

FEDERAL LEGISLATIVE AUTHORITY

16.575 OFFICE FOR VICTIMS OF CRIME

AUTHORIZATION: Victims of Crime Act of 1984 (VOCA), as amended, Public Law 98-473, Chapter XIV, 42 U.S.C. 10601, et seq., Section 1402, Section 1404, Children's Justice and Assistance Act of 1986, as amended, Public Law 99-401, Section 102 (5)(b)(ii); Anti-Drug Abuse Act of 1988, Title VII, Subtitle D, Public Law 100-690; Crime Control Act of 1990, Public Law 101-647; Federal Courts Administration Act of 1992, Public Law 102-572; Departments of Commerce, Justice, State, the Judiciary, and Related Agencies Appropriations Act of 1994; Violent Crime Control and Law Enforcement Act of 1994, Subtitle C, Public Law 104-132; Anti-Terrorism and Effective Death Penalty Act of 1996.

OBJECTIVES: The first \$6,200,000 deposited in the Crime Victims fund in each of the fiscal years 1992 through 1995 and the first \$3,000,000 in each fiscal year thereafter shall be available to the judicial branch for administrative costs to carry out the functions of the judicial branch under Section 3611 and 3612 of Title 18, United States Code. The next \$10,000,000 deposited in the fund shall be available for grants under Section 1404A. Of the remaining amount deposited in the fund in a particular year, 48.5 percent shall be available for grants under 1404(a). Three percent shall be available for grants under 1404(c).

Under Section 1404B, the OVC Director may make supplemental grants for providing compensation and assistance to residents, who while outside of the U.S. become victim of a terrorist act or mass violence; eligible State compensation and assistance programs to provide emergency relief, including crisis assistance, training, technical assistance for the benefit of victims of terrorist acts or mass violence occurring within the U.S.; and U.S. Attorney's Office for use in coordination with State victim compensation and assistance efforts in providing services to victims of terrorist acts or mass violence occurring within the U.S.

Under Section 1402 the Director of OVC may retain funds in an emergency reserve fund in excess of 100% of the total amount deposited in the Crime Victim Fund during the preceding fiscal year, up to \$50 million to supplement the above grants and to supplement victim compensation and assistance programs in years the Fund decreases and additional monies are needed to support State programs. A primary purpose of this program is to stimulate State participation and support for victim services programs and promote victim cooperation with law enforcement, in addition to the direct benefit to crime victims with Federal assistance monies.

USES AND USE RESTRICTIONS: Funds under this program shall be used by states and territories to provide direct services to crime victims with the following exception: States may retain up to 5 percent of their grant for administrative purposes. The base amount of grants under this program shall be \$500,000 to each State, the American Samoas, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, and the

United States Virgin Islands. That portion of the remaining funds will be divided among all States or territories according to population (U.S. Census Bureau). If the amount available for grants under this program is insufficient to provide \$500,000 to each State, the base amount available shall be distributed equally among the States and territories. A victim assistance program is an eligible crime victim assistance program under VOCA if it:

- (A) is operated by a public agency or a nonprofit organization, or a combination of such agencies or organizations or both such agencies and organizations, and provides services to victims of crime;
- (B) Demonstrates (i) a record of providing effective services to victims of crime and (ii) substantial financial support from nonfederal sources;
- (C) Utilizes volunteers in providing such services, unless and to the extent the chief executive determines that compelling reasons exist to waive this requirement;
- (D) Promotes within the community served coordinated public and private efforts to aid crime victims, and
- (E) Assists potential recipients in seeking crime victim compensation benefits.

An eligible crime victim assistance program shall expend sums received under subsection (a) only for providing direct services to victims of crime. The chief executive of each State shall (A) certify that priority shall be given to eligible crime victim assistance programs providing assistance to victims of sexual assault, spousal abuse, or child abuse, and to programs serving previously underserved victims of violent crime, as determined by the State, (B) certify that funds awarded to eligible crime victim assistance programs will not be used to supplant State and local funds otherwise available for crime victim assistance; and provide such other information and assurances related to the purposes of this section as the Director may reasonably require.

As used in this program, (1) the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and any other territory or possession of the United States; and (2) the term “services to victims of crime” includes (a) crisis intervention services to provide emotional support in cases arising from the occurrence of crime; (b) providing, in an emergency, transportation to court, short-term child care services, and temporary housing and security measures; assistance in participating in criminal justice proceedings; (d) payment of all reasonable costs for a forensic medical examination of sexual assault victims, to the extent that such costs are otherwise not reimbursed or paid; (3) the term “chief executive” includes a person designed by the governor to perform the function of the chief executive under this section.

FORMULA AND MATCHING REQUIREMENTS: Awards will be made on the basis of population with a base amount of \$500,000. Fund availability may necessitate a base change. There are no matching requirements for discretionary or state formula grantees.

ELIGIBILITY REQUIREMENTS:

Applicant Eligibility: Any State, the District of Columbia, all Commonwealths and any other territory or possession of the United States are eligible. Funds will be subgranted to eligible public and nonprofit organizations or combinations of such agencies or organizations or of both such agencies and organizations, who provide direct services to victim of crime.

Beneficiary Eligibility: Any member of the general public who has been a victim of crime or those who are survivors of victims of crime.

Credentials/Documentation: Applications from the designated State agency for this program must be submitted on Standard Form 424 at a time specified by the Office for Victims of Crime, Office of Justice Programs. The State grant applicant, by completing the grant application, and by receiving a VOCA victim assistance grant award, certifies:

- (1) that funds awarded to eligible crime victim assistance programs will not be utilized to supplant State and/or local funds that would be available for crime victim assistance.
- (2) that the state will provide such accounting, auditing, monitoring and evaluation procedures as may be necessary, and keep such records as the Office of Justice Programs may prescribe, to assure fiscal control, proper management and efficient disbursement of Federal Funds;
- (3) that the State shall give priority to programs aiding victims of sexual assault, spousal abuse, or child abuse, and to programs serving previously underserved victims of violent crimes as determined by the state;
- (4) that the State will submit to the Office of Justice Programs Subgrant Award Reports and Performance Reports concerning the activities carried out with the Federal funds received and will maintain and report such data and information as required;
- (5) that the State will adhere to the audit and financial management requirements set forth in the effective edition of the OJP Financial Guide;
- (6) that the State will comply with all applicable Federal nondiscrimination requirements
- (7) that the information in the application is correct; and that the State will comply with all applicable provisions of the Victims of Crime Act and other Federal laws, regulations, and circulars. Costs will be determined in accordance with OMB Circular No. A-87 for State and local governments.