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General Government Division

B-244846

October 23, 1991

The Honorable Charles E. Schumer  
Chairman, Subcommittee on Crime and  
Criminal Justice  
Committee on the Judiciary  
House of Representatives

NCJRS

MAR 4 1992

ACQUISITIONS

Dear Mr. Chairman:

This report responds to your request that we review the Department of Justice's implementation of the Victims of Crime Act (VOCA) victim compensation and victim assistance grant programs. These two programs, which are administered by Justice's Office for Victims of Crime (OVC), provide federal monetary compensation and support services to victims and families of victims of violent crime. More specifically, we were asked to determine (1) whether the grants are meeting legislative objectives and (2) what procedures are in place for administering these programs and evaluating program results.

## Results in Brief

On the basis of our review of samples of victim compensation claims and assistance applications, we found that the four states we reviewed—California, Michigan, New York, and Ohio—generally complied with VOCA objectives. Our review of a sample of 474 approved or denied compensation claims showed that the 4 states complied with VOCA objectives when they compensated victims for medical expenses, lost wages, and/or funeral expenses.

Similarly, for the victims assistance program, our review of a sample of 417 approved or denied subgrantee applications showed that the 4 states generally complied with VOCA objectives when awarding funds to public and nonprofit service providers.

In administering these programs, VOCA and OVC guidelines allow states to be flexible in how the programs are implemented. As a result, we found that the four states had differing (1) compensation program administrative structures, eligibility criteria, and compensation limits and (2) assistance program administrative structures and grantee funding determinants. However, these differences did not appear to affect the states' compliance with VOCA objectives.

We found two weaknesses that impair OVC's ability to evaluate and report program results. First, OVC used inaccurate and inconsistent state

performance reports in preparing its 1988 legislatively required biennial report of program effectiveness to the president and Congress. As a result, OVC could not accurately determine and report on the effectiveness of activities supported by VOCA compensation and assistance grants. Aware of weaknesses with state performance reports, OVC revised the reporting formats for the reporting period ending December 1990. Second, while OVC's program guidelines required that states allocate at least 10 percent of their assistance grants to each of three priority areas designated by VOCA—victims of sexual assault, spousal abuse, and child abuse—OVC had no assurance that the 10 percent allocated was spent for each priority area.<sup>1</sup>

## Approach

To address our two objectives, we discussed staff and resources, oversight and monitoring activities, and program evaluation efforts with OVC personnel and state program officials in California, Michigan, New York, and Ohio. We judgmentally selected the 4 states that accounted for about 34 percent of the fiscal year 1990 VOCA compensation and assistance grant funds and were among the top 10 combined grant recipients. States are not required to fund projects that serve a predominately one-victim population, but we believe such projects would best reflect the types of services provided in these priority areas. Therefore, in each state, except Ohio, we visited four subgrantees; each subgrantee served mostly victims from one of the four VOCA assistance priority areas—sexual assault, spousal abuse, child abuse, and previously underserved victim populations. We could not identify a project in Ohio that served predominately previously underserved populations. Therefore, in Ohio we visited three subgrantees—one served sexual assault, one served spousal abuse, and one served child abuse victims. To increase the possibility of identifying programs serving victims from each of the 4 priority areas, we judgmentally selected the 15 subgrantees from within a 50-mile radius of the largest city or metropolitan area—Los Angeles; Detroit; New York; and Columbus, Ohio. The subgrantees we chose generally received the largest amount of program year 1989-1990<sup>2</sup> VOCA assistance funds in their priority areas. (See app. VI for a list of the 15 subgrantees.)

<sup>1</sup>Beginning with the fiscal year 1989 grant period, states were required to allocate an additional 10 percent of their assistance grants to previously underserved populations of victims of violent crime. OVC encouraged states to identify previously underserved populations of victims by type of crime, including victims of drunk drivers, survivors of homicide victims, or Native American victims of crime on Indian reservations.

<sup>2</sup>Program year is the 12-month operating period as defined by each state or subgrantee.

To determine each state's compliance with VOCA, we reviewed VOCA and its legislative history and compared its objectives and OVC guidelines with the states' approval and denial procedures for a random sample of fiscal year 1990 victim compensation claims and for program year 1990-1991 assistance applications.<sup>3</sup> To determine subgrantee compliance with VOCA, we interviewed officials and reviewed relevant documentation for program year 1989-1990. To identify state procedures for administering and evaluating the VOCA programs, we held discussions with OVC, state, and subgrantee officials, and we reviewed their pertinent reports and other documents for programs funded from fiscal years 1986 through 1990 VOCA grants.

We did our review between May 1990 and March 1991 in accordance with generally accepted government auditing standards. A more detailed description of our objectives, scope, and methodology is in appendix III.

## Background

The objective of the 1984 VOCA was to assist states in directly compensating and providing support services to victims and families of victims of violent crimes (e.g., murder, forcible rape, and aggravated assault). To generate revenue to support this legislation, the act created the Crime Victims Fund, which is financed from criminal fines, penalty assessments, and forfeited appearance bonds of persons convicted of crimes against the United States. Over its 6-year history, the fund's congressionally set annual ceiling has been increased from \$100 million to \$125 million.<sup>4</sup> Almost 91 percent of these funds are made available on a formula basis to states.<sup>5</sup>

Two of the principal programs established by the act were the victim compensation and victim assistance programs. States may participate in both programs but must administer them separately. To be eligible for VOCA compensation funds, a state must have in place its own victim compensation program. The VOCA victim compensation program provides grants to states. As a condition of eligibility, states are required to offer direct reimbursement to victims of violent crimes and/or their survivors for nonreimbursable medical costs, lost wages and support, and funeral

<sup>3</sup>We collected data in this manner because the states operated the victim compensation programs on a fiscal year basis and the victim assistance programs on a program year basis.

<sup>4</sup>The fund's ceiling was raised to \$150 million in 1991.

<sup>5</sup>In this report, the term state includes the District of Columbia and any territory or possession of the United States.

expenses attributable to crime-related injury or death. Additionally, a state victim compensation program must, among other things, promote victim cooperation with law enforcement authorities and not use VOCA funds to supplant otherwise available state compensation funds. VOCA grants are awarded annually to eligible states and augment state-funded compensation programs. The maximum VOCA compensation funding a state can receive is equal to 40 percent of the state's victim compensation payments made 2 fiscal years before the funding year. During fiscal year 1990, 42 states received VOCA compensation funds. Each state's annual VOCA allocation for fiscal years 1986 to 1990 is shown in appendix IV.

