

NATIONAL JUVENILE JUSTICE NETWORK

The Crime Victims Fund A PRIMER FOR YOUTH JUSTICE ADVOCATES

FACT SHEET | UPDATED NOVEMBER 2016

Youth justice advocates frequently struggle with finding adequate funds to provide preventive and supportive services for the youth and families caught up in our justice systems. Fortunately, there is good news to share from the Office of Victims of Crime. For the last several years, Congress has lifted the longstanding cap on the federal Crime Victims Fund, releasing a surge of *billions* of dollars to the states to provide support to those harmed by crime. Additionally, in the summer of 2016, the Office of Victims of Crime released new guidelines for these funds that both expand and clarify their allowable uses. These changes make it possible to apply these funds to services that could help youth and families who are either in contact with the justice system or at risk of that contact. Thus, for youth and families who have been victims of crime and may be suffering from trauma, but for whom services have largely been unavailable or inaccessible, there is new hope that we can finally meet the needs of all victims and survivors of crime by funding a broader array of services.

This fact sheet is geared towards youth justice advocates who need a basic primer on how the federal Victims of Crime Fund operates and how it might be possible to move some of these increased resources to the communities that have historically lacked these services, but have had the greatest need for them.

What is the Crime Victims Fund?

The [Crime Victims Fund](#) was established by the [Victims of Crime Act \(VOCA\)](#) of 1984. The Fund is financed by annual deposits of fines and penalties paid by those convicted of federal offenses, including deposits from federal criminal fines, forfeited bail bonds, penalties, and special assessments collected by U.S. Attorneys' offices, federal courts, and the Federal Bureau of Prisons. No taxes support the Crime Victims Fund. As of September 2013, the fund balance had reached almost \$9 billion. When it was established, Congress capped the portion of funds that could be made available each year for distribution to people harmed by crime as a means of

ensuring that the fund would not be exhausted. The Fund's assets have increased significantly, and in the past several years, Congress finally acted to lift the cap. (See chart below.)

Amount of Crime Victims Funds Released	
2014	\$745 million
2015	\$2.361 billion
2016	\$3.042 billion
2017	\$2.0 billion (proposed)

What is Supported by the Crime Victims Fund?

Through the Fund, VOCA provides states with several streams of support for victims of crime, including crime victims' compensation and victims' services.

Crime Victims' Compensation

Every state operates its own crime victims' compensation program, which also receives federal dollars through VOCA's Crime Victims Fund. These dollars are governed by state statutes and regulations; the programs are similar to workers' compensation, only for those harmed by crime. The goal of the fund is to provide financial assistance to reimburse victims and survivors of violent crime for out-of-pocket costs, including: mental health counseling; medical needs; funeral expenses and lost wages. These funds can also be used for family members of crime victims. Almost all of these state victims' compensation funds require that the person harmed by crime report incidents to the police and to cooperate with them. People who have been harmed or victimized are not eligible for compensation if they are found to have contributed to their injuries or if the incident occurred when they were committing a crime.

Victims' Services

The Crime Victims' Fund also funds direct services to victims. Services for those harmed by crime can be located in any public or non-profit agency, including: prosecutors' offices, law enforcement agencies, community-based organizations, etc.

VOCA designates priority populations receiving these funds as follows:

Distribution of VOCA Funds for Direct Services
<p>40% for designated purposes:</p> <ul style="list-style-type: none"> • 10% to sexual assault victims • 10% to spousal abuse victims • 10% to underserved victims of violent crime • 10% to child abuse victims
60% at state discretion

How is the Money Distributed?

Frequently the same state agency distributes both the crime victim's compensation and the victims' assistance funds. The National Association of VOCA Assistance Administrators ([NAVAA](#)) has a state-by-state listing of the administering agencies, most of which are located within criminal justice agencies.

What Have States Been Doing with The Additional Dollars?

When Congress lifted the cap on available funds for those harmed by crime, the dollars available increased significantly. Since it's unclear how long the funding cap will stay so high, some states are hesitating on how best to distribute the new funds. Some states have been distributing money as it comes in, while others have taken time to plan. To see some recent uses for the increased dollars, see the chart on page 5 of [this publication from the NAVAA](#). To learn more about how your state plans to use the increased VOCA dollars, contact the administering agency in your state.

Relevant Changes to the VOCA Guidelines¹

In the summer of 2016, the Office of Victims of Crime released new guidelines for the use of the VOCA dollars. These revisions, while not substantially changing VOCA, did try to align it better with trends and emerging needs in the field, particularly needs that were identified by the [Vision 21](#) strategic planning process conducted by the Office of Victims of Crime. These guidelines broaden the scope of the allowed uses for these funds in ways that could provide for critical support for youth in trouble with the law or who are at risk of court engagement. While there are

¹ For a detailed look at all of the changes to the guidelines, access the comparison prepared by the Office of Victims of Crime, at <http://www.ovc.gov/pubs/comparison-VOCA-victim-assistance-guidelines-and-final-rule.pdf>.

myriad changes to these guidelines, we have highlighted a few of the current (both new and longstanding) guidelines that are most relevant for youth justice advocates.

