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Office for Victims of Crime



Office for Victims of Crime

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Report to Congress
June 1994

Victims of Crime Act of 1984
as Amended:
A Report to the President
and the Congress

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

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ACQUISITIONS

*This report covers activities undertaken by the
Office for Victims of Crime and its grantees with
Crime Victims Fund revenues during Fiscal Years
1990 - 1992*

149081

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Table of Contents

	Page
Introduction	i
Executive Summary	1
Chapter 1: The Victims of Crime Act 1984	3
Chapter 2: The Crime Victims Fund	5
Chapter 3: Crime Victim Compensation	13
Chapter 4: Crime Victim Assistance	29
Chapter 5: Federal Crime Victims Program	39
Chapter 6: Children's Justice Act Discretionary Grant Program for Native Americans	57
Chapter 7: Training and Technical Assistance Grants	65
Appendices	
Appendix A: Victim Compensation Allocations	82
Appendix B: Victim Assistance Allocations	84
Appendix C: FY 92 Questionnaire for Federal Law Enforcement Agencies Victim/Witness Assistance	87
Appendix D: Instruction Sheet for Victim and Witness Questionnaire	91
Appendix E: Response to Victim and Witness Questionnaire	96
Appendix F: Historical Background of the Victims of Crime Act of 1984	101

Introduction

Criminal victimization is rapidly becoming a shared experience that is shaping the American way of life. The National Crime Victimization Survey found that among approximately 205 million persons aged 12 years or older residing in the United States in 1991, there were over 34.7 million crimes committed. Approximately 6.4 million of these crimes consisted of violent victimizations including rape, robbery, simple and aggravated assaults. Even in the smaller set of reported crimes, the Federal Bureau of Investigation Uniform Crime Reports indicates that one violent crime occurs every 17 seconds in the United States, one murder every 21 minutes, one forcible rape every 5 minutes, and one aggravated assault every 29 seconds. The threat of victimization implied by such statistics is stimulating lifestyle changes such as the installation of barred windows, the hiring of security guards, and avoidance of walking alone at night in urban neighborhoods. For growing numbers of us, unfortunately, crime victimization has also meant senseless loss of life or limb, psychological trauma and financial ruin.

In response, raised voices are awakening the consciousness of America by demanding that fair and equitable treatment for crime victims be reflected in court decisions, agency policies and state and Federal statutes. The progress of this movement is marked by numerous concrete improvements that demonstrate an emerging societal respect for the victim's human dignity in the wake of crime.

The years immediately following the historic issuance of the 1982 Final Report of the President's Task Force on Victims of Crime were years of uphill, incremental progress. Much remains to be done, however, to gain a rudimentary national awareness of the needs and rights of crime victims; and to support essential assistance services with funding provided by the Victims of Crime Act of 1984 (VOCA), as amended.

By contrast, the victims movement of late has been characterized by expansion that has penetrated many sectors of society. It has infused a wide range of providers and professionals with a deepening sense of

responsibility to crime victims — and has inspired their commitment to meet that responsibility head-on.

Crime victims themselves are central in this picture. No longer are they faceless statistics reported in newspaper headlines. They have seized tools such as victim impact statements and civil legal remedies in order to make their voices heard at every stage of the criminal justice process, and beyond.

The notable achievements of VOCA during the years covered by this report are reflective of the movement's expansion. Through the implementation of VOCA and systematic efforts to advance the recommendations of the 1982 Final Report, the Department of Justice's Office for Victims of Crime (OVC) has carved out a place for crime victims within social service and criminal justice systems throughout the country and at the local, state, and Federal levels.

At the Federal level, OVC has encouraged legislative and judicial inroads that have solidified crime victims' rights.

In 1991, OVC applauded the U.S. Supreme Court's decision in *Payne v. Tennessee*, which upheld the constitutionality of victim impact evidence submitted during the sentencing phase in capital cases. The previous year brought yet another significant achievement; the 1990 enactment of the Federal Crime Victims Bill of Rights, which the Attorney General followed up in 1991 with official Guidelines for its implementation. The Victims of Child Abuse Act of 1990, which codifies the rights of child victims in the Federal criminal justice system, was also enacted.

Since then, OVC has successfully enlisted the cooperation of nearly all Federal agencies with law enforcement components in achieving compliance with the Attorney General Guidelines. Technical assistance efforts, undertaken by OVC, have been focused on ensuring that victims of Federal crimes — including child victims — routinely receive the services they are due.

Legislative reforms to VOCA — such as the removal of the ceiling on the Crime Victims Fund — and a 1991-1992 record-breaking total collection of \$221 million¹ for the Crime Victims Fund, have

¹ Note: Although this amount was collected and deposited into the Crime Victims Fund, it was not available because VOCA established a legislative cap on the Crime Victims Fund of \$150 million.

allowed OVC to lend strong Federal support to the provision and enhancement of crime victim services throughout the country. Furthermore, as a responsible steward of Federal funds, OVC has initiated an automated compensation claims tracking system that will expedite effective claims processing and improve its ability to monitor the expenditure of Federal funds. This system is currently being reviewed by 31 states. Numerous site visits to state crime victim compensation programs and state and local victim assistance programs have also been conducted to ensure that VOCA funds are consistently supporting high quality services and meeting critical victim needs.

Finally, through VOCA, OVC has sought to redress the imbalance in the criminal justice system by designing many of its discretionary grant programs to provide

victim-focused skills training for law enforcement officers, prosecutors, judges, and probation, parole, and correctional personnel. Through its liaison work with legal and criminal justice organizations such as the American Bar Association, the American Correctional Association, and the American Probation and Parole Association, the Department of Justice is bringing the crime victims' perspective home to those professionals who have the power to initiate institutional change in a system that has, for too long, focused solely on the rights of offenders.

I believe you will find that the accomplishments described in this Report place OVC in a strong position to advance victim rights and serve victim needs well into the Twenty-First Century.

Carolyn Hightower
Acting Director

Executive Summary

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 revenue derived from each source described in section 1402 (the Crime Victims Fund) and on the effectiveness of the activities supported under this chapter. The Director may include in such report recommendations for legislation to improve this chapter.

Thus, in accordance with the statutory mandate, this Report accounts for activities and services supported by the Crime Victims Fund from October 1, 1989 through September 30, 1992 (Fiscal Years 1990 and 1991).

These fiscal years have witnessed the marking of significant milestones for the crime victims movement. The National Conference of Commissioners on Uniform State Laws drafted a model Victims of Crime Act to guide state legislatures. In a landmark decision for crime victims, *Payne v. Tennessee*, the U.S. Supreme Court held that there is no per se constitutional ban on the submission of victim impact evidence during the sentencing phase of a capital case. In an unfavorable decision for crime victims, *Simon & Schuster v. Members of the New York State Crime Victims Board*, the U.S. Supreme Court struck down New York's "Son of Sam" law as it was applied to literary profits generated by an admitted organized crime figure's story telling. The statute, which preserved perpetrators' literary profits for the satisfaction of crime victims' civil judgments, was found to be an unconstitutional constraint on the First Amendment Right to free expression. State legislatures across the country, meanwhile, have been enacting stronger protection for victims in the form of constitutional amendments and laws such as victim bills of rights and anti-stalking statutes. On the Federal level, Congress enacted one such law in September 1990 — Public Law 101-542 — the Student Right-To-Know and Campus Security Act, as amended by Public Law 102-26, the Higher Education Technical Amendments of 1991. This legislation requires colleges to collect and disclose information about campus security measures and statistics about serious crimes involving students, including murders, rapes, and robberies that occur on or

near campus. Finally, and sadly, victims of campus crime, those seeking civil judgments against their perpetrators and/or negligent third parties, and crime victims everywhere, lost a great friend and legal advisor in the late Frank Carrington. Thus, while the pendulum has shifted back and forth between marked achievements and significant losses, on the whole and without a doubt, the victims movement is gaining momentum.

The crime victims movement formally coalesced in 1982 when the President appointed a Task Force to evaluate the experience of crime victimization among Americans. The evaluation resulted in the formulation of a series of recommendations for criminal justice system components, various levels of government, social service providers, and other segments of society. In response to one of the Task Force's recommendations, the Office for Victims of Crime (OVC) was created within the Department of Justice as a Federal agency to advocate for the fair treatment of crime victims.

OVC has since become the Federal focal point for all issues affecting our Nation's crime victims. OVC administers funds for crime victim services from deposits made into the Crime Victims Fund (Fund) — monies derived from forfeited bail bonds, special penalty assessments and fines paid by defendants convicted of Federal crimes. Formula grants to the states and territories provide supplemental funding for state crime Victim Compensation and Victim Assistance Programs. Discretionary grants are awarded to support services to victims of Federal crime, as well as to provide high-quality training and technical assistance to criminal justice system professionals and victim service providers. OVC believes that human resources are what make victim service programs strong. Thus, OVC views training of criminal justice professionals and other service providers as a key tool in the effort to change attitudes and enhance services to crime victims.

OVC also plays an important role in shaping Federal legislation and policy pertaining to victim issues. OVC implements policy by providing technical assistance and assuring the quality of contracted services through monitoring.

Fiscal years 1991 and 1992 brought landmark accomplishments that enhance and diversify OVC's

functions, thereby resulting in improved services and stronger rights for crime victims:

- The Crime Control Act of 1990 was passed in Fiscal Year 1991 (November 29, 1990). The Crime Control Act includes the Victims Rights and Restitution Act (Title V), which provides crime victims with defined rights, and Federal criminal justice professionals with clearly articulated responsibilities to victims. The Crime Control Act also contains the Victims of Child Abuse Act of 1990, which tailors the Federal criminal justice system to the unique needs of child victims, thereby making it possible for them to effectively participate in the system. OVC assisted in drafting new and more comprehensive Attorney General Guidelines and conducted training for Federal criminal justice officials in order to implement both the Guidelines and new laws.
- With the enactment of the Federal Courts Administration Act of 1992, the \$150 million ceiling on the Crime Victims Fund and the Victims of Crime Act (VOCA) sunset provision was eliminated. Increased deposits into the Crime Victims Fund will enable OVC to make larger formula awards to the states, improve training opportunities for victim service providers and criminal justice system professionals, and expand services to victims of Federal crimes. Other proposed VOCA reforms, which would allow for a more effective and efficient expenditure of VOCA grant funds by OVC and its grantees, have also been articulated and presented to Congress.
- At the close of Fiscal Year 1992, \$221 million was collected for the Crime Victims Fund. This record-breaking amount was the result of the effective collection work accomplished by the Clerks of Court within the Administrative Office of the U.S. Courts, as well as Financial Litigation Units housed within U.S. Attorneys offices throughout the country. Widespread and expert training offered to these criminal justice system professionals has spurred their motivation and provided them the necessary skills to accomplish the effective collection of fines.
- In April 1992, certain Federal criminal justice professionals were formally recognized for their exceptional contributions to the Crime Victims Fund. Representatives from the Federal Bureau of Prisons, the Administrative Office of the U.S. Courts, and

the Executive Office of the U.S. Attorneys received plaques in recognition of their significant efforts.

- Training programs were implemented for Federal, state and local criminal justice professionals throughout the country, including judges, probation and parole officers, law enforcement officers, prosecutors, and corrections officials. The training curricula addressed many of the recommendations set forth in the Final Report of the President's Task Force on Victims of Crime (December 1992).
- The first joint training event for state administrators of OVC's two VOCA formula grant programs — Victim Compensation and Victim Assistance — was held in Washington, D.C. in November of 1992.
- OVC implemented SUBDIAL, an automated reporting system, to expedite the transmission of state performance data on funded victim service programs.
- In April 1992, OVC began to provide technical assistance to state Victim Compensation Programs in the area of automated claims processing.

Cumulatively, from October 1985 through September 1992, more than \$900 million was collected from criminals convicted of Federal offenses; of that total, almost \$830 million was deposited into the Crime Victims Fund (see Chapter 2) and made available for crime victim services, including state formula grants for compensation and assistance. Through the Crime Victims Fund, OVC also supports:

- 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 who respond 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; and
- Direct services for Federal crime victims, including an emergency fund to assist in situations where victims need immediate services that are unavailable through other sources.

Chapter 1

The Victims of Crime Act of 1984

VOCA Goals and Objectives

This Report describes how VOCA has been implemented and assesses its impact. VOCA, under the original Act of 1984 and the 1988, 1990, and 1992 amendments, 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 crimes.
- 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 victims (see Chapter 4 for further discussion).

All fifty 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. Of those 52 entities, only one state (Nevada) has chosen to not participate in the VOCA Victim Compensation Program (see Chapter 3).

The source of funding for Federal support to state Victim 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 and those who forfeit bonds set by Federal courts through their failure to appear in court proceedings.

Fines, appearance bond forfeitures, and special assessments are collected from perpetrators convicted of Federal crimes and deposited into the 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 services to victims of Federal crimes, as well as training and technical assistance for victim service professionals 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 most 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 victims of crime. The following is 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 Family Violence Prevention and Services Act appropriated \$6 million in Fiscal Year 1985 for grants to States for local public agencies and non-profit organizations for family violence prevention projects, shelters, and other assistance to victims of family violence. (In Fiscal Year 1991, the appropriation was \$10.7 million, and in Fiscal Year 1992, it was \$20 million. This appropriation is administered by the Department of Health and Human Services (HHS)).
- The Crime Control Act of 1990 responded in two key ways to the growing national concern for innocent victims of crime. Title V of that Act created a Federal Crime Victims' Bill of Rights that mandates the provision of a wide range of services to victims of Federal crimes. Federal officials were given enhanced authority to ensure that crime victims are treated with compassion, respect and dignity by the criminal justice system. Title II of the Act strengthens the protection and improves the treatment of child victims and witnesses in Federal criminal courts. The Act helps children participate in court proceedings and minimizes the trauma normally attendant upon such activity. The Attorney General's Guidelines for Victim Witness Assistance have subsequently been revised to implement these new laws as well as the Victim Witness Protection Act of 1982.

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 nearly \$10 million of the Fund to HHS for programs to assist States in improving their handling of child abuse cases, especially cases involving sexual abuse. The Act

reduced the percentage of funds available to assist victims of Federal crimes from five percent to one percent; at least half of the one percent is 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 six 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 ceiling 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 Crime Control Act of 1990 accelerated the increase by raising the ceiling to \$150 million for Fiscal Year 1991. Thus, if deposits in the Fund increased, more funds would be available for state compensation and assistance programs, Federal crime victims services, and training and technical assistance.

The 1988 VOCA amendments recommended that funding be specifically directed 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. Also, new Federal eligibility requirements for state compensation grants had the effect of making compensation more accessible to certain types of victims in many states (see Chapter 3 for further discussion).

Another landmark change to VOCA occurred recently with the passage of the Federal Courts Administration Act of 1992 (Pub. L. 102-572). This legislation removes the ceiling on deposits into the Crime Victims Fund and eliminates, as well, the Fund's sunset provision. It increases the amount allocated to the Administrative Office of the U.S. Courts to \$6,200,000 through Fiscal Year 1995 (reduced to \$3,000,000 in Fiscal Year 1996 and thereafter) and stipulates that the earmark will now be taken "up front," before program allocations are made. While the new legislation could make more funding available for crime victim services, the text also presented many technical errors which were corrected during the 1993 legislative session.²

² P.L. 102-572 is replete with technical errors that make it impossible to administer Crime Victims Fund allocations. OVC surmises that the following were inadvertent oversights by the drafters of the legislation: percentage allocations with respect to the first \$100 million deposited into the Fund for victim services did not total 100 percent; funding for the Children's Justice Act grant program was eliminated; funding for training and technical assistance and services to Federal crime victims, out of the initial \$100 million in Fund deposits, was eliminated; and duplicative allocation references are made with respect to the funding of the crime victim assistance program.

Chapter 2

The Crime Victims Fund

The Crime Victims Fund (Fund) was established with the enactment of the Victims of Crime Act of 1984 (VOCA) and serves as the funding source for federally assisted victim services throughout the country. Originally, VOCA limited that portion of the Fund available for victim services to \$100 million. Over the last decade, however, Congress has steadily raised the ceiling. The enactment of the Federal Courts Administration Act of 1992 (Pub. L. 102-572) completely eliminated the ceiling on Federal funding for victim services, effective in Fiscal Year 1994.

Deposits for both Fiscal Years 1991 and 1992 were subject to a ceiling of \$150 million for crime victim services. In accordance with Section 1402(c)(1)(A) of VOCA, the first \$2.2 million deposited in excess of that ceiling were made available to the judicial branch for administrative costs to carry out the collection of fines by the Administrative Office of the U.S. Courts. Any remaining excess was then deposited in the U.S.

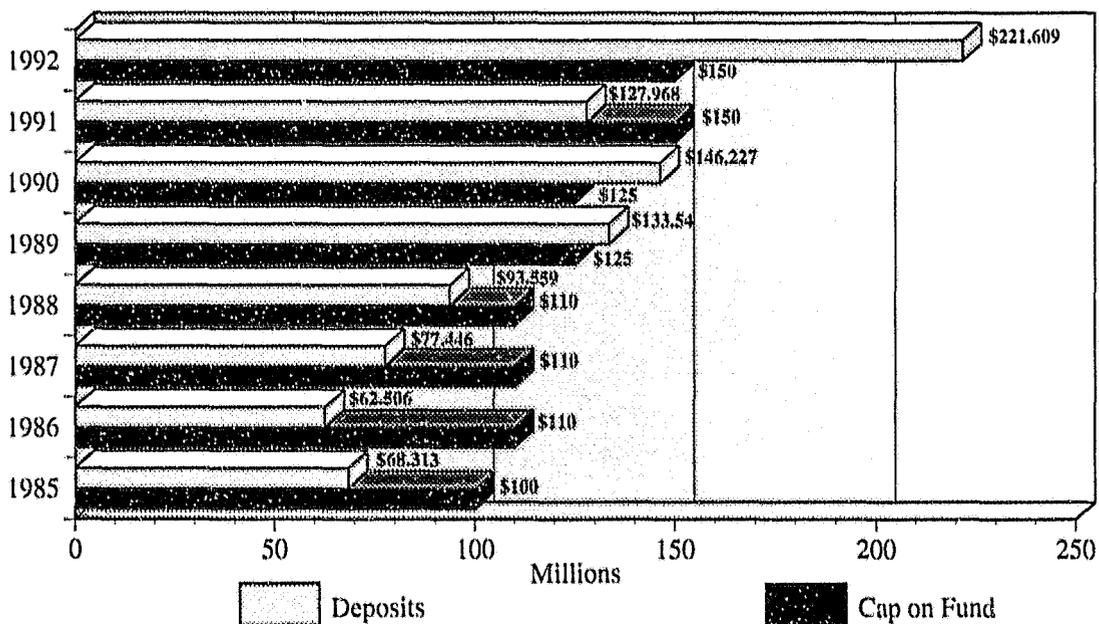
Treasury or utilized, as authorized, by Congress. This situation occurred in Fiscal Year 1992, a banner year for collections, when deposits totaled \$221.6 million. (In Fiscal Year 1991 there were no excess funds since deposits totaled only \$127.9 million, falling well below the \$150 million ceiling.)

Since the Federal Courts Administration Act of 1992 eliminated the ceiling, government collection efforts in Fiscal Year 1993 and beyond will be especially significant for crime victims and OVC. In this regard, an eight-year general trend of increased deposits into the Fund is heartening. [See Figure 1, Crime Victims Fund-Deposits and Fund Cap].

Clerks of Federal Courts and Financial Litigation Unit staff, from U.S. Attorneys' Offices throughout the country, collect fines and penalties from felons and misdemeanants convicted of violating Federal law. When deposited into the Crime Victims Fund, this money supports:

FIGURE 1

Crime Victims Fund - Deposits and Fund Cap



FY deposits are available during the next FY. Only funds up to cap are available for victims of crime.

- Grants to state victim compensation programs.
- Grants to state victim assistance agencies for community victim service programs.
- Training and technical assistance for victim assistance professionals.
- Services for victims of Federal crimes.
- The Children's Justice Act (CJA) program purposes.

The sources of revenue for the Crime Victims Fund are:

- Fines collected from persons convicted of Federal offenses, with limited exceptions.³
- Forfeited appearance bonds and bail bonds 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 revenue sources but yield only 1 to 4 percent of the total amount deposited.⁴
- Criminal penalties for nonappearance assessed in addition to forfeiture.

In the past, forfeited profits from commercial exploitation (literary or enhancement) of convicted defendants' crimes, i.e., "Son of Sam" or notoriety-for-profit⁵ forfeitures, have also been eligible for deposit into the Crime Victims Fund under 18 U.S.C. Section 3681. The constitutionality of such forfeitures, however, was successfully challenged in the Supreme Court case, *Simon & Schuster v. New York Crime Victims Board*, et al., (112 S.Ct. 501, 1991). New York's notoriety for profit forfeiture law was struck down as a selective financial burden placed on content-based, expressive activity because it was not narrowly tailored to achieve the State's compelling interest in compensating victims

from the fruits of crime. In view of this decision, the analogous Federal statute is being analyzed.

Historically, the courts received all money derived from the collection of fines. During the mid-1980's, however, amendments to the law required U.S. Attorneys rather than the courts to receive and deposit collected fines. The law has since been changed again so that the bulk of the money is received ("received") by the Clerks of the Court and not by the Department of Justice. Many deposits received by Clerks, however, are a result of the collection enforcement efforts of U.S. Attorneys' Financial Litigation Units. The Bureau of Prisons also collects a substantial amount of money every year for the Crime Victims Fund through its fines collection efforts.⁶ These collections are handled differently in that they are received by the Department of Justice and not the Clerks of Court. All money collected and deposited into the Crime Victims Fund during one fiscal year is disbursed in the following fiscal year.

Original Distribution of the Fund

As passed in 1984, VOCA specified a simple division of the Crime Victims Fund, which was 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 would receive no more than 35 percent⁷ of the previous year's compensation payments to eligible crime victims from that state's funding sources. 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), was authorized to apply up to 5 percent of the amount available for assistance services to victims of Federal crime. Any amount collected in excess of \$100 million ceiling was to be deposited in the U.S. Treasury's General Fund.

³ 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. 2375(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 29 U.S.C. 2003]; the Navigable Waters Revolving Fund of the Federal Water Pollution Control Act [33 U.S.C. 1321(311)]; and county public school funds [18 U.S.C. 3613].

⁴ A convicted individual is assessed \$5 for Class C misdemeanors; \$10 for Class B; and \$25 for a Class A misdemeanor. For other than individuals (e.g. a corporate offender), the assessed amount is \$25 for a Class C misdemeanor; \$50 for Class B; and \$125 for a Class A misdemeanor. For felons, the amounts are \$50 for individuals and \$200 for corporate offenders. [Section 3013 of Title 18 of the U.S. Code.]

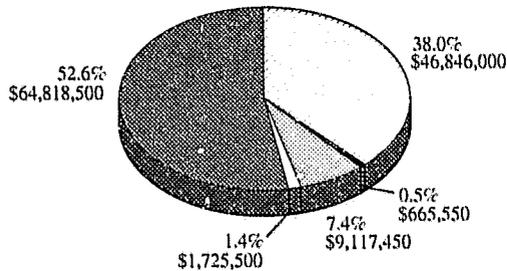
⁵ This provision, along with several similar State laws, was enacted following the "Son of Sam" homicide case in New York City in which the convicted assailant sought to profit from the selling of "publication rights" to his story of how he murdered several victims.

⁶ The Federal Bureau of Prisons established the Inmate Financial Responsibility Program in 1987. The program encourages inmates to pay their fines, special assessments and restitution, along with court-ordered obligation while in custody. Since 1987, the Bureau of Prisons has collected over \$54 million through this program.

⁷ Prior to 1988, VOCA provided funding support to state Crime Victim Compensation Programs at the rate of 35 percent total payments to crime victims from State funding sources in a prior year. Currently, the statutorily established rate is 40 percent.

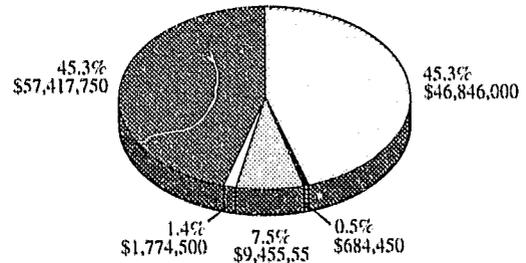
FIGURE 2 Crime Victims Fund - Distribution

FY 1990 - VOCA Grant Funds \$123,250,000



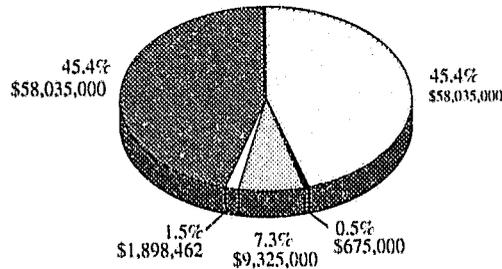
Deposits in FY 89 \$133.5M; Available in FY 90 \$125M less \$1,750,000 sequestered

FY 1991 - VOCA Grant Funds \$126,750,000



Deposits in FY 90 \$146.2M; Available in FY 91 \$125M plus \$1,750,000

FY 1992 - VOCA Grant Funds \$126,750,000



\$127,968,462 deposited in FY 91; Available in FY 92

Victim Compensation
 OVC-CJA
 HHS-CJA
 T/TA, Fed Vict
 Victim Assistance

Effect of the 1986 Amendment

The Children's Justice and Assistance Act of 1986 (CJA) (Pub. L. 99-401) amended VOCA to change the Fund distribution formula and raise the ceiling on the Fund to \$110 million. CJA allocated up to \$10 million of the Fund (4.5 percent of the initial \$100 million in deposits plus the first \$5.5 million deposited in excess of the initial \$100 million deposit) 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, the 1986 amendment:

- Reduced the maximum amount available for state crime victim compensation grants to 49.5 percent of the Fund's first \$100 million in receipts.
- Set the amount available for state crime victim assistance grants at 45 percent of the first \$100 million, plus \$4.5 million if Fund deposits reached the \$110 million ceiling.

- 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 use of up to half of that amount (one-half of 1 percent) for training and technical assistance for victim assistance programs.

Anti-Drug Abuse Act of 1988 and the Omnibus Crime Control Act of 1990 Amendments

Initially, the Anti-Drug Abuse Act of 1988 set a \$125 million ceiling on the Crime Victims Fund for Fiscal Years 1989 through 1991 and thereafter a \$150 million ceiling through Fiscal Year 1994. The Crime Control Act of 1990, however, accelerated the ceiling increase to \$150 million as of 1991, for grant distribution as of Fiscal Year 1992.

Figure 2 and Exhibit 1 shows how Fund deposits for Fiscal Years 1990 and 1991 were allocated in Fiscal Years 1991 and 1992 among the various Crime Victims Fund programs. Even though the ceiling amounts were different for each year, the distribution formula was the same; in Fiscal Year 1992, up to \$40 million rather than up to \$15 million — the amount applicable in 1991 — was available for distribution among the compensation, assistance and Federal victims programs. Thus, Figure 3

shows the distribution formula applied in both fiscal years.

Since Fiscal Year 1990 allocations were capped at \$125 million for Fiscal Year 1991 disbursements, \$21.2 million collected in Fiscal Year 1990 in excess of the ceiling could not be utilized for crime victims. By contrast, since only \$127.9 million was deposited in the Fund in Fiscal Year 1991, the \$150 million ceiling for Fiscal Year 1992 allocations was not reached.