The victim assistance program provides grants to states. As a condition of eligibility, states must use the grants to support public and nonprofit agencies that provide direct services to crime victims. Services provided by these agencies may include maintaining a 24-hour crisis hotline for victims of sexual assault, providing shelter for victims of spousal abuse, and providing counseling for victims of child abuse. Each state is awarded a base amount of \$150,000 in VOCA assistance funds. The remainder of VOCA assistance funds is distributed on the basis of population.<sup>6</sup> States are required to allocate at least 10 percent of their VOCA grants to each of the following priority areas—victims of sexual assault, spousal abuse, child abuse, and previously underserved populations.

To receive victim assistance funds, a public or nonprofit agency must (1) use volunteers in providing direct services, unless the state has waived the requirement; (2) promote coordinated victim services in the community; (3) help victims seek crime victim compensation benefits; (4) show that it receives financial support from other sources; and (5) certify that funds will not be used to supplant otherwise available state or local funds. Grants are awarded annually to states, which then award funds to subgrantees. During fiscal year 1990, 57 states received VOCA assistance funds. Each state's annual VOCA assistance allocation for fiscal years 1986 to 1990 is shown in appendix V.

The compensation and assistance programs are administered by the Department of Justice's OVC. Statutorily, OVC is responsible for (1) providing funds to eligible states for victim compensation and assistance programs, (2) providing financial support to victims of federal crimes, and (3) establishing programs for training and technical assistance. In addition, OVC is responsible for cooperating with and providing technical

<sup>6</sup>Beginning in fiscal year 1992, the base amount increases to \$200,000.

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assistance to states, local governments, and other public and private organizations and international agencies involved in activities related to crime victims. OVC is also required to monitor the states receiving VOCA grants and ensure that corrective action is taken on any problems identified. Finally, OVC is required to report biennially to the president and Congress on the effectiveness of the activities supported by the act.

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## Principal Findings

A review of both the compensation and assistance programs in four states revealed that they generally complied with VOCA objectives when making approval and denial decisions. However, some weaknesses existed in reporting program results.

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### States Generally Complied With VOCA Objectives

Our review of a sample of 474 fiscal year 1990 approved or denied compensation claims showed that the 4 states generally complied with VOCA objectives when compensating victims for medical expenses, lost wages, and/or funeral expenses. These claims were supported with evidence from employers, medical care providers, law enforcement agencies, and funeral homes. Compensation denials appeared to be well founded and in accordance with program objectives. VOCA objectives include compensating victims for unreimbursed expenses attributable to injury resulting from compensable crimes and promoting victim cooperation with reasonable requests of law enforcement authorities.

Similarly, for the victims assistance program, our review of a sample of 417 program year 1990-1991 approved or denied subgrant applications showed that the 4 states generally complied with VOCA objectives when awarding funds to public and nonprofit service providers. The service providers appeared to operate programs and offer victim assistance services that coincided with the intent of VOCA. Service providers were public agencies or nonprofit organizations that offered a range of services to crime victims, including crisis intervention, counseling, therapy, shelter, criminal justice support, and assistance in filing compensation claims. (See app. I.)

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### States Differed in Approach to VOCA Administration

Because VOCA legislation imposes few federal requirements and leaves much of the decisionmaking up to the states, OVC has imposed few requirements on the states. As a result, the four states we visited used different approaches when awarding victim compensation and assistance funds. These differences did not appear to affect the states' compliance with VOCA objectives.

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Among the four states' victim compensation programs, differences existed in the administrative structures, eligibility criteria, and maximum claim payments. While the programs in California, Michigan, and New York were administered by state crime victim offices, Ohio's program was administered by the Court of Claims. California and Ohio's programs excluded claimants convicted of a felony while Michigan and New York had no such exclusion. Of the four states, only New York required claimants to submit a notarized affidavit of assets along with their applications, and only Ohio charged an application filing fee. Maximum claim amounts ranged from \$15,000 in Michigan to no limit on medical expenses in New York.

The four states' approaches to awarding VOCA assistance subgrants also differed. Each state had a different application form, but the different forms contained some common elements. Each state also had a different process for final funding decisions. In Ohio, the Attorney General made the final funding decisions with recommendations from an advisory board. In New York, the Attorney General and State Comptroller made the final funding decisions on the basis of recommendations of the state administering agency. In California and Michigan, the directors of the state agencies designated to administer VOCA made the final funding decisions. Administrative staff sizes and budgets also varied among the four states, ranging from a full-time equivalent staff of 1.4 and budget of \$63,000 in Michigan to a full-time equivalent staff of 3.5 and budget of \$414,788 in California.

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### Some Weaknesses Existed in VOCA Reporting

By statute, the Director of OVC is required to report biennially to the president and Congress on the effectiveness of the activities supported by VOCA. OVC's guidelines require states to prepare reports on VOCA-funded activities and monitor subgrantees. For example, states are required to submit performance and financial expenditure reports to OVC on their VOCA compensation and assistance programs. They are also required to submit subgrant award reports for the VOCA assistance program. Further, OVC's guidelines require states to monitor subgrantees, but the method of monitoring is left to each state's discretion. In keeping with the intent of VOCA legislation, OVC's guidelines do not require states or subgrantees to evaluate their VOCA-funded programs. Rather, OVC relies on state performance and subgrant award reports to obtain information on the effect federal funds have had on services to crime victims.

A weakness existed in OVC's ability to meet its requirement to report biennially to the president and Congress because it relied on state performance reports that contained inaccurate and inconsistent data. Specifically, victim compensation and assistance performance reports combined the results of VOCA- and non-VOCA-funded activities and, thus, did not demonstrate the effectiveness of activities supported with VOCA funds. Also, because of the lack of a uniform definition of the term award, state officials inconsistently reported the number of compensation claims awarded. In an effort to obtain more reliable data, OVC has since revised the performance reports and accompanying guidelines to clarify state reporting of awards and to require states to prorate the services and activities supported solely by VOCA funds. At the completion of our fieldwork, OVC had not received and analyzed performance reports prepared using the revised forms and, thus, had not determined whether these revisions eliminated state reporting of inaccurate and inconsistent data.

