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Office for Victims of Crime



Office for Victims of Crime

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**Victims of Crime Act of 1984 as Amended:
A Report to Congress by
the Attorney General**

Office for Victims of Crime
Office of Justice Programs
U.S. Department of Justice

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The Assistant Attorney General, Office of Justice Programs, establishes the policies and priorities, and manages and coordinates the activities of the Bureau of Justice Assistance, Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.

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FOREWORD

When the President's Task Force on Victims of Crime issued its *Final Report* in 1982, it conveyed a sense of outrage about the way victims of crime were routinely treated in our society; a sense of urgency regarding the reforms that were needed; and a sense of hope that with commitment at the highest levels, change was possible. Without a dramatic altering of attitudes and responses to crime victims, the millions of victims of violent crime each year would soon lose all faith in our criminal justice system.

Fortunately, the changes that have occurred since that historic Task Force convened have been dramatic. The list of accomplishments is far too lengthy to detail here, but includes victims rights legislation in every State—numerous statutes that help to restore the balance between the rights of victims and the rights of offenders.

In addition, Federal legislation has been enacted with bipartisan support—legislation that articulates the rights of and ensures the provision of services to many victims of Federal crimes.

The Victims of Crime Act (VOCA), when passed in 1984, was seen as the best vehicle to augment State financing of struggling victims assistance and compensation programs. Creation of the Crime Victims Fund (the Fund) would permit victim services to be paid for with money from convicted Federal defendants—not innocent taxpayers. Since its inception, collections and deposits into the Fund have increased dramatically from a 1987 low of \$62 million to more than \$144 million in 1990. Thus, nearly 2,500 programs that provide direct services to victims will receive partial funding from the Federal Crime Victims Fund in 1991. Also, thousands of victims will be awarded compensation from State programs that receive VOCA grant funds for losses incurred as a result of a violent crime.

In addition to assistance and compensation formula grant programs, VOCA has enabled the Department of Justice's Office for Victims of Crime to support emergency services for victims of Federal crimes and develop victim assistance programs on remote Indian reservations where victims previously had nowhere to turn. These new resources, combined with the diligent and compassionate work of Federal Victim/Witness Coordinators in U.S. Attorneys' offices and advocates and service providers on Indian reservations, have provided many Native American victims of violent crime much needed support, assistance, information, and counseling.

We also see progress with the passage of Federal victims rights legislation, such as the Federal Crime Victims Bill of Rights; Victims of Child Abuse Act enacted in the Crime Control Act of 1990; and the Campus Security Act, which requires colleges and universities to gather information about crime and crime prevention activities and make such information available.



These statutes, which were a long time in coming, represent the legal framework necessary if victims rights are to become a reality. Because of energetic efforts by U.S. Attorneys to prosecute white-collar, drug, and other crimes and to seek and collect fines from Federal defendants, the Fund is growing and thousands of victims of violent crime have received support, counseling, compensation, and information. These victims are not just statistics, they are neighbors, friends, and family members in every city and town in America. Increased funding through VOCA and legislative advocacy has meant that domestic violence victims can no longer be denied victim compensation solely because they are related to or living with the perpetrator. Survivors of homicide victims support groups have been established and are expanding in every State.

For the first time, children who are victims of Federal crimes will have their identities protected. In child molestation cases on Indian reservations in South Dakota, Arizona, Utah, and other States, the names of the child victims will be removed from court documents to protect their privacy. To reduce the trauma of participating as witnesses, courtroom accommodations can now be made for children who testify in Federal courts.

Finally, we now have a Federal child abuse reporting law that makes reporting of child abuse mandatory for professionals who suspect child abuse on Federal lands. This is critical to the protection of Native American children.

The progress toward fair and sensitive treatment of crime victims has been substantial. It is visible to many who come

into contact with the criminal justice system—through no fault of their own, but because they were victims of violence at the hands of a criminal. The reforms have become reality because of the tireless advocacy, leadership, and support of President George Bush, Attorney General Dick Thornburgh, leaders of the Congress, Governors, State legislators, and many others.

The network of victim service providers and advocates also has grown. National organizations such as the National Organization for Victim Assistance, the National Victim Center, Parents of Murdered Children and Other Survivors of Homicide Victims, Mothers Against Drunk Driving, the National Association of Crime Victim Compensation Boards, the National Coalition Against Sexual Assault, the National Coalition Against Domestic Violence, Spiritual Dimensions in Victims Services, the Victim Service Agency, the Fernside Center for Grieving Children, Security on Campus, Paul and Lisa, Inc., and many others have provided leadership in changing public attitudes, laws, policies, and practices across the Nation.

The crime victims rights movement has achieved many successes in recent years because of concerted efforts and mutual support. There is still much to be done to make legislated rights a true reality, but the progress thus far is so great that they are within our grasp.

Jane Nady Burnley, Ph.D.
Director
Office for Victims of Crime
1987–1991

INTRODUCTION

In the Nation's ongoing fight against crime, statistics tell only part of the story. More than a violation of the law, every crime is a violation of the rights, property, person, or trust of another human being. Thus, behind every tally of offenses ranging from misdemeanors to aggravated felonies are innocent victims—individuals and families who must be recognized in the administration of justice.

President George Bush, April 22, 1991
Proclamation of National Crime
Victims Rights Week

The annual nationwide observance of National Crime Victims Rights Week enables us to generate a new feeling of dedication and empathy as we share experiences and pay tribute to survivors of violent crime. The message of this observance is that “We’re all in this together.” Indeed, we are. Five out of every six Americans will be victims of violent crime at least once in their lifetimes. Criminal homicide is one of the top 15 causes of death, and for persons 15 to 24 years old, it ranks below only accidents as a primary cause of death. A murder occurs in the United States every 8 minutes, a rape every 6 minutes, a robbery every minute, and an aggravated assault every 35 seconds, according to the Federal Bureau of Investigation *Uniform Crime Report*.

In 1982, the President’s Task Force on the Victims of Crime said in its *Final Report*: “The innocent victims of crime have been overlooked, their pleas for justice have gone unheeded, and their wounds—personal, emotional, and financial—have gone unattended.” The President’s Task Force acknowledged that victims of crime were not being properly treated by the criminal justice system and that all levels of government needed to respond to this problem. The *Final Report* provided the impetus for governments to seriously reevaluate their efforts on behalf of victims.

The Office for Victims of Crime (OVC) was created in response to the President’s Task Force recommendation for a Federal agency to advocate for the fair treatment of crime victims. OVC assumed a leadership role in 1988 when it was elevated to a bureau on a level with other components of the Office of Justice Programs (OJP). The Office has made much progress toward making the needs of crime victims known to the general public and has been instrumental in ensuring that criminal justice systems respond to crime victims needs. Through the Victims of Crime Act of 1984 (VOCA) and subsequent amendments, OVC administers Federal financial support to victims programs in all States and territories. Today, every State also has a program of victim assistance in place to help victims address the traumatic consequences of violent crime—the emotional, social, physical, and legal consequences. By 1992, it is expected that each of the 50 States, the District of Columbia, and the U.S. Virgin Islands will have a crime victim compensation program to help meet the financial challenges confronted by victims of violent crime.

Purposes of This Report

This report responds to the requirements of Section 1407(g) of VOCA, as amended, 42 U.S.C. 10604(g). That Section provides that “the Director [of OVC] shall . . . every 2 years . . . report to the President and to the Congress” on the effectiveness of operations under VOCA.

From October 1985 through September 1990, more than \$581 million was collected from criminals convicted of Federal offenses and deposited into the Crime Victims Fund (see chapter 2). This collection resulted in the States receiving \$182,258,000 in grants to increase their compensation payments to crime victims and \$215,240,500 to increase their support of public and private agencies offering crime victim assistance. In fiscal year 1991, approximately \$115 million will be awarded to State crime victim compensation and assistance programs. Through the Crime Victims Fund, OVC also helps support:

- Programs that establish crime victim assistance services in Indian Country where such services are unavailable.
- Programs that help Indian tribes improve the handling of child abuse cases, especially child sexual abuse, in a manner that reduces the trauma to child victims and increases the likelihood of prosecution.
- Training and technical assistance programs for organizations and individuals to provide high-quality services in response to the needs of crime victims.
- Programs in the Department of Health and Human Services to improve the treatment of victims of child abuse, particularly sexual abuse, when those victims become involved with the criminal investigation and prosecution of their abusers.
- Direct services for Federal crime victims, including an emergency fund designed to assist in situations where victims need immediate services that are unavailable through other sources.

Challenges of Today and Tomorrow

The victims movement began only three decades ago, when the first victim compensation law was passed in 1963 in New Zealand. In the United States, grassroots activity began in the 1960's and 1970's primarily to help victims of sexual assault and spouse abuse.

The movement's early leaders, often victims themselves, established rape crisis centers and battered women's shelters. As these efforts gained momentum, the criminal justice system responded and the first victim/witness programs

were established with Federal support to help crime victims. The Federal Government responded with the development of the President's Task Force on Victims of Crime, passage of the Victim and Witness Protection Act of 1982, passage of VOCA, and establishment of OVC within OJP, U.S. Department of Justice. OVC encouraged the development of new victims programs, helped existing programs expand, and pressed for improved treatment of victims by criminal justice personnel and other professionals nationwide. VOCA, as originally enacted, mandated that priority be given to services for victims of sexual assault, child abuse, and domestic violence. Federal money augmented State money to create a cooperative partnership for the benefit of victims of violent crime.

As assistance and compensation programs expanded, victims of other violent crimes sought legislative recognition of their needs for assistance. During the reauthorization of VOCA in 1988, OVC and victim advocacy organizations worked with Congress to focus increased attention on the needs of the victims of drunk driving, survivors of homicide victims, and other “previously underserved” victims of violent crime.

In addition, unique problems associated with the compensation of victims of domestic violence and drunk driving were addressed by the 1988 VOCA amendments. Many States had policies that explicitly or effectively denied compensation to victims of drunk driving or victims of violent crime in cases where the victim was related to or lived with the offender. The exclusion of domestic violence and drunk and drugged driving victims was rectified in the 1988 amendments to VOCA by denying VOCA eligibility to compensation programs that either use a victim's relationship with the offender as the sole reason for denial of compensation benefits or have other special, additional criteria that exclude the victims of drunk or drugged drivers. Thus, VOCA-supported victim assistance and compensation programs have expanded in breadth and depth and greater numbers of victims have benefited. With this progress, awareness of the needs of crime victims and the demand for services—both inside and outside the criminal justice system—have increased.

New challenges not specifically addressed in VOCA are also arising. Human immunodeficiency virus infection has created the dangerous possibility that victims of child sexual abuse or sexual assault may be victimized twice—once by the crime and again by a sexually transmitted virus that causes a disease for which no known cure exists. Increased attention has been given to hate-motivated crimes, including murder, rape, assault, and vandalism against persons of a



particular race, religion, or sexual orientation. The drug and violence epidemic in many urban areas has forced recognition of the impact of such crimes on residents of the affected neighborhoods. Unfortunately, too few victim assistance programs are located in high-crime neighborhoods to serve poor and minority victims. New populations of victims have also emerged, such as drug-addicted babies born to drug-using mothers (see chapter 4).

OVC is supported in its efforts to address these emerging areas of concern by OJP. OJP has designated victims as a priority area for programs funded by all five of its bureau components. OJP has also designated issues such as gangs, intermediate sanctions, community-based policing, and multijurisdictional task forces as priorities. These priority designations strengthen the environments in which victim programs are implemented.

While victim issues are a normal concern during the prosecution of criminal cases, victims have tended to be “forgotten” persons in the postconviction stages of the criminal justice process. Correction and community correction agencies have traditionally limited their focus to the confinement and supervision of offenders. To address this limitation, OVC has developed several innovative programs to ensure that victims rights are recognized and their needs are served in the latter postconviction phases of the criminal justice system. These programs are assisting correction, probation, and parole agencies in developing policies and procedures that respond to victims needs. The programs are also providing training to personnel of these agencies so that information, protection, and service to victims of crime are seen as an integral part of their job responsibilities.

Another area where OVC is breaking new ground is in the complex maze of legal issues surrounding crime victims

rights. Most crime victims are confused and intimidated by these issues and often forfeit their rights to certain legal remedies as a result of misunderstanding and fear. To assist victims, OVC is sponsoring an initiative that will train victim assistance providers to inform victims of their legal rights and to help victims pursue heretofore underutilized civil actions against perpetrators.

As the Federal agency charged with advocating for victims, OVC has worked to identify emerging issues that must be addressed to advance the rights and fair treatment of victims.

This report will review the history of the victims movement, the impact of victim assistance and compensation grants, and the way OVC has fulfilled its mission to serve as the Federal focal point for addressing crime victims issues.

Through its administration of VOCA and oversight of the Victim and Witness Protection Act implementation, OVC has provided the leadership necessary to advance victims rights. As a result of OVC leadership and OJP coordination, an effective programmatic structure for victim assistance and compensation has been established in almost every State. Future efforts will focus on (1) improving the quality and effectiveness of programs to better serve victims and (2) expanding services to new groups of violent crime victims so that all victims will have a place to turn. A challenge also lies in developing new partnerships with other public organizations, as well as the private and nonprofit sectors. This will help meet the ultimate goal of adapting the criminal justice system to respond effectively to crime victims needs and to ensure victim participation in the criminal justice process.

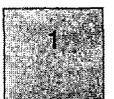
The Victims of Crime Act of 1984

Centuries ago, the crime victim was central to the criminal justice process because crime was viewed as an individual committing a wrong against another individual. Since a cohesive “state” did not exist, those who suffered from the criminal acts of another often sought retribution or revenge in order to be restored to their previous status. As victims began turning to more powerful friends or sponsors to gain an advantage in achieving justice, powerful persons such as kings and barons assumed increasing responsibility for justice. Gradually, those in power became responsible for the safety and security of the people they governed. As the state emerged as an entity, the focus of criminal justice changed from the interest of the individual victim to the interest of the state. The criminal justice system began to treat crime as an offense against the state, which acted as a representative of the people. The victim became a witness—someone the state relied upon to prosecute the offender. In addition, the state took steps to articulate the rights of offenders to ensure a fair judicial process.

Thus, in the 1960’s a grassroots victims movement in this country began focusing public attention on the lack of victims rights. Victims reached out to other victims to lessen the trauma they experienced. Sexual assault victims and battered women often experienced the criminal justice process as a secondary victimization. The victim was not kept informed of the case progress; not notified of proceedings; kept waiting at the court for long periods of time in order to testify; and not involved in the charging decision, the plea bargaining, or the sentencing. In addition, few services were available to help the victim recover from the trauma of the crime. Law enforcement and prosecutors did not make time for the victim, and compensation for expenses and assistance in negotiating the system were rarely available.

In 1963, New Zealand started the first crime victim compensation programs, followed by Britain in 1964. The Kitty Genovese murder in 1964, which occurred in plain view of scores of citizens who ignored her cries for help, led to increased public interest in the plight of victims. Senator Ralph Yarborough of Texas introduced the first U.S. Federal compensation legislation in 1964. California enacted the first State compensation program in 1965. Although early Government studies paid little attention to victims,¹ public dissatisfaction with criminal justice efforts was so intense that nearly two-thirds of all crimes went unreported. In addition, many victims and witnesses were unwilling to cooperate in prosecuting their assailants, resulting in remarkably few convictions.

Initial Federal support for criminal justice victim and witness assistance began in the late 1960’s with Law Enforcement Assistance Administration (LEAA) grants for prosecutor- and law



enforcement-based victim programs. By 1979, when Federal funding for LEAA programs was being terminated, more than \$50 million had been distributed for victim assistance programs. With the creation of OJP in 1984, there was a renewed interest in victims programs at the Federal level. OJP has coordinated funding for demonstration, training, data, and research programs responding to the needs of victims of violent crimes in all five of its bureaus and offices of the Department of Justice (DOJ), OJP, i.e., the Bureau of Justice Statistics, the Bureau of Justice Assistance, the Office of Juvenile Justice and Delinquency Prevention, the National Institute of Justice, and the Office for Victims of Crime (OVC).

Victims Rights Legislation

States began taking legislative action to secure victims rights in the 1970's. The State of Wisconsin passed a comprehensive Bill of Rights for Victims and Witnesses of Crime in 1979—the first of 49 States to adopt a victims bill of rights in a 10-year period.

In October 1982, Congress enacted the Federal Victim and Witness Protection Act (VWPA) to “enhance and protect the necessary role of crime victims and witnesses in the criminal justice process.” Eight months later, DOJ published Guidelines for the fair treatment and protection of victims and witnesses. These Guidelines were distributed to more than two dozen different Federal agencies having a role in the criminal justice process. (See chapter 5, Federal Crime Victims Program, for additional discussion.) The VWPA was the first major piece of Federal victims rights legislation.

An even more dramatic step took place 6 months prior to the enactment of VWPA. On April 23, 1982, President Ronald Reagan appointed a nine-member President's Task Force on Victims of Crime. Announcing their mission at a Rose Garden ceremony, he said:

The innocent victims of crime have frequently been overlooked by our criminal justice system. Too often their pleas have gone unheeded and their wounds—personal, emotional, and financial—have gone unattended. They are entitled to better treatment, and it is time to do something about it.

That initial 1982 ceremony has evolved into the annual observance of National Crime Victims Rights Week (see chapter 8).

The President's Task Force held public hearings in 6 cities across the country, providing opportunities for nearly 200

witnesses to testify on relevant issues. The *President's Task Force on Victims of Crime: Final Report* issued in December 1982, presented 68 recommendations addressed to Federal and State governments; to the criminal justice system; to the medical, legal, educational, mental health, and religious communities; and to the private sector.

The recommendations included the provision of Federal funding to assist State crime victim compensation programs and further funding “reasonably matched by local revenues, to assist in the operation of Federal, State, local, and private nonprofit victim/witness assistance agencies...”²

Although the legislation proposed by the President's Task Force report would not be passed for almost 2 more years, a number of other events contributed to the enactment of the Victims of Crime Act of 1984 (VOCA):

■ The Attorney General's Task Force on Family Violence was established in 1983 in response to a recommendation of the President's Task Force *Final Report*. The family violence report pointed out that “the assistance needs of the victims of family violence range from the most immediate need for safety and shelter to long-range needs for post-trauma counseling and therapy.”³

■ In 1983, DOJ set up OVC within what has become the present-day OJP.⁴

■ The Justice Assistance Act of 1984, which gave OJP its present name, also provided block grants to States for criminal justice system improvements, including the development of victim/witness assistance programs. States used these funds, totaling \$11.1 million in fiscal years 1985 through 1987, to support expanded victim services.

The Victims of Crime Act of 1984

Introduction of VOCA in the Senate on March 13, 1984, and in the House on March 14 was the result of an extended period of collaboration between the Administration and bipartisan leaders in Congress. The collaborative efforts focused on responding to the problems highlighted by the President's Task Force. In the Senate, Senator Strom Thurmond was joined in sponsoring a first bill, named the Thurmond-Laxalt bill, by fellow Republicans Paul Laxalt, the late John Heinz, and Charles Grassley and Democrat Joseph Biden. In the House, the Thurmond-Laxalt bill was introduced by Republican Representative Hamilton Fish. However, a second bill, introduced by Democratic Representatives Peter Rodino and Howard Berman, was eventually passed. A compromise between the Senate and House bills was signed into law by President Reagan on October 12, 1984.

The source of funding for Federal support to State compensation and assistance programs was one of the most remarkable provisions of the Act. The Crime Victims Fund (the Fund), established by VOCA, consists of revenues raised from those convicted of Federal offenses or those who forfeited bond set by Federal courts through their failure to appear.

In addition to ordering that fines and appearance bond forfeitures be paid into the Fund, the Act created special penalty assessments that would be collected from both convicted individuals and corporations. A notoriety-for-profit or "Son of Sam" provision decrees that a defendant's earnings from the sale of literary rights and other profits arising from a crime may either be claimed by victims or forfeited to the Crime Victims Fund. Held by the U.S. Treasury and administered by OVC, the Fund annually supports State compensation programs and assistance services to the victims of State and Federal offenses. The Fund also supports training and technical assistance for victim programs and Federal criminal justice professionals.

The Act gave responsibility for the administration of VOCA to the Attorney General, including specific responsibilities for:

- Establishing rules and procedures for distributing deposits from the Crime Victims Fund.

- Serving as the Federal focal point for victims issues through:

- Leadership.
- Advocacy.
- Promotion of innovative approaches to improving the criminal justice system and services to victims.
- Coordination of approaches to victims services by agencies within OJP, by Federal and State agencies, and by national organizations.

Later, during the 1988 reauthorization of VOCA, the Act was amended and many of these duties were assigned directly to the Director of OVC.

The passage of VOCA in 1984 was only the beginning of legislative and administrative gains for the victims of crime. The following is only a partial list of subsequent gains:

- In 1985, the President's Child Safety Partnership considered child victimization issues across different perspectives and made recommendations for the private sector, the community, parents, concerned citizens, and every level of government from school districts to Congress.

- The Preventive Health and Health Services Block Grant Act, Title XIX of the Public Health Services Act, reserved \$3.5 million in fiscal years 1985 through 1987 for rape prevention and services to rape victims. (Administered by the U.S. Department of Health and Human Services (HHS).)

- The Social Services Block Grant Act, Title XX of the Social Security Act, under which Congress appropriated \$2.7 billion for fiscal years 1985 and 1987 and \$2.6 billion in fiscal year 1986 for general and special protective and health support services, including prevention of neglect, abuse, and exploitation of children and adults. In fiscal year 1985, a special one-time appropriation of \$25 million was set aside for training child care operators in the prevention of child abuse and neglect. (Administered by HHS.)

- The Child Abuse Prevention and Treatment Act appropriated \$9 million in fiscal year 1985 for block grants to improve and expand child abuse and neglect prevention and treatment programs and \$13.5 million for discretionary grants. In fiscal year 1986, \$26 million was appropriated in addition to \$5 million for child abuse prevention challenge grants. The same amount for each of these programs was appropriated in fiscal 1987 plus \$2.4 million from the Crime Victims Fund earmarked in fiscal years 1987 and 1988 for Children's Justice and Assistance Act activities. (Administered by HHS.)

- The Family Violence Prevention and Services Act appropriated \$6 million in fiscal 1985 for grants to States for local public agencies and nonprofit organizations for family violence prevention projects, shelters, and other assistance to victims of family violence. In fiscal year 1986, the appropriation was \$25 million, and in fiscal year 1987, it was \$8.5 million. (Administered by HHS.)

Amendments to VOCA

VOCA was first amended in 1986 with the passage of the Children's Justice and Assistance Act, also known as the Children's Justice Act (CJA). CJA reallocated money from the Crime Victims Fund by giving up to \$10 million of the Fund to HHS for programs to assist States in improving their handling of child abuse cases, especially sexual abuse. The Act reduced the percentage of funds available to assist victims of Federal crimes from 5 percent to 1 percent; at least half of the 1 percent was allocated for services and up to one-half for training and technical assistance for victim programs.

The Anti-Drug Abuse Act of 1988 reauthorized VOCA for another 6 years (through 1994). It designated OVC as a

bureau, similar to the other OJP components, with a Director appointed by the President with the Senate's consent. The reauthorization raised the cap on the Crime Victims Fund to \$125 million for fiscal years 1988 through 1991 and to \$150 million for fiscal years 1992 through 1994. The Omnibus Crime Control Act of 1990 accelerated the increase by raising the cap to \$150 million in fiscal year 1991. Thus, if deposits in the Fund increased, more funds would be available for State compensation and assistance programs and Federal crime victims services.

The VOCA amendments recommended funding to support victim assistance programs for victims of other violent crimes, i.e., "previously underserved victims of crime" (discussed in chapters 3 and 4). New base amounts were set for annual assistance grant allocations, benefiting the territories and less populous States. New Federal eligibility requirements for State compensation grants had the effect of expanding compensation to certain types of victims in many States (see chapter 3 for further discussion).

Finally, for the first time, the Act provided that the Administrative Office of the U.S. Courts would receive administrative money (\$2.2 million) from funds collected in excess of the Fund ceiling amount. It was expected that financial support for improved collection efforts would substantially increase deposits.

VOCA Goals and Objectives

This report describes how VOCA has been implemented and its impact. VOCA, under the original Act of 1984 and the 1988 amended version, has fulfilled the original intent of Congress to:

- Encourage States to improve their assistance to crime victims.
- Expand and enhance existing direct service programs by providing funding support.
- Promote comprehensive services to crime victims across the United States by encouraging coordination.
- Increase the number of programs and availability of services.
- Improve the quality of services to violent crime victims, including victims of Federal crimes.
- Ensure that services are offered to victims of sexual assault, child abuse, and domestic violence, as well as other victims of violent crime.

- Encourage victim cooperation with law enforcement and participation in the criminal justice process.

- Assist victims in obtaining compensation benefits.

With the support of OVC, compensation and assistance programs have steadily improved and expanded. OVC has observed an expansion in the number of community-based victim assistance programs receiving Federal funds, a commensurate expansion in the scope of services provided, and an increase in outreach efforts to other victims of violent crimes (see chapter 4 for further discussion).

Forty-nine States, the District of Columbia, and the Virgin Islands have enacted legislation establishing crime victim compensation programs that reimburse crime victims for financial losses resulting from crime other than property loss or damage. All but two States with crime victims compensation programs now include domestic violence as a compensable crime and provide compensation to victims of drunk driving (see chapter 3).

Victims rights began as a grassroots movement and grew into a force for national change in the criminal justice system. Full implementation of crime victims rights and services remains a challenging goal; but, since enactment of VOCA, much progress has been achieved. The response to crime victims increasingly reflects a concern for justice and dignity for all innocent victims of crime and their families.

Notes

1. In its 1967 report *The Challenge of Crime in a Free Society*, the Commission on Law Enforcement and Administration of Justice devoted less than 2 pages out of more than 1,000 to the treatment of jurors, victims, and witnesses. In 1971, the National Advisory Commission on Criminal Justice Standards and Goals set forth nearly 400 recommendations for reducing and preventing crime; none addressed the needs of victims, and 3 called for better treatment of witnesses.
2. *President's Task Force on Victims of Crime: Final Report*, Washington, D.C., U.S. Government Printing Office, 1982: 37.
3. *Attorney General's Task Force on Family Violence: Final Report*, Washington, D.C., U.S. Government Printing Office, 1984: 46.
4. At that time, the Office of Justice Assistance, Research, and Statistics (OJARS).

The Crime Victims Fund

In fiscal year 1989, deposits in the Crime Victims Fund (the Fund), centerpiece of the Victims of Crime Act (VOCA), exceeded the Fund's statutory cap for the first time. The \$125 million maximum level was increased from \$110 million when VOCA was reauthorized in 1988.

Federal courts and U.S. Attorneys throughout the country collect money for the Fund from felons and misdemeanants convicted of violating Federal law. When deposited into the Crime Victims Fund, this money supports:

- Grants to State victim compensation programs.
- Grants to State victim assistance programs.
- Training and technical assistance to victim assistance programs.
- Assistance to victims of Federal crimes.
- Funds for the Children's Justice Act (CJA).

If there is money deposited above the legislated cap, the first \$2.2 million supports criminal fine collection activities of the Administrative Office of the U.S. Courts. Among its activities, of course, is receipt of the fines, assessments, and other revenues for the Crime Victims Fund. Any remainder is deposited into the General Fund of the U.S. Treasury and serves to offset the Federal deficit. The Fund's revenue sources are:

- Federal criminal fines collected from persons convicted of Federal offenses.
- Forfeited appearance bonds and bailbonds collected under Section 3146 of Title 18 of the U.S. Code.
- Special penalty assessments on criminal convictions. Created in 1984 by VOCA, these assessments are the most numerous transactions among Fund sources but yield only 4 to 8 percent of the total deposited. For misdemeanors, a convicted individual is assessed \$25 and a corporate offender \$100, in addition to any other sentence. For felons, the amounts are \$50 for individuals and \$200 for corporate offenders.
- Criminal penalties for nonappearance assessed in addition to forfeiture.
- Forfeited profits from the exploitation (literary or entertainment) of a defendant's crime in which an individual was physically harmed—the so-called "Son of Sam" provision. Such profits must be held in escrow for 5 years in the event that they are needed to pay court-ordered damages

Figure 1

Crime Victims Fund Revenues

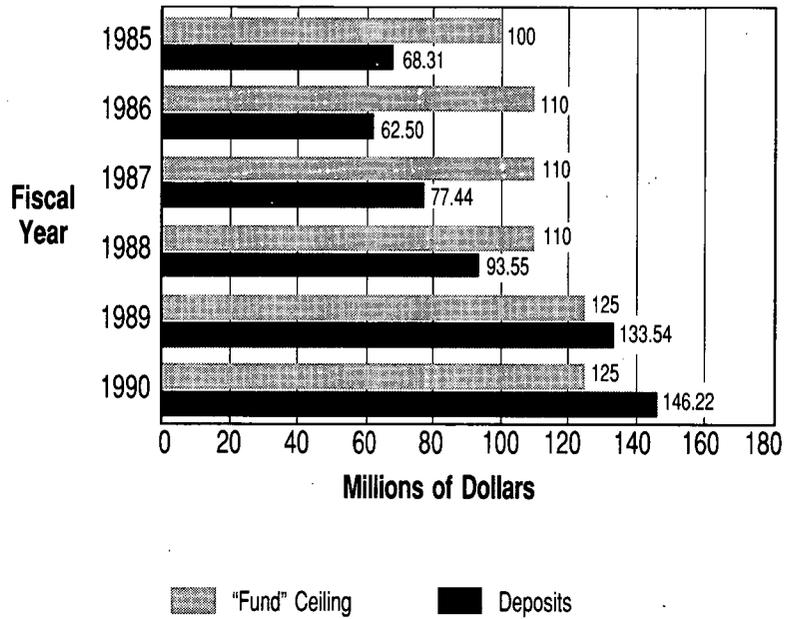
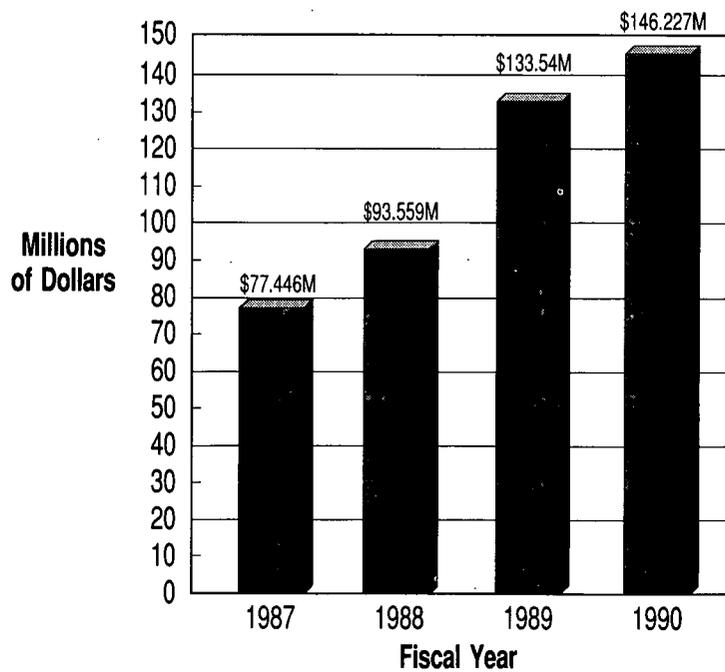


Figure 2

Crime Victims Fund Revenues Collected in Fiscal Years 1987 Through 1990



to the victim. (The money in escrow may also be used to pay fines, and up to 20 percent may be applied toward the offender's attorney's fees.)¹

Because "Son of Sam" forfeitures must be held in escrow for 5 years, fiscal year 1989 was the first year in which the forfeitures could have been credited to the Fund. Records indicate that this provision has resulted in only one deposit into the Fund in fiscal year 1989 and none in fiscal year 1990.

At about the same time VOCA became law in 1984, Congress passed the Criminal Fines Enforcement Act, Public Law 98-596. That Act provides the following:

- Maximum fines for misdemeanors, with an increase from \$1,000 to \$150,000 for both individuals and corporations.
- Maximum fines for felonies, with an increase from \$250,000 to \$300,000 for both individuals and corporations.
- Interest assessments on overdue fine payments and a 25 percent penalty on fines overdue past 90 days.

Deposits in the Crime Victims Fund include fines levied under Federal antitrust and motor vehicle laws and Federal criminal statutes. Fines collected under certain other special-purpose legislation are excluded.² (Figure 2 shows revenues received by both the U.S. Attorneys' offices and the U.S. Courts in fiscal years 1987 through 1990.) Funds collected in one fiscal year are disbursed in the following fiscal year.

Historically, all fine money was received by the courts. However, there was a period of time in the mid-1980's when the law was amended, requiring U.S. Attorneys to receive and deposit fine money. The law has since been changed again so that the bulk of the money is received by the Clerk of the Court and not by the Department of Justice. It should be noted that many deposits are a result of collection litigation efforts of U.S. Attorneys. The Bureau of Prisons also collects a substantial amount of money every year for the Crime Victims Fund through its fines collection efforts.

Original Distribution of the Fund

As passed in 1984, VOCA specified a rather simple division of the Crime Victims Fund, capped at \$100 million a year. Up to 50 percent was available for State crime victim compensation grants (see chapter 3), providing that each State grant would be no more than 35 percent of the previous year's crime victim compensation of payments to eligible victims. The other 50 percent, plus any amount not expended for compensation, was available for State crime victim assistance grants (see chapter 4).

The Attorney General, through the Director of the Office for Victims of Crime (OVC), could apply up to 5 percent of the amount available for victim assistance for services to victims of Federal crime.³ Any amount collected in excess of the \$100 million cap was to be deposited in the U.S. Treasury's General Fund.

Effect of 1986 Amendment

CJA amended VOCA to change the Fund distribution and raise the Fund cap to \$110 million.

CJA allocated up to \$10 million of the Fund to the U.S. Department of Health and Human Services (HHS) for State grants to improve the investigation and prosecution of child abuse cases, particularly child sexual abuse. To accomplish this reallocation, CJA:

- Reduced the maximum amount available for State crime victim compensation grants at 49.5 percent of the Fund's first \$100 million in receipts.
- Established the amount available for State crime victim assistance grants at 45 percent of the first \$100 million, plus \$5.5 million if deposits reached the \$110 million cap.
- Reduced the amount allocated for the Federal Crime Victims Program from 5 percent to 1 percent of the first \$100 million and further reduced it by authorizing up to half of that amount for training and technical assistance for victim assistance programs.

