

Victims of Crime Act (VOCA)



FEDERAL GRANT PROGRAM RULES

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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 state administering agency (SAA) 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.

Faith-based and Neighborhood 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.

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.

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.

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.

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:

Confidential or Private Information. (a) *Confidentiality.* DAC and subrecipients of VOCA funds shall, to the extent permitted by law, reasonably protect the confidentiality and privacy of persons receiving services under this program and shall not disclose, reveal, or release, except pursuant to paragraphs (b) and (c) of this section— (1) 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; or (2) Individual client information, without the informed, written, reasonably time-limited consent of the person about whom information is sought, except that consent for release may not be given by the abuser of a minor, incapacitated person, or the abuser of the other parent of the minor. If a minor or a person with a legally appointed guardian is permitted by law to receive services without a parent's (or the guardian's) consent, the minor

or person with a guardian may consent to release of information without additional consent from the parent or guardian. (b) *Release*. If release of information described in paragraph (a)(2) of this section is compelled by statutory or court mandate, the DAC and/or sub-recipient 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. (c) *Information sharing*. DAC and/or sub-recipients may share— (1) Non-personally identifying data in the aggregate regarding services to their clients and non-personally identifying demographic information in order to comply with reporting, evaluation, or data collection requirements; (2) Court-generated information and law-enforcement-generated information contained in secure governmental registries for protection order enforcement purposes; and (3) Law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes. (d) *Personally identifying information*. In no circumstances may—(1) A crime victim be required to provide a consent to release personally identifying information as a condition of eligibility for VOCA-funded services; (2) Any personally identifying information be shared in order to comply with reporting, evaluation, or data-collection requirements of any program; (e) *Mandatory reporting*. Nothing in this section prohibits compliance with legally mandated reporting of abuse or neglect.

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 DAC, including submitting statistical and programmatic information on the use and impact of VOCA funds, upon request.

Crime Victims Compensation Assistance. Subrecipients are required, by federal law, to provide assistance to victims in applying for victim compensation. Assistance to potential recipients of crime victim compensation benefits (including potential recipients who are victims of federal crime) in applying for such benefits may include, but are not limited to: referring such potential recipients to an organization that can assist, identifying crime victims and advising them of the availability of benefits, assisting such potential recipients with application forms and procedures, obtaining necessary documentation, monitoring claim status, and intervening on behalf of a potential recipient with the crime victims' compensation program.

Discrimination Prohibited. (a) The VOCA non-discrimination provisions specified at 42 U.S.C. 10604(e) shall be implemented in accordance with 28 CFR part 42. (b) In complying with VOCA, at 42 U.S.C. 10604(e), as implemented by 28 CFR part 42, the DAC and subrecipients shall comply with such guidance as may be issued from time to time by 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 match 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 received and can be in-kind or cash (e.g. grant is \$50,000; match would be \$12,500). 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). When considering waivers, the OVC Director 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 additional match versus continuing activities where match is already provided. There is no match requirement for American Indian tribes, or projects operating on tribal lands.

Match Sources. Contributions must be derived from non-federal sources, except as may be provided in the DOJ Grants Financial Guide, and may include, but are not limited to, the following: (1) *Cash*; *i.e.*, the value of direct funding for the project; (2) *Volunteered professional or personal service*, 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, but 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; (3) *Materials/Equipment* may be used as match, but the value placed on lent or donated equipment shall not exceed its fair market value; (4) *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; and (5) *Non-VOCA funded victim assistance activities*, including but not limited to, performing direct service, coordinating, or supervising those services, training victim assistance providers, or advocating for victims.

Any reduction or discount provided to the sub-recipient shall be valued as the difference between what the sub-recipient paid and what the provider's nominal or fair market value is for the good or service. Matching contributions are restricted to the same uses, and timing deadlines for obligation and expenditure, as the project's VOCA funding. Each sub-recipient must maintain records that clearly show the source and amount of matching funds, 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 shall be documented. Volunteer services shall be substantiated by the same methods used by the sub-recipient for its paid employees (generally, this should include timesheets substantiating time worked on the project). See the

following link for the Federal Financial Guide for additional match guidance:
http://ojp.gov/financialguide/DOJ/pdfs/2015_DOJ_FinancialGuide.pdf

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 in the DAC office 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.

Retention of Records

You must retain all financial records, supporting documents, statistical records, and all other records pertinent to the award for a period of 3 years from the date of submission of the final expenditure report (Federal Financial Report/SF-425). Retention is required for purposes of federal examination and audit. Records may be retained in an electronic format.