FIGURE 3

Distribution of the Crime Victims Fund, VOCA as Amended

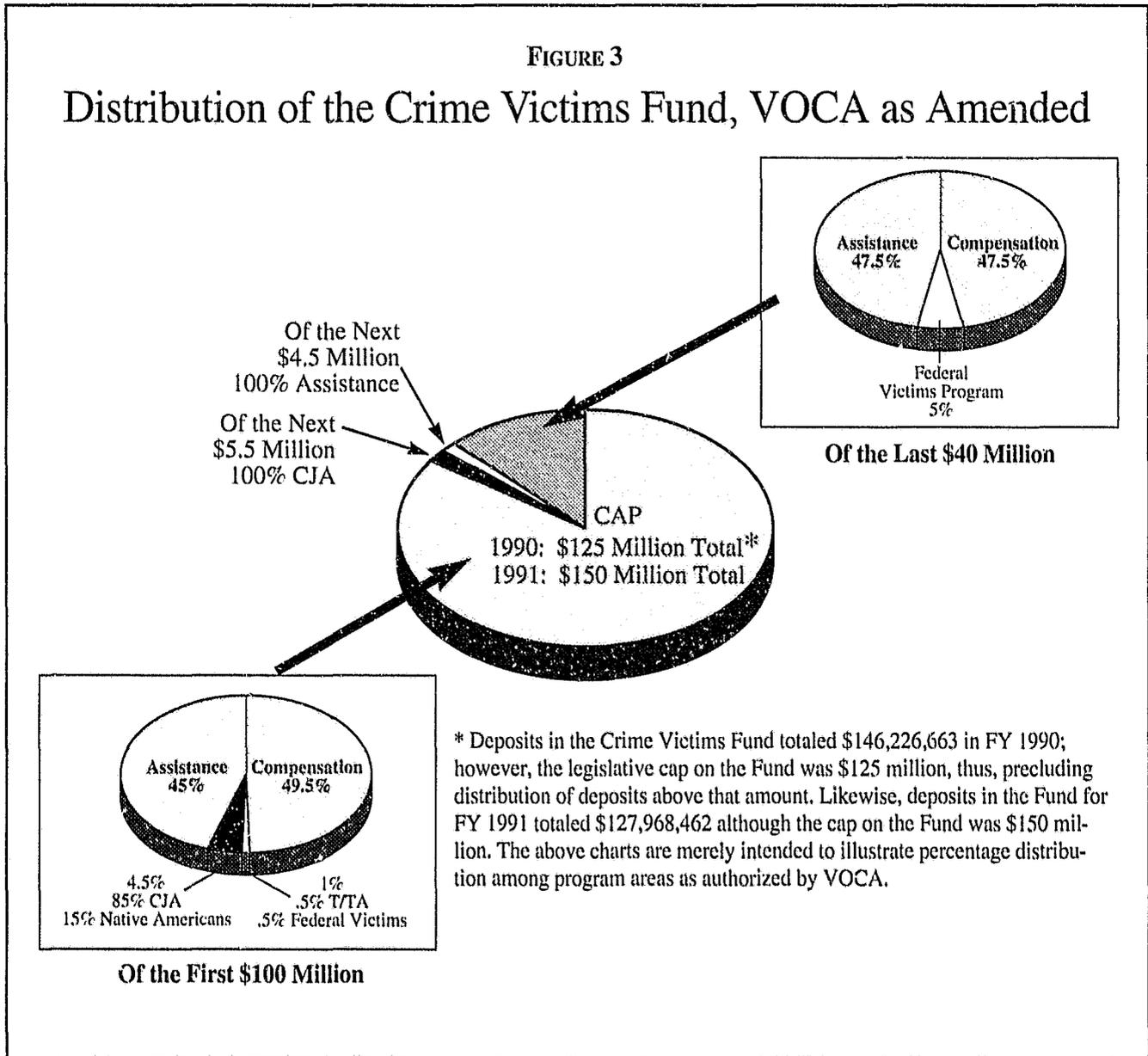


Exhibit 1

Fiscal Year 1991 and 1992 distributions of dollars deposited in the Fund were as follows:

- *The ceiling for Fund deposits was set at \$125 million in Fiscal Year 1990 for Fiscal Year 1991 allocations and at \$150 million in Fiscal Year 1991 for Fiscal Year 1992 allocations.*
- *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 made available to states at 40 percent (up from 35 percent) of the amount states paid to crime victims from their own state funds in the previous fiscal year. Any portion of the 49.5 percent not needed to cover this Federal match was 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 to be administered through HHS.*
 - *15 percent to be 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 cases.*
- *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 remainder (in excess of \$110 million and up to the \$125 million ceiling in Fiscal Year 1991 or up to the \$150 million ceiling in Fiscal Year 1992) 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.*

Effect of the Federal Courts Administration Act of 1992

The Federal Courts Administration Act of 1992 (Pub. L. 102-572) eliminated the Fund ceiling entirely, beginning with deposits made in Fiscal Year 1993. It also eliminated the sunset provisions of VOCA. Public Law 102-572 changes the allocation formula in two significant ways. It makes the first \$6.2 million deposited into the Fund in Fiscal Years 1993 through 1995 available to support the Administrative Office of the U.S. Courts' efforts to collect fines. Thereafter, the first \$3 million will be allocated for that purpose. Public Law 102-572 also provides for a final five percent allotment, from victims' Fund deposits exceeding \$116.2 million, for distribution between OVC's training and technical assistance efforts and its provision of assistance to Federal crime victims. Formerly, the final five percent allocation was available exclusively for the funding of assistance services for victims of Federal crimes.⁸ This new Crime Victims Fund allocation formula became operative in Fiscal Year 1994 (commencing on October 1, 1993); it will govern the Fiscal Year 1994 distribution of Fiscal Year 1993 deposits into the Crime Victims Fund. (See Exhibit 2.)

While OVC and victim advocates across the country applaud the enactment of the Federal Courts Administration Act of 1992 and the removal of the Crime Victims Fund ceiling, technical amendments discussed in the recommendations section of this chapter must be enacted to allow for proper future Crime Victims Fund allocations.

Summary

Deposits into the Crime Victims Fund have generally been on an increasing trend, reaching an all time high in Fiscal Year 1992 at \$221.6 million. Simultaneously, bi-partisan congressional support has resulted in the authorization of ever-increasing Crime Victim Fund deposits for the support of crime victim services nationwide. The most recent result of this effort was the enactment of the Federal Courts Administration Act of 1992 which eliminates the Fund ceiling as well as the VOCA sunset provision. A continued increase in Fund deposits is necessary to make greater amounts in Federal funding available to support needed victims services.

Recommendations

OVC notes the correction of technical errors in VOCA and recommends a number of additional changes to VOCA — reforms that would enhance the effective expenditure of VOCA dollars throughout the country. With specific regard to the Crime Victims Fund allocation formula as set forth in Section 1402(d)(2), OVC recommends that it be streamlined. This formula is needlessly complicated. OVC advocates enactment of the following formula: 4 percent for training and technical assistance as well as services to victims of Federal crime; 48 percent for victim compensation; and 48 percent for victim assistance. This percentage allocation would take place after initial distributions for Children's Justice Act (CJA) grants — \$10 million — and the Administration of the U.S. Court's fines collection efforts — \$6.2 million. (For Fiscal Year 1993 through 1995 and \$3 million thereafter.)

As proposed, the new formula would increase Federal support for training and technical assistance to state and local programs. State funds for training are scarce; thus, providers of victim assistance and compensation throughout the country are placing greater reliance on OVC to sponsor this type of support.

The added ability to exercise demonstration authority (proposed as a legislative recommendation in Chapter 7) would complement OVC's sponsorship of training and technical assistance projects. Through the funding of demonstration projects, OVC could play a lead role in identifying effective assistance programs and in encouraging their replication nationwide through training programs.

To facilitate VOCA program planning and stability premised on the predictability of funding amounts, OVC also recommends that the Director of OVC be allowed to retain a portion of the Fund deposited (an amount in excess of 110 percent of the total amount deposited in the Fund during the preceding fiscal year) as a reserve for use in a year in which the Fund falls below the amount available in the previous year. This proposed change would provide OVC with administrative flexibility to respond to possible annual shortfalls in Fund deposits.

⁸ Prior to the Federal Courts Administration Act of 1992, the remainder of the Fund was disbursed at 47.5 percent to compensation, 47.5 percent to assistance and 5 percent for Federal victim services. With the recent amendment, the 5 percent remainder is now available for both Federal victim services as well as for training and technical assistance. This subject change offers flexibility in program administration and will allow OVC to address growing training needs among victim service providers throughout the country. OVC, thus, supports this change.

Exhibit 2

Fiscal Year 1994 distribution of dollars deposited in the Fund in Fiscal Year 1993 will be as follows:

- *The ceiling is eliminated.*
- *The first \$6.2 million deposited in each of Fiscal Years 1993 through 1995 and the first \$3 million in each fiscal year thereafter shall be made available to the Administrative Office of the U.S. Courts to support fine collection efforts.*
- *Of the next \$100 million:*
 - *49.5 percent shall be made available for state crime victim compensation grants. If funds are sufficient, Federal matching funds are maintained at 40 percent of the amount states paid from their own state funds to crime victims in the previous fiscal year. Amounts not needed to cover this Federal match are applied to victim assistance.*
 - *45 percent shall be made available for state crime victim assistance grants.*
 - *1 percent shall be 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 shall be made available for Child Abuse Prevention and Treatment Grants under CJA, of which:*
 - *85 percent shall be administered through HHS; and*
 - *15 percent shall be 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 shall be made available for CJA Child Abuse Prevention and Treatment Grants (administered through HHS).*
- *The next \$4.5 million shall be available for state crime victim assistance grants.*
- *Any amount remaining in the Fund (up to the full amount of the deposit) shall be available as follows:*
 - *47.5 percent shall be available for compensation.*
 - *47.5 percent shall be available for assistance*
 - *5 percent shall be available for training and technical assistance (no more than half of the 5 percent remainder) and services through OVC to victims of Federal crime (at least half of the 5 percent remainder).*

Chapter 3 Crime Victim Compensation

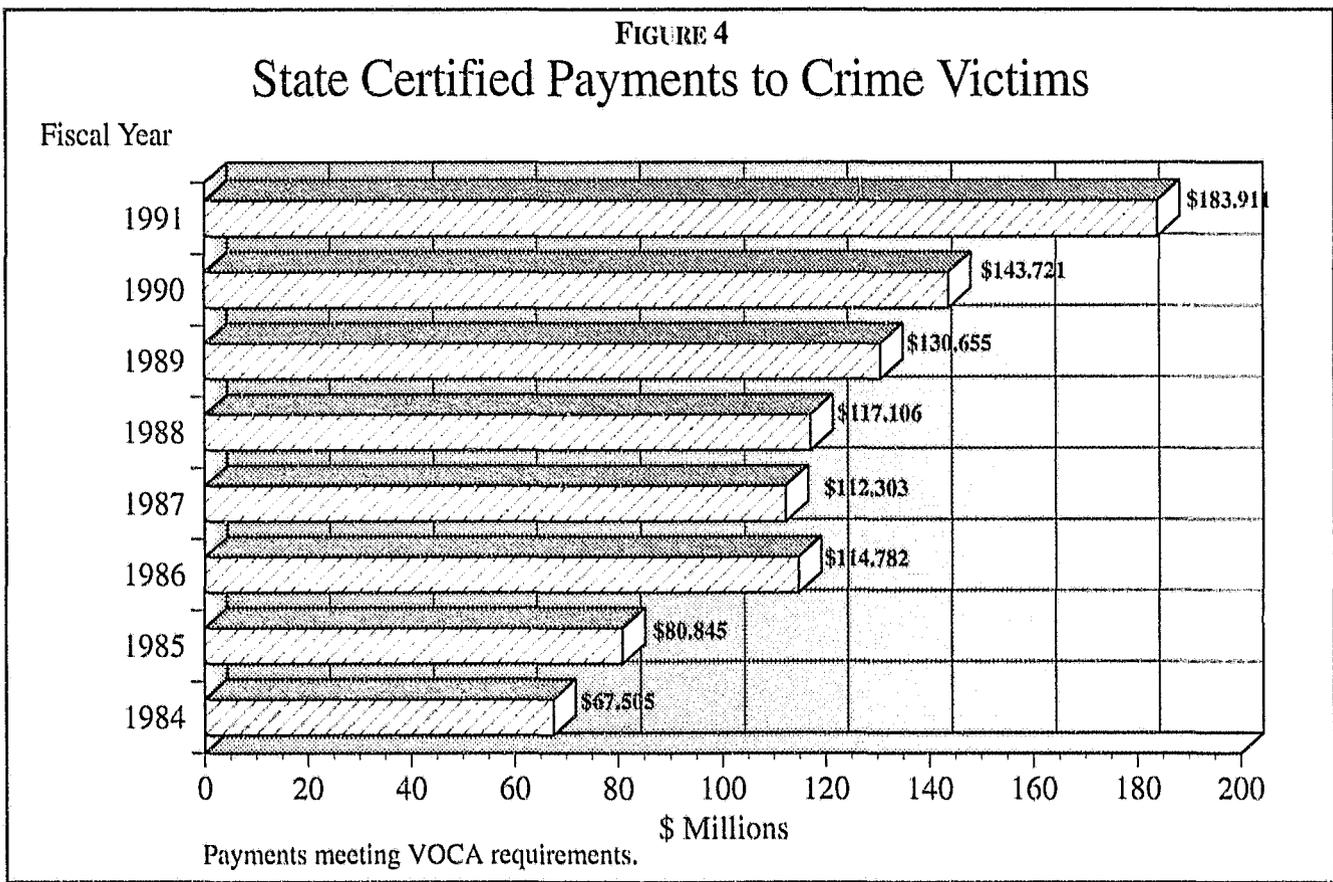
While no amount of compensation can completely offset the physical and emotional trauma caused by violent crime, state compensation programs provide a financial response to the economic hardships suffered by crime victims. As a financial resource of last resort, compensation payments cover out-of-pocket expenses commonly incurred by crime victims, such as unpaid medical bills, mental health counseling expenses, funeral expenses, and lost wages. In some states, payments are also made for atypical expenses such as those resulting from crime scene clean-up, relocation of domestic violence victims, and vehicle adaptations for crime victims who suffer permanent injuries such as partial paralysis. Compensation is a financial remedy that provides meaningful assistance to crime victims.

TABLE 1
Cycle of Distribution of VOCA
Victim Compensation Grant Funds

Certified State Payments	Fund Collection Year	Grant Year
FY 1989	FY 1990	FY 1991
FY 1990	FY 1991	FY 1992
FY 1991	FY 1992	FY 1993

Programs that administer compensation are examples of state and Federal partnerships that work. In accordance with the Victims of Crime Act (VOCA), as

FIGURE 4
State Certified Payments to Crime Victims



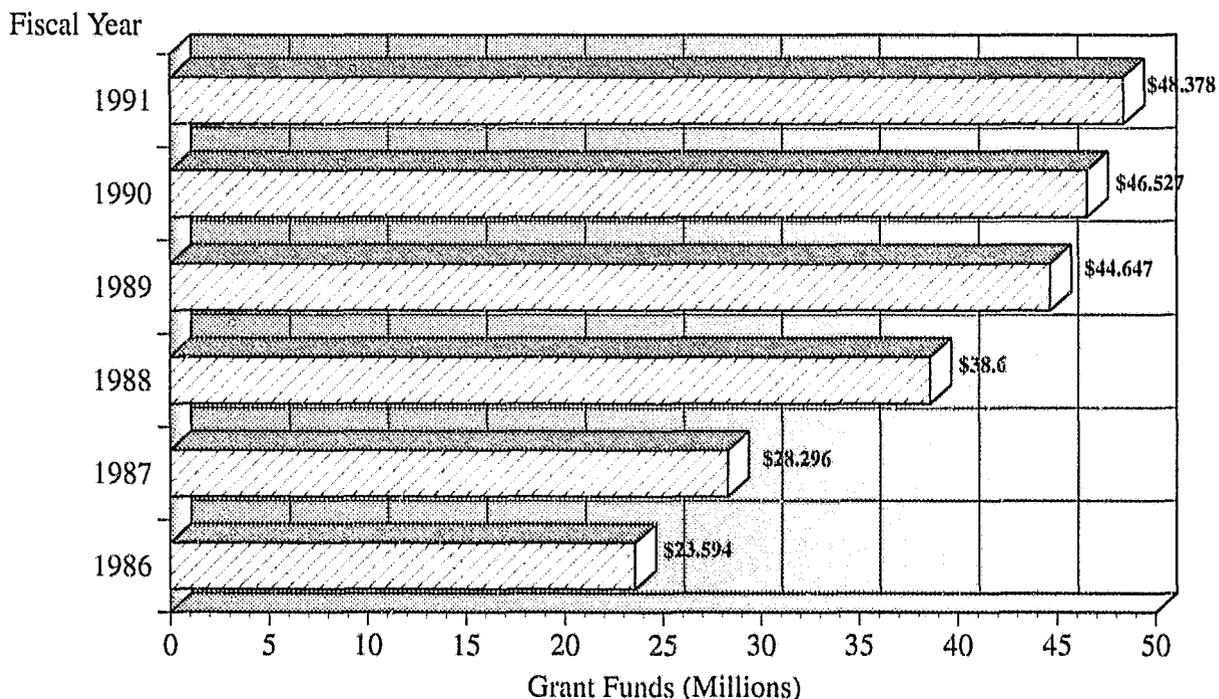
amended, OVC uses Crime Victims Fund deposits to supplement state funds managed by eligible grantee programs operating in nearly every state as well as the District of Columbia and the Virgin Islands. [For an identification of award amounts by state, see compensation allocation table, Appendix A]. Since Fiscal Year 1986 (the first year that Federal supplements were awarded) through Fiscal Year 1993, roughly \$355 million has been awarded to eligible state compensation programs.

The Federal match provided through this formula grant program encourages the continued allocation of state resources for crime victim compensation. As provided in VOCA, the amount of each Federal award can equal up to 40 percent of the total amount awarded in crime victim compensation from state funding sources during the preceding fiscal year. For example, a state's Federal grant for Fiscal Year 1991 could amount to as much as 40 percent of the total amount of state funded compensation payments made in Fiscal Year 1989, if sufficient Fiscal Year 1990 deposits are made into the Crime Victims Fund to support the needed amount. [See Table 1].

This grant program partnership works because it allows for a flexible implementation of state priorities while ensuring victim access to benefits nationwide. Significant control is retained at the state level with respect to applicant eligibility requirements, compensable expense determinations and individual award amounts. Minimum Federal Government requirements, however, ensure adequate consideration of claims submitted by traditionally excluded victim groups, such as domestic violence victims who maintain residences with their abusers. State crime victim compensation programs collectively receive about 15 percent of their total funding from the VOCA Crime Victim Compensation Grant Program.

In Fiscal Year 1991, a total of over \$48 million was awarded in compensation grants; in Fiscal Year 1992, a total of nearly \$57 million was awarded. These amounts more than doubled the compensation amount awarded from the Crime Victims Fund in 1986, which was nearly \$24 million. [See Figure 5]. Although Federal grant award amounts have increased over the years, they have not kept pace with victim demand for benefits as reflected by state payout amounts. In 1984, state payout amounts totaled about \$67.5 million. By 1991, total state payouts — about \$183 million — had more than

FIGURE 5
VOCA Compensation Grants to States
 FY 1986 - 1991



doubled. [See Figure 4]. Such statistics demonstrate the states' responsive commitment to compensating innocent victims of crime.

Fiscal Year 1992 marked the seventh year in which OVC augmented funding for state crime victim compensation programs by awarding VOCA compensation formula grants to the states. In many instances, VOCA grant funds have supported continued program operations when state financial resources were exhausted. The Hawaii Criminal Injuries Compensation Commission reports:

Without these funds, victims may be forced to wait an additional six months for compensation that they were awarded. The cause for such a delay is the depletion of state funds. VOCA funds enable the Commission to compensate the victims on a more timely basis and serve additional victims.

In Fiscal Years 1991 and 1992, OVC also assumed an expanded role in providing training and technical assistance to state compensation program grantees. The significance of this support is underscored by state budget constraints and a VOCA prohibition against the expenditure of Federal grant dollars for administrative purposes.

The sections that follow provide a comprehensive description of the compensation formula grant program as well as OVC's activities in this important area for crime victims. Programmatic eligibility requirements, based on VOCA, and OVC's Federal stewardship activities are described in the Federal Program Implementation and Administration Section. The State Program Implementation and Administration Section describes how state grantees use Federal grant dollars to provide benefits directly to crime victims. The Training and Technical Assistance Section describes new support functions assumed by OVC. The last section of the chapter identifies trends and emerging issues in this area as well as recommendations for legislative action.

Federal Program Implementation and Administration

VOCA sets forth minimum program requirements for states participating in the VOCA crime victim compensation grant program. Many of these requirements

enhance accessibility to compensation benefits for crime victims throughout the country and promote victim cooperation with criminal justice officials. Specifically, a state crime victim compensation program is eligible to receive 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 expenses for mental health counseling and care, loss of wages, and funeral expenses.
- Promotes victim cooperation with law enforcement authorities.
- Does not use Federal funds to supplant state funds.
- Makes awards to nonresidents who are victims of crimes within the state on the same basis as it makes awards to state residents.
- Makes awards to victims of Federal crime occurring within the state on the same basis as awards to victims of state crimes.
- 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 an eligible crime victim compensation program for which the victim is eligible to receive benefits.
- 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.

OVC's Program Guidelines, issued on January 30, 1990, explain these VOCA eligibility requirements, as well as the essential program requirements and provide implementation guidance.

OVC is responsible for all facets of awarding the annual formula grants to eligible state programs and monitoring state compliance with VOCA and the

Program Guidelines. OVC systematically collects data on awards of compensation benefits from state funding sources, specific compensable expense determinations, and on expenditures of VOCA funds. Further, as a responsible steward of public funds, OVC staff routinely conduct on-site monitoring visits to review state compliance with VOCA's statutory requirements, program policies and procedures as well as claimant files. Between 1991 and 1993, 34 site visits were made to compensation programs from Alaska and Hawaii to Rhode Island and Florida.

Desk monitoring is performed on an on-going basis to evaluate state statutes, applications for funding, performance reports, and the certification of payments to crime victims, which collectively determine the certified state payout and the subsequent year VOCA grant award amount.

Compensable Crimes

Certain VOCA requirements have historically presented a challenge for state compliance and compensation program implementation.

Drunk Driving and Domestic Violence

Evolving attitudes toward drunk driving and domestic violence have prompted state legislatures to amend their laws regarding victim eligibility and compensable crimes. Amendments to VOCA in 1988 added drunk driving and domestic violence to the range of crimes for which compensation must be offered by states in order for them to maintain eligibility for VOCA grants. As a result, victims of domestic violence and drunk driving crashes are eligible to receive state compensation benefits on the same basis as all other innocent victims of violent crime.

Drunk Driving

Statutory changes have been needed on both the Federal and state levels because drunk drivers have not traditionally been treated as criminals. The degree of suffering that Driving While Intoxicated (DWI) perpetrators inflict on their victims, however, often equals or surpasses the victimization suffered by other victims of violent crime:

VOCA dollars [have been] utilized in many cases where victims [have] no other source of financial assistance to meet their economic losses. [In] one such example, an elderly man and his wife were traveling on the main interstate highway in North Dakota. A drunk driver struck them from behind at [a] speed greater than 90 miles per hour. The wife was killed. The husband survived but suffered severe injuries. Over \$6,500 was expended on this claim to cover medical expenses. (North Dakota Crime Victims Reparation Program)

Perpetrators need not be convicted in DWI cases or in any other violent crime case for victims to be eligible for compensation benefits. However, the crime must be reported to a law enforcement agency. In Fiscal Years 1990 and 1991, there were 6,765 DWI compensation claims awarded for a two-year total of over \$19 million.

Domestic Violence

In many states domestic violence victims have traditionally also been ineligible for compensation benefits. This practice developed out of the mistaken belief that victims who were related to or residing with the offender, or who were engaged in a continuing relationship with the offender, acted in such a way so as to contribute to their own victimization. Many state programs also denied compensation to domestic violence victims in order to prevent the offender from benefiting, either directly or indirectly, from the compensation award to the victim with whom he or she resided. Such a practice fails to appreciate the circumstances endured and the type of victimization suffered by domestic violence victims.

Thus, as a result of the 1988 VOCA amendments, if a state now denies claims submitted by a domestic violence victim on the basis of its desire to prevent "unjust enrichment" of the offender, the state must develop written, formal rules specifying circumstances that constitute "unjust enrichment." In Fiscal Year 1990, the states awarded roughly \$2.2 million to slightly over 1,600 domestic violence victims. By the close of Fiscal Year 1992, the number of claims awarded to domestic violence victims increased by 1,005 and payments by nearly \$1.5 million.

Federal Crime Victims

VOCA efficiently builds upon the efforts of state crime victim compensation programs, rather than creating a separate Federal funding vehicle to assist and compensate victims of Federal crimes. As a condition of eligibility, VOCA requires that each state recipient of a Federal grant provides compensation to victims of Federal crimes occurring within the state on the same basis that such program offers compensation to victims of state crimes. [See § 1403 (b) (4) and (5) of VOCA codified at 42 U.S.C. § 10602 (b) (4) and (5).]

State VOCA grantees must document compliance with these eligibility requirements as part of their annual grant application submissions and report statistics on the number of Federal victims compensated. However, it is difficult to accurately determine the number of Federal crime victims benefiting from state-awarded compensation because state programs do not generally elicit information regarding prosecutorial jurisdiction. Thus, state performance data indicate that only a total of 241 claims from victims of Federal crimes were approved. Also, information is not available on the amount of dollars awarded to these victims or the specific types of violent crimes that they suffered. Many states do not capture specific figures for Federal crime victims and, as state recipients of VOCA funds are prohibited from using Federal monies for administrative costs, OVC strives not to impose burdensome reporting demands on the state-operated programs.

Mental Health Counseling and Care

Prior to the 1984 enactment of VOCA, most programs offered compensation to crime victims only for lost wages, funeral expenses and medical expenses. State programs were reluctant to reimburse crime victims for expenses incurred for recovery from psychological trauma. Though VOCA now requires states to treat mental health counseling expenses as compensable, there continues to be legitimate concern about setting limits on such expenses. Successful recovery from psychological trauma following a victimization may necessitate extensive mental health counseling and care over long periods of time. Such care can be expensive and, absent limitations, could threaten to deplete limited state budgets for compensation benefits.

Some state programs have reacted by treating expenses associated with mental health counseling and care as compensable only if the crime victim also suffered bodily injury. The expense is categorized and covered as an additional medical expense, and in some states, is paid only in cases of sexual assault. There is, however, a trend to eliminate such requirements.

The VOCA requirement that compensation programs cover mental health counseling and care is responsive, in part, to the President's Task Force on Victims of Crime recommendation for the mental health community to work with State Compensation Boards. It also reflects a growing recognition that crime victims often suffer psychological distress in addition to physical injury arising from violent crime. Recovering crime victims need financial assistance in obtaining the necessary essential services.

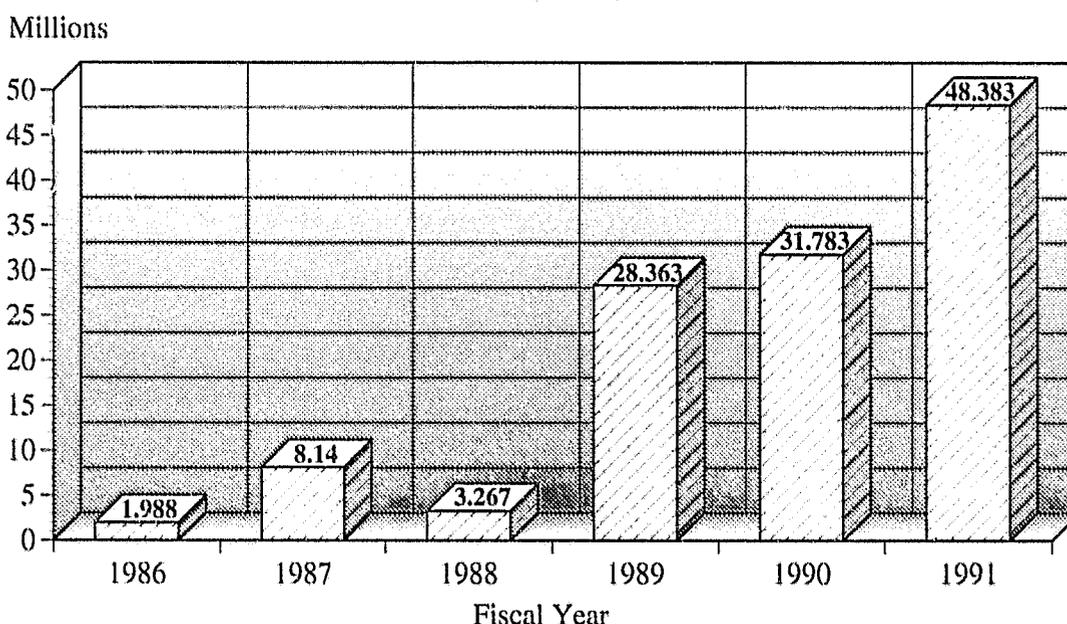
Since the enactment of VOCA, all state programs are treating mental health counseling and care as a compensable expense and are grappling with resulting difficulties in assessing the reasonableness and relevance of the claimed expenses, as well as the extent of compensable mental health treatment. This task is a persistent challenge to states which must continually strive to conserve scarce public resources while insuring quality treatment. Federal VOCA funding is helping to make such coverage possible:

A significant benefit of receiving VOCA funds is that the Idaho Crime Victims Compensation Program can now pay mental health counseling for family members of victims of sexual assault and homicide victims. Previously only direct victims could receive benefits. (Idaho Crime Victims Compensation Program)

In some states, programs have expanded coverage of mental health counseling costs to a variety of persons who, in addition to the victim, suffer as a result of crime, such as family members of homicide and sexual abuse victims. Some programs are even paying costs for non-family members who witness crimes and experience emotional trauma as a result. In evaluating these claims, most programs now take a flexible approach that both complies with VOCA requirements and remains responsive to the needs of crime victims. [See Figure 6 showing Total Mental Health Counseling Expenses Paid by State Programs].

FIGURE 6

Mental Health Counseling Expenses Paid by States



State Program Implementation and Administration: Organization and Structure ⁹

The organization and administration of crime victim compensation programs varies from state to state and within any one state, each program has changed over time. Today, the majority of programs are located within independent executive branch agencies, workers compensation programs, and state attorney generals' offices. Hybrid programs also exist in which the state attorney general is charged with investigating claims, but authority is reserved by the state compensation program to make final decisions regarding the eligibility of claims. [See Table 2].

Program Funding

Although the total amount of state funds awarded to crime victims has nearly tripled since the enactment of VOCA, states continue to confront constant funding crises that are exacerbated by budget cutbacks and pub-

TABLE 2

Organizational Structure of State Compensation Programs

- 9 - Independent Executive Branch Agencies
- 8 - Workers Compensation Agencies
- 12 - Offices of Attorneys General
- 8 - State Criminal Justice Agencies
- 8 - State Boards or Agencies
- 2 - Local Programs with State Coordinating Agency
- 2 - Court-Based
- 3 - Hybrid Programs: Attorney General investigates but State Court of Claims or Hearing Officers make the determination.

⁹ In accordance with VOCA, state grantees are provided the year of award plus one additional year to expend all grant funds. For example, terms for grants awarded in Fiscal Year 1991 do not expire until the close of Fiscal Year 1993. Thus, much of the compensation service data presented below focuses on Fiscal Year 1991, and prior fiscal years.

lic demands for expanded compensation coverage. To maintain adequate funding levels, the states have accepted the Federal Crime Victims Fund framework as a model funding vehicle and are replicating certain aspects of it at the state level. Specifically, there is a widespread trend among state compensation programs away from exclusive reliance on state general revenue appropriations and toward at least partial reliance on fines and penalties levied against and paid by offenders of state crimes. Nearly three quarters of all state compensation programs are funded exclusively through criminal fines and penalty assessments. [See Figure 7].