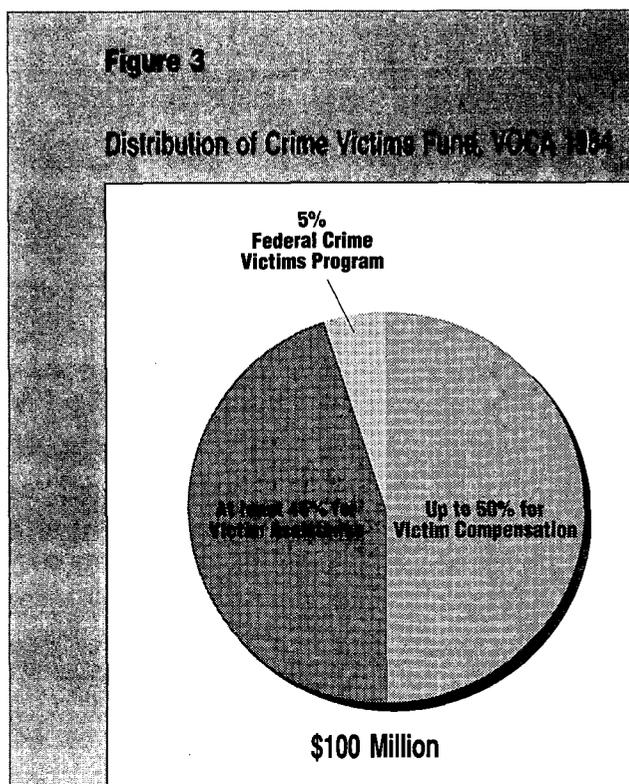


Figure 4

The first \$100 million of Crime Victims Fund, following the 1986 Children's Justice and Assistance Act (CJA) Amendments, was distributed as follows:

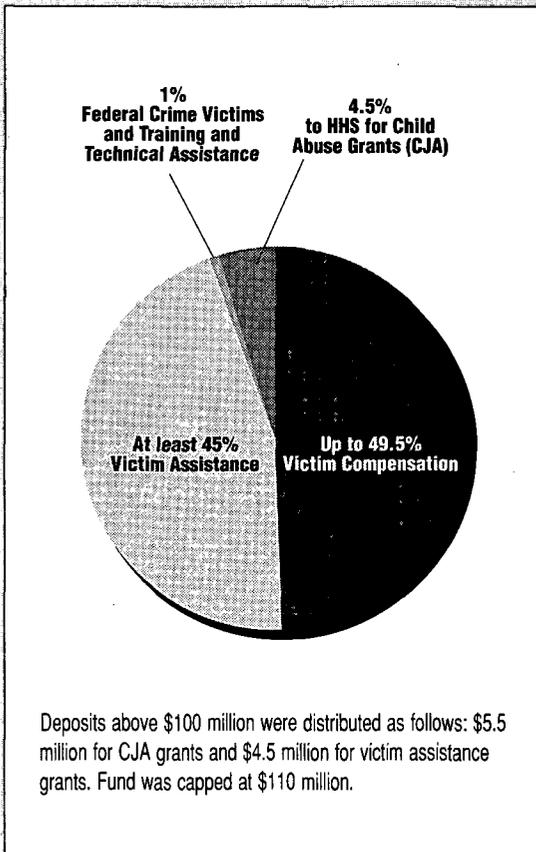


Figure 4 shows how the collections for fiscal year 1987 and 1988 were allocated.

Anti-Drug Abuse Act and Current VOCA Formula

When the Anti-Drug Abuse Act of 1988 reauthorized VOCA in August 1988, the cap on the Fund was raised to \$125 million for fiscal years 1989, 1990, and 1991 and to \$150 million for fiscal years 1992, 1993, and 1994. Refer to Exhibit 1 for a description of how the money was reallocated. (See Appendix A for a detailed distribution chart.)

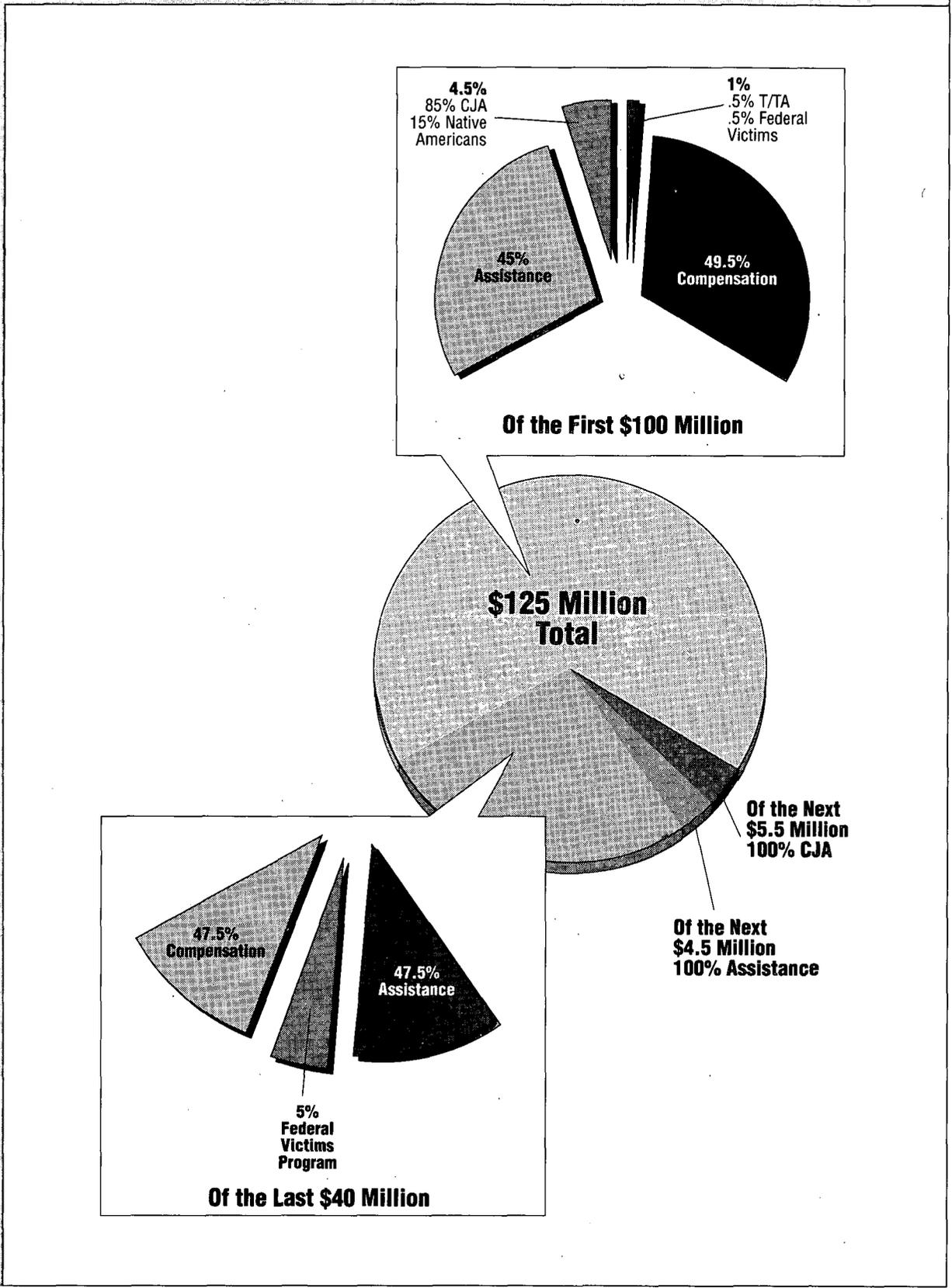
Exhibit 1

Reallocation of the Crime Victims Fund

- The cap became \$125 million.
- Of the first \$100 million:
 - 49.5 percent was made available for State crime victim compensation grants. If funds were sufficient, Federal matching funds were increased from 35 percent to 40 percent of the amount States paid to crime victims. Amounts not needed to cover this Federal match were applied to victim assistance grants.
 - 45 percent was made available for State crime victim assistance grants.
 - 1 percent was made available for training and technical assistance (up to 0.5 percent) and services through OVC to victims of Federal crime (at least 0.5 percent).
 - 4.5 percent was made available for Child Abuse Prevention and Treatment Grants under CJA.
 - 85 percent was administered through HHS.
 - 15 percent was administered through OVC to help Native American Indian tribes develop, establish, and operate programs designed to improve the handling, investigation, and prosecution of child abuse cases, especially child sexual abuse.
- The next \$5.5 million beyond \$100 million was available for CJA Child Abuse Prevention and Treatment Grants (administered through HHS).
- The next \$4.5 million (deposits exceeding \$105.5 million but not exceeding \$110 million) became available for State crime victim assistance grants.
- The next \$15 million (in excess of \$110 million and up to the \$125 million ceiling) was distributed as follows:
 - 47.5 percent was made available for State crime victim compensation grants.
 - 47.5 percent was made available for State crime victim assistance grants.
 - 5 percent was made available for services to victims of Federal crime.

Figure 5

Distribution of the Crime Victims Fund, VOCA as Amended in 1988



Summary

Deposits in the Crime Victims Fund increased rapidly in 1989 and for the first time exceeded the statutory maximum. Thus, while funding for VOCA grants and services reached its highest point during fiscal year 1990, approximately \$6 million was credited to the General Fund and was not used for victim services. As awareness of the increased collections grew, legislative action was taken to enable OVC to use more than \$125 million for victim programs. Bipartisan congressional and Bush Administration support resulted in an amendment to the Omnibus Crime Control Act of 1990, which accelerated the Fund ceiling increase by 1 year. The Fund cap rose to \$150 million in fiscal year 1991. Allocation of funds from fiscal year 1988 to present is shown in Table 1.

Notes

1. This provision, along with several similar State laws, was enacted following the "Son of Sam" homicide case in New York City in which the convicted assailant sought to profit from the selling of "publication rights" to his story of how he murdered several victims.

2. Excluded are fines collected pursuant to the following: Section 11(d) of the Endangered Species Act [16 U.S.C. 1540(d)]; Section 6(d) of the Lacey Act Amendment of 1981 [16 U.S.C. 3375(d)]; the Railroad Unemployment Insurance Act [45 U.S.C. 351 et seq.]; the Postal Service Fund [39 U.S.C. 2601(a)(2) and 39 U.S.C. 2003]; the Navigable Waters Revolving Fund of the Federal Water Pollution Control Act [33 U.S.C. 1321(311)]; county public school funds [18 U.S.C. 3613].

3. In fiscal year 1985, \$68,312,955 was available for disbursement. The OVC directed \$3,413,955 to the Federal program, leaving \$41,270,000 available for victim assistance grants and applying \$23,629,000 for victim compensation grants.

Table 1

Allocation of FY 1988 Fund	
Compensation	\$38,336,000
Assistance	34,851,000
Children's Justice: (HHS, Native Americans)	3,485,087
Federal: (Direct Services, TA/Training)	774,296
TOTAL	77,446,383
Allocation of FY 1989 Fund	
Compensation	\$44,922,000
Assistance	43,492,000
Children's Justice: (HHS, Native American)	4,210,171
Federal: (Direct Services, TA/Training)	935,190
TOTAL	93,559,361
Allocation of FY 1990 Fund	
Compensation	\$46,846,000
Assistance	64,818,500
Children's Justice: (HHS, Native American)	9,860,000
Federal: (Direct Services, TA/Training)	1,725,500
TOTAL	123,250,000

Crime Victim Compensation



tate crime victim compensation programs that receive funding under the Victims of Crime Act (VOCA) provide “direct payment to crime victims for out-of-pocket expenses such as unpaid medical bills, mental health counseling, funeral expenses, and lost wages, which are the direct result of violent crimes.”¹

While court-ordered restitution—repayment by offenders to their victims—had long been thought of as the preferred method of repaying victims for the losses incurred as a result of crime, the actual collection of restitution and disbursement to affected victims too often fell far short of adequately covering losses. In addition, many offenders were never apprehended. This dashed victims’ hopes for obtaining restitution from those who caused the damage or injury.

Government compensation to the victims of crime is a 20th-century creation. Over the past 25 years, government compensation has emerged to repay victims for those expenses that were the result of the violent crime against them and for which there were no other sources of funding.

Although Margery Fry argued in the 1950’s that the State had an obligation to crime victims because they were citizens it had failed to protect,² governments that enact compensation laws almost universally reject this argument. It has also been suggested that victim compensation is a simple humanitarian response to a compelling human need.³ Another rationale used to justify compensation programs is that compensation laws help secure a victim’s cooperation with law enforcement.⁴

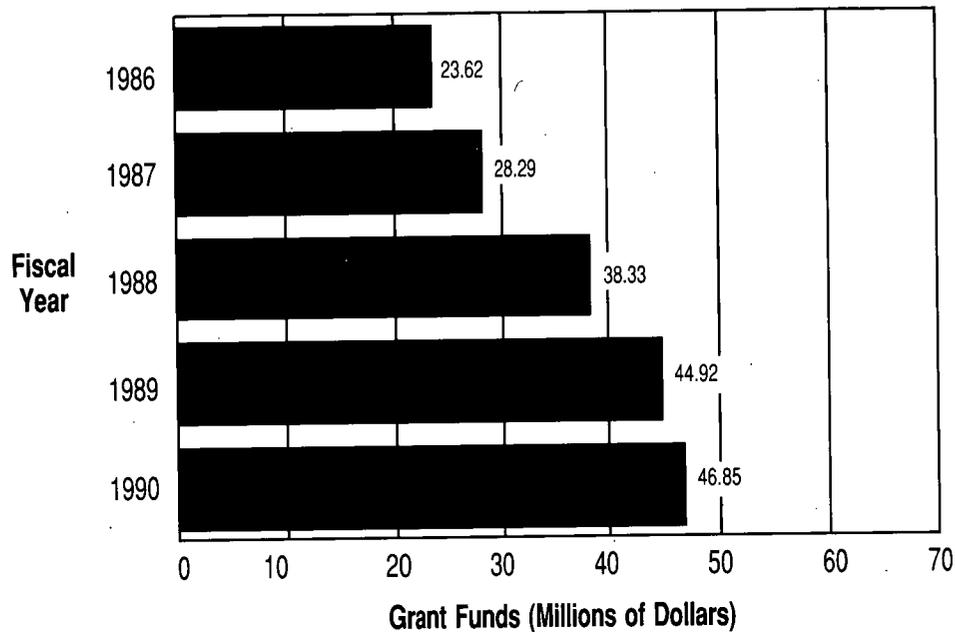
The first compensation statute, enacted in New Zealand in 1963, authorized compensation for crime victims for medical expenses and, within limits, loss of wages. Great Britain heard calls for victim compensation legislation as early as 1959 and, in 1964, began a nonstatutory, experimental compensation program. Although former U.S. Senator Ralph Yarborough sought a Federal victim compensation bill in 1964, it was not until 1982 that any focused national effort was undertaken to provide crime victim compensation. The 1982 *Final Report* of the President’s Task Force on Victims of Crime spoke fervently of the *need* for compensation:

...No amount of money can erase the tragedy and trauma imposed on [victims]; however, some financial redress can be an important first step in helping people begin the often lengthy process of recovery. For some, this modest financial assistance can be the lifeline that preserves not only some modicum of stability and dignity but also life itself....⁵

By the time the President’s Task Force on Victims of Crime presented its report in 1982, compensation programs existed in 36 States and the District of Columbia, with California creating the

Figure 6

**VOCA Compensation Grants to States
FY 1986-1990**



first State program in 1965. The programs existing in 1982, however, left much to be desired. Daniel McGillis and Patricia Smith (1983: 190, 102)⁶ found in 1983 that 17 of the 36 programs reported insufficient funding to pay eligible claims. Victims were forced to wait months (sometimes more than a year) before claims were paid. Many of the programs were severely restricted both in defining the scope of an eligible claim and providing benefits.

The President's Task Force recognized that States needed financial assistance to meet the increasing needs of crime victims. The Department of Justice (DOJ) responded to the President's Task Force recommendation with action through the establishment of the Office for Victims of Crime (OVC) in 1983.

VOCA, as implemented by OVC, responded to the financial needs of struggling State compensation programs. The infusion of Federal money from the Crime Victims Fund has:

- Encouraged the development of new State crime victim compensation programs and expansion of existing programs throughout the Nation.

- Increased the range of benefits for victims of crime.

- Increased the types of crimes for which benefits will be paid, such as drunk driving and domestic violence.

- Ensured that State programs extend benefits to victims of Federal crimes.

- Ensured that State residents victimized in another State that does not have crime victims compensation for which the victim qualifies will be offered compensation in the State of residence.

Currently, all States (including the District of Columbia and the Virgin Islands) except Maine have crime victims compensation programs and 44 participate in the VOCA crime victim compensation program. The number of participant States will increase as newly established programs obtain a compensation base payment that can be matched under provisions of VOCA. The State legislature in Maine is expected to introduce legislation in 1992 to establish a crime victim compensation program.

The increased funding to States through VOCA grant awards has been dramatic (see Figure 6). Since the first year

Exhibit 2

Process of Determining VOCA Grant Award Allocations

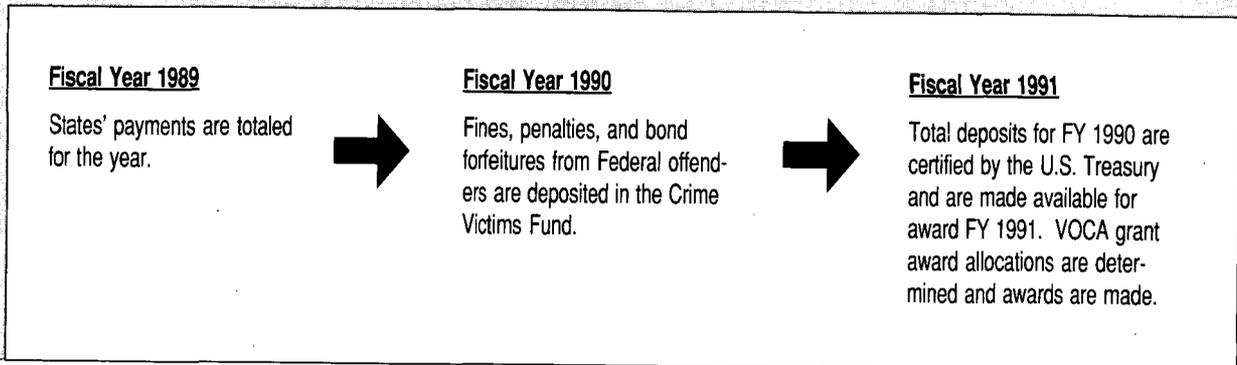


Table 2

Crimes Victims Fund Amount Available for Crime Victim Compensation Awards

<u>Fiscal Year</u>	<u>Amount Available</u>	<u>Amount Awarded</u>
1988	\$38,600,000	\$38,600,000
1989	\$46,846,000	\$44,647,427
1990	\$55,832,250	\$46,527,000

of funding, the amount awarded from the Crime Victims Fund to State crime victim compensation programs has nearly doubled—from \$23.6 million in fiscal year 1986 to \$46.9 million in fiscal year 1990. The amount of payments to crime victims from State funding sources is currently matched at 40 percent by VOCA. The increased availability of VOCA matching funds has coincided with an increase in State financial commitment. (See Appendix B for State-by-State breakdowns of crime victim compensation allocations.)

How the VOCA Crime Victim Compensation Grant Program Operates

The VOCA crime victim compensation program is a State formula grant program administered by OVC. Under the Act, the size of each grant depends on the following two factors:

- Compensation paid in a previous fiscal year. Qualifying victim compensation payments that an eligible State program makes to victims are totaled for “fiscal year A” (e.g., fiscal year 1989). In “fiscal year C” (e.g., fiscal year 1991), the State may receive a VOCA grant of up to 40 percent of the State-funded compensation payments. Awards are made from money deposited in the Fund in the preceding fiscal year, “fiscal year B” (e.g., fiscal year 1990). (Before the 1988 amendments to VOCA, States received grants of up to 35 percent of the earlier payment total.)
- Total deposited in the Crime Victims Fund. Deposits in the Fund in “fiscal year B” (e.g., fiscal year 1990) are earmarked for awards to the States in “fiscal year C” (e.g., fiscal year 1991). Compensation funds come from 49.5 percent of the first \$100 million collected by the Fund and from 47.5 percent of Fund deposits between \$110 million and \$125 million. If these amounts are insufficient to reimburse States for 40 percent of the payments to crime victims

Exhibit 3

Eligibility Requirements for VOCA State Crime Victim Compensation Grant

A State crime victim compensation program is eligible for VOCA funds if it:

- Is operated by a State and offers compensation to victims and survivors of victims of criminal violence, *including drunk driving and domestic violence.**
- Covers medical expenses, *including mental health counseling*, loss of wages, and funeral expenses.
- Promotes victim cooperation with law enforcement.
- Does not use grant money to supplant State funds.
- Makes awards to nonresidents who are victims of crimes within the State on the same basis as it awards to State residents.
- *Makes awards to State residents who are victims of crimes occurring outside the State if they would have been eligible had the crimes occurred within the State and if the*

State where the crimes occurred does not have a compensation program for which the victim is eligible to receive benefits.

- Makes awards to victims of Federal crime occurring within the State on the same basis as those to victims of State crimes.
- Does not, *"except pursuant to rules issued by the program to prevent unjust enrichment of the offender, deny compensation to any victim because of that victim's familial relationship to the offender, or because of the sharing of a residence by the victim and the offender."*
- Provides "such other information and assurances related to the [program] as the Director [of OVC] may reasonably require."

* Italicized items were added in 1988.

by State compensation programs in "fiscal year A," the VOCA funds are distributed at a lower percentage to ensure that each eligible State receives the same percentage of its prior year's payments to crime victims as other States.

In fiscal year 1988, the amount available from the Crime Victims Fund for VOCA crime victim compensation grant awards was not enough to award eligible States the full 35 percent match as provided in VOCA, so the match was reduced to 33.629 percent. The total amount available, \$38,600,000, was awarded to the eligible States at the reduced matching level.

In fiscal years 1989 and 1990 the amount available from the Crime Victims Fund for crime victim compensation awards exceeded the amount necessary for grants to eligible States based upon the VOCA mandated match of 40 percent (see Table 2).

The balance, the amount available less the amount awarded, was directed to the VOCA crime victim assistance program for grants to States, as provided in Section 1404 (a)(1) of VOCA, 42 U.S.C. 10603.

OVC further clarified the VOCA eligibility requirements for State programs by publishing Program Guidelines in the *Federal Register* on January 30, 1990. The Guidelines also require that when applying for VOCA funding, States must

describe their efforts to inform persons living on Indian reservations about the State crime victims compensation program and the availability of compensation to all victims of violent crimes, including those on Indian reservations or Federal installations.

When the proposed Program Guidelines were published for comment,⁷ OVC received 21 written responses, all favoring the newly passed amendments and generally enthusiastic about the proposed Guidelines. Many praised the explicit inclusion of domestic violence and drunk driving as compensable crimes in the 1988 amendments. Among the respondents were Mothers Against Drunk Driving (MADD), the National Coalition Against Domestic Violence, the National Association of Crime Victims Compensation Boards, and the National Council of Juvenile and Family Court Judges.

One local coalition commented that it was "pleased that the Guidelines reflect such a clear understanding of the dynamics of domestic violence. They represent a serious and sensitive attempt to provide domestic violence victims greater access to compensation programs."⁸

Two national organizations, noting that some States did not have legislative sessions in 1990, urged that the deadline for compliance with the new State eligibility requirements be

extended for those States from October 1, 1990, to October 1, 1991. Because of concern that victims would suffer if States did not meet the eligibility requirements and thus lose VOCA funding, DOJ recommended that the deadline be extended for all States for an additional year beyond the original date of October 1, 1990. Congress accomplished this change through an amendment to the transition rule in VOCA, enacted as part of the Omnibus Crime Control Act of 1990. Due to victim advocacy and State legislative activity, all VOCA-participating States, except Maryland and Pennsylvania, enacted legislation that brought their programs into compliance with the new requirements by late 1990.

State Funding Sources

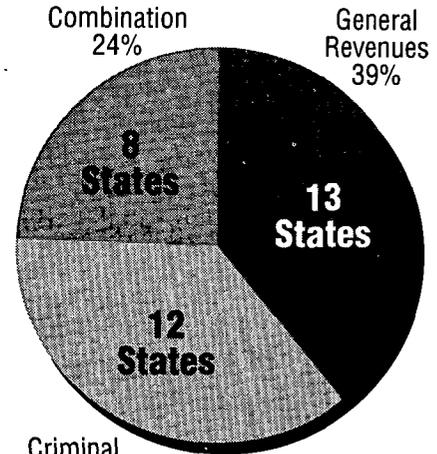
States support crime victim compensation programs from several sources. Before the enactment of VOCA in 1984, State crime victim compensation programs generated funding primarily from State general revenues and criminal fines, with a minority of States using a combination of both. As VOCA created a new funding source and a matching grant program, increasing numbers of States followed the Federal example of using money from criminal fines and penalties to support the victim compensation programs. In 1990, almost two-thirds of the States with compensation programs utilized criminal fines as the sole source of revenues (see Figure 7). While the number of States using general revenues or a combination has only slightly decreased, most, if not all, of the States implementing new compensation programs since 1983 have supported their programs through criminal fines and penalties.

Organization and Administration in the States

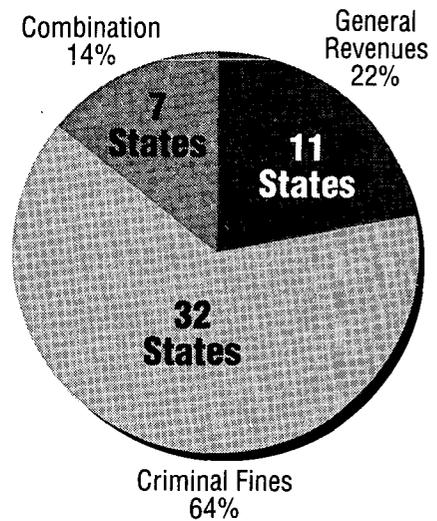
All but two States administer their crime victim compensation programs through a State central agency. The agency may have branch or regional offices in communities across the State. In 1982, Colorado set up separate compensation boards in each of the State's judicial districts, each administered by the district attorney's office. Only revenues generated by fines and penalties within a given district are used to compensate victims within that district. Without a central policymaking authority, program operations vary widely throughout the State. The strength of the program is its timely handling of claims, while its weakness is a lack of uniformity. Arizona, another State lacking central control, has a county-administered compensation system in which a central State coordinator establishes guidelines for program operations that are applied across the State.

Figure 7

State Funding Sources for Victim Compensation



1983 (33 States reported)



1990 (50 States reported)

NOTE: May not total to 100% because of rounding.

Exhibit 4

Organizational Location of 50 Victim Compensation Programs

Independent Executive Branch Agencies

Alabama	Kentucky	New York
Connecticut	Michigan	Pennsylvania
Delaware	New Jersey	Utah
Hawaii	New Mexico	

Worker's Compensation Systems

District of Columbia	North Dakota
Georgia	South Carolina
Idaho	Virginia
Indiana	Washington
Missouri	

Attorneys General Offices

Arkansas	Oregon
Florida	Texas
Iowa	Vermont
Kansas	Wisconsin
Montana	Wyoming
New Hampshire	

State Criminal Justice Agencies

Alaska	Minnesota
Louisiana	Nebraska
Maryland	North Carolina
	South Dakota

Court-Based Programs

Rhode Island	West Virginia
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Hybrid Programs (The Attorney General investigates, but the court makes decisions on claims.)

<u>State</u>	<u>Decision Maker</u>
Massachusetts	Court
Illinois	Court
Ohio	Court-Based Agency

Other State Boards or Agencies

<u>State</u>	<u>Board or Agency</u>
California	Board of Control
Mississippi	Department of Finance and Administration
Nevada	Board of Examiners
Oklahoma	District Attorney's Training Council
Tennessee	Division of Claims Administration
Virgin Islands	Department of Human Services

Local Programs With State Coordinating Agency

<u>State</u>	<u>State Coordinating Agency</u>
Arizona	Department of Public Safety
Colorado	Division of Criminal Justice

Thirteen States have programs administered by independent executive branch agencies, and the other 37 States have programs that are administratively attached to or sponsored by some other agency of State government. These agencies include Worker's Compensation or Industrial Safety Boards, Courts or Judiciary, Department of Public Safety or Protection, Criminal Justice Administration or Department of Justice, Social Services or Welfare Agency, Department of Management and Budget, and Governor's Executive Offices. Most programs have small staffs, with 31 employing fewer than 10 full-time professional and clerical workers. The State of California has the largest program staff, consisting of 189 full-time employees. This State's staff represents about 41 percent of the total staff persons employed by State crime victim compensation programs nationwide. Exhibit 4 shows the organizational location of 50 compensation programs.

Program Expenditures

Since VOCA funds may not be expended for administrative costs, States utilize their own funds to cover the administration of the compensation programs. In the 41 States reporting in fiscal year 1989, 85 percent of the States' expenditures went for benefit payments to victims and only 14 percent was dedicated to program administration. It should be noted that personnel and other administrative costs represent estimates. Crime victim compensation programs are often attached to an executive branch State agency and personnel may not be assigned exclusively to the crime victim compensation programs. Similarly, other administrative costs may not be exclusively the cost of the compensation programs.

Table 3**Number of Claims Received by State Compensation Programs
Fiscal Years 1985-1989**

<u>Year</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>
Number of Claims Received	45,108	70,192	86,025	71,918	107,295
Number of States Reporting	27	35	35	38	39

Claims and Awards

Regardless of administrative organization type or funding source, one factor common to all State programs is a dramatic rise in the overall number of claims received in the past few years. Although the number of programs has increased, it is clear that the addition of programs is not the sole factor resulting in the increase in claims. In 1989, three additional State crime victim compensation programs were reporting, and claims increased by almost 35,000. The larger caseload has had a tremendous impact on State programs, many of which do not have automated case tracking systems or increased staff to handle the burgeoning number of claims (see Table 3).

In fiscal year 1989, the highest numbers of claims received were for victims of assault and child sexual abuse. Two-thirds of the assault claims received were approved for payment. For other types of victimization, a much higher proportion of claims was approved (see Figure 8).

Even though a claim may be received in one fiscal year, it may not be approved or denied during that same fiscal year for a variety of reasons. The claim may have been filed at the end of the fiscal year, or verifications from hospitals, law enforcement, or other agencies may have been delayed. Since claims may be acted upon in the following fiscal year, there may be occasions in which the number of payments exceeds the number of claims filed in a given year. This can be seen in the number of child sexual abuse claims and payments in fiscal year 1989. (See Appendix C for State-by-State breakdowns of claims received and approved.)

The number of awards made to victims, as well as the total dollar amounts, are illustrated in Figures 9 and 10.

The number of awards and dollar amount paid to victims increased significantly from fiscal years 1988 to 1989 for nearly every type of victimization. The number of awards to survivors of homicide victims and victims of child sexual abuse and drunk driving crashes also increased. Dollar amounts of claims paid to survivors of homicide victims and victims of assault, sexual assault, child sexual abuse, domestic assault, and drunk driving crashes also have increased. These figures suggest that as increasing numbers of victims are applying for compensation, State programs are responding with an increased number and amount of payments. Also, eight States have increased their maximum award amount in recent years. Since the 1991 Crime Victims Fund ceiling was raised to \$150 million, it can be expected that these numbers will continue to increase. (See Appendix D for State-by-State breakdowns of number and amount of awards.)

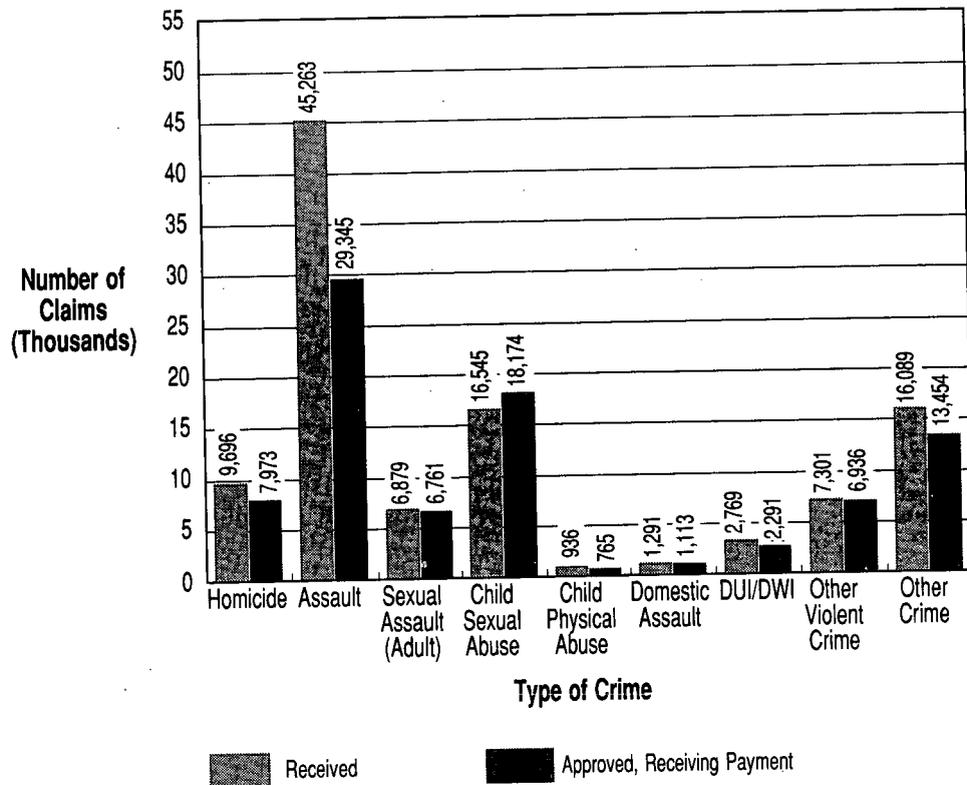
Expenses Paid by Crime Victim Compensation Programs

VOCA funding eligibility requirements and an increased commitment by States in response to the plight of victims have brought dramatic increases in the scope of compensable expenses covered by State crime victim compensation programs.

A single violent crime can have a profound impact on a person's life, resulting in serious physical injury, psychological trauma, absence from work, and other financial strains. Compensation can play a critical role in relieving some of the stress following a victimization. Nearly half of all victim compensation funds are paid to cover medical and dental expenses incurred by victims as a direct result of their

Figure 8

Claims Received and Claims Approved, Receiving Payment by Type of Crime, Fiscal Year 1989



victimization. Almost 20 percent of all payments cover mental health counseling fees, and slightly more than 20 percent of the funds have been used to provide economic support through reimbursement for lost wages (see Table 4). (See Appendix E for State-by-State breakdowns of expense categories.)

Before the availability of VOCA funding, mental health counseling was reimbursed by some State crime victim compensation programs. With the 1988 VOCA amendment requiring that this expense be covered, there has been an expansion in the number of those eligible for mental health counseling benefits and a substantial increase in the amounts awarded.

Claims for mental health counseling present complex problems, including determinations of pre-existing conditions, diagnosis, prognosis, treatment plans, and length of treatment. Additionally, defining type and level of treatment, associated costs, and qualifications of the provider are issues that confront most States. Generally, the provider need

not be a psychiatrist, but must be licensed or registered. Thus, reimbursements to psychologists, clinical social workers, crisis counselors, or other practitioners who meet local or State standards typically are approved for payment.

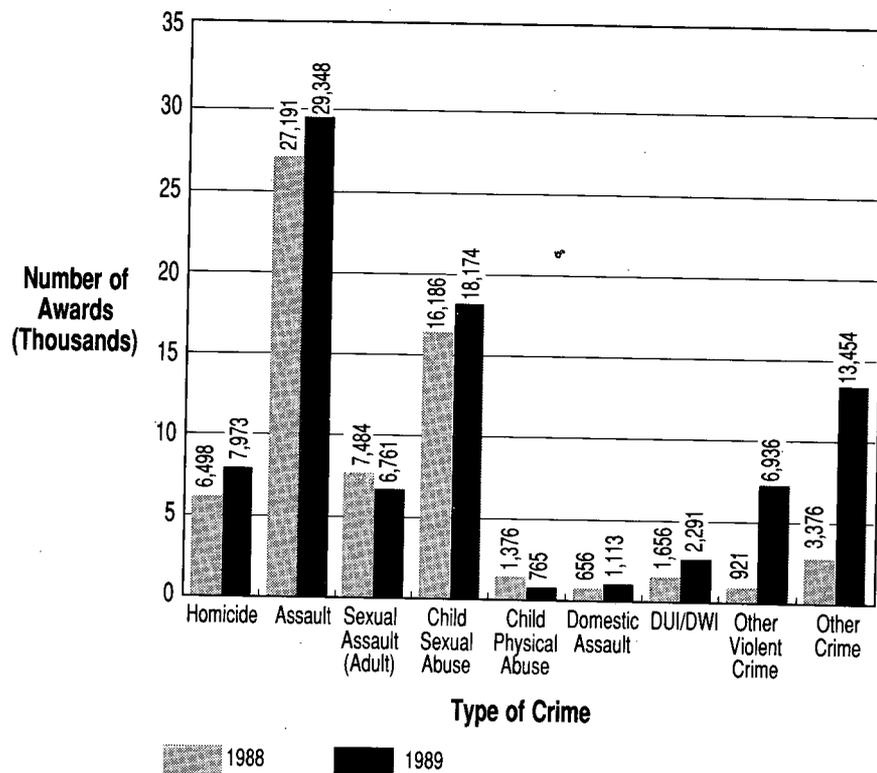
A growing number of States require a treatment plan from the mental health provider before payment can be approved. Some States (for example, New York) require program staff members to contact the mental health provider periodically for an updated summary of treatment and prognosis. One of the greatest difficulties for States is determining when treatment, as it relates to the impact of the crime, is complete.

