

## Crime Victims Fund

The Crime Victims Fund (the Fund), established by the Victims of Crime Act of 1984 (VOCA), is a major funding source for victim services throughout the Nation. Millions of dollars have been deposited into the Fund annually from criminal fines, forfeited bail bonds, penalties, and special assessments collected by U.S. Attorneys' Offices, federal U.S. courts, and the Federal Bureau of Prisons. To date, Fund dollars have always come from offenders convicted of federal crimes, not from taxpayers. Previous legislation expanded the sources from which Fund deposits may come.<sup>1</sup>

Fiscal Year (FY) 2012 was a record breaking year for deposits, with \$2.795 billion going into the Fund (figure 1). In keeping with VOCA's mandated allocation process, \$359 million in formula grants was channeled from the Fund to states and territories for victim compensation in FYs 2011 and 2012, while more than \$807 million was provided for victim assistance.

### Primary Sources of Revenue

Federal revenues deposited into the Crime Victims Fund come from the following sources:

- Criminal fines, with exceptions for funds related to certain environmental, railroad, unemployment insurance, and postal service violations.
- Forfeited appearance bonds.
- Special forfeitures of collateral profits from crime.
- Special assessments that range from \$25 on individuals convicted of misdemeanors and from \$400 on corporations convicted of felonies.
- Gifts, donations, and bequests by private parties, as provided by the USA PATRIOT Act 2001, which went into effect in 2002.<sup>2</sup>

When the Crime Victims Fund was authorized in 1984, a cap was placed on how much could be deposited into it for the first 8 years. During this time, the annual cap varied from \$100 million to \$150 million. The lifting of the cap in 1993 allowed for the deposit of all criminal fines, special assessments, and forfeited bail bonds to support crime victim program activities. Starting in 2000, in response to large fluctuations in deposits, Congress placed a cap on funds available for distribution. These annual caps were intended to maintain the Fund as a stable source of support for future services. From 2000 to 2009, the amount of the annual cap varied from \$500 million to \$635 million. The caps for FYs 2011 and 2012 were each set at \$705 million.

### Fund Support for Victim Services

Federal, state, and tribal victim assistance programs received formula grants, discretionary grants, and set-asides according to a carefully established annual allocation process (see figure 2). Following are descriptions of the main VOCA-funded streams that support programs and services:

- State crime victim compensation program formula grants supplement state funds for reimbursing victims of violent crimes for out-of-pocket expenses that result from the crime. All states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands receive VOCA compensation grants. A state is eligible for a VOCA compensation grant if it meets the criteria set forth in VOCA and OVC program guidelines.
- State victim assistance program formula grants support providers who supply services directly to victims. All states and most territories receive annual VOCA assistance grants consisting of a mandated base amount plus additional funds based on population (see detailed formula).
- OVC discretionary grants fund national-scope demonstration projects and training and technical assistance to enhance the professional expertise of victim service providers by funding program evaluations, building compliance, awarding fellowships, and improving services to victims of crime in tribal communities and victims of federal crimes.
- Victim-witness coordinators in U.S. Attorneys' Offices assist victims of federal crimes and inform them of a variety of issues, including restitution orders and their right to make oral and written victim impact statements at an offender's sentencing, in accordance with the *Attorney General Guidelines for Victim and Witness Assistance (AG Guidelines)*.
- Federal Bureau of Investigation victim specialists keep victims of federal crimes informed of case developments and proceedings, and direct them to appropriate resources in accordance with the *AG Guidelines*.
- The Federal Victim Notification System provides a means for notifying victims of federal crimes about the release or detention status of offenders, the filing of charges against suspects, court proceedings, sentences, and restitution.
- The Children's Justice Act provides formula grants to states through the U.S. Department of Health and Human Services and discretionary grants to tribes through OVC for services and programs to improve the investigation and prosecution of child abuse and neglect cases in American Indian and Alaska Native communities.
- In addition, the VOCA statute allows amounts retained in the Fund after awarding funding in the above program areas to be used to replenish the Antiterrorism Emergency Reserve, which funds emergency expenses and other services for victims of terrorism or mass violence within the United States and abroad.