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 and should be modified throughout the grant period if changes are made to the grant.

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. It is a federal mandate that programs use volunteers to the extent required by the DAC in order to be eligible for VOCA funds, unless the DAC 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. If volunteer time is used as match in the VOCA-funded project, 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.

Facilitation of participation in criminal justice and other public proceedings arising from the crime. The provision of services and payment of costs that help victims participate in the criminal justice system and in other public proceedings arising from the crime (e.g., juvenile justice hearings, civil commitment proceedings), including, but not limited to: (1) Advocacy on behalf of a victim; (2) Accompanying a victim to offices and court; (3) Transportation, meals, and lodging to allow a victim who is not a witness to participate in a proceeding; (4) Interpreting for a non-witness victim who is deaf or hard of hearing, or with limited English proficiency; (5) Providing child care and respite care to enable a victim who is a caregiver to attend activities related to the proceeding; (6) Notification to victims regarding key proceeding dates (e.g., trial dates, case disposition, incarceration, and parole hearings); (7) Assistance with Victim Impact Statements; (8) Assistance in recovering property that was retained as evidence; and (9) Assistance with restitution advocacy on behalf of crime victims.

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.

Forensic Medical Evidence Collection Examinations. Forensic medical evidence collection examinations for adult and child victims are allowable to the extent that other funding sources such as state appropriations are insufficient. These costs may be covered if the examination meets standards established by the state, and appropriate crisis counseling and/or other types of victim services 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. Due to the existence of the Sexual Assault Examination Fund, VOCA funds may not be used to pay for the performance of the examination. Due to the lack of a specific funding source for domestic violence evidence collection examinations and child abuse medical evidence collection examinations that are not part of a sexual assault exam, the VOCA Board may choose to fund costs associated with the performance of those examinations.

Immediate Emotional, Psychological and Physical Health and Safety—Services that respond to immediate needs of crime victims include, but are not limited to: (1) Crisis intervention services; (2) Accompanying victims to hospitals for medical examinations; (3) Hotline counseling; (4) Safety planning; (5) Emergency food, shelter, clothing, and transportation; (6) Short-term (up to 45 days) in-home care and supervision services for children and adults who remain in their own homes when the offender/caregiver is removed; (7) Short-term (up to 45 days) nursing home, adult foster care, or group-home placement for adults for whom no other safe, short-term residence is available; (8) Window, door, or lock replacement or repair, and other repairs necessary to ensure a victim's safety. (9) Costs of the following, on an emergency basis (*i.e.*, 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, is not reasonably expected to be available quickly enough to meet the emergency needs of a victim (typically within 48 hours of the crime): Non-prescription and prescription medicine, prophylactic or other treatment to prevent HIV/AIDS infection or other infectious disease, durable medical equipment (such as wheelchairs, crutches, hearing aids, eyeglasses), and other healthcare items are allowed; and (10) Emergency legal assistance, such as for filing for restraining or protective orders, and obtaining emergency custody orders and visitation rights.

Legal Assistance for Victims. Legal assistance services (including, but not limited to, those provided on an emergency basis), where reasonable and where the need for such services arises as a direct result of the victimization. Such services include, but are not limited to: (1) Those (other than criminal defense) that help victims assert their rights as victims in a criminal proceeding directly related to the victimization, or otherwise protect their safety, privacy, or other interests as victims in such a proceeding; (2) Motions to vacate or expunge a conviction, or similar actions, where the jurisdiction permits such a legal action based on a person's being a crime victim; and (3) Those actions (other than tort actions) that, in the civil context, are reasonably necessary as a direct result of the victimization.

Mental Health Counseling and Care—Mental health counseling and care, including, but 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 professional standards to provide these services in the jurisdiction in which the care is administered.

Peer-Support. Including, but not limited to, 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, including, but not limited to: (1) Working with a victim to assess the impact of the crime; (2) Identification of 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; and (7) Traditional, cultural, and/or alternative therapy/healing (*e.g.*, art therapy, yoga). Personal advocacy may also include: 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.

Relocation Expenses. Relocation is subject to any restrictions on amount, length of time, and eligible crimes, set by the DAC. Generally, relocation is appropriate where needed for the safety and well-being of a victim, including, but not limited to, reasonable moving expenses security deposits on housing, rental expenses, and utility startup. Programs 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.

Services to Incarcerated Individuals. Victim service providers may provide services to incarcerated individuals, provided the VOCA Board agrees to fund such services and the incarcerated individual is a victim of crime. The services must address issues directly arising from the victimization and not the crime for which that individual was incarcerated. 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.

