



2009 **OVC**  
*Report to the Nation*  
Fiscal Years 2007–2008



Putting **Victims** First

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The Office for Victims of Crime is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, and the Office of Juvenile Justice and Delinquency Prevention.

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# ACKNOWLEDGMENTS

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Additionally, OVC would like to express special appreciation to the project team that developed and produced the report: writer Lori Abrams, graphic designer Amy Quach, editor Barbara Root, quality control specialist Lynne McConnell, and project manager Joy Davis. These talented individuals provide support to OVC through a contractual collaboration with Lockheed Martin.

Finally, we wish to salute the courage and endurance of millions of crime victims who are working to rebuild lives shattered by crime. Whether you speak out about your experiences or quietly endure, your bravery and resolve are an inspiration to our agency, dedicated service providers and advocates, and the public.



# CONTENTS

Acknowledgments .....	iii
Message From the Director .....	vii
Introduction.....	ix
Section 1: Crime Victims Fund.....	1
Chapter 1: Contributions to the Fund.....	3
Chapter 2: Fund Support for Victim Services .....	7
Chapter 3: Funding the Future.....	11
Section 2: Services to Crime Victims.....	13
Chapter 4: VOCA Victim Compensation .....	15
Chapter 5: VOCA Victim Assistance .....	21
Chapter 6: Indian Country.....	27
Chapter 7: Federal Programs.....	35
Chapter 8: Terrorism and Mass Violence.....	39
Chapter 9: Priorities.....	47
Section 3: Training, Education, and Outreach.....	61
Chapter 10: Training and Technical Assistance Center .....	63
Chapter 11: Information Resources .....	67
Chapter 12: Public Awareness Campaigns .....	71
Section 4: Upholding the Rights of Victims .....	77
Chapter 13: The Crime Victims’ Rights Act.....	79
Section 5: Looking Forward .....	83
Section 6: Appendixes.....	87
Appendix A: State Victim Assistance Distributions.....	89
Appendix B: State Victim Compensation Distributions .....	91
Appendix C: Tribal Victim Assistance Allocations.....	93
Appendix D: Children’s Justice Act Allocations.....	95
Appendix E: Counseling and Faith-Based Services Allocations .....	96
Appendix F: Trafficking Victims Discretionary Grant Allocations .....	97
Appendix G: Publications and Products Released in FYs 2007 and 2008.....	99





## MESSAGE FROM THE DIRECTOR



Dear Colleagues:

Twenty-five years ago, the concept of rights for crime victims was not widely recognized by either the justice community or the general public. Within a growing movement, however, a group of determined individuals was advancing the vision of a system that would acknowledge and protect not only the rights of the accused but also those of the victim. Great progress has been made since then, but our work is not complete.

This year, we celebrate the passage of the 1984 Victims of Crime Act (VOCA), the landmark federal legislation that affirmed the Nation's commitment to supporting crime victims on the long road back to physical, emotional, legal, and economic recovery. VOCA established the Crime Victims Fund, administered by the Office for Victims of Crime, to support state compensation and assistance programs and services for victims in communities throughout the United States. The Fund, consisting primarily of criminal fines, has grown over the years to support a broad range of services that make a real difference in the lives of millions of victims annually. In Fiscal Years 2007 and 2008, states and territories received \$1.2 billion from the Fund to serve victims in their communities.

Progress does not come without challenges, however. In the midst of an increased need for services, allocations during this reporting period were reduced and attempts were made to eliminate Fund balances above the annual allocations. Today, steps are being taken to restore allocation levels and pass legislation to prohibit the use of Fund balances for any purpose other than that authorized by VOCA—serving crime victims. The Fund's stability for the long term should be strengthened by these and other actions.

The past 25 years have seen a growth and understanding of crime victims' rights and services, and of the network of advocates, service providers, and allied professionals who work to restore a sense of normalcy to victims' lives. This report is filled with examples of innovative programs and activities intended to enhance providers' ability to assist victims, from making services more accessible to responding more effectively to victims with special needs.