Eligibility Criteria and Administrative Procedures

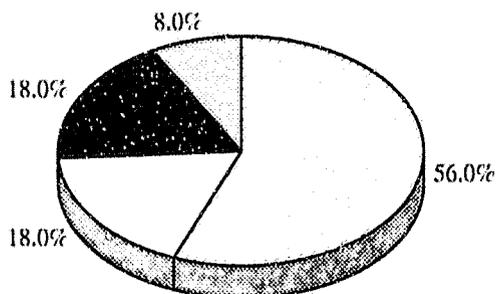
Each state crime victim compensation program establishes its own administrative procedures in accordance with state statutes governing crime victim compensation benefits. In general, these statutes set forth a definition of "victim," application requirements, filing deadlines and reporting requirements, eligibility criteria, minimum and maximum award amounts, and other specific criteria that affect claim eligibility for coverage.

Although individual state-dictated eligibility criteria vary, several basic requirements are common to most, if not all, programs:

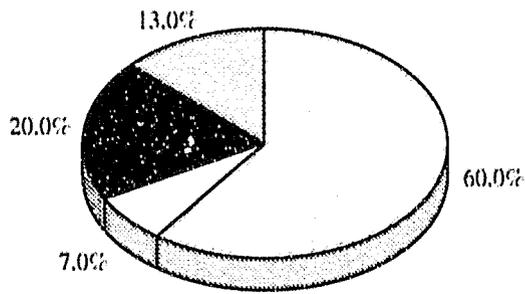
- A violent crime must have been perpetrated against a person who is innocent of illegal activity or contributory conduct.
- The crime must be reported promptly to law enforcement, and the victim must be willing to cooperate in the law enforcement investigation. Cooperation with law enforcement is an important eligibility requirement. State objectives in this regard are to discourage false claims; to create a basis for compensation investigators to determine whether a compensable crime occurred and whether the victim contributed to his/her victimization; and to facilitate the prosecution of perpetrators.
- The victim or the survivors of crime victims must file a claim to receive compensation (the types of benefits for which survivors are eligible vary from state to state).
- The claim must be filed within a specified period of time. Most states require that compensation claims be filed within one year — although three-quarters of state programs now have extended the deadline in special situations, such as child sexual abuse and domestic violence cases.

FIGURE 7

State Compensation Programs Revenue Sources VOCA Funded Programs



1990 - 38 States
\$238,908,782



1991 - 41 States
\$240,547,099

Criminal Fines
 General Revenue
 VOCA
 Other

The states also specify, by statute, the types of expenses for which compensation may be awarded. In accordance with VOCA, state compensation programs universally compensate eligible victims and survivors of victims of criminal violence for specific costs incurred as a direct result of the victimization, including medical expenses; mental health counseling and care; lost wages; funeral or burial expenses, and loss of support to dependents of deceased victims. [See Figure 8 for an identification of state payment amounts by expense category].

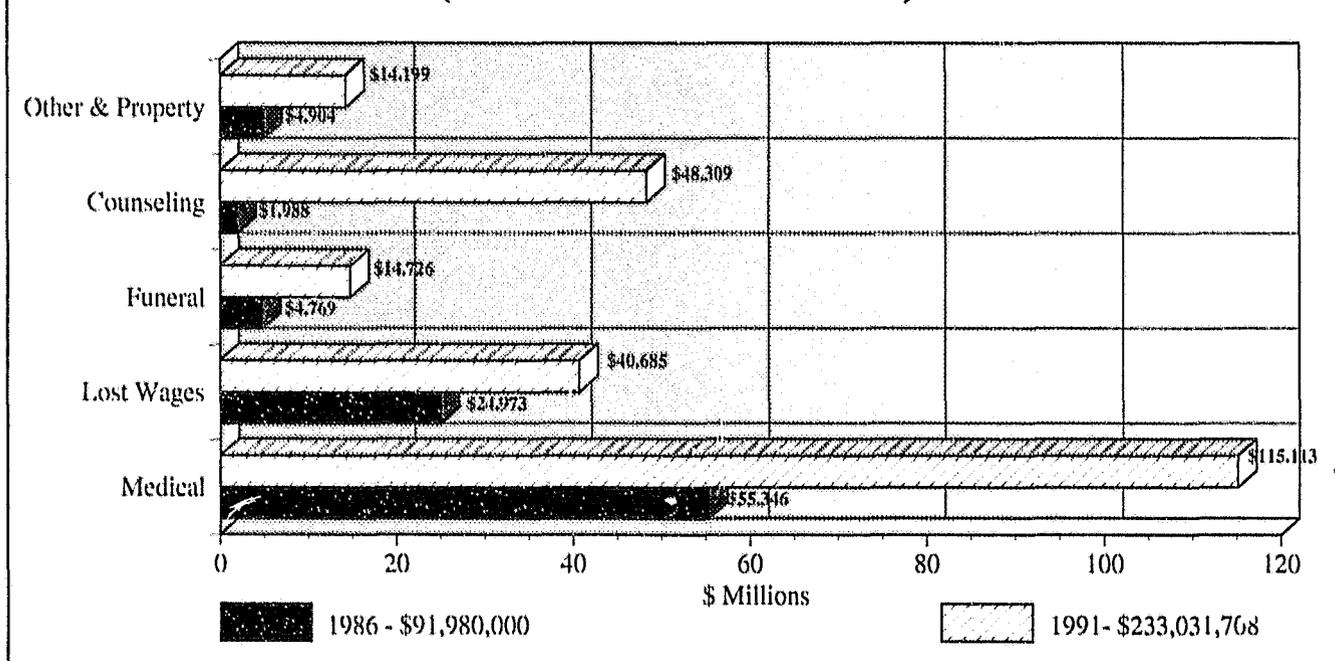
Many states have expanded the scope of compensable expenses to include rehabilitation costs, replacement services, and some property loss. A compensable expense may include, for example, costs to replace the services normally rendered by a homemaker who is incapacitated as the result of a victimization.

Accurate verification of a victim's eligibility for compensation is an essential goal of each state crime victim compensation program. Procedures replete with multiple quality control checks are implemented by state programs:

The Commission reviews claims presented for and by victims; investigates and verifies claims and supporting documents; conducts hearings to determine eligibility and the amount of compensation to be awarded. The Commission staff requests police, medical and employer reports and prepares a synopsis of the files. The Commissioners conduct a hearing on each case to determine eligibility, and the type and amount of compensation to be awarded. (Hawaii Criminal Injuries Compensation Commission)

Procedures necessary for an accurate verification of a claimed loss often protract the time needed to respond to victim requests for compensation. Frequently, trial outcomes, which are often affected by judicial system case backlogs, as well as insurance claim determinations, must be awaited before compensable expense determinations can be made. Furthermore, constrained staffing resources as well as decentralized program

FIGURE 8
Crime Victim Expenses Paid by State
(Includes VOCA Funds)



structure commonly result in claims processing delays. On average, a victim's waiting time for reimbursement ranges from three to six months, and sometimes up to two years.

Appeals

All state compensation statutes provide an opportunity for claimants to obtain reconsideration of initial claim decisions on appeal. Several states offer two or more levels of appeal. Claimant requests for reconsideration must typically be submitted in writing within a prescribed time period. If the claimant remains dissatisfied with the results of an initial reconsideration, many states offer claimants an opportunity to present evidence in a hearing before a compensation board or commission. Any subsequent appeals, if available, are usually made to an administrative law judge, or to a court of law.

Public Awareness

The effectiveness of a victim compensation program rests largely on its ability to "get the word out" to victims and survivors about program benefits. While state compensation programs strive to reach as many victims as possible, concerns are ever-present regarding limited funding resources and program ability to address the resulting increased demand for benefits. Many state programs are unable to find sufficient funds to cover pending claims, much less those that are newly solicited. Nonetheless, state compensation administrators generally agree that enhancing public awareness about benefit availability deserves ongoing attention.

Generally, state VOCA grantees are continually searching for creative, effective and inexpensive ways to inform the public about crime victim compensation. About one-half of the programs engage in focused outreach efforts to inform underserved victim populations, such as the elderly, minorities, and non-English speaking victims. Some program staff also maintain a presence at local ethnically diverse community centers, and place brochures and posters in domestic violence shelters and other victim assistance organizations. These materials are also routinely disseminated to victims by criminal justice, medical and victim assistance personnel.

Training and Technical Assistance

Because of the VOCA prohibition against using Federal dollars for program administrative costs and increasing demands placed on state programs, OVC has taken an assertive role in providing state victim compensation programs with relevant training and technical assistance. OVC recognizes the necessity and significance of direct technical support and assistance to state programs.

Training Conference

In November of 1992, in cooperation with the National Association of Crime Victim Compensation Boards (NACVCB), OVC co-sponsored the first-ever joint training and technical assistance conference for both VOCA victim compensation and victim assistance state administrators. The conference theme, "A Partnership for Victims," responded to a desire shared by all professionals in the field to foster improved coordination and cooperation among state victim compensation and assistance programs, as well as to enhance the Federal/state partnership.

This was a well planned conference. I am very grateful for the amount of time and effort [that went into it]. I will be going back to my state with invaluable documentation and reference manuals which will assist us in doing an even better job. By sharing information during the sessions, we were able to look at different ways of accomplishing the same goals. I valued the opportunity to give input towards the new guidelines. It was a wonderful conference; I learned quite a bit. (Anonymous State Administrator)

OVC also funded NACVCB for a three-year period to offer training and technical assistance to state compensation programs. Some of the Association's significant accomplishments include: development and implementation of a national training program for compensation program staff, development and dissemination of a program handbook, preparation and distribution of a quarterly newsletter, and provision of on-going technical assistance and support in response to individual program requests for assistance.

Coordination with Other Federal Agencies

On behalf of all state compensation programs, OVC recently spearheaded a cooperative effort with the Department of Defense (DOD) and the Federal Bureau of Investigation (FBI). State compensation programs sought OVC's assistance after encountering obstacles in the release of information when requesting Federal law enforcement reports. State program access to such reports is necessary to verify claim representations and to confirm victim eligibility for benefits. A state's inability to access the Federal law enforcement report information could interfere or possibly prevent victims of Federal crimes from receiving compensation benefits.

The FBI and DOD are fully cooperating with OVC to develop release of information procedures and forms that will satisfy each agency's needs. They are carefully considering Privacy Act restrictions and implications pertaining to the release of information about Federal law enforcement investigations. OVC has developed two forms — Verification of Crime Report and Release of Information — which will elicit relevant Federal report information for state claims verification. Preliminary memoranda of understanding (MOU) with each agency have also been drafted and are under review. Once completed, the forms and accepted MOU procedures will facilitate state investigation of claims submitted by Federal victims, thereby expediting their receipt of state compensation benefits by them.

Development of an Automated State Crime Victim Compensation Tracking System

I believe you have a very credible product. You are to be commended! This product should be readily put to use in states needing automation; it may not fit every detailed need, but if a state rejects this alternative product because of a few details, they will be passing by a very good platform on which to begin automation. At a minimum, a state could benefit by using this product to develop further criteria of a more sophisticated automation application. Again, you can be proud of your accomplishment. I

would recommend participation by individual states with automation needs. (Washington State Compensation Program)

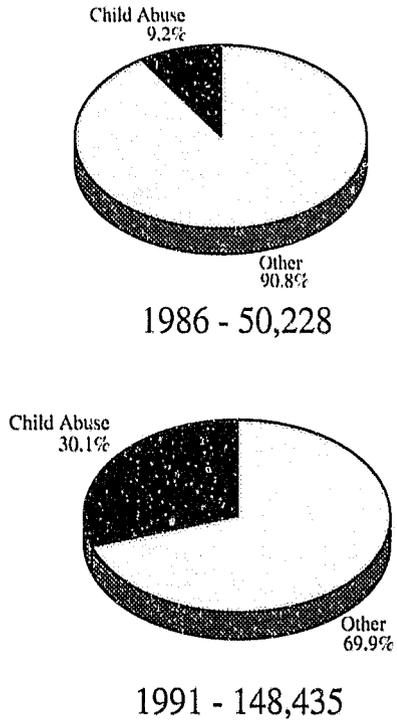
Increasing numbers of claim applications, as well as reduced budgets for program staffing, have recently stimulated state program interest in the value of automation. A June 16, 1992, survey of all 52 eligible state compensation programs indicated that 22 programs were interested in automating their claims-processing systems. Survey results also indicated that the 22 respondents were either not currently using an automated claims system, or that available systems failed to fully satisfy their needs. OVC responded to the state program request for technical assistance and, in cooperation with the Office of Justice Programs, Office of the Comptroller, Information Systems Division (ISD), launched a project to develop a model automated compensation tracking system on June 29, 1993.

The system helps state programs achieve efficient, expeditious processing of claims for compensation benefits. The system consists of a comprehensive crime victim compensation data base which integrates claims tracking information — entered from the time of claim application receipt through the payment process — and letter-generating capabilities that produce routine correspondence to crime victims, law enforcement, and service providers. The automation system is also capable of producing OVC performance report data and state management reports, as well as responding to certain statistical queries. To date, 32 states have received the system and are now testing it to determine its utility for their state programs, and to identify additional features that may be necessary.

Trends and Emerging Issues

Several trends and issues in the area of victim compensation have emerged or persisted since OVC prepared its last Report to Congress. OVC has attempted to track these significant trends, described below, with an eye toward offering continued technical assistance to state programs and making appropriate recommendations to Congress.

FIGURE 9
Child Abuse Claims Awarded
Fiscal Years 1986 and 1991

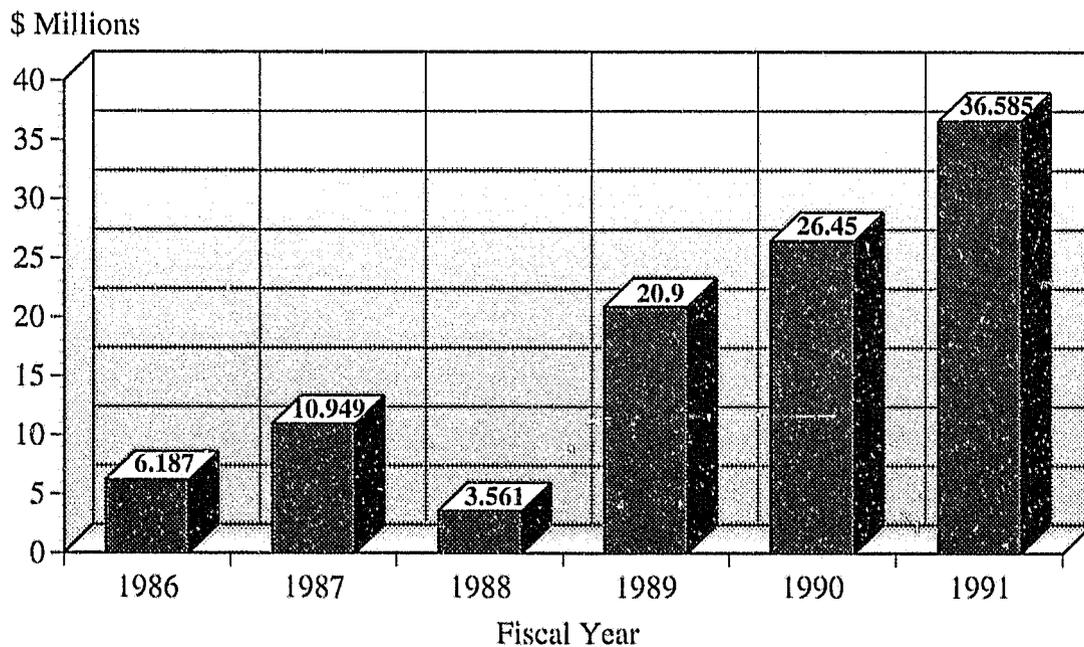


Child Abuse Victims

The number of child victims applying for benefits has accelerated dramatically since the inception of the Federal VOCA crime victim compensation program in 1986. In fact, these victims surpass all other types of victims who seek financial assistance from state compensation programs. State compensation awards for child victims surged from \$6 million — in response to 4,434 claims paid in Fiscal Year 1986 — to over \$37 million — in response to 29,484 claims awarded in Fiscal Year 1992. More than 30 percent of all state compensation awards paid in Fiscal Year 1991 were paid to address the needs of child victims. [See Figures 9 and 10].

The extraordinary increase in the number of child victims receiving compensation benefits illustrates the state programs' responsiveness to the tragedy of abuse suffered by children throughout the country. Child abuse victims and their families have critical needs. Benefit statistics indicate that state programs are addressing those needs through the issuance of comparatively substantial total benefits.

FIGURE 10
Child Abuse Claims Awarded in Fiscal Years 1986 - 1991



Cost Containment

....[G]reater awareness for our program and an increase in the crime rate has produced a corresponding increase in applications. Fortunately, our non-lapse dedicated funds have had a surplus that has permitted payment of claims in total amounts that exceeded total revenues. We will have to look at cost containment measures to address this imbalance. (Connecticut Commission on Victim Services)

Scarce program revenues necessitate reliance on multiple, alternate funding sources as well as a careful expenditure of funds through cost containment. The need to contain program costs presents perhaps the most formidable challenge for state program administrators across the country. Increasing numbers of state compensation programs are seeking to fairly compensate victims while striving to facilitate widespread, albeit limited, financial support. The approaches employed generally provide some limited amount of benefits for many crime victims rather than substantial benefits for a few victims. Some cost-containment approaches include:

- Setting maximum limits for certain types of expenses.
- Implementing percentage across-the-board reductions to decrease overall reimbursement of eligible expenses.
- Negotiating with hospitals and providers to determine acceptable fees.
- Establishing peer review panels for medical and mental health claims to ensure legitimacy and reasonableness of cost.

Victims are negatively impacted when attempts to control the size of benefits result in the lack of full coverage of their compensable expenses. State programs, however, must manage an ever-increasing demand for benefits as well as projected shortfalls and cutbacks in funding. The management of these difficult realities requires that cost-containment measures be fairly employed in alignment with program priorities.

Mental Health Counseling

In the wake of escalating program costs and reduced program resources, compensation programs face many challenges with regard to the coverage of mental health counseling costs. On a case-by-case basis, for example, programs must determine whether victim expenses for mental health counseling are directly incurred as a result of the crime inflicted. OVC has assisted the state compensation programs by supporting a technical assistance project undertaken by the NACVCB.

The OVC grant partly funded an extensive inquiry into many complex issues surrounding the evaluation and payment of mental health counseling claims. In May of 1990, NACVCB appointed a Mental Health Task Force to provide information and guidance to its members to identify and address the issues. Subsequently, in Fiscal Year 1992, the NACVCB distributed a comprehensive publication entitled, "Evaluation and Payment of Mental Health Counseling Claims Issues for Crime Victim Compensation Programs." This report presents strategies for effectively evaluating counseling claims, and addresses certain issues presented by this service, such as length of treatment, patient confidentiality and provider qualifications.

In recent years, a number of programs have adopted administrative rules and statutory provisions prescribing methods for limiting benefits for various expenses, including those incurred for medical care and mental health counseling. Overall payment maximums and flat fees have been adopted. Below, are descriptions of other examples of such efforts:

In Washington State, mental health providers must register with the compensation program and qualify as approved providers in order to receive payment for counseling crime victims. Each initial evaluation report must include a preliminary diagnosis and a proposed plan of treatment specifying goals and projected duration of treatment. This report must be submitted within 30 days of the date of the first counseling session.

The Oklahoma compensation program convenes a mental health peer review panel for the purpose of reviewing claims for mental health counseling expenses. This panel,

consisting of a volunteer psychologist, social worker, and professional counselor; meets monthly.

Compensating U.S. Citizens Victimized in Foreign Countries

Both the American Bar Association (ABA) Standing Committee on Military Law and the State Department have voiced a strong desire to make crime victim compensation benefits accessible to U.S. citizens victimized in foreign countries which do not have crime victim compensation programs for which U.S. citizens are eligible. The ABA, in particular, has expressed its desire to expand the geographic applicability of VOCA in order to make U.S. government employees assigned overseas, who become victims of crimes committed within the scope of the Uniform Code of Military Justice, eligible for compensation benefits from the victim's state of domicile. The State Department has concurrently expressed concern over the eligibility of U.S. citizens victimized by terrorist acts and violent crime in foreign countries. There is currently no requirement, under VOCA, that a state program offer compensation to residents who are victimized in jurisdictions outside the United States. Many states (26), however, do serve such victims if the country in which the crime occurred does not have a program for which the victim qualifies.

Prior to making an award determination, all compensation programs are required by statute to consider benefits that claimants are eligible to receive from other collateral sources such as private insurance or public funds. Typically, such provisions require programs to reduce compensation awards by any amounts that are so recoverable. As Federal employees assigned overseas would, in all likelihood, be entitled to health insurance and reimbursements under other Federal programs, any eligible compensation payment would likely be reduced or eliminated.

“Notoriety for Profit” Laws and Crime Victims Compensation

In December 1991, the United States Supreme Court (*Simon and Schuster v. Members of the New York State Crime Victims Board, et.al.*, 112 S.Ct. 501, 1991) struck down the State of New York's “Son of Sam” or

notoriety-for-profit statute. This statute, like most of the 41 similar state statutes and Federal law, aimed to ensure that criminals do not profit from storytelling about their crimes and that victims harmed by these offenders receive just recompense. The Supreme Court struck down the New York statute on the grounds that it was “presumptively inconsistent” with the First Amendment, and not narrowly tailored to achieve the state's objective of compensating victims from profits of the crime. The effect of this ruling by the Supreme Court has called into question the constitutionality of most other notoriety-for-profit state statutes.

Because the Supreme Court's decision in *Simon and Schuster* governs the application of funds that could be used to assist crime victims, it could have a significant negative impact on crime victim compensation programs. Those profits, seized by states from publicity-seeking criminals, represent a comparatively small portion of the funds used to compensate victims. Nonetheless, the increasing publicity given to crime stories through television, movies and books could translate into considerable financial resources for victims. Since compensation programs are payors of last resort, program resources are conserved to the extent that crime victims are able to draw on alternative resources for reimbursement of compensable expenses and through restitution.

Prior to the *Simon and Schuster* decision, crime victims could receive recompense from profits paid to perpetrators for retelling the story of their crime. In most states, the profits would be seized by the state and held in escrow for victims, who could (depending on that state's statute) gain access to funds via civil litigation, or by submitting claims for expenses arising from their victimization. As a result of *Simon and Schuster*, however, crime victims are now unable to rely on notoriety-for-profit statutes to obtain recompense from perpetrators. Crime victim compensation programs will thus be forced to draw on state resources to redress financial needs that were previously met through the state's seizure of storytelling profits.

State compensation programs will be unable to consider the use of funds generated by notoriety-for-profit statutes until state statutes are amended to address the constitutional challenges outlined in *Simon and Schuster*.

Following the Supreme Court decision, a number of states have begun to carefully review their own notoriety-for-profit statutes to bring them into conformity with the Supreme Court decision. While no two states have

taken exactly the same approach, most have included the following elements: (1) the articulation of a compelling state interest in compensating victims from the fruits of the crimes committed against them; (2) limiting the class of offenders to those convicted; (3) narrowing the targeted expressive activity to matters substantively related to the criminal offense; and (4) broadening the kinds of profits and proceeds that may be attached.

Similarly, the Justice Department has reviewed the analogous Federal statute (18 U.S.C. 3681) and has drafted a proposed amendment. This proposed new statute does not specifically target proceeds from "expressive activity" for forfeiture, but instead, takes a broad approach, seeking "all or any part of proceeds" received as a result of that offense, including any amounts to be paid to the defendant under any contract to transfer such proceeds.

It is noteworthy that absent notoriety-for-profit statutes, or the receipt of publication profits by perpetrators, crime victims may consider filing civil suits against perpetrators and negligent third parties. Successful civil suits and judgement collections can bring victims financial as well as moral satisfaction. In addition, such suits conserve state compensation program resources for other victims of crime.

Summary

Over the past decade, crime victim compensation programs throughout the country have achieved great success in spite of numerous obstacles to efficient program implementation. Prior to the enactment of VOCA, only 39 states and territories had established crime victim compensation programs. Today, every state (as well as the District of Columbia and the U.S. Virgin Islands) provides its residents with access to a crime victims compensation program.

In Fiscal Year 1993, five recently established state programs are, for the first time, eligible to receive VOCA funds, bringing the total number of eligible participating states to 49.¹⁰ There are currently 52 existing programs authorized by state legislation; however, the South Dakota and Maine programs will not be eligible for Federal VOCA awards until Fiscal Year 1995.

Since the inception of the VOCA victim compensation grant program in Fiscal Year 1986, states have reported that Federal funds have supported: (1) an increase in total state crime victim compensation benefit payments, both in number and maximum dollar amount; (2) an expansion of the types of expenses for which compensation is awarded; and (3) greater efforts to reach eligible crime victims.

The continued operation and financial support of these programs is vitally important to crime victims' ability to recover from the devastating effects of victimization. Now, perhaps more than ever, the significance of Federal VOCA compensation grants cannot be overstated.

Recommendations

VOCA has made it possible for the program to expand eligibility and increase payments, thereby enhancing the ... access to compensation benefits. Increased caseload and [improved] access to benefits, with no funding for additional staff, however, has resulted in an even greater backlog in pending claims.... This program retains the same [Full-Time Equivalent] authorization that it had in 1980, while claim receipt and investigative requirements have increased dramatically. (Michigan Crime Victims Compensation Board)

Administrative Costs

OVC strongly recommends that VOCA be amended to allow state compensation programs to use up to 5 percent of their Federal VOCA grants for administration purposes; these programs are not currently allowed to use any VOCA funds to address critical administrative needs.

Program administrators estimate that their caseloads have increased about 40 percent since 1982. They attribute this rise in claims to increases in violent crime, better referral by law enforcement, and increased public awareness about state victim compensation program benefits. In addition to an increase in the number of

¹⁰ Although the State of Nevada operates a crime victim compensation program, this State has chosen not to make compensation available to non-residents. As a result, Nevada is not eligible to participate in the VOCA crime victim compensation program.

compensation claims filed, more claims are being awarded due to broadening eligibility criteria and an expansion of crimes that are considered compensable.

Rapid program expansions and increased caseloads have placed a tremendous burden on state compensation program staff. Though one half of state programs indicate that their staff size has increased since 1982, most programs have small staffs of ten or fewer persons. Constrained staffing resources, which require that members divide their time among a variety of activities, tend to delay claim processing and leave few opportunities for other activities, such as public outreach and innovative program development. State programs are thus searching for alternatives to meet these administrative challenges.

Authorization to cover limited administrative costs out of the VOCA grants would greatly assist state compensation programs in the overall administration of compensation benefits to crime victims. At a minimum, such authorization would allow compensation programs to expedite claims processing through the hiring of more staff, provide program staff with training and technical assistance and improve outreach efforts to crime victims. Such authorization would also give OVC leverage to insure that state compensation grantees adhere to Federal Guidelines and address recommendations regarding suggested program administration improvements.

Payor of Last Resort

OVC strongly recommends that legislation be enacted to unequivocally designate the VOCA victim compensation program as the payor of last resort. State compensation statutes require compensation programs to ensure that all collateral sources for payment of medical expenses are exhausted before awarding a claim for compensation. Crime victim compensation programs were never intended to serve as a substitute for health plans, public or private. The level of funding for the programs is limited and meant only to fill gaps resulting from either no health plan coverage or limited coverage for medical needs. Shifting the primary responsibility for payment of necessary care and treatment for victims covered by Medicaid, CHAMPUS, or the Veterans Administration to state compensation programs would place an enormous financial burden on the states and likely render them unable to compensate deserving victims.

VOCA Funding Percentage

Under the current funding formula for state compensation programs, each state is awarded a VOCA compensation grant at a fixed rate of 40 percent of that state's total compensation payment amount to crime victims (state payout) during a prior year. If, for example, the Fund compensation allocation totaled \$100 and 40 percent of the total state payouts for all state grantees amounted to \$70, then there would be a \$30 remainder that would roll over and become available for victim assistance grants.

The removal of the ceiling on the Crime Victims Fund in 1991 presents an opportunity to increase Federal resources to state crime victim compensation programs. Instead of maintaining the fixed percentage for compensation award amounts, as currently exists, OVC recommends that a floating percentage be enacted. Specifically, the Office recommends an amendment that would permit a floating award percentage for eligible state grantees from the compensation allocation. A floating award percentage would permit each state to receive the same percentage of the Fund allocation for compensation based on the rate of total state payouts for all states during the given year to total Crime Victims Fund allocations available for compensation.

Under the floating percentage formula, if \$100 is available in the Fund for the compensation allocation, all eligible state compensation programs would receive an equal percentage of the \$100 total; no amount would remain for a victim assistance rollover. If, for example, all state payouts in a prior year totaled \$1,000, the rate for the Federal award amount would be determined by dividing \$1,000 (total state payouts for all states) by \$100 (total Fund allocation for compensation) or 10 percent. Taking the example one step further — if the State of New York's payouts totaled \$200, then it would be entitled to receive 10 percent of its total payout or \$20 in VOCA funds; if the State of Wisconsin's payouts totaled \$150, then Wisconsin would be entitled to receive 10 percent of \$150 or \$15 in VOCA funds, and so on.

The floating percentage amendment to VOCA would ensure that eligible compensation programs receive the full amount allocated for compensation grants; any pre-established expectation that crime compensation programs would receive a set percentage would be eliminated. It is noteworthy that under the present 40 percent fixed award formula, the state compen-

sation programs have not received the full 40 percent compensation allocation in years when insufficient amounts have been deposited into the Fund to make the awards.¹¹

¹¹ In Fiscal Year 1992, 49 states (including the District of Columbia and the Virgin Islands) certified \$183,911,086 in state fund payouts to crime victims for Fiscal Year 1991. Thus, \$73,564,434 was needed to supplement each of these states at the 40 percent statutory rate. The VOCA allocation available for the compensation programs, based on Fund deposits, totalled \$68,500,000 for Fiscal Year 1993, thereby resulting in a shortfall of \$5,064,434.

