

# VICTIMS OF CRIME ACT (VOCA ASSISTANCE) Eligibility Guidelines and Allowable Activities

## History

The Victims of Crime Act (VOCA) was passed by Congress and signed into law by President Reagan on October 12, 1984. This Act serves as the central source of federal financial support for direct services to victims of crime. VOCA is administered at the federal level through the U.S. Department of Justice, Office for Victims of Crime (OVC) which annually awards a grant to each State, the District of Columbia and U.S. Territories. Those state agencies, in turn, subgrant to organizations that provide direct services to victims of crime. Money for these grants comes from the Crime Victims Fund, a special fund consisting of fines, penalty assessments, and bond forfeitures collected from convicted federal offenders. Taxpayers do not fund VOCA grants.

Each state has a designated agency to administer VOCA grants. While federal requirements must be met, each state is given discretion in awarding specific subgrants. The Colorado Division of Criminal Justice, Office for Victims Programs (OVP) is the designated agency for the administration of VOCA funds in the State of Colorado. The Crime Victim Services Advisory Board (CVSAB) serves as the body that reviews grant applications and makes funding recommendations for OVP.

## Purpose

The primary purpose of the VOCA assistance grants is to support the provision of services to victims of crime throughout the nation. Services are defined, in the federal VOCA statute, as those efforts that (1) respond to the emotional, psychological or physical needs of crime victims; (2) assist victims of crime to stabilize their lives after a victimization; (3) assist victims to understand and participate in the criminal justice system; and (4) restore a measure of security and safety for victims.

For the purpose of the VOCA crime victim assistance grant program, a crime victim is a person who has suffered physical, sexual, financial, or emotional harm as a result of the commission of a crime. This definition also includes secondary victims.

## Allocation of Funds

Each state must allocate a minimum of 10% of its VOCA funds to each of four priority categories:

1. sexual assault
2. spousal abuse
3. child abuse (sexual and physical); and
4. previously underserved victim populations.

## Match Requirements

The VOCA Fix to Sustain the Crime Victims Fund Act of 2021, section 3(b), provides the following: “Beginning on the date a national emergency is declared under the National Emergencies Act (50 U.S.C. § 1601 et seq.) with respect to a pandemic and ending on the date that is one year after the date of the end of such national emergency, SAAs shall issue waivers for any matching requirement, in its entirety, for all eligible crime victim assistance programs contracted to provide services at that time.” 34 U.S.C. 20103(a)(8). Since the national emergency is still in place in regards to the pandemic, the match requirement is waived for all eligible VOCA applicants and subawards for this two-year award period (January 1, 2023 - December 31, 2024).

## Eligibility Criteria

VOCA establishes eligibility criteria that must be met by all organizations that receive VOCA funds. Organizations must meet the following requirements:

1. **Public or Nonprofit Organization:** To be eligible to receive VOCA funds, the project must be provided by a public or nonprofit organization or a combination of such organizations, and provide services to crime victims.
2. **Record of Effective Services to Crime Victims and Financial Support from Sources other than VOCA:** The agency must demonstrate a record of providing effective services to crime victims. This includes having the support and approval of its direct services by the community, a history of providing direct services in a cost-effective manner, and the breadth and depth of its financial support comes from sources other than VOCA (aka the Crime Victims Fund).
3. **Substantial Financial Support from Sources Other than VOCA:** Those programs that have not yet demonstrated a record of providing services may be eligible to receive VOCA funding, if they can demonstrate that at least 25% of their funding comes from sources other than VOCA.
4. **Volunteers:** Funded organizations **must** use volunteers unless the state (DCJ/OVP) 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 agency requesting a waiver to this requirement must provide written documentation of its efforts to recruit and maintain volunteers, or otherwise demonstrate why circumstances prohibit the use of volunteers to the satisfaction of the state.
5. **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 tribal work groups to oversee and recommend improvements to community responses to crime victims, and developing written agreements and protocols for such response.
6. **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, checking on claim status and intervening on behalf of such

potential recipients with the crime victims' compensation program.

7. **No Charge to Victims for VOCA-Funded Services:** Grantees must provide services to crime victims at no charge when victims are being served through a VOCA-funded project.

### Eligible Agencies

VOCA specifies that an organization must provide services to crime victims and be operated by a public agency or nonprofit organization, or a combination of such agencies or organizations in order to be eligible to receive VOCA funding. The types of organizations eligible to receive funds include, but are not limited to: sexual assault and rape crisis centers, domestic violence programs and shelters, child abuse programs, centers for missing children, 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, 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 direct crime victims' services.