OVC is also required to ensure that states give priority to assistance programs serving victims of sexual assault, spousal abuse, child abuse, and, beginning with the 1989 grant period, previously underserved populations of victims of violent crime. In program guidelines, OVC indicated that to meet legislative requirements, states must allocate at least 10 percent of their VOCA assistance grants to each of these mandated victim populations. However, in its reporting to the president and Congress, OVC relied on subgrant award reports that reflected subgrantees' planned, as opposed to actual, use of VOCA grant funds. Consequently, OVC had no assurance that the 10 percent allocated to each priority area was spent in those areas. For example, for program year 1989-1990 grants, New York officials told us that the state had spent 7.5 percent of its grant on victims of child abuse, and California officials told us that the state had spent 5 percent on previously underserved victims. Because OVC does not have a mechanism in place for states to report actual expenditures by priority area, it would not have had access to this information through state reporting. (See app. II.)

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## Conclusions

On the basis of our review of a sample of victim compensation claims and assistance applications, we found that the four states we visited generally complied with VOCA objectives. In administering these programs, the states were permitted to and did use differing administrative structures and funding criteria. These differences did not appear to affect the states' compliance with VOCA objectives.

However, we identified two weaknesses in OVC's ability to evaluate and report program results. First, OVC used inaccurate and inconsistent state performance reports in preparing its report to the president and Congress on the effectiveness of activities supported by VOCA. As a result, OVC could not accurately determine and report on the effectiveness of activities supported with VOCA funds. Aware of weaknesses with state performance reports, OVC revised state reporting formats for the reporting cycle ending in December 1990. These reports had not yet been received and analyzed when we completed our fieldwork.

Second, OVC relied on subgrant award reports that reflected subgrantees' planned, as opposed to actual, use of VOCA grant funds. Therefore, OVC lacked assurance that the 10 percent allocated to each priority area was being spent.

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## Recommendations to the Attorney General

- We recommend that the Attorney General require the Director of OVC to
- ensure that the revised state performance reporting format has eliminated the problem of inaccurate and inconsistent data and
  - require states to document and report VOCA funds expended in the four priority areas.

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## Agency Comments and Our Evaluation

We provided a draft of this report to the Department of Justice for written comment. Justice said it has revised the state performance reporting format to address the problem of inaccurate and inconsistent data. Justice noted that it modified the reporting format for victim assistance programs to isolate some of the accomplishments achieved with VOCA funds. For the compensation program, Justice said it could show how VOCA funds were used without changing the reporting format. According to Justice, this could be done by using the federal funds' percentage of total state compensation payments to estimate the results of VOCA compensation funds. However, Justice did not indicate in its letter whether the accuracy and consistency problems we identified had been corrected by the revisions it made to the state data collection forms.

Justice did not agree with our second recommendation requiring states to document and report VOCA funds expended in the four priority areas. Justice said that reporting VOCA funds allocated in the four areas meets its oversight needs and that requiring the reporting of expenditures would place a substantial burden on subgrantees. We found that although the four states visited allocated at least 10 percent of VOCA

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funds to each of the four priority areas as required by program guidelines, two of the four states spent significantly less than that amount in the previously underserved priority area. Thus, we believe Justice needs a better basis for ensuring that VOCA funds are spent as planned and for reporting on the uses and effectiveness of VOCA funds in its report to the president and Congress. Implementing our recommendation need not involve bureaucratic measures or detailed cost accounting systems as implied in Justice's letter. However, it could require some effort by the states. One way to obtain expenditure data would be for the states to have subgrantees estimate actual VOCA expenditures in the four priority areas. The full text of Justice's comments is in appendix VII.

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As agreed with the Subcommittee, we plan no further distribution of this report until 30 days after the date of this letter, unless you publicly announce its contents earlier. At that time, we will send copies to the Attorney General. We will also send copies to other interested parties upon request.

Major contributors to this report are listed in appendix VIII. Please contact me on (202) 275-8389 if you have any questions concerning this report.

Sincerely yours,



Lowell Dodge  
Director, Administration  
of Justice Issues

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**Abbreviations**

NOVA      National Organization for Victim Assistance  
OVC        Office for Victims of Crime  
VOCA      Victims of Crime Act

# States Visited Generally Met VOCA Objectives When Processing Victim Claims and Subgrant Applications

The four states we visited generally complied with Victims of Crime Act (VOCA) legislative objectives when they processed compensation claims and assistance applications. Because the Office for Victims of Crime (OVC) does not prescribe any one approach, the states used different methods when they awarded claims and approved applications.

## States Met VOCA Objectives When Processing Victim Compensation Claims

During fiscal year 1990, the four states we reviewed approved about 33,000 compensation claims and denied about 15,000. The percentage of approvals and denials varied from state to state, as shown in table I.1.

**Table I.1: Fiscal Year 1990 Compensation Claims for the Four States Visited**

State	Claims approved	Percent approved	Claims denied	Percent denied	Total claims
California	24,498	88	3,297	12	<b>7,795</b>
Michigan	965	48	1,050	52	<b>2,015</b>
New York	4,928	33	10,045	67	<b>14,973</b>
Ohio	2,767	74	993	26	<b>3,760</b>
<b>Total</b>	<b>33,158</b>	<b>68</b>	<b>15,385</b>	<b>32</b>	<b>48,543</b>

Sources: California State Board of Control; Michigan Crime Victim Compensation Board; New York Crime Victims Board; and Ohio Court of Claims, Victims of Crime Compensation Program.

A randomly selected sample of 474 (239 approved and 235 denied) fiscal year 1990 compensation claims showed that the 4 states we visited complied with VOCA legislative objectives when they approved or denied claims.<sup>1</sup> VOCA legislative objectives stipulate that states

- compensate crime victims or their survivors for medical expenses attributable to a physical injury (including mental health counseling and care), wage loss attributable to physical injury, and funeral expenses attributable to a death, all resulting from compensable crimes;
- promote victim cooperation with law enforcement;
- offer benefits to victims who are nonresidents of the state; and
- offer benefits to victims of federal crimes occurring within the state.

The states verified the accuracy of these claims with evidence from employers, medical care providers, law enforcement agencies, and/or funeral homes.

<sup>1</sup>Therefore, we could conclude with 95 percent probability that the discrepancy rate in the universe was less than 5 percent.

**Appendix I  
States Visited Generally Met VOCA  
Objectives When Processing Victim Claims  
and Subgrant Applications**

Compensation denials appeared to be well founded and in accordance with the program objectives stated above. Victim compensation claim denials were appropriately made for reasons that included

- claimant failure to supply information needed to determine eligibility,
- claimant failure to file a police report,
- claimant failure to file the claim on time,
- claimant failure to cooperate with law enforcement authorities,
- contributory misconduct by the claimant, and
- reimbursement by collateral sources for expenses resulting from the victimization.

