

# **CRIME VICTIM ASSISTANCE**

**SUBRECIPIENT**

**PROGRAM GUIDELINES**

**FOR**

**2005/2006**

**Prepared by:**

**THE DISTRICT ATTORNEYS COUNCIL**

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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. Funding is generated entirely by federal fines, penalty assessments, forfeited appearance, and bail bonds.

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. WHO IS ELIGIBLE?

VOCA specifies that an organization must provide services to crime victims and be operated by a public agency, nonprofit organization, 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.

**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.

**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 (1) the examination meets the standards established by the state, local prosecutor's office, or statewide sexual assault coalition; and (2) 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.

#### **C. WHO IS NOT ELIGIBLE?**

**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. WHAT ARE THE 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:

**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.

**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-federal sources.

**Program 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 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.

**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.

**Promote Community Efforts to Aid Crime Victims.** Promote, within the community, coordinated public and private efforts to aid crime victims. Coordination may include, but is not limited to, serving on state, federal, local, or Native American task forces, commissions and/or working groups; and developing written agreements, which contribute to better and more comprehensive services to crime victims. Coordination efforts qualify an organization to receive VOCA victim assistance funds, but are not activities that can be supported with VOCA funds.

**Help Victims Apply for 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, and/or checking on case status.

**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.

**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.

**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.

**Services to Federal Victims.** Subrecipients must provide services to victims of federal crimes on the same basis as victims of state/local crimes.

**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 grantee.

**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.

#### **E. WHAT TYPES OF SERVICES, ACTIVITIES AND COSTS CAN BE FUNDED?**

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

**Immediate Health and Safety.** Those services which respond to the immediate emotional and physical needs (excluding medical care) of crime victims such as crisis intervention; accompaniment to hospitals for medical examinations; hotline counseling; emergency food, clothing, transportation, and shelter; and other emergency services that are intended to restore the victim's sense of dignity and self esteem. This includes services which offer an immediate measure of safety to crime victims such as boarding-up broken windows and replacing or repairing locks. Also allowable is 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 pertain to the health and safety of the victim.

**Mental Health Assistance.** Those services and activities that assist the primary and secondary victims of crime in understanding the dynamics of victimization and in stabilizing their lives after a victimization such as counseling, group treatment, and therapy. "Therapy" refers to intensive professional psychological/psychiatric treatment for individuals, couples, and family members related to counseling to provide emotional support in crises arising from the occurrence of crime. This includes the evaluation of mental health needs, as well as the actual delivery of psychotherapy.

**Assistance with Participation in Criminal Justice Proceedings.** In addition to the cost of Emergency Legal Services noted above, there are other costs associated with helping victims participate in the criminal justice system that also are allowable. These services may include advocacy on behalf of crime victims; accompaniment to criminal justice offices and court; transportation to court; child care to enable a victim to attend court; notification of victims regarding trial dates, case disposition information, and parole consideration procedures; and restitution advocacy and assistance with victim impact statements. VOCA funds cannot be used to pay for non-emergency legal representation such as for divorces.

**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.

**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.

**Personnel Costs.** Costs that are directly related to providing direct services, such as staff salaries and fringe benefits, including malpractice insurance; the cost of advertising to recruit VOCA-funded personnel; and the cost of training paid and volunteer staff.

**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.

## **F. OTHER ALLOWABLE COSTS AND SERVICES**

The activities and costs listed below are not generally considered direct crime victim services, but are often a necessary and essential activity to ensure that quality direct services are provided. Before these costs can be supported with VOCA funds, the state grantee and subrecipient must agree that direct services to crime victims cannot be offered without

support for these expenses; that the subrecipient has no other source of support for them; and that only limited amounts of VOCA funds will be used for these purposes. The following list provides examples of such items:

**Skilled Training for Staff.** VOCA funds designated for training are to 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. An example of skills development is training focused on how to respond to a victim in crisis. VOCA funds can be used for training both VOCA-funded and non-VOCA-funded service providers who work within the VOCA recipient organization, but VOCA funds cannot be used for management and administrative training for executive directors, board members, and other individuals that do not provide direct services.

**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 can support costs such as travel, meals, lodging, and registration fees to attend training within the state or a similar geographic area. This limitation encourages state grantees and subrecipients to first look for available training within their immediate geographical area, as travel costs will be minimal. However, when needed training is unavailable within the immediate geographical area, state grantees may authorize using VOCA funds to support training outside of the geographical area. For example, VOCA grantees may benefit by attending national conferences that offer skills building training workshops for victim assistance providers.