### Victim Compensation

#### What Is Crime Victim Compensation?

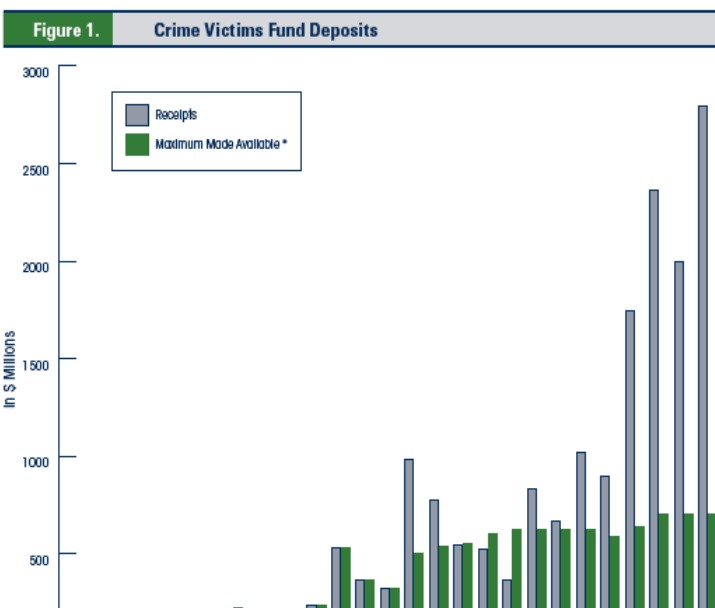
Crime victim compensation is a direct reimbursement to or on behalf of a crime victim for the following statutorily identified crime-related expenses:

- Medical costs.
- Funeral and burial costs.
- Mental health counseling.
- Lost wages or loss of support.

Other compensable expenses may include the replacement or repair of eyeglasses or other corrective lenses, dental services and devices, prosthetic devices, crime scene cleanup, and forensic sexual assault exams. However, property damage and loss are not covered.

#### How Are VOCA Funds Allocated for Crime Victim Compensation Programs?

Every state administers a crime victim compensation program that provides financial assistance to victims of both federal and state crimes. Under VOCA, each state compensation program receives an annual grant equal to 60 percent of what the program spends in state money annually. This calculation is based on the state dollars paid out for the federal fiscal year 2 years prior to the year of the federal grant. Although each state administers its own program independently, most



programs have similar eligibility requirements and offer comparable types of benefits. No more than 5 percent of each year's VOCA compensation formula grant may be used for administration and training; the rest must be used for awards of compensation to crime victims.

## Victim Assistance

### What Is Victim Assistance?

Victim assistance includes, but is not limited to, the following services:

- Crisis intervention.
- Emergency shelter.
- Emergency transportation.
- Counseling.
- Criminal justice advocacy.

More than 4,000 VOCA awards are made by states annually to public and private nonprofit organizations to provide these and other essential services to victims of crime.

### How Are VOCA Funds Allocated for Victim Assistance Grants?

All states, the District of Columbia, the U.S. Virgin Islands, and Puerto Rico each receive an annual VOCA victim assistance grant with a base amount of \$500,000; the Northern Mariana Islands, Guam, and American Samoa each receive a base amount of \$200,000. Additional funds are distributed to states and territories based on population. In each state and territory, VOCA assistance funds are awarded to local community-based organizations and public agencies that provide services directly to victims of crime. As with the VOCA compensation formula grants, a state may use no more than 5 percent of each VOCA assistance grant for administration and training purposes.

### How Do States and Territories Determine Which Organizations Will Receive VOCA Victim Assistance Grants?

Each state and territory determines which organizations will receive funding based on the eligibility requirements for subrecipient programs contained in VOCA, the victim assistance guidelines, and the needs of crime victims in that state or territory. VOCA assistance funds may be used only for direct services to crime victims.