These organizations include, but are not limited to, the following: criminal justice agencies, religiously-affiliated organizations, state crime victim compensation agencies, hospitals and emergency medical facilities, and state and local public agencies such as mental health service organizations, state/local public child and adult protective services, state grantees, legal services agencies and programs with a demonstrated history of advocacy on behalf of domestic violence victims, and public housing authorities that have staff specifically trained to serve crime victims. Please see the 2016 VOCA Rule for further detailed criteria on eligible agencies at: <https://www.ecfr.gov/current/title-28/chapter-1/part-94#94.111>

### Ineligible Agencies

Some public and nonprofit organizations that offer services to crime victims are not eligible to receive VOCA victim assistance funding. These organizations include, but are not limited to, the following:

1. **Federal Agencies:** This includes U.S. Attorneys' Offices and FBI Field Offices. Receipt 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 recipients of VOCA victim assistance grant funds.
2. **For Profit Organizations**

### Eligible Services/Purpose Areas

1. **Allowable Costs for Direct Services:** Direct services for which VOCA funds may be used include, but are not limited to, the following:
  - a. **Immediate Emotional, Psychological, and Physical Health and Safety:** Services that respond to the immediate needs (other than medical care, except as allowed under paragraph (a)(9) of this section) of crime victims, including, but not limited to:

- i. Crisis intervention services
  - ii. Accompanying victims to hospitals for medical examinations
  - iii. Hotline counseling
  - iv. Safety planning
  - v. Emergency food, shelter, clothing, and transportation, and shelter
  - vi. 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
  - vii. 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
  - viii. Window, door or lock replacement or repair, and other repairs necessary to ensure victim's safety.
  - ix. Costs of the following, on an emergency basis (i.e. when the victim 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
  - x. Emergency legal assistance such as filing for restraining or protective orders and obtaining emergency custody and visitation rights.
- b. *Personal Advocacy and Emotional Support:*** Personal advocacy and emotional support, including, but not limited to:
- i. Working with a victim to assess the impact of the crime
  - ii. Identification of victim's needs
  - iii. Case management
  - iv. Management of practical problems created by the victimization
  - v. Identification of resources available to the victim
  - vi. Provision of information, referrals, advocacy, and follow up contact for continued services, as needed
  - vii. Traditional, cultural, and/or alternative therapy/healing
- c. *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.
- d. *Peer Support:*** 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
- e. *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:

- i. Advocacy on behalf of a victim
  - ii. Accompanying a victim to offices and court
  - iii. Transportation, meals and lodging to allow a victim who is not a witness to participate in a proceeding
  - iv. Interpreting for a non-witness victim who is deaf or hard of hearing, or with limited English proficiency
  - v. Providing child care and respite care to enable a victim who is a caregiver attend activities related to the proceeding
  - vi. Notification to victims regarding key proceeding dates (e.g. trial dates, case disposition, incarceration, and parole hearings)
  - vii. Assistance with Victim Impact Statements
  - viii. Assistance in recovering property that was retained as evidence
  - ix. Assistance with restitution advocacy on behalf of crime victims
- f. **Legal Assistance:** 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:
- i. 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
  - ii. 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
  - iii. Those actions (other than tort actions) that, in the civil context, are reasonably necessary as a direct result of the victimization
- g. **Forensic Medical Evidence Collection Examinations:** Forensic medical evidence collection examinations for victims to the extent that other funding sources are insufficient. Forensic medical evidence collection examiners are encouraged to follow relevant guidelines or protocols issued by the state or local jurisdiction. Agencies are encouraged to provide appropriate crisis counseling and/or other types of victim services that are offered to the victim in conjunction with the examination. Agencies are also encouraged to use specifically trained examiners such as Sexual Assault Nurse Examiners.
- h. **Forensic Interviews:** Forensic interviews, with the following parameters:
- i. 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
  - ii. Interviews are conducted in the context of a multidisciplinary

investigation and diagnostic team or in a specialized setting such as a child advocacy center, and

