

**VICTIMS OF CRIME ACT (VOCA)
Victim Assistance Program
Proposed Regulations**

(August 16, 2013)

Current Victim Assistance Program Guidelines	Proposed Victim Assistance Program Regulations
<ul style="list-style-type: none"> • Program Guidelines 	<ul style="list-style-type: none"> • Codified Program Regulations
<ul style="list-style-type: none"> • Repetition of the VOCA statutory language. 	<ul style="list-style-type: none"> • Omits repetition of statutory language, except where needed for context and ease of use. <i>(Note: The proposed rule is drafted to be read in conjunction with the rules and definitions in the applicable section of VOCA (42 U.S.C. 10603).</i>
<ul style="list-style-type: none"> • Term used to describe entity receiving victim assistance program funds directly from OVC (State Grantee or direct grantee). 	<ul style="list-style-type: none"> • Term used to describe entity receiving victim assistance program funds (State Administering Agency - SAA). 94.102
<ul style="list-style-type: none"> • Program Guidelines do not fully address awarding direct service funds to organizations as “pass-through” funds. 	<ul style="list-style-type: none"> • Clarifies that a state administering agency may award its VOCA funds to another organization to distribute (pass-through administration). 94.103

Current Victim Assistance Program Guidelines

- Program Guidelines do not define child abuse.

Proposed Victim Assistance Program Regulations

- Victim of child abuse means a victim of crime, where such crime involved an act or omission considered child abuse under the law of the jurisdiction of the relevant state administering agency. In addition, for the purposes of this program, victims of child abuse may include, but are not limited to, victims of crime involving child physical, sexual, or emotional abuse; victims of child pornography related offenses; victims of child neglect; victims of commercial sexual exploitation of children; and children who are exposed to or witness violence. 94.102
- The purpose of the definition is to clarify that OVC intends the term to cover a broad range of harm to children.

Current Victim Assistance Program Guidelines	Proposed Victim Assistance Program Regulations
<ul style="list-style-type: none">• Examples of “Previously Underserved” category includes victims of federal crimes; survivors of homicide victims; or victims of assault, robbery, gang violence, hate and bias crimes, intoxicated drivers, bank robbery, economic exploitation and fraud, and elder abuse.	<ul style="list-style-type: none">• Examples of “Previously Underserved” category includes victims of DUI/DWI crashes, survivors of homicide victims, victims of physical assault, adults molested as children, victims of elder abuse, robbery, hate and bias crimes, kidnapping, child victims and adult survivors of child pornography, child victims of sex trafficking, victims of violent crime in high crime areas and LGBTQ victims. 94.105

<p style="text-align: center;">Current Victim Assistance Program Guidelines</p>	<p style="text-align: center;">Proposed Victim Assistance Program Regulations</p>
<ul style="list-style-type: none"> • Exception to Priority and Underserved 10% funding. Each state grantee must meet this requirement, unless it can demonstrate to OVC that: <ol style="list-style-type: none"> (1) a "priority" category is currently receiving significant amounts of financial assistance from the state or other funding sources; (2) a smaller amount of financial assistance, or no assistance, is needed from the VOCA victim assistance grant program; and (3) crime rates for a "priority" category have diminished. 	<ul style="list-style-type: none"> • Exception includes the following: unless the Director approves a different allocation, pursuant to a written request from the agency that demonstrates (to the satisfaction of the Director) that: <ol style="list-style-type: none"> (1) a "priority" category is currently receiving significant amounts of financial assistance from the state or other sources; (2) a smaller amount of financial assistance, or no assistance, is needed for a particular priority category or previously underserved victims from the VOCA victim assistance grant program; or (3) crime rates for a priority category do not justify the required allocation. 94.105

Current Victim Assistance Program Guidelines	Proposed Victim Assistance Program Regulations
<ul style="list-style-type: none"> • Program Guidelines do not specify or mandate a competitive award process. 	<ul style="list-style-type: none"> • Each state administering agency shall award funds through a competitive process, including long-term and/or ongoing projects. All subawards should be re-competed at least every five years. 94.105
<ul style="list-style-type: none"> • Reporting requirement section does not address additional or future reporting requirements, such as FFATA. 	<ul style="list-style-type: none"> • Includes “Other Reports.” OVC may from time to time request that state administering agencies submit supplemental information or reports, as it may determine to be advisable. 94.106

Current Victim Assistance Program Guidelines	Proposed Victim Assistance Program Regulations
<ul style="list-style-type: none">• Program Guidelines do not address State Grantee monitoring of Subgrantees.	<ul style="list-style-type: none">• Requires the SAA to develop a monitoring plan, conduct regular desk monitoring, on-site monitoring (minimum once every two years), maintain records/documents of monitoring activities, and/or submit an alternative monitoring plan. 94.107• The purpose is to allow for risk based monitoring and more flexibility.

