

# Victims of Crime Act (VOCA)



## ***FEDERAL GRANT PROGRAM GUIDELINES***

Revised November, 2015

*Note: Items appearing in yellow are awaiting publication of the new VOCA Federal Rule.*

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## **A. WHAT IS VOCA?**

The Victims of Crime Act (VOCA) was passed by Congress and signed into law by the President on October 12, 1984. The Act establishes within the U.S. Treasury a separate account known as the Crime Victims Fund. The fund is similar to Oklahoma's Crime Victims Compensation Fund because it is not financed by tax dollars. The Fund receives Federal criminal fines, penalties, and assessments, as well as certain gifts and bequests, but does not receive any general tax revenue.

The State of Oklahoma is eligible for both the compensation grant and the assistance grant. The District Attorneys Council has been designated as the administering agency for both grants.

## **B. ELIGIBLE APPLICANTS**

VOCA specifies that an organization must provide services to crime victims and be operated by a public agency, nonprofit organization, American Indian Tribe, or a combination of such agencies or organizations in order to be eligible to receive VOCA funding. Eligible organizations include victim services organizations whose sole mission is to provide services to crime victims. These organizations include, but are not limited to, sexual assault and rape treatment centers, domestic violence programs and shelters, child advocacy centers and child abuse treatment facilities, centers for missing children, state/local public child and adult protective services or mental health services, and other community-based victim coalitions and support organizations including those who serve survivors of homicide victims.

In addition to victim services organizations, whose sole purpose is to serve crime victims, there are many other public and nonprofit organizations that have components which offer services to crime victims. These organizations are eligible to receive VOCA funds, if the funds are used to expand or enhance the delivery of crime victims' services. These organizations include, but are not limited to the following:

***Criminal Justice Agencies.*** Such agencies as law enforcement organizations, prosecutor offices, courts, corrections departments, probation and paroling authorities are eligible to receive VOCA funds to help pay for victims' services. For example, a police department may use VOCA funds to provide crime victim services that exceed a law enforcement official's normal duties, such as victim crisis response units. Regular law enforcement duties such as crime scene intervention, questioning of victims and witnesses, investigation of the crime, and follow-up activities may not be paid with VOCA funds.

***Hospital and Emergency Medical Facilities.*** Such organizations must offer crisis counseling, support groups, and/or other types of victim services. In addition, state grantees may only award VOCA funds to a medical facility for the purpose of performing forensic examinations on sexual assault victims if appropriate crisis counseling and/or other types of victim services are offered to the victim in conjunction with the examination.

***Others.*** State and local public agencies such as mental health service organizations, state grantees, legal service agencies, and public housing authorities that have components specifically trained to serve crime victims. Since the intention of the VOCA grant program is to support and

enhance the crime victim services provided by community agencies, state grantees that meet the definition of an eligible subrecipient organization may not subaward themselves more than 10 percent of their annual VOCA award.

***Religiously-Affiliated Organizations.*** Such organizations receiving VOCA funds must ensure that services are offered to all crime victims without regard to religious affiliation and that the receipt of services is not contingent upon participation in a religious activity or event.

***State Crime Victim Compensation Agencies.*** Compensation programs may receive VOCA assistance funds if they offer services to crime victims that extend beyond the usual information about compensation and referral to other sources of public and private assistance.

***Eligible subrecipients are selected through an annual competitive process.***

## **C. INELIGIBLE APPLICANTS**

***Federal Agencies.*** This includes U.S. Attorneys Offices and local F.B.I. Offices. Recipients of VOCA funds would constitute an augmentation of the federal budget with money intended for state agencies. However, private nonprofit organizations that operate on federal land may be eligible subrecipients of VOCA victim assistance grant funds.

***In-Patient Treatment Facilities.*** For example, those designed to provide treatment to individuals with drug, alcohol, and/or mental health-related conditions.

## **D. FEDERAL REQUIREMENTS**

VOCA establishes criteria that must be met by all organizations that receive VOCA funds. These funds are to be awarded to subrecipients only for providing services to victims of crime through their staff. Each subrecipient organization must meet the following requirements:

***Client-Counselor Confidentiality.*** Maintain confidentiality of client-counselor information, as required by state and federal law. No recipient of VOCA funds shall use or reveal any research or statistical information furnished under this program by any person and identifiable to any specific private person for any purpose other than the purpose for which such information was obtained in accordance with VOCA. Such information, and any copy of such information, shall be immune from legal process and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceeding.