**States Generally Met  
VOCA Objectives  
When Processing  
Victim Assistance  
Subgrant Applications**

Our review of the victim assistance program indicated that, in general, the four states we visited complied with VOCA eligibility criteria when making approval and denial decisions. During program year 1990-1991, these states approved 345 assistance applications and denied 112. Table I.2 shows that the percentage of approvals and denials varied from state to state.

**Table I.2: Program Year 1990-1991 VOCA Assistance Applications for the Four States Visited**

State	Applications approved	Percent approved	Applications denied	Percent denied	Total applications
California	120	75	40	25	160
Michigan	73	87	11	13	84
New York	55	59	39 <sup>a</sup>	41	94 <sup>b</sup>
Ohio	97	82	22	18	119
<b>Total</b>	<b>345</b>	<b>75</b>	<b>112</b>	<b>25</b>	<b>457</b>

<sup>a</sup>State officials could only locate for our review 29 of the 39 applications denied.

<sup>b</sup>Does not include 27 applications that had been neither approved nor denied at the time of our review. Sources: California State Board of Control; Michigan Crime Victim Compensation Board; New York Crime Victims Board; and Ohio Court of Claims, Victims of Crime Compensation Program.

Our review of 315 of the 345<sup>2</sup> program year 1990-1991 approved assistance subgrant applications showed that they generally complied with VOCA legislative objectives. These objectives stipulated that states award victim assistance subgrants to programs that

<sup>2</sup>Our review of 315 applications represented all approvals in 3 states and a sample of 90 in California. Using estimate sampling, we found that the California files had about a 2-percent sampling error at the 95-percent confidence level. In other words, if we drew repeated samples from the California universe of 120 cases, in 95 out of 100 cases we would expect to find fewer than 2 discrepancies.

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**Appendix I**  
**States Visited Generally Met VOCA**  
**Objectives When Processing Victim Claims**  
**and Subgrant Applications**

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- are operated by a public agency or nonprofit organization that provides services to victims of crime;
- demonstrate a record of providing effective services to victims of crime and receiving financial support from non-VOCA sources or substantial financial support from non-VOCA sources;
- utilize volunteers in providing services, unless a compelling reason exists to waive this requirement;
- promote coordinated public and private efforts within the community to aid crime victims; and
- assist potential recipients in seeking crime victim compensation benefits.

Although 90 percent of the 315 approved applications we reviewed met all of the criteria, we could not determine whether the remaining 10 percent complied with the VOCA criterion to use volunteers in providing direct services. OVC guidelines allow states to waive the use of volunteers but do not require them to document such waivers. Additionally, our review of 102 of the 112 denied applications<sup>3</sup> showed that they were made in accordance with VOCA criteria and that all 4 states gave funding priority to applicants seeking continuation grants.

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## **States Used Different Approaches When Allocating VOCA Compensation Funds**

While VOCA legislation and OVC's guidelines establish criteria for program implementation, they give states flexibility in allocating their VOCA compensation funds. As a result, the four states we visited used different approaches when awarding victim compensation claims. For example, differences existed in administrative structure, eligibility criteria, and maximum claim payments. These differences did not appear to affect the states' compliance with VOCA objectives.

The victim compensation program administrative structure differed among the four states. Specifically, three of the four programs were administered by state crime victim offices. Staff from these offices investigated claims to ensure compliance with eligibility criteria. They also made approval recommendations to state crime victim boards in California and New York and to the agency head in Michigan. In contrast, Ohio's program was administered by the Court of Claims. Under this arrangement, the state Attorney General's staff investigated compensation claims and recommended their approval or denial. These recommendations were then submitted to the Court's appointed commissioner for the final decision.

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<sup>3</sup>State officials were unable to locate for our review applications for 10 of the 39 New York denials.

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**Appendix I**  
**States Visited Generally Met VOCA**  
**Objectives When Processing Victim Claims**  
**and Subgrant Applications**

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State agency staff size and resources also differed. For example, California, with a population of about 29 million and a full-time equivalent staff of 250, spent over \$15 million to process almost 28,000 claims in fiscal year 1990. In contrast, Michigan, with a population of over 9 million and a full-time equivalent staff of 2, spent \$230,000 to process about 2,000 claims. Differences in the level of administrative spending may be attributed to the different processes states used to investigate and approve claims.<sup>4</sup> We did not attempt, however, to determine whether one state's system was better than another.

Because VOCA legislation allowed states flexibility, the four states established eligibility requirements in addition to those required by VOCA. For example, California and Ohio excluded claimants who had been convicted of a felony while Michigan and New York had no such exclusion. In addition, although victims of automobile hit-and-run accidents were compensated in California and New York, they were not compensated in Ohio, except for victims of drunk drivers.<sup>5</sup> Further, claimants who did not meet minimum loss requirements of \$100 and \$200, respectively, were excluded in California and Michigan. While New York was the only state that required claimants to submit a notarized affidavit of assets along with their application, Ohio was the only state that charged an application filing fee (\$7.50). Thus, because of differences in state-established eligibility requirements, a crime victim may be eligible for compensation in one state and not in another.

Because VOCA legislation allows states to set maximum claim amounts, levels of compensation for victims of like crimes varied among the four states we visited. For example, New York and Ohio limited reimbursement for funeral expenses to \$2,500 while Michigan had a limit of \$1,500. Michigan, California, and Ohio had maximum claim amounts of \$15,000, \$46,000, and \$50,000, respectively, while New York limited victims to \$30,000 for loss of wages and set no limit on medical expenses.

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<sup>4</sup>VOCA legislation does not allow VOCA funds to be used for administration. Any administrative spending would come from state funds.

<sup>5</sup>In Michigan, automobile hit-and-run accident victims are compensated under the state's No Fault Insurance Act.

## States Used Different Approaches When Allocating VOCA Assistance Funds

The four states we visited used different approaches when awarding their annual VOCA subgrants. They solicited applications through a combination of regional meetings, mailings, press releases, preapplication workshops, and newsletters. Although each state's application was different, subgrantees were generally required to provide such information as project description, budgets, services to be provided, coordination efforts, and evidence of local support. Again, these differences did not appear to affect the states' compliance with VOCA objectives.