Unfortunately, violent crime is a fact of life. In a world where teenagers search for excuses for celebrities' brutality toward their girlfriends or pose for nude photos in a bid for popularity, there is an urgent need for increased public awareness of the dynamics of crime. When a sex trafficking ring operates unnoticed in an elite Washington, D.C., neighborhood, crime is closer than we think. With each new generation, old lessons must be learned, and new types of crime must be addressed. The Internet, for example, has revolutionized how people communicate—but has facilitated identity theft and other types of cybercrime.

Every call to a rape crisis hotline, abducted child alert, or bed in a battered women's shelter makes a difference. Every victim impact statement heard in court is proof that victims have a voice in their country's justice system. Through its administration of the Crime Victims Fund, its training and other support for service providers, and its continuing public outreach, OVC remains committed to *Putting Victims First*—just as they deserve.

Sincerely,

**Joye E. Frost**  
*Acting Director*

# INTRODUCTION

*The Office for Victims of Crime is committed to enhancing the Nation's capacity to assist crime victims and to providing leadership in changing attitudes, policies, and practices to promote justice and healing for all victims of crime.*

—OVC's Mission

To be a victim of crime is to be invaded at the deepest level. As a victim, one's sense of personal safety and autonomy is shattered. A crime inflicted on one person affects dozens, even hundreds more. From emergency responders to victim service providers, from court personnel to the victim's friends and family, from the media to the public, even a single incident ripples throughout the community and changes the environment.

As part of the U.S. Department of Justice's Office of Justice Programs, the Office for Victims of Crime (OVC) supports a network of victim service providers who supply a full range of services to victims of every type of crime. Victims of crimes that harm physically, devastate emotionally, or ruin financially deserve the assistance of trained service providers who can offer support and contribute to the healing process. OVC provides the training and resources to make sure this help is available.

Established in 1988 through an amendment to the Victims of Crime Act (VOCA) of 1984, OVC is charged by Congress with administering the Crime Victims Fund, channeling funds for victim compensation and victim assistance throughout the United States to support thousands of programs and services that assist millions of crime victims every year. In addition to administering the Fund, OVC works to raise awareness of victims' issues, promotes compliance with victims' rights laws, provides training and technical assistance to service providers and allied professionals, and continually develops new resources to strengthen the field, often through innovative technology.

This *Report to the Nation* describes OVC's accomplishments in Fiscal Years 2007 and 2008 as we continue to strive to achieve our goal of *Putting Victims First*.





*Celebrating 25 years of VOCA*

# *Crime Victims Fund*

Putting **Victims** First



# CONTRIBUTIONS

## *to the Fund*

### CHAPTER 1

The Office for Victims of Crime is charged by Congress with administering the Crime Victims Fund (the Fund), a major source for funding victim services throughout the Nation. Established by the Victims of Crime Act of 1984 (VOCA), the Fund supports thousands of programs annually that represent millions of dollars invested in victim compensation and assistance in every U.S. state and territory, as well as training and demonstration projects designed to enhance the skills of victim service providers.

The Fund is unique in that it is composed primarily of fines, special assessments, and bond forfeitures from convicted federal offenders, making it a self-sufficient source of support that does not rely on Americans' tax dollars to carry out its work. Through the Fund, those who cause victims' suffering contribute to alleviating their pain and helping them rebuild their lives.

Fiscal Year (FY) 2007 was a recordbreaking year for deposits, with \$1,017,977,474 going into the Fund. With deposits for FY 2008 amounting to \$896,316,824, deposits for the 2-year reporting period totaled \$1.9 billion (figure 1). Despite its apparent financial strength, the Fund is vulnerable to fluctuations in deposits and other factors that may affect its ability to ensure that critical victim services are available well into the future.

### 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 \$400 on corporations convicted of felonies.
- Gifts, donations, and bequests by private parties, as provided by the USA PATRIOT Act in 2001 that went into effect in 2002.