Expansion of Benefits to Additional Groups of Crime Victims

The 1988 amendments to VOCA raised the level of the Federal match for State compensation payments from 35 to 40 percent and added two new categories of victims—domestic violence victims and victims of drunk drivers—to

Figure 9

Number of Awards by Type of Crime, Fiscal Years 1988 and 1989



whom eligible State compensation programs are required to extend benefits.

Domestic Violence Victims

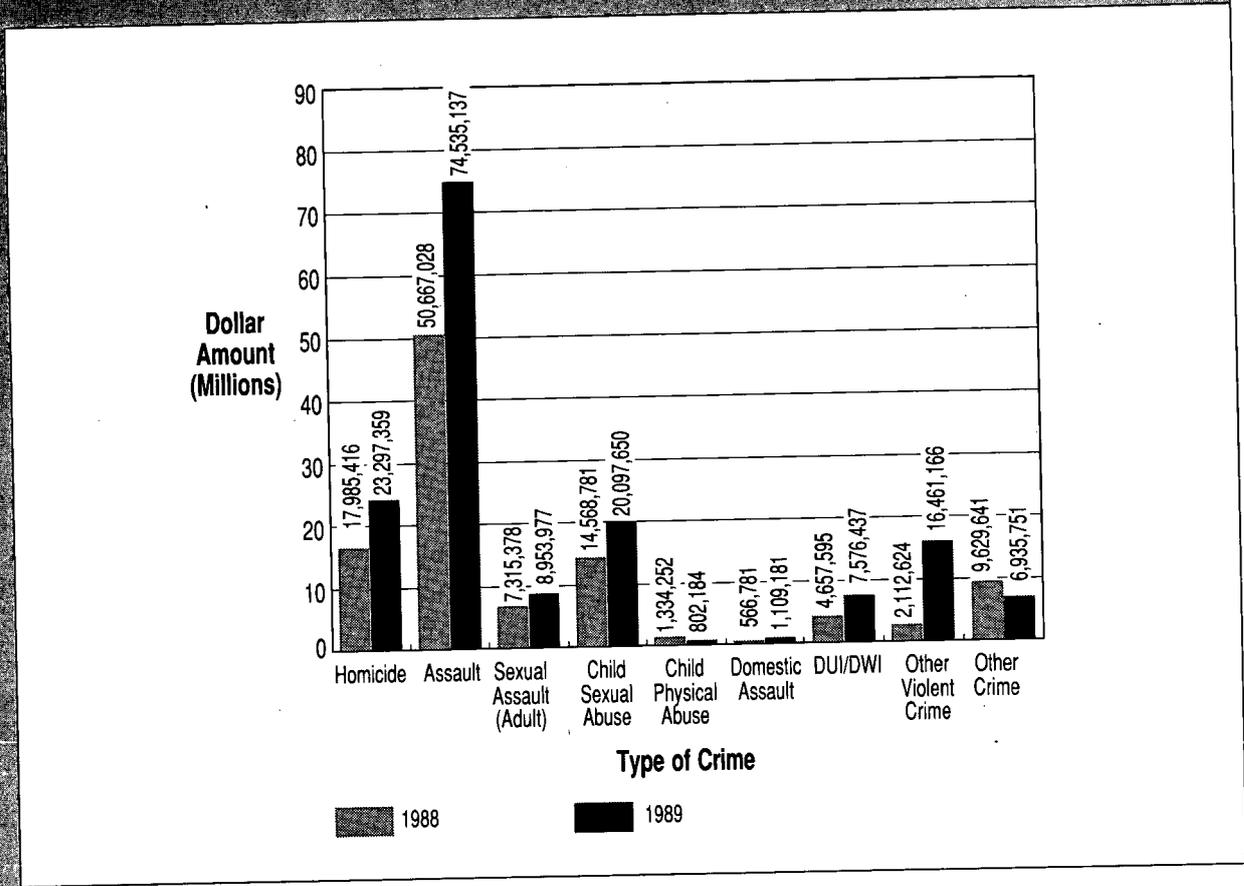
Historically, victims of domestic violence have received little, if any, compensation. Until recently, a number of State compensation programs explicitly excluded them or limited the amount or the type of loss for which domestic violence victims might receive compensation. Because the victim often continued to live with the perpetrator, reasons given for such policies included a concern that any compensation awarded to the victim would benefit or unjustly enrich the perpetrator. The 1988 amendments to VOCA and the implementing Guidelines issued by OVC prohibit such blanket policies.

The 1988 VOCA amendments provide that a State participating in the VOCA grant program may not, except pursuant to rules issued by the program to prevent unjust

enrichment of the offender, deny compensation to any victim because of that victim's familial relationship to the offender or because of the sharing of a residence by the victim and the offender. In implementing this requirement, the OVC Guidelines specifically state that "such rules cannot have the effect of denying most domestic violence victims of compensation. The rules relating to unjust enrichment should be applicable to all claims for compensation although it is recognized that domestic violence cases may have the greatest potential for unjust enrichment." The Guidelines urge States that plan to develop such rules to work closely with domestic violence coalitions and to avoid penalizing the victims of domestic violence. Further, payments to victims of domestic violence that benefit offenders in only a minimal or inconsequential manner should not be considered unjust enrichment. OVC has worked with States to assist them in developing policies and rules that do not have the effect of categorically denying certain victims any compensation.

Figure 10

Dollar Amount of Payments to Victims by Type of Crime, Fiscal Years 1988-1989



Since 1988, most States have enacted legislation and developed new policies to meet the VOCA eligibility requirements. Claims for compensation from domestic violence victims are now evaluated on the same basis as claims from other victims of violent crimes. As these changes are quite recent, many domestic violence victims do not yet know that compensation may be a resource for them. State programs have initiated outreach and education efforts with domestic violence service providers so that the new policies will be understood.

Victims of Drunk Drivers

Driving under the influence (DUI) includes driving under the influence of alcohol, driving while intoxicated, and driving while otherwise chemically impaired. In the early years of State operation of crime victim compensation programs, it was not unusual for programs to deny compensation to victims of drunk driving crashes unless the offender had been charged *and/or convicted* of drunk driving. The

conviction requirement was often unique to this crime. Because of the inequity of such policies, the 1988 VOCA amendments explicitly require State crime victim compensation programs that receive Federal matching funds to offer compensation to these victims. The Program Guidelines issued by OVC also make it clear that eligible compensation programs must treat victims of drunk drivers the same as they would treat victims of other violent crimes. By the close of 1990, DUI was a compensable crime in every participating State except Pennsylvania and Maryland.

Residency Requirements

From its inception, it was envisioned that VOCA would enable every violent crime victim to be eligible to apply for compensation. The Act originally required that victims of violent crimes committed within a State would be eligible for compensation within that State, regardless of whether or not they were residents. However, not all States operated VOCA-funded crime victim compensation programs. The

Table 4

**Amount of Compensation Paid Per Expense Category
Fiscal Year 1989***

	<u>\$ Amount</u>	<u>Percentage</u>
Total Expenses	158,018,388	100
Medical/Dental	77,274,677	49
Mental Health	28,363,457	18
Counseling		
Economic Support	32,152,744	20
Funeral/Burial	8,132,424	5
Other	12,095,086	8

*39 of 42 States reporting. Not all States track expenses by category.

1988 amendments to the VOCA crime victim compensation program closed that gap as follows: If a State resident is the victim of a crime that occurs in another State that lacks a compensation program for which the victim is eligible, that victim must be eligible for compensation in the State where he or she *is* a resident. Maine currently is the only State without a State crime victim compensation program. Nevada continues to elect not to participate in VOCA funding because it chose not to compensate non-State residents for losses that occur as a result of a violent crime in Nevada.

Native Americans

Native Americans, especially those living on reservations, often have been unaware of crime victim compensation programs and how to apply for compensation benefits. To correct this problem, OVC has emphasized outreach efforts to Native Americans. States are required, as a part of their application for a VOCA crime victim compensation grant, to describe the efforts taken to inform those on reservations about the State crime victim compensation program and how to apply for benefits. The most common approach to meeting this requirement has been efforts to distribute compensation application information to law enforcement and new victim assistance programs on reservations and to Federal Victim/Witness Coordinators in U.S. Attorneys' offices. This represents an effective means of informing victims, because studies have shown that victims of crime learn of the availability of compensation most often from the police, secondly from victim assistance/victim advocacy programs or from hospital/emergency room personnel, and

in some cases from prosecutors.⁹ Chapter 7 of this report describes the history of OVC's special efforts to assist victims of violent crimes on Indian reservations, particularly remote Native American communities.

Technical Assistance

The National Association of Crime Victims Compensation Boards (NACVCB) sponsors a national training conference each year for personnel working in State crime victim compensation programs. Most State programs are represented at these conferences by administrators, supervisors, and staff members who process and analyze claims. A bimonthly newsletter enables NACVCB members to examine policy issues and operational procedures and promotes services and cooperation among State program staff.

With support from a grant from OVC, NACVCB has provided extensive technical assistance to State programs, enabling it to respond more effectively to victims needs. The Association is producing a *User Manual* for State programs. The manual recommends strategies and techniques for program management and claims analysis. NACVCB is also developing guidelines to assist States in handling mental health counseling claims. In addition, NACVCB has formed a Native American Advisory Committee that has made a series of recommendations for State programs to improve their outreach efforts. (See Appendix F.)

The National Victims Resource Center (NVRC), OVC's information clearinghouse, has developed a data base of State crime victims compensation laws containing the full

text of compensation laws for every State. Additionally, approximately 50 common elements in States' statutes, such as award limitations, eligibility, allowable expenses, and filing procedures, are identified and can be perused. The data are updated annually and can be accessed through a computer and modem via an electronic bulletin board. A two-volume set of the laws, in the format described above, will be available in 1992.

Emerging Issues Confronting Victim Compensation Programs

Costs of HIV Antibody Testing

The issue of acquired immunodeficiency syndrome (AIDS) and sexual assault and abuse has been raised by several victims advocates, as well as by OVC Director Jane Nady Burnley:

Victims of sexual assault and sexual abuse now fear they may have contracted not merely a sexually transmitted disease like gonorrhea, but a life-threatening human immunodeficiency virus (HIV) infection that may lead to AIDS, a disease for which there is no known cure.

Victims may have to wait months or years until conviction before learning the defendant's HIV test results. States are beginning to respond with laws that permit the victim of a sexual assault to obtain a court order requiring that the person charged with the crime be tested and the results shared with the victim and the officer in charge of the defendant's detention facility. OVC has regularly counseled States that victims of sexual assault should be compensated for HIV testing—even though the long

and sometimes unpredictable incubation period for this infection may require retesting over an extended period of time.¹⁰

The 1991 DOJ Comprehensive Violent Crime Bill proposes that all sex offenders be tested for AIDS and that information from the tests be shared with victims. Also, the cost of HIV testing should not be borne by the victim, but by the offender or the crime victim compensation program.

Catastrophic Claims

An equally serious issue is whether a victim with extremely high medical expenses is entitled to compensation for long-term care, if needed. In this situation, a victim's treatment needs might quickly surpass the State's maximum benefit. States must take a proactive role in addressing the issue, developing a statewide policy specifying payment limitations (if any) on claims for catastrophic medical expenses, including long-term AIDS care. Specific policy issues to be considered include whether large portions of the State compensation money should be paid to individual claimants with large bills or used to pay the largest number of individual claimants as possible by using a maximum payment limit.

Medicaid and CHAMPUS

Most administrators of State crime victim compensation programs have taken the position that they should pay victim compensation for medical expenses only as "the payer of last resort." They believe the victim should exhaust all collateral resources, such as Medicaid, the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), private insurance, court judgments, and worker's compensation, before claiming expenses from the State compensation program.

Some States have statutes that specifically include Medicaid, the State and Federal medical assistance program under the Health Care Financing Administration, and the U.S. Department of Health and Human Services as collateral sources to be used before crime victim compensation funds are made available to pay for health services.

In a recent development, Medicaid and CHAMPUS have developed policies that would have their programs become the payers of last resort, i.e., after crime victim compensation programs have paid claims. There is grave concern that these policies would deplete compensation funds that would otherwise be available to other victims of crime. A legislative remedy appears to be needed to address this problem.

How To Access the Bulletin Board

New users may sign onto the NVRC component of the NCJRS bulletin board and select a password the first time they call (by modem or data phone) 301-738-8895. To obtain further information about the bulletin board or other services of NVRC, users can call 1-800-627-NVRC.

Summary

Over the past 5 years, the number of eligible States participating in the VOCA crime victim compensation grant program and the Federal fund amounts disbursed have steadily increased. In fiscal year 1986, the first year that awards were made, 39 State crime victim compensation programs received Federal awards from the Crime Victims Fund that totaled \$23,594,000. This amount was based on 35 percent of the States' certified payments to crime victims (\$67,504,583) from State funding sources. State payouts to crime victims have grown tremendously since VOCA authorized a Federal financial incentive for such programs. Forty-four States that awarded \$130,198,291 to crime victims from State funding sources in fiscal year 1989 will receive 40 percent reimbursements from the Crime Victims Fund. These amounts represent an increase of more than 100 percent in State and Federal payments to crime victims over the past 5 years.

The increase in Federal funds has fostered 1) an expansion of State victims compensation benefit payments and services for which compensation is granted, e.g., mental health counseling, and maximum awards are made to crime victims; 2) efforts to make crime victims aware of benefits; 3) improved coordination between crime victims compensation programs and local victim services agencies and law enforcement; 4) outreach to victims who have traditionally been excluded from participating in State compensation benefits, e.g., Native Americans and domestic violence victims; and 5) stabilized State funding support for crime victim compensation programs.

Since the enactment of VOCA in 1984, there have been other significant developments pertaining to State crime victim compensation programs, including:

- Eleven States established new compensation programs—Arizona, Idaho, North Carolina, Utah, Wyoming, Mississippi, Georgia, Vermont, New Hampshire, South Dakota, and Arkansas.¹¹
- Eighteen States have eliminated residency requirements.
- Nine States have improved benefits to secondary victims, e.g., survivors of homicide victims.
- Thirty-six States now provide emergency awards.
- Mental health counseling is now a compensable expense in all eligible States that have victim compensation programs.
- Only one-fifth of the programs now have a financial requirement provision, as compared with about one-third of the States in 1983.

■ Eight States have increased their maximum awards since VOCA was enacted.

■ All States with crime compensation programs now include domestic violence as a compensable crime and provide compensation to victims of drunk driving.

Notes

1. In Dr. Jane Nady Burnley's address on August 18, 1990, to the Fourth Annual National Conference of Parents of Murdered Children at East Elmhurst, New York.
2. Margery Fry, "Justice for Victims," *The Observer*, London, July 7, 1957.
3. Rupert Cross, "Compensating Victims of Crime," *The Listener* 49 (1963): 815.
4. Much of the foregoing sketch of the history and theory of crime victim compensation comes from Daniel McGillis and Patricia Smith, *Compensating Victims of Crime: An Analysis of American Programs*, Washington, D.C., National Institute of Justice *Issues and Practices*, July 1983.
5. *President's Task Force on Victims of Crime: Final Report*, Washington, D.C., U.S. Government Printing Office, 1982: 38.
6. Note 4 above.
7. In *Federal Register* 54, 95 (May 18, 1989): 21493-21499.
8. In *Federal Register*, Volume 55, No. 20 (January 30, 1990): 3180-3187, numbers in the summary of Comments on Proposed Program Guidelines.
9. Dale Parent with Barbara Auerbach and Kenneth E. Carlson, *Compensating Crime Victims: A Summary of Policies and Practices*, Washington, D.C., National Institute of Justice and Office for Victims of Crime. This study is an update and resurvey by Abt Associates, Inc., of the Abt study by McGillis and Smith (1983; see note 4 above). Unpublished.
10. In Dr. Jane Nady Burnley's testimony on May 17, 1988, before the Presidential Commission on the Human Immunodeficiency Virus Epidemic.
11. Currently, only the State of Maine has not established a State crime victim compensation program. However, there is a bill pending to establish such a program in that State.

Crime Victim Assistance



Violent crime impacts all socioeconomic and cultural groups and has a devastating effect on those victimized and their immediate families. In the Bureau of Justice Statistics study titled "Lifetime Likelihood of Victimization," it was indicated that five of every six U.S. citizens will be victims of a violent crime during their lifetimes. Furthermore, a single crime often victimizes many individuals, as is the case when one child in a family is sexually assaulted.

The impact of crime on society and individuals is great. The cost of crime includes medical costs for physical and psychological trauma; hours spent reporting crime and seeking medical care, resulting in reduced time available for work; increased insurance premiums; purchase of preventive devices such as locks, burglar alarms, and window bars; and depreciation of property values in high-crime areas. In 1989, the estimated cost of violent crime to victims was about \$1.5 billion. Perhaps more difficult to measure than the above is the loss of freedom and fear of leaving the security of one's home or workplace that many former and potential crime victims experience.

Since the 1970's, victim assistance agencies throughout the Nation have provided support and assistance (e.g., crisis intervention, counseling, emergency financial assistance, personal advocacy, emergency shelter, and information about criminal justice proceedings) to crime victims. Such support and assistance is often critical to a victim's psychological well-being, ability to stabilize his or her life and resume normal tasks, and willingness to cooperate with criminal justice officials. Often, victim assistance agencies act as the link between the victim and the criminal justice system, ensuring that the victim understands how the system operates. They also sensitize law enforcement, prosecutors, and the judiciary to the needs and concerns of the victim.

Today, support and assistance are offered to crime victims through many types of agencies, including private nonprofit organizations; public agencies; and criminal justice organizations, such as prosecutors' offices, the courts, and law enforcement. During the 1970's when the victims movement began, assistance often consisted of a former victim who reached out to ease another victim's trauma. Today, many victim assistance agencies rely on this same personalized approach in developing specialized programs to meet the needs of crime victims. Experience has shown that survivors find a special comfort from the support of those who have experienced a similar loss. Janice Lord, Director of Victim Services for Mothers Against Drunk Driving, described it as, "The wonderful healing power of a fellow struggler who can say, I understand, in a way that truly means I understand." The courage of survivors of violent crime in helping other victims of crime is just one way in which personal tragedy is turned into a positive outlet for grief and anger.



The Federal Government, through the Victims of Crime Act (VOCA) victim assistance State grant program, has augmented and extended services to victims of violent crime by supporting many community victim assistance agencies. VOCA authorized the Office for Victims of Crime (OVC) to administer this important grant program which has provided more than \$280 million to States for the support of local victim assistance services to crime victims. OVC also:

- Provides leadership to States on crime victim service issues.
- Serves as the Federal contact for each State victim assistance program.
- Develops written guidance for States on the implementation of the grant program.
- Monitors each State's compliance with VOCA and the intent of Congress.
- Provides training and technical assistance to State administrators.

Program Implementation and Administration

Although OVC administers the VOCA victim assistance grant program to States, the intent of the legislation was to allow each State to make critical decisions about the allocation of VOCA grant funds, reflecting the needs within each State. This philosophy has resulted in great variations among the State agencies (Attorneys' General offices, Governors' offices, public safety agencies, employment services, corrections, human services agencies, and workers' compensation programs) which receive and administer VOCA funds as well as the number and types of services that are supported by VOCA in each State. Despite the variations, each State has made the Federal assistance grant program into an exceptionally valuable resource for crime victims. This accomplishment is especially noteworthy because States are not permitted to use any portion of their VOCA grant to administer the grant program.

The VOCA victim assistance grant program is available to all States. However, certain minimum eligibility requirements must be met and adhered to by States and territories that wish to receive VOCA victim assistance grant funds. These include:

- Giving priority to eligible victim assistance programs that provide services to victims of sexual assault, spousal abuse, and child abuse.
- Making funds available for grant programs that serve previously underserved victims of violent crime (added by 1988 amendment to VOCA).

- Certifying that funds awarded to eligible programs will not be used to supplant State and local funds otherwise available for crime victim assistance.

Additionally, there are eligibility requirements for local victim assistance agencies that wish to receive VOCA funds from the State agency. They must be either a public or a private nonprofit agency and must:

- Have a record of previously delivering effective services to crime victims (if it is an existing program).
- Use volunteers in providing services to crime victims.
- Promote, within the community served, coordinated public and private efforts to serve crime victims.
- Assist crime victims in seeking victim compensation benefits.
- Match the Federal funds either with in-kind goods and services or cash at a level of 20 percent for existing programs, 35 percent for new programs, or 5 percent for Native American tribes or organizations. (The program match requirement for territories located in insular areas, such as American Samoa, Guam, the U.S. Virgin Islands, Palau, and the Northern Mariana Islands, is waived.)

The final requirement is that VOCA funds can be used only for direct services to crime victims, such as crisis intervention, counseling, personal and criminal justice advocacy, and shelter. VOCA victim assistance funds cannot be used for community education; crime prevention; lobbying, legislative, and administrative advocacy; perpetrator rehabilitation; fundraising; capital expenditures; criminal justice improvements; insurance; or other nondirect services and activities. Beyond these minimum requirements, States have a great deal of latitude in determining which agencies within their respective States will receive VOCA victim assistance dollars and the types of services to be provided to crime victims with VOCA funds.

After OVC awards the grant funds to the State agency as designated by the Governor, the State awards the funds to community-based public and private nonprofit organizations that provide services to crime victims. Each State has established procedures and guidelines for the award of these Federal dollars that are consistent with VOCA and OVC's Program Guidelines. States have solicited input from victim advocates, coalitions, criminal justice officials, and other interested agencies and individuals in developing procedures and awarding funds to local victim assistance agencies.

Initially, when VOCA crime victim assistance grant funds became available in 1986, most States chose to award the funds through a competitive application and selection

process. In subsequent years, although many States still award funds on a competitive basis, a greater emphasis has been placed on continuation funding to agencies that received VOCA funds in previous years, thereby stabilizing services to crime victims.

Although public agencies, such as hospitals and mental health agencies and local criminal justice agencies (law enforcement, prosecution, probation, courts, and corrections), receive VOCA funds, the majority of victim assistance organizations that receive VOCA funds are private, nonprofit agencies. During the fiscal year 1986 grant period, States awarded VOCA funds to approximately 1,422 local programs. During fiscal year 1989, 2,035 victim assistance agencies received VOCA funds. (See Figure 11 on comparing 1986 to 1989 and agencies receiving VOCA funds.)

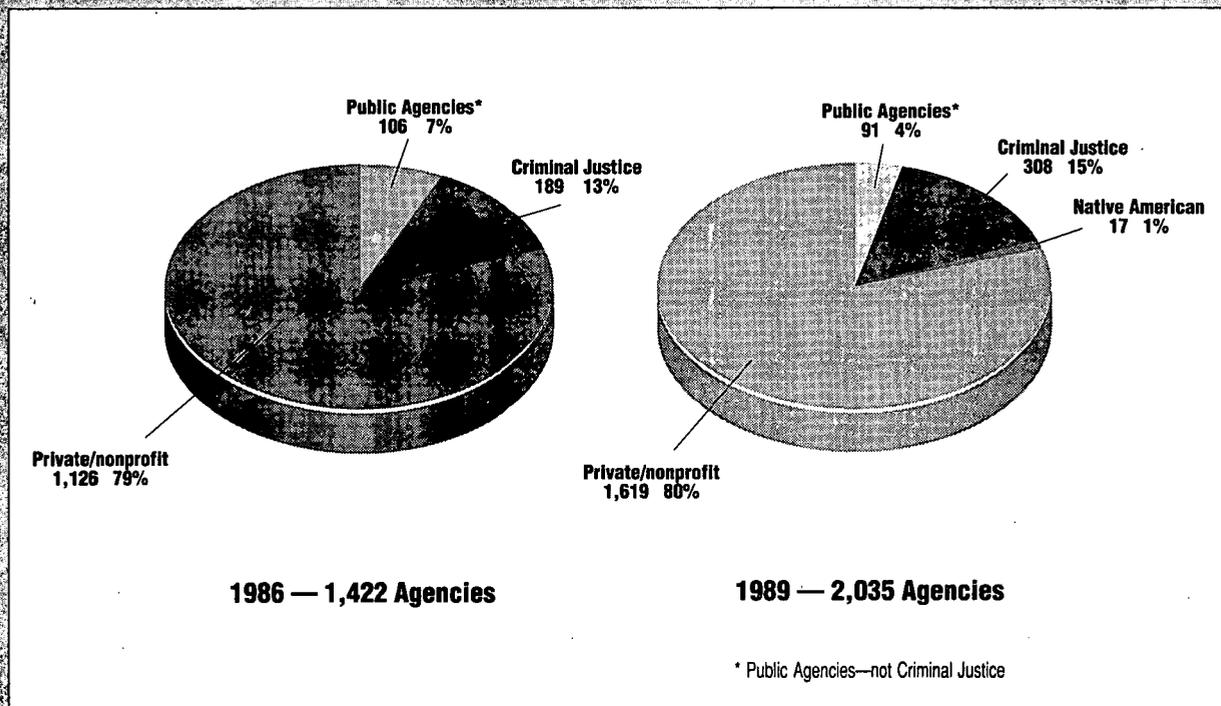
Funding

With the passage of VOCA in 1984 and the establishment of the Crime Victims Fund, OVC developed a block/formula grant program to disburse VOCA victim assistance grant funds to *all* States, the District of Columbia, Puerto Rico, and to U.S. territories, such as Guam, American Samoa, the Virgin Islands, and the Commonwealth of the

Northern Mariana Islands. Between 1986 and 1989, States and territories have been awarded more than \$150 million from the Crime Victims Fund for victim assistance services.

During the initial grant years of 1986–1988, each State, the District of Columbia, and Puerto Rico (but not the other territories) received a base amount of \$100,000. The remaining VOCA victim assistance grant funds were then allocated to each State and territory based on population. Amendments to VOCA in 1988 raised the base amount to \$150,000 for grant years 1989–1991 for all States *and* redefined the term “State,” making the above-mentioned territories eligible for the \$150,000 base amount. The impact of this amendment is readily seen when comparing grant period 1988, when the Northern Mariana Islands received a \$2,000 VOCA grant, with the fiscal year 1989 grant period, when it received a \$153,000 grant. The sharp award increase in the base amount to territories and possessions has triggered a number of challenges in effectively administering VOCA victim assistance funds, particularly where few victim assistance agencies existed. To date, the territories continue to struggle to develop new victim assistance services and expand existing agencies with VOCA victim assistance State grant funds.

Figure 11
Agencies Receiving VOCA Subgrants



The VOCA victim assistance grant funds are time-limited and expire on September 30 of the calendar year following the year of the award. Therefore, timeliness in processing and awarding the grants to the States and in the State process of awarding funds to local victim assistance agencies is important. Often, the award process requires a significant investment of time at the State level, particularly as the average VOCA victim assistance award to local agencies averages approximately \$19,000. Many States award VOCA funds in amounts of \$10,000 or less. (See Appendix G for a listing of the amount of the grants to States during the 1988 and 1989 grant period.)

Generally, the States award all of the VOCA victim assistance funds available to them each year. However, because of extenuating situations, a small percentage (approximately 1 percent) of VOCA funds is returned to the U.S. Treasury each year by the States. Approximately \$7,438 was returned to the U.S. Treasury for the 1988 grant period, and approximately \$2,055,936 has been returned to date for grant period 1989. Because VOCA funds are awarded to local service programs primarily to support all or a portion of an individual's salary, it is often difficult for local agencies to predict accurately how many hours will actually be spent on services to crime victims. When a shortfall occurs, such as a staff turnover, a local agency may be unable to expend its entire VOCA award and may be forced to return the unexpended portion of its grant to the State. If this happens to a significant number of the more than 2,000 victim assistance agencies receiving VOCA funds, a sizeable amount of money is likely to be returned to the U.S. Treasury. Unfortunately, these funds cannot be earmarked for victim assistance and are returned to the General Fund of the U.S. Treasury for other uses. To avoid returning VOCA funds to the Treasury, States are more closely monitoring local agency grant expenditures to identify problems in expending the VOCA funds. Careful monitoring often allows the State to reprogram VOCA funds that will not be expended by one agency to another agency.

In addition to VOCA funds, States allocate State funds to support crime victim services from various State funding sources, such as penalties and fines from convicted criminals within the State, marriage license fees, birth recording fees, and general fund appropriations. OVC has received data from VOCA State administrators indicating that States allocated more than \$671 million for assisting crime victims during 1989.

Priority and Underserved

The original VOCA legislation specifically named three types of priority crime victims that were to receive special consideration by States when awarding the VOCA victim assistance funds: victims of sexual assault, domestic violence, and child abuse. From fiscal year 1986 through 1988, States had three options for meeting the priority requirement of VOCA: (1) allocate at least 10 percent of the State's total crime victim assistance funds to each of the three priority categories, (2) base funding decisions on a needs assessment to determine the allocation of funds to the three priority categories, or (3) certify that every program receiving VOCA funds serve at least one priority category.

As violent crime increased throughout the Nation, Congress responded by amending VOCA in 1988 to require States to give special consideration to "previously underserved victims of violent crime," in addition to the three priority crime victim categories. In responding to this new requirement, OVC issued the 1989 Program Guidelines. They require States to identify underserved victims of violent crime and to allocate at least 10 percent of each year's VOCA victim assistance grant to victim assistance agencies for services to underserved victims of violent crime such as survivors of homicide victims and victims of driving under the influence (DUI) and driving while intoxicated (DWI) crashes.

While revising the Program Guidelines, OVC also simplified the criteria applied to determine whether the States had met their priority requirements during grant periods 1986-1988. Thus, beginning in grant year 1989, States are required to allocate at least 10 percent of their total victim assistance grant to each of the three priority areas and 10 percent to other violent crime victims. States are permitted to identify as many types of underserved violent crime victims as necessary to meet this 10 percent requirement. Additionally, because of the paucity of victim assistance services on Indian reservations, OVC permits States to meet their underserved requirement by awarding funds to agencies that offer services to Native American crime victims. In response to the 1989 Program Guidelines and beginning with the 1989 grant year, States must report to OVC the dollar amounts allocated each year to each of the three priority areas and to underserved violent crime victims. The States also are required to report the number of victims served by specifying the type of crime and identifying the types of services provided.

In developing Program Guidelines, OVC recognized the difficulty many States would have awarding VOCA grant funds to agencies serving only one type of crime victim. Therefore, the States may choose to award grant funds to victim assistance agencies that serve more than one type of crime victim and use the full award amount to these agencies toward meeting the 10 percent requirement for priority and underserved victims. In fact, OVC has encouraged States to fund existing victim assistance agencies that can expand services to other victims of violent crime.

The underserved victims of violent crime requirement is having a positive effect through the local victim assistance agencies that are expanding and developing services for victims not previously served with VOCA funds. Figure 12 provides data on the number of victims who received services through VOCA-funded victim assistance agencies during the 1989 grant period.

As seen in Figure 12, the majority of those served—both primary and secondary—were victims of domestic violence, sexual assault, and child abuse. This accurately reflects the historical priorities of VOCA and OVC. However, it is also

important to note the number of other violent crime victims assisted through the VOCA-funded victim assistance agencies as a result of the 1988 amendments to VOCA.

Services to Crime Victims

The number of victim assistance agencies has greatly expanded since 1986, now numbering close to 7,000 nationally. More than 2,000 of these victim assistance agencies received VOCA funds in 1989. States have generally awarded VOCA funds to agencies that have a history of providing services to crime victims. This underscores the importance of VOCA in stabilizing existing crime victim services and maintaining the current level of services. As the money available for victim services has increased, the number of existing agencies receiving VOCA funds also has increased from 1,342 in 1986 to 2,035 in 1989. (See Figure 13 on number of existing versus new agencies 1986–1989.)