VOCA allows state grantees to use no more than 5 percent of each year's grant for training and administering the VOCA victim assistance grant at the state grantee level with the remaining portion being used exclusively for direct service providers. Services such as offender rehabilitation, criminal justice improvements, and crime prevention activities cannot be supported with VOCA victim assistance funds.

## Discretionary Funds

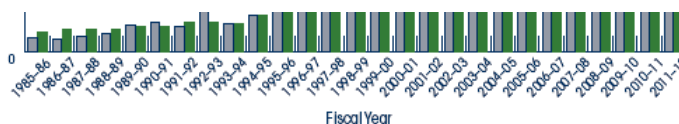
### What Is the Purpose of Discretionary Funds?

VOCA authorizes OVC to use discretionary funds to improve and enhance the skills, knowledge, and abilities of victim service providers and allied professionals who work with crime victims. Each year, OVC specifies program priorities that identify the training and technical assistance and demonstration initiatives that should be funded in the coming year with discretionary funds available from the Fund.

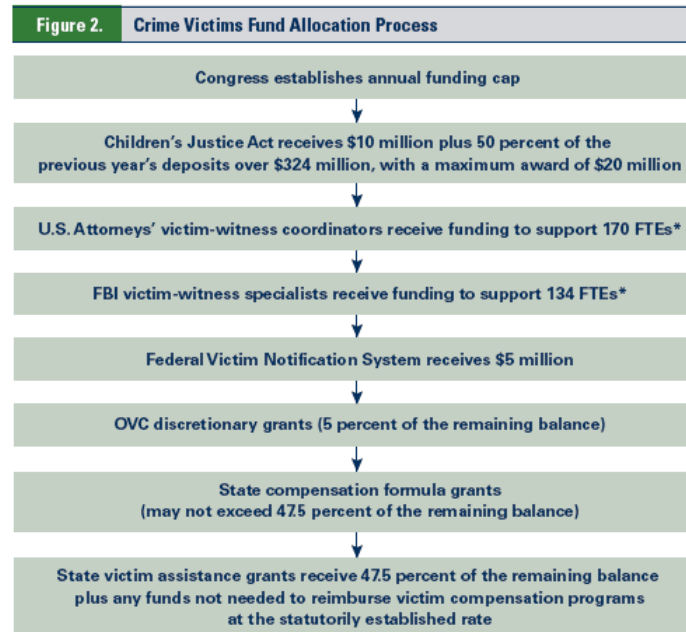
### How Are Discretionary Funds Used?

Discretionary funds are used for two types of activities.

- National-scope training and technical assistance to include the following:
  - Performing program evaluations.
  - Funding and evaluating demonstration programs.
  - Conducting special workshops.
  - Supporting victims' rights compliance efforts.
  - Developing training curricula.
  - Providing fellowship opportunities at OVC.
  - Identifying and disseminating promising practices in victim services.
  - Supporting efforts to raise national awareness of victims' rights and needs.
  - Training professionals who work in victim services and allied fields.
  - Delivering technical assistance.
- Services and support for federal crime victims to include the following:
  - Developing materials that inform federal crime victims of their rights and the services available to them.
  - Supporting programs that establish new and expand existing services for federal crime victims, including programs that address the needs of American Indian and Alaska Native crime victims.
  - Training federal, criminal, and tribal justice system personnel on victims' issues.
  - Emergency assistance.



\*When the Fund was authorized in 1984, a cap was placed on how much money could be deposited for the first 8 years (FY 1985 through FY 1993). Congress lifted the cap for FY 1994 through FY 1999. Starting in FY 2000, Congress placed annual caps on obligations to protect against wide fluctuations in receipts and ensure a stable level of funding in the future.



\*Full-time employees.

### Footnotes

1 Passed in October 2001, the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act) provided authority for the deposit of gifts, bequests, or donations from private entities into the Fund beginning in Fiscal Year 2002.

2 The USA PATRIOT Act authorized the transfer of emergency supplemental appropriation funding into the Emergency Reserve account to assist victims of the September 11, 2001, terrorist attacks on the United States.

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The Office for Victims of Crime is a component of the Office of Justice Programs, U.S. Department of Justice.