According to a 2005 study of the Crime Victims Fund, 98 percent of annual Fund deposits come from criminal fines. One percent or less is derived from each of the other sources, with the exception of special forfeitures of collateral profits. At the time of this study, no funds were known to have been deposited from this source.<sup>1</sup>

## Cap Helps Stabilize Fund for Future

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. For the first 15 years of the Fund's existence, the total deposits for each fiscal year were distributed the following year to support services to crime victims.

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 2008, the amount of the annual cap varied from \$500 million to \$625 million. The caps for FYs 2007 and 2008 were \$625 million and \$590 million, respectively (figure 1). The cap was set at \$635 million for FY 2009.

**Figure 1. Crime Victims Fund Cash Flow, FYs 2007 and 2008 (in \$ millions)**

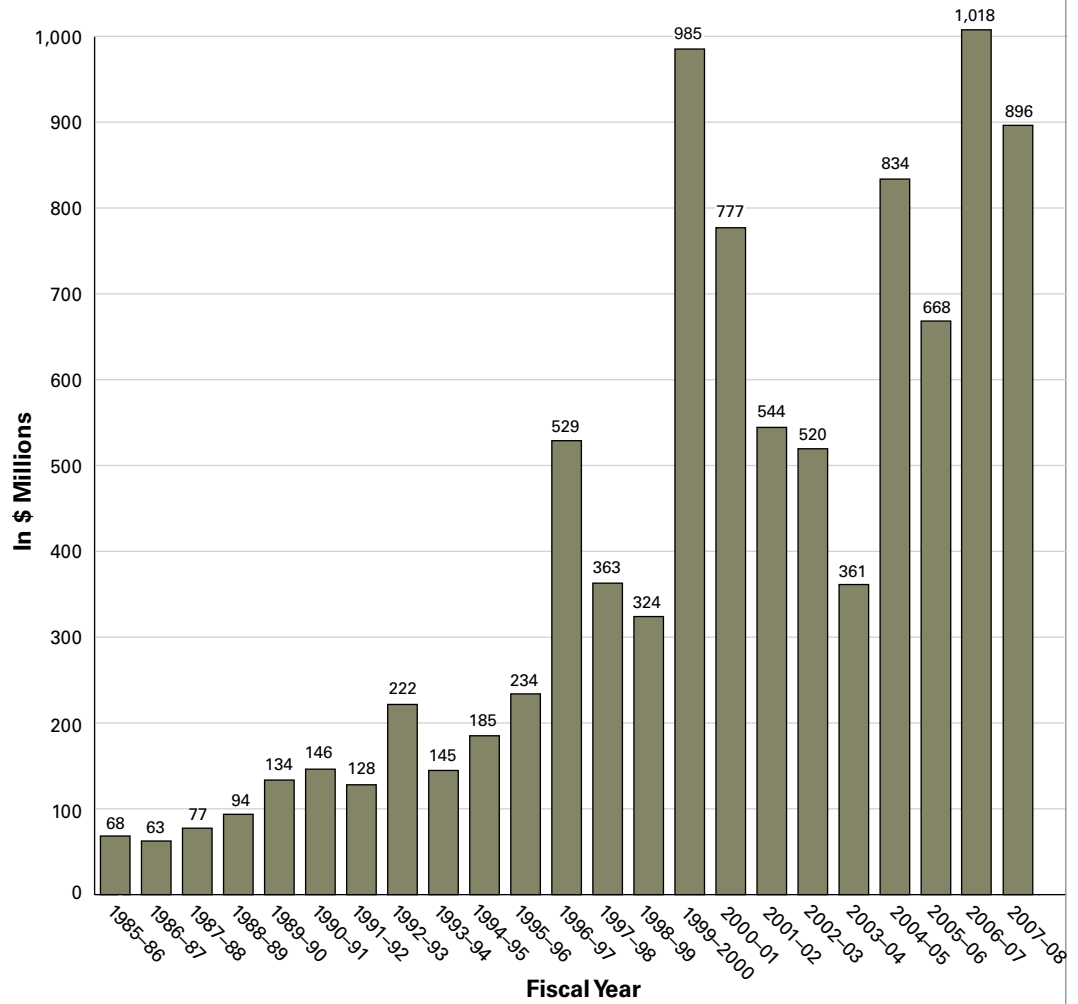
Income	FY07	FY08
Deposits	\$1,018.0	\$896.3
Total available funds	1,981.4	1,784.0
<b>Cap on Fund Allocations</b>	<b>625.0</b>	<b>590.0</b>
<b>Allocation Amounts:</b>		
Children's Justice Act	20.0	19.8
U.S. Attorneys' victim/witness coordinators	22.3	22.4
FBI victim assistance specialists	11.9	9.2
Victim Notification System	5.0	4.8
OVC discretionary grants	28.0	18.3
VNS discretionary	0.0	1.7
State victim compensation grants	165.7	171.3
State victim assistance grants	370.6	309.1
OJP management and administration	1.0	27.9
Office of Audit, Assessment, and Management	0.5	5.5
<b>Subtotal</b>	<b>625.0</b>	<b>590.0</b>
Antiterrorism Emergency Reserve*	50.0	50.0
<b>Total Amount Available for Allocation</b>	<b>675.0</b>	<b>640.0</b>