***Comply with Federal Rules Regulating Grants.*** Subrecipients must comply with the applicable provisions of VOCA, the Program Guidelines, and the requirements of the OJP Financial Guide, which includes maintaining appropriate programmatic and financial records that fully disclose the amount and disposition of VOCA funds received. This includes: financial documentation for disbursements; daily time and attendance records specifying time devoted to VOCA allowable victim services; client files; the portion of the project supplied by other sources of revenue; job descriptions; and contracts for services. In addition, subrecipients are required to collect

demographic data on clients served, in addition to data regarding the direct services provided. Data is reported on a quarterly basis.

***Comply with State Criteria.*** Subrecipients must abide by any additional eligibility or service criteria as established by the state grantee including submitting statistical and programmatic information on the use and impact of VOCA funds, as requested by the grantee.

***Crime Victims Compensation Assistance.*** Sub-recipients shall, pursuant to VOCA, at [42 U.S.C. 10603\(b\)\(1\)\(E\)](#), assist recipients of services in seeking crime victim compensation benefits. Such assistance may include identifying and notifying crime victims of the availability of compensation, assisting them with application forms and procedures, obtaining necessary documentation, monitoring claim status, and intervening on behalf of the victim with the crime victims' compensation program.

***Discrimination Prohibited.*** The VOCA non-discrimination provisions specified at [42 U.S.C. 10604\(e\)](#) shall be implemented in accordance with [28 CFR part 42](#), and guidance from the Office for Civil Rights within the Office of Justice Programs.

***Maintain Civil Rights Information.*** Maintain statutorily required civil rights statistics on victims served by race or national origin, sex, age, and disability, within the timetable established by the state grantee; and permit reasonable access to its books, documents, papers, and records to determine whether the recipient is complying with applicable civil rights laws. This requirement is waived when providing a service, such as telephone counseling, where soliciting the information may be inappropriate or offensive to the crime victim.

***Match Requirements.*** Match is to be committed for each VOCA-funded project and derived from resources other than federal funds. All funds designated as match are restricted to the same uses as the VOCA victim assistance funds and must be expended within the grant period. Because of this requirement, VOCA subrecipients must maintain records which clearly show the source, the amount, and the period during which the match was expended. Therefore, organizations are encouraged not to commit excessive amounts of match. Match is 25% of the federal amount requested (5.263% for American Indian Tribes) and can be in-kind or cash. Cash match is any cash spent from non-federal sources for project-related costs. In-kind match is the value of donated services such as volunteer hours. If match is a barrier to applying for VOCA funding, and an exception is justified, the VOCA Board may elect to request a match reduction or match waiver, on behalf of the applicant, from the Office for Victims of Crime (OVC). **In the pending proposed VOCA rule, OVC proposes to eliminate the current 5% match requirement for American Indian and Tribal Organizations.**

***New Programs.*** Those programs that have not yet demonstrated a record of providing services may be eligible to receive VOCA funding, if they can demonstrate financial support of 25% from non-VOCA funding sources.

***No Charge to Victims for VOCA-Funded Services.*** Subrecipients must provide services to crime victims, at no charge, through the VOCA-funded project. Any deviation from this provision requires prior approval by the state granting agency. Any approved program income is

restricted to the same uses as the VOCA grant, and the resulting income must be obligated and expended during the grant period in which the income was generated.

***Performance Measurement Tool (PMT).*** Subrecipients are required to track demographic and service information on clients served with VOCA and matching funds. The report identifies how VOCA funds were used and is due 30 days after the end of each quarter.

***Promote Community Efforts to Aid Crime Victims.*** Promote within the community served coordinated public and private efforts to aid crime victims. Such coordination may include, but is not limited to, serving on federal, state, local, or American Indian tribal task forces, work groups, committees, commissions, or coalitions, to develop written agreements and protocols, overseeing and recommending improvements to community responses to crime victims.

***Record of Effective Services.*** Demonstrate a record of providing effective services to crime victims. This includes having the support and approval of its services by the community, a history of providing direct services in a cost-effective manner, and financial support from other sources.

***Services to Federal and Tribal Crime Victims.*** All subrecipients must provide services to victims of federal crimes, and those crimes occurring in Tribal jurisdictions, on the same basis as victims of state and local crimes.