<p style="text-align: center;">Current Victim Assistance Program Guidelines</p>	<p style="text-align: center;">Proposed Victim Assistance Program Regulations</p>
<ul style="list-style-type: none"> • Program Guidelines addresses funding to Religiously-Affiliated Organizations. 	<ul style="list-style-type: none"> • Faith-based and neighborhood organizations. Requires the SAA to ensure that sub-recipients comply with all applicable federal rules governing use of federal funding by faith-based and neighborhood organizations, including 28 C.F.R. part 38. • Note: The Equal Treatment Reg (28 CFR part 38) was promulgated after the VOCA Guidelines. The proposed rule reflects that part 38 exists now. 94.108

Current Victim Assistance Program Guidelines	Proposed Victim Assistance Program Regulations
<ul style="list-style-type: none"> Administrative Cost Provision. Each state grantee may retain up to, but not more than, 5% of each year's grant for administering the VOCA victim assistance grant at the state grantee level. 	<ul style="list-style-type: none"> VOCA was amended after the issuance of the 1997 guidance. VOCA now prohibits grantees from using more than five percent of their annual OVC Victim Assistance Program funds for administrative and training purposes. 94.110
<ul style="list-style-type: none"> Training Fund usage. State grantees have the option of retaining a portion of their VOCA victim assistance grant for conducting statewide and/or regional trainings of victim services staff. The maximum amount permitted for this purpose is one percent of the state's grant. 	<ul style="list-style-type: none"> VOCA was amended after the issuance of the 1997 guidance. VOCA now prohibits grantees from using more than five percent of their annual OVC Victim Assistance Program funds for administrative and training purposes. 94.110

Current Victim Assistance Program Guidelines	Proposed Victim Assistance Program Regulations
<ul style="list-style-type: none">• Program Guidelines do not address the required State Grantee baseline for administrative costs.	<ul style="list-style-type: none">• If a state administering agency uses VOCA funds for administrative costs, it shall—<ul style="list-style-type: none">Establish and document a baseline level of non-VOCA funding required to administer the state victim assistance program prior to expending VOCA funds for administrative costs. 94.111

Current Victim Assistance Program Guidelines	Proposed Victim Assistance Program Regulations
<ul style="list-style-type: none"> Native American Tribes/Organizations Located on Reservations. The match for new or existing VOCA Subrecipients that are Native American tribes/organizations located on reservations is 5% (cash or in-kind) of the total VOCA project. 	<ul style="list-style-type: none"> American Indian tribes and tribal organizations. Sub-recipients that are federally-recognized American Indian or Alaska Native tribes, or projects that operate on reservations of federally-recognized tribes, are not required to contribute to the total cost of a VOCA-funded project. 94.116

Current Victim Assistance Program Guidelines	Proposed Victim Assistance Program Regulations
<ul style="list-style-type: none">• Sub-recipient allowable costs section does not address significant changes in the victim services field since 1997.	<ul style="list-style-type: none">• Most of the allowable costs (and the parameters under which the direct services may be provided) are essentially the same as those in the existing guidelines. The following activities, however, have been added or significantly modified in the proposed rule: 94.117

Current Victim Assistance Program Guidelines	Proposed Victim Assistance Program Regulations
<ul style="list-style-type: none">• Emergency legal assistance such as filing restraining orders and obtaining emergency custody/visitation rights when such actions are directly connected to family violence cases and are taken to ensure the health and safety of the victim is allowable.	<ul style="list-style-type: none">• Legal Assistance for crime victims. The proposed rule would add a provision under the sub-recipient allowable and unallowable costs provisions, also allowing VOCA funds to be used outside of the context of an emergency, for reasonable legal assistance services where the need for such arises as a direct result of a person's victimization, including pro bono legal clinics and civil legal services.

Current Victim Assistance Program Guidelines	Proposed Victim Assistance Program Regulations
<ul style="list-style-type: none">• Perpetrator Rehabilitation and Counseling. Sub-recipients cannot knowingly use VOCA funds to offer rehabilitative services to offenders. Likewise, VOCA funds cannot support services to incarcerated individuals, even when the service pertains to the victimization of that individual.	<ul style="list-style-type: none">• Services to incarcerated individuals. Added a provision specifically allowing for VOCA-funded victim service providers to serve incarcerated individuals, provided that the incarcerated individual is a victim, the service addresses issues directly arising from the victimization, and the need for such services does not directly arise from the crime for which that individual was incarcerated.

Current Victim Assistance Program Guidelines	Proposed Victim Assistance Program Regulations
	<ul style="list-style-type: none"><li data-bbox="981 287 1818 953">• Transitional housing. The proposed rule would allow states the flexibility to permit sub-recipients to provide transitional housing to victims, and would permit the state to set limits on time and types of victims that might be eligible for such housing. Under the proposed rule, states may use VOCA funds for housing and shelter purposes to the extent that such housing is related to the individual's victimization.