- **More Youth Can Be Served, Including Youth Exposed to Violence**
 - The guidelines now detail a definition for child abuse that includes sexual exploitation, bullying and *exposure to violence*.
 - Thus for the 10% of the funds that must be spent on victims of child abuse, there are increased numbers of youth who can be served with these grant dollars, including children who have been exposed to violence, who have been sexually trafficked and who have been bullied. (Note that states can still fund services to adults who were abused as children, but not out of the 10% of the grant funds dedicated to children.)
- **Underserved Victims of Violent Crime are Now a Priority**
 - In the former guidelines, victims of violent crime were a priority category, for whom 10% of the funds had to be expended. In the new guidelines, in order to fit in this category, these victims of violent crime must be “underserved” either because of the crime (e.g., child victims of sex trafficking) or by the characteristics of the victim (e.g., LGBTQ victims or Native Americans in jurisdictions with insufficient resources) or both (e.g. victims of violent crime in high crime urban areas.)
- **Allows for a Greater Variety of Assistance**

The new guidelines have been clarified to allow victims services like the following:

 - Traditional, cultural and/or alternative therapy/healing (e.g. art therapy, yoga)
 - Substance abuse counseling
 - Peer support
 - Legal assistance services for needs directly related to the victimization
 - Assistance to victims to file a motion to vacate and/or expunge certain convictions based on their status of being a victim (e.g. victims of sexual trafficking convicted of prostitution)
- **Allows Services to Incarcerated Victims**
 - The guidelines also removed the express prohibition on rehabilitation and counseling for people who committed crimes.
- **Priority for Funding Shifts Towards Kids and Other Underserved Victims**
 - Each state must certify that priority is given to programs serving victims of sexual assault, spousal abuse, and child abuse, and that funds are made available to programs serving underserved victims.²

² For more information on how the Office of Victims of Crime defines “underserved victims,” go to the OVC [Vision 21](#) planning document.

- **Victims Don't Have to Participate in the Criminal Justice Process**
 - States can fund services to victims regardless of the victim's participation in the criminal justice process.
- **Immigration Status Doesn't Matter**
 - Eligibility for services is not dependent on the victim's immigration status.
- **Family Members of Homicide Victims are Primary Victims**
 - Funds can be used for both primary and secondary victims of crime, such as a family member of a crime victim. In cases of homicide, family members of homicide victims are considered primary victims of crime and are thus eligible for a higher level of services.

Program Ideas for Youth Justice Advocates

Supports for Schools to Eliminate the Need for School Resource Officers

- Trauma counselors in schools for students who have been exposed violence.
- Peer support groups in schools for victims of bullying.
- Art therapy in schools for child abuse victims, including youth exposed to violence.

Increased Juvenile Defense and Court Supports

- Juvenile defense attorneys to help youth victims expunge their records based on their status as victims.
- Providing court appointed special advocates for child abuse victims who may be in the child welfare system.
- Providing support services to victims and crime survivors during resentencing hearings for youth who were unconstitutionally sentenced to life without parole.

Community and Institution-Based Trauma Services

- Trauma and other services for child abuse victims, including youth exposed to violence, who are incarcerated.
- Trauma-based diversion programs for youth child abuse victims in trouble with the law.
- Trauma centers in high-need communities to provide walk-in and long-term services for those harmed by crime. Look at the [San Francisco Trauma Recovery Center](#) and the [Fathers and Families of San Joaquin Trauma Recovery Center](#) in California for models.

Restorative Justice

- Providing direct support services to victims and survivors who engage in restorative justice programming.³

³ Note that VOCA has strict guidelines and definitions for restorative justice programs. These may or may not be relevant, depending on how the support services are structured.

Transitional Housing for Sexually Trafficked Youth

- Transitional housing and supportive services for youth who are sexually trafficked and/or who have run away because of abuse at home.

Questions and Answers for Juvenile Justice Advocates:

Q: Where can I find out how my state's VOCA dollars have been spent?

A: The best way to find out how your state's VOCA dollars have been spent is to contact your state's VOCA administrating office. Contact information for it can be found on the website of the National Association for Victim's Assistance

Administrators' website: <http://www.navaa.org/statedirectory.html>.

Q: How can I influence where the VOCA dollars get spent?

A: The neighborhoods where our youth reside often have high rates of victimization and are historically bereft of appropriate trauma and other victim services. Additionally, our youth and their families have been underserved by the victims' services bureaucracy for a wide variety of reasons, yet they comprise a high percentage of the overall number of victims. The more we can provide appropriate services to the youth and families who touch the justice system, the more we can help to create a truly fair justice system. Thus, it is never too late to meet your state VOCA administrator and talk about the needs of the communities for the youth and families we work with. It is also important to build a coalition with victims from high-need communities and their allies to make a strong case for improved services in those neighborhoods.

Q: Can I work with an organization to apply for VOCA dollars for girls who are abused?

A: Yes, girls who have been abused are eligible to receive VOCA-funded services.

Q: Are kids with a mental health disability eligible to receive VOCA dollars?

A: Currently, children with mental health needs can receive services through VOCA grants if they have been harmed by crime, such as child abuse, including exposure to violence, and if their mental health needs arose from their victimization.

For More Information

There are a number of places where you can go for assistance and/or to find more information:

- [Californians for Safety and Justice](#) is organizing select communities across the country to advocate for increased victim services in high-need communities.
- [Equal Justice USA](#) is working to help grassroots organizations that have not been able to access VOCA dollars in the past with their grant applications. They have an online toolkit that explains the VOCA grant guidelines.
- The National Juvenile Justice Network, through its victims engagement working group, has been seeking ways to provide more services to crime victims. Contact bryer@njjn.org for more information.
- The [National Association of Victims Assistance Administrators](#) has a good overview of VOCA and other support funds for those harmed by crime.
- The Office of Victims of Crime has good [background information on the Crime Victims Fund](#) and has posted its updated guidelines.