Chapter 4

Crime Victim Assistance

VOCA has supported a proliferation of organizations that provide care, comfort and responsive assistance to those victimized by perpetrators of violent crime. Traumatized crime victims now have access to an array of assistance services provided by a nationwide network of over 7,000 entities, over 2,400 of which are supported by Federal VOCA dollars.¹² The staff who are employed by and volunteer at these organizations devote their energy to sheltering domestic violence victims, counseling abused children, answering rape crisis hotlines, organizing support groups for survivors of homicide victims, and providing informed companionship to those victims who wind their way through the criminal justice system maze. Many of these committed providers of assistance have,

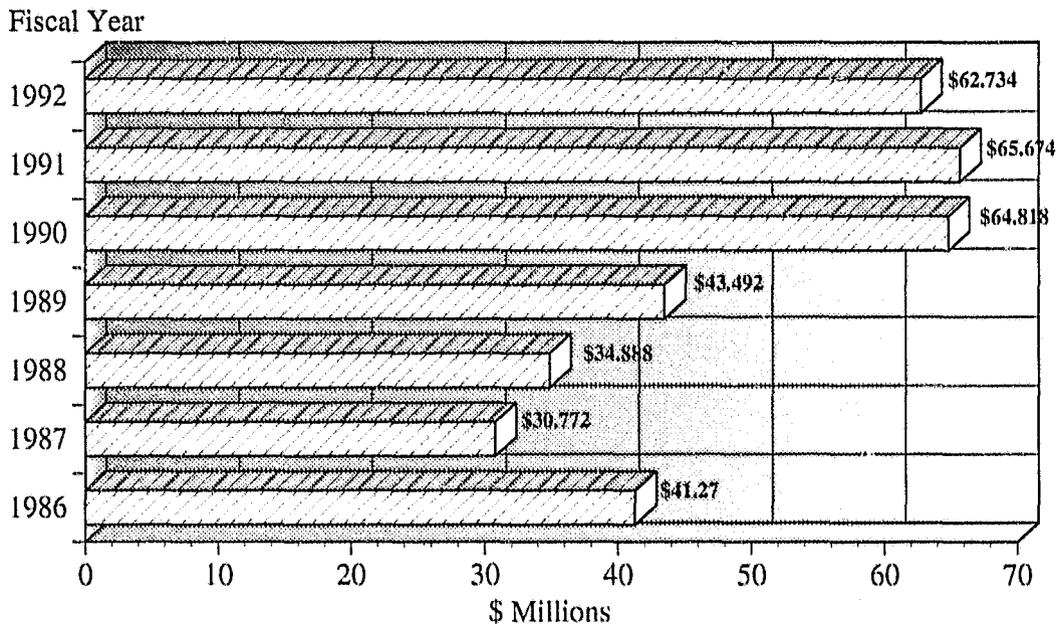
themselves, survived victimizations perpetrated by violent criminals.

Since its enactment in 1984, VOCA has forged a partnership among the Federal and state governments, an alliance to support assistance services to crime victims. Victim accessibility to services throughout the country has thereby been improved. The types of assistance now available are varied, comprehensive and responsive to a myriad of victim needs. VOCA has stimulated these accomplishments because the Act infuses Federal dollars into the victim assistance network and, consequently, draws national attention to the plight of crime victims at the Federal, state, and local levels.

During the past seven years, and by the close of Fiscal Year 1992, \$343,649,000 in Federal VOCA assistance grants have been awarded to the states.¹³ [See

FIGURE 11

VOCA Assistance Grants to States, FY 1986 - 1992



¹² Federal VOCA dollars consist of funding derived from the Crime Victims Fund — a resource created by VOCA. The Office for Victims of Crime is authorized to draw VOCA dollars from the Fund for the purpose of awarding formula grants to state victim assistance and compensation programs.

¹³ All States, the District of Columbia, Puerto Rico, and the territories of Guam, the American Samoas, the U.S. Virgin Islands, Palau, and the Commonwealth of the Northern Mariana Islands receive VOCA victim assistance grants. For ease of reference, VOCA assistance grantees are referred to as "States."

Appendix B for a state-by-state Identification of Award Amounts.] In Fiscal Year 1991, \$65,674,000 in Federal VOCA funds were awarded for assistance; in Fiscal Year 1992, \$62,734,000 was disbursed (see Figure 11, VOCA Assistance Grants to States, for a year-by-year analysis of total VOCA victim assistance dollars available to states). Out of a total of nearly \$221,609,000 deposited into the Crime Victims Fund in Fiscal Year 1992, \$68,611,000 was available for assistance grants in Fiscal Year 1993.

A single grantee of Federal VOCA assistance funds is located in each and every state. Each state grantee, in turn, subgrants Federal VOCA dollars to direct providers of victim assistance located within the state's boundaries. Such organizations include rape crisis centers, shelters for battered women, treatment centers for child sexual abuse victims, prosecutors offices, law enforcement offices, mental health centers, universities, and hospitals. These and other similar types of organizations provide a variety of services to victims and survivors of violent crimes. Federal dollars for assistance have provided lifeline services to millions of innocent Americans victimized by crime during the past six years. One beneficiary victim from Wisconsin writes:

[I] am a survivor...just starting to come to terms with how... abuse...changed my life so drastically. Not only do I suffer because of the cruelty of my uncle and mother, but so do my children...I want so desperately to be the kind of mother that they need... In working on [issues resulting from my own abuse], I will become that loving mom that they need. I can't help but [imagine that] if you helped me this much, just how much you have done for others just like me...[those with] no work, no money, no insurance, no therapist, and so therefore, no hope. Please, please, please keep this program going..."

Another crime victim from Wisconsin writes:

[T]he pain is so great, but I know it's part of the process and it must be dealt with. I know that feeling the pain is the beginning of recovery. I thank God for Beacon. No other therapist or support group [has] given me what I have received from Beacon... (Beacon offers individual and group counseling for sexual assault victims and adults molested as children).

Yet another victim, from Florida — a surviving mother of a murdered daughter — writes:

[I]...want to [express] my gratitude to members of the Sheriff's Office who have been so supportive — from the deputies at the scene who were so concerned, to Suzanne, the victim advocate who drove me and my [other] daughter to Bayfront — everyone was totally professional, but also personally solicitous of our well-being.

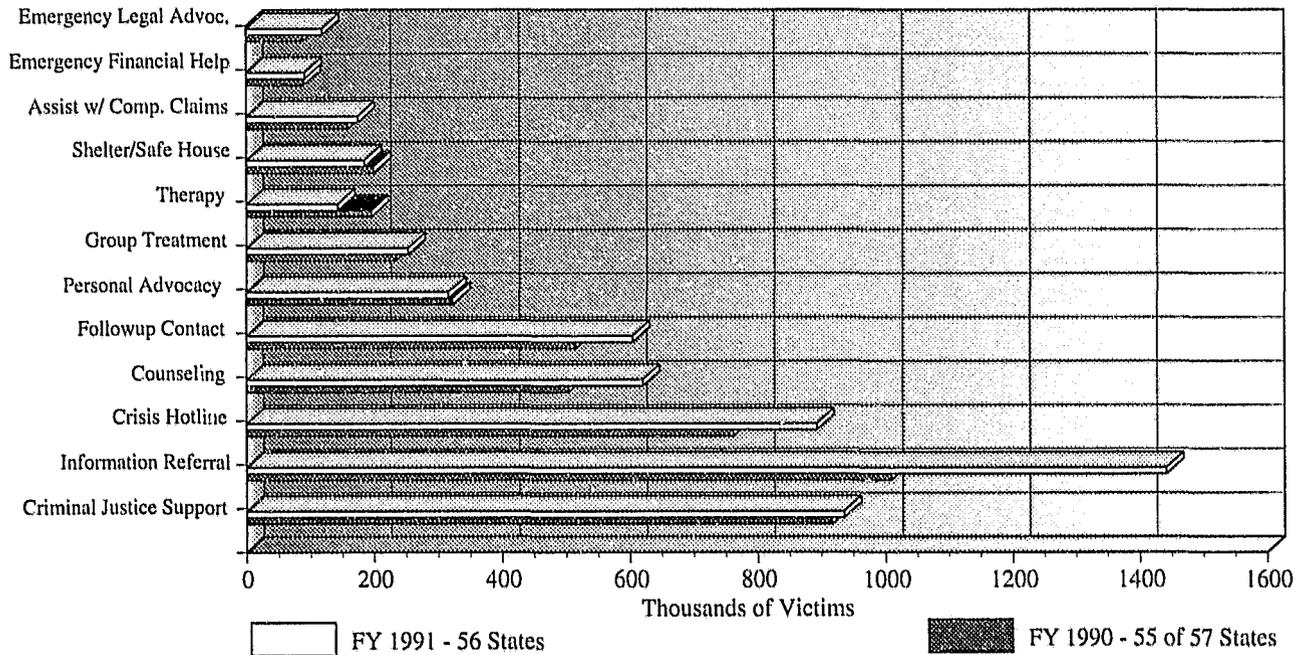
Data from Fiscal Years 1990 and 1991 provide the most comprehensive information now available on VOCA funded assistance services. In accordance with Section 1402(e)(1) of VOCA, formula assistance grantees are provided the year of award plus one to expend grant funds. Thus, funds awarded in 1992 need not be expended until the close of Fiscal Year 1993 — September 30, 1993. Service reporting is complicated further by the fact that each of the over 2,400 VOCA assistance subgrantees has its own identified fiscal year and, for any one of these grantees, an audit glitch may delay the transmittal of comprehensive expenditure and service data to both OVC's state administrator grantee as well as OVC.

Congressional intent when drafting VOCA was to insure the delivery of urgently needed services to crime victims immediately after victimization. As reflected in Figure 12,¹⁴ the Number of Victims Receiving Services, most VOCA-funded organizations provide some form of immediate crisis intervention through the provision of crisis hotline assistance, crisis intervention, emergency shelter, information and referrals, emergency financial

¹⁴ Statistics reflected in Figure 12 do not take into account the number of VOCA funded staff hours devoted to any single victim. One victim may require one hour of counseling, while another may require 100. The figure reflects services rendered with non-VOCA dollars expended in accordance with VOCA requirements, i.e., matching.

FIGURE 12

Number of Victims Receiving Services Supported by VOCA Assistance Funds 1990 - 1991



help to obtain food, clothing, or transportation. These services are supported by VOCA dollars as well as match dollars contributed to VOCA funded programs by state and local governments and private non-profit programs.¹⁵

VOCA authorizes OVC assistance grantees and subgrantees to use VOCA dollars only to provide direct services to crime victims. This requirement results in the allocation of VOCA dollars for the salaries of counselors, victim advocates, grief therapists, hotline operators, volunteer coordinators, and those who directly assist crime victims. The commitment and talents of VOCA-funded staff, both paid and volunteer, is critical to providing timely, high-quality services to individual crime victims and in changing the way that the community and the criminal justice system treat crime victims.

VOCA requires that organizations receiving VOCA victim assistance grant funds promote coordinated pub-

lic and private efforts to aid crime victims and enhance interagency communication and cooperation. Thus, VOCA-supported assistance providers and volunteers work to educate their communities about victim issues; establish inter-agency working groups; design protocols and working agreements to provide a comprehensive response to crime victims; and offer training and information to other professionals who interface with crime victims.¹⁶ The coordination requirement is changing the way society, in general, responds to the needs of crime victims.

Coordination among victim assistance providers and criminal justice professionals is necessary to stem the effects of re-victimization. Victim advocates now accompany law enforcement officers to crime scenes and to judicial proceedings. They assist victims in filing for temporary restraining orders to prevent further contact with the offender. Advocates explain the judicial

¹⁵ Section 1404(b)(1)(B) sets forth specific subgrantee eligibility requirements; the provider of direct services must demonstrate substantial financial support from sources other than the Crime Victims Fund. OVC Guidelines require newly established providers to provide a 35 percent match; on-going programs are required to provide a 20 percent match to qualify for Federal funding. All service statistics presented herein reflect both VOCA and match funded services.

¹⁶ OVC requires community coordination of services by subgrantees. The identified coordination functions, however, cannot be funded with VOCA dollars unless the functions are specifically related to serving the needs of a crime victim. Such a requirement reflects a Congressional intent to make VOCA funding available to assistance providers as supplementary funding, not bedrock organizational funding.

process to victims, most of whom are unfamiliar with the criminal justice system. They work with law enforcement so that personal items such as clothing are returned as soon as practicable. Advocates also assist in the preparation of victim impact statements as well as in filing victim compensation claims.

One such committed provider of assistance writes:

Our consistent presence in the courthouse has resulted in increased recognition of the program's advocates. On several occasions, judges have asked the advocate her opinion of a plea before accepting it. All three Kane County felony judges have made themselves available to discuss case information and answer questions. One judge ... met with a number of child victims that the advocates [were] ... preparing to testify. He talked to the children, took them on a tour of the courtroom and answered their questions. Working directly with the judges has increased our credibility with the state's attorney's office, public and private defenders, and with law enforcement. (Illinois Victim Assistance Program)

Another assistance provider reports success as follows:

[A]fter urging, State's attorneys now schedule several formal and informal meetings with child sexual assault victims and their families in order to build rapport, trust, and confidence. They are also much more likely to prosecute a case knowing [that] the child will be prepared for the experience by trained counselors and advocates. Thus, there has been a dramatic upswing in the number of [child sexual assault] cases going to court. [There has also] been increased networking and [cross] educating among medical, legal, and therapy professionals about their respective roles in pursuing justice and assisting crime victims with physical, psychological, and emotional after-effects of violent crime... (Illinois Victim Assistance Program)

As the VOCA victim assistance grant program entered its fifth and sixth years in Fiscal Years 1990 and

1991, OVC was gratified to find numerous indicators suggesting that the Federal/state partnership, established through VOCA, was continuing to fulfill original Congressional expectations. There have been tremendous increases in: victim advocacy throughout all segments of society; the number of laws enacted to ensure the fair and equal treatment of crime victims; the number of organizations serving crime victims; the level of funds available for victim services; and the degree of coordination among organizations interfacing with crime victims. A correlation exists between the progress that has been made during the past six years on behalf of crime victims and the support provided by VOCA.

Office for Victims of Crime Program Implementation and Administration

A primary responsibility of OVC, pursuant to VOCA, is to administer formula assistance and compensation grants out of the Crime Victims Fund. OVC awards assistance funding to the states in accordance with a specified, legislatively-mandated formula.

VOCA Federal assistance dollars awarded to the states have increased over the years. During Fiscal Year 1986 through 1988, each state, the District of Columbia, and Puerto Rico (but not the 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 the state's population. Amendments to VOCA in 1988 raised the base amount to \$150,000 for Fiscal Years 1989 through 1991 for all states. The amendments also redefined the term "state" in such a way so as to make the above mentioned territories (except Palau) eligible for the \$150,000 base amount. (See Appendix B for a listing of each state and the amount of VOCA victim assistance funds awarded during Fiscal Years 1990 and 1991.)

The VOCA victim assistance grant funds are subject to time limitations; states must return funding to the Federal Government if they do not obligate it by September 30 of the calendar year following the year of the award. Therefore, timeliness in the processing and awarding of grants to the states, and subsequent subgrants by state grantees, is important. The subgrant award process controlled by state grantees consumes both time and resources. The states must develop funding strategies, prepare application kits and instructions,

formally solicit proposals, review proposals, negotiate costs and services, award the funds, and expend the funds on direct services to crime victims — all within the year the VOCA assistance grant is received and the year following, ending September 30.

OVC provides leadership to the states on implementing the VOCA victim assistance grant program. OVC staff assists states in implementing the VOCA victim assistance program by providing guidance and technical assistance on program implementation issues.

OVC sponsors training conferences for VOCA victim assistance state grantees during which specialized technical assistance is provided. Documents including handbooks, legal opinions, sample subgrant application kits, program policies and procedures are disseminated. OVC-sponsored workshops on program administration issues offer state grantees opportunities to share their expertise in specific areas of VOCA administration. Feedback is also routinely elicited from participants on ways that OVC can better administer the VOCA victim assistance grant program and provide appropriate support to grantees.

OVC has also developed an automated database that allows state grantees to report funding data electronically. In Fiscal Year 1992, the grantees began to electronically submit to OVC the programmatic and financial data on VOCA-funded subrecipients. This system eliminates the need for manual completion of Subgrant Award Report forms at the state level and allows OVC staff to devote more time to monitoring issues and technical assistance activities, instead of data entry.

To assist states in administering the grant program, OVC has drafted and published Program Guidelines for the VOCA victim assistance grant program. These Guidelines are based on VOCA and respond to inquiries submitted by the state grantees. Further, the Program Guidelines respond to the needs of VOCA subrecipients as identified by state grantees and by Division staff during on-site monitoring visits to states and VOCA subrecipient organizations.

OVC routinely monitors each state's compliance with the intent of Congress, as reflected in VOCA. Via desk reviews of documentation and on-site visits to grantees and subgrantees, programmatic and financial reports for each VOCA grantee are reviewed to ensure that all statutory requirements are met. Each state's subgrant awards of VOCA funds are also analyzed to ensure that VOCA priorities and funding requirements are met. While on-site, OVC reviews the grantees' subgrant

award policies, the procedures for awarding VOCA assistance funds, and their programmatic and financial records. On-site monitoring at each grantee office is accomplished once every three years, unless a change in circumstance warrants an expedited visit, such as to offer technical assistance to a newly designated state agency.

State Program Implementation and Administration

VOCA authorizes each state to allocate Federal funds so as to best meet the unique needs of crime victims within their boundaries. This legislative flexibility has resulted in characteristic variations among agencies designated to administer the state assistance program. Despite the organizational variations, each state has made its VOCA assistance grant program into an exceptionally valuable resource for crime victims. This accomplishment is noteworthy because states are not permitted to use any VOCA grant dollars for program administration purposes.

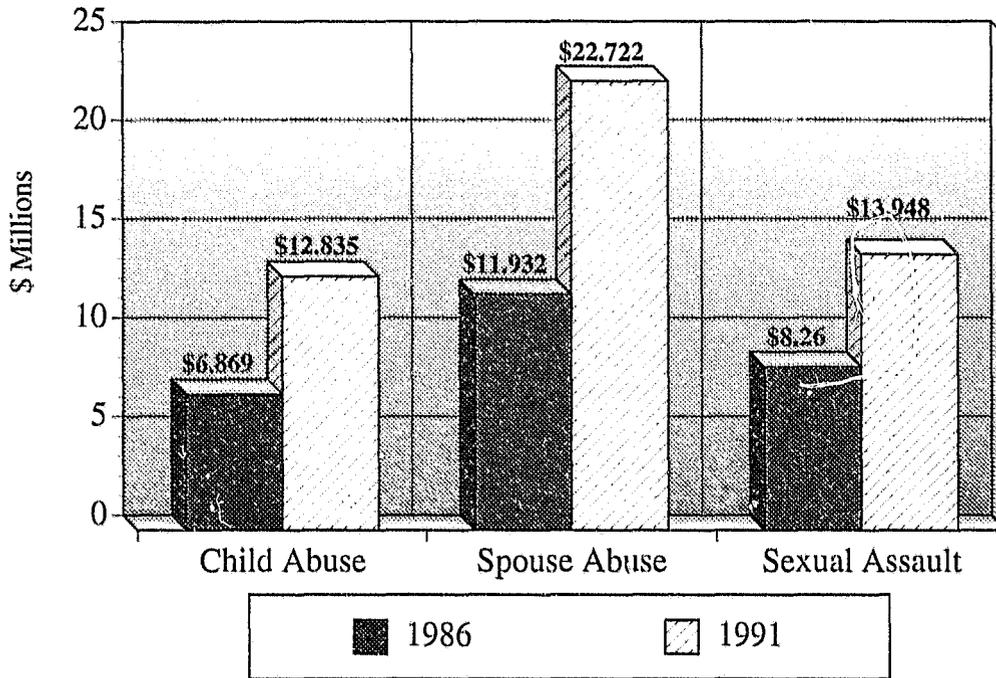
Federal VOCA victim assistance dollars are available to all states. Certain minimum VOCA eligibility requirements, however, must be met. When awarding VOCA funds to subgrantees, providers of direct assistance, the state grantees must:

- (1) give priority to eligible victim assistance programs that provide services to victims of sexual assault, domestic violence, and child abuse;
- (2) make funds available for grant programs which serve previously underserved victims of violent crime (added by 1988 amendment to VOCA);
- (3) certify that funds awarded to eligible programs will not be used to supplant state and local funds available for crime victim assistance; and
- (4) certify that funds will only be used to support direct services to crime victims.

VOCA has always identified three crime victim groups entitled to special funding consideration ("priority") as part of the states' VOCA award processes to subrecipients. They are victims of sexual assault, domestic violence, and child abuse. Figure 13 reflects the Dollar Distribution of VOCA funds among priority crime victims.

FIGURE 13

Distribution of VOCA Assistance Funds Child Abuse/Spouse Abuse/Sexual Assault

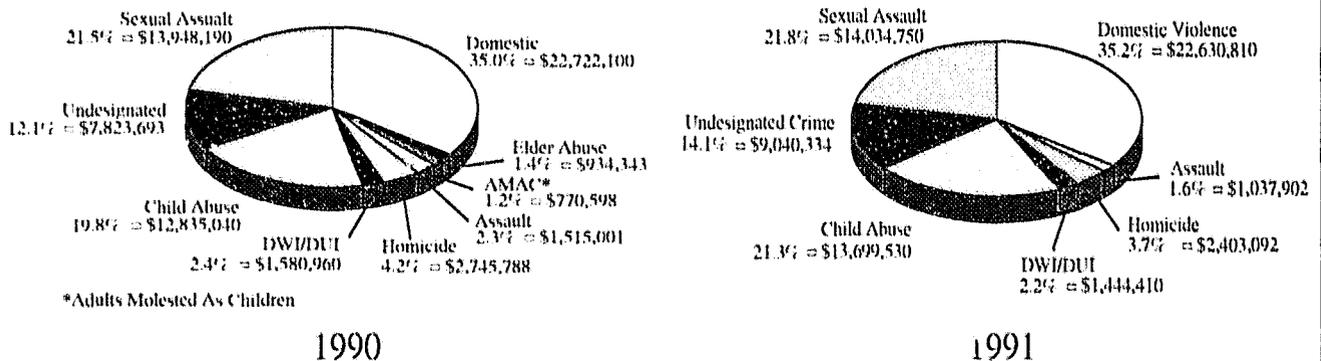


As violent crime increased dramatically throughout the Nation in the 1980's, Congress responded by amending VOCA in 1988. One amendment requires the states to give special consideration to priority crime victims as well as "previously underserved" victims of violent crime. Figures 14 and 15 show how state grantees allocated 1990 and 1991 VOCA assistance awards for services by types of crimes.

To facilitate implementation of the 1988 VOCA amendments, OVC issued revised Program Guidelines requiring each state to allocate at least 40 percent (10 percent to each of the four areas) of each year's VOCA victim assistance grant to provide services to victims of 1) sexual assault, 2) domestic violence, 3) child abuse, and 4) previously underserved victims of violent crime, as identified by the state. Most often, the states have

FIGURES 14 AND 15

Distribution of VOCA Assistance Funds by Type of Crime FY 1990 - 1991



identified victims of homicide, driving under the influence or driving while intoxicated (DUI/DWI) crashes, and physical assault as "previously underserved" victim populations. States are also authorized to meet their underserved requirement by awarding funds to Native American tribes or organizations located on Indian reservations. During Fiscal Years 1990 and 1991, approximately 830,000 underserved victims of violent crime received services through VOCA-funded projects.

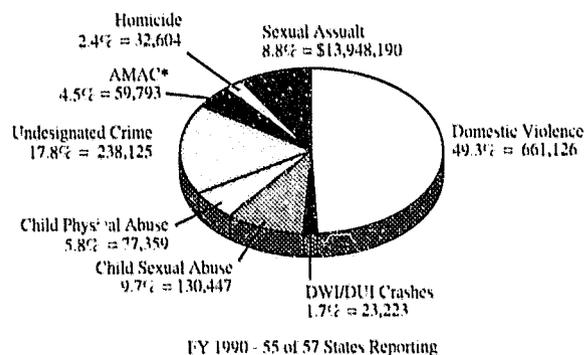
Figures 16 and 17 provide data on the types of victims served by VOCA funded programs during Fiscal Years 1990 and 1991. As demonstrated by the chart, the majority of those served through VOCA funding were victims of domestic violence, sexual assault, and child abuse — victim groups consistent with VOCA priorities. The figures also show substantial numbers of other violent crime victim groups, traditionally underserved groups, that were assisted through the VOCA-funded organizations.

VOCA and the Program Guidelines also provide that each eligible victim assistance subrecipient of VOCA funds must:

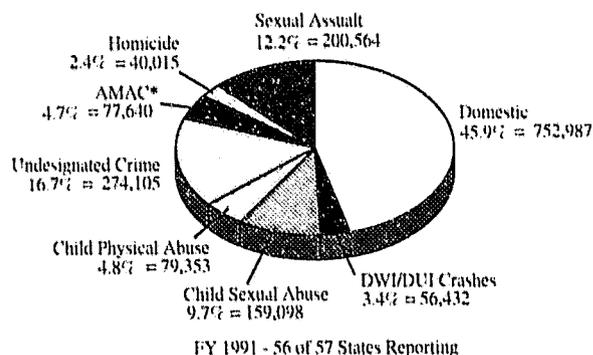
- (1) be either a public or a private non-profit agency;
- (2) have a record of delivering effective services to crime victims;
- (3) use volunteers in providing services to crime victims;
- (4) promote, within the community served, coordinated public and private efforts to serve crime victims;
- (5) assist crime victims in seeking victim compensation benefits;
- (6) match the Federal funds either in-kind or with cash at a level of 20 percent for existing programs, 35 percent for new programs, or 5 percent for Native American Tribes or organizations;¹⁷ and
- (7) use the VOCA funds only for direct services to crime victims such as crisis intervention, counseling, personal and criminal justice advocacy, shelter, etc.

VOCA victim assistance funds cannot be used for community education, crime prevention, lobbying, legislative and administrative advocacy, perpetrator rehabilitation, fundraising, capital expenditures, criminal justice

FIGURE 16 AND 17
VOCA Victim Assistance
Grant Program FY 1990 - 1991



1990



1991

* Adults Molested As Children

improvements, insurance or other nondirect services and activities.

Beyond these minimum requirements, states have a great deal of latitude in determining which agencies are eligible for VOCA victim assistance dollars, the types of victim services to be provided to crime victims, the amount of funds to be awarded to each organization, and the length of time an organization is eligible to receive funds. In developing the necessary policies and procedures for disbursing VOCA funds, state grantees often solicit input from victim advocates, coalitions, criminal justice officials, and other interested agencies. Many states award the funds through a competitive application and selection process. Other states fund the same orga-

¹⁷ The program match requirement for territories located in the insular areas, i.e., the American Samoa, Guam, the U.S. Virgin Islands, Palau, and the Northern Mariana Island, is waived pursuant to 48 U.S.C., Section 1469(a)(d)(i).

nizations year after year with the objective of stabilizing services for crime victims.

Although both public and nonprofit organizations receive VOCA victim assistance funds, nonprofits receive the majority of all VOCA funds that are awarded. During the Fiscal Year 1986 grant period, the states awarded VOCA funds to approximately 1,422 local programs, of which 1,126 were nonprofits. During Fiscal Year 1991, 2,409 victim assistance agencies received VOCA funds of which 1,884 were nonprofits. Most of the subgrantee organizations use VOCA funds to support the continuation of basic services to crime victims year after year. However, a significant number of organizations have been able to expand their services into new areas and beyond previous levels; during Fiscal Years 1990 and 1991, 563 organizations offered new types of services or served additional victim populations. Also, many organizations receiving VOCA grant funds, which traditionally served only one victim population, now serve two or more types of crime victims.

On the average, states make 45 awards each year at an average amount of \$19,000 per grant. Many states, however, award VOCA funds in amounts of \$5,000 or less and some states make over 100 awards each year.

The demand for victim services in all states far exceeds the VOCA funds available for services. Complex, inflexible state procurement regulations, VOCA timing restrictions and the multiple levels of award pass-through combine to deprive victims of total VOCA expenditure for victim assistance. The states must commonly return VOCA victim assistance funds to the U.S. Treasury even though, at the state level, all VOCA funds are awarded to eligible subrecipient organizations. This occurs primarily because VOCA victim assistance funds can only be used for direct services and states cannot easily reprogram the funds when actual expenditures differ from projected budgets. VOCA funds are primarily used to cover personnel expenses; therefore, for example, when a subrecipient cannot immediately fill an open position, the projected personnel budget must be revised to reflect new "allowable" budget items. State grantees often do not receive notice of the remaining funds until late in the grant period when little time remains to allow for an effective expenditure of funds by another subrecipient. To alleviate this problem, many states would like an additional year to obligate and expend VOCA dollars.

Approximately one percent of the total VOCA funds available to states is returned each year to the U.S.

Treasury. Once returned, these funds are no longer available for assisting and supporting crime victims. Although not all states have yet submitted final figures for Fiscal Year 1991, over \$900,000 has been returned to the U.S. Treasury from Fiscal Year 1990 VOCA victim assistance grants.

To ensure the expenditure of all VOCA assistance dollars for services to crime victims, OVC encourages state grantees to closely monitor subrecipient grant expenditures. Careful monitoring would allow the states to identify expenditure problems early in the grant period so that sufficient time is available to reallocate unexpended VOCA funds from one organization to another. Such reallocations can serve to reduce the amount of unexpended VOCA victim assistance grant funds now returned to the U.S. Treasury.