***Subgrant Award Reports (SAR).*** Subrecipients are required to submit a Subgrant Award Report (SAR) for each project that receives VOCA funds, within sixty (60) days of the subaward date. The subgrant award report identifies how the awarded funds will be used.

***Substantial Financial Support from non-VOCA Funds.*** A program has substantial financial support from non-VOCA funds when at least twenty-five percent (25%) of the program's funding in the year of, or the year preceding, the award consists of non-VOCA funds. Substantial financial support may include support from other Federal funding programs. A program may count the funding used to demonstrate non-VOCA substantial financial support toward its project match requirement, provided that this funding is non-Federal (or meets the OJP Financial Guide exceptions for using Federal funding for match).

***Volunteers.*** Subrecipient organizations must use volunteers unless the state grantee determines there is a compelling reason to waive this requirement. A “compelling reason” may be a statutory or contractual provision concerning liability or confidentiality of counselor/victim information, which bars using volunteers for certain positions, or the inability to recruit and maintain volunteers after a sustained and aggressive effort. The value placed on volunteer services shall be consistent with the rate of compensation paid for similar work in the sub-recipient's organization. If the required skills are not found in the sub-recipient's organization, the rate of compensation shall be consistent with the labor market. If services are provided at a discounted rate, the difference between the rate charged the sub-recipient and the rate ordinarily charged shall be included in the valuation. Fringe benefits may be included in the valuation.

## **E. FUNDABLE SERVICES**

Allowable costs for direct services are eligible for support with VOCA victim assistance grant funds within a subrecipient's organization as follows:

***Civil Legal Services for Victims.*** Allowable when the need for such services arises as a direct result of the victimization. The following are illustrative examples of some circumstances where civil legal services may be appropriate: Protective and restraining orders against a stalker or abuser; campus administrative protection or stay away order proceedings; family, custody, contract, housing, and dependency matters for victims of intimate partner violence, child abuse, sexual assault, and elder abuse; immigration assistance for victims of human trafficking and domestic abuse victims; intervention with creditors, law enforcement (e.g., to obtain police reports), and other entities on behalf of victims of identity theft and financial fraud; intervention with administrative agencies, schools/colleges, tribal entities, and other circumstances where legal advice or intervention would assist in addressing the consequences of a person's victimization.

***Criminal Justice Assistance and Facilitation of Participation.*** Such facilitation generally involves the provision of services that helps victims participate in the criminal justice system and includes: advocacy on behalf of crime victims; accompaniment to criminal justice offices and court; transportation, meals, and lodging to allow victims who are not witnesses to participate in the criminal justice system; interpreters for victims who are hearing-impaired, or with limited English proficiency, when they are not witnesses; child care and respite care to enable a victim who is a caregiver to attend criminal justice activities related to the case; notification to victims regarding trial dates, case disposition, incarceration, and parole hearings; assistance with victim impact statements; and assistance in recovering property that was retained as evidence and projects devoted to restitution advocacy on behalf of crime victims.

***Costs Necessary and Essential to Providing Direct Services.*** This includes prorated costs of rent, telephone service, transportation costs for victims to receive services, emergency transportation costs that enable a victim to participate in the criminal justice system, and local travel expenses for service providers.

***Emergency Costs for the Victim.*** The proposed rule allows sub-recipient direct costs to include emergency costs of non-prescription and prescription medicine, prophylactic treatment to prevent HIV/AIDS infection, durable medical devices and equipment, and other health care items, if those items cannot be funded through an alternative source within 48 hours of the crime.

***Forensic Interviews.*** VOCA 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 identification of needs such as social services, personal advocacy, case management, substance abuse treatment, and mental health services; interviews are conducted in the context of a multidisciplinary investigation and diagnostic team, or in a specialized setting such as a child advocacy center; 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; and VOCA victim assistance

funds are not used to supplant other State and local public funding available for forensic interviews, including criminal justice funding.

***Immediate Health and Safety.*** Those services which respond to the immediate emotional and physical needs of crime victims such as crisis intervention; accompaniment to hospitals for medical examinations; hotline counseling; safety planning; emergency food, clothing, transportation, and shelter; short-term in-home care (up to 45 days) for children and adults who remain in their own homes when the offender/caregiver is removed; short-term nursing home (up to 45 days), adult foster care, or group home placement for adults for whom no other safe, short-term residence is available; window, door, and lock replacement or repair; or 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.