Transitional Housing. Transitional housing is subject to any restrictions on amount, length of time, and eligible crimes set by the DAC. Transitional housing is generally allowed for those who have a particular need for such housing, and who cannot safely return to their previous housing, due to the circumstances of their victimization. Transitional housing may include travel expenses, rental assistance, security deposits, utilities, and other costs incidental to the relocation to such housing, as well as voluntary support services such as childcare and counseling. Transitional housing will be viewed as appropriate for victims of domestic violence and their dependents, victims of human trafficking, victims with disabilities abused by caretakers, 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. Programs 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. ACTIVITIES SUPPORTING DIRECT SERVICES

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

Automated Systems and Technology—Subject to the provisions of the DOJ Grants Financial Guide and government-wide grant rules relating to acquisition, use and disposition of property purchased with federal funds, procuring automated systems and technology that support delivery of direct services to victims (*e.g.*, automated information and referral systems, email systems that allow communications among victim service providers, automated case-tracking and management systems, smartphones, computer equipment, and victim notification systems), including, but not limited to, procurement of personnel, hardware, and other items, as determined by the DAC after considering—(1) Whether such procurement will enhance direct services; (2) How any acquisition will be integrated into and/or enhance the program’s current system; (3) The cost of installation; (4) The cost of training staff to use the automated systems and technology; (5) The ongoing operational costs, such as maintenance agreements, supplies; and (6) How additional costs relating to any acquisition will be supported.

Contracts for Professional Services. Sub-recipients may use VOCA funds to contract for specialized professional services that are not available within the organization (*e.g.*, psychological or psychiatric consultation, legal services, interpreters), at a rate not to exceed a reasonable market rate.

Coordination of Activities. 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, and salaries and expenses of such coordinators.

Multisystem, Interagency, Multidisciplinary Response to Crime Victims. Activities that support a coordinated and comprehensive response to crime victims needs by direct service providers, including, but not limited to, payment of salaries and expenses of direct service staff serving on child and adult abuse multidisciplinary investigation and treatment teams, coordination with federal agencies and Tribal programs 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.

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.

Volunteer Trainings. Activities in support of training volunteers on how to provide direct services when such services will be provided primarily by volunteers.

G. SUBRECIPIENT ADMINISTRATIVE COSTS

Administrative costs for which VOCA funds may be used by sub-recipients include, but are not limited to, the following:

Equipment and Furniture. Expenses of procuring furniture and equipment that facilitate the delivery of direct services (e.g., mobile communication devices, 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, digital cameras, and equipment and furniture for shelters, work spaces, victim waiting rooms, and children’s play areas), except that the VOCA grant may be charged only the prorated share of an item that is not used exclusively for victim-related activities.

Indirect Costs. VOCA subrecipients may request indirect costs. 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 if indirect costs are requested. 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, and governmental departments or agencies that receive less than \$35 million in direct federal funding per year and do not have a negotiated rate, may use the 10% de minimis indirect cost rate based on the organization’s modified total direct costs (MTDC). Federally recognized Tribes that have never negotiated an indirect cost rate may also use the 10% de minimis rate. Documentation of this decision must be kept on file.

Leasing or Purchasing Vehicles. Costs of leasing or purchasing vehicles, as determined by the DAC after considering, at a minimum, if the vehicle is essential to the provision of direct services.

Maintenance, Repair, or Replacement of Essential Items. Costs of maintenance, repair, and replacement of items that contribute to maintenance of a healthy or safe environment for crime victims (such as a furnace in a shelter; and routine maintenance, repair costs, and automobile insurance for leased vehicles), as determined by the DAC after considering, at a minimum, if other sources of funding are available.

Operating Costs. Operating costs include but are not limited to—(1) Supplies; (2) Equipment use fees; (3) Property insurance; (4) Printing, photocopying, and postage; (5) Courier service; (6) Brochures that describe available services; (7) Books and other victim-related materials; (8) Computer backup files/tapes and storage; (9) Security systems; (10) Design and maintenance of Web sites and social media; and (11) Essential communication services, such as web hosts and mobile device services.

Organizational Expenses. Organizational expenses necessary and essential to providing direct services and other allowable victim services, including, but not limited to, the prorated costs of rent; utilities; local travel expenses for service providers; and required minor building adaptations necessary to meet the Department of Justice standards implementing the Americans with Disabilities Act and/or modifications that would improve the program's ability to provide services to victim.

Personnel Costs. Personnel costs that are directly related to providing direct services and supporting activities, such as staff and coordinator salaries expenses (including fringe benefits), and a prorated share of liability insurance.