Summary

Since inception of the VOCA victim assistance grant program in 1986, OVC has witnessed a dramatic increase in the number of organizations offering services to crime victims and in the amount of funds set aside for victim assistance services, both at the Federal and state levels. For example, in 1986 approximately 2,000 victim service organizations offered assistance to crime victims. Today, over 7,000 such organizations offer victim assistance throughout the country. With Fiscal Year 1986 grant funds, 1,422 victim service agencies received approximately \$41 million in VOCA funds. With Fiscal Year 1991 grant funds, more than 2,400 victim service organizations received VOCA funds amounting to more than \$65.6 million. Thus, today, assistance services are much more accessible to the public than they have been in the past.

Information gathered from the states for Fiscal Years 1990 and 1991 indicates that over three million individuals were provided assistance through VOCA-funded projects. In addition to VOCA funds, many states support services to crime victims from various state funding sources, such as penalties and fines paid by convicted state criminals, marriage license fees, birth recording fees, general fund appropriations, etc. OVC has received data from VOCA state administrators indicating that state funding sources during Fiscal Years 1990 and 1991 totaled over \$700 million dollars.

Recommendations

OVC has two major recommendations to improve the effectiveness and efficiency of the VOCA victim assistance grant program.

First, VOCA amendments should be enacted to ensure that the entire VOCA allocation for assistance is used for providing assistance services to crime victims. This can be accomplished in one of two ways. VOCA could be amended to allow for longer grant periods, such as year of award plus two instead of the current year of award plus one. Another option would be to amend VOCA to permit unused funds to be added to the next year's VOCA victim assistance grant fund allocation pool. Both amendments would allow the states to better address a critical need for more assistance services throughout the country.

Second, VOCA should be amended to authorize state administrators to use a small percentage of each year's Federal grant for administrative costs. States make significant commitments in terms of personnel and other resources for each VOCA victim assistance grant they accept. Few Federal grant programs demand so much of the states without the benefit of administrative cost coverage. There is a dire need for additional resources to administer their programs, to undertake the

necessary tasks of writing guidelines, developing application processes, announcing fund availability, soliciting and reviewing proposals, negotiating budgets, awarding contracts, and monitoring subrecipient activities.

VOCA dollars are also needed at the state level to ensure proper stewardship of Federal grant funds by subrecipients. The VOCA victim assistance program is a block grant program; and as such, many Federal oversight responsibilities that guard against fraud, waste, and abuse of Federal funds are passed to the state grantee. Because the Federal government places states in the position of being responsible for ensuring proper expenditure of the VOCA funds, it is incumbent that limited resources be provided to address that responsibility.

The VOCA victim assistance grant program is a significant — and sometimes the only — source of free services for crime victims within a state. Therefore, it is imperative that (1) amendments be enacted to insure that precious VOCA dollars are available for expenditure for victim assistance services; and (2) that states receive limited VOCA administrative funds to ensure efficient, effective expenditure of VOCA dollars at the local level. Such authorization would also allow VOCA subrecipients to receive technical assistance on VOCA program requirements; and it would also allow states to do regular on-site monitoring of VOCA subrecipients to maintain VOCA compliance.

Chapter 5

Federal Crime Victims Program

VOCA underscores the importance of services to crime victims who participate in the Federal criminal justice system. VOCA reserves a portion of the Crime Victims Fund to provide services for victims of Federal crimes and to support a variety of activities that improve the treatment of victims by Federal criminal justice system personnel.¹⁸ VOCA also requires the Director of the Office for Victims of Crime (OVC) to monitor Federal law enforcement agencies' compliance with the Victim and Witness Protection Act of 1982 (VWPA). Under the VWPA, the Attorney General is required to develop and implement guidelines for Department of Justice (DOJ) law enforcement officials to follow in enforcing the rights and conveying the services due victims and witnesses who participate in the Federal criminal justice system.

The 1990 Crime Control Act (Pub. L. 101-647) established a new framework for victim rights by prescribing the responsibilities of the Federal criminal justice system in meeting the needs of victims and ensuring that their rights are upheld. Prior Federal crime victim statutes had required that those rights and services be accorded only "where possible"; however, the 1990 Act now requires that those rights and services "shall" be provided, therefore creating a Federal Crime Victims' Bill of Rights.

After the passage of the 1990 Act, OVC orchestrated a collaborative effort among various components of DOJ to revise the Attorney General Guidelines on Victim and Witness Assistance. Since their issuance on August 6, 1991, these guidelines have served as the cornerstone for developing victim assistance policy and training within DOJ.

TABLE 3
Federal Crime Victims Funding

Year	Fund Total Available	FCVP Funding	Fund Percent Available for Federal Victims
FY 86	\$68,312,955	\$3,413,955	5%
FY 87	62,505,345	625,559	1%
FY 88	77,446,382	774,296	.9%
FY 89	93,559,361	1,125,000	1.3%
FY 90	125,000,000	1,125,000	1%
FY 91	125,000,000	1,125,000	1%
FY 92	150,000,000	1,398,000	1.9%

¹⁸ For programmatic purposes, OVC defines a victim of a Federal crime as "a person or a representative of an institutional entity that has suffered direct or threatened, physical, emotional, or financial harm as the result of (or the attempt of) a commission of a crime that violates a Federal statute or a crime that occurs on an area of land within Federal jurisdiction, i.e., Indian reservations, military installations, National Parks."

Funding for the Federal Crime Victims Program

Since 1985, both the elevation of the ceiling on the Crime Victims Fund (Fund) and legislative changes to VOCA have resulted in variable funding levels for the Federal Crime Victims Programs (FCVP), administered by OVC. The Children's Justice and Assistance Act of 1986 (Pub. L. 99-401) as well as the Federal Courts Administration Act of 1992 (Pub. L. 102-572) decreased the Fund percentage allocation available for Federal crime victims. Thus, although deposits into the Fund have increased markedly, the percentage available to the FCVP has undergone a steep decline — from five percent of the Fund in 1986 to less than one percent in 1992. Given OVC's increased responsibilities for monitoring Federal agencies, along with a rise in Federal

requests for training and technical assistance to comply with the new requirements, the FCVP faces the challenge of creatively utilizing diminished resources to meet a continual need for services and growing range of responsibility.

Federal Crime Victims Program Responsibilities

From 1990 through 1992, OVC expanded and strengthened existing direct service programs and initiated new efforts to improve the Federal criminal justice response to crime victims through training programs, development of training materials, and increased coordination with other Federal agencies. (See Exhibit 3).

Exhibit 3

Federal Crime Victims Program Responsibilities

OVC's efforts to serve victims of Federal crimes include but are not limited to:

- *Providing direct services to victims of Federal crime.*
- *Providing training for Federal law enforcement personnel who assist crime victims.*
- *Preparing and disseminating information and materials on services for victims of Federal crimes.*
- *Consulting and coordinating efforts with Federal law enforcement agencies that have responsibilities affecting victims of Federal crime.*
- *Coordinating victim services that are provided by the Federal government with those offered by other public agencies and nonprofit organizations.*
- *Monitoring Federal agency compliance with guidelines for the fair treatment of crime victims and witnesses issued under the Victim and Witness Protection Act of 1982.*
- *Reimbursing other Federal agencies for carrying out authorized functions that improve services for victims of Federal crime.*
- *Performing other related functions at the discretion of the OVC Director.*

Services for Victims of Federal Crimes

The vast majority of violent crimes fall within state and local jurisdiction rather than that of the Federal government. Accordingly, VOCA's programmatic design — whereby over 95 percent of Federal funding is made available directly to state programs — is geared toward strengthening the provision and accessibility of victim services at the state and local levels. In keeping with this design, VOCA requires state programs that receive Federal funds to also provide services to victims of Federal crimes. Federal crime victim funds are not intended to support a separate system of services, but rather, to support direct services when local services are unavailable.

During the past six years, the Federal criminal justice system interacted with increased numbers of violent crime victims as identified by Federal investigators and prosecutors. Reasons for this increase include, but are not limited to: enhanced awareness of special victim issues on various land areas under Federal jurisdiction (military and Indian reservations, National Parks, and Federally operated or contracted entities that provide child care or other services to individuals); increased Federal investigations and prosecutions; the 1986 addition of child sexual abuse to the list of major Federal crimes; the development of the Armed Career Criminal Program which allows Federal courts to prosecute various crimes previously prosecuted in state courts; and increased responsibilities that the Crime Control Act of 1990 placed on Federal agencies for assuring that victims of Federal crime receive certain services and are accorded specific rights.

OVC has implemented several direct service programs for victims of Federal crime, including the Emergency Fund and various Indian country initiatives.

Emergency Fund

The VOCA Emergency Assistance for Victims of Federal Crimes Fund (Emergency Fund) was established in 1988 to finance the provision of essential, emergency victim services that are unavailable from any other source. Each year since its inception, OVC has set aside a \$100,000 reserve, accessible to U.S. Attorneys' Offices through a reimbursable agreement with the Executive Office for U.S. Attorneys (EOUSA).

Over the past five years, OVC has approved 110 requests for emergency assistance and provided approximately \$510,310 for services to Federal crime victims through 29 U.S. Attorneys' offices. Over \$374,000 has assisted child victims, and nearly \$331,000 has been expended to assist Native American victims of crime. In each case, the Federal Victim-Witness Coordinator works with local service providers to identify a range of service options. When services are nonexistent, the Emergency Fund fills a critical gap. Emergency Fund expenditures have included payment of transportation costs for Federal victims to attend sentencing hearings, mental health counseling for victims of child sexual abuse, and counseling services for a victim of kidnapping and sexual assault.

Indian Country Initiatives

Assistance for Victims of Federal Crime in Indian Country Discretionary Grants

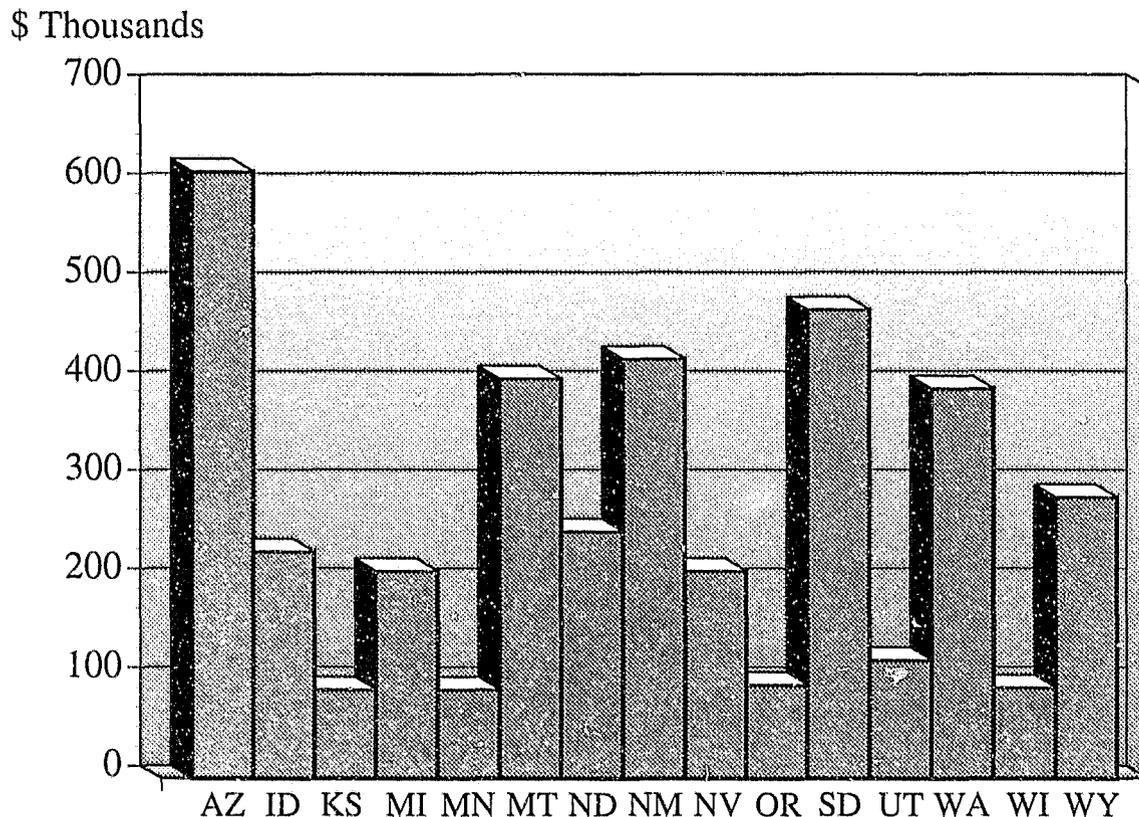
The Assistance for Victims of Federal Crime in Indian country (VAIC) grant program began in 1988 to provide direct services to Indian victims by establishing "on-reservation" victim assistance programs in Indian country. Prior to 1988 and the establishment of the VAIC program, there were few — if any — existing services for victims in these remote areas. It was envisioned that states would subgrant Federal funds to tribes to foster a network of effective victim services which could subsequently be supported through VOCA formula Victim Assistance block grant funds administered by states or other tribal or state resources.

Since 1988, OVC has awarded \$3.8 million to fifteen states under this innovative grant program. As a result, over 52 Native American victim assistance programs were established in Arizona, Idaho, Kansas, Michigan, Minnesota, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming. This program has truly stimulated the growth of a responsive victim assistance network that has become a permanent part of Native American communities (see Figure 18, which illustrates amounts awarded to each state since 1988).

Tribal victim assistance programs focus their efforts on victims of child abuse, sexual assault and domestic violence; however, in recent years a greater emphasis has been placed on providing assistance to other victims of violent crimes, including survivors of homicide vic-

FIGURE 18

Total Dollar Amounts Awarded to States FY 1988 - 1992



States Funded - Total \$3,900,350

tims (see Figure 19 on primary victims and types of victimization).

Trained staff and volunteers assist victims through crisis intervention, emergency and temporary shelter, mental health counseling for victims of child abuse and their families, and court advocacy in Federal and tribal court proceedings.

Many of the assistance programs have gained the acceptance and support of their tribal communities; others have received the formal endorsement of their tribal leaders.

The Crow Tribe of Montana, for example, has made generous donations of office space, utilities, and 24-hour telephone services to its VAIC program, thus freeing up

Federal grant funds to support the full-time program staff. The tribe has also recruited and trained 18 volunteers to provide crisis intervention services to victims of domestic violence. As an outgrowth of the program, ten homes on the reservation have been made available to serve as emergency safe-houses for victims of domestic violence until transportation to the nearest emergency shelter can be arranged.

In Kansas, the Kickapoo tribe recently donated a tri-level residence to serve as a shelter for victims of domestic violence. The shelter, which can accommodate up to six families, is operated by two full-time staff and over ten volunteers.

To support and assist rape victims, the Red Horse Lodge program on the Crow Creek Indian Reservation in South Dakota organized a group of community volunteers willing to drive over 100 miles in order to accompany victims in Federal court. One of its advocates transported an 11-year-old victim of sexual assault to an immediate medical examination so that critical forensic evidence could be preserved. Without the advocate's services, the case would have been difficult to prosecute.

Training and Technical Assistance Grants

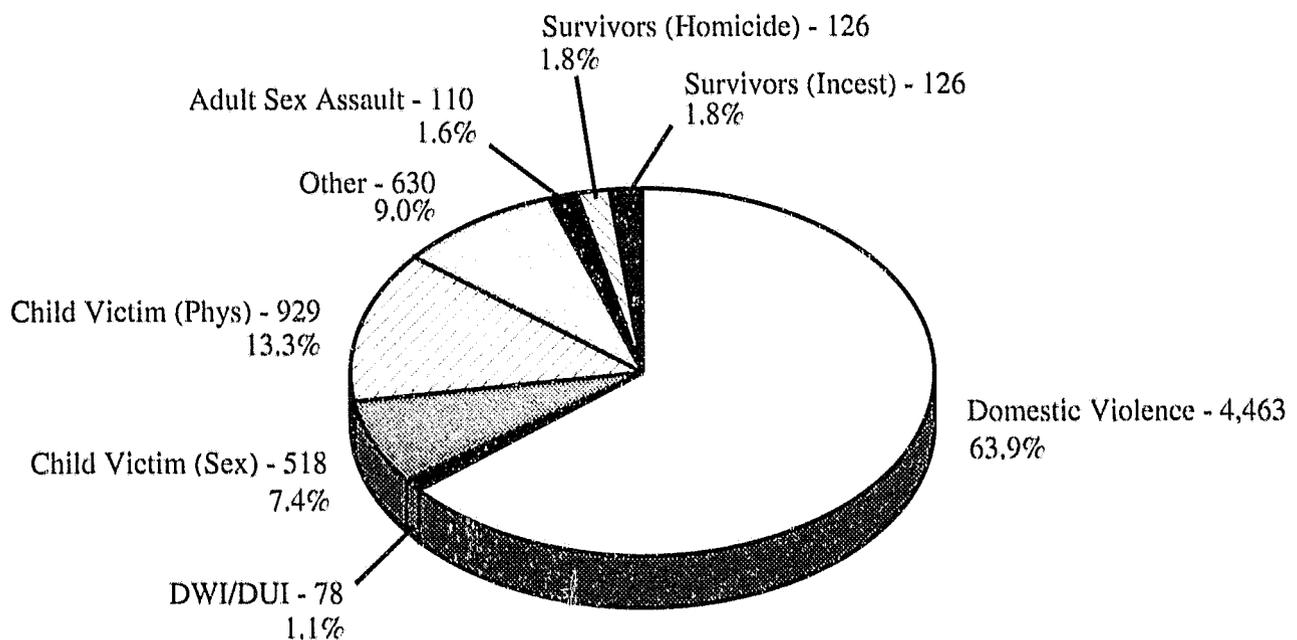
OVC's commitment to the success and longevity of the VAIC programs extends beyond the award of state grants to local programs. In order to ensure that high quality victim assistance services for Native Americans become a permanent part of community life, OVC has funded training and technical assistance to bolster local VAIC programs.

OVC awarded a \$200,000 grant to Three Feathers Associates, a Native American non-profit organization, to convene a regional training seminar and to provide on-site technical assistance for over 400 participants, as well as over 21 hours of teleconference skills training. The National Indian Justice Center (NIJC) also received a \$120,000 OVC grant to support its provision of focused, on-site training and technical assistance and peer consultation to VAIC subgrantees.

The consultation provided by these organizations has enabled local VAIC programs to improve their overall program management; develop and write competitive applications for funding; train volunteers in crisis intervention, and other specific skills; establish case record systems; train law enforcement officers on effectively responding to crime victims; establish support groups for survivors of homicide victims; and develop advocacy programs for child victims who participate in tribal court.

FIGURE 19

Number of Primary Victims Served by Type of Victimization FY 1990 = Total 6,980



Indian Nations: Justice for Victims of Crime Conference

In April 1992, OVC sponsored the fourth national "Indian Nations: Justice for Victims of Crime" conference in Albuquerque, New Mexico. The conference is a key event for professionals working in Indian country, affording them the opportunity for effective skills training and encouraging interjurisdictional and interagency cooperation. The 1992 conference brought together over 500 participants, including a diverse array of professionals from tribal, state and Federal victim assistance programs; law enforcement agencies; and social service, mental health and medical facilities. The workshops focused on enhancing the skills of service providers, promoting an interdisciplinary approach to addressing victimization, and sharing established and new models of assistance for Native American crime victims. Approximately 90 tribes were represented at the conference and over 150 participants were awarded OVC-funded scholarships to attend.

Four Corners Conference

In August 1992, OVC co-sponsored the "Four Corners in Indian Country Child Abuse Conference" along with the Federal Law Enforcement Training Center, the Bureau of Indian Affairs (BIA), and the U.S. Attorneys' Offices in the districts of Arizona, New Mexico, Colorado, and Utah. The conference brought together approximately 200 participants, including Federal, state and tribal prosecutors; law enforcement officials; and health care, social service and victim assistance providers who work with child victims in Indian country. OVC provided \$24,000 in conference scholarships — funding that enabled 100 Native American participants to attend. The four-day conference, which featured interactive workshops addressing regional-specific issues, concluded with a well-received mock trial of a Federal child sexual abuse case.

Native American Videotape on Financial Assistance for Victims of Crime

Through funding supplied by OVC, the National Association of Crime Victim Compensation Boards produced a 16-minute videotape that explains crime victim compensation programs to Native American popula-

tions. Compensation programs in states with Indian Reservations have received the videotape; Federal, state, and tribal agencies will receive the videotape as well.

Training for Federal Criminal Justice Personnel

OVC aggressively pursues opportunities to provide crime victim assistance training to Federal criminal justice personnel — investigators, prosecutors, victim-witness coordinators and advocates — as well as social service and mental health professionals. The following are examples of such training funded by OVC.

National Symposium on Child Sexual Abuse

Annually since 1988, OVC has provided funding that enables teams of Federal criminal justice officials to attend a day of specialized training on the investigation and prosecution of child sexual abuse cases. The training is designed to build skills and promote interdisciplinary coordination of all aspects of child sexual abuse cases, as well as to guide criminal justice personnel in implementing the new child victim statutes contained in the Crime Control Act of 1990.

Held in conjunction with the National Symposium on Child Sexual Abuse in Huntsville, Alabama, the training presents state-of-the-art information to law enforcement, medical, victim advocacy, mental health, and social services professionals. The dramatic increase in attendance each year points to the sustained demand for and success of the instruction offered at the conference. In 1991, 100 Federal officials, including Assistant U.S. Attorneys, Federal law enforcement officers, Federal Victim-Witness Coordinators, and members of the military attended. In 1992, participation surpassed 200.

[I] had pending...a case against a serial child kidnapper/sex offender and the information presented at the Symposium was absolutely invaluable. For example, during the sentencing hearing, I presented [impact] testimony from: a physician about the nature and extent of short and long term physical injuries and immediate emotional

problems...from a social worker about the psycho-social effects; and from a community leader about the impact on the community as a whole. The [ideas] for proceeding this way came from the Symposium. The defendant was sentenced to life without parole. (An Assistant U.S. Attorney)

Training for Federal Prosecutors

In Fiscal Year 1991, the American Prosecutors Research Institute's (APRI) National Center for Prosecution of Child Abuse (Center) received \$1.5 million through a non-competitive award designated by Congress, pursuant to Section 213 of the Crime Control Act of 1990 (Pub. L. 101-647).

The Center provides Federal, state and local child abuse prosecutors with training, as well as legal and technical assistance, a criminal statute and case law clearinghouse, publication services, and leadership in the child abuse prosecution area. The Center also provides skills training, not only for prosecutors and victim witness advocates, but also for clinicians, therapists, social workers, and law enforcement officials.

"Investigation and Prosecution of Child Abuse," the Center's premier publication, is widely regarded as "the most authoritative guide available for prosecutors dealing with child abuse cases." To date, over 10,000 copies of the manual have been distributed both nationally and internationally. The Center is presently developing a Federal supplement to the manual which outlines procedures and case law to assist Federal prosecutors to pursue cases of physical and sexual abuse, as well as child exploitation.

The Center's monthly newsletter, "Update," reports relevant research, new projects and resources, information on key organizations and individuals, Federal, state, and local initiatives, and developing trends to over 7,500 professionals working in the child abuse field. "Update" includes information relevant to Federal child abuse prosecutors.

Training for Federal Victim-Witness Coordinators

OVC provides specialized training to Federal Victim-Witness (VW) Coordinators at annual training conferences and orientations for new staff. In its materi-

als and workshops, OVC addresses basic victimization issues, such as assessment of victim needs, psychological effects of victimization, crisis intervention, the use of multidisciplinary teams in child abuse cases, and how to access the Emergency Fund. In addition, OVC serves as a reliable on-call link to U.S. Attorneys' Offices when they require consultation on complex issues. When necessary, OVC has conducted on-site training for districts with unique or complex problems.

[T]he training answered many, many questions that I did not even know to ask. The speakers were all extremely helpful as to clarifying the expectations of my new position. (A New VW Coordinator)

Federal Law Enforcement Training Center

The Department of Treasury's Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia, trains law enforcement officers from over 70 Federal agencies. Since 1986, OVC has had an ongoing interagency agreement with FLETC to support the development and provision of victim and witness assistance training for Federal criminal justice personnel. In Fiscal Years 1991 and 1992, OVC transferred \$90,000 to FLETC to train nearly 7,000 officers on victimology and victim-witness awareness as part of their basic instruction. In addition, FLETC requires students to demonstrate through videotaped role-plays that they have learned to interact appropriately and sensitively with victims of crime. Recently, FLETC also incorporated the victim-witness perspective to its advanced instructional programs on interviewing, financial fraud, and continuing legal education. Nearly 1,000 journeyman Federal agents received this advanced victim-witness training during Fiscal Years 1991-92.

Additional training provided by FLETC for Federal criminal justice personnel during this period included: nine regional training seminars aimed at journeyman Federal agents and officers; three "train-the-trainer" programs for Coordinators from U.S. Attorneys' offices to assist them in developing and presenting victim assistance training to their offices and Federal law enforcement agencies in their Districts; regional training seminars on the investigation of child abuse and exploitation for 450 Bureau of Indian Affairs officers; and sexual assault awareness training for 100 agents from the Naval

Investigative Service. FLETC also presented the first victim assistance training designed specifically for special agents in Federal Inspector General Offices.

Development and Dissemination of Information and Materials

B.J. Learns About Federal and Tribal Court (Videotape and User's Guide)

The U.S. Attorney's Office for the District of Arizona collaborated with OVC on a videotape project to meet the unique needs of Native American child victims who are required to testify in criminal court. The ten-minute videotape, "B.J. Learns About Federal and Tribal Court," introduces Native American children to Federal as well as Tribal court proceedings, describes vocabulary used in court, and familiarizes them with various courtroom personnel. In early April 1992, the videotape received its first public screening at the Fourth National "Strengthening Indian Nations: Justice for Victims of Crime" Conference in Albuquerque, New Mexico.

OVC has distributed 1,000 copies of the videotape and user's guide to U.S. Attorneys and VW Coordinators with jurisdiction in Indian country; Children's Justice Act (CJA) grantee programs operating on Indian Reservations; VAIC Program grantees serving Native Americans; Bureau of Indian Affairs Offices, investigators and law enforcement officers; FBI agents; hospitals, counseling and treatment centers; and Indian Child Protection Teams.

[T]he videotape crossed cultural and language barriers, was non-threatening and was a very informative resource which could lessen the trauma for Native American children who have to testify. (A viewer)

The Attorney General Guidelines for Victim and Witness Assistance

Since the 1991 revision of the *Attorney General Guidelines for Victim and Witness Assistance*, OVC has distributed over 30 thousand copies to U.S. Attorneys,

the FBI, the Drug Enforcement Administration, the U.S. Marshals Service, and other DOJ Components. Many other Federal agencies have requested copies to use as a blueprint for their own victim and witness assistance guidelines.

When the Victim is a Child

The second edition of the National Institute of Justice (NIJ) publication "When the Victim Is a Child" was distributed by OVC to each U.S. Attorney's Office. This excellent resource addresses the capabilities of children as witnesses, evaluates new research on the aftermath of child sexual abuse and analyzes the impact of the court process on child victims. It also delivers a thorough description of recent court reforms such as special hearsay exceptions, the use of videotaped and closed circuit testimony, and the presumption of competency of child witnesses. Although originally intended for judges, this book has proven to be an effective tool for Federal child abuse prosecutors and VW Coordinators.

Informational Brochure for all Federal Districts

Informational brochures for both victims of violent crime and white collar crime have been made available to U.S. Attorneys' Offices through OVC's interagency agreement with FLETC. These brochures were distributed to Federal law enforcement agencies within the individual Districts for further distribution by case agents to victims and witnesses of crime.

Resource Manual: The Federal Victim and Witness Assistance Program

OVC developed and distributed a *Resource Manual* on the Federal Victim and Witness Assistance Program to provide other Federal agencies guidance in developing their own assistance programs. The manual contains a history of the Federal Victim Witness Assistance Program; copies of all applicable victim witness statutes; descriptions of model programs; sample brochures; fact sheets about the Crime Victims Fund and distribution tables; lists of points of contact in state and Federal agencies; and sample guidelines. OVC developed and disseminated a similar resource book to all DOJ Components.

Coordination with Other Federal Agencies

OVC coordinates victim-witness assistance efforts with other Federal agencies to ensure that crime victims and witnesses in the Federal criminal justice system routinely receive consistent and efficient services. Some of these coordinated efforts deserve special mention.

Federal Bureau of Investigation (FBI)

In Fiscal Year 1992, OVC entered into a Reimbursable Agreement with the Federal Bureau of Investigation (FBI) to initiate the development of an FBI victim-witness assistance program and to provide training to personnel on their responsibilities to victims and witnesses. The FBI has developed and distributed a brochure, *Information for Victims and Witnesses of Crime*, to all field offices; designated VW Coordinators in the field offices; and planned a comprehensive training session for new Coordinators. The FBI will also soon produce a victim-witness assistance training curriculum and instructional videotape for new agents.

U.S. Department of Defense (DOD)

Over the past two years, OVC coordinated efforts with the Department of Defense (DOD) to provide victim assistance services and training. In this regard, OVC's activities have ranged from consultation to providing funding for training initiatives.

In Fiscal Year 1990, the Department of the Army expressed interest in developing an in-depth training course for child sexual abuse investigators. In response, OVC provided funding for Army curriculum developers to attend DOJ sponsored training on child sexual abuse investigations. Additionally, OVC provided Army officials with numerous samples of successful curricula for their review and consideration. As a result, the Army integrated some of these materials into a one week specialized training course which was offered to criminal investigators four times in 1992.

OVC staff has worked with a committee of DOD representatives to address problems associated with the release of victim information from DOD investigative agencies to state crime victim compensation programs for the purpose of verifying compensation claims. The Office of the Staff Judge Advocate, Air Force Office of Special Operations, has provided assistance to OVC on

this matter. OVC provided the Criminal Law Division, Army Office of the Judge Advocate General, an opportunity to review and comment on a proposed OVC brochure describing state compensation benefits to military families.