***Legal Assistance for Victims.*** Emergency legal assistance to ensure a victim's immediate physical and psychological health and safety—including, but not limited to, assistance in filing for protective and restraining orders, protective orders, and obtaining emergency custody orders and visitation rights. The new 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. The proposed rule contemplates two contexts where this may occur—legal assistance to assert a victim's rights or protect a victim's safety, privacy, or other interests, in a criminal proceeding directly related to the person's victimization; and civil legal assistance where the need for such assistance arises as a direct result of a person's victimization. The proposed rule offers several examples of circumstances under which legal services may be appropriate as victim assistance and supported with VOCA funding. It also clarifies that criminal defense, tort suits, and divorce proceedings generally are not allowable costs. It is important to note that the proposed rule merely *permits* the use of VOCA funding for legal services—it does not mandate that such services be provided. The VOCA Board retains broad discretion to set limits on the type and scope of legal services that it allows its sub-recipients to provide with VOCA funding.

***Mental Health Assistance.*** Mental health counseling and care includes out-patient therapy/counseling, including referral to substance abuse treatment, provided by a person who meets professional standards to provide these services in the jurisdiction in which the care is administered.

***Peer Support.*** Peer support includes activities that provide opportunities for victims to meet other victims, share experiences, and provide self-help, information, and emotional support.

***Personal Advocacy and Emotional Support.*** Personal advocacy and emotional support services include: working with a victim to assess the impact of the crime; identify needs; case management; managing practical problems created by the victimization; identifying resources;

providing information, referrals, advocacy, and follow-up contact for continued services, as needed; and providing traditional, cultural and/or alternative therapy/healing (e.g., art therapy, yoga).

**Personnel Costs.** VOCA funds may be used to support personnel costs that are directly related to providing direct services and other allowable victim-related services, such as staff and coordinator salaries and fringe benefits, including a prorated share of liability insurance.

**Public Awareness.** Public awareness and education presentations that are made in schools, community centers, and other public forums, and that are designed to inform crime victims of specific rights and services and provide or refer them to needed services and assistance are allowable. Costs related to these activities include the development of presentation materials, brochures, newspaper notices, and public service announcements.

**Relocation Expenses.** Under the proposed new rule, the cost of relocation of victims is allowable, subject to any restrictions on amount, length of time, and eligible crimes, set by the State administering agency. Generally, relocation is appropriate where needed for the safety and well-being of a victim, particularly for domestic violence victims, victims of sexual assault, and victims of human trafficking. Such costs must be reasonable and may include, but are not limited to, moving expenses, security deposits on housing, rental and mortgage assistance, and utility startup. Once the proposed rule is published by DOJ/OVC, organizations approved to provide relocation services to crime victims will be asked to submit agency policies that identify the criteria that must be met for a victim to be eligible for relocation assistance.

**Restorative Justice.** Opportunities for crime victims to meet with perpetrators, if such meetings are requested by the victim and have therapeutic value to crime victims. At a minimum, the following will be considered by the state grantee before awarding this type of program: 1) the safety and security of the victim; 2) the benefit or therapeutic value to the victim; 3) the procedures for ensuring that participation of the victim and offender are voluntary and that everyone understands the nature of the meeting; 4) the provision of appropriate support and accompaniment for the victim, 5) appropriate “debriefing” opportunities for the victim after the meeting or panel; 6) the credentials of the facilitators; and 7) the opportunity for a crime victim to withdraw from the process at any time. Proposals of this type of activity may require the state grantee obtain prior approval from the Office for Victims of Crime. VOCA assistance funds cannot be used for victim-offender meetings which serve to replace criminal justice proceedings.

**Services to Incarcerated Individuals.** The existing Guidelines do not allow OVC Victim Assistance Program funds to be used for rehabilitative services or support services to incarcerated individuals. The new rule would allow 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. For example, under the proposed rule a State could choose to fund a service provider to provide mental health services to an individual incarcerated for illegal distribution of drugs who is a victim of sexual assault while so incarcerated. By contrast, VOCA funding could not be used to support medical or mental health services relating to a pre-incarceration assault of that individual by a co-conspirator for

not dividing up in an equitable manner the proceeds from sales of illegal drugs. It is important to note that a person who is targeted and victimized while incarcerated because of the crime for which he is incarcerated (e.g., a person imprisoned for child abuse who is subsequently sexually assaulted by other inmates) would not be excluded from receiving VOCA-funded assistance. In addition, VOCA victim assistance does not cover non-emergency medical costs—therefore, it is anticipated that the majority of any costs incurred for services to incarcerated victims would be related to forensic exams for sexual assault victims and mental health services to address the consequences of victimization. The rule does not mandate that States make funding available for services to incarcerated victims, but rather, merely permits them to do so; therefore, the VOCA Board will make a determination regarding the appropriate delegation of responsibility (and fiscal burden) between victim service agencies/organizations and detention/correctional facilities with regard to caring for this victim population.