A significant number of subgrant agencies have been able to expand services beyond previous levels. During fiscal year 1989, over 200 programs offered new types of services or

Figure 12

Numbers of Victims Served, Fiscal Year 1989

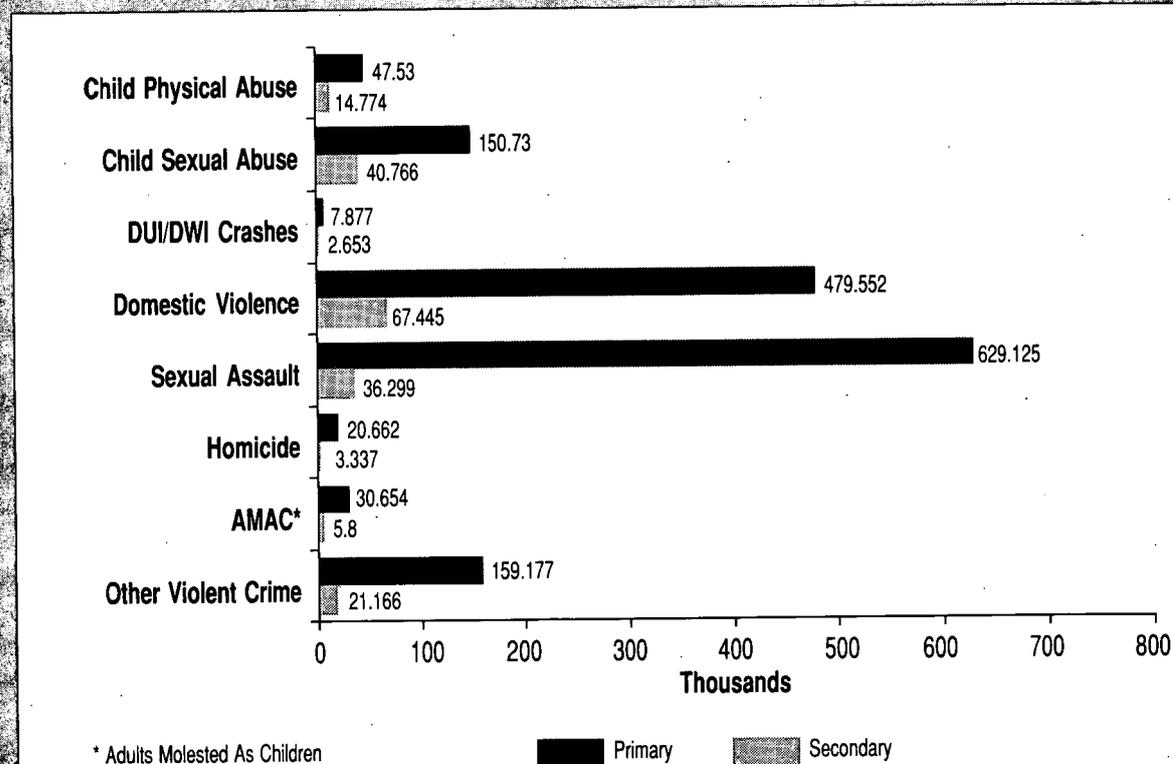


Figure 13

New and Existing Agencies Receiving VOCA Subgrants for Victim Assistance

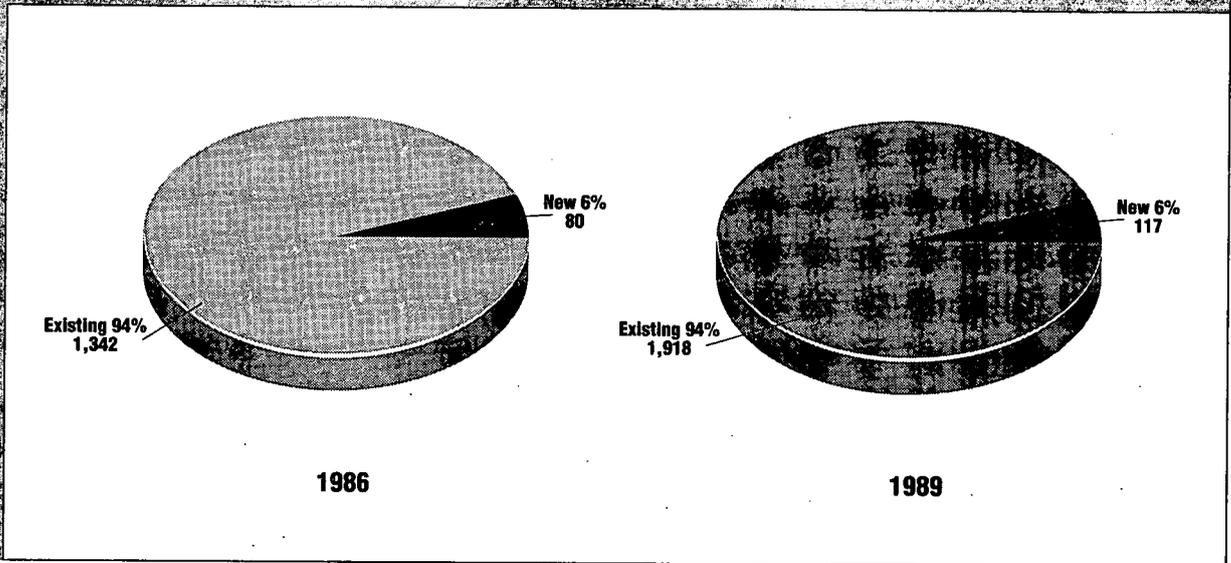


Figure 14

**How VOCA Dollars Were Used
A Comparison Between 1986 and 1989**

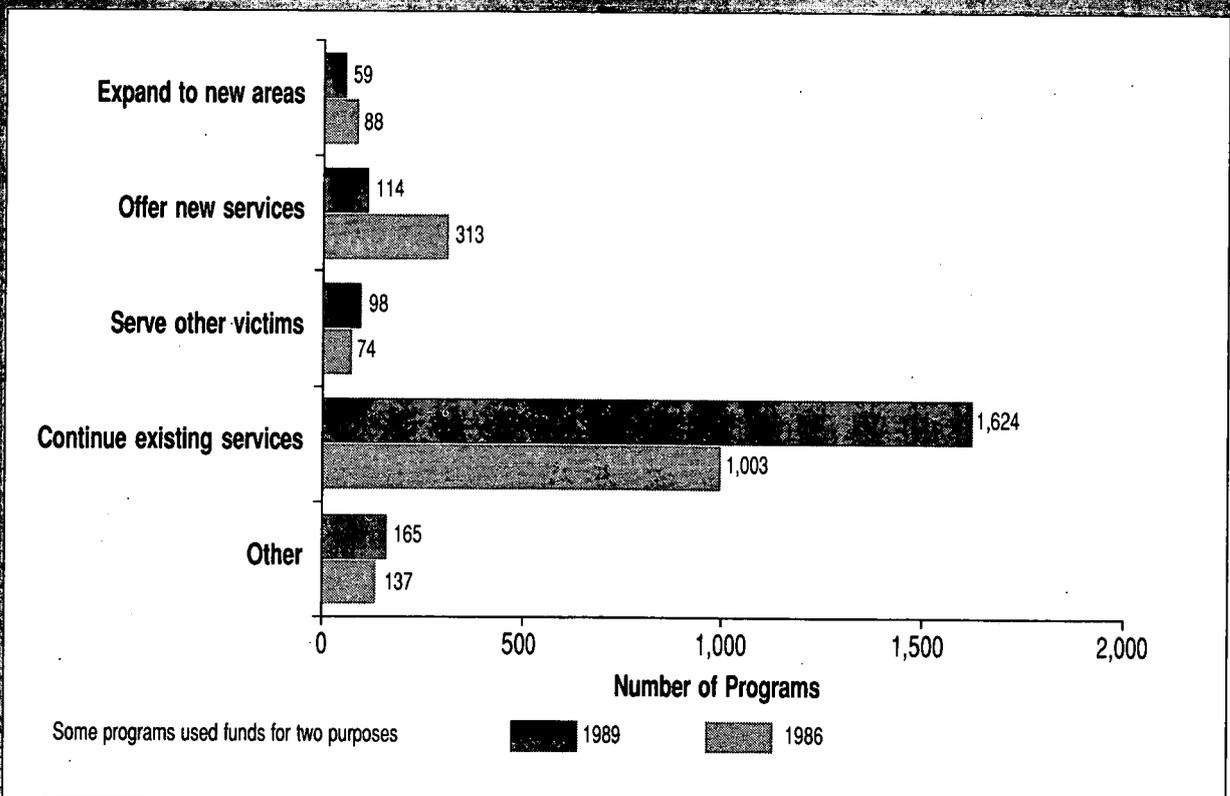
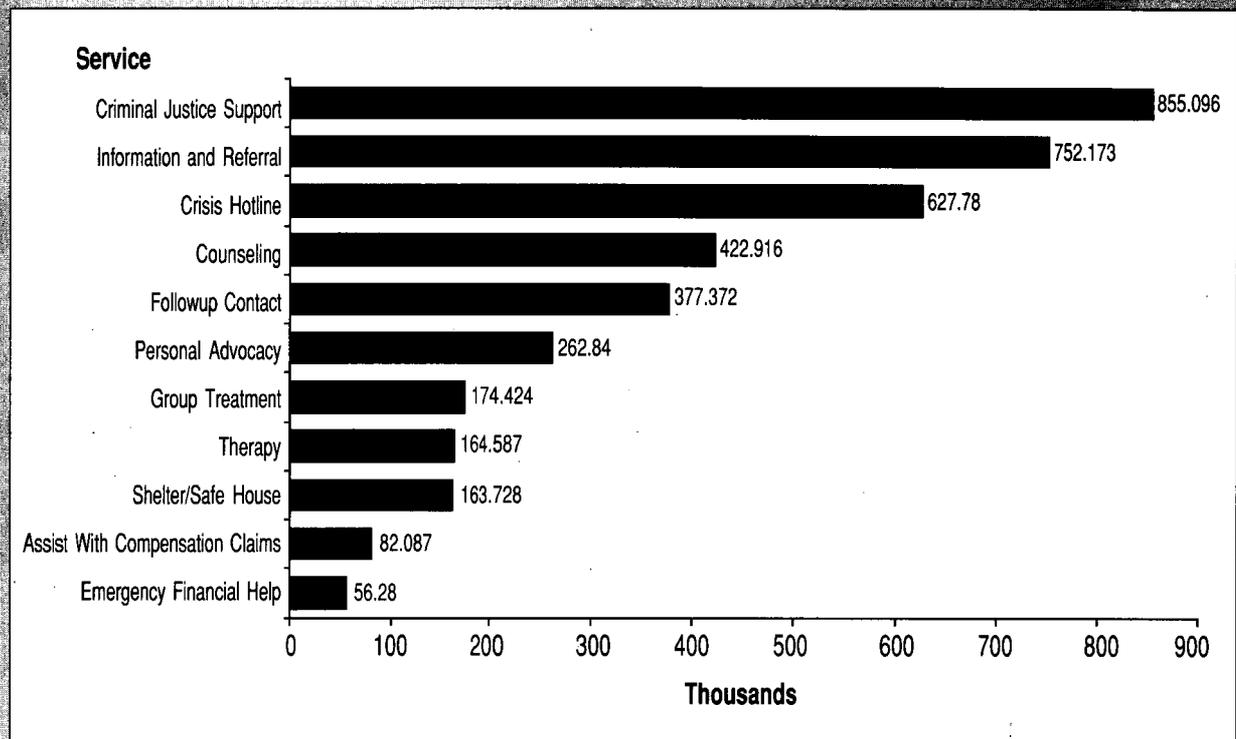


Figure 15

Services to Crime Victims, Fiscal Year 1989



served additional victim populations. Many agencies receiving VOCA grant funds that traditionally served only one victim population now serve two or more crime victim populations. (See Figure 14 for information on how VOCA dollars were used by agencies receiving VOCA funds for grant years 1986 and 1989.)

One of the most important considerations by Congress in drafting VOCA was to emphasize the delivery of services to crime victims immediately after victimization. As Figure 15 shows, the majority of victim assistance agencies provides some form of crisis intervention or support immediately after victimization by offering such services as 24-hour accessibility; 24-hour hotlines; crisis counseling; emergency shelter; information and referral; emergency food, clothing, or transportation; and emergency financial assistance for victims who have immediate needs.

Victim assistance programs also offer criminal justice support and advocacy on behalf of the victim. For example, an agency may use a victim advocate to accompany law enforcement officers to a crime scene, assist victims in filing temporary restraining orders to prevent further contact with the offender, explain the judicial process, and accompany the victim to court proceedings. Victim advocates also

work with law enforcement personnel so that victims' personal items of clothing or property are returned as soon as practical, assist in preparing victim impact statements, and assist a victim in filing a victim compensation claim.

Summary

Since inception of the VOCA victim assistance State grant program in 1986, OVC has noted a dramatic increase in the number of agencies offering services to crime victims and in the funds being set aside for victim assistance services at both Federal and State levels. For example, in 1986 approximately 2,000 victim services organizations offered assistance to crime victims. Today, more than 7,000 such organizations exist. In 1986, 1,422 victim service agencies received approximately \$41 million in VOCA funds; in 1990, more than 2,500 victim service agencies received VOCA funds, amounting to more than \$65.6 million.

Information gathered from the States for 1989 indicated that approximately 1.5 million individuals were provided assistance with VOCA funds. Furthermore, the States and territories reported that they allocated more than \$671 million to victim assistance during this same time period.

During the past 5 years, enormous strides have been made in assisting crime victims. Today, a basic service structure/system is in place to assist victims of domestic violence, sexual assault, and child abuse, and there is a rudimentary system in place for aiding victims of other crimes, such as assault, elder abuse, drunk driving, and survivors of homicide victims.

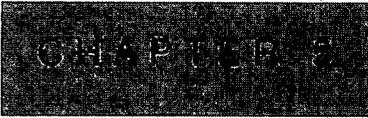
Victim advocates and service providers have begun to develop an awareness of the needs of special populations of victims, such as disabled, elderly, ethnic minorities, and Native Americans. Increasingly, funding has been channeled to support services to victims of a wide range of violent crimes and for crime victims with special needs and considerations.

Greater emphasis is now being placed on providing "quality" services and identifying model victim assistance programs that offer quality services. Standardizing credentials and professionalizing victim service personnel is a pressing

issue. OVC expects these issues to receive greater attention, thus benefiting crime victims throughout the Nation.

State victim assistance administrators must face future challenges, such as how to best serve victims of violent crime, provide training for victim service staff, and evaluate program effectiveness. In addition, although public empathy for the plight of the victim has increased and the public feels that the scales of justice are still tipped toward criminals, State victim assistance administrators and programs are vulnerable to budget constraints at present and will probably remain very vulnerable in the future.

Significant progress has been made during the last 5 years. Services are more available, and support for victim assistance issues has been expressed by the Administration and Congress, as well as various national, State, and local victim organizations. However, much work lies ahead so that victim assistance will be available to all victims of violent crime.



Federal Crime Victims Program



The Victims of Crime Act (VOCA) of 1984 clearly acknowledged the rights of victims of Federal crimes to receive the same types of services afforded to victims of State crimes. A portion of the Crime Victims Fund (the Fund) was set aside to provide direct services to these victims and support a variety of activities that would improve victims' treatment by Federal criminal justice personnel. These services and activities include training for Federal law enforcement officers and prosecutors in responding to victims and preparing information and materials on services to victims of crimes adjudicated by Federal courts.

From its beginning, the Fund was intended to augment State financing of a nationwide network of services for all crime victims. A major purpose of earmarking a portion of the Fund for victims of Federal crimes was to improve the Federal criminal justice system's response to victims. It was not intended to duplicate existing Federal, State, or local programs. It was envisioned that State victim assistance and compensation services would be available to victims of Federal crimes. However, it was also recognized that specific resources would be needed to provide training and direct services to enable the Federal criminal justice system to become more responsive to victims. While the designation of funding for Federal crime victims services has remained intact, the portion of the Fund that supports services to Federal crime victims was significantly reduced by the Children's Justice and Assistance Act (CJA) of 1986.

Funding for Federal Crime Victims Program

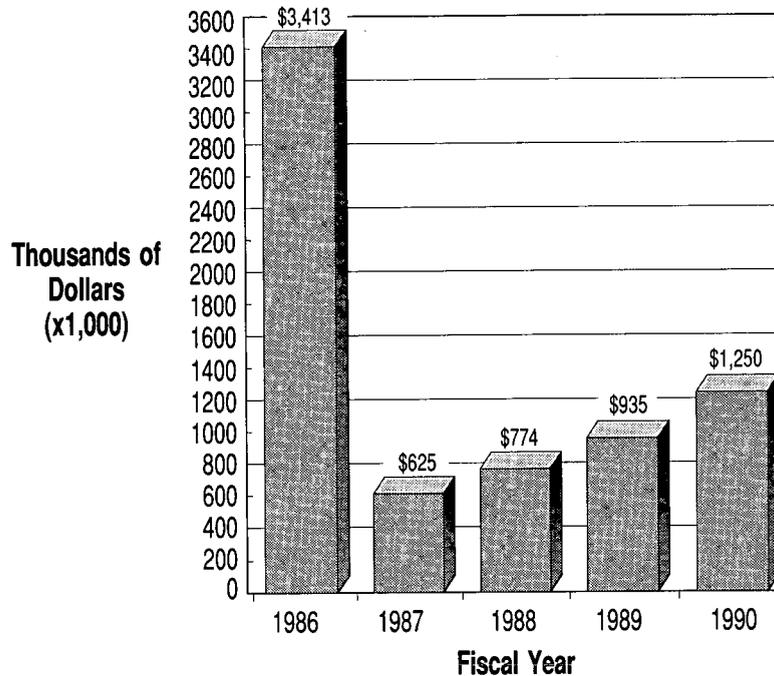
VOCA, as enacted in 1984, authorized the Attorney General to retain up to 5 percent of the Fund for services to victims of Federal crimes. The Fund was legislatively capped at \$100 million; thus, up to \$5 million could have been allocated to support programs and services for victims of Federal crimes. Because deposits only reached \$68,312,955, only \$3,413,955 (5 percent of the amount deposited) was allocated for Federal crime victims in fiscal year 1985.

CJA amended VOCA and reduced the amount authorized for Federal crime victims from 5 percent of the Fund to 1 percent (potentially \$1 million), a \$4 million reduction for the Federal Crime Victims Program. The 1986 amendment further specified that of the 1 percent available for Federal crime victims services, a portion (up to one-half of 1 percent or \$500,000) could be used for providing training and technical assistance of victim assistance programs. Therefore, between \$500,000 and \$1 million could be used to benefit Federal crime victims.



Figure 16

VOCA Funding for Federal Crime Victims



The Anti-Drug Abuse Act of 1988 amended VOCA and raised the Fund ceiling to \$125 million through fiscal year 1991 and \$150 million through fiscal year 1994. (This schedule was accelerated by the Omnibus Crime Control Act of 1990, which increased the fiscal year 1991 ceiling to \$150 million.) Of the first \$100 million deposited in the Fund, victims of Federal crimes would receive at least one-half of 1 percent (i.e., \$500,000 to \$1 million). In addition, victims of Federal crimes would receive 5 percent of any funds deposited in excess of \$110 million up to the ceiling level.

By fiscal year 1989, depending on the amount deposited in the Fund, up to \$1.25 million could be used to support services for victims of Federal crimes, and up to \$500,000 could be used for training and technical assistance efforts. This chapter will focus on efforts to establish and improve services for victims of Federal crimes. The programs supported by the training and technical assistance portion of the Fund are described in chapter 6.

Development of the Federal Crime Victims Program has been a priority of the Office for Victims of Crimes (OVC)

since 1987. The first expenditure of funding to assist victims of a violent Federal crime was made in late 1987. Since then, the program has grown dramatically. In 1989, the Federal Crime Victims Division was established within OVC to design and implement initiatives to improve the Federal criminal justice system's treatment of victims and to support direct service programs for victims who do not have access to needed services. Exhibit 5 lists specific responsibilities of the Federal Crime Victims Program.

Services to Victims of Federal Crimes

The 1980's brought sweeping changes in the criminal justice system's response to crime victims. VOCA funding helped States expand and improve assistance services, and by 1988, thousands of programs provided a wide variety of services to crime victims throughout the United States. By contrast, victim assistance services for some victims of Federal crimes were often inadequate or nonexistent. This was especially true in some remote communities that were under Federal criminal jurisdiction (e.g., Indian reservations).

In 1986, the list of major crimes subject to Federal prosecution was amended to include child sexual abuse (18 U.S.C. 2241–2248). This significantly increased the numbers of child victims involved in the Federal court system at the same time that resources for victims of Federal crimes were reduced by the CJA amendments to VOCA. In 1987, as Federal cases of child molestation came to the attention of the Federal Bureau of Investigation (FBI), Federal prosecutors, and Federal Victim/Witness Coordinators, the need for victim assistance services at the Federal level became clear. OVC attempted to respond to these events by implementing several new initiatives.

Emergency Fund

Federal Victim/Witness Coordinators in U.S. Attorneys' offices first made OVC aware of the serious lack of victim services for some Federal crime victims. U.S. Attorneys' offices have legal jurisdiction to prosecute serious crimes on many Indian reservations. Two key events led OVC to realize that services for victims of Federal crimes and for the hundreds of child victims in these cases were seriously lacking. The first was the disclosure of a multiple-victim case of child sexual abuse on reservations in Arizona in 1987. The other involved special requests for emergency victim assistance from U.S. Attorneys in Arizona and South Dakota.

OVC was able to commit short-term emergency treatment funds to provide services to these children and their families. Authorization for providing these funds was based on Sections 1404 (c)(4) of VOCA, which allows the Director to reimburse other components of the Government for services relating to the victims of Federal crimes. An inter-agency agreement between OVC and the Executive Office for U.S. Attorneys allowed the U.S. Attorney in Arizona to arrange and support these direct assistance services.

Since it was clear that there was a great need for assistance and services, OVC established a special Federal Crime Victims Emergency Services Fund (Emergency Fund). Through the Emergency Fund, OVC has disbursed funds to U.S. Attorneys' offices to address emergency situations in which victims involved in Federal prosecutions need services unavailable through any other source.

Since establishing the Emergency Fund, OVC has approved 75 requests and provided approximately \$399,813 for services to Federal crime victims through 23 U.S. Attorneys' offices. More than two-thirds of these funds have been used to provide emergency services to Native American crime victims on reservations. For example, six children received funds to accompany their family to a trial in Wyoming after it was determined that the children would be in danger if left

Exhibit 5

Federal Crime Victims Program Responsibilities

Provide grants for:

- Training and technical assistance services for eligible crime victim assistance programs (see chapter 6).
- Financial support of services to victims of Federal crime, by eligible crime victim assistance programs. Efforts to serve Federal crime victims include, but are not limited to:
 - Providing training for Federal law enforcement personnel who assist crime victims.
 - Preparing and disseminating information and materials about services to victims of Federal crimes.
 - Providing emergency assistance and short-term shelter if needed.
 - Assisting victims in criminal justice proceedings.
 - Performing forensic medical examinations.
- Consulting with the heads of Federal law enforcement agencies who have responsibilities affecting victims of Federal crimes.
- Coordinating victim services provided by the Federal Government with victim services offered by other public agencies and nonprofit organizations.
- Monitoring compliance with guidelines for fair treatment of crime victims and witnesses issued under Section 6 of the Victim and Witness Protection Act of 1982.
- Reimbursing other parts of the Federal Government for performing authorized functions that improve services for victims of Federal crimes.
- Performing other related functions at the discretion of the Director.

on the reservation. A 4-year-old child received psychological evaluation and treatment after being sexually assaulted by her uncle on a reservation in Washington State. The Emergency Fund also provided emergency transportation expenses to an Arizona victim attending an out-of-State gang-rape trial. Child sexual abuse victims in large multiple-victim cases in both Arizona and South Dakota received

mental health treatment services. Emergency shelter was also provided to an assault victim in Warm Springs, Oregon.

In each case, the Victim/Witness Coordinator in the U.S. Attorney's office worked with local service providers to identify treatment alternatives for victims and their families. Because no treatment was available in any of these cases, support was requested from OVC. The Emergency Fund has ensured that Federal crime victims' needs are met. It has also facilitated prosecution efforts. For example, victim witnesses help to ensure that offenders are held accountable for their crimes. Exhibit 6 lists districts that have received compensation from the Emergency Fund.

Indian Country Initiatives

"Assistance for Victims of Federal Crime in Indian Country" Grants

The Emergency Fund was effective in providing services to individual victims but did not establish a network of "on-reservation" services to respond to the needs of Native American crime victims. OVC therefore set a priority for the Federal Crime Victims Program to address the nearly total lack of resources available for victims of crime in remote sections of Indian Country and ensure that crime victims in these isolated areas receive the types of services available in most other communities nationwide.

In July 1988, OVC announced a new discretionary grant program to help develop victim assistance services in Indian Country. The goal of the grant program was to encourage the establishment of ongoing victim assistance service programs on reservations so that violent crime victims would have a place to turn for support in their own communities. Funds for the grant program were allocated from the Federal crime victim portion of VOCA and were made available to States with areas of Indian Country where the Federal Government had the authority to investigate and prosecute crimes. The program also intended to focus resources on those States with the largest populations of Native Americans living in remote areas.

Since the portion of the Crime Victims Fund earmarked for Federal crime victims could not support all the victim assistance programs needed on Indian reservations, it was decided that grants to establish such programs would be awarded to the State agency responsible for administering VOCA victim assistance formula grants. Indian tribes would then apply for subgrants, just as other victim assistance programs do; however, the initial funding would be available only to tribes or Indian organizations for on-reservation services. As service programs developed, it was

General Crime Victims Emergency Services Fund

Number of Requests Approved: 75
Number of Districts Receiving Funds: 23
Amount Obligated (since 1987): \$399,813

Districts Receiving Emergency Funds:

Arizona
California (Southern)
Colorado
Florida (Northern)
Florida (Southern)
Indiana (Southern)
Maine
Maryland
Michigan (Western)
Mississippi (Northern)
Missouri (Western)
Nevada
New Mexico
New York (Eastern)
Ohio (Southern)
Oregon
South Dakota
Vermont
Virginia (Eastern)
Virginia (Western)
Washington (Western)
Wisconsin (Eastern)
Wyoming

envisioned that they would benefit from cooperating with similar State-supported victim assistance programs and programs on other Indian reservations and would become part of the nationwide network of crisis intervention victim assistance services.

OVC made money available through a competitive grant award process and required States to subgrant the funds to Indian tribes or Indian organizations to establish responsive, on-reservation victim services. On November 8, 1988, OVC awarded over \$1 million to nine State-designated crime victim assistance agencies. When determining the amount of awards, OVC considered the number of Indian reservations under Federal jurisdiction, the Native American population, and the number of violent crimes within each State. The States that received awards subsequently made 29

subgrant awards to Indian tribes or Indian organizations to support a variety of victim assistance services.

Because of the overwhelming interest on the part of tribes and States in developing programs on reservations, OVC made another \$700,000 available in 1989 to additional States. On November 1, 1989, six more States received funding. In turn, these States awarded 23 subgrants to Indian tribes or Indian organizations for victim assistance services on reservations.

To date, 52 subgrants have been made to Indian tribes. Some of the programs funded aim to improve the handling of child abuse cases. For example, the Hopi are expanding treatment programs for child sexual abuse victims and their families, and the Confederated Tribes of Warm Springs, Oregon, now routinely use victim impact statements from child victims in tribal court. The Navajo Nation incorporates traditional healing into its services for child victims, while the Crow Creek Reservation in South Dakota provides comprehensive crisis intervention services.

Several programs also use volunteer crisis counselors. The Lower Brule Sioux Tribe has a volunteer rape crisis team, and upon request, volunteers from the Confederated Tribes of Warm Springs accompany tribal police to assist victims. The Menominee Tribe has the only police-based victim assistance program in the State of Wisconsin. The Walker River Paiute Tribe has an intervention team of volunteers and social service staff to coordinate emergency safehouses and emergency child care, while both the Nez Percé and Crow programs provide protective services for elderly victims. Other Native American programs support domestic violence shelters, law enforcement training, emergency transportation, child care, and court advocacy.

Although these programs are relatively new, OVC has already seen a measurable improvement in victim services. In 1988, the first two tribal victim assistance programs were established in Michigan. Today, there are six active programs in Michigan that have formed a consortium to facilitate training and technical assistance and adoption of individual tribal victim assistance plans. Staff from Indian victim assistance programs in Oregon, South Dakota, and North Dakota now serve on State victim task force committees and successfully compete for State victim assistance formula grant funds. Victim/Witness Coordinators from U.S. Attorneys' offices report that programs on reservations now provide the emergency services Native American crime victims need. Requests from U.S. Attorneys for emergency assistance for Native American victims have dropped from 23 in fiscal year 1989 (\$105,150) to 9 in fiscal year 1990 (\$38,460).

Figure 17

Second Year (1989) Indian Grants for Victim Assistance

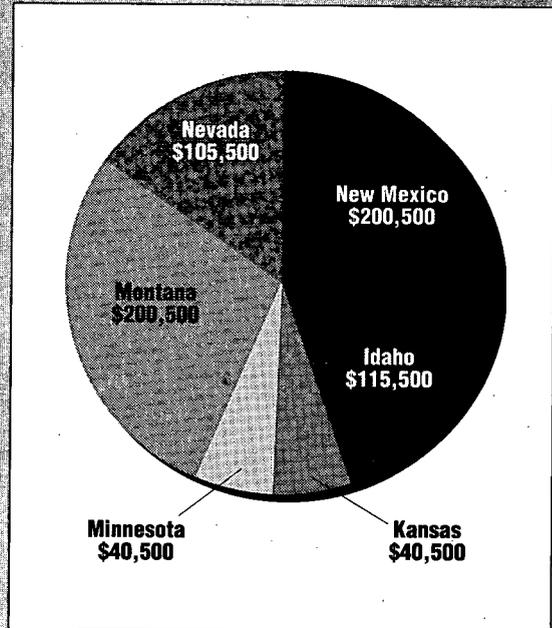
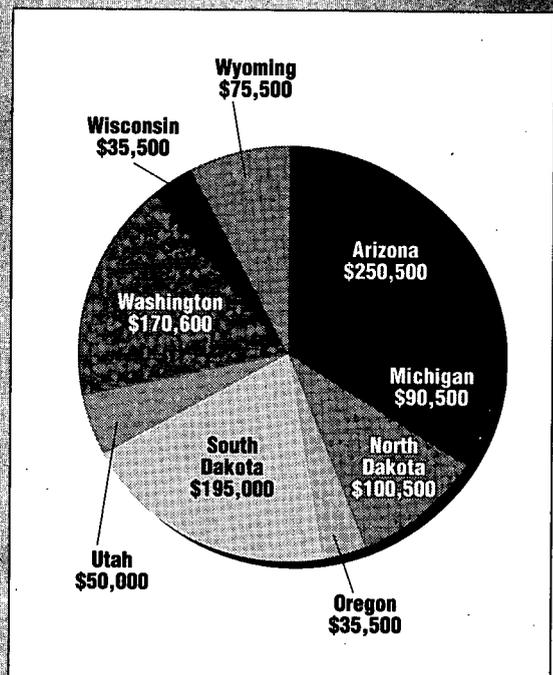


Figure 18

First Year (1988) Indian Grants for Victim Assistance



Victim assistance on reservations also has created a forum for improved communication between tribal and State governments. For example, South Dakota's subgrant contracts contained language that some tribal leaders felt threatened tribal sovereignty. To resolve this concern, State and tribal leaders discussed revisions, reached a compromise, and revised all tribal contracts. The Governor of South Dakota also designated 1990 as a year of greater cooperation between the tribes and the State and pledged South Dakota's support for Indian victim assistance programs.

The new programs have quickly become a part of the nationwide network of crime victim services. Six of the nine original States receiving "Assistance for Victims of Federal Crime in Indian Country" grants have now made State VOCA subgrant awards to reservation programs to enable them to maintain their high quality of services.

Crime Victim Compensation for Native Americans

Crime victim compensation is an important source for reimbursing victims for out-of-pocket medical, mental health, or other expenses resulting from victimization. Until 1988, very few Native Americans were aware that such programs were available to them—despite the fact that State crime victim compensation programs eligible to receive Federal funds must compensate victims of Federal crime on the same basis as victims of State crimes.

Victims of violent crimes on reservations are gradually becoming aware of their State compensation programs. With the establishment of victim assistance programs on reservations, information about victim compensation has been made available to victims much earlier after a crime. Since cooperation with law enforcement agencies and timely application for compensation are requirements of most State crime victim compensation programs, assistance in filing applications on reservations is critical. In 1990, OVC began requiring States to initiate efforts to inform residents of Indian reservations about compensation programs as a condition for receiving VOCA compensation grants. Additionally, the Native American subcommittee of the National Association of Crime Victims Compensation Boards has made a number of recommendations on how to adapt State compensation programs to better meet the needs of Indian reservations (see Appendix F).

Indian Country Training Efforts

Indian nations: Justice for victims of crime conferences. OVC has sponsored an annual national conference for Native Americans since 1988. The 1988 conference in Rapid

City, South Dakota, and the 1989 conference in Phoenix, Arizona, brought together over 400 Native American crime victims, victim advocates, and service providers from a variety of agencies and disciplines, including mental health, social services, criminal justice, and others. More than 300 participants attended the third national conference held in Portland, Oregon, in November 1990. These conferences have provided a variety of workshops and other training opportunities that focus on victim assistance on Indian reservations.

Training and technical assistance for Native American victim assistance programs. In 1990, OVC announced in the *Federal Register* the availability of funds for training and technical assistance to Indian victim assistance programs. A Native American nonprofit organization, Three Feathers Associates, was awarded a grant for \$200,000 to conduct 4 regional training seminars, 30 onsite technical assistance visits, and 8 specialized teleconferencing training sessions. Over 90 Indian victim assistance service providers attended the 4 regional training sessions. In addition, teleconferencing training sessions have been provided by victim assistance specialists. The grantee continues to provide onsite technical assistance visits.

Training for Federal Law Enforcement

OVC provides Federal criminal justice personnel with numerous training opportunities on effective intervention techniques with crime victims.

Federal Law Enforcement Training Center

During fiscal years 1988 through 1990, the U.S. Department of the Treasury's Federal Law Enforcement Training Center (FLETC) presented 12 regional training seminars titled "The Crime Victim and Witness Training Program." Funding for the training was made available under an inter-agency agreement with OVC. Participants included Federal law enforcement officers who had not had victim and witness courses at their training academies. In addition, Victim/Witness Coordinators from U.S. Attorneys' offices received two "train-the-trainer" sessions. Four of the regional programs focused on the needs of Indian law enforcement and were conducted at locations convenient to these officers and other criminal investigators. In addition, FLETC drafted eight articles on victim assistance. These articles were published or accepted for publication by criminal justice periodicals, such as *Police*, *The Police Chief*, and the *Federal Criminal Investigator's Journal*.

FLETC provides victim assistance training to all Federal law enforcement officers who attend basic or advanced

training at the Glynco, Georgia, campus through a victimology component that has been added to the Behavioral Science Divisions Practical Exercises. Student officers role-play and use video feedback to demonstrate effective communication skills when interacting with victims and witnesses. Sample victim impact statements were developed by OVC for incorporation into the FLETC training sessions.

FLETC's Office of State and Local Training, in conjunction with the FBI, sponsored and produced a 3-hour telecast, "Victim/Witness Awareness," on the Law Enforcement Satellite Training Network (LESTN). This telecast was broadcast on both LESTN and the Law Enforcement Television Network (LETN) to thousands of Federal, State, and local police officers nationwide. The telecast provided a forum for officers to phone questions to a panel of experts. OVC, in cooperation with the FBI, invited Federal law enforcement officers from various agencies in the Washington, D.C., metropolitan area to watch the telecast at the J.E. Hoover FBI headquarters. More than 70 Federal criminal justice personnel and police officers participated in this training event. The National Park Service and the Federal Bureau of Prisons also participated in regional training on victim/witness issues.

National Symposium on Child Sexual Abuse—Federal Training Program

Since 1988, OVC has annually sponsored a day of specialized training for teams of Federal criminal justice officials on the handling, investigation, and prosecution of child sexual abuse cases in the Federal system. The training occurs in Huntsville, Alabama, in conjunction with the National Symposium on Child Sexual Abuse. It presents relevant information for law enforcement, medical, victim advocacy, mental health, and social service professionals. Those attending have included FBI special agents, Assistant U.S. Attorneys, Federal Victim/Witness Coordinators, postal inspectors, investigators and prosecutors, personnel from the military services, and Bureau of Indian Affairs (BIA) criminal investigators. The training promotes an interdisciplinary approach to all aspects of investigation and treatment of child victims and the prosecution of their abusers. Attendance has increased each year; in 1990, 55 persons were trained.

Other Training Opportunities

OVC, in conjunction with Paul and Lisa, Inc., sponsored two training conferences on child sexual exploitation. These conferences (February 1988 and January 1990) trained teams of over 200 Federal investigators, prosecutors, and

service providers who handle child pornography, child sexual exploitation, and multiple-child victim cases.

In September 1988, OVC assisted the U.S. Navy by training 50 people from 9 Navy and Marine Corps stations around the world on multidisciplinary responses to child sexual abuse and other complex child abuse cases.

Through its interagency agreement with FLETC, OVC sponsored training for BIA law enforcement personnel. The six training sessions (four described in the FLETC section above) were held in Phoenix, Arizona; Aberdeen, South Dakota; Billings, Montana; Albuquerque, New Mexico; Warm Springs Indian Reservation, Oregon; and Green Bay, Wisconsin.

Spreading the Word: Information Materials

A training manual titled *The Crime Victim and Witness Assistance Training Program* was developed through the FLETC interagency agreement and distributed to the offices of all U.S. Attorneys for use by the Victim/Witness Coordinators within those offices.

Copies of a training manual, *Investigation and Prosecution of Child Abuse*, were purchased by OVC and distributed to all offices of U.S. Attorneys. This manual was developed through an Office of Juvenile Justice and Delinquency Prevention (OJJDP) grant to the National Center for the Prosecution of Child Abuse (American Prosecutors Research Institute). The manual serves as a practical guide for prosecutors and investigators in effectively handling child victim cases and addresses the needs and abilities of children who must participate as witnesses in the criminal justice system.

OVC developed a standardized informational brochure for victims and witnesses of crime. The brochure was designed to enable any Federal investigative agency to add its own agency heading and office information. Several agencies are adapting it to meet their unique needs.

Coordination With Other Federal Agencies

Executive Office for United States Attorneys (EOUSA). OVC works closely with EOUSA to address Federal training needs on victim assistance matters. An annual training conference for Victim/Witness Coordinators has workshop topics ranging from advocacy for child victims and witnesses to assisting victims of white-collar crime. Other activities include orientation sessions for new Coordinators and Assistant U.S. Attorneys, as well as ongoing training and technical assistance. In 1989 and 1990, OVC helped

train new Coordinators by supporting onsite visits to districts that were operating exemplary victim assistance programs. The Director of OVC regularly lectures at training seminars for new U.S. Attorneys and Assistant U.S. Attorneys at the Department of Justice (DOJ) Advocacy Institute.