OVC routinely coordinates individual victim cases with various military services. For example, the concerned mother of a homicide victim, who was murdered on a military base in Guam, requested notification as to when her son's killers would be paroled, transferred, or released from prison. Because of the interactive working relationships between OVC and the military branches, OVC was able to provide the mother with the desired post-conviction and incarceration information and enroll her in the Federal Bureau of Prisons' Victim Notification Program.

U.S. Department of Health and Human Services (HHS)

The Child Abuse Prevention, Adoption, and Family Services Act (Pub. L. 100-294) mandated the formation of an Inter-Agency Task Force to coordinate all Federal efforts that address child abuse and neglect. In December 1992, DOJ signed an MOU with the Secretaries of Health and Human Services, Education, Housing and Urban Development, Labor, Agriculture, Defense, and Interior to coordinate programs and resources for abused children. As the Department of Justice's representative on the Task Force, OVC negotiated action plans with DOD, the Department of Interior, and the Department of Health and Human Services.

All of the Departments now have coordinated training efforts and grant projects. For example, DOJ staff with particular expertise in the child abuse field have served as trainers at HHS-sponsored training conferences. They have also participated in reviews of HHS grant proposals and training programs. DOJ and the National Center on Child Abuse and Neglect (NCCAN) co-sponsored a symposium on "Joint Investigations of Child Sexual Abuse." The symposium, which attracted criminal justice and child welfare professionals from every level, explored barriers to interagency coordination on addressing child sexual abuse issues. NIJ is publishing a bulletin to highlight the best practices and most common barriers to addressing these issues, and to recommend Federal, state and local strategies for implementing multidisciplinary collaboration.

U.S. Department of Interior

OVC has coordinated program activities with the Bureau of Indian Affairs (BIA) Social Services, Law Enforcement Services, and Judicial Services. BIA staff have participated on OVC grant review committees and in all OVC-sponsored training projects. OVC also routinely distributes resource materials to BIA.

Other Offices within the Department of Justice (DOJ)

OVC has also pursued opportunities for collaboration within the DOJ, the most noteworthy of which is the intra-Department Task Force on Crimes Against Children initiated in 1991. This Task Force coordinates all DOJ research, information dissemination, and program planning efforts relating to child victims. In Fiscal Year 1992, the Attorney General broadened membership on the Task Force to include representatives from each of the Bureaus within OJP, as well as from the FBI, the Criminal Division, the Office of Policy Development, the Attorney General's Advisory Committee and the Executive Office of the U.S. Attorneys. The Director of OVC, along with the Administrator of the Office of Juvenile Justice and Delinquency Prevention, serve as co-chairs of the Task Force.

Future projects of the Task Force will include in-depth training for Federal prosecutors of child abuse cases; the drafting of a comprehensive report of a DOJ child victim initiatives; a review of current and needed research on child abuse; the award of grant funds for a project to address the processing of child abuse cases in the criminal justice system; and the funding of a project to review the coordination of criminal and juvenile justice court actions in child maltreatment cases, and make recommendations for improvement.

Monitoring Federal Compliance with Guidelines for Victim-Witness Assistance

The Federal Victim and Witness Assistance Program is a multi-agency, multidisciplinary program that involves Federal investigative, prosecutorial, and correctional agencies. Each criminal justice system

component is responsible for providing specific information and services to victims and witnesses as a given case proceeds through the Federal criminal justice system. Each Federal agency with law enforcement functions must issue guidelines for rendering victim and witness assistance that are tailored to its unique Federal law enforcement mission. The following examples illustrate the variety of law enforcement activities that may affect crime victims:

- Offices of the Inspector General investigate crimes against the government, such as fraudulent claims or contract fraud. These crimes seldom have individual victims, although there may be witnesses who have been threatened and intimidated.
- Some Federal agencies employ uniformed officers for security of Federal buildings and grounds. These officers are responsible for responding to crimes of personal violence such as theft, rape or assault.
- Many Federal buildings house government-sponsored child care centers where there is a potential for abuse of children.
- Both the Department of Justice and the Department of Defense routinely handle criminal cases from the first responding police officer through prosecution and incarceration of the perpetrator. Components of these two agencies must have comprehensive guidelines for victim and witness assistance.

OVC has systematically offered the assistance needed to ensure that Federal agencies achieve compliance with Federal mandates affecting crime victims. In addition to providing all Federal agencies with copies of the revised Attorney General's Guidelines, in 1992, OVC convened a meeting of Federal agency representatives for a discussion of the victim and witness requirements of Federal legislation, guideline development and implementation, and reporting requirements. Representatives from 30 Federal agencies attending the meeting were asked to revise or draft guidelines for victim and witness assistance. Shortly thereafter, OVC provided technical assistance to many of the agencies as they drafted or revised their victim and witness assistance guidelines.

In addition to one-on-one meetings with Federal agency representatives, OVC developed a Victim and Witness Program Questionnaire to gather information about the respective agencies' programs. The Questionnaire, which elicits information on the assigned

responsibilities of Federal law enforcement officers, prosecutors, and correctional officers to victims, drew responses from 42 Federal agencies. (See Appendix C for a copy of the Questionnaire and Federal agency responses.)

Questionnaire responses revealed a number of significant findings. First, the majority of respondent agencies indicated that their draft or revised guidelines were currently under review. Many agencies had also advised field offices of the legislative changes and informed them that new agency victim and witness guidelines were forthcoming. Second and perhaps more significantly, respondent agencies indicated that, in the absence of guidelines that are approved and improved, many victims were not routinely receiving appropriate information and services.

Despite ongoing efforts to expedite the issuance of new and revised agency guidelines, several agencies have undertaken special efforts to achieve compliance with the 1990 Federal crime victim legislation.

- The DOJ Office of the Inspector General (IG) developed specific Guidelines and developed an informational brochure for witnesses involved in IG investigations. The IG's Office also trained all regional Special Agents-in-Charge on the new legislation.
- The Division of Security Operations, National Institutes of Health, Department of Health and Human Services, in Bethesda, Maryland, provided in-service training on victim assistance issues to all its uniformed officers. Officers from 16 different Federal jurisdictions in the U.S. Capitol region were also invited to attend the in-service event.
- The Department of Agriculture's IG charged its Regional Inspectors General with implementing victim and witness assistance procedures. Each regional office, and some sub-offices and resident offices, have identified a primary contact person to address requests for victim and witness assistance.
- The Amtrak Police Department is nationally accredited by the Commission on Accreditation of Law Enforcement Agencies (C.A.L.E.A.). Accredited agencies must comply with 14 Victim/Witness Assistance standards as published in the C.A.L.E.A. Standards Manual. These standards include the services set forth in the VWPA and the victim legislation contained in the 1990 Crime Control Act. The Amtrak Police Department is the first Federal law enforcement agency to attain this accreditation.

- The U.S. Capitol Police have developed an extensive victim-witness assistance program that includes the designation of certain officers and detectives as providers of assistance. The Capitol Police have also published brochures in several languages informing victims and witnesses of their rights.

Department of Defense Compliance

The Department of Defense is an enormous, multi-faceted agency with extensive investigative, prosecutorial, and correctional responsibilities. DOD has almost 400 military installations across the nation and overseas. The military criminal justice system is designed not only to ensure order and discipline, but to protect the lives and property of members of military communities. When a criminal offense involves a military member, that case is usually handled within military investigative, prosecutorial, and judicial systems. Consequently, it is critical that the military be responsive to the needs of crime victims in that system.

DOD took two far-reaching actions in order to come into compliance with the 1990 Crime Control Act. First, the agency circulated a revised Directive on Victim and Witness Assistance to all the Military Services. Second, the DOD Inspector General launched a comprehensive inspection of current victim and witness assistance programs. The final Inspection Report indicated a need for better coordination among the various military units that address criminal cases — such as law enforcement, medical, and social service units, as well as the office of the Staff Judge Advocate. The Inspection Report also identified a need to improve victim and witness notification services.

The Military Services' response to OVC's Victim and Witness Program Questionnaire reflects a determination to implement the new victim and witness assistance statutes. The following activities illustrate this commitment.

- U.S. Air Force (USAF) Office of Special Investigations (AFOSI) found that timely summaries of certain British investigations involving USAF victims were necessary to ensure that victims receive proper treatment from military family support and health facilities. AFOSI personnel persuaded British Officials to change their policy of withholding police information on non-Air Force/non-American subjects until cases were adjudicated so that victims could receive timely services.

- The Naval Justice School is adding a training component on the new victim's legislation to its curriculum for all new Staff Judge Advocates and developing a training videotape on the sensitive treatment of victims of sexual assault.
- The Air Force Office of the Judge Advocate General identified victim and witness assistance as a prominent topic for 1991 and 1992 conferences of the Major Command Staff Judge Advocates, and at the Air Force Judge Advocate General's School. In 1991, the Air Force also issued interim guidance for base legal offices pending the issuance of the new DOD Directive on Victim and Witness Assistance.
- Friends of an accused perpetrator harassed an Air Force military witness after she testified at his pre-trial investigation. Adequate briefing on her rights by the Air Force's prosecution team prompted the witness to inform the legal office of the harassment. The legal office then notified a commanding officer who imposed nonjudicial punishment on the harasser.

Federal Correctional Agency Compliance

The Federal Bureau of Prisons (BOP) notifies victims and witnesses of all significant release activities (e.g., paroles and parole hearings, transfers, releases, escapes, and deaths) affecting the status of Federal inmates. BOP has established an Office of Victim Assistance to further enhance its Victim/Witness Notification Program, which has been automated to facilitate immediate access to information. As of November 1992, the BOP was monitoring 1,439 inmates for over 4,431 victims and witnesses expressing a desire to be notified of the post-conviction status of offenders.

U.S. Attorneys and Federal Victim-Witness Coordinators Compliance

Each of the 94 Federal judicial districts in the 50 states, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands handle criminal proceedings. Although their caseloads vary widely, each U.S. Attorney's Office in every District interacts with large numbers of victims and witnesses. Districts that encompass Federal enclaves, such as Indian reservations, military installations, or National Parks, prosecute significant numbers of violent crime cases, including rape,

murder, and child sexual abuse. Bank robberies, which are traditionally prosecuted by Offices of U.S. Attorneys, involve significant numbers of victims as well — both bank personnel and customers. Moreover, Federal prosecutors in the District of Columbia and the U.S. Territories handle almost all felony offenses and misdemeanors occurring in those jurisdictions.

The day-to-day provision of victim assistance services to Federal crime victims and witnesses, through each U.S. Attorney's Office is handled by a Federal Victim-Witness (VW) Coordinator. Each district is responsible for ensuring that victims are treated with respect and dignity and are accorded certain basic rights including the right to be notified of court proceedings, to be present at all public court proceedings related to the offense, to confer with the prosecutor, and, if ordered by the court, to receive restitution. These basic services, as well as victim assistance services to address a myriad of other victim needs, are generally provided by the VW Coordinator within each District office.

EOUSA has issued guidelines, included in the U.S. Attorney Manual, to facilitate the uniform management of services to victims and witnesses by U.S. Attorney offices. Both OVC and EOUSA train Federal VW Coordinators.

Victim and Witness Program Questionnaire and Federal U.S. Attorneys

To collect information about victim and witness assistance services, practices and policies throughout the Federal Districts, OVC collaborated with the Law Enforcement Coordination/Victim-Witness Subcommittee of the Attorney General's Advisory Committee of United States Attorneys to develop the Victim and Witness Program Questionnaire (see Appendix D). The Questionnaire was disseminated to assess District compliance with the Victim and Witness Protection Act of 1982, the Crime Control Act of 1990, and the Attorney General Guidelines for Victim and Witness Assistance. It covered the period from October 1, 1991 to September 30, 1992, and addressed two major areas: Program Policy; and Program Practice and Structure.

- The Program Policy section elicited information on general office policies guiding the treatment of victims and witnesses. These questions require a "yes" or "no" answer.

- The Program Practice and Structure section elicited information regarding the following: 1) numbers of criminal indictments; 2) numbers of victims (including child victims), as well as numbers of victims and witnesses served; 3) numbers of staff allocated to the victim witness assistance program; 4) notification and consultation services; and 5) types of cases handled. In addition, OVC requested anecdotal information on specific program accomplishments. Districts were also asked to rate the effectiveness of victim/witness referral, notification and consultation services.

The response rate to the Questionnaire was 98 percent; 91 of the 93 Federal districts responded (see Appendix E).

Results of the Program Policy section of the Questionnaire indicate widespread compliance with the VWPA and the Attorney General's Guidelines. Only 14 percent of the respondents indicated that they had not yet formed multidisciplinary teams to investigate and prosecute child abuse cases. Nineteen percent reported that they had not yet provided training to all prosecutors on multidisciplinary procedures in child abuse cases.¹⁹

A. Program Practice and Structure

Responses to the Questionnaire section on Program Practice and Structure yielded more detailed results:

- **Criminal Indictments:** 63,464 criminal cases resulted in indictment during the period from October 1, 1991 to September 30, 1992.
- **Victims and Witnesses Served:** VW Coordinators were directly involved in 12,828 cases during Fiscal Year 1992 and provided services to 45,526 victims and 49,423 witnesses, 1,740 of whom were child victims.
- **Staff Allocation:** 31 percent of the responding Districts have full or part-time clerical staff assigned to the Victim/Witness Program. This percentage of clerical support is lower than the percentage (47 percent) reported in the last *Report to Congress*. However, 80 percent of the respondents reported use

of automated processes to facilitate victim notification. (This represents a 7 percent increase from the previous reporting period.) Many Districts indicated that secretaries have been made responsible for sending notification letters to victims and witnesses, allowing more time for VW Coordinators to provide direct assistance and specific referrals to crime victims.

- **Notification Services:** Districts believe they are providing slightly better notification, consultation, and referral services than those provided two years ago.
- **Case Type:** White-collar crimes constitute the majority of case types handled by VW Coordinators. These cases are labor-intensive in that they generally involve large numbers of victims and witnesses for each case. In addition, VW Coordinators listed bank robbery, violent crimes (including sexual assault), and drug-related crimes as cases routinely resulting in the rendering of direct services by a VW Coordinator. Districts also reported the provision of services to an ever-growing number of bank employees who are often so traumatized by violent robberies that they require psychological counseling.

B. Anecdotal Information

Statistics alone do not illustrate the scope of victim and witness efforts that are routinely delivered by U.S. Attorneys' offices. The Attorney General's Guidelines for Victim and Witness Assistance designate U.S. Attorneys' offices as the responsible agency for providing services to victims and witnesses of Federal crimes after a case results in an indictment. VW Coordinators also provide services to victims involved in cases under investigation or transferred from another District. Networking among local, state, and Federal agencies is crucial in assuring that Federal victims of crime have access to all available resources. Many VW Coordinators, therefore, serve as spokespersons on victim and witness issues within their Districts. They fulfill this role by serving on state victim committees, VOCA grant review panels, parole commission victim advisory councils, and state victim advocacy groups. Furthermore,

¹⁹ Most Districts offered qualified responses by indicating that they had not prosecuted child abuse cases. However, 60 Districts reported having prosecuted cases involving child victims during Fiscal Year 1992.

VW Coordinators frequently travel long distances to assist victims in remote locations such as on Indian reservations.

The following examples illustrate the value of the victim advocacy services rendered by VW Coordinators:

- In South Dakota, an intoxicated defendant threw a child out of a truck and then ran the victim over. The victim died as a result of the injuries. The victim's medical expenses were to have been paid by the family's insurance company; however, the victim's mother continued to receive pathology bills from the hospital. The VW Coordinator interceded by contacting the appropriate state officials responsible for payment of the remaining medical bills and referred the grief-stricken mother to counseling.
- The parents of a murder victim contacted the VW Coordinator in the District of Maine to learn the status of their son's killer, who had been previously sentenced in Federal court. The parents were gratified to learn of their eligibility for enrollment in the BOP's Victim Notification Program, despite the adjudication of their case many years prior to the Program's establishment. In 1992, when their son's killer became eligible for parole, they wished to attend the parole hearing in Michigan (where the offender was incarcerated) and speak in opposition to the parole. Because they lacked sufficient travel funds, the VW Coordinator requested and received funds for the trip from OVC's Emergency Fund. The Parole Board informed the parents that they were the first victims to attend a parole hearing at that location.

Powerful victim impact statements, which victims often draft with the aid of the VW Coordinator, have prompted Federal judges to order upward departures from the Sentencing Guidelines.

- In a recent case, the Eastern District of Virginia successfully requested an enhanced sentence for a perpetrator based on the impact statement submitted by a 15 year-old sexual abuse victim, who vividly recounted her trauma. The probation officer responsible for preparing the presentence report worked closely with the VW Coordinator and, after contacting the victim and confirming the victim impact evidence, ultimately recommended an enhanced sentence.

VW Coordinators also assist victims in filing claims for state crime victim compensation.

- A victim in Utah suffered a severe gunshot wound during a perpetrator's murder attempt. The resulting serious injuries prevented the victim's return to work for many weeks, culminating in his eventual replacement by another employee. As a result, he suffered numerous financial difficulties, including the disconnection of power and telephone services to his home. The VW Coordinator persuaded the employer to reinstate the victim in his job and convinced the utility companies to extend services until the victim could receive financial compensation for his injuries.

VW Coordinators may maintain contact with victims and witnesses long after the closure of a case.

- Victims in a Western District of Virginia case initially turned down an opportunity to participate in the BOP's Victim Notification Program because they felt that notices received would only serve as a painful reminder of the crime. Years later, however, they received news that the perpetrator was being paroled and became fearful. They contacted the VW Coordinator, who investigated the news and found it to be merely rumor; the inmate was not eligible for parole. The VW Coordinator was able to allay the victims' anxieties by offering helpful and accurate information about the inmate's incarceration status and BOP's Notification Program.

VW Coordinators provide services to victims and witnesses who relocate into their districts.

- A witness to a murder in the Virgin Islands had been threatened with death if she testified against the defendant. After testifying, the victim and her infant son moved in with relatives residing in another district. Unfortunately, the relatives could provide her with shelter for only two weeks. The VW Coordinator in the new district helped the victim to apply for Aid to Families with Dependent Children, and also assisted her efforts to obtain employment, child care, and temporary shelter.

VW Coordinators tailor their assistance services to meet the specific needs of crime victims.

- Over a period of several years, an infertility doctor in the Eastern District of Virginia deceived 1,000 patients by telling them they were pregnant when they were not. He injected the women with hormones in order to obtain positive pregnancy tests, and when the pregnancy did not advance, told them that they had miscarried. Many of his patients experienced intense grief and guilt over the loss of children they believed had been conceived. In addition, the doctor provided donor semen for artificial insemination that his patients believed was from "carefully screened anonymous donors." Scientific testimony revealed, however, that the doctor was the father of at least 15 of his patients' children. This unique crime — prosecuted as 53 counts of mail and wire fraud, and perjury — had grave consequences on the victims. The VW Coordinator and her colleagues arranged to have expert consultants in medical ethics, genetics, psychology, and social work available to provide counseling and support to hundreds of the victims.

Analysis of the anecdotal information supplied by the Questionnaire respondents revealed victim needs that still require greater programmatic attention. In particular, districts identify a need for assistance in providing victim consultation services, especially regarding the pretrial release of the accused, dismissal of charges, and plea agreements.

C. Emerging Trends

In addition, Questionnaire responses revealed significant emerging trends that will assist OVC in planning future programs.

1. Multiple Victims and Witnesses

In the Eastern District of Pennsylvania, the VW Coordinator needed to send out notification letters to 27,000 victims. Furthermore, it is not uncommon for VW Coordinators to be called upon to arrange transportation services for large numbers of out-of-state victims and witnesses who must attend trials.

2. Child Victims

The 1990 Victims of Child Abuse Act allows significant courtroom accommodations for child victims and witnesses, such as the use of two-way, closed-circuit TV as an alternative to live, in-court testimony.²⁰

The Northern District of Florida has established a multi-agency Task Force to assist child victims residing on military bases. The District sponsored a Crimes Against Children Conference to encourage coordination between military and civilian personnel so that child victims could be referred to all available services.

Many districts have initiated multidisciplinary teams to handle cases of child abuse. A coordination of investigation and prosecution efforts among all involved professionals reduces the need for multiple interviews and resulting trauma to the child victim. The VW Coordinator in the District of Minnesota has coordinated with Red Lake Indian Reservation to initiate a culturally sensitive production of "Touch," a play to educate children about exploitative touch.

In the Middle District of Georgia, a 4-H director sexually exploited over 40 male children. The VW Coordinator coordinated counseling and educated victims and the public about victimization by pedophiles. Furthermore, the Coordinator drafted an order, presented to the judge at sentencing, mandating AIDS testing of the defendant and release of the results to the U.S. Attorney's Office.

3. AIDS/HIV

In the Southern District of Iowa, a pharmacist who attempted to wrestle the gun from a robber was bitten. Because the perpetrator had previously tested positive for HIV, the victim feared contracting the deadly disease. The VW Coordinator gave the victim accurate information about the transmission and epidemiology of the virus, as well as invaluable emotional support. *Several districts have secured judicial orders for AIDS testing of perpetrators convicted of sexual abuse.*

[A]s for the Federal court system, I've been quite impressed. From the beginning with all the information sent to me, right down to all the phone calls from the prosecutor, I've liked dealing with this court system. Seems like the major leagues, compared to the

²⁰ The District of Arizona was the first to use closed-circuit TV for child victims followed by Utah, Wyoming, South Dakota and other Districts.

lack of information available to witnesses at the county court level. (A Federal Crime Victim)

4. Elderly Victims

Crimes against the elderly, which may leave victims acutely traumatized, appear to be increasing.

An elderly woman in the Middle District of Georgia was defrauded of \$100,000 in life savings. Filled with shame about the crime, she contemplated suicide. The VW Coordinator, an Assistant U.S. Attorney, and state and local law enforcement authorities worked together to press the defendant to pay full restitution to the victim. She later agreed to an interview with a newspaper reporter in order to warn other potential victims.

An elderly couple in the Southern District of Illinois was defrauded of their life savings. The husband suffered serious medical problems because of the crime and the wife was forced to work as a maid to pay their many bills. Emotionally and mentally devastated by the crime, they told no one of their loss. To spare them the additional trauma of testifying in open court, the VW Coordinator helped them prepare a videotaped victim impact statement for the judge. Since then, the district has prepared five videotaped victim impact statements.

An elderly, paraplegic stroke victim was defrauded of her life savings of over \$1 million by a live-in housekeeper who drugged her and then used a bogus power of attorney, certificate of title, and checking account signature card to steal her assets. During the trial, the VW Coordinator in the Eastern District of North Carolina made special arrangements for the victim and a quadriplegic witness, who resided in Florida, to travel to North Carolina so that they could provide testimony.

The personal identifier number to a well-respected, elderly man's bank account was stolen by a defendant with the same name, who then charged large purchases to the elderly man's account. After a year spent trying to clear his name, the victim finally brought a civil suit against the credit card companies and the defendant. The district successfully sought permission from the judge for the victim to testify in person at the sentencing; it was the victim's expressed opinion that written testimony would not accurately reflect the suffering he had endured.

5. Fines and Restitution

Restitution for crime victims is an important component of criminal sanctions. When a defendant defies an order to pay restitution, the victim again suffers. VW Coordinators and Federal prosecutors can effectively advocate for the enforcement of court-ordered restitution to victims.

The U.S. Attorney in the District of North Dakota filed with the court prior to sentencing a document entitled, "Position of the U.S. With Respect to Sentencing Factors." The purpose of this pleading *inter alia* is to advocate for fines and restitution to benefit victims. The pleading requests that, when considering the defendant's ability to pay, the judge consider the Inmate Financial Responsibility Program operated by the Federal Bureau of Prisons.

A sentencing judge in the Eastern District of California expressed his reluctance to order a fine that would merely "go into some great black hole." A Federal prosecutor persuasively informed him that the fine would augment the Crime Victims Fund and thereby help other crime victims, through services such as rape crisis counseling. The judge subsequently ordered the defendant to pay a \$50,000 fine.

The District of Delaware notified 1,200 victims in a telemarketing case that they could each apply for approximately \$50 in restitution. Although the restitution order was comparatively small, it demonstrated to the victims that the criminal justice system is responsive and sensitive to victim needs.

6. Juvenile Offender Cases

Federal districts are authorized to prosecute juvenile offenders; however, VW Coordinators may not release any information about the offenders except the final adjudication of the case. This restriction creates problems for victims, who often desire information about the arrest of the juvenile offender and the trial.

A juvenile sexually assaulted a 52-year-old Norwegian tourist on a beach in the Virgin Islands. Although the juvenile had been cited as the perpetrator in 15 previous sexual assaults, the Juvenile Court dismissed all charges due to a technicality. The U.S. Attorney sought permission to prosecute the juvenile as an adult in Federal court, and as a result, the defendant is now serving 20 years in prison.

Trends and Summary

From 1990 through 1992, OVC expanded and strengthened existing victim assistance programs to ensure that victims of Federal crime had the same access to services as other crime victims. OVC worked to improve the Federal criminal justice system response to crime victims through training programs, developing training materials, and increasing coordination with other Federal agencies. Major improvements in the treatment of victims of Federal crimes were realized.

OVC's survey of Federal agency compliance with Federal crime victim statutes indicates that U.S. Attorneys' offices are providing a range of critical victim assistance services. These services are fairly standard across the country; a victim of a crime on an Indian reservation in Wyoming receives services that are comparable to services provided in metropolitan areas such as Dallas, Texas. The Federal Bureau of Prisons also has a very strong victim assistance program and has aggressively taken action far surpassing the statutory requirements.

In contrast, many Federal law enforcement agencies, except those law enforcement agencies mentioned specifically in this report, are just beginning to develop victim assistance programs. Resources in these agencies have rarely been allocated for victim assistance training or direct service efforts. Few Federal law enforcement agencies routinely inform victims of their statutory rights and many agencies fail to explain the criminal justice system or provide effective referrals.

There continues to be a need for on-going, comprehensive victim-witness assistance training for all Federal criminal justice personnel. After analyzing the emerging trends in the delivery of services to Federal crime victims, OVC targeted additional efforts in Fiscal Years 1993 and 1994 to address the needs of elderly victims, victims of crimes committed by juveniles, victims of bank robbery, and victims who may have been exposed to HIV.

Recommendations

Though much headway has been made during the last two fiscal years, Federal criminal justice agencies need to commit themselves to the task of fully implementing the provisions of the 1990 Crime Control Act (Act). In addition to mandating that victim assistance services be accorded to crime victims, implementation of the Act increases the potential number of Federal crime victim cases requiring services. The Act requires, for example, that certain professionals working in Federally operated facilities or on Federal lands report suspected child abuse to law enforcement authorities. The Act also expands the pornography statute to include "mere possession" as a Federal crime. These new responsibilities and the expanded definition of culpable activity will also, thereby, increase the number of victim cases requiring services through the Federal criminal justice system. Given the potential rise in the number of child victim cases and increased Federal agency responsibility for crime victims, it is critical that every sector of the Federal criminal justice system be trained to handle child victim cases and to respond appropriately to the needs of crime victims. Victim assistance staff need to be allocated to address the needs of crime victims at the investigation, prosecution and corrections phases. To accomplish these objectives, OVC recommends a corresponding increase in the Federal crime victim program through the funding allocation.

Every major Federal training curriculum intended for law enforcement officers, prosecutors, and corrections staff should include a basic course on crime victim issues. Every operating unit should also have staff assigned to provide victims the required services. Resources need also to be made available for the Federal judicial system to comply with the child victim-witness provisions of the 1990 Crime Control Act, such as the appointment of a guardian ad litem to protect the child's interests during a criminal court proceeding.

These recommendations are critical for establishing a Federal victim-witness assistance response that affords victims the rights and provides the services due them throughout all phases of a Federal criminal case.

Chapter 6

Children's Justice Act Discretionary Grant Program for Native Americans

Congress passed the Children's Justice and Assistance Act of 1986 (Pub.L. 99-401), also known as the Children's Justice Act (CJA), in the wake of the McMartin day care case in Los Angeles and other cases involving mass child molestation allegations. The McMartin case in particular served as a lightning rod for publicity and generated a national awareness of the trauma suffered by child victims and witnesses who participate in the criminal justice process. The CJA provided a funding mechanism to assist state and local governments in reforming their investigative, prosecutorial, and judicial procedures, thereby enhancing the responsiveness of their criminal justice systems to the needs and abilities of child victims and witnesses.

The CJA amended the Child Abuse Prevention and Treatment Act of 1974 and the Victims of Crime Act of 1984 (VOCA) by making VOCA funds available through the Department of Health and Human Services (HHS) to establish the State Children's Justice Act grant programs. Each year since 1990, OVC has transferred \$9,325,000 VOCA dollars to HHS in support of the State CJA grant program (See Table 4). Accordingly, HHS has awarded CJA grant funds to eligible states to improve: (1) the handling of child abuse cases — partic-

ularly those involving sexual abuse — in a manner that limits additional trauma to child victims; and (2) the investigation and prosecution of child physical and sexual abuse. The CJA grant program has allowed states to more effectively address child physical and sexual abuse by stimulating administrative and procedural reforms within criminal justice systems, and has enabled state systems to provide increased support and assistance services to vulnerable child victims and witnesses. HHS provides a full assessment of the effectiveness of CJA grants to states in a separate report to Congress.

Evolution of the CJA Program for Native Americans

OVC's mission has consistently required the provision of assistance to underserved victims of Federal crimes. However, a closer collaboration between OVC and U.S. Attorneys' Offices began to evolve in the late 1980's as the Federal criminal justice system initiated investigations into multiple-victim child molestation cases in day care centers and on Indian reservations. In responding to these cases, it quickly became apparent that the needs of child victims and their families on

TABLE 4
State Children's Justice Act Funding Levels

Year	Number of States/Territories	Amount
FY 1987	25	\$4.8 million
FY 1988	27	\$3.5 million
FY 1989	32	\$3.6 million
FY 1990	43	\$9.2 million
FY 1991	42	\$9.4 million
FY 1992	48	\$9.3 million

reservations were not being met. Locating medical and mental health professionals, as well as victim advocates, was difficult; procedures for sensitive and thorough pediatric forensic examinations, as well as follow-through with mental health counseling — so critical to a child's recovery — were frequently nonexistent. Education of community members was also necessary so that responsibility for the crime was placed squarely on the abuser and not on the child victim or the victim's family.