***Special Services.*** Services to assist crime victims with managing practical problems created by the victimization such as acting on behalf of the victim with other service providers, creditors, or employers; assisting the victim to recover property that is retained as evidence; assisting in filing for compensation benefits; and helping to apply for public assistance.

***Transitional Housing.*** The cost of transitional housing for victims is allowable, subject to any restrictions on amount, length of time, and eligible crimes that may be set by the State administering agency. Generally, transitional housing is appropriate for victims of human trafficking, victims with disabilities abused by caretakers, victims of domestic violence and their dependents, and other victims who have a particular need for transitional housing, and who cannot (or should not) return to their previous housing situation due to the circumstances of their victimization. Organizations approved to provide transitional housing to crime victims will be required to submit agency policies that identify the criteria that must be met for a victim to be eligible for transitional housing assistance.

***Transportation.*** Transportation is allowable for victims to receive services and to participate in criminal justice proceedings.

## **F. OTHER FUNDABLE COSTS AND ACTIVITIES**

The following are other allowable victim-service-related costs for which subrecipients may use VOCA funds:

***Automated Systems and Technology.*** VOCA funds may be used for automated systems and technology that support delivery of direct services to victims. Examples are automated information and referral systems, email systems that allow communications among victim service providers, automated case-tracking and management systems, and victim notification systems. Costs may include personnel, hardware, and other expenses, as determined by the State administering agency.

***Court Appointed Special Advocates (CASA) and Other Similar Volunteer Trainings.*** 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.

***Coordination of Activities.*** 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.

***Contracts for Professional Services.*** Sub-recipients may use VOCA funds to contract for specialized professional services that are not available within the organization. Examples of such services include, but are not limited to, psychological or psychiatric consultation; legal consultation for victim advocates who assist victims in using appropriate legal avenues to alleviate danger and in exercising their rights as victims; and interpreters for victims who are hearing impaired or with limited English proficiency. Sub-recipients generally should not use VOCA funds for contracted services that charge for administrative overhead or other indirect costs on an hourly or daily rate.

***Equipment and Furniture.*** VOCA funds may be used to purchase furniture and equipment that facilitate the delivery of direct services to crime victims. Examples of allowable costs are telephones; Braille and TTY/TDD equipment; computers and printers; beepers; video cameras and recorders for documenting and reviewing interviews with children; two-way mirrors; colposcopes; and equipment and furniture for shelters, work spaces, victim waiting rooms, and children's play areas. VOCA funds may support only the prorated share of an item that is not used exclusively for victim-related activities.

***Indirect Costs (NEW for 2016).*** For the first time, subrecipients may request indirect costs under VOCA. Typical examples of indirect cost for most organizations will include the costs of operating and maintaining facilities and general administration such as the salaries and expenses of executive officers, personnel administration, and accounting personnel. Organizations who wish to request indirect costs, that already have a negotiated rate with a federal cognizant agency, must use that negotiated rate in the grant application request, or if the negotiated rate is expired, the applicant can apply for a one-time extension of up to four years without further negotiation. Application for an extension has to be made through the cognizant federal agency that initially negotiated the indirect cost rate. Non-federal organizations that have never had a negotiated indirect cost rate may use a rate 10% of the organizations modified total direct costs. This 10% rate is also known as a “de minimis” indirect cost rate.

***Leasing Vehicles.*** Provided that the State administering agency grants prior approval, leasing vehicles is an allowable cost. The sub-recipient must demonstrate to the satisfaction of the State administering agency that the vehicle is essential to delivering services to crime victims.