Federal Bureau of Investigation (FBI). OVC has supported the participation of FBI special agents in specialized training sessions as members of multidisciplinary teams. Several special agents attended the Fourth, Fifth, and Sixth Annual Symposiums on Child Sexual Abuse, as well as two conferences on child exploitation sponsored by Paul and Lisa, Inc.

U.S. Postal Service. Postal inspectors attended OVC's Paul and Lisa, Inc., training conferences, as well as the annual Huntsville training on child sexual abuse and exploitation. The Postal Inspection Service has initiated efforts to respond aggressively to the problem of child pornography.

Federal Law Enforcement Training Center (FLETC). In addition to the OVC-sponsored FLETC activities, OVC provides information to its grantees about FLETC training sessions, especially sessions on child abuse for State and local law enforcement officials.

Federal Bureau of Prisons (BOP). At the initiative of the BOP Director, BOP established an Office of Victim Assistance in January 1988 to further enhance its Victim/Witness Notification and Inmate Financial Responsibility Programs.

The Victim/Witness Notification Program is used to notify interested persons of all significant activities of Federal inmates, including parole hearings, transfers, deaths, escapes, paroles, and releases. As of November 1990, BOP monitored approximately 700 inmates for more than 2,000 victims and witnesses.

The Inmate Financial Responsibility Program holds Federal inmates accountable for their court-ordered financial obligations. The program encourages inmates to use their earnings while incarcerated to make payments toward such obligations as fines, felony assessments, child support, and restitution. The degree of participation by an inmate in "financial responsibility" is assessed frequently and may be a determining factor when considering privileges, such as work assignments, parole, furlough, and transfers. Since the advent of the program in 1987, BOP has collected approximately \$43,127,491 from over 54,500 inmates.

Both programs provide services to Federal victims of crime, and OVC works with the BOP Victim/Witness Coordinators to provide information about these programs at OVC-sponsored training conferences.

U.S. Department of Defense (DOD). At the request of the Office of the DOD Inspector General (IG), OVC met with IG staff to discuss mutual program efforts for victims. DOD IG initiated a worldwide survey inspection of various Army, Navy, Air Force, and Marine installations to evaluate the effectiveness and efficiency with which DOD provides assistance and treatment to victims and witnesses of crime. DOD plans to update its guidelines for compliance with the Victim and Witness Protection Act, publish information about various victim programs, and sponsor a DOD conference on victim and witness issues.

U.S. Department of Health and Human Services (HHS). Since 1989, OVC has actively participated as a member of the Federal Inter-Agency Task Force on Child Abuse and Neglect which was established that year. As mandated by Public Law 100-294, the Child Abuse Prevention, Adoption, and Family Services Act, the purpose of the Task Force is to coordinate all Federal efforts addressing child abuse and neglect. OVC has worked with the HHS Indian Health Service (IHS), DOD, and the Department of the Interior Bureau of Indian Affairs to develop a plan for improving the Federal response to victims of child abuse and their families who receive services in Federal facilities or land areas, and where the Federal Government has jurisdiction to investigate and prosecute serious abuse cases. The plan addresses the coordination of training, prevention, investigation, prosecution, victim assistance, and treatment. Although the plan has been presented to HHS staff, no action toward implementation has been taken. Until strong steps are taken to require Federal agencies with different responsibilities for the same service population to coordinate activities, effective and timely intervention may continue to be a problem.

In addition, OVC staff members have regularly briefed HHS and IHS staff on OVC grant programs, training activities, and victim assistance efforts. For example, OVC staff personnel participated in a training session for all State CJA grantees at an HHS sponsored meeting.

A training manual, *Treating Victims of Violent Crime*, produced as a result of an OVC grant to the Crime Victims Research and Treatment Center of the Medical University of South Carolina, was shared with the IHS for use in training mental health practitioners in effective treatment methods for crime victims.

U.S. Department of the Interior. In 1989, OVC participated in the Forum on Child Protection organized by BIA and IHS. This forum addressed problems associated with providing services to child abuse victims in Indian Country. OVC has also participated in meetings of the BIA/IHS



National Oversight Committee for Child Protection to provide information about the OVC programs in Indian Country and to discuss how these programs work with BIA and IHS service programs on reservations.

Other offices within the Office of Justice Programs. In addition to the victim assistance, victim compensation, and training and technical assistance grants that are provided through OVC by the Crime Victims Fund, all bureaus and offices in the Office of Justice Programs (OJP) support activities that benefit crime victims. While joint and collaborative efforts have been emphasized in OJP program planning since 1989, OJP has recently played a vital role in coordinating the efforts of its components to address the needs of victims.

The Bureau of Justice Assistance, as part of the discretionary grant program of the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, has collaborated with OVC to establish 1990–1991 victim assistance training and technical assistance programs of national significance. These programs will enhance services to victims of drug-related crime, improve the correctional system's response to crime victims, improve the response of probation and parole personnel to the needs of crime victims while emphasizing the management of restitution, and provide a manual to assist nonlawyer victim service providers in understanding legal remedies for victims against perpetrators.

The National Institute of Justice (NIJ) supports research projects in areas such as family violence intervention, victim/witness assistance, child abuse, and abuse of the elderly. In 1989, NIJ began studies on police and child abuse, the impact of the criminal court process in child sexual assault victims, research on the consequences of early childhood abuse and neglect on future criminal and violent behavior, and victim compensation programs.

The Bureau of Justice Statistics collects, analyzes, publishes, and disseminates statistical information on crime, criminal offenders, victims of crime, and the operations of justice systems. Of special interest is the National Crime Victimization Survey, which reports critical information on criminal victimization rates in the United States. Additional reports developed in 1990 have included a full discussion of female victims of violent crime and Hispanic, black, and teenage victims.

OJJDP has collaborated with OVC to provide copies of a training manual, *Investigation and Prosecution of Child Abuse*, to all U.S. Attorneys. This manual was developed under an OJJDP grant. OJJDP also sponsors training and technical assistance programs that address topics related to

child abuse prosecution. OJJDP supports a number of activities designed to address the issue of missing and exploited children, including the 5-year National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children in America and the Missing and Exploited Children Comprehensive Action Plan.

Implementing Federal Legislation on Victim and Witness Assistance

The Federal Victim and Witness Protection Act (VWPA) of 1982, 96 Statute 1248, was the first piece of Federal legislation to recognize the important role of victims and witnesses in the criminal justice process. It ensures that the Federal Government assists victims and witnesses without "infringing on the constitutional rights of defendants," and is, itself, a model statute appropriate for State and local government legislation.*

The VWPA specifies rights that should be available for victims of Federal crimes. As amended by the Victims of Crime Act of 1984, the VWPA also gives U.S. Attorneys responsibility for informing victims of their opportunity to make a "statement, which may be presented orally or otherwise, . . . about the financial, social, psychological, and emotional harm done to, or loss suffered by [them]" at sentencing hearings.

The VWPA directed the Attorney General to develop and implement DOJ Guidelines, including specified victim

* Enactment of the Crime Control Act of 1990, Public Law 101-647 (November 29, 1990) [which contains the Victim's Rights and Restitution Act (VRRRA) and Victims of Child Abuse Act (VCAA)], reflects the view that the needs and interests of victims and witnesses had not received appropriate consideration in the Federal criminal justice system under the Victim and Witness Protection Act of 1982 (VWPA). The victims rights provisions of this law mandate that officials of the Department of Justice and other Federal agencies engaged in the detection, investigation, or prosecution of crime *make their best efforts* to ensure that victims of crime are treated with fairness and respect for the victim's dignity and privacy.

The 1990 VRRRA created, in effect, a Federal Victims of Crime Bill of Rights and *codified* services that *shall* henceforth be available to victims of Federal crime. In addition, the 1990 VCAA contains extensive amendments to the criminal code related to the treatment of child victims/witnesses by the Federal criminal justice system.

On August 6, 1991, in order to ensure full compliance with the mandate of the Crime Control Act of 1990, the Attorney General issued new Guidelines for Victims and Witness Assistance that supersede the 1983 Guidelines issued after enactment of the VWPA. The new Guidelines provide definitive guidance on implementation of the 1990 Act, as well as guidance on the protection of witnesses under the VWPA, and serve as a single resource for Department of Justice (investigative, prosecutorial, and correctional) agencies in the treatment and prosecution of victims and witnesses of Federal crimes. Implementation of these Guidelines will be reported in the next *Report to Congress*.

services, for the fair treatment of crime victims and witnesses. The Attorney General was also directed to ensure that all Federal law enforcement agencies outside DOJ adopted similar guidelines.

DOJ's Guidelines for Victim and Witness Assistance were issued on July 9, 1983. In addition to the specific services outlined in the VWPA, the Guidelines incorporated pertinent recommendations of the President's Task Force on Victims of Crime and directed all U.S. Attorneys' offices, litigating divisions, and investigative agencies to specifically designate one or more persons to provide victim/witness assistance services.

Attorney General's Guidelines for Victim and Witness Assistance—1983

Specifically Directed by VWPA

- Victim to be referred to medical services, social services, and compensation programs.
- Victim/witness notification (upon request) of:
 - Right to be protected from intimidation/harassment.
 - Arrest or release of accused.
 - Judicial proceeding/scheduling changes or continuances.
 - Pleas, plea agreements.
 - Trial results.
 - Sentencing hearing dates.
 - Right to be heard at sentencing (oral/written).
 - Date sentence imposed.
- Victim consultation services:
 - Pretrial release or diversion.
 - Reduction or dismissal of any or all charges.
 - Plea agreements/sentencing recommendations.
 - Restitution.
- Other victim services:
 - Waiting areas for victims and prosecution witnesses separate from other witnesses.
 - Prompt return of property held as evidence.
 - Employer intervention services.
 - Assistance with respect to transportation, parking, translator services.

■ Training:

- Victim assistance training for Federal law enforcement personnel and attorneys.

■ Other issues:

- Adoption of guidelines consistent with the Attorney General's Guidelines by all Federal law enforcement agencies outside DOJ.

DOJ Additional Provisions

- Efforts by Department officials to resist, to the extent possible, the disclosure of victims' and witnesses' addresses.
- Notification by Department officials to creditors of victims and witnesses (those to whom victims and witnesses owe money) if cooperation affects the ability to make timely payments.
- Establishment of Department programs to assist employees who are victims of crime.
- Assurance that the appropriate U.S. Probation Officer is fully advised of the victim impact statement requirements.
- Provision of training (within 30 days of Guidelines being issued) for all existing and new DOJ employees concerning their responsibilities in carrying out the Guidelines.

Historically, Federal law enforcement played only a minor role in providing assistance to victims and witnesses; State and local law enforcement agencies carried the burden for the majority of victims of violent crime. Passage of the VWPA, the Attorney General's Guidelines, and the Victims of Crime Act clarified the responsibilities of Federal criminal justice professionals who are involved with victims and witnesses of serious Federal crimes.

Since 1983, a substantial number of Federal law enforcement agencies have adopted guidelines similar to those of the Attorney General. These agencies (and several individual divisions within these agencies) include the following:

- U.S. Department of Agriculture:
 - Forest Service.
 - Office of the Inspector General.
- U.S. Department of Defense:
 - U.S. Air Force.
 - U.S. Army.
 - U.S. Navy.
- U.S. Department of the Interior:
 - Bureau of Indian Affairs.
 - Bureau of Land Management.

- National Park Service.
 - U.S. Park Police.
 - U.S. Fish and Wildlife Service.
 - Bureau of Reclamation.
- U.S. Department of Justice:
 - Federal Bureau of Investigation.
 - Immigration and Naturalization Service.
 - U.S. Marshals Service.
 - Drug Enforcement Administration.
 - Bureau of Prisons.
 - U.S. Department of State.
 - U.S. Department of the Treasury:
 - Bureau of Alcohol, Tobacco, and Firearms.
 - Bureau of Engraving and Printing.
 - Internal Revenue Service.
 - U.S. Customs Service.
 - U.S. Mint.
 - U.S. Secret Service.
 - U.S. Capitol Police.
 - U.S. Postal Service.

Some Federal law enforcement agencies have also developed comprehensive victim programs. The U.S. Capitol Police produced a victim/witness manual that specifies actions to be taken by the 18 specially trained victim/witness officers and detectives that represent each division of the department. An informational brochure informs victims and witnesses of their rights under the VWPA, a 24-hour hotline and an information management system notify victims of their case status, and a victim survey form measures victim satisfaction with the program. DOJ coordinates activities with the Victim/Witness Assistance Unit of the U.S. Attorney's Office for the District of Columbia. Before this program was initiated, the U.S. Attorney's Office assisted only those victims whose cases resulted in the arrest of a defendant. Assistance is now accessible to all victims.

The Department of the Treasury's FLETC in Glynco, Georgia, provides interagency training of law enforcement personnel from more than 60 Federal organizations. More than 10,000 Federal law enforcement officers received training in victim and witness issues in fiscal years 1988 and 1989. Two separate training modules—a 4-hour course in victimology and a 2-hour course on victim/witness awareness—cover VWPA requirements. Videotapes are used to place students in simulated situations with victims; other students critique their responses.

The FBI provides victim assistance training to its agents at the FBI Training Academy at Quantico, Virginia. As part of the course of instruction, the general philosophy and spirit

of VWPA and of the Attorney General's Guidelines are incorporated into several blocks of training, including behavioral science, field office management, investigations, and interviewing and interrogations. During 1988 and 1989, 947 new FBI agents received this training at the FBI Academy.

Offices of U.S. Attorneys and Victim/Witness Issues

The U.S. Attorney is the chief law enforcement representative of the Attorney General in each of 94 Federal judicial districts in the 50 States, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands. U.S. Attorneys handle criminal and civil proceedings in which the United States is a party.

The offices of U.S. Attorneys vary greatly in size and workload. Some offices have hundreds of criminal and civil attorneys and support staff, while other offices are considerably smaller. The types and number of cases handled by each U.S. Attorney also vary widely (see Table 5).

Most criminal cases do not involve violent crimes in which victims suffer physical or emotional injuries. However, some Federal districts include Federal enclaves, such as Indian reservations, military installations, and national parks or forests. U.S. Attorneys having jurisdiction over such enclaves handle cases involving rape, murder, and child sexual abuse, as well as bank robberies, which victimize bank employees and customers. In the District of Columbia and U.S. territories, Federal prosecutors handle almost all crimes occurring within their jurisdictions.

Law Enforcement Coordinating Committee/Victim-Witness Coordinators

In 1984, at the request of DOJ, Congress allocated funding for 47 Law Enforcement Coordinating Committee/Victim-Witness (LECC/VW) Coordinator positions within the

	<u>FY 1988</u>	<u>FY 1989</u>
Civil cases	86,495	88,756
Criminal cases	33,294	34,865

Federal districts. These personnel were responsible for coordinating multiagency LECC's and ensuring compliance with VWPA. The caseload in each district and the priorities of the U.S. Attorney dictate the balance of time the LECC/VW Coordinator devotes to victim and witness issues.

In 1988, the Executive Office for U.S. Attorneys allocated funding to finance LECC/VW Coordinator staff positions for the remaining 46 Federal districts, resulting in each U.S. Attorney having a position to coordinate victim and witness assistance. Coordinators keep victims of Federal crimes informed of the status of their cases, give referrals for victim services, and confer with victims about submitting victim impact statements at the time of sentencing.

Because the LECC/VW Coordinator must coordinate two diverse and important programs, he or she must depend on administrative staff members in the U.S. Attorney's office to do much of the day-to-day implementation of VWPA, such as sending notification letters to witnesses and updating victim referral lists.

The Attorney General fully supports the LECC/VW program, which is under the overall direction of the Deputy Attorney General. U.S. Attorneys from eight Federal districts make up a Law Enforcement Coordination/Victim-Witness Subcommittee (LEC/VWS) of the Attorney General's Advisory Committee of U.S. Attorneys. Five LECC/VW Coordinators serve as an advisory committee to LEC/VWS.

The Executive Office for U.S. Attorneys has issued guidelines for the uniform management of services by U.S. Attorneys' offices, in addition to the *U.S. Attorney Manual*. The Executive Office for U.S. Attorneys and OVC provide training for the Coordinators.

Survey of U.S. Attorneys' Staffs

In 1989, OVC developed a survey questionnaire (see Appendix H, Table 1) in coordination with EOUSA and LEC/VWS to send to U.S. Attorneys to determine how well their offices were implementing the VWPA and the Attorney General's Guidelines. A Victim/Witness Program Summary/Checklist (see Appendix H, Table 2) was also developed to attach to individual criminal case files to assist U.S. Attorney staff in assessing the services provided to victims of Federal crime. In February 1990, the Attorney General sent a letter regarding the importance of ensuring proper support for crime victims and witnesses to all U.S. Attorneys. The correspondence recommended use of the checklist.

The Victim and Witness Program Questionnaire covered the period of January 1, 1990, through June 30, 1990, and included two major areas—program policy and program structure. Program policy questions requested information about general office policies on the treatment of victims and witnesses. The program structure questions requested information about the numbers and types of criminal cases prosecuted, numbers of victims and witnesses, and numbers of staff allocated to the program. Other questions asked who (title of position) determined what cases fell under the Guidelines and who determined which cases were assigned to the LECC/VW Coordinator. This section also asked the districts to rate their offices on how well they provided victim/witness referral, notification, and consultation services. Anecdotal information was also requested to illustrate specific accomplishments.

Survey Results

The survey response rate was 96 percent; 89 of the 94 Federal districts responded (see Appendix H, Tables 3–5). Results indicated widespread compliance with the VWPA and the Attorney General's Guidelines when criminal cases were determined to fall under the Guidelines.

Survey results indicated that 24,151 criminal cases were accepted for prosecution (indicted) from January 1 to June 30, 1990. Of these, the VWPA was determined to apply in 7,265 cases (30 percent of prosecuted cases). There were 38,258 victims and 33,996 witnesses involved in the cases. The survey indicated that LECC/VW Coordinators were directly involved in 3,432 cases during the 6-month period and provided services to 20,980 victims and 20,588 witnesses.

A district-by-district analysis indicated a marked difference in the percentage of cases determined to fall under VWPA. Some districts indicated that VWPA applied to 100 percent of all cases, while other districts indicated only 2 percent were applicable. In districts where the LECC/VW Coordinator had all or partial responsibility for determining which cases came under VWPA, a higher number of cases were identified as being covered by VWPA.

In those districts where all cases initially were considered to fall under VWPA, such consideration was a result of witness involvement. After further review, however, it is usually determined that many of the cases are drug violations, and most witnesses are drug enforcement agents, informants, co-conspirators, and lab technicians. Such individuals do not receive witness assistance as described in VWPA.

Some districts do not have the position of LECC/VW Coordinator filled. When districts reported the number of full-time equivalents (FTE's) assigned to the program, the total was 71. While some districts responded with one FTE for the LECC/VW Coordinator, others responded by the number of hours spent by the Coordinator exclusively on the Victim/Witness Program (e.g., 0.5 FTE). Other districts included hours expended by various staff members on victim/witness activities. Of all of the districts responding, 47 percent have full- or part-time clerical staff assigned to the Victim/Witness Program, and 73 percent automate the production of victim/witness notification letters. Due to the variety of responses, it is difficult to make a summary statement regarding staff assignment to victim/witness duties.

White-collar crimes are the type of cases that most routinely involve Victim/Witness Coordinators. These types of cases are often complex. For example, a recent mail fraud case in the Eastern District of Texas involved 11 judicial districts, 6 States, and thousands of victims—of whom 2,100 were mailed restitution checks after a successful prosecution. Bank robberies, violent crime cases, and drug-related cases involved Victim/Witness Coordinators to a lesser extent. Districts with large numbers of Indian reservations have the most violent crime cases.

The districts report that the area of victim consultation services needs the most improvement, especially regarding consultations with victims about the pretrial release of the accused, plea agreements, and dismissal of charges.

Anecdotal information from the survey response indicates that statistics alone cannot illustrate the scope of victim and witness assistance efforts that routinely occur in U.S. Attorneys' offices. Some of the various time-consuming activities performed by Victim/Witness Coordinators include:

- Providing services in cases being prosecuted in other districts or before a case is even presented to the U.S. Attorney's office.
- Traveling for many hours to remote Indian reservations to speak with victims (or merely trying to locate them), because many victims' homes in these areas lack telephones.
- Providing emotional support to victims whose cases may never be prosecuted or ones in which the defendant has been acquitted.
- Responding to calls from frightened former victims who need to be reassured that if the defendant makes threats action will be taken against the defendant.

- Consulting with victims about court dates that conflict with employment, school, or health constraints.

Increased Referrals

As the Victim/Witness Program continues to expand, LECC/VW Coordinators often carry a large workload of cases. Some of the reasons for the workload—but also for the success of the program—include:

- Increased demand for victim/witness coordination because of large drug case prosecutions. Many of the witnesses are too frightened to testify and often need short-term protection, yet are not eligible for the U.S. Marshal's Service Witness Protection Program.
- Many FBI agents give bank robbery victims a brochure that describes the Victim/Witness Program and gives the Coordinator's name and phone number. This expedites the identification of victims and witnesses and gets help to the victims as soon as possible.
- Coordinators refer cases to each other, especially cases of kidnapping or violent crimes on military bases. LECC/VW Coordinators also share information when fugitives have been arrested in their districts so that victims in other districts can be notified. Over one 6-month period, the LECC/VW Coordinators from Guam, the Northern District of Florida, and Maryland coordinated efforts to help a sexual assault victim from Guam. The 27-year-old woman was brutally raped by a civilian on a U.S. military base in Guam. The victim and her husband were given a compassionate transfer to an installation in Florida; then, 6 months later, to another base in Maryland. Throughout this time, the case was in different stages of prosecution by the U.S. Attorney's office in Guam, and Coordinators kept the victim informed at all times and properly referred her to counseling and medical services.
- Social service agencies increasingly refer victims because U.S. Attorneys' offices have become a recognized resource. A case worker from a State child protection team did not know how to get medical records from a military base. She called the LECC/VW Coordinator for help. Because the child abuse was so severe and the case so sensitive, the Coordinator contacted OVC, which arranged referrals to military family advocacy headquarters.
- State officials in South Carolina referred survivors of homicide victims to the U.S. Attorney's office in Maryland. Even though it was not a Federal matter, the Coordinator provided information long distance and assisted in advocacy, plea consultation, and preparation of the victim impact

statement—an example of a U.S. Attorney's office taking the leadership role in victims issues as suggested by the Attorney General's Guidelines.

Increased Agency Coordination

- Many LECC/VW Coordinators serve as spokespersons for victim and witness issues. Cooperation among local, State, and Federal agencies helps ensure that victims of Federal crime have access to all available resources. LECC/VW Coordinators serve on State victim committees, VOCA grant review panels, and parole commission victim advisory councils. They are also active in State victim service networks.
- Interagency coordination efforts can also help Coordinators respond to victims. A recent credit card fraud case in Nebraska involved 100 victims and witnesses. The Coordinator worked with a Secret Service agent to make travel arrangements for witnesses from scattered locations.
- The Coordinator from the Eastern District of California worked with State and local victim service agencies to help a survivor of attempted homicide get proof she was a legal resident in the United States. Such proof was necessary in order to ensure that she qualified for victim compensation and other social services.
- The Coordinator in the District of Maryland helped draft victim impact statements and complete claims for State compensation. Based on a victim impact statement, a judge in that district recently ordered an upward departure (more severe sentence) as provided in the Federal sentencing guidelines.
- Through interagency cooperation and efforts of the LECC/VW Coordinator, the District of the Virgin Islands created a Victim/Witness Task Force that identifies gaps in responses to crime victims. As a result, the district can now offer emergency lodging, food, and medical services to crime victims on weekends; provide improved information about crime victim compensation; make better referrals for child victims; and provide an updated and standardized forensic rape kit.
- When an accused rapist escaped, the Coordinator from South Dakota worked with BIA and tribal authorities to ensure that the 81-year-old victim was notified immediately by police officers and that the local victim assistance program (funded by OVC) on the reservation provided protection until the rapist was recaptured.

Provision for Special Needs

- The Coordinator in Hawaii arranged with an airline for supplemental oxygen for a sexual assault victim who was diagnosed as suffering from cyanotic congenital heart disease. The Coordinator also arranged for special equipment in the grand jury room for a witness who had undergone back surgery and needed to testify in a prone position.
- The Coordinator in the Southern District of Ohio provided personal transportation for two out-of-State elderly victims who had been shot while on a Greyhound bus. The victims did not drive, were fearful of planes, and refused to travel by bus because of the crime. They traveled from their home in Pennsylvania to Ohio by train but were still several hours from the district court. The Coordinator made special efforts to ensure that the victims had access to transportation in order to appear in court at the appointed time. The victims' testimony played a significant part in bringing about a guilty verdict.
- The Eastern District of Virginia tried two especially difficult kidnap-rape cases during the survey period that required special services for victims. One rape victim was a grandmother whose family did not know of the sexual assault. Another case, involving the kidnapping of a young child, received national media attention. The child has never been found, and the mother was the target of an extortion attempt. Although still traumatized, the mother had to testify at the extortion trial. The Coordinator made special arrangements to enable the mother to testify as painlessly as possible and to avoid further media attention.

Difficult Cases Bring Improved Services

- A hospital turned away an Indian rape victim from the Wind River Reservation in Wyoming when she needed a forensic examination following the sexual assault and instead referred her to an IHS hospital many miles away. The LECC/VW Coordinator got the IHS and local hospitals to coordinate authorization and payment policies so that future Native American sexual assault victims could receive treatment at the nearest facility and not be inconvenienced or further traumatized by travel.
- A 13-year-old Puerto Rican boy, a victim of child molestation, was brought to Florida for the purpose of further sexual exploitation. Although the State placed the victim in foster care, he was unable to adjust. Due to the legal complexities of guardianship and residency, no State child welfare or compensation funds could be obtained. OVC was able to provide temporary emergency funding so he could

be admitted to a highly structured treatment program in a private adolescent hospital and receive intensive counseling, education, and support services. He stayed almost 2 months. After an indictment was obtained, the boy returned to Puerto Rico and the LECC/VW Coordinator there assumed responsibility for assisting with arrangements for further services.

■ The U.S. Attorney's office in Arizona handled a multiple-victim child molestation case involving an elementary school teacher who worked in the tribal day school in Supai, the home of the Havasupai Indian tribe. Located on the floor of the Grand Canyon, Supai can only be reached by helicopter, horse, or a 4-hour descent on foot. Neither the tribe, BIA, nor the IHS staff had experience with or had developed services needed by the children, their parents, the school, or the community to understand and cope with this complex crime. Working with leaders of the tribe, the Victim/Witness Coordinator from Arizona located an experienced psychologist and requested OVC Federal Crime Victims Emergency Services Funds to provide treatment and community education services.

■ The U.S. Attorney and the LECC/VW Coordinator from the District of New Mexico provided a Victim Information Form to all Federal and tribal law enforcement agencies in the State. The form details the names, addresses, and phone numbers of victims, the investigating officer, and a list of medical and social service referrals that were made by the responding officer. The completed form is submitted to the U.S. Attorney when cases are submitted for prosecution. The Coordinator reports that the forms are being submitted prior to cases being actually referred, thereby making it possible to provide assistance and referrals shortly after victimization.

■ A tourist was robbed while on vacation in Yellowstone National Park. A commercial airline wanted to charge the victim a "research fee" to obtain airline ticket purchase information so a refund could be made for stolen airline tickets. The Coordinator from Wyoming intervened with the airline on behalf of the victim. The airline subsequently waived the fee, and the victim received a refund.

■ Two BIA police officers and one tribal Fish and Game Warden were seriously injured in separate incidents. The

Coordinator from Wyoming obtained "post-critical incident" counseling for them through OVC and the Wyoming Crime Victims Compensation Commission.

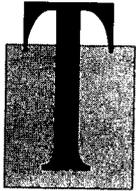
■ The Western District of Virginia prosecuted three evangelists for transporting young male minors across State lines for sexual exploitation. Over 20 victims were identified in several States, and all victims and their families received letters offering to assist in finding counseling and treatment services. After unconfirmed media accounts of a positive HIV test for one of the evangelists, the U.S. Attorney requested an AIDS testing order. The U.S. district court judge issued the order and BOP complied. The tests were negative and the LECC/VW Coordinator notified all the identified victims.

Summary

Since 1987, major improvements in the treatment of victims of Federal crimes have been realized. Enactment of the Federal Crime Victims Bill of Rights, the Victims Rights and Restitution Act, and the Victims of Child Abuse Act (contained in the Crime Control Act of 1991, Public Law 101-647), and the issuance of the 1991 Attorney General's Guidelines for Victim and Witness Assistance, have created a new framework for victims rights in the Federal criminal justice system. Increased awareness and commitment to victims rights is apparent in Federal investigative agencies and prosecutors' offices across the country. In addition, the development of the Federal Crime Victims Emergency Services Fund and support for victim's assistance services on remote Indian reservations have significantly improved the plight of violent crime victims who otherwise had nowhere to turn for help.

Grant and training programs, as well as coordination efforts, have truly made a difference in the response to and services for victims of Federal crime. While treatment has improved, there is an ongoing need for training Federal investigators, prosecutors, and victim/witness personnel. In addition, it is critical that victim assistance programs established on Indian reservations be continued so that, as President Bush stated in the 1990 National Crime Victims Week ceremony at the White House, "When violence strikes, everyone should have a place to turn."

Training and Technical Assistance and National-Scope Grants



The Office for Victims of Crime (OVC) recognizes the critical importance of providing training opportunities to the myriad volunteers and professionals who come into contact with crime victims at some point following the crime. Such training can provide valuable knowledge to advocates and professionals who work with crime victims and foster concern for victims' needs. Victims of violent crime often suffer not only the initial trauma, but painful effects long after the crime. Effective supportive responses from law enforcement, advocates, and treatment specialists are essential to the recovery of the victim. Knowing how to react, using the words that are helpful and not harmful, understanding the complexities of victims' responses, being able to express appropriate concern and support to victims, and providing the information and opportunity for involvement that victims want from the criminal justice system are skills and abilities that can be conveyed through effective training opportunities.

Under the 1986 Victim of Crime Act (VOCA) amendments, up to \$500,000 was earmarked for grants to eligible crime victim assistance programs for training and technical assistance services. OVC's national-scope and training and technical assistance grants have focused on projects for victim assistance service providers, criminal justice professionals, mental health and health professionals, and the clergy in an effort to improve the response to and services for crime victims.

Improved treatment of victims by the criminal justice system has consistently been a focus of the four other bureaus and offices within the Office of Justice Programs. Many of these activities are described in chapter 5. Of particular note in this chapter is the successful collaboration among OVC, the Bureau of Justice Assistance (BJA), and the Office of Juvenile Justice and Delinquency Prevention (OJJDP)—a collaboration that has produced several national-scope training and technical assistance projects focused on victims issues.

Since 1986, in addition to the discretionary grant program under VOCA, OVC has been responsible for competitive grant awards to support training for law enforcement in responding to family violence calls, as provided for under Public Law 100-294, the Family Violence Prevention and Services Act. Also, small grants to support the dissemination of information and documentation to victims of family violence have been awarded to communities under Section 303(b) of Public Law 100-294, 42 U.S.C. 10410(b)(2)(A).

Discretionary Grant Program

The strong commitment of the Acting Director of BJA and the Administrator of OJJDP to work cooperatively with OVC on victims-related training and technical assistance projects has resulted in a variety of projects that could not otherwise have been supported by limited VOCA funding.

From October 1, 1987, through September 30, 1989, OVC awarded \$2,914,121 in national-scope and training and technical assistance grants to organizations to supply quality instruction and technical assistance to victim service providers, law enforcement officers, prosecutors, mental health and health professionals, and others who have a role in responding to victims' needs. These grants are discussed below by type of training offered.

Victims of Sexual Assault

The Harbour, Inc., located in Des Plaines, Illinois, is a nonprofit, short-term, 24-hour emergency care facility offering shelter to troubled girls ages 12 through 17, as well as supportive services to their families. This grantee was awarded \$112,489 to help States implement a standardized evidence-collection protocol for hospitals that treat victims of sexual assault.* The evidence collection protocol had been developed under a previous Federal grant that enabled interested States to revise their procedures in dealing with sexual assault victims.

The project provided training and technical assistance to 14 States that wanted but lacked an effective standardized evidence procedure. The project design encouraged communication among the five disciplines responsible for the proper collection, preservation, and transfer of physical evidence—law enforcement, legal, forensic, medical, and victim advocates. The goal was to assist each participating State in developing an evidence collection protocol and kit. Some States also provided training for hospital personnel in the use of the protocol and kit. In fact, the New Hampshire Attorney General's Evidence Collection Protocol kit and training videotape for hospital personnel won a national award as the Best Public Service Project for 1989 from the American College of Obstetrics and Gynecology and Wyeth Laboratories.

The **General Federation of Women's Clubs (GFWC)**, located in Washington, D.C., received \$35,000 from BJA and OVC to cosponsor, with the Federal Bureau of Investigation (FBI), a training conference on sexual assault awareness and rape prevention. The conference, which took place in July 1988 in Quantico, Virginia, provided training to more than 60 GFWC State chairpersons and other officials and generated an extraordinary information sharing effort at

State and local levels. Followup training was coordinated through FBI field offices. As a result of this award, eight regional GFWC conferences were held to focus attention on sexual assault awareness and rape prevention.

Child Victims of Abuse and Neglect

Children's Hospital National Medical Center, located in Washington, D.C., received a \$24,988 grant as partial funding for the National Symposium on Child Victimization, which is cosponsored with the U.S. Department of Health and Human Services (HHS) Division of Child Protection and the National Center on Child Abuse and Neglect.

The symposium, held in April 1988 in Anaheim, California, drew more than 2,000 participants and addressed a full range of issues related to maltreatment of children. Training was provided through 12 skill development workshops.

The **National Children's Advocacy Center**, located in Huntsville, Alabama, received \$30,910 in fiscal year 1988 as partial support for the Fourth National Symposium on Child Sexual Abuse (February 1988) and an additional grant in fiscal year 1989 for the Sixth National Symposium on Child Sexual Abuse (March 1990). These symposia, held in Huntsville, Alabama, offered multidisciplinary training to professionals in providing and coordinating responses to child sexual abuse.

The fiscal year 1988 grant also supported attendance at the Fourth Symposium of 30 Federal officials in teams consisting of Assistant U.S. Attorneys, Federal Victim/Witness Coordinators, and investigators (e.g., FBI, U.S. Postal Service, Bureau of Indian Affairs, Naval Investigative Service, and U.S. Customs Service) assigned to child sexual abuse and exploitation cases in the Federal justice system. The following year's grant also provided for a day of intensive training for Children's Justice Act grantees and Federal officials assigned to investigate and prosecute child molestation and sexual abuse cases on Indian reservations.

American Enterprise Institute, located in Washington, D.C., received a \$60,877 grant to support the development and production of a report on the role of police agencies in serving victims of child abuse and neglect. Designed for use in future training and technical assistance, *Combating Child Abuse: Guidelines for Cooperation Between Law Enforcement and Child Protective Services* also delineated ways that the police can better protect abused children through the use of their legal powers and operational capabilities. The report is available from the National Victims Resource Center.

* Copies of this protocol may be obtained free by calling OVC's National Victims Resource Center at 800-627-6872.

Paul and Lisa, Inc., located in Westbrook, Connecticut, is a private nonprofit program dedicated to fighting sexual abuse and exploitation of children. It was awarded a \$93,529 cooperative agreement in 1988 to provide direct services and to implement training and prevention programs.

The direct service component allowed Paul and Lisa, Inc., to reinstitute a street-work program first offered in New York City in 1982-1983. This program was designed to rehabilitate children exploited by adults for pornography and prostitution purposes. Working in eight target areas (among them the Bowery, Grand Central Station, and the Port Authority Bus Terminal), outreach workers talked with more than 250 young persons who had come to New York from other States. Most of these young people are transported and kept for exploitive purposes by pimps and others who victimize them in violation of Federal laws.