In addition to lacking adequate services for child victims, Native American communities — like the rest of the Nation — were experiencing increasing rates of reported child sexual abuse. In response to the sharp increases in reports and disclosures of several multiple-victim child molestation cases on Indian reservations in 1987 and 1988, OVC recommended that CJA funds be made available to Indian tribes to assist them in improving the handling of child physical and sexual abuse cases. At the same time, Congress was holding hearings on the problem of child sexual abuse in Indian country. Heightened awareness of these issues eventually led to the passage of the Anti-Drug Abuse Act of 1988, which amended VOCA by incorporating the Department of Justice recommendation and by authorizing \$675,000 of CJA funds to be used by OVC for grants to tribes for improving the investigation, prosecution and case handling of child physical and sexual abuse. 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. This amendment launched the only Federal program for tribes that focuses exclusively on lessening the secondary trauma to child victims who participate in criminal justice proceedings.²¹

Implementation of CJA for Native Americans

CJA funds are granted to Federally recognized tribes through a competitive discretionary grant process. The program is specifically designed to address the shortcomings of tribal and state criminal justice system's handling of serious cases of child sexual and physical abuse. It provides funds to enhance investigative and prosecutorial practices, make case coordination more efficient, and improve services for Native American

child victims and their families.

In 1989, OVC first published announcements that invited tribes to design programs to foster greater cooperation among all tribal, state and Federal investigation and prosecution agencies. Applicants have included law enforcement departments, court systems, prosecution offices and health, mental health, social service and victim service organizations. OVC required that the proposals describe the tribes' current systems for responding to child abuse and propose appropriate reforms given tribal settings and government structures.

From February 1990 through Fiscal Year 1992, OVC awarded CJA grants to 20 tribes. Because available resources and jurisdictional authority vary from tribe to tribe, each funded grant has been uniquely suited to the needs of each tribe. Funded projects have supported:

- Special prosecution units.
- Training for multidisciplinary teams.
- Revision of tribal codes to address child sexual 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.
- Specialized training for prosecutors, judges, and other professionals who handle child sexual abuse cases.
- Child-centered interview rooms.

Table 5 lists the grants awarded from FY 1990 to 1992.

Native American CJA Programs

The following narratives illustrate the complexities of handling serious cases of child abuse in Indian country and describe how Indian tribes and tribal organizations have successfully used the CJA grant program to address those problems.

The South Puget Intertribal Planning Agency (SPIPA), a consortium of tribes in the Olympic Peninsula region of Washington State, received a CJA grant to improve service coordination among agencies

²¹ Secondary victimization or revictimization commonly occurs as a result of the criminal justice system's insensitive treatment of crime victims.

TABLE 5
CJA Grant Awards To Native American Tribes, 1990-1992

Indian Tribes	Location	Amount
Ft. Peck Assiniboine & Sioux Tribes	Poplar, MT	\$ 98,454
Blackfeet Tribal Business Council	Browning, MT	169,250
Bristol Bay Native Assn.	Dillingham, AK	160,286
Cherokee Nation of Oklahoma	Tahlequah, OK	104,274
Crow Creek Sioux Tribe	Ft. Thompson, SD	82,000
Gila River Indian Community	Sacaton, AZ	76,487
Grand Portage Business Council	Grand Portage, MN	82,437
Grand Traverse Band of Ottawa and Chippewa	Suttons Bay, MI	110,082
Hannahville Indian Community	Wilson, MI	81,881
The Hopi Tribe	Kykotsmovi, AZ	34,563
Menominee Indian Tribe	Keshena, WI	27,210
Mississippi Band of Choctaw	Philadelphia, MS	95,549
Navajo Nation	Window Rock, AZ	182,200
Nez Perce Tribe	Lapwai, ID	105,159
Oglala Sioux Tribe	Pine Ridge, SD	100,125
Rosebud Sioux Tribe	Rosebud, SD	24,564
Salt River Pima/Maricopa Indian Community	Scottsdale, AZ	134,402
Santa Clara Pueblo	Espanola, NM	70,450
South Puget Intertribal Planning Agency	Shelton, WA	110,000
Washoe Tribe of Nevada/Calif.	Gardnerville, NV	138,645
TOTAL Tribal Programs		\$ 2,020,616

involved in the investigation, prosecution and treatment phases of child sexual abuse cases for five tribes. The problems cited by SPIPA included untrained child protection teams (CPTs), a lack of clearly defined protocols and operating agreements, inadequate treatment plans for child victims, and insufficient tribal code provisions for the handling of child sexual abuse cases. The consortium's tribes also had to deal with complicated jurisdictional issues, namely, a "checkerboard" pattern of tribal, state and Federal investigative and prosecutorial authority that hampered the timely processing of abuse cases.

SPIPA reactivated and trained formerly nonfunctional tribal CPTs; assisted the tribes in developing written protocols among the various agencies involved in child sexual abuse cases; developed treatment plans that recognized the needs of child sexual abuse victims; and recommended revisions to the tribal codes that addressed child sexual abuse. These activities enhanced and strengthened the five tribes' capabilities for responding to and protecting child victims.

As a result of its CJA program, the Mississippi Band of Choctaw Indians is now committed to reporting and handling serious cases of child abuse throughout the community and all sectors of the tribal government. Prior to the CJA program, the tribe was reluctant to report child abuse because of a concern that "interfering" in family matters could intensify the abuse. Grant-funded activities have generated widespread and significant improvements in the responses to incidents of child physical and sexual abuse. These improvements include the implementation or use of prevention programs in the schools and the community; educational programs on how to recognize and report child abuse; procedures that require collaboration among responsible agencies; a child-centered interview room; a Choctaw-speaking child therapist; multidisciplinary training in case management and coordination procedures; a revised tribal Criminal Code that addresses child sexual abuse as a separate category; and interaction and cooperation with the U.S. Attorney's staff so that felony child abuse is rapidly identified, reported, and appropriately handled. The Choctaw's commitment, as reflected by these efforts, sends the message, "We will work together to protect and care for our Choctaw children."

Furthermore, the Federal/local partnership has encouraged a relationship of trust between Federal and tribal officials. It has facilitated an effective multidisciplinary response that provides support not only to child

victims, but also to the professionals involved in these complex cases.

In recent years, several court decisions have recognized lands of the Cherokee Nation of Oklahoma as Indian country. Consequently, state and local law enforcement agencies, which previously provided investigative resources, have been reluctant to take action. State courts have even refused to hear cases involving crimes committed in those areas. Pending resolution of the jurisdictional issues, Federal agencies have also been hesitant to take responsibility for handling criminal cases, including those of physical and sexual abuse, that occur on Cherokee lands. A jurisdictional void therefore exists with regard to the handling of these cases. In response to this dilemma, the tribe established a Legal Counsel to review and coordinate all prosecution efforts relating to physical and sexual abuse cases. The Legal Counsel developed cooperative agreements with state and Federal court systems, organized a Child Protection Team, provided interdisciplinary training and developed written protocols for handling child sexual abuse cases. The working relationships that subsequently evolved have allowed the Cherokee Nation to identify Indian child victims early on so that tribal officials could provide assistance to their families.

To address the jurisdictional void, the Cherokee Nation has established its own tribal court system. The tribe wrote and adopted a Law and Order Code and developed a Children's Code that specifically addresses child abuse. The Legal Counsel who worked on the initial CJA grant program went on to become the Chief Judge of the new tribal court and is now working to develop legislation to assist state and tribal systems in sharing information on child victim cases.

The Salt River Pima-Maricopa Indian Community designed its CJA program, entitled the "Children and Family Justice Improvement Program" (CFJIP), to incorporate an effective, community-wide response to child sexual abuse. Located near Phoenix, Arizona, this small community faced significant challenges, including inadequate and outdated tribal codes, inconsistent coordination of cases with tribal services, incomplete training and skills-building, and a lack of support to child victims and families during the prosecution phase. The community demonstrated its willingness to fully address the seriousness of these issues by becoming the first and only CJA program to draft a Children's Bill of Rights. This innovative document, which was fully adopted by the tribal council in November 1990, continues to serve

as the community's blueprint for instituting systemic change and as a model to other tribal programs nationwide.

Next on the CFJIP's agenda was the creation of two full-time, specialized positions within the Office of the Prosecutor. A Special Prosecutor was hired to develop amendatory rules of court, revise the tribal code, and exclusively handle and expedite cases of child sexual and physical abuse and neglect. The program also engaged the services of a Children's Advocate to acquaint child victims and their families with the court process, identify the assistance needs of child victims, and refer child victims to existing tribal services and resources. One of the program's strengths is its linkage with existing tribal social and protective service organizations and its ongoing training of criminal justice and social service personnel. These developments have enabled the CFJIP to assemble a cadre of professionals to handle these unique cases and to begin the development of a guide for appropriately handling child abuse cases and to stimulate increased numbers of child abuse reports.

Recognizing the fear experienced by child victims who disclose their abuse to authorities and the importance of a non-threatening environment in which to interview them, the CFJIP's next step was to establish an interview/waiting room designed especially for children. This component of the CFJIP was recently featured in the OVC-funded videotape entitled, *Bitter Earth: Child Sexual Abuse in Indian Country*, produced by the National Indian Justice Center. CFJIP Program staff were also featured in a second videotape, *B.J. Learns about Tribal and Federal Court*, that helps prepare child victims to testify in either tribal or Federal court. The CFJIP has made these materials available, along with other resources and information on assisting child victims, through their new resource library.

The most profound change in the Santa Clara Pueblo's response to child abuse has been in the education of the tribal government. As a result of extensive training and information-sharing, tribal court officials have become aware of the dynamics involved in child abuse and have transformed a nearly total service void into an effective victim-centered assistance system that fully aids the recovery of child victims.

One of the highlights of the training provided under the Santa Clara Pueblo CJA program was an experimental Children's Court, in which tribal officials participated in mock child abuse trials. This forum provided an

opportunity for the Pueblo to practice court procedures designed to mitigate trauma usually experienced by children in court. It also enabled tribal officials to understand the importance of devoting tribal resources to the handling of child abuse cases. As a result of training and the work of a special child abuse prosecutor hired under the grant, the tribal council has approved the hiring of a full-time prosecutor to handle child abuse cases and a pro-tem Children's Court Judge.

The Grand Traverse Band of Ottawa and Chippewa Indians reported that a major obstacle to the successful investigation and prosecution of child physical and sexual abuse was the tribe's failure to report the crime. The community was reluctant to work with law enforcement and social service agencies. In response to this problem, and in order to improve the handling of child abuse cases by relevant agencies, the Grand Traverse Band coordinated a community education program, developed a manual of tribal procedures on the effective handling of child abuse cases, and provided counseling and case management services for victims of abuse in the Band's service areas. The Tribal Council has formally adopted a procedures manual as well as a resource directory that provides information about available counseling and crisis intervention centers.

Training and Technical Assistance for Native American Children's Justice Act Grantees

OVC supports CJA grantees by providing comprehensive training and technical assistance to all Indian tribes and organizations that receive funding through the CJA program.

Since 1990, OVC has awarded approximately \$500,000 to the National Indian Justice Center, Inc. (NIJC) to provide training, technical assistance, consultation and resource materials to the CJA tribal programs. The training and technical assistance program has included two 4-day training conferences for all CJA grantees, the development of relevant resource materials including a code revision package and a protocol development guide, and both on-site and telephone consultation. NIJC has conducted a total of 31 visits to tribal programs. The training and technical assistance materials address tribal traditions and describe programs developed within the Native American community, as well as state-of-the-art approaches to handling child victim

cases. The following are examples of technical assistance provided.

- A three-day session with the Menominee Tribe of Wisconsin that focused on multi-disciplinary training for a range of service providers involved in investigating and prosecuting serious cases of child physical and sexual abuse. The training emphasized the professional development of staff responsible for handling these cases; the need for the humane and compassionate treatment of child victims; ways to improve victim cooperation with involved agencies; effective procedures for collecting evidence; and the need for more vigorous prosecution.
- Four-day training sessions with the Blackfeet Nation of Montana and the Cherokee Nation of Oklahoma involved court reviews and provided recommendations for improving the handling of cases of child physical and sexual abuse, child neglect, and domestic violence.
- A four-day session with the Navajo Nation of Arizona that provided intensive training on multi-disciplinary approaches to identifying, reporting, investigating, prosecuting, and treating child sexual abuse. The training also focused on case law, strategy and analysis, evidence and objection procedures, direct and cross examinations, and closing arguments. The targeted audience included service agencies from the seven districts of the Navajo reservation as well as Family and District Court Judges, prosecutors, juvenile justice administrators, criminal investigators and medical staff.
- A four-day training session with the Oglala Sioux Tribe and the Rosebud Sioux Tribe located in South Dakota that educated members of the Tribal Councils and other executive entities on the reservations about the benefits of CJA programs. It also offered specific strategies for improving Federal and tribal coordination in the investigation and prosecution of child sexual abuse cases.

In addition to training and technical assistance, NIJC has developed a videotape that provides Native American communities and their service providers with specific information and guidance on addressing child sexual abuse. The videotape, *Bitter Earth: Child Sexual*

Abuse in Indian Country, addresses child abuse prevention, reporting, and prosecution as well as treatment issues and resources.

Summary

Through the CJA Discretionary Grant Program for Native Americans, OVC is bringing about systemic improvements in the handling of child abuse cases in Indian country. The program achieves this goal by supporting the development of model programs that involve multidisciplinary resources at the tribal, Federal and state levels. Neither law enforcement nor child protective service agencies can act alone to address the tragedy of child abuse. These CJA grants challenge Native American communities to coordinate and implement responses that best meet the needs of their children and families.

Recommendations

Given the high incidence of child abuse in Indian country and the number of tribes requiring assistance, we recommend that the portion of VOCA funds allocated to the Children's Justice Act Grant Program for Native Americans be increased. The experience of the past four years has shown that a strong tribal approach to the handling of child abuse cases is crucial to providing child victims with an opportunity to heal. A strong tribal approach, resulting in sanctions against offenders, creates a "climate of protection" for children residing on the reservations. Coordination with Federal and state systems is also critical in providing a meaningful response to the needs of child victims. Though the CJA grant program has assisted 20 different Federally recognized Indian tribes in coordinating and improving their responses to child victims, there remain 486 tribes that could benefit from CJA funds. Each year, many more worthy grant applications are received than can be funded.

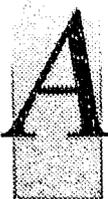
The length of time a project is funded is also a factor in the number of tribes that can be assisted at any one time. It is clear that programs need a minimum of three years to make necessary systemic changes in order to become firmly rooted in the communities. Currently, 15 percent of the first \$4.5 million of the Children's Justice Act grant funds is allocated to assist Indian tribes. We believe that 15 percent of the entire \$10 million

Children's Justice Act VOCA allocation would be a more reasonable amount to designate to this critical Native American program. Child abuse is as serious a problem in Indian country as it is elsewhere, but funds to

facilitate an effective response to this tragedy, as it occurs in Native American communities, are dangerously lacking.

Chapter 7

Training and Technical Assistance Grants



After the Office for Victims of Crime was established in 1983,²² staff built the necessary administrative framework for addressing the legislative mandates set forth in VOCA. Formula grant programs were designed and implemented to route Federal victim assistance and compensation dollars to state grantees. State administrators, in turn, achieved compliance with Federal laws and then set up the necessary administrative framework to make quality services more accessible to individual crime victims throughout their respective jurisdictions. OVC staff also worked vigorously to reach out to remote Federal land areas where there was an absence of victim services and to Native American crime victims residing on isolated reservations. Within the Federal law enforcement system, Office staff monitored agency compliance with the Victim Witness Protection Act and sponsored the training of officers to enhance their treatment of victims of Federal crime throughout the country. Much work needed to be undertaken to successfully direct national attention to the plight of crime victims and to provide a meaningful response to that plight, at the Federal level.

By late 1989, many systems were in place and many long awaited milestones were accomplished. OVC had established procedures for implementing Federal VOCA formula grant programs, the Victim Assistance in Indian Country Discretionary Grant Program (VAIC), the Children's Justice Act Program for Native Americans and many contacts with Federal law enforcement agencies. Qualified, experienced staff and leaders collectively developed and implemented a "next step" strategy to bring stronger Federal leadership and support to the victims movement.

An effective approach to "next step" challenges, however, required a commitment to the tasks of providing "training and technical assistance services to eligible crime victim assistance programs" — a function authorized and funded under Sections 1402(d)(1)(A) and 1404(c)(1)(A) of VOCA. Thus, OVC embarked on

doing more than ensuring the provision of accessible victim services; the Office was enhancing the quality of service nationwide.

These functions evolved during Fiscal Years 1991 and 1992. OVC identified new priorities, including:

- Managing national-scope training and technical assistance projects.
- Establishing liaison relations with national criminal justice system associations as a vehicle for representing victim interests.
- Identifying high quality programs as models and acknowledging the work of outstanding, role-model professionals in the field of victim services.
- Coordinating and formulating legislative analysis.
- Identifying victim needs requiring tailored assistance services — specialized training for victim assistance providers.
- Managing clearinghouse technical assistance to support the provision of high quality services and making information available to the public on victim issues.
- Conducting special activities to increase Federal resources for crime victims, and to draw national attention to their needs.

Funding for New Initiatives

These new OVC initiatives consist primarily of training and technical assistance projects that are funded through Crime Victims Fund (Fund) deposits and other sources. Money deposited into the Fund in Fiscal Years 1990 and 1991 was awarded to support training and technical assistance projects in Fiscal Years 1991 and 1992.

Section 1402(d)(2)(A), applicable in Fiscal Years 1990 and 1991, allocated one percent of the first \$100

²² The Office for Victims of Crime was established in the U.S. Department of Justice in 1983 and was elevated to bureau status in the reauthorization of VOCA in 1988.

million deposited in the Crime Victims Fund to grants authorized under 1404(c). This referenced section authorizes the Director of OVC to:

- (A) use not more than half of the allocation to make grants for training and technical assistance, and
- (B) not less than half of the allocation for services to victims of Federal crime.

Out of the first \$100 million in Fund deposits for Fiscal Years 1990 and 1991, each of the two identified functions were funded in equal \$500,000 amounts. There was another, subsequent VOCA Fund allocation to support services to Federal crime victims. Training and technical assistance, however, has never been funded with more than \$500,000 in Fund deposits.

Thus, training and technical assistance projects receive a comparatively small proportion of Crime Victims Fund support. With Fund deposits reaching over \$146 million in Fiscal Year 1990, only 0.3 percent (\$500,000) was made available to support training and technical assistance initiatives. With Fund deposits reaching nearly \$128 million in Fiscal Year 1991, only 0.4 per cent (\$500,000) was made available to support training and technical assistance.²³

Pervasive fiscal austerity throughout the states has translated into diminished state and local resources for training victim service providers. Increasingly, these professionals are thus looking to OVC for leadership and funding. The provision of training and technical assistance support is essential for a number of reasons. The types of victimization suffered by Americans today result in urgent and often severe physical, financial and psychological needs. Victims are now being left in the wake of random drug violence, carjackings, mass murders and other tragedies that did not occur as frequently two to three decades ago. They need informed, sensitive treatment by criminal justice system professionals and victim service providers. Training and technical assistance support is an essential precursor to the achievement of professional competence, thereby insuring the provision of high quality assistance to those so adversely affected by violence.

Since VOCA funding was and continues to be limited, OVC has aggressively sought out alternate funding sources to support the provision of training and technical assistance. Fund transfers from the Bureau of Justice Assistance (BJA) in the Office of Justice Programs, in particular, have helped to fill the void. Section 501 (b)(14) of the Omnibus Crime Control and Safe Streets Act of 1968, authorizes the Director of BJA to make grants for the purpose of "developing and implementing programs which provide assistance to jurors and witnesses, and assistance (other than compensation) to victims of crimes." BJA transferred \$1.1 million to support Fiscal Year 1991 training programs; approximately \$375,000 was transferred to support 1992 training programs.²⁴ Many of the BJA funded projects were specifically designed to enhance the response of criminal justice system professionals to the rights and needs of crime victims. Collectively, they greatly enhanced OVC's capacity to provide training support to victim service providers.

Fiscal Year 1991 and 1992 OVC initiatives were also supported, in part, by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) as well as the U.S. Department of Health and Human Services (HHS). Those transfers from bureaus within the Office of Justice Programs (OJP), to OVC, were the end result of a cooperative interest in responding to the needs and rights of crime victims.

Program Development

The first request-for-proposals for OVC's new discretionary grants was published in May of 1990, with the first awarded projects commencing at the start of Fiscal Year 1991.

In designing its discretionary programs and special outreach initiatives, OVC draws on input from known experts in the criminal justice and victim services fields, as well as the recommendations set forth in the Final Report of the President's Task Force on Victims of Crime (1982) and the Attorney General's Task Force on Family Violence (1984). Even a full decade after its publication, the recommendations of the 1982 Final Report continue to serve as the definitive blueprint for

²³ The enactment of the Federal Courts Administration Act of 1992 resulted in neither training and technical assistance or services to Federal crime victims being funded out of the initial \$100 million victim services allocation. This omission was corrected by a technical amendment which restored the allocation. In addition to a percentage of the first \$100 million, both functions are also financed by a final Fund allocation if sufficient dollars are deposited.

²⁴ Collaborative funding has been provided by BJA under the Discretionary Grant Program of the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, as authorized by the Anti-Drug Abuse Act of 1988 (Public Law 100-690).

action on behalf of crime victims; its 68 incisive recommendations are aimed at the criminal justice system, victim advocates, and other professional and private sectors of society. Many of OVC's discretionary grant programs are designed in direct response to the Final Report's recommendations.

The sections which follow specifically describe Fiscal Year 1991 and 1992 activities that were carried out by OVC in support of these goals:

- The Training and Technical Assistance section outlines national-scope programs in four subsections:
 - projects specifically designed to improve the response of the criminal justice system to the needs and rights of crime victims;
 - projects tailored to address the unique and frequently unmet needs of discrete victim populations, including minority victims and victims of domestic violence and sexual exploitation;
 - projects designed to cultivate cutting edge excellence in victim services among victim service providers and allied professionals; and
 - family violence law enforcement training and dissemination grants.
- OVC's comprehensive library and information/referral service — the National Victims Resource Center — is the subject of the section entitled, "Information Dissemination."
- The Special Leadership Activities section describes OVC's efforts to raise awareness of victim issues through symposia, public forums, and professional liaison activities with important professional groups.
- The section on National Crime Victims' Rights Week gives an overview of the annual week-long observance set aside each spring to reflect on the progress of the victims movement and to honor certain individuals for exemplary service on behalf of crime victims.

Training and Technical Assistance Grants

Funding for the support of training and technical assistance is critical because it nurtures the development of high-quality professional skills training and the rendering of effective, efficient victim services throughout the country. Target audiences of OVC's training activities include criminal justice personnel, volunteers, mental health counsellors, clergy and other service providers who regularly respond to victims following incidents of rape, domestic violence, child abuse, homicide, or other violent victimizations.

Criminal Justice System Training and Technical Assistance Grants

The President's Task Force on Victims of Crime, in its 1982 Final Report, spoke eloquently about the need to restore balance to the administration of justice by the Nation's criminal justice system. Crime victims who testified before the Task Force recounted numerous instances of insensitivity and indifference to their needs by representatives of the criminal justice system — inattention that served only to deepen the wounds of their trauma. OVC has sought to rectify the perceived imbalance in the criminal justice system by designing victim service skills-training projects for law enforcement officers, prosecutors, judges, and probation, parole and corrections personnel.

- In Fiscal Years 1991 and 1992, the American Probation and Parole Association (APPA) of Chicago, Illinois, and the Council of State Governments received \$350,000 in grant funding for the "Offender Supervision and Victim Restitution Project," a program designed to improve the response of probation and parole personnel to the post-conviction needs of victims. APPA developed a comprehensive, four-day training curriculum to help probation and parole agencies develop policies and procedures for victim notification of key case decisions; gather information for victim impact statements; collect and manage restitution payments; develop policies and procedures for assisting corrections personnel who are injured on the job; and learn about local victim service providers so that appropriate referrals may be made.

After its first-year pilot-test, the developed training curriculum was accredited so that participants could subsequently satisfy employment requirements for in-service training. During the project's second year, APPA provided intensive training and technical assistance to competitively selected probation and parole agencies, with the goal of helping them to incorporate victim-sensitive practices into their case management systems. The four selected agencies consisted of the New York City Department of Probation, the Washington, D.C. Division of Social Services, the Nebraska Administrative Office of the Courts/Probation, and the Massachusetts Parole Board.

As a result of the positive response of corrections professionals to the project, APPA's Executive Committee approved the formation of a standing Victim Issue Committee. This Committee is responsible for developing policies and positions on crime victim issues. The formation of the Committee has served to enhance the image and operations of probation and parole agencies, while simultaneously serving the needs of victims.

- During Fiscal Years 1991 and 1992, the National Victim Center (NVC) of Fort Worth, Texas, in conjunction with the California Youth Authority, the California Department of Corrections, the American Correctional Association, and the National Organization of Victim Assistance (NOVA), received \$350,000 to implement the "Corrections-Based Victim Assistance Project." The funded project was developed with an eye toward improving the treatment of crime victims at all points during the criminal justice process, including during the post-conviction, sentencing, and incarceration phases. NVC developed and pilot-tested a training curriculum to assist correctional agencies with respect to providing direct services, such as victim notification, restitution, and assessment of victim impact; developing assistance programs for correctional personnel who are victimized on the job; providing training to offenders on the consequences of their action to victims; and developing networks with victim service providers.

During the second year of the project, training and technical assistance was provided to five competitively selected state systems. The application process required the showing of substantial commitment on behalf of the leadership of state correctional systems as well as sup-

port from state and local victim service agencies. The overwhelming response (applications from 24 states in two years) reflects the correction community's acute need for such training as well as its desire to responsibly address the needs of crime victims. Corrections agencies in the States of Colorado, South Dakota, and Utah and the Commonwealths of Virginia and Pennsylvania received training and technical assistance under the grant.

- During Fiscal Year 1991, the Metropolitan Assistance (Victim Services/ Traveler's Aid) Corporation (VSA) received \$199,923 to conduct a project entitled, "Law Enforcement Training and Technical Assistance to Improve the Treatment of Crime Victims." VSA, in collaboration with the Police Executive Research Forum and the Law Enforcement Training Network (LETN), developed a series of five 10-minute videotapes which depict the sensitive and effective response of law enforcement officers to crime victimization, including incidents of sexual assault, domestic violence, elder abuse, and theft. The videotapes have been broadcast nationally on LETN and are available to the network's subscribers. The videotapes and an accompanying training guide are also available through VSA.
- During Fiscal Year 1992, the National Judicial College (NJC) of Reno, Nevada conducted a \$59,949 project entitled, "Curriculum Development and Faculty Training for Judges on the Rights of Crime Victims." NJC is the nation's leading continuing education center for the training of state trial judges. During the first year of OVC funding, NJC's project staff developed a curriculum to guide NJC faculty on incorporating victim-oriented topics within existing course offerings. The training curriculum covered topics such as protecting victims from harassment, victim-offender mediation programs as part of sentencing, videotaped testimony, and opportunities for the presentation of victim impact statements. The project culminated in a two-day training workshop in August 1992 for 21 selected members of the NJC faculty.

NJC has since been awarded a supplemental grant in the amount of \$49,667 to conduct two "Seminars for Judges on the Rights and Needs of Victims of Crime."

Both seminars were presented in Fiscal Year 1993 with one in Fort Worth, Texas and the other in Kansas City, Missouri. At these two Weed and Seed²⁵ sites, dockets are full and victims, unfortunately, in abundance. Presiding judges were instructed on victims' rights and sensitized to victims' concerns by a teaching team of NJC faculty members.

- In Fiscal Year 1992, the National Victim Center (NVC) in collaboration with the American Prosecutors Research Institute and the Police Foundation received a \$149,979 grant for OVC's program, "Training and Technical Assistance for Law Enforcement (Sexual Assault Victims)." NVC conducted a nationwide search for a state-of-the-art protocol to guide law enforcement officers, medical personnel, prosecutors and victim service providers in working sensitively and effectively with victims of sexual assault. NVC then developed a multidisciplinary guidebook entitled, "Looking Forward, Moving Back: A Community Response to Sexual Assault" that in essence provides communities a prescription for instituting a comprehensive, multi-agency response to assisting victims of sexual assault. The guidebook is adaptable for use by both rural and urban communities, and describes effective outreach strategies for sexual assault victims with distinct or unique needs, including victims with disabilities, as well as minority, elderly, and gay/lesbian victims.

Sensitive treatment of sexual assault victims not only mitigates the secondary trauma associated with investigatory and evidence-collection procedures, but it also encourages victims to come forward and report the crime.

Grants to Enhance Victim Services to Specific Victim Populations

A victim service provider's ability to render effective assistance is affected by a number of victim characteristics. The traumatic experience, resulting victim needs and the quality of responsive victim services are often uniquely affected by the type of crime suffered,

such as sexual violence, child abuse, homicide of a loved one, domestic violence, etc. Responsive services also have to take into account victim location, be it urban or rural, victim ethnic characteristics, victim age, etc. OVC designed a number of its Fiscal Year 1991 and 1992 discretionary programs to reach isolated and underserved populations of victims, such as elderly and minority victims, child victims of sexual exploitation, and victims who reside in remote areas where access to services may be limited.