***Maintenance, Repair, or Replacement of Essential Items.*** VOCA funds may be used for repair or replacement of items that contribute to maintaining the health and/or safe environment for crime victims, such as a furnace in a shelter, routine maintenance, and automobile insurance for leased vehicles. The State grantee will review each request for expending VOCA funds for such purposes to ensure the following: 1) that the building is owned by the subrecipient organization

and not rented or leased; 2) all other sources of funding have been exhausted; 3) there is no available option for providing the service in another location; 4) that the cost of the repair or replacement is reasonable considering the value of the building; and 5) the cost of the repair or replacement is pro-rated among all sources of income.

**Office Costs.** Office costs that are necessary and essential to providing direct services and other allowable victim services are allowable. These costs include but are not limited to the prorated costs of rent; utilities; local travel expenses for service providers; and required minor building adaptations needed to meet the Department of Justice standards implementing the Americans with Disabilities Act.

**Operating Costs.** Operating costs include but are not limited to: supplies; equipment use fees, when supported by adequate documentation; prorated costs of property insurance; printing, photocopying, and postage; courier services; brochures that describe available services; books and other victim-related materials; computer backup files/tapes and storage; and security systems.

**Multisystem, Interagency, Multidisciplinary Response to Crime Victims.** VOCA funds may be used for activities that support a coordinated and comprehensive response to crime victims by direct service providers. Examples include direct service staff serving on child and adult abuse multidisciplinary investigation and treatment teams; coordinating with Federal agencies and Tribal programs to provide services to victims of Federal crimes and crimes that take place within State, Local, and Tribal jurisdictions; and/or participation on statewide or other task forces, work groups, and committees to develop protocols, interagency, and other working agreements.

**Project Evaluation.** Sub-recipients may use VOCA funds to support evaluations of specific victim service projects.

**Skilled Training for Staff.** VOCA funds designated for skills training shall be used exclusively for developing the skills of direct service providers, including paid staff and volunteers, so that they are better able to offer quality services to crime victims. These VOCA funds may be used for training both VOCA-funded and non-VOCA-funded service providers who work within a VOCA recipient organization. VOCA funds may be used to pay for manuals, books, videoconferencing, and other materials and training methods.

**Supervision of Direct Service Providers.** VOCA funds may be used to support the costs of supervisory staff costs in a VOCA-funded project, when the State administering agency determines that such supervision of direct service providers is necessary and essential to providing direct services to crime victims.

**Training Materials.** VOCA funds can be used to purchase materials such as books, training manuals, and videos for direct service providers within the VOCA-funded organization, and can support the costs of a trainer for in-service staff development. Staff from other organizations can attend in-service training activities that are held for the subrecipient's staff.

***Training Related Travel.*** VOCA funds may support costs such as travel, meals, lodging, and registration fees for VOCA-funded direct service staff in a VOCA subrecipient organization. These expenses may be funded for training in-State, regionally, and nationally.

***VOCA Administrative Time.*** Administrative time spent performing the following activities: completing VOCA-required time and attendance sheets and programmatic documentation, reports, and statistics; collecting and maintaining crime victims' records; conducting victim satisfaction surveys and needs assessments to improve victim services delivery in the VOCA-funded project; and funding the prorated share of audit costs.

## **G. UNALLOWABLE COSTS**

The following services, activities, and costs, although not exhaustive, cannot be supported with VOCA victim assistance grant funds:

***Administrative Staff Expenses.*** Salaries, fees, and reimbursable expenses associated with administrators, board members, executive directors, consultants, coordinators, and other individuals. Exceptions: Administrative staff expenses incurred while providing direct services to crime victims; and those administrative staff expenses included in an indirect cost agreement or de minimis indirect cost rate.

***Capital Expenses.*** Capital improvements, except as allowable for the immediate physical and psychological health and safety of the victim(s), liability insurance on buildings; body guards; property losses and expenses; real estate purchases; mortgage payments; and construction.

***Compensation for Victims of Crime.*** Reimbursement to crime victims for expenses incurred as a result of crime are not allowable, except for those expenses specifically identified in these guidelines (i.e., window, door, and lock replacement and repair; and some types of emergency medical costs, such as replacement of eyeglasses and hearing aids broken during a crime).

***Costs of Sending Individual Crime Victims to Conferences.***

***Crime Prevention.*** Any activities involving crime prevention are unallowable.

***Criminal Justice System Improvement.*** Activities directed at prosecuting an offender or improving the criminal justice system's effectiveness and efficiency, except that forensic interviews and examinations may be funded in some instances, as described on page 5.