- iii. 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.
  - i. **Transportation:** Transportation of victims to receive services and to participate in criminal justice proceedings
  - j. **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.
  - k. **Transitional Housing:** Subject to any restrictions on amount, length of time and eligible crimes, set by the state, transitional housing for victims (generally, those who have a particular need for such housing, and who cannot safely return to their previous housing, due the circumstances of their victimization), including, but not limited to, travel, 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
  - l. **Relocation:** Subject to any restrictions on amount, length of time, and eligible crimes, set by the state, relocation of victims (generally, where necessary 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 costs.
2. **Allowable Costs for Activities Supporting Direct Services:** Supporting activities for which VOCA funds may be used include, but are not limited to, the following:
- a. **Coordination of activities:** Coordination activities that facilitate the provision of direct services, include, but are not limited to:
    - i. Statewide coordination of victim notification systems
    - ii. Crisis response teams
    - iii. Multidisciplinary teams
    - iv. Coalitions to support and assist victims
    - v. Other such programs, and
    - vi. Salaries and expenses of coordinators of these activities
  - b. **Supervision of Direct Service Providers:** Payment of salaries and expenses of supervisory staff in a project, when the state determines that such staff is necessary and effectively facilitates the provision of direct services.
  - c. **Multisystem, interagency, multidisciplinary response to crime victim needs:** 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 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.

- d. **Contracts for Professional Services:** Contracting for specialized professional services (e.g. psychological/psychiatric consultation, legal services, interpreters), at a rate not to exceed a reasonable market rate, that are not available within the organization.
  - e. **Automated Systems and Technology:** Subject to the federal financial guide and government 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 state after considering:
    - i. Whether such procurement will enhance direct services
    - ii. How any acquisition will be integrated into and/or enhance the program's current system
    - iii. The cost of installation
    - iv. The cost of training staff to use the automated systems and technology
    - v. The ongoing operational costs, such as maintenance agreements, supplies, and
    - vi. How additional costs relating to any acquisition will be supported
  - f. **Volunteer Trainings:** Activities in support of training volunteers on how to provide direct services when such services will be provided primarily by volunteers.
  - g. **Restorative Justice:** Activities in support of opportunities for crime victims to meet with perpetrators, including, but not limited to, tribal community led meetings and peacekeeping activities, if such meetings are requested or voluntarily agreed to by the victim (who may, at any point, withdraw) and have reasonably anticipated beneficial or therapeutic value to crime victims. Before approving restorative justice costs, DCJ/OVP will consider the safety of the victim, the cost versus the benefit or therapeutic value to the victim, the procedures for ensuring that participation of the victim and offenders are voluntary and the nature of the meeting is clear, the provision of appropriate support and accompaniment for the victim, appropriate debriefing opportunities for the victims after the meeting and the credentials of the facilitators.
3. **Allowable Administrative Costs:** Administrative costs for which VOCA funds may be used include, but are not limited to:
- a. **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
  - b. **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

- c. **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)
- d. **Organizational Expenses:** Organizational expenses that are 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 victims
- e. **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.
- f. **Operating Costs:** Operating costs include but are not limited to:
  - i. Supplies
  - ii. Equipment use fees
  - iii. Property insurance
  - iv. Printing, photocopying and postage
  - v. Courier service
  - vi. Brochures that describe available services
  - vii. Books and other victim-related materials
  - viii. Computer backup files/tapes and storage
  - ix. Security systems
  - x. Design and maintenance of websites and social media, and
  - xi. Essential communication services, such as web hosts and mobile device services
- g. **VOCA Administrative Time:** Costs of administrative time spent performing the following:
  - i. Completing VOCA-required time and attendance sheets and programmatic documentation, reports and statistics
  - ii. Collecting and maintaining crime victims' records
  - iii. Conducting victim satisfaction surveys and needs assessments to improve victim services delivery in the project, and
  - iv. Funding the prorated share of audit costs.
- h. **Leasing or Purchasing Vehicles:** Costs of leasing or purchasing vehicles, as determined by the state, after considering, at a minimum, if the vehicle is essential to the provision of direct services.



- i. **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 state after considering, at a minimum, if other sources of funding are available.
- j. **Project Evaluation:** Costs of evaluations of specific projects (in order to determine their effectiveness), within the limits set by the state.

**Unallowable Costs & Activities include, but may not be limited to:**

1. **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.
2. **Research & Studies:** Research and studies, except for project evaluation under §94.121 (j).
3. **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.
4. **Fundraising:** Any activities related to fundraising, except for fee-based, or similar, program income if authorized by the state under the VOCA rule.
5. **Capital Expenses:** Capital improvements; property losses and expenses; real estate purchases; mortgage payments; and construction (except as specifically allowed elsewhere in this subpart).
6. **Compensation for Victims of Crime:** Reimbursement of crime victims for expenses incurred as a result of a crime, except as otherwise allowed by other provisions of this subpart.
7. **Medical Care:** Medical care, except as otherwise allowed by other provisions of this subpart.
8. **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 this subpart).