In Ohio, the Attorney General made the final funding decisions, with recommendations from the advisory board. New York's Attorney General and Comptroller gave final approval to funding decisions made by New York's Crime Victims Board. In Michigan, the Director of the Office of Criminal Justice, Department of Management and Budget, made the funding decisions, with recommendations from the director of the victims assistance program. Similarly, in California the executive director of the Office of Criminal Justice Planning made the funding decisions, with recommendations from his staff. While all four states gave funding preference to applicants seeking continued funding, each state considered different factors when approving applications. These factors included subgrantees' ability to

- attain program goals and objectives,
- provide needed services that are not being provided at all or not at a satisfactory level,
- provide a coherent application and budget, and
- operate projects in a service area where there was a high crime rate.

Because VOCA legislation does not allow VOCA funds to be used for administration, states had varying administrative budgets and staff sizes for program year 1989-1990. For example, to perform administrative functions, California had a full-time equivalent staff of 3.5 and spent over \$414,000. Michigan had a full-time equivalent staff of 1.4 and spent about \$63,000. New York, with a full-time equivalent staff of 11, spent about \$360,000. And Ohio, with a full-time equivalent staff of four, spent almost \$114,000 to administer its VOCA grant.

# Some Weaknesses Existed in OVC's Program Reporting

As discussed in appendix I, the four states we visited generally complied with VOCA objectives when awarding and/or denying victim compensation claims and assistance subgrant applications. However, we found that some weaknesses existed in OVC's program reporting. Specifically, OVC is required to report to the president and Congress on the effectiveness of VOCA-funded activities, but it relied on inaccurate and inconsistent state performance reports to meet this requirement. In addition, OVC is legislatively required to ensure that states give priority to programs assisting victims of sexual assault, spousal abuse, and child abuse and to programs serving previously underserved populations of victims of violent crime. In VOCA program guidelines, OVC indicated that to meet legislative requirements, states must allocate at least 10 percent of their VOCA grants to each of the four mandated victim populations. However, OVC lacks assurance that states have actually spent the minimum percentage on each population. Finally, officials from four states and a national victims advocate organization suggested that improvements to the VOCA program were needed.

## Performance Reports Contained Inaccurate and Inconsistent Information

OVC's first report to the president and Congress on the effectiveness of VOCA funds was based on state performance reports. OVC relied on these reports to provide information on the number of victim compensation and subgrant awards by type of victimization as well as dollars awarded to victim compensation claimants and service providers. Using fiscal year 1986 and 1987 state performance reports, OVC concluded in its 1988 report to the president and Congress that VOCA funds had contributed greatly to the expansion and improvement of victim services and, therefore, recommended VOCA's reauthorization.

In reaching its conclusion, however, OVC relied on inaccurate and inconsistent state performance reports. Specifically, in the absence of written guidance from OVC, states combined VOCA- and non-VOCA-funded activities for the victim compensation program, thus overstating the effect that VOCA funds had on crime victims. For example, California's fiscal year 1987 \$42.5 million state compensation program was 7 times the \$6.3 million VOCA award for the same period. OVC's 1988 report also concluded that during fiscal year 1986 more than 50,000 claims from victims of violent crimes were approved. However, because OVC had no uniform definition of an award, states inconsistently reported the number of claims awarded. According to OVC, some states reported initial and supplemental claim payments to a single victim as separate awards while others reported only the initial claim payment as an award.

Recognizing the problems with performance reports, in fiscal year 1989 OVC revised the forms' format and instructions for states use in their reporting cycle ending December 1990. Specifically, to eliminate inaccurate and inconsistent information, OVC asked states to assess their total dollars and work load and prorate the number of victims served and other statistics supported solely by VOCA. States were also required to provide the formula used to prorate activities supported by VOCA. Additionally, to address differences in how states defined awards, OVC revised the performance report used for the victim compensation program by replacing the number and dollar amount of "awarded" claims with the number and dollar amount of "approved" claims receiving payment. At the completion of our fieldwork, OVC had not received and analyzed performance reports prepared using the revised forms and, thus, had not determined whether these revisions eliminated state reporting of inaccurate and inconsistent data.

## OVC Lacks Assurance That States Are Using VOCA Funds to Serve Mandated Victim Populations

VOCA legislation requires states to give priority to programs assisting victims of sexual assault, spousal abuse, and child abuse and to programs serving previously underserved populations of victims of violent crime. In VOCA program guidelines, OVC indicated that to meet legislative objectives, states should allocate at least 10 percent of their assistance grants to each of the following priority areas—assault, spousal abuse, child abuse, and previously underserved populations. To ensure that states complied with this requirement, OVC relied on subgrant award reports submitted by states. While these reports showed how subgrantees planned to spend their VOCA funds, they did not show how these funds were actually spent. As a result, OVC had no assurance that the 10 percent allocated to each priority area was spent in those areas.

In its 1988 report to the president and Congress, OVC presented data on programs serving priority areas and reported that of the \$35 million in fiscal year 1986 VOCA assistance dollars awarded, 76 percent went to programs serving priority areas. Because OVC does not require states to report actual expenditures by priority area, the information contained in its report is at best an estimate of how states planned to spend their assistance grants. Officials from Ohio and Michigan told us that their states spent at least 10 percent of their program year 1989-1990 grants on each of the four priority areas. New York officials told us that the state had spent 7.5 percent of its grant on victims of child abuse, and California officials told us that the state had spent 5 percent on previously underserved victims. Because OVC does not have a mechanism in

place for states to report actual expenditures by priority area, it would not have had access to this information through state reporting.

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## Suggested Program Improvements

In its required report to the president and Congress on program effectiveness, OVC may include recommendations for legislation to improve VOCA. A fundamental approach to informing the president and Congress of a program's effectiveness is through an impact evaluation. However, OVC is not required to do, nor has it any procedures or arrangements for doing, an impact evaluation. Instead of doing an impact evaluation, OVC used state performance and subgrant award reports in its 1988 VOCA program effectiveness report to the president and Congress.

As part of our review, we obtained opinions about needed improvements to the VOCA program through interviews with officials from the four states we visited and the National Organization for Victim Assistance (NOVA).<sup>1</sup> These officials suggested that VOCA funds be used administratively to finance states' on-site monitoring of subgrantees. Use of administrative funds, they said, would also enable states to provide more training and technical assistance to service providers. OVC officials told us that they have long supported allowing states to use VOCA funds for program administration. They also told us that they could not require states to make subgrantee monitoring visits without providing them with administrative funds.