The training and prevention component, in conjunction with the University of Pennsylvania School of Nursing, showed how different skills and academic disciplines can work together to fight child sexual abuse. Two separate conferences presented current research and legal principles to a total of 200 Federal prosecutors, postal inspectors, customs and immigration officers, and others who work with children at risk of sexual exploitation.

Victims of Domestic Violence and Spouse Abuse

The **National Woman Abuse Prevention Project**, located in Washington, D.C., received \$22,119 to continue and enhance its efforts to inform and educate the general public about the nature of domestic violence and the cycle of violence as it impacts the next generation. The grant allowed the project to serve as a resource to professionals and organizations who work with battered women. Two national advisory committees were established as a result.

The **Task Force on Families in Crisis**, located in Nashville, Tennessee, is a national grassroots volunteer organization focusing on family and spouse abuse issues. It received grants totaling \$772,905 over 3 years to address early intervention in family violence. The Final Report of the Attorney General's Task Force on Family Violence made it clear that nonprofit, business, volunteer, and religious organizations must become involved in recognizing and preventing family violence. This project assisted five communities in developing their own programs in 1987 and 1988 for assessing family needs, strengthening family structures, and preventing family violence.

Survivors of Homicide Victims

Parents of Murdered Children and Other Survivors of Homicide (POMC), located in Cincinnati, Ohio, received a supplemental award of \$96,368 for 1989 to 1990 to provide technical assistance to POMC chapter leaders, contract workers, and volunteers who work throughout the country on behalf of crime victims. POMC has developed and distributed 900 copies of its guide for establishing chapters and services. POMC's chapters train community members to organize self-help groups, give information about the grieving process and the criminal justice system, and provide information to professionals about the problems faced by survivors of homicide victims. POMC's work has resulted in the development of a national network with 300 chapters and contact people serving approximately 18,000 members across the Nation and abroad.

Fernside, located in Cincinnati, Ohio, is a unique organization that focuses on responding to grieving children. It received a \$75,000 grant to conduct three workshops to train victim service providers, mental health professionals, the clergy, and other interested persons on the dynamics of the grieving process for children. Survivors of homicide victims have long been known as an unrecognized and underserved population. Children who witness the death of a parent or sibling or whose family members have been murdered or committed suicide need special counseling and care to recover from the trauma. The sponsored training materials were developed to help children begin to cope with the crippling loss of a parent or sibling through a violent death. The workshops were held between 1988 and 1991 in Portland, Oregon; Cincinnati, Ohio; and New Orleans, Louisiana.

Other Grant Activities

Spiritual Dimensions in Victim Services (SDVS), located in Sacramento, California, received a grant of \$106,654 and a supplemental award for efforts to enhance the services that religious organizations provide to victims. SDVS conducted four regional inservice training conferences for clergy, lay leaders, and human service providers regarding the nature and extent of victimization and ways of responding to a victim's trauma. Establishing linkages with local victim assistance providers was an essential component of the training. SDVS then developed a model training manual (available from SDVS and the National Victims Resource Center) to serve as a self-education guide for religious people and ministers who seek to aid victims. The manual also provides detailed information for replicating the training conference. A total of 588 people received training.

The **National Victim Center**, located in Fort Worth, Texas, received \$218,912 in September 1988 to conduct a series of regional conferences titled "Victims Rights: Opportunities for Action." A 600-page resources notebook for conference participants addressed such issues as methods of exchanging information, developing skills in crisis intervention, counseling, use of support groups, confidentiality, program administration, fiscal responsibility, and questions of liability.

Supplementary grants of \$10,000 and \$12,000 were awarded to develop materials to help victim service providers prepare 1989 and 1990 National Victims Rights Week activities.

In 1990, a competitive grant (\$149,435) was awarded to the National Victim Center for a five-conference series called "Advocacy in Action." The General Federation of Women's Clubs joined the effort with volunteers who assisted in conference registration and logistics. The National Victim Center also gave a series of press interviews and presented a 1-day "Crime Victims and the Media" symposium following the first conference.

The **National Organization for Victim Assistance (NOVA)**, located in Washington, D.C., was awarded a grant of \$529,068 for a series of 3-day seminars in 1988-1989 on victim counseling, victim advocacy, and program management; production of a 1988 *Legislative Directory*; 12 monthly newsletters; and 4 information bulletins.

In 1990, NOVA was also awarded a competitive grant to prepare and present five regional training conferences for victim assistance service providers building on previous training curriculums.

The **National Association of Crime Victim Compensation Boards**, located in Washington, D.C., has been awarded a total of \$484,216 since 1988 for a 3-year project to develop and implement a training and technical assistance program to improve the performance of State crime victims compensation programs. This included (1) providing direct consultation to existing and emerging State crime victim compensation programs in order to strengthen the organization and the administration of State programs, (2) conducting a national training program for crime victim compensation program staff, (3) publishing a bimonthly newsletter for crime victim compensation programs to transfer knowledge about the latest practices and procedures, (4) developing a users manual for personnel processing applications for crime victim compensation, (5) assisting OVC in efforts to help States meet or maintain eligibility for crime victim compensation grant awards under the Victims of Crime Act, and (6) initiating an effort

to inform Native American victims of violent crime on Indian reservations of victim compensation programs.

The **Crime Victims Research and Treatment Center of the Medical University of South Carolina**, located in Charleston, South Carolina, received a \$99,683 grant in 1988 to develop a curriculum for training mental health professionals in the detection, assessment, and treatment of victims with crime-related mental health problems. The research and development included conducting three regional training workshops with separate tracks for treating adult victims of violent crime, child victims of abuse, victims of family violence, and training for managers of service programs.

The **National Organization of Black Law Enforcement Executives (NOBLE)**, located in Washington, D.C., received \$130,000 in 1988 to provide technical assistance to 12 police-based victim assistance programs in large municipal police departments. NOBLE developed training programs for minority community leaders in six of the host sites, developed uniform evaluation procedures for these programs, trained personnel on the provisions of VOCA, and coordinated a technical exchange program to help other communities adopt police-based assistance programs.

Family Violence Prevention and Services Grants

Under the Family Violence Prevention and Services Act, funds from HHS have been transferred to OVC since 1986 to administer the Law Enforcement Training and Technical Assistance portion of this Act.

In the first year of this competitive grant program, the Victim Services Agency (VSA) of New York City received funding to survey law enforcement agencies throughout the country regarding family violence policies, practices, and training programs. The funding also assisted VSA in the development of model operating procedures, training manuals, and a training videotape for law enforcement executives.

In 1987, VSA expanded the regional training program to include police training officers. Utilizing a "train the trainers" approach, VSA developed a comprehensive training program with training manuals and videotapes to help prepare patrol officers and dispatchers for effective law enforcement responses to domestic violence calls.

In 1988, OVC continued to support regional training for law enforcement. In an effort to increase law enforcement enrollment in training sessions, emphasis was placed on

awarding the training grant to a law enforcement membership organization with experience in providing national or regional law enforcement training. After a successful grant competition, NOBLE was selected to conduct regional training for State and local law enforcement executives and mid-level managers.

In 1989, OVC changed the approach of this grant program from regional training to a more targeted effort designed to permit State-specific training for law enforcement officers. Since the goal is a long-term change in policies and procedures in responding to family violence calls, the training grants focused on enabling State and regional police training academies to review and revise their officer training curriculums. Preference was given in the competitive grant application review to applications that had the greatest likelihood of producing long-term change and offered the greatest opportunity for training large numbers of law enforcement officers in pro-arrest responses and providing assistance to victims. Six grants were awarded under the grant announcement titled "Training and Technical Assistance for Law Enforcement."

Each of these grants supported statewide training and technical assistance for law enforcement officers and policy makers on domestic violence protocols, policy, and procedures. Current curriculums and training resources were reviewed and training sessions were held on revised curriculums at various points around the State.

Each program was attuned to the organizational facilities available in that State. In North Dakota, the Victim Services Agency sponsored a State training conference. In Kentucky, the resources reviewed included the State Department of Criminal Justice Training, State Police, and the State Sheriff's Academy. In Massachusetts, activities were coordinated with those of the State Victim Witness Advocacy Board.

VSA, located in New York, New York, worked with the Alabama Coalition Against Domestic Violence and the State of Alabama to coordinate a statewide training task force, prepare training materials tailored to Alabama law, and provide training to 100 participants.

Having designed, developed, and distributed computer-based law enforcement training materials throughout Michigan during the previous 3 years, the Detroit Police Department developed family violence training standards, converted them into computer-based programs, and sponsored a community training conference for the Detroit metropolitan area.

Under a new grant program authorized by Section 303(b) of Public Law 100-294, 42 U.S.C. 10410(b)(2)(A) of the

Figure 19

Family Violence Training and Technical Assistance for Law Enforcement Grants

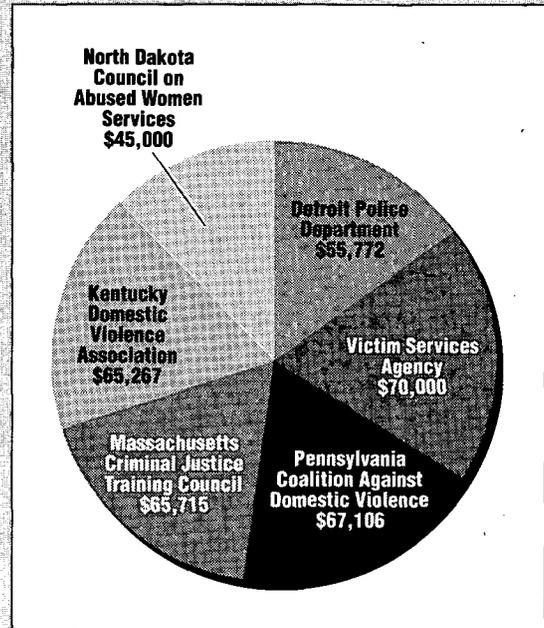
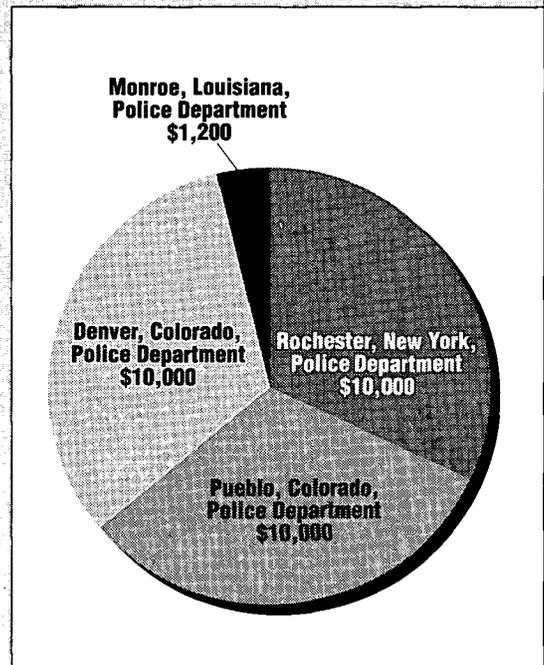


Figure 20

Family Violence Information Dissemination Grants



Family Violence Prevention and Services Act, OVC awarded dissemination grants to local communities to:

- Develop and distribute informational material on family violence.
- Develop procedures whereby domestic violence shelters, hospitals, social service agencies, and law enforcement agencies could help victims document the abuse they suffered with written reports.
- Develop a system by which the shelter or other agency would, with consent of the victim, obtain information from law enforcement agencies about the incident in which the victim was abused.

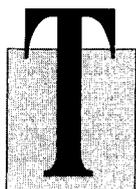
Under this program, three grants of \$10,000 each were awarded to the police departments of Rochester, New York, and Pueblo and Denver, Colorado, and a grant of \$1,200 was awarded to the police department in Monroe, Louisiana.

Summary

Training and technical assistance for the professionals and volunteers who have a role in responding to the needs of crime victims is an ongoing need that has been addressed at the Federal level through the collaborative efforts of OVC, BJA, OJJDP, and the HHS Office of Human Development Services. Whether the victims suffered sexual assault, sexual abuse and exploitation, spouse abuse, or other forms of victimization, each program's purpose was to foster a compassionate response and cooperation between victim advocates and criminal justice professionals. These training and technical assistance grants have enabled numerous volunteers and professionals to learn new techniques to relieve victims' suffering, to provide support and protection, and to help victims participate in criminal justice proceedings.

CHAPTER 7

Children's Justice Act Discretionary Grant Program for Native Americans



The Children's Justice and Assistance Act of 1986 (Public Law 99-401), also known as the Children's Justice Act (CJA), was an amendment designed to systematically improve the handling of serious cases of child abuse, especially child sexual abuse cases at the State and local levels. The Act responds to the trauma child victims and witnesses suffer as a result of their participation in the criminal justice process.

CJA amended the Child Abuse Prevention and Treatment Act of 1974 and the Victims of Crime Act of 1984 (VOCA), 42 U.S.C 10601 et seq. This Act reallocated moneys from the Crime Victims Fund (established under VOCA), reducing the Federal Crime Victims Program funds and providing new resources to States through grants administered by Department of Health and Human Services (HHS). The CJA grant program encouraged States to improve (1) the handling of child abuse cases, particularly cases of child sexual abuse, in a manner that limits additional trauma to the child victim and (2) the investigation and prosecution of child abuse, particularly child sexual abuse.

In 1987, States meeting eligibility requirements were invited to apply for a CJA grant. The grant allowed States to develop new programs to reduce trauma to the child victim by reforming administrative and procedural aspects of the State criminal justice system. This legislation was intended to enable systems that investigate, handle, and prosecute these complex child abuse cases to be more responsive to the abilities and needs of child victims and witnesses. Table 6 shows how HHS has distributed funds. See Appendix I for individual State allocations.

Table 6

<u>Year</u>	<u>Number of States/Territories</u>	<u>Amount</u>
FY 1987	25	\$4.8 million
FY 1988	27	\$3.5 million
FY 1989	32	\$3.6 million
FY 1990	43	\$9.2 million

HHS reports that States receiving these grants improved the response to child victims through a variety of activities, including:

- **Children's Advocacy Centers** and statewide multidisciplinary training.
- **Specialized training** for professionals, such as judges and prosecutors.
- **Protocol and procedures development.**
- **Victim assistance services** to support children and their families through the court process.
- **Staff changes** that designate a single prosecutor for a case or establish a children's investigation unit.
- **Specialized treatment services** for victims of child abuse and their families.
- **New legislation** that modifies courtroom procedures and supports children in other ways.

Examples of State efforts include:

- **Alabama**—Compiled offender treatment approaches for use by prosecutors and judges when considering sentencing options for sex abusers.
- **Arkansas**—Enacted a statute in 1987 requiring that all children in custody must have a guardian ad litem.
- **Colorado**—Centralized onsite telephone consultation for personnel investigating and prosecuting child sexual abuse cases.
- **Connecticut**—Changed confidentiality laws to facilitate information sharing among members of the multidisciplinary teams, because existing laws were presenting barriers.
- **Delaware**—Developed a manual and specialized training program for handling child abuse cases that occur at out-of-home settings.
- **Georgia**—Will convene a review panel in all child death cases and make an autopsy mandatory in all cases of unexplained deaths of children under the age of 7.
- **Idaho**—Passed new evidentiary laws that allow the Grand Jury to accept hearsay in cases involving child victims. These statutes allow such evidence to be used at the time of trial if the witness is not available to testify.
- **Maine**—Provided funding for five paralegals to help child protective service workers prepare records or summaries of information for the court for testifying.

■ **New Mexico**—Enacted a statute making it a crime to interfere with or obstruct a child abuse investigation.

■ **Oregon**—Enacted a statute requiring all district attorneys to form multidisciplinary teams to address child abuse matters. The law requires all team members to be trained in conducting child abuse investigations.

■ **Tennessee**—Set new standards for "post-plea" agreements in cases involving child victims.

■ **Texas**—Established a Child Abuse and Neglect Resource Center permitting any attorney handling a child abuse case to receive a telephone consultation, obtain information by mail, or visit the center for consultation or assistance with a case.

A full report of the effectiveness of CJA grants to States will be provided by HHS in a separate report to Congress.

Evolution of the CJA Program for Native Americans

During the mid-1980's, reports of sexual abuse of Native American children on reservations sharply increased. In 1987 and 1988 the Office of the U.S. Attorney in Arizona requested the assistance of the Office for Victims of Crime (OVC) with several cases of multiple-victim child molestation that had occurred in day and boarding schools on the reservations in Arizona. The cases involved teachers who had taught in schools for several years and were alleged to have molested hundreds of children during that time. It became apparent that services were seriously lacking for more than 400 child victims. It also became clear that responding to child abuse in Indian Country was more difficult than handling abuse reported in communities not on reservations. Complicating factors included lack of services; geographic isolation; cultural diversity; language barriers; difficulty with transportation and basic communication (e.g., lack of telephones); and overlapping Federal, State, and tribal authority for investigating and intervening in child abuse cases.

OVC worked with the Federal Victim/Witness Coordinator in Arizona to set up short-term emergency treatment services. The services for these children and their families represented OVC's first use of the Crime Victims Fund to support treatment for crime victims in Indian Country. Subsequently, OVC developed initiatives to improve the response to Native American victims of child abuse. As the time to reauthorize VOCA approached in 1988, OVC recommended that CJA funds be made available to Indian

tribes in order to assist them in improving the response to serious child abuse cases on Indian reservations.

The Anti-Drug Abuse Act of 1988 reauthorized VOCA and incorporated the Department of Justice proposal to amend VOCA by earmarking a portion of CJA funds for Indian tribes. This legislation authorized \$675,000 of the funds that would have gone to HHS for CJA State grants to be used instead by OVC for grants to Indian tribes to improve the handling of child abuse cases, particularly child sexual abuse cases.

Under 42 U.S.C. 10601 (g)(1), the Attorney General, acting through the Director of OVC, is directed to fund the CJA Discretionary Grant Program for Native Americans. OVC's Discretionary Grant Program for Native Americans is an initiative to bring about systemic improvement in the investigation and prosecution of child abuse cases in Indian Country.

Implementation of CJA for Native Americans

In 1989, OVC published a *Federal Register* notice announcing the availability of these funds. Funds are granted to federally recognized Indian tribes through a competitive discretionary grant process. Initiatives funded through CJA are intended to address shortcomings of the criminal justice system in handling child sexual abuse cases through improved investigative and prosecutorial practices, better case coordination, and improved services for child victims and their families.

Leaders of all federally recognized Indian tribes received applications. OVC requested that tribes design model programs to foster greater cooperation among all investigating and prosecuting agencies for child abuse cases and those treating child victims. Generally, the responsible entities are law enforcement agencies; prosecutors; judges; and health, mental health, social services, and victim service agencies. These same entities are often the representatives on a multidisciplinary team. To receive a grant, a tribe is required to describe its current response to child abuse and propose reforms that are appropriate to the tribal setting and governmental structure.

In response to the first announcement, 46 tribes submitted applications. On February 6, 1990, the first 10 grants were awarded. Because available resources and jurisdictional authority for investigation and prosecution vary for each tribe, each grant funded is unique to the needs of that tribe. The projects have supported:

- Special prosecution units.
- Training for multidisciplinary teams.
- Revision of tribal codes to address child abuse.
- Child advocacy services for children involved in the court process.
- Protocols for reporting, investigating, prosecuting, and treating child sexual abuse cases.
- Improved case management and treatment services.

In November of 1990, another 10 CJA grants were awarded directly to tribes. See Table 7 for a list of funds distributed to Native Americans.

This grant program is currently the only source of Federal funds for tribes that focuses on improving the criminal justice process by increasing support for and lessening trauma to child victims. The program is already rich in accomplishments, the most frequent being the establishment or expansion of multidisciplinary teams. Training was common to all grantees. Development of formal protocols among tribal, Federal, and State entities that respond to child abuse was also common among grantees, as were plans for revision of tribal codes. Other examples of improvements from individual tribal programs include:

The Assiniboine/Sioux Tribes at Fort Peck have organized and trained a multidisciplinary team and appointed a Chief Special Prosecutor to coordinate the prosecution of all child abuse and child sexual abuse cases. The capability of the tribal court to respond to child abuse cases and to protect child victims has been strengthened.

The Crow Creek Sioux Tribe through Red Horse Lodge has been successful with liaison work provided by an Investigative Social Worker (ISW) funded by the CJA grant. The ISW accompanies police on all initial investigations of child abuse. As a result, communication and coordination between social services and law enforcement agencies have dramatically improved, and documentation of cases has become faster and more efficient.

The Cherokee Nation has established a legal counsel to review all prosecution efforts and coordinate efforts between its child protection team (CPT), the district attorney's office, Cherokee County, and its CJA project staff physical and sexual abuse cases. The legal counsel's assessment of the strengths and weaknesses of cases has resulted in a court order that requires all county officials, including the district attorney's office, to provide the Cherokee Nation with a copy of reports involving all Indian children cases that are pending or are under investigation. This change

Table 7**Children's Justice Act for Native Americans****First Cycle (February 1990):**

Assiniboine and Sioux Tribes (Fort Peck Indian Reservation, Montana)	\$50,000
Cherokee Nation of Oklahoma	\$52,000
Crow Creek Sioux Tribe (Crow Creek Reservation, South Dakota)	\$41,000
Gila River Indian Community (Gila River Indian Reservation, Arizona)	\$43,000
Hopi Tribe (Hopi Reservation, Arizona)	\$45,000
Mississippi Band of Choctaw (Choctaw Reservation, Mississippi)	\$40,000
Nez Percé Tribe (Nez Percé Reservation, Idaho)	\$50,000
Oglala Sioux Tribe (Pine Ridge Reservation, South Dakota)	\$60,000
Pueblo of Santa Clara, New Mexico	\$30,000
The South Puget Sound Intertribal Agency/ Intertribal Family Services (on behalf of the Chehalis, Skokomish, Squaxin Island, Quileute, Jamestown Klallam, Makah, Lower Elwha, and Shoalwater Bay Tribes of Washington)	\$55,000
TOTAL	\$466,000

Second Cycle (November 1990):

Blackfeet Tribal Business Council (Blackfeet Nation, Browning, Montana)	\$84,625
Bristol Bay Native Association (Dillingham, Alaska)	\$84,486
Grand Portage Reservation (Grand Portage, Minnesota)	\$31,001
Grand Traverse Band of Ottawa/Chippewa (Suttons Bay, Michigan)	\$55,214
Hannahville Indian Community (Wilson, Michigan)	\$49,027
Menominee Indian Tribe (Keshena, Wisconsin)	\$27,210
Rosebud Sioux Tribe (Rosebud, South Dakota)	\$56,833
Salt River Pima/Maricopa (Scottsdale, Arizona)	\$63,759
Washoe Tribe of Nevada/California (Garnerville, Nevada)	\$65,317
Navajo Nation (Window Rock, Arizona)	\$98,200
TOTAL	\$615,672

enables members of the Cherokee Nation CPT to become involved in child sexual and physical abuse cases at an early stage so that Cherokee tribal officials can provide assistance to the families.

The Oglala Sioux Tribe has developed a training curriculum on investigation and prosecution of child abuse. The curriculum was adapted to the Sioux culture. Training sessions on location include a panel of multidisciplinary members with representatives from the FBI; Bureau of Indian Affairs criminal investigators; prosecutors; tribal police; tribal judges; CPT; medical, health, and legal services; tribal elders; parents; and foster parents associated with the State of South Dakota Department of Social Services.

The Pueblo of Santa Clara has assigned one law enforcement officer who has been specially trained to work on all child abuse case investigations. Cases were previously assigned to any officer regardless of training or education.

The Gila River Indian Community has renovated an existing building to create a regional training center with interview facilities for child sexual abuse victims. The center will train members of multidisciplinary teams in state-of-the-art interviewing.

In addition to funding programs, a portion of CJA funds has been used to provide training opportunities. For example, CJA grantees attended the Sixth National Symposium on Child Sexual Abuse in Huntsville, Alabama, which presented state-of-the-art information (on interdisciplinary approaches to handling child sexual abuse) for law enforcement, medical, victim advocacy, mental health, and social service professionals and advocates.

In October 1990, \$150,000 was awarded to the National Indian Justice Center to provide training, technical assistance, and consultation to the tribes that received a CJA Discretionary Grant for Native Americans. Assistance has included an intensive skills-building workshop for all grantees, a resource manual, and both onsite and telephone consultation.

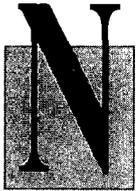
Summary

OVC initially became aware of the lack of services for Native Americans in 1987. As a result of OVC's experience in providing emergency services to multiple victims of child sexual abuse on Indian reservations, OVC developed new initiatives and expanded a system of victim services to areas where services were nonexistent or inadequate. OVC made development of these services a program priority.

Through the CJA Discretionary Grant Program for Native Americans, OVC hopes to bring about systemic improvement in the way child abuse cases are investigated and prosecuted in Indian Country, with model programs developed by the Indian tribes and adapted to the unique culture of Native American communities. The changes sought involve a multidisciplinary approach that represents coordination of all responsible entities at the tribal, Federal, and State levels.

OVC remains dedicated to providing services to child victims in remote sections of Indian country. Integration of criminal justice and social services—systems that deliver prevention and treatment services—is an important concept required for the success of the CJA Discretionary Grant Program for Native Americans. Neither law enforcement agencies nor child protective service agencies can act alone. These grants challenge the Native American community to coordinate responses appropriate to the needs of the local community.

National Crime Victims Rights Week



early every year since 1983, a Presidential proclamation has set aside one week in April to honor certain individuals for outstanding service and advocacy on behalf of crime victims. Those chosen to be honored thus far have included victims and survivors of victims, law enforcement and criminal justice officials, and victim service providers.

Until last year, the White House and the Office for Victims of Crime (OVC) referred to the event as "Crime Victims Week," an opportunity to highlight the injustices experienced by many victims and the Nation's accomplishments in meeting their needs. In 1990, to shift attention from the plight of individual victims to the furtherance of the victims rights movement, the name of the event was changed to "National Crime Victims Rights Week."

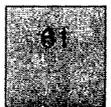
Over the years, this Federal observance has inspired gubernatorial and mayoral proclamations and a multitude of national, regional, and local activities. Public service messages on radio and television promote public awareness of victims rights. Schools and other organizations organize memorial vigils and educational programs to inform students and citizens about crime, crime prevention, the impact of crime upon victims, and the work of criminal justice professionals. Such events have often recognized local citizens for their outstanding contributions to the victims rights movement.

In 1983, 1984, and 1985, the observance featured ceremonies in the White House Rose Garden. No proclamation was issued and no ceremony was held in 1986 because of national focus on U.S. military action against Libya. In 1987, the Attorney General sponsored the ceremony. In 1988 and 1989, the President observed the occasion by signing a proclamation in the Oval Office of the White House in the presence of victim advocates and the Department of Justice (DOJ) officials. The ceremony returned to the Rose Garden in 1990.

Crime Victims Week 1988

On December 16, 1987, Senator Strom Thurmond introduced a joint resolution in the U.S. Senate to designate the week of April 17, 1988, as Crime Victims Week. Former President Ronald Reagan signed the 1988 proclamation prior to the award ceremony. The President, accompanied by the Attorney General and the OVC Director, presented plaques to six individuals in the Oval Office of the White House. The six persons receiving awards in 1988 were:

Clementine Barfield, of Detroit, Michigan, who founded Save Our Sons and Daughters (SOSAD), which operates a 24-hour hotline for victims of crime and family members in need of advice and support. SOSAD operates a youth leadership training program to encourage youth to



avoid trouble and actively lobbies public officials to focus attention on victims and the prevention of violence and crime.

Frank Barnaba, of Westbrook, Connecticut, who in 1980 founded Paul and Lisa, Inc., a program designed to aid child victims of sexual abuse and exploitation. The staff members of the nonprofit Paul and Lisa, Inc., program have developed effective ways of preventing victimization and rescuing sexually exploited victims, many of whom are prostitutes, runaways, and throwaway children. Mr. Barnaba has devoted countless hours to efforts to remove young people from the streets and away from prostitution, pornography, and drugs. He also works with volunteers and former victims to prevent sexual exploitation by sharing experiences of exploitation with junior high and high school students and the public.

Colonel Earl Pruitt, of Louisville, Kentucky, who represents Citizens and Victims for Justice Reform, a grassroots organization founded in 1984 by citizens frustrated with the treatment of crime victims and eager to improve the

criminal justice system. The organization helped secure passage of the Kentucky Crime Victim's Bill of Rights and the Truth in Sentencing Bill.

Kenneth Eikenberry, of Olympia, Washington, who pursued a distinguished career in criminal justice—first prosecuting cases as a deputy prosecuting attorney for King County and later as State Attorney General—while simultaneously promoting victims rights. He secured passage of Washington's Victim's Bill of Rights, encouraged the news gatherers to be more compassionate in their treatment of victims in the press, and recommended a constitutional amendment to give victims the right to attend and be heard at all critical stages of judicial proceedings.

Jan Emmerich, of Phoenix, Arizona, who is a Law Enforcement Coordinating Committee Victim/Witness (LECC/VW) Coordinator in the U.S. Attorney's Office, District of Arizona. She developed an effective victim/witness program that contributed to the effective prosecution of offenders and improved protection for victims and witnesses. She established a model victim services program

Exhibit 7

Crime Victims Week Honorees: The Selection Process

In 1988, OVC established criteria for the selection of individuals to receive national recognition during the annual National Crime Victims Rights Week. The selection of individuals, groups, or organizations to be honored begins early in January.

Letters are sent annually to victim advocates and service providers in the field, inviting nominations of persons who have sacrificed time, effort, and personal convenience to provide comfort to the innocent, promote victims issues, and make laws more effective. OVC seeks to honor those dedicated to restoring and maintaining the dignity, well-being, and rights of those victimized by crime and those crime victims who have served as *heroic symbols of courage and perseverance* as they overcome severe obstacles to their recovery.

The number of nominations received reached a high of 200 in 1990. Nominations are rated according to established criteria:

- The impact or significance of the contribution.
- The uniqueness of the contribution.
- The effect of the effort upon community or other grassroots organizations.
- The length of service rendered.
- Whether the service was performed as a volunteer or a paid professional who demonstrated outstanding commitment.
- The need, in the nominee's geographical area, for the services rendered.

to serve hundreds of violent crime victims on Indian reservations and helped rebuild the shattered lives of many otherwise isolated Federal crime victims.

Sara O'Meara, of Woodland Hills, California, who co-founded and served as chairman of the board for CHILDHELP USA/International, a large, private, nonprofit organization that helps victims of child abuse. Some innovative CHILDHELP programs include the Village of CHILDHELP USA, a comprehensive long-term residential treatment and aftercare program, and a national toll-free child abuse hotline staffed by crisis counselors and volunteer professionals who answer over 140,000 calls a year.

Crime Victims Week 1989

Senate Joint Resolution 44, "Designating the Week of April 9, 1989, as Crime Victims Week," passed the Senate by voice vote on February 28, 1989. However, by April 8, 1989, House Joint Resolution 208 was still before the House Committee on the Post Office and Civil Service, with only 129 cosponsors. Despite the lack of overwhelming approval from Congress, President Bush signed a Presidential proclamation on April 12, 1989, and welcomed seven honorees to the Oval Office in the presence of Attorney General Dick Thornburgh and officials from DOJ. Later at DOJ, Attorney General Thornburgh presented awards to:

Tillie Black Bear, of Mission, South Dakota, who founded the White Buffalo Calf Women's Society in 1979 and is a long-time advocate for victims of domestic violence. She helped open the first shelter for battered women in South Dakota on the Rosebud Sioux Indian Reservation, where she served as director. The shelter served approximately 200 women and 1,500 children during 1988.

Ellen Griffin Dunne, of Beverly Hills, California, who founded the California Center for Family Survivors of Homicide after her only daughter was murdered. Though confined to a wheelchair for several years by multiple sclerosis, Mrs. Dunne established a viable organization to support more than 1,500 survivors of homicide. The organization grew from only 6 members in 1984 to almost 6,000 in 1989.

Charles D. Gill, of Litchfield, Connecticut, who focused on providing legal representation to abused children and low-income persons who otherwise could not afford adequate representation. As a superior court judge in Connecticut, Judge Gill appointed lawyers for children and ordered the use of child-comforting techniques in the courtroom long before statutes required such actions.

Patricia and Louis Herzog, of Fairfax, Virginia, who were instrumental in founding the Northern Virginia Chapter of

Mothers Against Drunk Driving (MADD) after a drunk driver killed their 18-year-old daughter. Under their leadership, the Northern Virginia MADD chapter persuaded legislators in Virginia to raise the legal drinking age to 21. The Herzogs also represented MADD on State boards responsible for preventing substance abuse and alcohol-related accidents, and they have coordinated Northern Virginia's MADD's assistance services.

Stephen M. McNamee, of Phoenix, Arizona, who as a U.S. Attorney for the District of Arizona initiated the development of a model program for helping victims and witnesses of Federal crimes, including Native American victims. With a district that includes 17 Indian reservations, Mr. McNamee made prosecution of persons who victimize Native American children a top priority. He also implemented a model procedure for collecting fines and penalty assessments from convicted Federal defendants for the Crime Victims Fund.

Jack Russell, of Potomac, Maryland, who, after the brutal murder of his sister in Washington, D.C., and during the trial of the alleged killer, worked diligently to make the public aware that the District of Columbia's Good Time Credit Act of 1986 could drastically reduce the actual time offenders serve through applying good time credit to both the minimum and maximum prison term for a given offense. He also joined the Legislative Committee of the D.C. Crime Victims Network in its efforts to draft and win passage of a Crime Victims Bill of Rights in the District of Columbia and was instrumental in passage of a section requiring a victim impact statement before sentencing.

National Crime Victims Rights Week 1990

Following passage of a joint resolution of the Congress, the week of April 22, 1990, was proclaimed by President Bush as National Crime Victims Rights Week. The ceremony commemorating the week was held in the Rose Garden on April 24, 1990. Those attending included the immediate families and special guests of the award recipients, representatives of constituency groups and Federal agencies, Members of Congress, DOJ officials, and OVC staff members. The persons honored by the President with the presentation of an award included:

Howard and Constance Clery, of Bryn Mawr, Pennsylvania, who were recognized for their efforts in preventing future campus victimizations. They also founded the not-for-profit Security on Campus, Inc., and spearheaded a national campaign for legislation requiring colleges and universities to publish their violent crime and drug and alcohol crime statistics.

Milton Cole, of Jamaica Plain, Massachusetts, who organized the victim assistance movement among Boston's public housing residents. He pioneered tenant patrols by founding the Community Patrol in the Bromley-Heath Tenant Management Corporation, an organization that has served as a model program for other public housing projects in providing security against crime and drug dealing. Mr. Cole also played a key role in establishing the Martha Eliot Health Center, a drug-treatment program on the grounds of the Bromley-Heath project, and has worked with hospitals to ensure that health services are provided to public housing residents.

Sandra Heverly, of Las Vegas, Nevada, who worked as an activist for MADD, directing and marketing MADD public awareness campaigns, special events, media promotions, court monitoring, fundraising, and legislation. She founded both SADD (Students Against Drunk Driving) and the Clark County, Nevada, MADD Speakers Bureau. Mrs. Heverly has given more than 500 educational presentations, made two training films for driving under the influence (DUI) schools, and has been instrumental in urging Nevada legislators to pass some of the toughest DUI laws in the country.

Dean G. Kilpatrick, Ph.D., of Charleston, South Carolina, who founded People Against Rape, a rape crisis center, and the Crime Victims Research and Treatment Center at the Medical University of South Carolina. Dr. Kilpatrick pioneered research studies that documented the long-term scope and psychological impact of crime upon victims. The center provides direct mental health treatment to victims and their families and specialized training to professional mental health counselors.