Project Evaluation. Costs of evaluations of specific projects in order to determine their effectiveness, within the limits set by DAC.

Public Awareness. Public awareness and education presentations (including, but not limited to, the development of presentation materials, brochures, newspaper notices, and public service announcements) 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.

Skills Training for Staff. Training exclusively for developing the skills of direct service providers, including paid staff and volunteers (both VOCA-funded and not), so that they are better able to offer quality direct services, including, but not limited to, manuals, books, videoconferencing, electronic training resources, and other materials and resources relating to such training.

Supervision of Direct Service Providers. Payment of salaries and expenses of supervisory staff in a project, when the DAC determines that such staff are necessary and effectively facilitate the provision of direct services.

Training-Related Travel. Training related costs such as travel (in-state, regional, and national), meals, lodging, and registration fees for paid direct service staff (both VOCA-funded and not).

VOCA Administrative Time. Cost of administrative time spent performing the following: (1) Completing VOCA-required time and attendance sheets and programmatic documentation, reports, and statistics; (2) Collecting and maintaining crime victims' records; (3) Conducting victim satisfaction surveys and needs assessments to improve victim services delivery in the project; and (4) Funding the prorated share of audit costs.

G. UNALLOWABLE ACTIVITIES AND COSTS

Notwithstanding any other provision in the VOCA Rules, no VOCA funds may be used to fund or support the following:

Active Investigation and Prosecution of Criminal Activities. The active investigation and prosecution of criminal activity, except for the provision of victim assistance services (*e.g.*, emotional support, advocacy, and legal services) to crime victims, under § 94.119, during such investigation and prosecution.

Capital Expenses. Capital improvements; property losses and expenses; real estate purchases; mortgage payments; and construction (except as specifically allowed elsewhere in the VOCA Rules).

Compensation for Victims of Crime. Reimbursement to crime victims for expenses incurred as a result of crime, except as otherwise allowed by other provisions in these Rules.

Fundraising Activities. Any activities related to fundraising, except for fee-based, or similar, program income authorized by the DAC under this subpart.

Lobbying. Lobbying or advocacy activities with respect to legislation or to administrative changes to regulations or administrative policy (*cf.* 18 U.S.C. 1913), whether conducted directly or indirectly.

Medical Care. Medical care, except as otherwise allowed by other provisions set out in the VOCA Rules.

Research and Studies. Research and studies, except for evaluations specified in these Rules.

Salaries and Expenses of Management. Salaries, benefits, fees, furniture, equipment, and other expenses of executive directors, board members, and other administrators (except as specifically allowed elsewhere in the VOCA Rules).

H. DEFINITIONS

Child. A person under the age of 18 or as otherwise defined by state law.

Direct Services or Services to Victims of Crime. Those services described in 42 U.S.C. 10603(d)(2), and efforts that—(1) Respond to the emotional, psychological, or physical needs of crime victims; (2) Assist victims to stabilize their lives after victimization; (3) Assist victims to understand and participate in the criminal justice system; or (4) Restore a measure of security and safety for the victim.

Project. The direct services project funded by a grant under this program, unless context indicates otherwise.

Services (as defined throughout this document):

- i. Respond to the emotional and physical needs of crime victims;
- ii. Assist primary and secondary victims of crime to stabilize their lives after a victimization;
- iii. Assist victims to understand and participate in the criminal justice system; and
- iv. Provide victims of crime with a measure of safety and security such as boarding up broken windows and replacing or repairing locks.

Spousal Abuse. Includes domestic and intimate partner violence.

Teen. OVC describes a teen (for purposes of this report) as a youth, ages 13–17. Use this definition to capture youth ages 13–17 who present for services for a primary and/or additional victimization where applicable: for example, teen dating victimization.

Victims of Child Abuse. A victim of crime, where such crime involved an act or omission considered to be child abuse under the law of the relevant DAC jurisdiction. In addition, for purposes of this program, victims of child abuse may include, but are not limited to, child victims of: Physical, sexual, or emotional abuse; child pornography-related offenses; neglect; commercial sexual exploitation; bullying; and/or exposure to violence.

Victim of Federal Crime. A victim of an offense in violation of a federal criminal statute or regulation, including, but not limited to, offenses that occur in an area where the federal government has jurisdiction, whether in the United States or abroad, such as Indian reservations, national parks, federal buildings, and military installations.

Crime Victim or Victim of Crime. A person who has suffered physical, sexual, financial, or emotional harm as a result of the commission of a crime.