Additionally, officials of Ohio's victim assistance program suggested that states be given 3 years rather than 2 years to spend the VOCA grant. In its 1988 report to the president and Congress, OVC recommended that states be allowed the year of the grant plus 2 succeeding years in which to obligate their crime victim compensation and assistance grants.

Finally, an official of Ohio's victim compensation program suggested that since there is such diversity in state implementation of VOCA programs, OVC should establish a clearinghouse for disseminating information on model compensation and assistance programs. While not commenting directly on the feasibility of a clearinghouse, OVC officials said that they had spoken with National Institute of Justice staff about identifying models in each priority area.

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<sup>1</sup>NOVA is a private, nonprofit organization composed of victim and witness assistance program personnel, criminal justice agency officials, mental health professionals, researchers, former victims and survivors, and others committed to the recognition and implementation of victim rights.

# Objectives, Scope, and Methodology

The Chairman of the Subcommittee on Crime and Criminal Justice, House Committee on the Judiciary, requested that we review administrative procedures for and results of Department of Justice formula and discretionary grant programs. In subsequent discussions, we agreed to limit our review to the VOCA victim compensation and victim assistance formula grant programs for fiscal years 1986 through 1990. Specifically, we agreed to determine

- whether VOCA programs were meeting legislative objectives and
- what procedures were in place for administering and evaluating the VOCA programs.

To accomplish these objectives, we did work at OVC headquarters and at administering agencies in four states (California, Michigan, New York, and Ohio). States are not required to fund projects that serve a predominately one-victim population, but we believe such projects would best reflect the types of services provided in these priority areas. Therefore, in each state, except Ohio, we visited four subgrantees; each subgrantee served mostly victims from one of the four VOCA assistance priority areas—sexual assault, spousal abuse, child abuse, and previously underserved victim populations. We could not identify a project in Ohio that served predominately previously underserved populations. Therefore, in Ohio we visited three subgrantees that each served victims in one of the other three priority areas. (See app. VI for a list of the 15 subgrantees visited.) We judgmentally selected the 4 states and 15 subgrantees.

Although our findings cannot be projected nationwide, the four states we selected accounted for about 34 percent of the fiscal year 1990 VOCA compensation and assistance grant funds and were among the top 10 combined grant recipients. To increase the possibility of identifying programs serving victims from each of the four priority areas, in each state we selected subgrantees from within a 50-mile radius of the largest city or metropolitan area—Los Angeles; Detroit; New York; and Columbus, Ohio. The subgrantees chosen generally received the largest amount of program year 1989-1990 funds.

To determine whether the grants met statutory objectives, we reviewed the four states' victim compensation and assistance procedures for approving and/or denying claims and applications and compared these

procedures with VOCA legislative objectives and OVC's guidelines. Specifically, for the four states' victim compensation programs, we used discovery sampling<sup>1</sup> to review the approval and denial process for a random sample of fiscal year 1990 personal injury and death compensation claims. The purpose of our review was to determine whether the four states complied with VOCA legislative objectives when awarding and denying compensation claims. Specifically, we determined if the states complied with VOCA legislative objectives and

- compensated crime victims or their survivors for medical expenses attributable to a physical injury (including mental health counseling and care), wage loss attributable to physical injury, and funeral expenses attributable to a death, all resulting from compensable crimes;
- promoted victim cooperation with law enforcement authorities;
- offered benefits to victims who were nonresidents of the state; and
- offered benefits to victims of federal crimes occurring within the state.

We reviewed 474 claims—ranging from 58 to 60 of both approved and denied claims in each state depending upon universe size. By using discovery sampling, if no discrepancies were found with a particular criterion, we could conclude with 95-percent probability that the discrepancy rate in the universe was less than 5 percent. In other words, 95 out of 100 times we would expect to find fewer than 5 errors in any sample of 100 cases drawn from the universe.

In addition, we reviewed the approval and denial process for program year 1990-1991 assistance applications. The purpose of our review was to determine whether the four states complied with VOCA legislative objectives and OVC's guidelines when awarding and denying assistance subgrants. Specifically, we determined if the states complied with VOCA legislative objectives and

- gave priority to victims of sexual assault, spousal abuse, and child abuse;
- made funds available for grants to programs for previously underserved populations of victims of violent crime; and
- awarded funds to eligible crime victim assistance programs (subgrantees).

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<sup>1</sup>Discovery sampling is appropriate when attempting to identify the probability of the occurrence of very rare events in a large universe. A small number of randomly drawn cases are examined; if no errors (in this case, discrepancies with stated criteria) are found, a conclusion can be made with a given probability that the error rate is less than a specified amount. However, if errors are found, no estimate of the rate of occurrence is possible.

We reviewed all of the program year 1990-1991 approved applications in three of the four states visited. In California, we used estimate sampling to randomly select the approved applications we reviewed. This sample, which allowed us to project to the universe, yielded an error rate of about 2 percent at the 95-percent confidence level. This means that chances are 95 out of 100 that if we had reviewed all applications, the results would not have differed from our sample results by more than 2 percent. Further, we reviewed all the program year 1990-1991 denied applications in three states but reviewed only a portion of denials in New York because the acting director, who was appointed after the application deadline date, could not locate all of them.

We also verified whether the 15 subgrantees complied with VOCA legislative objectives. Through interviews of subgrantee officials and reviews of subgrantee payroll records, vouchers, expenditure reports, and other documents for program years 1989-1990 and 1990-1991, we determined whether they complied with the following VOCA legislative objectives:

- Subgrantees should be public agencies or nonprofit organizations providing services to victims of crime.
- Subgrantees should have financial support from non-VOCA sources.
- Subgrantees should use volunteers to provide direct services, unless this requirement was waived for compelling reasons.
- Subgrantees should promote coordinated victim services within the community.
- Subgrantees should assist potential recipients in seeking crime victim compensation benefits.
- Subgrantees should use funds only to provide allowable services to crime victims.
- Funds awarded to subgrantees should supplement rather than supplant state and local funds otherwise available.

In reviewing the procedures for administering and evaluating the VOCA program, we held discussions with OVC and selected state and subgrantee officials, and we reviewed their pertinent reports and other documents from fiscal years 1986 through 1990. We discussed and reviewed documents related to (1) the level of staff and resources allocated to program administration, (2) the extent of oversight and monitoring activities, and (3) the means of evaluating program effectiveness.

To identify ways the VOCA program might be improved, we asked officials from the four states we visited and NOVA in Washington, D.C., to share their views on needed program improvements. Their responses

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**Appendix III**  
**Objectives, Scope, and Methodology**

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addressed the lack of administrative funds for the states and the 2-year time limit for spending funds.