\*The Antiterrorism Emergency Reserve is in addition to the obligation limitation included in the annual appropriations language.

<sup>1</sup>Steve Derene, 2005, *Crime Victims Fund Report: Past, Present, and Future*, Madison, WI: National Association of VOCA Assistance Administrators, p.5.



**Figure 2. Crime Victims Fund Deposits**




Source: Compiled from Office of Justice Programs data.



# FUND SUPPORT

## *for Victim Services*

### CHAPTER 2



**D**uring this reporting period, federal, state, and tribal victim assistance programs received formula grants, discretionary grants, and set-asides according to a carefully established annual allocation process (figure 3). Allocated funds support a variety of services to victims, from ensuring the victim's right to be heard in court to providing access to emergency medical treatment, emotional support, and other services in the immediate aftermath of a crime.

The main funding streams that support programs and services include the following:

- **State crime victim compensation program formula grants**, which supplement state funds for reimbursing victims of violent crimes for out-of-pocket expenses that result from the crime. 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-dollar payout for the federal fiscal year 2 years prior to the year of the federal grant. Although each state administers its 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 to provide services directly to crime victims.
- **State victim assistance program formula grants**, which support providers who supply services directly to victims. The 50 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 competitively 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.

- **OVC discretionary grants**, which fund national-scope demonstration projects and training and technical assistance to enhance the professional expertise of victim service providers' program evaluations, compliance efforts, fellowships, and services to victims of crime in tribal communities and victims of federal crimes.
- **Victim-witness coordinators in U.S. Attorneys' Offices**, who 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*.
- **Federal Bureau of Investigation (FBI) victim specialists**, who keep victims of federal crimes informed of case developments and proceedings, and direct them to appropriate resources.
- **The Federal Victim Notification System**, which 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.