***Development of Protocols, Interagency Agreements, and Other Working Agreements.*** These activities benefit crime victims, but they are considered examples of the types of activities that subrecipients undertake as part of their role as a victim services organization, which in turn qualifies them as an eligible VOCA subrecipient.

***Funding Other Organizations.*** The purchase of equipment for another organization or individual to perform a victim-related service.

**Fundraising Activities.** Any activities or other costs related to fundraising (with the exception of fee-based, or similar, program income as permitted by the State administering agency under these rules).

**Lobbying and Administrative Advocacy.** Lobbying or administrative advocacy activities on legislation or administrative change to regulation or administrative policy (*cf.* [18 U.S.C. 1913](#)), whether conducted directly or indirectly, are unallowable.

**Most Medical Costs.** Reimbursement to crime victims for expenses incurred as a result of a crime, except 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.

**Needs Assessments, Surveys, Evaluations, Studies.** VOCA 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.

**Perpetrator Rehabilitation and Counseling.** Funds may not be used for perpetrator rehabilitation and counseling except where directly arising from the victimization of an incarcerated individual whose need for victim assistance services does not directly arise from the crime for which that individual was incarcerated. Services that respond to the needs of an incarcerated crime victim, whether arising from a victimization occurring before or during incarceration, are allowable where the need for such services does not directly arise from the crime for which that individual was incarcerated. Such services may include psychological or medical forensic services. The need for victim assistance services does not directly arise from the crime for which a person is incarcerated merely because that person, while incarcerated, is victimized, even where the person is targeted and victimized for having committed that crime.

**Property Loss.** Reimbursing crime victims for expenses incurred as a result of a crime such as insurance deductibles, replacement of stolen property, funeral expenses, lost wages, and medical bills is not allowed.

**Prosecution Activities.** VOCA funds cannot be used to pay for activities that are directed at prosecuting an offender and/or improving the criminal justice system's effectiveness or efficiency such as witness notification and management activities and expert testimony at trial. In addition, victim protection costs and victim/witness expenses such as travel to testify in court and subsequent lodging and meal expenses are considered part of the criminal justice agency's responsibility and cannot be supported with VOCA funds. Transportation costs for a victim, who is not a witness, to receive services and to participate in criminal justice proceedings is allowed.

**Research and Studies.** Research and studies on crime victim issues are an unallowable use of VOCA funds, as these funds should be used primarily for direct services. Note: Evaluation of

specific victim service projects to determine the effectiveness of such a program is an allowable use of VOCA funds.

***Salaries and Expenses of Management.*** Salaries, benefits, fees, furniture, equipment, and other expenses of executive directors, board members, and other administrators, except as allowable for coordination of activities, supervision of direct service providers, multisystem, interagency, multidisciplinary response to crime victims, contracts for professional services, automated systems and technology, and CASA and other similar volunteer trainings.

***Victim Attendance at Conferences.*** The attendance of individual crime victims at conferences.

## **H. DEFINITIONS** *(as described in the proposed VOCA Assistance Rule awaiting Publication)*

***Direct Services.*** Responding to the emotional and physical needs of crime victims; assisting victims of crime to stabilize their lives after victimization; assisting victims to understand and participate in the criminal justice system; or restore a measure of security and safety for the victim (for example, by replacing or repairing broken windows, doors, and locks).

***Spousal Abuse.*** Includes intimate partner violence and dating violence.

***Child Abuse.*** A term that covers a broad variety of harm to children. Child abuse victims are a statutorily mandated priority category, and the clarification will ensure that a broad variety of victim assistance projects that address the abuse of children are eligible. Many child victims experience poly-victimization, meaning several different kinds of direct victimization or indirect exposure to violence (either as an eyewitness or through other knowledge) over a period of time. Poly-victimization greatly increases children's vulnerability to mental health, behavioral, school performance, and other problems, and can contribute to lifelong challenges for the affected children. In addition, children's exposure to violence—in their homes, schools, or communities—as victims or witnesses, is often associated with long-term physical, psychological, and emotional harm, and can contribute to behavioral problems, including substance abuse, and negative health outcomes. VOCA-funded victim assistance programs may use funding to address these various forms of child abuse. The definition clarifies that child pornography related offenses are a form of child abuse. It is the intent of VOCA to permit States the flexibility to fund programs to help these victims, whose needs may arise immediately after the abuse, or much later—for example, upon distribution of images of the abuse.