We did our work between May 1990 and March 1991 in accordance with generally accepted government auditing standards.

# VOCA Compensation Funds Awarded Fiscal Years 1986 Through 1990

Dollars in thousands

Rank <sup>a</sup>	Jurisdiction	1986	1987	1988	1989	1990
1	California	\$5,185	\$6,353	\$16,691	\$13,610	\$15,444
2	Texas	1,472	2,223	3,193	6,023	6,068
3	New York	2,434	2,597	2,655	3,200	3,076
4	Ohio	2,369	2,056	1,106	1,953	2,543
5	Florida	1,493	1,872	1,808	2,250	2,022
6	Washington	970	1,108	1,180	1,573	1,870
7	Maryland	433	785	855	1,014	1,179
8	Colorado	472	703	740	1,211	1,175
9	New Jersey	1,243	1,910	1,332	2,080	1,159
10	Massachusetts	387	321	353	634	1,096
11	Illinois	1,242	921	921	1,025	820
12	Michigan	699	686	654	780	774
13	Indiana	117	147	0	434	734
14	Tennessee	495	1,278	928	1,402	691
15	Pennsylvania	888	776	701	798	662
16	Missouri	266	355	373	567	615
17	Alabama	0	79	237	405	603
18	Virginia	186	280	349	578	540
19	South Carolina	173	234	403	423	505
20	Minnesota	190	284	276	466	496
21	Rhode Island	123	231	277	340	443
22	Oregon	261	285	340	514	442
23	Connecticut	442	478	509	431	422
24	Wisconsin	285	368	322	336	365
25	Utah	0	0	0	47	342
26	Kentucky	213	212	197	344	270
27	Oklahoma	187	241	214	238	269
28	Delaware	123	172	165	173	267
29	North Carolina	0	0	0	0	225
30	Louisiana	77	114	222	326	220
31	Hawaii	150	165	179	142	214
32	Iowa	57	106	155	212	203
33	West Virginia	53	64	593	423	173
34	Alaska	283	246	143	164	161
35	Kansas	116	131	134	189	146
36	New Mexico	65	83	73	145	144
37	Idaho	0	0	0	25	125
38	District of Columbia	85	112	80	167	122

(continued)

**Appendix IV  
VOCA Compensation Funds Awarded Fiscal  
Years 1986 Through 1990**

<b>Rank<sup>a</sup></b>	<b>Jurisdiction</b>	<b>1986</b>	<b>1987</b>	<b>1988</b>	<b>1989</b>	<b>1990</b>
39	Arizona	0	0	0	60	93
40	North Dakota	32	27	22	68	48
41	Wyoming	0	0	29	24	35
42	Virgin Islands	62	26	73	26	25
43	American Samoa	0	0	0	0	0
44	Arkansas	0	0	0	0	0
45	Georgia	0	0	0	0	0
46	Guam	0	0	0	0	0
47	Maine	0	0	0	0	0
48	Mississippi	0	0	0	0	0
49	Montana	129	136	118	102	0
50	Nebraska	31	38	0	0	0
51	Nevada	106	93	0	0	0
52	New Hampshire	0	0	0	0	0
53	N. Mariana Islands	0	0	0	0	0
54	Puerto Rico	0	0	0	0	0
55	South Dakota	0	0	0	0	0
56	Trust Territories	0	0	0	0	0
57	Vermont	0	0	0	0	0
<b>Total</b>		<b>\$23,594</b>	<b>\$28,296</b>	<b>\$38,600</b>	<b>\$44,922</b>	<b>\$46,826</b>

<sup>a</sup>States are ranked by fiscal year 1990 funding levels.  
Source: OVC.

# VOCA Assistance Funds Awarded Fiscal Years 1986 Through 1990

Dollars in thousands

Rank <sup>a</sup>	Jurisdiction	1986	1987	1988	1989	1990
1	California	\$3,953	\$2,832	\$3,372	\$4,073	\$6,552
2	New York	2,767	1,991	2,256	2,678	4,199
3	Texas	2,505	1,805	2,124	2,531	3,958
4	Florida	1,751	1,270	1,516	1,855	2,939
5	Pennsylvania	1,890	1,369	1,542	1,843	2,864
6	Illinois	1,831	1,327	1,501	1,793	2,776
7	Ohio	1,717	1,247	1,404	1,680	2,604
8	Michigan	1,465	1,068	1,209	1,455	2,239
9	New Jersey	1,230	901	1,024	1,238	1,896
10	North Carolina	1,027	757	868	1,060	1,617
11	Georgia	978	722	840	1,032	1,584
12	Virginia	948	701	802	987	1,510
13	Massachusetts	972	718	807	980	1,482
14	Indiana	927	686	768	934	1,406
15	Missouri	853	634	715	874	1,312
16	Tennessee	809	603	683	839	1,257
17	Wisconsin	817	608	681	832	1,248
18	Washington	754	564	642	794	1,201
19	Maryland	754	564	642	793	1,195
20	Louisiana	771	576	646	783	1,147
21	Minnesota	726	544	612	752	1,124
22	Alabama	700	526	592	729	1,077
23	Kentucky	660	497	553	679	993
24	Arizona	559	426	503	630	939
25	South Carolina	596	452	510	636	935
26	Colorado	578	439	496	617	896
27	Puerto Rico	591	448	497	617	894
28	Oklahoma	596	452	501	614	883
29	Connecticut	574	436	486	605	881
30	Iowa	538	410	445	552	791
31	Oregon	502	385	427	536	776
32	Mississippi	491	377	418	522	742
33	Kansas	467	360	398	501	714
34	Arkansas	453	351	387	489	692
35	West Virginia	394	308	332	419	574
36	Utah	348	276	302	388	532
37	Nebraska	342	271	294	376	512
38	New Mexico	314	252	279	363	491

(continued)

**Appendix V  
VOCA Assistance Funds Awarded Fiscal  
Years 1986 Through 1990**

<b>Rank<sup>a</sup></b>	<b>Jurisdiction</b>	<b>1986</b>	<b>1987</b>	<b>1988</b>	<b>1989</b>	<b>1990</b>
39	Maine	274	223	242	318	422
40	Hawaii	256	211	229	304	398
41	New Hampshire	247	204	224	300	395
42	Nevada	237	197	217	293	388
43	Idaho	251	207	221	292	377
44	Rhode Island	245	203	218	290	375
45	Montana	224	188	199	265	332
46	South Dakota	206	175	186	251	311
47	North Dakota	203	173	182	245	301
48	Delaware	192	165	177	241	299
49	District of Columbia	194	166	176	238	291
50	Vermont	180	157	166	228	276
51	Alaska	175	153	165	224	268
52	Wyoming	177	155	161	220	258
53	Guam	18	12	15	169	180
54	Virgin Islands	16	11	13	165	173
55	American Samoa	5	4	5	155	159
56	N. Mariana Islands	3	2	2	153	155
57	Trust Territories	19	13	16	62	29
<b>Total</b>		<b>\$41,270</b>	<b>\$30,772</b>	<b>\$34,888</b>	<b>\$43,492</b>	<b>\$64,819</b>

<sup>a</sup>States are ranked by fiscal year 1990 funding levels.  
Source: OVC.