<p style="text-align: center;">Current Victim Assistance Program Guidelines</p>	<p style="text-align: center;">Proposed Victim Assistance Program Regulations</p>
<ul style="list-style-type: none"> • Relocation Expenses. VOCA funds cannot support relocation expenses for crime victims such as moving expenses, security deposits on housing, ongoing rent, and mortgage payments. However, VOCA funds may be used to support staff time in locating resources to assist victims with these expenses. 	<ul style="list-style-type: none"> • Relocation Expenses. Relocation expenses for crime victims must be reasonable, and may include, but are not limited to, moving expenses, security deposits on housing, rental and mortgage assistance, and utility startup.
	<ul style="list-style-type: none"> • Traditional/Alternative Healing. The proposed rule would allow sub-recipients to provide traditional/alternative healing methods, and participation in Native American traditional healing ceremonies.

Current Victim Assistance Program Guidelines	Proposed Victim Assistance Program Regulations
	<ul style="list-style-type: none"><li data-bbox="981 287 1812 386">• Immediate physical and psychological health and safety. Services that respond to the immediate emotional, psychological and physical needs have been expanded to include safety planning; definition of short-term (45 days); window, door, and lock replacement or repair; emergency costs of non-prescription and prescription medicine, prophylactic treatment to prevent HIV/AIDS infection, durable medical equipment (such as wheel chairs, crutches, hearing aids, eyeglasses), and other health care items are allowed when the state's compensation program, the victim's (or in the case of a minor child, the victim's parent's or guardian's) health insurance plan, Medicaid, or other health care funding source cannot provide for these expenses within 48 hours of the crime.

Current Victim Assistance Program Guidelines	Proposed Victim Assistance Program Regulations
	<ul style="list-style-type: none"> Facilitation of participation in criminal justice proceedings. Added transportation, meals, and lodging to allow victims who are not witnesses to participate in the criminal justice system and assistance in recovering property that was retained as evidence.
	<ul style="list-style-type: none"> Forensic interviews. Added funding may be used for forensic interviews of children and adults only when the results of the interview will be used not only for law enforcement and prosecution purposes, but also for social services, personal advocacy, case management, and mental health purposes.

Current Victim Assistance Program Guidelines	Proposed Victim Assistance Program Regulations
	<ul style="list-style-type: none"> • Most of the allowable Other costs for activities supporting direct services are essentially the same as those in the existing guidelines. The following activities, however, have been added in the proposed rule: 94.118
<ul style="list-style-type: none"> • Coordination efforts (including, but not limited to, serving on state, federal, local, or Native American task forces, commissions, working groups, coalitions, and/or multi-disciplinary teams) qualify an organization to receive VOCA victim assistance funds, but are not activities that can be supported with VOCA funds. 	<ul style="list-style-type: none"> • Coordination of activities. Added activities that facilitate the provision of direct services are allowable, including but not limited to, statewide coordination for victim notification systems, crisis response teams, multidisciplinary teams, and other such programs. VOCA funds may be used to support the salaries and benefits of such coordinators.

<p style="text-align: center;">Current Victim Assistance Program Guidelines</p>	<p style="text-align: center;">Proposed Victim Assistance Program Regulations</p>
<ul style="list-style-type: none"> • Coordination efforts (including, but not limited to, serving on state, federal, local, or Native American task forces, commissions, working groups, coalitions, and/or multidisciplinary teams) qualify an organization to receive VOCA victim assistance funds, but are not activities that can be supported with VOCA funds. 	<ul style="list-style-type: none"> • Multisystem, interagency, multidisciplinary response to crime victims. Added VOCA funds may be used for activities that support a coordinated and comprehensive response to crime victims by direct service providers, including direct service staff serving on child and adult abuse multidisciplinary investigation and treatment teams; coordinating with federal agencies to provide services to victims of federal crimes; and/or participation on statewide or other task forces, work groups, and committees to develop protocols, interagency, and other working agreements.

Current Victim Assistance Program Guidelines	Proposed Victim Assistance Program Regulations
	<ul style="list-style-type: none"> • Court Appointed Special Advocates (CASA) and other similar volunteer trainings. Added VOCA direct service funds may be used to provide instruction to CASA volunteers on how to be an advocate. VOCA funds may also be used to instruct volunteers on how to provide direct services when such services will be provided predominantly by volunteers.
<ul style="list-style-type: none"> • Needs Assessments, Surveys, Evaluations, Studies. VOCA program funds may not be used to pay for efforts conducted by individuals, organizations, task forces, or special commissions to study and/or research particular crime victim issues. 	<ul style="list-style-type: none"> • Project evaluation. Sub-recipients may use VOCA funds to support evaluations of specific victim service projects. 94.119

Current Victim Assistance Program Guidelines	Proposed Victim Assistance Program Regulations
<ul style="list-style-type: none">• Purchasing or Leasing Vehicles. Subrecipients may use VOCA funds to purchase or lease vehicles if they can demonstrate to the state VOCA administrator that such an expenditure is essential to delivering services to crime victims.	<ul style="list-style-type: none">• Purchasing vehicles. Purchasing of vehicles added to non-allowable sub-recipient costs. 94.120