Emelia "Mimi" Olson, of Fort Thompson, South Dakota, who has provided victims services to Native Americans on the Crow Creek Reservation for the past 23 years. She has devoted much of her career to Red Horse Lodge, a group

home for emotionally disturbed Indian children, many of whom have been abused and neglected. Mrs. Olson secured funding to help victims of child sexual abuse and organized the first victim assistance program on the Crow Creek Reservation. She also is responsible for building domestic violence and sexual assault assistance programs.

John Walsh, of Washington, D.C., who founded the Adam Walsh Child Resource Center, a nonprofit organization responsible for nationwide public education on child safety. His efforts stressed legislative reform and the creation of the National Center for Missing and Exploited Children. He also created the television documentary "Adam" and was a driving force behind the television series "America's Most Wanted," which helps locate missing children and assists law enforcement to apprehend violent criminals.

Summary

Since former President Reagan signed the first Crime Victims Week Proclamation in 1982, the United States has made significant progress in recognizing and remedying the plight of crime victims. National Crime Victims Rights Week, a Federal observance, serves to publicly acknowledge the milestones achieved and the challenges that remain.

OVC has provided leadership in ensuring the annual commemoration of National Crime Victims Rights Week on the Federal, State, and local levels. In so doing, OVC encourages local recognition ceremonies and the issuance of gubernatorial proclamations, as well as the national ceremony, for honoring exceptional citizens who have made outstanding contributions in the field of victims rights. Such observances are important to victims who have suffered and advocates who have dedicated so much of themselves to assisting victims. The observance of this event each year renews spirits and helps the victim's movement retain its momentum.

Appendix A



Appendix A-1

Crime Victims Fund
VOCA Allocation Table
Fiscal Year 1990

Crime Victims Fund
VOCA Allocation Table
Fiscal Year 1990

	SUMS UP TO \$100 M		THE NEXT \$5.5 MILLION UP TO \$105.5 MILLION		THE NEXT \$4.5 M UP TO \$110 M		THE NEXT \$15 M (UP TO \$125 M)*		TOTAL
PROGRAM	PERCENT	AMOUNT	PERCENT	AMOUNT	PERCENT	AMOUNT	PERCENT	AMOUNT	
Victims Compensation	49.5	\$48,807,000					47.5	\$7,025,250	\$ 46,846,000
Victims Assistance	45.0	\$44,370,000			\$4,437,000		47.5	\$7,025,250	\$ 64,818,500
Children Justice Act Grants	4.5	\$4,437,000							\$ 9,860,000
HHS - CJA Grant Child Abuse	(85%)	\$3,694,450		\$5,423,000					\$
Native American CJA Grant	(15%)	\$665,550							\$
T/TA and Federal Victims	1.0	\$986,000							\$ 986,000
T/TA	(50%)	\$493,000							\$
Federal Victims	(50%)	\$493,000					5.0	\$ 739,500	\$ 739,500
TOTALS:	100.0	\$98,600,000		\$5,423,000	\$4,437,000			\$14,790,000	\$123,250,000

1. Total amount available to states for victim assistance grants includes \$8,986,250 carryover from compensation.
2. Sequestration resulted in a withholding of 1.4 percent (\$1,750,000) in FY89 Crime Victims Fund monies available for grants in 1990.
3. Sums over \$125 Million: The first \$2,200,000 shall be available to the Administrative Office of the United States Courts and remaining excess deposited in the general fund of the United States Treasury.

Appendix B



Appendix B-1

Crime Victims Compensation Awards

Appendix B-1

Crime Victims Compensation Awards

	GRT. NO	FY 86	FY 87	FY 88	FY 89	FY 90
STATE	90-VC-GX-	\$23,594,000 (39)	\$28,296,000 (40)	\$38,600,000 (38)	\$44,647,429 (42)	\$46,527,000 (42)
Alabama	0001	0	79,000	237,000	405,000	603,000
Alaska	0002	283,000	246,000	143,000	164,000	161,000
Arizona	0004	0	0	0	60,000	93,000
Arkansas	0005	0	0	0	0	0
California	0006	5,185,000	6,353,000	16,691,000	13,610,000	15,444,000
Colorado	0008	472,000	703,000	740,000	1,211,000	1,175,000
Connecticut	0009	442,000	478,000	509,000	431,000	422,000
Delaware	0010	123,000	172,000	165,000	173,000	267,000
Dist. Columbia	0011	85,000	112,000	80,000	167,000	122,000
Florida	0012	1,493,000	1,872,000	1,808,000	2,250,000	2,022,000
Georgia	0013	0	0	0	0	0
Hawaii	0015	150,000	165,000	179,000	142,000	214,000
Idaho	0016	0	0	0	25,000	125,000
Illinois	0017	1,242,000	921,000	921,000	1,025,000	820,000
Indiana	0018	117,000	147,000	0	434,000	734,000
Iowa	0019	57,000	106,000	155,000	212,000	203,000
Kansas	0020	116,000	131,000	134,000	189,000	146,000
Kentucky	0021	213,000	212,000	197,000	344,000	270,000
Louisiana	0022	77,000	114,000	222,000	326,000	220,000
Maine	0023	0	0	0	0	0
Maryland	0024	433,000	785,000	855,000	1,014,000	1,179,000
Massachusetts	0025	387,000	321,000	353,000	634,000	1,096,000
Michigan	0026	699,000	686,000	654,000	780,000	774,000
Minnesota	0027	190,000	284,000	276,000	466,000	496,000
Mississippi	0028	0	0	0	0	0
Missouri	0029	266,000	355,000	373,000	567,000	615,000
Montana	0030	129,000	136,000	118,000	67,429	0
Nebraska	0031	31,000	38,000	0	0	0
Nevada	0032	106,000	93,000	0	0	0
New Hampshire	0033	0	0	0	0	0
New Jersey	0034	1,243,000	1,910,000	1,332,000	2,080,000	1,159,000
New Mexico	0035	65,000	83,000	73,000	145,000	144,000
New York	0036	2,434,000	2,597,000	2,655,000	3,200,000	3,076,000
North Carolina	0037	0	0	0	0	225,000
North Dakota	0038	32,000	27,000	22,000	68,000	48,000
Ohio	0039	2,369,000	2,056,000	1,106,000	1,713,000	2,543,000
Oklahoma	0040	187,000	241,000	214,000	238,000	269,000
Oregon	0041	261,000	285,000	340,000	514,000	462,000
Pennsylvania	0042	888,000	776,000	701,000	798,000	662,000
Rhode Island	0044	123,000	231,000	277,000	340,000	443,000
South Carolina	0045	173,000	234,000	403,000	423,000	505,000
South Dakota	0046	0	0	0	0	0
Tennessee	0047	495,000	1,278,000	928,000	1,402,000	638,000
Texas	0048	1,472,000	2,223,000	3,193,000	6,023,000	6,068,000
Utah	0049	0	0	0	47,000	342,000
Vermont	0050	0	0	0	0	0
Virgin Islands	0078	62,000	26,000	73,000	26,000	25,000
Virginia	0051	186,000	280,000	349,000	578,000	274,000
Washington	0053	970,000	1,108,000	1,180,000	1,573,000	1,870,000
West Virginia	0054	53,000	64,000	593,000	423,000	173,000
Wisconsin	0055	285,000	368,000	322,000	336,000	365,000
Wyoming	0056	0	0	29,000	24,000	35,000

Appendix C—Crime Victim Compensation



Appendix C-1

U.S. Department of Justice
Victims of Crime Act of 1984 Performance Report
Number of Claims Received by Type of Crime
Reporting Period: 10-1-88 Through 9-30-89

Appendix C-2

U.S. Department of Justice
Victims of Crime Act of 1984 Performance Report
Number of Claims Approved Receiving Payment by Type of Crime
Reporting Period: 10-1-88 Through 9-30-89

U.S. Department of Justice
 Victims of Crime Act of 1984 Performance Report
 Number of Claims Received by Type of Crime
 Reporting Period: 10-1-88 Through 9-30-89

GRANTEE	ASSAULT NON FAMILIAL	HOMICIDE	SEXUAL ASSAULT ADULT ONLY	CHILD SEXUAL ABUSE FAMILIAL	CHILD SEXUAL ABUSE NON-FAMILIAL	CHILD PHYSICAL ABUSE	DOMESTIC ASSAULT SPOUSE ABUSE	DWI/ DUI	OTHER VIOLENT CRIME	OTHER CRIMES REPORTED	NOT REPORTED	TOTAL
AL CRIME VICTIMS COMP COMM	365	14	50	114	0	4	1	44	0	106	0	698
AK VIOLENT CRIMES COMPENSATION BOAR	73	39	20	35	18	0	1	23	0	8	8	217
AZ CRIMINAL JUSTICE COMM	216	103	58	62	77	6	51	19	31	15	15	638
CA BOARD OF CONTROL, STATE OF	8352	2727	1408	6883	0	1	0	1180	3808	0	0	24359
CO DIV OF CRIMINAL JUSTICE	1435	324	814	2817	0	188	666	76	362	313	313	6995
CT COMM ON VICTIMS SVC	666	119	95	11	4	0	22	3	14	81	81	1015
DC DEPT OF EMPLOYMENT SVCS	266	80	15	0	0	1	0	0	0	4	4	366
FL DEPT OF LABOR & EMPLOY SECURITY	0	0	0	0	0	0	0	0	0	4979	4979	4979
HI DEPT OF ATTORNEY GENERAL	491	41	61	14	0	13	2	10	0	9	9	641
ID INDUSTRIAL COMMISSION	90	21	29	41	81	3	2	7	5	19	15	298
IL COURT OF CLAIMS	831	567	86	0	80	0	0	0	0	88	83	1652
IA DEPT OF JUSTICE	330	29	55	0	205	101	28	45	26	24	24	843
KS CRIME VICTIMS REPARATIONS BOARD	239	36	93	63	108	1	15	11	16	0	0	582
KY CRIME VICTIMS COMPENSATION BOARD	270	77	16	15	14	2	3	18	0	13	13	428
LA COMM ON LAW ENFORCEMENT	181	160	56	95	0	0	4	5	1	4	4	506
MD DEPT OF PUBLIC SAFETY CORR SVC	621	99	16	8	0	2	2	0	3	17	17	768
MA DEPT OF ATTORNEY GENERAL	581	149	0	86	0	0	0	0	104	0	0	920
MI CRIME VICTIMS COMPENSATION BOARD	1107	498	170	0	0	116	33	0	173	90	90	2187
MN CRIME VICTIMS REPARATION BOARD	424	73	103	80	76	11	16	39	69	8	8	899
MO DIV OF WORKERS COMP	562	155	40	4	24	4	3	19	44	10	0	865
MT BOARD OF CRIME CONTROL	117	23	2	65	105	2	15	0	39	9	9	377
NJ VIOLENT CRIMES COMPENSATION	2588	304	232	41	237	13	62	0	82	131	0	3690
NY CRIME VICTIMS BOARD	12503	1538	0	936	0	0	0	435	294	8875	8875	24581
ND CRIME VICTIMS REP	38	6	7	10	6	0	7	8	3	3	3	88
OH COURT OF CLAIMS VICTIMS OF CRIME	1369	262	177	253	0	11	27	0	1372	0	0	3471
OK CRIME VICTIM COMP BOARD	503	144	85	110	0	0	0	0	0	0	0	842
OR DEPT OF JUSTICE	657	128	88	393	0	25	46	55	21	106	106	1519
PA CRIME VICTIM COMPENSATION BOARD	937	300	32	16	47	78	0	0	0	478	478	1888

GRANTEE	ASSAULT NON FAMILIAL	HOMICIDE	SEXUAL ASSAULT ADULT ONLY	CHILD SEXUAL ABUSE FAMILIAL	CHILD SEXUAL ABUSE NON-FAMILIAL	CHILD PHYSICAL ABUSE	DOMESTIC ASSAULT SPOUSE ABUSE	DWI/ DUI	OTHER VIOLENT CRIME	OTHER CRIMES REPORTED	NOT REPORTED	TOTAL
RI SUPREME COURT ADMIN OFFICE	236	17	18	1	13	3	1	14	3	7	7	313
SC VICTIMS COMP FUND	1225	115	687	728	212	54	132	63	16	0	0	3232
TN TREASURY DEPT	520	282	407	0	0	0	0	37	14	3	3	1263
TX INDUSTRIAL ACCIDENT BOARD	4310	822	535	768	0	61	69	334	335	388	388	7622
UT OFC OF CRIME VICTIM REPARATIONS	212	50	114	367	318	16	10	43	9	15	15	1154
VA CRIME VICTIMS COMPENSATION	563	113	92	53	39	1	7	9	82	3	3	962
WA STATE	1669	89	889	239	557	211	54	184	92	0	0	4510
WV COURT OF CLAIMS	67	58	14	5	2	0	1	38	112	26	26	323
WI DEPT OF HEALTH & SOCIAL SERVICES ATTORNEY GENERAL'S OFFICE	589 40	105 3	298 17	0 9	0 0	7 1	0 11	50 0	150 21	257 0	257 0	1456 102
VI DEPT OF HUMAN SERVICES - CVCC	20	26	0	0	0	0	0	0	0	0	0	46
*** Total ***	45263	9696	6879	14322	2223	936	1291	2769	7301	16089	15838	107295

Appendix C-2

U.S. Department of Justice
 Victims of Crime Act of 1984 Performance Report
 Number of Claims Approved Receiving Payment by Type of Crime
 Reporting Period: 10-1-88 Through 9-30-89

GRANTEE	ASSAULT	HOMICIDE	SEXUAL	CHILD	CHILD	CHILD	DOMESTIC	DWI/	OTHER	OTHER	NOT	TOTAL
	NON FAMILIAL		ASSAULT ADULT ONLY	SEXUAL ABUSE FAMILIAL	SEXUAL ABUSE NON-FAMILIAL	PHYSICAL ABUSE	ASSAULT SPOUSE ABUSE	DUI	VIOLENT CRIME	CRIMES REPOR- TED	REPOR- TED	
AL CRIME VICTIMS COMP COMM	221	97	59	92	0	3	3	32	78	0	0	585
AK VIOLENT CRIMES COMPENSATION BOARD	17	21	6	26	14	1	2	4	0	0	0	91
AZ CRIMINAL JUSTICE COMM	181	102	57	64	70	7	33	16	29	5	0	564
CA BOARD OF CONTROL, STATE OF	9452	3160	2245	11234	0	2	0	1444	4688	0	0	32225
CO DIV OF CRIMINAL JUSTICE	1266	305	757	2698	0	162	616	65	343	245	0	6457
CT COMM ON VICTIMS SVC	320	82	73	10	8	0	12	1	2	54	0	562
DE JUDICIAL ADMIN OFC OF THE CTS	72	21	43	0	0	0	0	11	46	0	0	193
DC DEPT OF EMPLOYMENT SVCS	114	4	2	1	0	0	0	0	0	0	0	121
FL DEPT OF LABOR & EMPLOY SECURITY	863	199	123	0	146	6	0	77	210	7319	0	8943
HI DEPT OF ATTORNEY GENERAL	362	22	0	60	0	0	0	0	5	0	0	449
ID INDUSTRIAL COMMISSION	40	6	20	4	16	0	2	9	5	6	0	108
IL COURT OF CLAIMS	263	326	35	0	11	0	0	1	0	42	0	678
IA DEPT OF JUSTICE	265	25	55	0	130	114	30	42	25	3	0	689
KS CRIME VICTIMS REPARATIONS BOARD	124	28	56	54	84	1	11	5	5	3	0	371
KY CRIME VICTIMS COMPENSATION BOARD	97	33	16	16	0	2	0	8	0	0	0	172
LA COMM ON LAW ENFORCEMENT	135	101	45	70	0	0	4	1	0	2	0	358
MD DEPT OF PUBLIC SAFETY CORR SVC	284	48	8	3	0	0	1	0	1	3	0	348
MA DEPT OF ATTORNEY GENERAL	302	72	54	0	13	0	0	0	0	0	0	441
MI CRIME VICTIMS COMPENSATION BOARD	514	231	79	0	0	54	15	0	80	42	0	1015
MN CRIME VICTIMS REPARATION BOARD	479	63	78	71	55	4	11	26	54	0	0	841
MO DIV OF WORKERS COMP	272	114	19	2	21	0	1	20	59	0	0	508
MT BOARD OF CRIME CONTROL	64	19	2	34	58	2	8	0	22	0	0	209

GRANTEE	ASSAULT NON FAMILIAL	HOMICIDE	SEXUAL ASSAULT ADULT ONLY	CHILD SEXUAL ABUSE FAMILIAL	CHILD SEXUAL ABUSE NON-FAMILIAL	CHILD PHYSICAL ABUSE	DOMESTIC ASSAULT SPOUSE ABUSE	DWI/ DUI	OTHER VIOLENT CRIME	OTHER CRIMES	NOT REPOR- TED	TOTAL
NJ VIOLENT CRIMES COMPENSATION	863	184	103	9	35	1	6	0	109	0	0	1310
NM CRIME VICTIMS REPARATIONS COMM	102	63	19	2	21	1	4	4	1	18	0	235
NY CRIME VICTIMS BOARD	4031	666	0	0	0	0	0	0	0	4379	0	9076
ND CRIME VICTIMS REP	38	10	10	11	5	0	5	0	3	4	0	86
OH COURT OF CLAIMS VICTIMS OF CRIME	890	114	118	147	0	6	12	0	708	0	0	1995
OK CRIME VICTIM COMP BOARD	233	70	66	16	28	5	40	0	16	0	0	474
OR DEPT OF JUSTICE	237	91	178	0	0	0	0	41	17	5	0	569
PA CRIME VICTIM COMPENSATION BOARD	463	181	4	0	18	41	0	0	0	610	0	1317
RI SUPREME COURT ADMIN OFFICE	64	8	8	0	6	1	2	2	1	10	0	102
SC VICTIMS COMP FUND	867	152	621	403	209	49	116	32	5	0	0	2454
TN TREASURY DEPT	492	273	381	0	0	0	0	31	12	3	0	1192
TX INDUSTRIAL ACCIDENT BOARD	2735	676	343	411	0	58	24	221	78	276	0	4822
UT OFC OF CRIME VICTIM REPARATIONS	182	53	94	348	221	16	11	43	9	0	0	977
VA CRIME VICTIMS COMPENSATION	318	63	52	18	13	0	2	2	48	0	0	516
WA STATE	1791	151	764	379	797	223	132	126	152	331	0	4846
WV COURT OF CLAIMS	65	33	9	3	2	0	2	17	68	9	0	208
WI DEPT OF HEALTH & SOCIAL SERVICES	223	84	146	0	0	5	0	10	45	85	0	598
ATTORNEY GENERAL'S OFFICE	30	2	12	7	0	1	8	0	12	0	0	72
VI DEPT OF HUMAN SERVICES - CVCC	17	20	1	0	0	0	0	0	0	0	0	38
*** Total ***	29348	7973	6761	16193	1981	765	1113	2291	6936	13454	0	86815

Appendix D—Crime Victim Compensation



Appendix D-1

U.S. Department of Justice
Victims of Crime Act of 1984 Performance Report
Performance Data for 1989
Number and Total \$ Amount of Awards

Appendix D-1

 U.S. Department of Justice
 Victims of Crime Act of 1984 Performance Report
 Performance Data for 1989
 Number and Total \$ Amount of Awards

GRANTEE	HOMICIDE		ASSAULT		SEXUAL ASSAULT ADULT ONLY		CHILD SEXUAL ABUSE		CHILD PHYSICAL ABUSE	
	NO.	\$ AMOUNT	NO.	\$ AMOUNT	NO.	\$ AMOUNT	NO.	\$ AMOUNT	NO.	\$ AMOUNT
AL CRIME VICTIMS COMP COMM	97	327177	221	847455	59	38039	92	87062	3	10809
AK VIOLENT CRIMES COMPENSATION BOAR	21	149983	17	144512	6	6639	40	123306	1	1047
AZ CRIMINAL JUSTICE COMM	102	179913	181	248462	57	68659	134	88077	7	3159
CA BOARD OF CONTROL, STATE OF	3160	5746714	9452	21217781	2245	3290150	11234	14978313	2	4778
CO DIV OF CRIMINAL JUSTICE	305	300525	1266	953296	757	397563	2698	936007	162	67500
CT COMM ON VICTIMS SVC	82	772405	320	1291812	73	205828	18	36260	0	0
DC DEPT OF EMPLOYMENT SVCS	4	17193	114	640269	2	3489	1	418	0	0
FL DEPT OF LABOR & EMPLOY SECURITY	199	853582	863	3290758	123	164300	146	136252	6	2310
HI DEPT OF ATTORNEY GENERAL	22	58822	362	370077	0	0	60	68576	0	0
ID INDUSTRIAL COMMISSION	6	18500	40	120672	20	14244	20	22903	0	2
IL COURT OF CLAIMS	326	1574396	263	922889	35	67222	11	8789	0	0
IA DEPT OF JUSTICE	25	118183	265	458390	55	33139	130	28787	114	17509
KS CRIME VICTIMS REPARATIONS BOARD	28	55908	124	406850	56	57968	138	87334	1	878
KY CRIME VICTIMS COMPENSATION BOARD	33	80015	97	441511	16	40244	16	19700	2	4902
LA COMM ON LAW ENFORCEMENT	101	270832	135	314579	45	63406	70	57306	0	0
MD DEPT OF PUBLIC SAFETY CORR SVC	48	191643	284	1357977	8	12086	3	2197	0	0
MA DEPT OF ATTORNEY GENERAL	72	622764	302	1870470	54	161804	13	22828	0	0
MI CRIME VICTIMS COMPENSATION BOARD	231	548095	514	1326254	79	75560	0	0	54	37216
MN CRIME VICTIMS REPARATIONS BOARD	63	245673	479	690723	78	156807	126	133166	4	5752
MO DIV OF WORKERS COMP	114	368686	272	1316231	19	50570	23	22031	0	0

Appendix D-1 (continued)

GRANTEE	DOMESTIC ASSAULT		DVI/DUI		VIOLENT CRIME		OTHER CRIMES		TOTAL	
	NO.	\$ AMOUNT	NO.	\$ AMOUNT	NO.	\$ AMOUNT	NO.	\$ AMOUNT	NO.	\$ AMOUNT
AL CRIME VICTIMS COMP COMM	3	17550	32	152526	78	253104	0	0	585	1733722
AK VIOLENT CRIMES COMPENSATION BOAR	2	6049	4	15973	0	0	0	0	91	447509
AZ CRIMINAL JUSTICE COMM	33	15035	16	25287	29	39047	5	1263	564	668902
CA BOARD OF CONTROL, STATE OF	0	0	1444	3269391	4688	8936543	0	0	32225	57443670
CO DIV OF CRIMINAL JUSTICE	616	388978	65	64355	343	349138	245	41236	6457	3498598
CT COMM ON VICTIMS SVC	12	7800	1	10000	2	6781	54	213335	562	2544221
DC DEPT OF EMPLOYMENT SVCS	0	0	0	0	0	0	0	0	121	661369
FL DEPT OF LABOR & EMPLOY SECURITY	0	0	77	376237	210	556251	7319	1021283	8943	6400973
HI DEPT OF ATTORNEY GENERAL	0	0	0	0	5	2401	0	0	449	499876
ID INDUSTRIAL COMMISSION	2	11336	9	62755	5	8071	6	19989	108	278472
IL COURT OF CLAIMS	0	0	1	25000	0	0	42	40749	678	2639045
IA DEPT OF JUSTICE	30	27652	42	91337	25	66588	3	9206	689	850791
KS CRIME VICTIMS REPARATIONS BOARD	11	37167	5	13099	5	13455	3	15807	371	688466
KY CRIME VICTIMS COMPENSATION BOARD	0	0	8	20376	0	0	0	0	172	606748
LA COMM ON LAW ENFORCEMENT	4	7762	1	10000	0	0	2	12500	358	736385
MD DEPT OF PUBLIC SAFETY CORR SVC	1	170	0	0	1	4866	3	628	348	1569567
MA DEPT OF ATTORNEY GENERAL	0	0	0	0	0	0	0	0	441	2677866
MI CRIME VICTIMS COMPENSATION BOARD	15	37442	0	0	80	216531	42	14435	1015	2255533
MN CRIME VICTIMS REPARATIONS BOARD	11	35115	26	214115	54	80166	0	0	841	1561517
MO DIV OF WORKERS COMP	1	1584	20	131704	59	194746	0	0	508	2085552

Appendix D-1 (continued)

 U.S. Department of Justice
 Victims of Crime Act of 1984 Performance Report
 Performance Data for 1989
 Number and Total \$ Amount of Awards

GRANTEE	HOMICIDE		ASSAULT		SEXUAL ASSAULT ADULT ONLY		CHILD SEXUAL ABUSE		CHILD PHYSICAL ABUSE	
	NO.	\$ AMOUNT	NO.	\$ AMOUNT	NO.	\$ AMOUNT	NO.	\$ AMOUNT	NO.	\$ AMOUNT
MT BOARD OF CRIME CONTROL	19	0	64	0	2	0	92	0	2	0
NJ VIOLENT CRIMES COMPENSATION	184	690757	863	3447790	103	100729	44	66877	1	412
NM CRIME VICTIMS REPARATIONS COMM	63	117239	102	295821	19	17620	23	46969	1	0
NY CRIME VICTIMS BOARD	666	2028980	4031	3779159	0	0	0	0	0	0
ND CRIME VICTIMS REP	10	28952	38	81346	10	3223	16	7838	0	0
OH COURT OF CLAIMS VICTIMS OF CRIME	114	695862	890	2487175	118	198626	147	213459	6	46910
OK CRIME VICTIM COMP BOARD	70	157867	233	644517	66	51320	44	23834	5	1412
OR DEPT OF JUSTICE	91	120743	237	434249	178	202607	0	0	0	0
PA CRIME VICTIM COMPENSATION BOARD	181	527131	463	906963	4	1976	18	18501	41	51873
RI SUPREME COURT ADMIN OFFICE	8	108590	64	650486	8	157804	6	109481	1	6169
SC VICTIMS COMP FUND	152	354638	867	1562334	621	120958	612	96471	49	24633
TN TREASURY DEPT	273	1166173	492	2205616	381	1296451	0	0	0	0
TX INDUSTRIAL ACCIDENT BOARD	676	2660729	2735	13555092	343	734835	411	952977	58	179996
UT OFC OF CRIME VICTIM REPARATIONS	53	252383	182	506855	94	91489	569	553802	16	44559
VA CRIME VICTIMS COMPENSATION	63	171252	318	864254	52	141377	31	84293	0	0
WA STATE	151	682395	1791	3835686	764	660714	1176	1054600	223	289238
WV COURT OF CLAIMS	33	328800	65	223121	9	11125	5	3563	0	0
WI DEPT OF HEALTH & SOCIAL SERVICES	84	520450	223	415891	146	102707	0	0	5	891
ATTORNEY GENERAL'S OFFICE	2	3161	30	64738	12	10752	7	5673	1	229
VI DEPT OF HUMAN SERVICES - CVCC	20	51116	17	79242	1	1492	0	0	0	0
TOTAL	7952	23168227	29276	74271303	6718	8813522	18174	20097650	765	802184

Appendix D-1 (continued)

GRANTEE	DOMESTIC ASSAULT		DWI/DUI		VIOLENT CRIME		OTHER CRIMES		TOTAL	
	NO.	\$ AMOUNT	NO.	\$ AMOUNT	NO.	\$ AMOUNT	NO.	\$ AMOUNT	NO.	\$ AMOUNT
MT BOARD OF CRIME CONTROL	8	0	0	0	22	0	0	0	209	0
NJ VIOLENT CRIMES COMPENSATION	6	5650	0	0	109	235191	0	1232180	1310	5779586
NM CRIME VICTIMS REPARATIONS COMM	4	0	4	9547	1	3080	18	13455	235	503731
NY CRIME VICTIMS BOARD	0	0	0	0	0	0	4379	1622180	9076	7430319
ND CRIME VICTIMS REP	5	9986	0	0	3	14784	4	2166	86	148295
OH COURT OF CLAIMS VICTIMS OF CRIME	12	44547	0	0	708	3404035	0	0	1995	7090614
OK CRIME VICTIM COMP BOARD	40	84742	0	0	16	24095	0	0	474	987787
OR DEPT OF JUSTICE	0	0	41	112272	17	18429	5	13044	569	901344
PA CRIME VICTIM COMPENSATION BOARD	0	0	0	0	0	0	610	377887	1317	1884331
RI SUPREME COURT ADMIN OFFICE	2	46066	2	47574	1	611	10	218469	102	1345250
SC VICTIMS COMP FUND	116	102121	32	50754	5	14186	0	0	2454	2326095
TN TREASURY DEPT	0	0	31	67689	12	28788	3	5005	1192	4769722
TX INDUSTRIAL ACCIDENT BOARD	24	66826	221	1104312	78	449797	276	1695769	4822	21400333
UT OFC OF CRIME VICTIM REPARATIONS	11	30634	43	119752	9	25061	0	0	977	1624535
VA CRIME VICTIMS COMPENSATION	2	5470	2	5470	48	130438	0	0	516	1402554
WA STATE	132	103344	126	1168967	152	319482	331	221598	4846	8336024
WV COURT OF CLAIMS	2	570	17	234769	68	472378	9	60367	208	1334693
WI DEPT OF HEALTH & SOCIAL SERVICES	0	0	10	95554	45	221614	85	83200	598	1440307
ATTORNEY GENERAL'S OFFICE	8	15585	0	0	12	47746	0	0	72	147884
VI DEPT OF HUMAN SERVICES - CVCC	0	0	0	0	0	0	0	0	38	131850
TOTAL	1113	1109181	2280	7498815	6890	16137403	13454	6935751	86622	158834036

Appendix E—Crime Victim Compensation



Appendix E-1

U.S. Department of Justice
Victims of Crime Act of 1984 Performance Report
Performance Data for 1989
Total Amount of Expenses



Appendix E-1

U.S. Department of Justice
 Victims of Crime Act of 1984 Performance Report
 Performance Data for 1989
 Total Amount of Expenses

GRANTEE	TOTAL EXPENSES	MEDICAL - DENTAL		MENTAL HEALTH		ECONOMIC SUPPORT		FUNERAL - BURIAL		OTHER	
		\$	%	\$	%	\$	%	\$	%	\$	%
AL CRIME VICTIMS COMP COMM	1911151	1106700	57.91	116970	6.12	436267	22.83	206109	10.78	45105	2.36
AK VIOLENT CRIMES COMPENSATION BOAR	447510	105610	23.60	117704	26.30	198896	44.45	25300	5.65	0	0.00
AZ CRIMINAL JUSTICE COMM	672618	320527	47.65	130146	19.35	120739	17.95	100679	14.97	527	0.08
CA BOARD OF CONTROL, STATE OF	57443670	26890006	46.81	21706593	37.79	8822483	15.36	0	0.00	24588	0.04
CO DIV OF CRIMINAL JUSTICE	3498598	1343014	38.39	1530429	43.74	337642	9.65	213721	6.11	73792	2.11
CT COMM ON VICTIMS SVC	2544222	610666	24.00	53623	2.11	960734	37.76	200163	7.87	719036	28.26
DC DEPT OF EMPLOYMENT SVCS	661368	432717	65.43	18192	2.75	201303	30.44	8947	1.35	209	0.03
FL DEPT OF LABOR & EMPLOY SECURITY	6409973	3381655	52.76	132456	2.07	1594619	24.88	279960	4.37	1021283	15.93
HI DEPT OF ATTORNEY GENERAL	499875	205555	41.12	0	0.00	81694	16.34	51580	10.32	161046	32.22
ID INDUSTRIAL COMMISSION	278471	196007	70.39	32892	11.81	35710	12.82	10582	3.80	3280	1.18
IL COURT OF CLAIMS	2639044	900718	34.13	355	0.01	1055504	40.00	682467	25.86	0	0.00
IA DEPT OF JUSTICE	850790	542845	63.80	42516	5.00	159249	18.72	99771	11.73	6409	0.75
KS CRIME VICTIMS REPARATIONS BOARD	686356	476615	69.44	112191	16.35	72090	10.50	24938	3.63	522	0.08
KY CRIME VICTIMS COMPENSATION BOARD	606748	432014	71.20	30580	5.04	86334	14.23	56982	9.39	838	0.14
LA COMM ON LAW ENFORCEMENT	736386	391357	53.15	55432	7.53	75847	10.30	201106	27.31	12644	1.72
MD DEPT OF PUBLIC SAFETY CORR SVC	1569567	373557	23.80	0	0.00	1170897	74.60	25113	1.6	0	0.00
MA DEPT OF ATTORNEY GENERAL	2677866	0	0.00	432264	16.14	0	0.00	4872	0.18	2240730	83.68
MI CRIME VICTIMS COMPENSATION BOARD	2255533	1225466	54.33	119041	5.28	468681	20.78	380311	16.86	62034	2.75
MN CRIME VICTIMS REPARATIONS BOARD	1561517	894107	57.26	187481	12.01	352128	22.55	127801	8.18	0	0.00
MO DIV OF WORKERS COMP	2085551	1363166	65.36	23303	1.12	480030	23.02	174620	8.37	44432	2.13

GRANTEE	TOTAL EXPENSES	MEDICAL - DENTAL		MENTAL HEALTH		ECONOMIC SUPPORT		FUNERAL - BURIAL		OTHER	
		\$	%	\$	%	\$	%	\$	%	\$	%
MT BOARD OF CRIME CONTROL	283815	180131	63.47	58091	20.47	17155	6.04	27184	9.58	1254	0.44
NJ VIOLENT CRIMES COMPENSATION	5779131	3840447	66.45	0	0.00	1457459	25.22	350181	6.06	131044	2.27
NY CRIME VICTIMS BOARD	7430319	1935725	26.05	0	0.00	2324762	31.29	1547652	20.83	1622180	21.83
ND CRIME VICTIMS REP	148295	93982	63.38	5090	3.43	33397	22.52	7590	5.12	8236	5.55
OH COURT OF CLAIMS VICTIMS OF CRIME	7207169	2493837	34.60	161822	2.25	3646741	50.60	362355	5.03	542414	7.53
OK CRIME VICTIM COMP BOARD	987786	742371	75.16	44938	4.55	145271	14.71	55206	5.59	0	0.00
OR DEPT OF JUSTICE	1231418	682740	55.44	216660	17.59	190928	15.50	125197	10.17	15893	1.29
PA CRIME VICTIM COMPENSATION BOARD	1884331	761333	40.40	13354	0.71	780842	41.44	280513	14.89	48289	2.56
SC VICTIMS COMP FUND	2326095	1645026	70.72	80795	3.47	262711	11.29	313585	13.48	23978	1.03
TN TREASURY DEPT	4769723	0	0.00	0	0.00	0	0.00	0	0.00	4769723	100
TX INDUSTRIAL ACCIDENT BOARD	21400333	15504634	72.45	1030019	4.81	3219277	15.04	1547692	7.23	98711	0.46
UT OFC OF CRIME VICTIM REPARATIONS	1624536	682305	42.00	406134	25.00	259113	15.95	104783	6.45	172201	10.60
VA CRIME VICTIMS COMPENSATION	1402554	996795	71.07	71951	5.13	229177	16.34	92008	6.56	12623	0.90
WA STATE	8336024	5034734	60.40	1307315	15.68	1786343	21.43	91777	1.10	115855	1.39
WV COURT OF CLAIMS	1334693	706995	52.97	2913	0.22	469524	35.18	81089	6.08	74172	5.56
WI DEPT OF HEALTH & SOCIAL SERVICES	1440306	612674	42.54	82030	5.70	558070	38.75	164230	11.40	23302	1.62
ATTORNEY GENERAL'S OFFICE	147884	107979	73.02	13232	8.95	12110	8.19	3477	2.35	11086	7.50
VI DEPT OF HUMAN SERVICES - CVCC	131850	60667	46.01	400	0.30	49017	37.18	14116	10.71	7650	5.80
TOTAL	157903076	77274677		28336912		32152744		8043657		12095086	

Appendix F



Appendix F-1

Recommendations of Native American Advisory Committee
National Association of Crime Victims Compensation Boards (NACVB)

Recommendations of Native American Advisory Committee
National Association of Crime Victims Compensation Boards (NACVB)

Recommendations on how to adapt State compensation programs to better meet needs of Native American crime victims:

1. The program should engage in outreach efforts towards Native American populations to inform them of the benefits available from the Program. To the extent possible, Program representatives should make on-site visits to discuss the Program and learn more about how to improve Native American access to program benefits. The Program should provide applications and written information about the Program and its procedures to appropriate officials, individuals and groups that may come into contact with Indian crime victims.
2. On a regular basis, the Program should update lists of contacts and resources on reservations, and should obtain statistics, demographics of victims needing services, and other important information.
3. The Program should understand what types of crimes are prosecuted at the Federal, State, or tribal level, depending on the controlling laws of the jurisdiction, and ensure that police and prosecutors at each level cooperate in providing information and assistance to potential applicants for compensation, as well as to the Program itself in verifying claims.
4. The Program should show flexibility when appropriate and necessary to meet special challenges in providing compensation to Native Americans.
5. The Program should seek information about traditional Native American healing practices in the jurisdiction, and develop guidelines or policies regarding compensation for healing as an allowable expense. Similarly, the Program should allow costs for traditional Indian burial practices.
6. Because victims may have to travel considerable distances off the reservation to obtain necessary services, the Program should consider including the costs of transportation to obtain necessary services as an allowable expense.
7. Application forms should be simplified or adapted to the extent appropriate and necessary to avoid discouraging Native Americans (as well as other crime victims) from filing claims.
8. The Program should understand the kinds of collateral resources and benefits that may be available to Native American crime victims, and seek to fill gaps in existing services.
9. The Program should actively promote adequate funding to provide crime victim services on Indian reservations, utilizing people from the reservations or culturally sensitive staff.