# Subgrantees Visited in the Four States

State	Subgrantee	Priority area	1990 award
California	Los Angeles Commission on Assault Against Women	Sexual assault	\$110,312
	Haven Hills	Domestic violence	97,000
	Rape Treatment Center	Child abuse	120,169
	Mothers Against Drunk Drivers	Previously underserved	38,594
Michigan	Rape Counseling Center	Sexual assault	40,000
	Help Against Violent Encounters Now	Domestic violence	53,892
	Children's Center	Child abuse	45,459
	Save Our Sons and Daughters	Previously underserved	20,600
New York	The St. Luke's/Roosevelt Hospital Center	Sexual assault	65,019
	Committee for Hispanic Children and Families	Domestic violence	28,202
	The Kingsbridge Heights Community Center	Child abuse	55,840
	New York City Dept. for the Aging	Previously underserved	135,493
Ohio	St. Anthony's Rape Treatment Center	Sexual assault	24,507
	Choices	Domestic violence	42,183
	Franklin County Prosecuting Attorney	Child abuse	16,600

## Comments From the U.S. Department of Justice



U.S. Department of Justice

Washington, D.C. 20530

SEP -9 1991

Richard L. Fogel  
Assistant Comptroller General  
General Government Division  
U.S. General Accounting Office  
Washington, D.C. 20548

Dear Mr. Fogel:

The following information is being provided in response to your request to the Attorney General, dated August 1, 1991, for comments on the General Accounting Office (GAO) draft report entitled, "VICTIMS OF CRIME ACT FORMULA GRANTS: Better Reporting Needed for Compensation and Assistance Programs." The Department appreciates GAO's generally favorable report on the implementation of the Victims of Crime Act (VOCA) programs and its recognition of our efforts to improve it. We are gratified to see that GAO generally believes that the program is operating consistent with its statutory requirements and program guidance. We note that GAO has raised some questions concerning the data used to describe program accomplishments. We would like to take this opportunity to comment on those issues.

With respect to the data used, GAO voiced two criticisms: first, that some data are inaccurate and inconsistent; and second, that all victim assistance and compensation activities are reported as program accomplishments regardless of whether those accomplishments were achieved using VOCA funds. In imposing reporting requirements we have tried to meet oversight needs, while minimizing the reporting burden placed on states and individual programs. While the information in the 1988 report to Congress may not have been perfect, we do not believe that the report was in any way misleading. The Department extracted only the most reliable and consistent information from the state Performance Reports, from the Subgrant Award Reports and from anecdotal information from state compensation and assistance administrators.

To improve future reporting we have redesigned the victim assistance data collection forms. We began using the revised forms at the beginning of the FY 1989 grant period. The new report captures data for: activities and services supported with VOCA and matching funds; money allocated to priority and underserved victims; and the actual figures for subgrant awards when projected awards do not match actual expenditures.

To participate in the victims assistance grant programs states must now certify that at least 10 percent of the funds will be made available for programs that serve each of the priority and

Mr. Richard L. Fogel

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underserved crime victim populations. To ensure that states comply with this requirement, the Office for Victims of Crime (OVC) must know the allocations states have made for the various priority areas. Thus, the state reporting requirement, as reflected in the OVC revised Subgrant Award Report form, is to capture the sums allocated by each program for the priority areas. This is sufficient to ensure compliance with program requirements. To require actual expenditures to be reported, as GAO suggests, places an additional burden on recipients. Recipients records would have to allocate overhead and similar costs that must be divided among programs, e.g., copier use or counseling time, and report expenditures by subprogram. This is particularly taxing for small, nonprofit organizations receiving small VOCA grants.

Finally, GAO suggests that only the program results directly attributable to VOCA funds should be used to report VOCA accomplishments (pages 11-12). Although we believe that reporting victim assistance and compensation program accomplishments generally is not inconsistent with the legislation's purpose<sup>1/</sup>, we have modified our reporting for victims assistance programs to isolate some of the accomplishments achieved with VOCA-funds. As to the crime compensation program, however, we believe that requiring states to report total compensation by category is sufficient for our oversight purposes. There is no requirement for states to report the claims they have paid by source of funds and it is not necessary. For each state, we know the amount of federal and state funds paid as victim compensation. We can use a percentage of claims paid equal to the percentage of the compensation fund that was provided by the federal government to show how VOCA compensation funds are used.

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<sup>1/</sup> Congress determined that many state compensation and assistance programs were encountering financial problems and that inadequate funding discouraged states from improving programs. It enacted VOCA "to provide limited Federal funding to the States, with minimal bureaucratic 'strings attached,' for direct compensation and service programs to assist victims of crime." Thus, we believe that all state program improvements related to VOCA funding may be considered when assessing its impact on victim compensation and assistance programs.

Now on p. 7.

Appendix VII  
Comments From the U.S. Department  
of Justice

Mr. Richard L. Fogel

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We appreciate the opportunity to comment on the draft report and hope that you find our comments both constructive and beneficial.

Sincerely,

  
Harry H. Flickinger  
Assistant Attorney General  
for Administration

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# Major Contributors to This Report

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## General Government Division, Washington, D.C.

Richard M. Stana, Assistant Director, Administration of Justice Issues  
Barry Seltser, Social Science Analyst

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## Detroit Regional Office

Henry L. Malone, Regional Management Representative  
Brenda J. Trotter, Evaluator-in-Charge  
Lisa P. Gardner, Evaluator  
Michael J. Ross, Evaluator  
Donald P. Warda, Evaluator  
Kathleen Ward, Senior Technical Analyst