**Equipment and Furniture.** VOCA funds may be used to purchase furniture and equipment that provides or enhances direct services to crime victims, as demonstrated by the VOCA subrecipient. VOCA funds cannot support the entire cost of an item that is not used exclusively for victim-related activities. However, VOCA funds can support a prorated share of such an item. In addition, subrecipients cannot use VOCA funds to purchase equipment for another organization or individual to perform a victim-related service. Examples of allowable costs may include beepers; typewriters and word processors; video-tape cameras and players for interviewing children; two-way mirrors; and equipment and furniture for shelters, work spaces, victim waiting rooms, and children's' play areas. The costs of furniture or equipment that makes victims services more accessible to persons with disabilities, such as a TTY for the hearing impaired, are allowable.

**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. The VOCA administrator must give prior approval for all such purchases.

**Advanced Technologies.** At times, computers may increase a subrecipient's ability to reach and serve crime victims. For example, automated victim notification systems have dramatically improved the efficiency of victim notification and enhanced victim security. In making such expenditures, the VOCA subrecipients must describe to the state how the computer equipment will enhance services to crime victims; how it will be integrated into and/or enhance the subrecipient's current system; the cost of installation; the cost of training staff to use the computer equipment; the on-going operational costs, such as maintenance agreements, supplies; and how these additional costs will be supported. Property insurance is an allowable expense as long as VOCA funds support a prorated share of the cost of the insurance payments.

**Contracts for Professional Services.** VOCA funds generally should not be used to support contract services. At times, however, it may be necessary for VOCA subrecipients to use a portion of the VOCA grant to contract for specialized services. Examples of these services include assistance in filing restraining orders or establishing emergency custody/visitation rights; forensic examinations on a sexual assault victim to the extent that other funding sources are unavailable or insufficient; emergency psychological or psychiatric services; or sign interpretation for the hearing impaired. Subrecipients are prohibited from using a majority of VOCA funds for contracted services, which contain administrative, overhead, and other indirect costs included in the hourly or daily rate.

**Operating Costs.** Examples of allowable operating costs include supplies; equipment use fees, when supported by usage logs; printing, photocopying, and postage; brochures which describe available services; and books and other victim-related materials. VOCA funds may support administrative time to complete VOCA-required time and attendance sheets and programmatic documentation, reports, and statistics; and administrative time to maintain crime victims' records.

**Supervision of Direct Service Providers.** The State grantee may provide VOCA funds for supervision of direct service providers if such supervision is deemed necessary and essential to providing direct services to crime victims. For example, a state grantee may determine that using VOCA funds to support a coordinator of volunteers or interns is a cost-effective way of serving more crime victims.

**Repair and/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. The State grantee will scrutinize 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 prorated among all sources of income.

**Public Presentations.** Presentations that are made in schools, community centers, or other public forums, and that are designed to identify crime victims and provide or refer them to needed services. Activities and costs related to such programs including presentation materials, brochures, and newspaper notices can be supported by VOCA funds.

## **G. WHAT COSTS ARE NOT ALLOWABLE?**

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

**Lobbying and Administrative Advocacy.** VOCA funds cannot support victim legislation or administrative reform, whether conducted directly or indirectly.

**Perpetrator Rehabilitation and Counseling.** Subrecipients 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.

**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.

**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.

### **Fundraising Activities.**

**Indirect Organization Costs.** For example, the costs of liability insurance on buildings and vehicles; capital improvements; security guards and bodyguards; property losses and expenses; real estate purchases; mortgage payments; and construction may not be supported with VOCA funds.

**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.

**Most Medical Costs.** VOCA funds cannot pay for nursing home care, home health-care costs, in-patient treatment costs, hospital care, and other types of emergency and non-emergency medical and/or dental treatment. VOCA victim assistance grant funds cannot

support medical costs resulting from a victimization, except for forensic medical examinations for sexual assault victims.

**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.

**Administrative Staff Expenses.** Salaries, fees, and reimbursable expenses associated with administrators, board members, executive directors, consultants, coordinators, and other individuals, unless these expenses are incurred while providing direct services to crime victims.

**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.

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

**Activities Exclusively Related to Crime Prevention.**