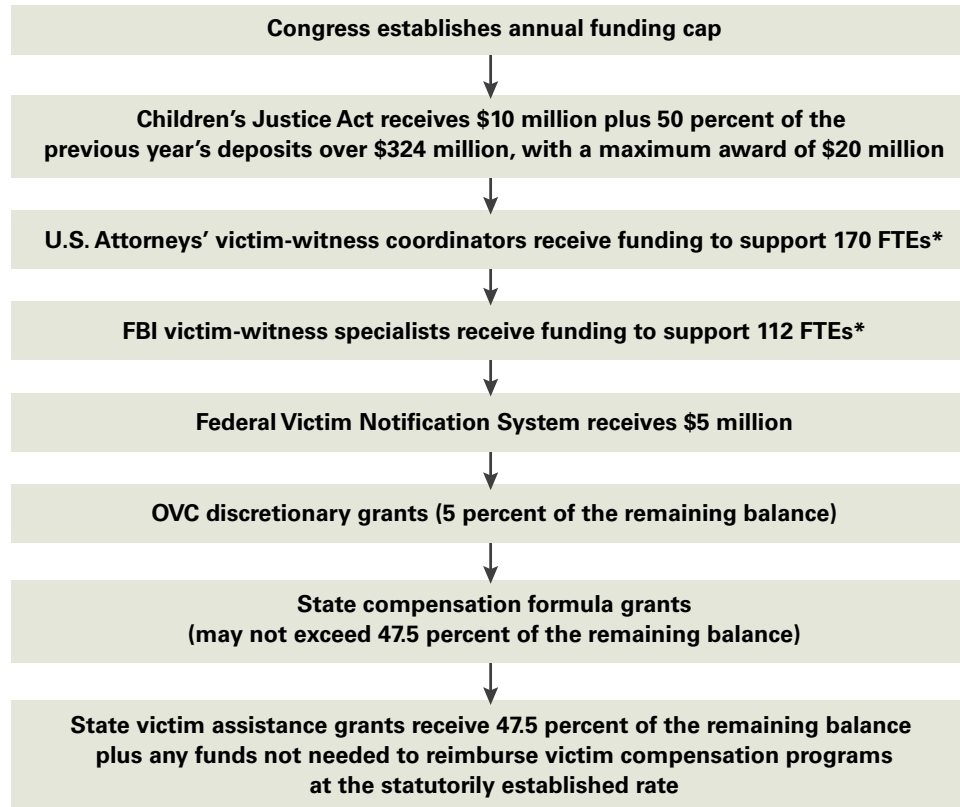
- **The Children's Justice Act (CJA)**, which provides formula grants to states through the U.S. Department of Health and Human Services and discretionary grants to tribes through OVC for services and programs to improve the investigation and prosecution of child abuse and neglect cases in American Indian 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. (See chapter 8, Terrorism and Mass Violence, for specific programs.)

The sequence in which VOCA funds are allocated annually, starting with a maximum of \$20 million for Children's Justice Act grants, can have a significant impact on financial assistance and other services funded by state victim compensation and assistance formula grants and, to a lesser degree, OVC discretionary grants (see figure 3). Because other program area allocations are calculated first, and the amount allocated for compensation grants is fixed by a formula, an increase in any of the other areas reduces the amount available for the state assistance and OVC discretionary grants.

Although the amount varies from year to year, most VOCA funds are allocated annually to the states and territories for victim compensation and victim assistance. The total sum of OVC discretionary grants is computed after all program area allocations are determined, except for these formula grants, and may total 5 percent of the remaining balance. Next, the VOCA state compensation formula grants are computed. They account for up to 47.5 percent of the remaining funds. The VOCA state assistance formula grants also account for 47.5 percent of the remaining balance, plus any funds that are not needed to reimburse the compensation programs.

**Figure 3. Crime Victims Fund Allocation Process**




\*Full-time employees.



# FUNDING

## *the Future*

### CHAPTER 3



**A**t present, the Crime Victims Fund is considered stable—a successful funding mechanism for supporting millions of crime victims each year who might otherwise lack the critical services they need. A long-term concern for those who manage the Fund, however, is its ability to provide this support into the future. Several trends in deposits and expenditures underscore the importance of long-term planning to maintain a reliable funding stream for crime victims for years to come.

Since FY 1996, deposits into the Fund have totaled \$7.8 billion. However, more than 40 percent of this amount was paid by less than 1 percent of criminal defendants who were ordered to pay fines, which illustrates dramatically that the Fund depends on a few extremely large fines for much of its revenue.

In FYs 2005 and 2006, three corporate criminal cases resulted in plea agreements with orders for the defendants to pay fines totaling \$645 million. These defendants are paying their fines in annual installments, which are expected to increase average annual deposits to the Fund by an estimated \$112 million through FY 2011. When these fines are paid in full, the Fund's balance may decrease dramatically unless comparable cases continue to occur.

In response to continued fluctuations in the Fund's deposits, Congress has set caps on its annual expenditures. This has created a "rainy-day" balance to draw on whenever deposits fall below the cap. If deposits do not keep pace with needed services, supplementing Fund revenues from other sources will warrant consideration. The much-needed services summarized in this report demonstrate the importance of a sound, secure Crime Victims Fund to continue serving victims throughout the Nation.