Appendix G



Appendix G-1

Victim Assistance Allocations

Appendix G-1

Victim Assistance Allocations

	GRT. NO	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
STATES	90-VA-GX-	\$41,270,000 (57)	\$30,772,000 (57)	\$34,888,000 (57)	\$43,492,000 (59)	\$64,818,500 (57)	\$65,674,500 (57)
Alabama	0001	700,000	526,000	592,000	729,000	1,077,000	1,086,000
Alaska	0002	175,000	153,000	165,000	224,000	268,000	270,000
Arizona	0004	559,000	426,000	503,000	630,000	939,000	958,000
Arkansas	0005	453,000	351,000	387,000	489,000	692,000	697,000
California	0006	3,953,000	2,832,000	3,372,000	4,073,375	6,552,000	6,757,000
Colorado	0008	578,000	439,000	496,000	617,000	896,000	904,000
Connecticut	0009	574,000	436,000	486,000	605,000	881,000	887,000
Delaware	0010	192,000	165,000	177,000	241,000	299,000	303,000
Dist. Columbia	0011	194,000	166,000	176,000	238,000	291,000	287,000
Florida	0012	1,751,000	1,270,000	1,516,000	1,855,000	2,939,000	3,030,000
Georgia	0013	978,000	722,000	840,000	1,032,000	1,584,000	1,613,000
Hawaii	0015	256,000	211,000	229,000	304,000	398,000	403,000
Idaho	0016	251,000	207,000	221,000	292,000	377,000	381,000
Illinois	0017	1,831,000	1,327,000	1,501,000	1,793,000	2,776,000	2,800,000
Indiana	0018	927,000	686,000	768,000	934,000	1,406,000	1,422,000
Iowa	0019	538,000	410,000	445,000	552,000	791,000	796,000
Kansas	0020	467,000	360,000	398,000	501,000	714,000	721,000
Kentucky	0021	660,000	497,000	553,000	679,000	993,000	997,000
Louisiana	0022	771,000	576,000	646,000	783,000	1,147,000	1,146,000
Maine	0023	274,000	223,000	242,000	318,000	422,000	428,000
Maryland	0024	754,000	564,000	642,000	793,000	1,195,000	1,217,000
Massachusetts	0025	972,000	718,000	807,000	980,000	1,482,000	1,494,000
Michigan	0026	1,465,000	1,068,000	1,209,000	1,455,000	2,239,000	2,257,000
Minnesota	0027	726,000	544,000	612,000	752,000	1,124,000	1,139,000
Mississippi	0028	491,000	377,000	418,000	522,000	742,000	745,000
Missouri	0029	853,000	634,000	715,000	874,000	1,312,000	1,323,000
Montana	0030	224,000	188,000	199,000	265,000	332,000	333,000
Nebraska	0031	342,000	271,000	294,000	376,000	512,000	517,000
Nevada	0032	237,000	197,000	217,000	293,000	388,000	403,000
New Hampshire	0033	247,000	204,000	224,000	300,000	395,000	402,000
New Jersey	0034	1,230,000	901,000	1,024,000	1,238,000	1,896,000	1,909,000
New Mexico	0035	314,000	252,000	279,000	363,000	491,000	498,000
New York	0036	2,767,000	1,991,000	2,256,000	2,678,000	4,199,000	4,230,000
North Carolina	0037	1,027,000	757,000	868,000	1,067,000	1,617,000	1,644,000
North Dakota	0038	203,000	173,000	182,000	245,000	301,000	300,000
Ohio	0039	1,717,000	1,247,000	1,404,000	1,680,000	2,604,000	2,629,000
Oklahoma	0040	596,000	452,000	501,000	614,000	883,000	882,750
Oregon	0041	502,000	385,000	427,000	536,000	776,000	791,000
Pennsylvania	0042	1,890,000	1,369,000	1,542,000	1,843,000	2,864,000	2,886,000
Rhode Island	0044	245,000	203,000	218,000	290,000	375,450	377,000
South Carolina	0045	596,000	452,000	510,000	636,000	935,000	949,000
South Dakota	0046	206,000	175,000	186,000	251,000	311,000	312,000
Tennessee	0047	809,000	603,000	683,000	839,000	1,257,000	1,273,000
Texas	0048	2,505,000	1,805,000	2,124,000	2,531,000	3,958,000	4,012,000
Utah	0049	348,000	276,000	302,000	388,000	532,000	538,000
Vermont	0050	180,000	157,000	166,000	228,000	276,000	279,000
Virginia	0051	948,000	701,000	802,000	987,000	1,510,000	1,537,000
Washington	0053	754,000	564,000	642,000	794,000	1,201,000	1,232,000
West Virginia	0054	394,000	308,000	332,000	419,000	574,000	573,000
Wisconsin	0055	817,000	608,000	681,000	832,000	1,248,000	1,256,000
Wyoming	0056	177,000	155,000	161,000	220,000	258,000	257,000
Puerto Rico	0072	591,000	448,000	497,000	617,000	894,000	898,000
Virgin Islands	0078	16,000	11,000	13,000	165,000	173,000	172,000
Guam	0066	18,000	12,000	15,000	169,000	180,000	182,000
American Samoa	0060	5,000	4,000	5,000	155,000	159,000	159,000
N. Mariana Isl.	0069	3,000	2,000	2,000	153,000	155,000	155,000
Trust Territor.		19,000	13,000	16,000	0	0	0
Micronesia	0064	0	0	0	25,500	0	0
Marshall Isl.		0	0	0	10,625	0	0
Palau	0070	0	0	0	25,500	28,050	27,750

Appendix H



Appendix H-1

Victim and Witness Program Questionnaire

Appendix H-2

Victim/Witness Program Summary/Checklist

Appendix H-3

Survey Responses by U.S. Attorneys' Offices

Appendix H-4

Survey Results, Program Policy

Appendix H-5

Survey Results
Victim Notification, Consultation, and Referral

Victim and Witness Program Questionnaire

This questionnaire is designed to determine general office policy and practices in compliance with the Victim and Witness Protection Act of 1982 and to provide information for the 1990 Report to Congress.

A. PROGRAM POLICY

IS IT THE GENERAL POLICY AND PRACTICE OF YOUR OFFICE TO:	YES	NO
1) Resist defense attempts to obtain addresses of victims and witnesses?		
2) When requested, notify employers of victims and witnesses if their cooperation causes absence from work?		
3) When requested, notify creditors of victims and witnesses if their cooperation affects their ability to make timely payments?		
4) Assist your own employees who are victims of crime?		
5) Provide general information to victims and witnesses about transportation, parking, translator services, and other information related to court-room appearances?		
6) Ensure that sexual assault victims do not pay for the cost of forensic examinations?		
7) Maintain accurate, up-to-date resource material which identifies available victim counseling and treatment programs in the jurisdiction?		
8) Provide training to your employees concerning compliance with the Attorney General's Guidelines for the Victim and Witness Protection Act?		
9) Provide victims and witnesses for the prosecution a waiting area separate from the defendant and defense witnesses?		
10) Advise victims and witnesses of their right to be protected from intimidation/harassment?		
11) If you answered NO to any of the above, please indicate the question number and explain. Use reverse side of this form if needed.		
<hr/> <hr/>		

B. PROGRAM STRUCTURE

- 1) During the last six months (January 1, 1990, through June 30, 1990) indicate:
 - a. _____ The number of criminal cases prosecuted in your District.
 - b. _____ The number of cases to which the Victim and Witness Protection Act applies.
 - c. _____ The number of victims involved in these cases.
 - d. _____ The number of witnesses involved in these cases.
 - e. _____ The number of victims assisted by your Victim/Witness Program.
 - f. _____ The number of witnesses assisted by your Victim/Witness Program.
 - g. _____ The number of cases the Victim/Witness Coordinator was directly involved in.
 - h. _____ How many FTEs (full-time equivalents) are allocated to the Victim/Witness Program?

Appendix H-1 (continued)

- 2) Is clerical staff assigned to the Victim/Witness Program? YES _____ NO _____
- 3) a. Who (titles of positions) is/are responsible for determining which cases fall under the "Guidelines?" _____
- b. Who (title of position) determines which cases the Victim/Witness Coordinator is assigned? _____
- 4) Which types of cases (i.e., white collar crime, sexual assault, drug-related crimes) most routinely involve the Victim/Witness Coordinator? _____
- 5) Cases involving very large numbers of victim/witnesses are especially demanding. If your office has had such a case, please list the kinds of cases and indicate the number of victims/witnesses involved. _____
- 6) a. Is the production of the victim/witness notification letters automated in your office? YES _____ NO _____
- b. Who (titles of positions) is/are responsible for producing and sending out victim/witness notification letters? _____
- 7) Victim/witness notification, victim consultation, and victim referral are key components of the Victim and Witness Protection Act and the Attorney General's Guidelines. Please indicate how well you believe your District is able to provide the following assistance to eligible victims and/or witnesses:

	Very Well	Well	Needs Improvement
Victim/Witness Notification:			
<u>Right to be protected from intimidation/harassment</u>			
<u>Arrest or release of accused</u>			
<u>Judicial proceeding scheduling changes/continuances</u>			
<u>Plea, plea agreements</u>			
<u>Trial results</u>			
<u>Sentencing hearing dates</u>			
<u>Right to be heard at sentencing (written/oral)</u>			
<u>Date sentence imposed</u>			
<u>If victims/witnesses want to be notified of release/escape from prison and/or parole hearing dates, are names and addresses sent to the Bureau of Prisons?</u>			
Victim Consultation:			
<u>Pretrial release or diversion</u>			
<u>Declination or dismissal of any or all charges</u>			
<u>Plea agreements/sentencing recommendations</u>			
<u>Restitution</u>			
Victim referral:			
<u>Emergency medical assistance</u>			
<u>Social services</u>			
<u>Counseling or support groups</u>			
<u>State crime victim compensation program</u>			

- 8) Please attach the Victim/Witness Coordinator position description.
- 9) Anecdotal information on victim/witness assistance efforts and the outcomes is very useful in illustrating program accomplishments. If you have examples of services provided, please describe and submit as an attachment.

Victim/Witness Program Summary/Checklist

1. United States v. _____
2. Court Docket Number: _____ Lead Charge: _____
Assigned AUSA: _____ District: _____
3. Investigating Agency _____, Case Agent _____,
USA Office File Number _____.
4. Victim and Witness Protection Act/Attorney General's Guidelines applicability:
Yes _____ No _____ (If no, please explain why) _____

- =====
5. Number of witnesses: _____ Number of victims: _____
 6. Date contact made with victims/witnesses regarding notification rights: _____
- =====

WITNESS ASSISTANCE RESPONSE

7. Number of witnesses requesting notification: _____
- | | |
|--|------|
| | DATE |
|--|------|
8. Witness Notification
 - a. Right to be protected from intimidation/harassment _____
 - b. Arrest or release of accused _____
 - c. Judicial proceeding scheduling changes/continuance _____
 - d. Pleas, plea agreements _____
 - e. Trial results _____
 - f. Date sentence imposed _____
 9. If witnesses want to be notified of release/escape from prison and/or parole hearing dates, record date that names and addresses were sent to the Bureau of Prisons: _____

VICTIM ASSISTANCE RESPONSE

10. Number of victims requesting notification: _____
- | | |
|--|------|
| | DATE |
|--|------|
11. Victim Notification
 - a. Right to be protected from intimidation/harassment _____
 - b. Arrest or release of accused _____
 - c. Judicial proceeding scheduling changes/continuances _____
 - d. Pleas _____
 - e. Trial results _____
 - f. Sentencing hearing dates _____
 - g. Right to be heard at sentencing (written or oral) _____
 - h. Date sentence imposed _____
 12. Victim Consultation
 - a. Pretrial release or diversion _____
 - b. Declination or dismissal of any or all charges _____
 - c. Plea agreements/sentencing recommendations _____
 - d. Restitution _____
 13. If victims want to be notified of release/escape from prison and/or parole hearing dates, record date that names and addresses were sent to the Bureau of Prisons: _____
 14. Appropriate Victim Referral by LECC/Victim Witness Coordinator
 - a. Needed victim assistance:
 - Emergency medical services _____
 - Social services _____
 - Counseling or support groups _____
 - Other _____
 - b. State crime victim compensation program _____

=====

Please use reverse side for any additional comments.

Appendix H-3

Survey Responses by U.S. Attorneys' Offices

	CRIMINAL CASES				ASSISTANCE PROVIDED		
	Number 1/1/-6/30	Number VWPA	Number Victims	Number Witnesses	To Victims	To Witnesses	Direct LECC/VW Number Cases Involved
TOTALS	24,151.0	7,265.0	38,258.0	33,996.0	20,980.0	20,588.0	3,432.5
DISTRICTS							
Alabama							
Middle District	92.0	57.0	100.0	107.0	100.0	107.0	35.0
Northern District	123.0	82.0	246.0	550.0	246.0	550.0	67.0
Southern District	95.0	3.0	3.0	245.0	3.0	231.0	23.0
Alaska	61.0	20.0	53.0	365.0	0.0	249.0	7.0
Arizona	371.0	371.0	152.0	1,057.0	152.0	415.0	98.0
Arkansas							
Eastern District	259.0	129.0	280.0	597.0	59.0	277.0	5.0
Western District	141.0	17.0	552.0	229.0	552.0	229.0	141.0
California							
Central District	460.0	150.0	718.0	378.0	4.0	0.0	2.0
Eastern District	484.0	484.0	484.0	5,000.0	331.0	661.0	484.0
Northern District							
Southern District	504.0	20.0	73.0	110.0	44.0	73.0	13.0
Colorado	64.0	64.0	1,137.0	252.0	1,137.0	252.0	64.0
Connecticut							
Delaware	60.0	26.0	5.0	65.0	NO/A	NO/A	NO/A
District of Columbia	931.0	574.0	344.0	1,722.0	110.0	437.0	410.0
Florida							
Middle District	302.0	23.0	206.0	285.0	111.0	89.0	15.0
Northern District	264.0	264.0	60.0	890.0	60.0	498.0	44.0
Southern District	2,817.0	300.0	15,494.0	1,962.0	5,894.0	1,962.0	25.0
Georgia							
Middle District	58.0	28.0	71.0	259.0	30.0	2.0	14.0
Northern District	490.0	85.0	691.0	551.0	212.0	306.0	2.0
Southern District	146.0	10.0	23.0	33.0	23.0	33.0	10.0
Guam/No. Mariana Islands	53.0	2.0	24.0	7.0	0.0	0.0	0.0
Hawaii	56.0	25.0	90.0	395.0	90.0	395.0	23.0
Idaho	35.0	1.0	1.0	4.0	1.0	4.0	1.0
Illinois							
Central District	134.0	23.0	99.0	109.0	10.0	143.0	13.0
Northern District							
Southern District	84.0	6.0	31.0	29.0	31.0	29.0	6.0
Indiana							
Northern District	135.0	15.0	460.0	420.0	460.0	420.0	8.0
Southern District	159.0	30.0	111.0	88.0	108.0	3.0	3.0

Survey Responses by U.S. Attorneys' Offices

	CRIMINAL CASES				ASSISTANCE PROVIDED		
	Number	Number	Number	Number	To	To	Direct LECC/VW
	1/1/-6/30	VWPA	Victims	Witnesses	Victims	Witnesses	Number Cases Involved
TOTALS	24,151.0	7,265.0	38,258.0	33,996.0	20,980.0	20,588.0	3,432.5
DISTRICTS							
Iowa							
Northern District	42.0	10.0	72.0	46.0	64.0	46.0	4.0
Southern District	108.0	35.0	25.0	310.0	25.0	310.0	21.0
Kansas	161.0	147.0	3.0	144.0	3.0	144.0	20.0
Kentucky							
Eastern District	87.0	87.0	40.0	252.0	30.0	289.0	5.0
Western District	110.0	100.0	62.0	1,100.0	95.0	704.0	40.0
Louisiana							
Eastern District	22.0	264.0	700.0	213.0	700.0	100.0	5.0
Middle District	27.0	5.0	134.0	40.0	134.0	40.0	2.0
Western District	184.0	40.0	191.0	372.0	7.0	60.0	12.0
Maine	80.0	7.0	9.0	47.0	9.0	47.0	9.0
Maryland	121.0	51.0	25.0	92.0	25.0	92.0	37.0
Massachusetts	172.0	NO/A	NO/A	NO/A	9.0		14.0
Michigan							
Eastern District	766.0	57.0	406.0	67.0	406.0	67.0	57.0
Western District	155.0	25.0	154.0	214.0	126.0	341.0	24.0
Minnesota	165.0	47.0	198.0	16.0	181.0	16.0	24.0
Mississippi							
Northern District	82.0	40.0	88.0	166.0	11.0	45.0	7.0
Southern District	161.0	102.0	104.0	582.0	104.0	147.0	8.0
Missouri							
Eastern District	150.0	65.0	500.0	750.0	250.0	75.0	40.0
Western District	807.0	293.0	895.0	2,838.0	245.0	450.0	23.0
Montana	337.0	103.0	85.0	186.0	10.0	186.0	10.0
Nebraska	95.0	40.0	152.0	425.0	175.0	180.0	40.0
Nevada	363.0	165.0	NO/A	NO/A	9.0	501.0	37.0
New Hampshire	166.0	30.0	50.0	85.0	162.0	104.0	6.0
New Jersey	184.0	58.0	43.0	85.0	18.0	60.0	28.0
New Mexico	265.0	34.0	43.0	11.0	27.0	4.0	10.0
New York							
Eastern District	637.0	4.0	11.0	160.0	111.0	52.0	0.5
Northern District	303.0	14.0	529.0	546.0	29.0	46.0	3.0
Southern District	1,011.0	686.0	UNK	UNK	UNK	UNK	UNK
Western District	258.0	50.0	28.0	184.0	28.0	184.0	0.0
North Carolina							
Eastern District	270.0	200.0	56.0	196.0	56.0	196.0	200.0
Middle District	335.0	63.0	376.0	328.0	275.0	533.0	57.0
Western District	238.0	22.0	53.0	82.0	53.0	41.0	22.0
North Dakota	178.0	66.0	141.0	242.0	71.0	130.0	19.0
Ohio							
Northern District	203.0	20.0	26.0	39.0	26.0	39.0	20.0
Southern District	271.0	73.0	145.0	521.0	93.0	367.0	59.0

	CRIMINAL CASES				ASSISTANCE PROVIDED		
	Number	Number	Number	Number	To	To	Direct LECC/VW
	1/1/-6/30	VWPA	Victims	Witnesses	Victims	Witnesses	Number Cases Involved
TOTALS	24,151.0	7,265.0	38,258.0	33,996.0	20,980.0	20,588.0	3,432.5
Oklahoma							
Eastern District	48.0	UNK	UNK	UNK	0.0	0.0	6.0
Northern District	72.0	32.0	115.0	102.0	98.0	74.0	9.0
Western District	174.0	85.0	241.0	450.0	190.0	400.0	50.0
Oregon	249.0	134.0	363.0	1,284.0	363.0	119.0	217.0
Pennsylvania							
Eastern District	235.0	NO/A	1,341.0	404.0	1,341.0	404.0	20.0
Middle District	424.0	17.0	63.0	10.0	54.0	10.0	0.0
Western District	153.0	48.0	2,769.0	5.0	1,034.0	0.0	48.0
Puerto Rico	134.0	21.0	25.0	41.0	25.0	41.0	21.0
Rhode Island							
South Carolina	232.0	46.0	90.0	123.0	90.0	123.0	46.0
South Dakota	101.0	48.0	66.0	153.0	29.0	NO/A b	110.0
Tennessee							
Eastern District	250.0	54.0	295.0	373.0	295.0	373.0	5.0
Middle District	129.0	95.0	737.0	288.0	399.0	327.0	157.0
Western District	145.0	25.0	235.0	72.0	2.0	40.0	1.0
Texas							
Eastern District	109.0	12.0	2,213.0	76.0	2,213.0	76.0	12.0
Northern District	375.0	5.0	6.0	17.0	4.0	11.0	5.0
Southern District	1,237.0	NO/A	1.0	25.0	1.0	200.0	8.0
Western District	1,053.0	153.0	257.0	555.0	75.0	52.0	2.0 c
Utah	110.0	6.0	27.0	123.0	26.0	123.0	19.0
Vermont	99.0	6.0	31.0	60.0	31.0	10.0	5.0
Virgin Islands	274.0	162.0	248.0	1,034.0	161.0	175.0	48.0
Virginia							
Eastern District	148.0	148.0	589.0	831.0	589.0	831.0	33.0
Western District	81.0	8.0	103.0	352.0	103.0	352.0	8.0
Washington							
Eastern District	247.0	4.0	UNK	UNK	11.0		0.0
Western District	423.0	186.0	383.0	500.0	283.0	132.0	75.0
West Virginia							
Northern District	266.0	6.0	719.0	3.0	8.0	3.0	6.0
Southern District	195.0	10.0	10.0	16.0	33.0	16.0	33.0
Wisconsin							
Eastern District	169.0	49.0	77.0	172.0	97.0	3,223.0	49.0
Western District	69.0	35.0	75.0	698.0	75.0	335.0	45.0
Wyoming	58.0	58.0	327.0	181.0	15.0	177.0	18.0

a. Maryland does not record the numbers of victims and witnesses that are not being worked by the victim/witness unit; therefore, the numbers of individuals receiving assistance were used. Actual numbers would be greater.

b. South Dakota indicated that the district was unclear as to whether this question applied to routine initial notification of all witnesses or the serious crime notification process, and to whether this included all witness contact during the period or just in the cases indicted during the period.

c. Western District of Texas has six geographically dispersed offices with a victim advocate in each one. The LECC/VW coordinator was only involved directly in 2 cases; she serves in an oversight role.

Appendix H-4

Survey Results, Program Policy

General office policy/practice to:	Percent of Affirmative answers ^a
When requested, notify creditors of victims and witnesses if their cooperation affects their ability to make timely payments?	100
Provide general information to victims and witnesses about transportation, parking, translator services, and other information related to court-room appearances?	99
Maintain accurate, up-to-date resource material which identifies available victim counseling and treatment programs in the jurisdiction?	98
Advise victims and witnesses of their right to be protected from intimidation/harassment?	98
Resist defense attempts to obtain addresses of victims and witnesses? ^b	96
Provide training to your employees concerning compliance with the Attorney General's Guidelines for the Victim and Witness Protection Act?	96
Assist your own employees who are victims of crime?	95
Provide victims and witnesses for the prosecution a waiting area separate from the defendant and defense witnesses?	92
When requested, notify employers of victims and witnesses if their cooperation causes absence from work?	91
Ensure that sexual assault victims do not pay for the cost of forensic examinations? ^c	91

^a Of 93 Federal districts, 89 responded.

^b Districts responded that this information must be released.

^c Several of the districts that answered "No" explained that their office had no experience with sexual assault victims.

Appendix H-5

Survey Results
Victim Notification, Consultation, and Referral

	Percent providing services (to nearest percentage point)			
	Very Well	Well	Needs Improvement	No Answer
U.S. Attorney's Offices Provide:				
Victim/Witness Notification on:				
Right to be protected from intimidation/harassment	70	21	8	1
Arrest or release of accused	43	37	18	2
Judicial proceeding scheduling changes/continuances	70	21	8	1
Arrest or release of accused	62	24	12	1
Pleas, plea agreements	51	36	12	1
Trial results	61	29	9	1
Sentencing hearing dates	52	33	13	1
Right to be heard at sentencing (written/oral)	44	40	14	2
Date sentence imposed	54	29	16	1
Notification to Bureau of Prisons of names of victim/witnesses who want notification of prisoner transfer, escape, and/or release	60	23	11	6
Victim Consultation on:				
Pretrial release or diversion	27	23	11	6
Declination or dismissal of any or all charges	30	43	23	5
Plea agreements/sentencing recommendations	30	42	22	6
Restitution	51	38	8	3
Victim Referral:				
Emergency medical assistance	47	33	9	11
Social services	53	34	10	3
Counseling or support groups	51	37	9	3
State crime victim compensation program	54	33	8	6

Appendix I

Appendix I-1

Children's Justice Act Grant Awards
Awarded September 1988 by
Administration of Children, Youth and Families
Department of Health and Human Services

Appendix I-2

National Center on Child Abuse and Neglect
Children's Justice Act
Fiscal Year 1990

Children's Justice Act Grant Awards
 Awarded September 1988 by
 Administration of Children, Youth and Families
 Department of Health and Human Services

State	Allocation		
	VOCA FY '87 Funds	VOCA FY 88' Funds	VOCA FY 89' Funds
Alabama	\$110,076	\$133,735	\$127,027
Alaska	0	0	0
Arizona	0*	0*	107,169
Arkansas	69,999	83,685	79,990
California	0	0	0
Colorado	88,844	107,219	102,556
Connecticut	79,635	95,719	90,922
Delaware	0*	0*	31,247
District of Columbia	0	29,589	28,640
Florida	0	0	0
Georgia	161,068	197,416	189,108
Hawaii	39,387	45,456	43,684
Idaho	41,519	48,118	45,690
Illinois	0*	0*	319,388
Indiana	0	0	0
Iowa	0*	0*	0
Kansas	70,084	83,793	80,190
Kentucky	101,037	122,447	114,892
Louisiana	129,859	158,441	0
Maine	40,752	47,160	45,389
Maryland	109,735	133,309	127,829
Massachusetts	129,347	157,802	148,991
Michigan	0*	0*	0
Minnesota	109,650	133,203	0
Mississippi	0*	0*	94,332
Missouri	0	0	0
Montana	34,697	39,599	37,466
Nebraska	0*	0*	0
Nevada	0	0	0
New Hampshire	0	0	41,678
New Jersey	171,129	209,981	198,636
New Mexico	52,860	62,281	59,731
New York	388,057	480,889	452,377
North Carolina	153,479	187,938	178,176
North Dakota	0*	0*	0
Ohio	258,361	318,920	0
Oklahoma	0*	0*	104,561
Oregon	73,495	88,051	83,801
Pennsylvania	0	0	0
Rhode Island	0	0	37,967
South Carolina	0*	0*	109,375
South Dakota	0	36,085	34,657
Tennessee	121,588	148,111	140,466
Texas	0*	0*	0
Utah	0*	0*	0
Vermont	26,938	29,908	29,141
Virginia	137,618	168,131	161,327
Washington	113,572	138,101	132,242
West Virginia	0*	0*	0
Wisconsin	0	0	0
Wyoming	0	0	0
Puerto Rico	0	0	0
Virgin Islands	0	0	0
Guam	0	0	0
American Somoa	0	0	0
Northern Marianas	0	0	0
Palau	0	0	0
TOTAL	\$2,812,786	\$3,485,087	\$3,578,645

*Applied but determined ineligible

National Center on Child Abuse and Neglect
 Children's Justice Act
 Fiscal Year 1990

Appropriation 7515X 504116

CAN 0-1990517

Last Date This File Was Updated	09/14/90	
State Bases:	\$35,000	\$35,000
Total Allocations:	\$9,194,450	\$9,194,450

	<u>Population</u>	<u>Ratio</u>	<u>Tentative Allocations</u>	<u>Grant Participant</u> Yes=1 No=0	<u>Population</u>	<u>Ratio</u>	<u>Final Allocations</u>
<u>Region I</u>							
Connecticut	760,000	0.017861	\$172,074	1	760,000	0.017861	\$172,074
Maine	304,000	0.007145	\$89,830	1	304,000	0.007145	\$89,830
Massachusetts	1,332,000	0.031304	\$275,241	1	1,332,000	0.031304	\$275,241
New Hampshire	275,000	0.006463	\$84,599	1	275,000	0.006463	\$84,599
Rhode Island	230,000	0.005405	\$76,483	1	230,000	0.005405	\$76,483
Vermont	141,000	0.003314	\$60,431	1	141,000	0.003314	\$60,431
<u>Region II</u>							
New Jersey	1,831,000	0.043032	\$365,241	1	1,831,000	0.043032	\$365,241
New York	4,356,000	0.102374	\$820,653	1	4,356,000	0.102374	\$820,653
Puerto Ricc	0	0.000000	\$0	0	0	0.000000	\$0
* Virgin Islands	46,000	0.000000	\$40,051	1	46,000	0.000000	\$40,051
<u>Region III</u>							
Delaware	166,000	0.003901	\$64,940	1	166,000	0.003901	\$64,940
District of Columbia	138,000	0.003243	\$59,890	1	138,000	0.003243	\$59,890
Maryland	1,147,000	0.026957	\$241,874	1	1,147,000	0.026957	\$241,874
Pennsylvania	0	0.000000	\$0	0	0	0.000000	\$0
Virginia	1,470,000	0.034548	\$300,131	1	1,470,000	0.034548	\$300,131
West Virginia	0	0.000000	\$0	0	0	0.000000	\$0

National Center on Child Abuse and Neglect
Children's Justice Act
Fiscal Year 1990

Appropriation 7515X 504116

CAN 0-1990517

Last Date This File Was Updated	09/14/90	
State Bases:	\$35,000	\$35,000
Total Allocations:	\$9,194,450	\$9,194,450

1990 - CJA	<u>Population</u>	<u>Ratio</u>	<u>Tentative Allocations</u>	<u>Grant Participant</u> <u>Yes=1 No=0</u>	<u>Population</u>	<u>Ratio</u>	<u>Final Allocations</u>
<u>Region IV</u>							
Alabama	1,115,000	0.026204	\$236,103	1	1,115,000	0.026204	\$236,103
Florida	0	0.000000	\$0	0	0	0.000000	\$0
Georgia	1,776,000	0.041739	\$355,321	1	1,776,000	0.041739	\$355,321
Kentucky	981,000	0.023055	\$211,934	1	981,000	0.023055	\$211,934
Mississippi	780,000	0.018331	\$175,682	1	780,000	0.018331	\$175,682
North Carolina	1,636,000	0.038449	\$330,071	1	1,636,000	0.038449	\$330,071
South Carolina	949,000	0.022303	\$206,163	1	949,000	0.022303	\$206,163
Tennessee	1,253,000	0.029448	\$260,992	1	1,253,000	0.029448	\$260,992
<u>Region V</u>							
Illinois	3,003,000	0.070576	\$576,624	1	3,003,000	0.070576	\$576,624
Indiana	0	0.000000	\$0	0	0	0.000000	\$0
Michigan	0	0.000000	\$0	0	0	0.000000	\$0
Minnesota	1,120,000	0.026322	\$0	1	1,120,000	0.026322	\$237,004
Ohio	2,823,000	0.066345	\$544,159	1	2,823,000	0.066345	\$544,159
Wisconsin	0	0.000000	\$0	0	0	0.000000	\$0
<u>Region VI</u>							
Arkansas	649,000	0.015253	\$152,054	1	649,000	0.015253	\$152,054
Louisiana	1,296,000	0.030458	\$268,748	1	1,296,000	0.030458	\$268,748
New Mexico	449,000	0.010552	\$115,982	1	449,000	0.010552	\$115,982
Oklahoma	882,000	0.020729	\$194,079	1	882,000	0.020729	\$194,079
Texas	4,986,000	0.117180	\$934,281	1	4,986,000	0.117180	\$934,281
<u>Region VII</u>							
Iowa	714,000	0.016780	\$163,778	1	714,000	0.016780	\$163,778
Kansas	653,000	0.015347	\$152,776	1	653,000	0.015347	\$152,776
Missouri	0	0.000000	\$0	0	0	0.000000	\$0
Nebraska	0	0.000000	\$0	0	0	0.000000	\$0

Last Date This File Was Updated	09/14/90	
State Bases:	\$35,000	\$35,000
Total Allocations:	\$9,194,450	\$9,194,450

1990 - CJA	<u>Population</u>	<u>Ratio</u>	<u>Tentative Allocations</u>	<u>Grant Participant</u> Yes=1 No=0	<u>Population</u>	<u>Ratio</u>	<u>Final Allocations</u>
<u>Region VIII</u>							
Colorado	869,000	0.020423	\$191,734	1	869,000	0.020423	\$191,734
Montana	221,000	0.005194	\$74,860	1	221,000	0.005194	\$74,860
North Dakota	0	0.000000	\$0	0	0	0.000000	\$0
South Dakota	197,000	0.004630	\$70,531	1	197,000	0.004630	\$70,531
Utah	629,000	0.014783	\$148,447	1	629,000	0.014783	\$148,447
Wyoming	0	0.000000	\$0	0	0	0.000000	\$0
<u>Region IX</u>							
* American Samoa	17,000	0.000000	\$37,095	1	17,000	0.000000	\$37,095
Arizona	952,000	0.022374	\$206,704	1	952,000	0.022374	\$206,704
California	0	0.000000	\$0	0	0	0.000000	\$0
* Guam	49,000	0.000000	\$41,064	1	49,000	0.000000	\$41,064
Hawaii	287,000	0.006745	\$86,764	1	287,000	0.006745	\$86,764
* Northern Marianas	9,000	0.000000	\$36,102	1	9,000	0.000000	\$36,102
Nevada	0	0.000000	\$0	0	0	0.000000	\$0
* Palau	7,000	0.000000	\$35,772	1	7,000	0.000000	35,772
<u>Region X</u>							
Alaska	0	0.000000	\$0	0	0	0.000000	\$0
Idaho	304,000	0.007145	\$89,830	1	304,000	0.007145	\$89,830
Oregon	686,000	0.016122	\$158,728	1	686,000	0.016122	\$158,728
Washington	1,190,000	0.027967	\$249,630	1	1,190,000	0.027967	\$249,630
TOTALS	42,678,000	1.000000	\$9,194,450	43	42,678,000	1.000000	\$9,194,450

* Funds included in Child Abuse and Neglect Basic State Grants/Block Grants

Approved: Wade F. Horn
 Wade F. Horn, Ph.D.
 Commissioner, Administration for
 Children, Youth and Families

9/24/90
 Date

Funds Available: J. J. [Signature]
 Budget/OPM/ACYF

9/24/90
 Date