographic information systems, victim notification systems, and other automated systems; related equipment (e.g., computers, software, fax and copying machines, TTY/TDDs); and related technology support services necessary to administer the program.
- *Memberships* in crime victim organizations that support the management and administration of victim assistance programs, and publications and materials such as curricula, literature, and protocols relevant to the management and administration of the program.
- *Strategic planning*, including, but not limited to, the development of strategic plans, both service and financial, including conducting surveys and needs assessments.
- *Coordination and collaboration efforts* among relevant federal, state, and local agencies and organizations to improve victim services.
- *Publications*, including, but not limited to, developing, purchasing, printing, and distributing training materials, victim services directories, brochures, and other relevant publications.
- *General program improvements*, such as enhancing overall SAA operations relating to the program and improving the delivery and quality of program services to crime victims throughout the state.

See 28 CFR 94.109. (Posted August 2016)

CONFIDENTIALITY

1. What guarantees of confidentiality must VOCA-funded programs make?

Answer: The program rules at 28 CFR 94.115 describe the nondisclosure and confidentiality rules that apply to state administering agencies (SAA) and subrecipients of VOCA funds. In general, SAAs and subrecipients of VOCA funds shall, to the extent permitted by law, reasonably protect the confidentiality and privacy of persons receiving services under the VOCA-funded program. They shall not disclose, reveal, or release any personally identifying information or individual information collected in connection with VOCA-funded services requested, utilized, or denied, regardless of whether such information has been encoded, encrypted, hashed, or otherwise protected.

In no circumstances may a crime victim be required to provide a consent to release personally identifying information as a condition of eligibility for VOCA-funded services. Additionally, in no circumstances may any personally identifying information be shared in order to comply with reporting, evaluation, or data-collection requirements of any program.

SAAs and subrecipients of VOCA funds also may not disclose, reveal, or release any individual client information without the informed, written, reasonably time-limited consent of the person about whom information is sought.

Consent for release may not be given by the abuser of a minor, the abuser of the other parent of a minor, or by an incapacitated person. If a minor or a person with a legally appointed guardian is permitted by law to receive services without their parent's or guardian's consent, the minor or person with a guardian may consent to release of information without additional consent from the parent or guardian. See 28 CFR 94.115. (Posted August 2016)

2. What exceptions are there to the confidentiality requirements?

Answer: If release of information is compelled by statutory or court mandate, state administering agencies and subrecipients of VOCA funds shall make reasonable attempts to provide notice to victims affected by the disclosure of the information, and take reasonable steps necessary to protect the privacy and safety of the persons affected by the release of the information. Nothing in the VOCA confidentiality

provisions prohibits compliance with legally mandated reporting of abuse or neglect. See 28 CFR 94.115. (Posted August 2016)

3. What information may VOCA state administering agencies and subrecipients share?

Answer: State administering agencies and subrecipients may share the following:

- Non-personally identifying data in the aggregate regarding services provided to clients, and non-personally identifying demographic information, in order to comply with reporting, evaluation, or data collection requirements.
- Court-generated information and law enforcement-generated information contained in secure governmental registries for protection order enforcement purposes.
- Law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.

See 28 CFR 94.115 (Posted August 2016)

VOCA-FUNDED PROJECTS

1. What projects may be funded with VOCA victim assistance funds?

Answer: VOCA funds shall be available to subrecipients only to provide direct services and supporting and administrative activities, as set out in the program rules. State administering agencies shall ensure that VOCA subrecipients obligate and expend funds in accordance with VOCA. Subrecipients must provide services to victims of federal crimes on the same basis as to victims of crimes under state or local law. See 28 CFR 94.116. (Posted August 2016)

2. Must VOCA-funded projects only serve victims who are participating in the criminal justice process?

Answer: No. Subrecipients may provide direct services regardless of a victim's participation in the criminal justice process. See 28 CFR 94.116. (Posted August 2016)

3. Should VOCA-funded projects take the immigration status of a victim into account when determining eligibility for services?

Answer: No. Under this program, victim eligibility for direct services is not dependent on the victim's immigration status. See 28 CFR 94.103(a), 94.116.

This principle derives from the nature of services provided by most VOCA-funded victim service providers in light of the Personal Responsibility Work Opportunity Reconciliation Act of 1996, and was communicated to all VOCA victim assistance (and victim compensation) state administering agencies in a June 28, 2010, OVC Director memorandum. (Posted August 2016)

4. Must VOCA-funded services be provided free of charge?

Answer: Yes. Subrecipients must provide VOCA-funded direct services at no charge, unless the state administering agency grants a waiver allowing the subrecipient to generate program income by charging for services. Program income, where allowed, shall be subject to federal grant rules and the requirements of the DOJ Grants Financial Guide, which, as of July 8, 2016, require in most cases that any program income be restricted to the same uses as the subaward funds and expended during the grant period in which it is generated. *See* 28 CFR 94.117. (Posted August 2016)

5. What must state administering agencies consider when reviewing a request for a waiver allowing the subrecipient to generate program income by charging for services?

Answer: When reviewing a request for a waiver allowing the subrecipient to generate program income by charging for services, the state administering agency should consider whether charging victims for services is consistent with the project's victim assistance objectives and whether the subrecipient is capable of effectively tracking program income in accordance with financial accounting requirements. *See* 28 CFR 94.117. (Posted August 2016)

PROHIBITED ACTIVITIES

1. What are “active investigation and prosecution of criminal activities” that are expressly unallowable subrecipient costs under 28 CFR 94.122(c)?

Answer: The new VOCA rule prohibits the use of VOCA victim assistance funding to support the “active investigation and prosecution of criminal activity, except for the provision of victim assistance services (e.g., emotional support, advocacy, legal services) to crime victims, under 28 CFR 94.119, during such investigation and prosecution.” *See* 28 CFR 94.122(c). (Replaces August 2016 FAQ #76; updated August 2018)