- In Fiscal Years 1991 and 1992, the National Organization for Victim Assistance (NOVA) of Washington, D.C., received awards totalling \$229,896 for "Training and Technical Assistance in Help for Victims of Drug-Related Crime." This project enhanced the capability of victim service organizations to respond to the unique needs of victims of drug-related crime, particularly those residing in urban areas. In the first year of the project, NOVA developed and pilot-tested a training manual for victim service providers, law enforcement agents, educators and community leaders on ways to assist drug-related crime victims. During the second year of the project, NOVA revised the focus of the manual to provide cross-training for substance abuse professionals and victim service providers so that more effective referrals and assistance could be offered to the respective populations they serve. The project grantee was funded to provide training to professionals in three urban sites that received additional funding under the Weed and Seed initiative — Trenton, New Jersey; Kansas City, Missouri; and Omaha, Nebraska. NOVA also provided ongoing technical assistance to strengthen the services offered in those communities.
- In Fiscal Years 1991 and 1992, the Paul & Lisa Program of Westbrook, Connecticut received grants totaling \$619,773 in support of streetwork outreach and a rehabilitation program to assist child victims of sexual exploitation in New York City. OVC funding for this program was supplemented by the OJJDP within OJP, as well as the Family and Youth Services Bureau in the DHHS.

Many of the youth served by Paul & Lisa are victims of Federal crime, having been illegally

²⁵ Operation Weed and Seed is a community-based, comprehensive, multi-agency approach to combatting violent crime, drug use, and gang activity in high-crime neighborhoods. Initial funding for implementing the program at Weed and Seed sites was provided by EOUSA and OJP.

transported by adults across state lines for immoral purposes in violation of the Mann Act. Operating from a mobile van, Paul & Lisa's outreach staff provide assistance and service referrals to the youth. For those who desire to leave the streets, the Paul & Lisa program offers the safety of a transitional living group home in suburban Connecticut. Once safely re-located in the group home, the girls receive medical care and mental health counseling, as well as assistance returning to school or locating employment opportunities. More recently, Paul & Lisa's staff have been collaborating with the Public Morals Division of the New York City Police Department and the Federal Bureau of Investigation in large-scale efforts to apprehend pimps and pornographers who exploit child victims.

In addition to its outreach, intervention, and rehabilitation services, the Paul & Lisa Program has also used Department of Justice funds to conduct educational presentations for school-aged children on the dangers posed by life on the streets. The multi-faceted Paul & Lisa Program exhibits one approach for effecting positive and permanent change in the lives of child victims of sexual exploitation.

- In Fiscal Year 1992, the Pennsylvania Coalition Against Domestic Violence (PCADV) of Pittsburgh, Pennsylvania, received a \$60,000 grant to develop and provide legal support training for victim advocates serving battered women in remote, rural areas. PCADV developed a legal advocacy training manual and convened a two-day training conference for victim advocates in Pennsylvania and West Virginia. Follow-on technical assistance was thereafter provided. The training materials addressed protection for women at every level of the criminal justice system process, including obtaining protection orders, safety planning, options counseling, case preparation, and court accompaniment. The PCADV has made the materials available to professionals across the country who assist and counsel victims of domestic violence.
- In Fiscal Year 1992, the National Organization for Victim Assistance (NOVA) of Washington, D.C., received \$59,962 to develop culturally appropriate training curriculum and materials for professionals who assist victims from predominantly Hispanic communities. This grant trained the professionals on ways to better identify and address the unique

trauma-related needs of Hispanic crime victims. NOVA's materials were pilot-tested with approximately 125 victim service providers and professionals in related fields, and are available to the general public.

- In Fiscal Year 1992, the Metropolitan Assistance (Victim Services/Traveler's Aid) Corporation (VSA) of New York City received \$59,983 to train victim service providers in ways to better identify the needs and intervene on behalf of victims of elder abuse. Unlike child victims or battered women, elderly victims are often isolated, and the telltale signs of abuse — broken bones and bruises — may be mistaken for the physical deterioration associated with old age. The culmination of this twelve-month project was a two-day train-the-trainers workshop for victim service providers. This workshop was a pilot-test at which VSA's training materials were evaluated. Later the materials were made available for dissemination nationwide.
- In Fiscal Year 1992, the Fernside Center for Grieving Children in Cincinnati, Ohio, received a \$34,000 grant for its project entitled, "Conference and Materials for Children Grieving Violent Death." Under the grant, Fernside developed training materials for professionals who work with children, including teachers, counselors, social workers, and school administrators. The materials were intended to facilitate the provision of grief support activities for school-aged children who have witnessed or experienced the death of a loved one due to violent crime. Fernside convened four training conferences and developed a manual of model practices that was made available to the field.
- In Fiscal Year 1992, Parents of Murdered Children (POMC) of Cincinnati, Ohio, received \$17,000 to support its self-help services and informational materials for survivors of homicide victims. The project's goal was to enhance chapter services through conducting in-service training for new state coordinators, and to support the printing and dissemination of POMC's guidebook for survivors entitled, "Path Through the Criminal Justice System."

Profession-Based Training

A number of various types of allied service professionals, such as mental health therapists and the clergy, are called upon to address the needs of crime victims. OVC has designed and implemented cross-professional training projects geared toward making these professionals more responsive to the needs of crime victims. OVC has also developed projects to specifically enhance quality and expand the scope of services rendered by victim service providers.

- In Fiscal Year 1992, the Crime Victim Research and Treatment Center (CVC) of the Medical University of South Carolina at Charleston was awarded \$59,867 to train mental health professionals in ways to better treat crime victims, whose psychological wounds have not always been well understood. The CVC has been a leader in researching the mental health needs of victim of crime, especially victims of sexual abuse and domestic violence, and recommending appropriate methods of treatment. OVC's grant enabled CVC to develop training materials for mental health professionals in the detection, assessment and treatment of victims with crime-related mental health problems. CVC then conducted three two-day statewide conferences designed to elicit participation by psychologists, social workers, psychiatrists, and marriage and family therapists.
- In Fiscal Year 1991, the Spiritual Dimension in Victim Services, based in Sacramento, California, received a \$60,000 grant to educate clergy of all denominations — both those who are practicing and those enrolled in seminaries — on ways to sensitively respond to victims and survivors of crime. Many victims and survivors first consult the clergy for counsel and support, yet members of the clergy acknowledge that they sometimes lack the skills necessary to address victimization issues. In the first year of the grant — Fiscal Year 1989 — the Spiritual Dimension offered a series of three regional non-denominational Clergy-In-Service Training workshops. A 1991 grant award provided Clergy-In-Service Training at large annual non-denominational religious conferences. Training topics addressed child abuse and neglect, spousal and elder abuse, sexual assault, robbery and homicide. Participants were also provided with an overview of the criminal justice system, suggested methods of intervention, and guidance on making referrals. A continuation of the grant in the amount of \$75,000 was awarded in Fiscal Year 1992 to provide non-denominational training at three Weed and Seed sites, for both practicing clergy and seminarians preparing to minister in high-crime areas.
- In Fiscal Years 1991 and 1992, the National Victim Center received \$277,200 in grant funds for a training project entitled, "Legal Remedies for Crime Victims Against Perpetrators: Basic Principles." This project was designed to train non-lawyer victim service providers and practitioners in ways to assist victims of violent crime in understanding their legal rights and remedies against perpetrators. First-year project activities entailed the development of a training manual to educate victim service providers and legal professionals about basic principles of law involved in victim versus perpetrator litigation. In the second year, NVC offered a training series based on the legal principles outlined in the manual. The series broke new ground in the victims field by encouraging the development of a systematic and professional relationship between victim service providers and civil attorneys so that victims of violent crime might benefit. The popular conference series identified factual grounds for civil actions and enumerated potential sources of judgement satisfaction. The "Legal Remedies" project is the first coordinated national effort to apprise crime victims of their civil legal rights and remedies. Both victim service providers and civil litigators benefited from the conferences.
- In Fiscal Year 1992, Congress designated a \$1.6 million award to the American Prosecutors' Research Institute's (APRI) National Center for the Prosecution of Child Abuse Center. This award funded training, technical assistance and publication services for state, local and Federal prosecutors of child abuse nationwide. Under the grant, APRI released a second edition of its "Investigation and Prosecution of Child Abuse" manual together with a Federal practice supplement.
- In Fiscal Year 1992, OVC awarded \$150,000 grant to fund a project entitled, "Training and Technical Assistance for Victims Service Providers." This training project was conducted jointly by the National Organization for Victim Assistance and the National Victim Center, Inc. The purpose of the

TABLE 6

Family Violence Law Enforcement Training and Technical Assistance Grants Fiscal Years 1991 and 1992

Michigan Department of Social Services	\$75,000
Texas Center for Law Enforcement Education	\$75,000
New Jersey Coalition for Battered Women	\$75,000
New York State Office for Prevention of Domestic Violence.....	\$109,035
Connecticut Coalition Against Domestic Violence	\$108,673
Tennessee Task Force Against Domestic Violence	\$96,678
New York Victim Services Agency	\$42,750
District of Columbia Coalition Against Domestic Violence	\$80,026
Police Executive Research Forum	\$74,496
Legal Aid of Western Missouri	\$73,200
Marshall University Research Corporation	\$72,690
Georgia Advocates for Battered Women and Children	\$74,600
Fort Myers Police Department.....	\$50,860
Seattle Office for Women's Rights.....	\$71,878
Virginia Department of Criminal Justice Services	\$65,144
Indiana Department of Human Services	\$58,854
Vermont Criminal Justice Training Council	\$52,930
Massachusetts Criminal Justice Training Council.....	\$65,715
North Dakota Council on Abused Women	\$45,000
City of Detroit.....	\$55,772
Kentucky Domestic Violence Association	\$65,267
Pennsylvania Coalition Against Domestic Violence	\$67,016

award was to provide training and technical assistance to crime victim service providers and program managers in order to improve the quality and timeliness of their services. The first major project activity was to review existing training curricula and identify those of high quality and relevance. A survey of experienced victim service providers was then conducted to determine priority training needs. Based upon the findings of the review and survey, a comprehensive training curriculum entitled, "Strategies for Service" was developed. Using the newly compiled curriculum, five two-day training conferences were conducted at various locations throughout the country, training 886 victim service providers. One thousand Strategies for Service manuals were distributed, the majority of which went to conference participants.

Training and Technical Assistance portion of the Family Violence Prevention and Services Act. This national-scope program provides training support to law enforcement and others so that they might be better able to address issues relating to family violence.

The goal of this grant program is to improve law enforcement's response to domestic violence incidents by promoting pro-arrest or mandatory arrest policies; encouraging the full reporting of all domestic violence cases; increasing coordination with other community services; improving on-scene investigations; and establishing policies and procedures guiding the law enforcement response to domestic violence incidents. Legislative authority for this grant program is found in Title III of the Child Abuse Prevention, Adoption, and Family Services Act of 1988 (Pub. L. 100-294), 42 U.S.C. 10410, Section 303(b).

Law enforcement training provided thus far under the auspices of the Family Violence and Prevention Services Act has had a significant impact. By the close of Fiscal Year 1991, approximately 150,000 law enforcement officers were trained on the needs and rights of crime victims. A survey of the departments that received training prior to 1990 indicated that 78 per-

Family Violence Prevention and Services Grants

Since 1986, OVC has received a total of \$3.5 million from the HHS to administer the Law Enforcement

TABLE 7

Family Violence Information Dissemination Grants Fiscal Years 1990 and 1991

City of York, Pennsylvania, Police Department	\$8,909
Port Gamble, Washington, Klallam Tribe	\$6,025
Newport News, Virginia, Police Department	\$10,000
Morehead, Kentucky, Police Department	\$10,000
Rochester Police Department	\$10,000
Yellowstone County, Montana, Sheriff's Department	\$10,000
Defiance County, Ohio, Sheriff's Department	\$10,000
Providence, Rhode Island, Police Department.....	\$10,000
Boston, Massachusetts, Police Department	\$10,000
Renton, Washington, Police Department	\$8,634

cent of the respondents changed their domestic violence policies after completing the training. Changes adopted by these agencies were consistent with the goals and objectives of this grant program. Other changes included enhanced on-the-scene investigation; review and refinement of definitions related to domestic violence; and the development of written policies.

Under the same legislative authority, OVC has awarded Family Violence Information Dissemination grants to local community police departments. Specific program objectives were to:

- Develop materials to inform victims of domestic violence about their rights and available victim services;
- Develop procedures to ensure that domestic violence shelters, hospitals, and social service and local law enforcement agencies provide family violence victims with a written report of each incident of abuse; and
- Strengthen interagency coordination and collaboration by developing a system to ensure that domestic violence shelters and local social service personnel may, with the victim's consent, obtain information from local law enforcement agencies relating to the victim's abuse.

National Victim Resource Center

The National Victim Resource Center (NVRC) is a clearinghouse of information pertaining to crime victimization and a repository for victims-related materials. It was established as a Federally-based resource center in response to a recommendation by the President's Task Force on Victims of Crime: "to encourage continued progress in the victims rights movement and to create an inventory of programs, research, and dissemination of information on victims of crime."

NVRC gathers and disseminates information on family violence, child victimization, victim and witness assistance programs, compensation and assistance, and victim advocacy programs. Over the years, NVRC has made information available to criminal justice professionals, victim service providers, policy makers, prosecutors, judges, educators, researchers, and crime victims.

Having first been established in 1984 within the Office for Victims of Crime, it physically outgrew its facilities by 1986 and became a component of the

National Criminal Justice Reference Service (NCJRS) where it relocated to Rockville, Maryland. In 1991, OVC contributed \$282,400 to the NCJRS contract with ASPEN Systems to cover the activities of the NVRC clearinghouse. However, due to subsequent budgetary constraints, no funds were contributed to the contract in 1992.

With residual monies left from the Option Year 1991 contract, OVC was able, throughout 1992, to retain the "800" information number and an Information Specialist who continued to be available to respond to public inquiries. Conferencing reverted to OVC, and its staff assumed responsibility for staffing the OVC/NVRC exhibit booth at national conferences, a task previously performed by NVRC information specialists.

The NVRC continues to be a part of the expansive network of national, state, local, and private sector organizations whose activities are directed toward improving services for victims and witnesses. The clearinghouse is in the process of being evaluated as to its effectiveness in meeting the needs of victims and victim service providers. Resources include:

- A document database of more than 9,000 victim-related books, articles, and audio-visual materials;
- A complete listing of Federal statistics on victimization;
- A repository of past and current victims-related research sponsored by the Federal government;
- Document and bibliography search capability;
- A current directory of victim assistance programs and contact people; and
- Copies of documents and fact sheets on crime.

The National Victim Research Center may be reached by telephone at (800) 627-6872.

Special Leadership Activities

OVC has participated in a number of forums, written publications and undertaken liaison functions to address victimization issues and promote victim rights.

OVC, for example, participates on the Criminal Fines Task Force. The Department of Justice and the federal judiciary formed this working group in October 1989 to coordinate corrective measures between the executive and judicial branches of government to

improve criminal debt enforcement. Actions taken by this committee can have a direct impact on Crime Victims Fund collections, the repository for Federal fines.

OVC is also represented on a number of victim committees within criminal justice professional associations, such as the American Bar Association, the American Correctional Association and the American Probation and Parole Associations. These committees function to raise the standard of victim services for their respective constituencies.

As the issue of violence against women attained greater national prominence, OVC participated in public events designed to raise awareness and explore possible responses. These events, conducted by members of Congress and members of the U.N. Commission on the Status of Women, involved the review of national and international activities undertaken to stem violence against women and to provide victims with critically needed assistance services.

During Fiscal Years 1991 and 1992, OVC published two Bulletins, one brochure, and the Report to Congress covering the years 1988 to 1990. The first Bulletin, *Victim Programs to Serve Native Americans*, describes OVC's efforts to advance victim assistance programs for Native Americans, and the Civil Legal Remedies for Crime Victims describes basic principles of law involved in victim versus perpetrator litigation. The OVC Brochure describes briefly the mission, functions, and programs of the Office, and informs victims of their rights and the availability of victim services.

National Crime Victims' Rights Week

Nearly every year since the first observance of Crime Victims' Rights Week in 1982, a Presidential Proclamation has designated one week in April for the remembrance of our Nation's crime victims and the honoring of outstanding victim advocates. The tradition began with the presentation of the Final Report of the President's Task Force on Victims of Crime and a Rose Garden ceremony held to honor the members of the Task Force. In recent years, OVC has assumed responsibility for coordinating the annual observance of National Crime Victims' Rights Week, from soliciting and screening nominations for the Victim Service Award, to encouraging state and local governments to commemo-

rate the occasion. Individuals honored at the Federal level, thus far, have included victims and survivors of homicide victims, law enforcement and criminal justice officials, and victim service providers.

1991 Ceremony

On April 22, 1991, the National Crime Victims Rights Week Proclamation was signed once again. At a White House Rose Garden ceremony, seven individuals were honored for their exemplary contributions to crime victims.

The ceremony was attended by the Attorney General along with members of Congress, law enforcement officials, members of the Judiciary, and citizens who provide victim assistance and compensation. Also in attendance were the immediate families and special guests of the award recipients. Brief biographies of the seven outstanding individuals honored for their significant contributions in advancing the rights of crime victims are listed below:

- Gail Abarbanel of Santa Monica, California, who brought effective care and sensitive treatment to rape victims, founded the Rape Treatment Center at Santa Monica Hospital, a multidisciplinary program that provides comprehensive treatment to rape victims, including forensic examinations, medical treatment, and mental health counseling.
- Josephine Bass of Chicago, Illinois, who was commended for her dedication and service on behalf of women and child victims of domestic violence, founded Neopolitan Lighthouse, a not-for-profit, grassroots agency that serves Chicago's West Side Garfield Park Community.
- Frank Carrington, Esq. (deceased, 1992) of Virginia Beach, Virginia, opened many doors for crime victims through his deep personal commitment and outstanding legal contributions to the crime victims movement. He was a member of the President's Task Force on Victims of Crime and directed the activities of the Coalition of Victims' Attorneys & Consultants, a clearinghouse of legal information and a provider of support for those undertaking victim-related litigation.

- Jayne G. Crisp of Greenville, South Carolina, established the Rape Crisis Council of Greenville in 1974 and the first prosecutor-based Victim Witness Assistance Program in South Carolina in 1978. The program is sensitive to addressing the needs of victimized children who face the difficulties of testifying against perpetrators. She also produced a video for child witnesses, "Taking the Stand," and the "Housewise, Streetwise Program," a nationally recognized child safety education curriculum.
- John W. Gillis, Parole Commissioner, California Board of Prison Terms since 1990, supervised detectives while on the Los Angeles Police Force. After a gang murdered his 21 year-old daughter, targeted solely because her father was a law enforcement officer, he became active in Parents of Murdered Children. He also founded Coalition of Victims' Equal Rights (COVER), a statewide umbrella organization that advocates on behalf of victims, at both the state and Federal levels, and monitors judicial decisions that affect victims' rights.
- Barbara Reed, moved by the death of a close friend and her friend's children — all victims of an intoxicated driver — co-founded Remove Intoxicated Drivers (RID), a statewide organization in Tennessee that gives victims a voice in the criminal justice system. She also established a Court-Watch system for statewide drunk driving cases to ensure that laws are applied as intended by State legislators.
- Nancy Stoner-Lampy, the Law Enforcement Coordinating Committee/ Victim-Witness Coordinator for the District of South Dakota, coordinated the efforts of Native American law enforcement officers and social service providers in that State. Ms. Stoner-Lampy has primarily assisted child victims of sexual abuse and molestation, who reside in remote areas of reservations, to obtain the mental health and treatment services they need.

1992 Ceremony

The 1992 Rose Garden ceremony marked the ninth year National Crime Victims' Rights Week was commemorated by the White House. A Presidential Proclamation designating the week of April 26 to May 1 as National Crime Victims' Rights Week 1992 was signed.

The 1992 awardees included:

- The Honorable Richard Barajas of El Paso, Texas, who abandoned his private law practice to run for District Attorney after his brother was murdered in 1987. Upon his election, Mr. Barajas implemented the first prosecutor-based victim assistance unit in rural Texas. In December of 1991, the Governor of Texas appointed Mr. Barajas to the Eighth District Court of Appeals, a position from which he has worked to gain state and national visibility for the rights and needs of crime victims.
- Collene Thompson Campbell of San Juan Capistrano, California, founder and leader of Memory of Victims Everywhere (MOVE). She began her work on behalf of victims after the murder of her only son in 1982. As a MOVE volunteer and State Victims' Chairperson, she helped to achieve passage of California's Crime Victims Justice Reform Act.
- Anita Armstrong Drummond of Montgomery, Alabama, Executive Director of the Alabama Crime Victim Compensation program since its founding in 1984, who has taken an active role in writing and promoting legislation on behalf of crime victims. Ms. Drummond coordinated the first Victim/Witness Program in the Montgomery District Attorney's Office, established a domestic violence shelter, and was instrumental in organizing Victims of Crime Against Leniency (VOCAL), a statewide victim rights group.
- Ray Larson of Lexington, Kentucky, who was appointed Commonwealth Attorney for Kentucky in 1984 and since then has been a tireless champion of victims rights. A respected authority on the prosecution of capital murder cases and drunk driving homicides, Mr. Larson worked to raise public awareness of victim needs and rights. In 1991, Mr. Larson was elected the first president of the Kentucky Victims' Coalition, an organization founded to give crime victims a voice in state government.
- Tibby Milre of Bountiful, Utah, who has devoted many years of her life to preventing child victimization. Under her direction, the Utah Council for Crime Prevention joined other state and local organizations to create a unique child protection program — the "McGruff House" — a safe place,

staffed by trained volunteers, where children can turn for help in threatening or emergency situations. The "McGruff House" program has been adopted by many other states and communities, and adapted for inner-city and minority communities as an alternative to drug and gang activity.

- Aurelia Sands Belle, of Atlanta, Georgia, who directs the Victim Witness Program of the Metropolitan Atlanta Crime Commission, the first agency to provide comprehensive service to crime victims in Atlanta. Under her direction, the program has grown in scope and intensity, focusing on assistance for underserved victim populations. In addition to her work in Atlanta, Ms. Belle served on the Board of the National Organization for Victim Assistance and conducted numerous training seminars for service providers and community leaders around the country.
- Anne Katherine Seymour of Arlington, Virginia, a nationally-respected public spokesperson for victim rights and a founding member of the National Victim Center. Ms. Seymour helped to build bridges among victim rights organizations and direct their focus on a common vision. A widely respected trainer, she worked arduously to promote constitutional protections for victims, and has developed legislation to guard against media disclosure of the identity of sexual assault victims.
- Marlene Annette Young, Ph.D., of Washington, D.C., Executive Director of the National Organization for Victim Assistance, an organization she helped found in 1981 to advance the implementation of victim rights and services. With degrees in both law and psychology, Dr. Young is a renowned authority in the field of victimology and has been instrumental in the passage of Federal and state legislation to secure victim rights. She has travelled extensively to provide training and local assistance, and has written numerous articles on victim issues.

Crime Victims Fund Awards

The measure of OVC's support for victim services depends primarily on the level of financial reserves deposited into the Crime Victims Fund. The size of the Fund is, in turn, reliant on the efforts of a myriad of professionals in the Federal criminal justice system who are responsible for carrying out the formidable challenge of

collecting the fines and other penalties levied against convicted Federal offenders. In 1992, OVC used the occasion of National Crime Victims' Rights Week to recognize publicly those professionals whose outstanding fine imposition and collection work helped to sustain the Fund deposits — and thus, to support critical victim services that the fund supports. The 1992 Crime Victims Fund award recipients were:

- Riley J. Atkins, U.S. Attorney from the District of Oregon. He set a precedent by vigorously enforcing the new Federal Debt Collection Procedures Act, which became effective in May 1991. The Act stipulates that a Federal defendant's bail bond may be held over and applied to the defendant's unpaid fine. In November 1991, Atkins' Office seized \$300,000 in bail money posted on behalf of a Federal defendant to pay the individual's outstanding fine. The collection of this fine provided a sizable addition to the Crime Victims Fund.
- John D. Caulfield, Warden of the Federal Prison Camp at Eglin Air Force Base, Florida. Mr. Caulfield accepted the award in recognition of his and his staff's demonstrated commitment to the Inmate Financial Responsibility Program (IFRP). Among the Bureau of Prison facilities, this prison has had the highest rate of collections. The prison collected an average of \$238 per inmate in 1991, and over 71 percent of its inmates have fully satisfied their court-ordered financial obligations.
- Margaret C. Hambrick, Warden, accepted the award on behalf of the Federal Medical Center of Lexington, Kentucky. The Center is one of the largest facilities in the Bureau of Prisons, providing housing and medical care for over 1,600 female inmates. The Center has made the IFRP an integral part of each inmate's overall programming assessment. A computerized tracking system for inmate payments enabled the program to monitor all inmates, including those who have more than one court-ordered financial obligation.
- Paul Horner, Chief of the Bureau of Prison's (BOP) IFRP, developed a system to create individual plans for Federal inmates to meet their court-ordered payment obligations. Since the program's inception in 1987, the BOP collected over \$51 million for the Crime Victims Fund. In 1991, 86 percent of

inmates with court-ordered financial obligations were making systematic payments, while over 26,000 inmates had fully satisfied their financial responsibilities.

- Nancy L. Rider, Executive Office of U.S. Attorneys, who established a nationwide training program to improve fine collections. During 1991, over 3,000 prosecutors, probation officers, and court clerks received training under the program. Ms. Rider also drafted model procedures to guide U.S. Attorneys and probation departments in the collection of criminal fines.
- Kim Whatley, Administrative Officer and a Probation Officer, who trains prosecutors, probation officers, and court clerks in the Executive Office of U.S. Attorneys. In her workshops, Ms. Whatley emphasizes the need for communication and coordination among members of the criminal justice system and an awareness of victim needs and rights.
- Pat Walsh, Senior Debt Collection Agent, and Rosemary Zimbelman, Paralegal Specialist, U.S. Attorney's Office, District of Idaho, who combined their efforts to increase the criminal collections made in the State of Idaho. In 1991, Ms. Zimbelman and Ms. Walsh were instrumental in the collection of almost \$2.3 million; they increased assessment collections by 650 percent; fine collections by 48 percent; and restitution collections by 16 percent. Overall, they achieved a 21 percent increase in criminal collections.

Summary

The Office for Victims of Crime has been able to make great strides in effecting positive changes for victims through the provision of appropriate training and technical assistance to criminal justice system professionals, and victim service and allied professionals. OVC also provided support to victims and victim service providers through maintaining the National Victim Resource Center, a clearinghouse for victim-related materials; special leadership activities; and by orchestrating National Crime Victims Rights Week activities. Furthermore, OVC worked to highlight the important work of those Federal employees who have made outstanding contributions to the Crime Victims Fund.

Conclusions and Recommendations

Challenges of Today and Tomorrow

The victims movement began evolving 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 domestic violence.

The movement's early leaders, often victims themselves, established rape crisis centers and battered women's shelters. As these efforts gained momentum, the Federal Government responded with funding for the first victim-witness assistance program, the appointment 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 the Office of Justice Programs, U.S. Department of Justice. OVC has since encouraged the development of new victim programs, helped existing programs expand, and pressed for improved treatment of victims by criminal justice personnel and other professionals nationwide.

Under VOCA, Federal money has effectively augmented state money to create cooperative partnership for the benefit of victims of violent crime; however, additional funding and greater legislative flexibility must be acquired to address the needs of increased numbers of crime victims and newly-recognized, complex victimization issues. Significant challenges, not contemplated at the time VOCA was enacted in 1984, are emerging. The spread of human immunodeficiency virus poses 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 public attention has been directed to hate-motivated crimes, including murder, rape, assault, and vandalism against persons of a particular race, religion or sexual orientation. Violence against women — a tragedy that has persisted for centuries — is now the subject of intense debate in the halls of the U.S. Congress. The issue is receiving due attention, and legislative approaches to the injustice are being formulated. Law enforcement officers and prosecutors are challenged by practical enforcement issues as well as constitutional issues arising with respect to new anti-stalking legislation enacted across the country. The drug and violence epidemic in urban areas has taken countless

scores of victims throughout the country. The financing of long term health care needs associated with victimization continues to be a challenge to state VOCA Victim Compensation Programs. The unique needs of minority victim populations is also gaining recognition among professional victim service providers. The solutions to these issues are not easy; they will require money, effort, commitment, and an openness to innovative possibilities.

As the Federal agency charged with advocating for victims, DOJ will continue to identify emerging issues that must be addressed to strengthen the rights and advance the fair treatment of crime victims.

Recommendations:

The Office for Victims of Crime strongly recommends that increased Crime Victims Fund resources be made available to support the provision of training and technical assistance for eligible crime victim assistance providers. The Office also recommends a legislative change to VOCA that would permit the use of Federal funds for the support of demonstration as well as training and technical assistance grants.

With shrinking state and local budgets for supporting victim services, OVC is finding that victims and victim service providers are looking to the Federal government for support. This Office, therefore, recommends

that Crime Victims Fund resources be made available for the support of training and technical assistance projects as well as demonstration projects. Demonstration authority would allow OVC to support the development of high quality, model services for victims — services greatly needed. Many victim programs have come into existence rapidly and many face unstable funding. As a result, many programs have developed with too little attention to issues of efficiency and effectiveness. Demonstration authority would give OVC an opportunity to identify model services and promote their implementation nationwide through training and technical assistance.

As a final recommendation, OVC encourages Congress to lengthen the Report to Congress reporting cycle from two to four years; this Office also recommends that a May 31 due date be established. Since the Federal Courts Administration Act of 1992 eliminated the VOCA sunset provision, close bi-annual monitoring of VOCA activities is no longer warranted. A May 31 due date would provide this Office with sufficient time, three months, to receive and analyze grant performance data from the close of the previous fiscal year — data due from VOCA grantees to OVC by December 31. Such changes would serve to efficiently use Office staff resources while still facilitating the flow of adequate, timely oversight information to Congress.

Appendices

Appendix A - Victim Compensation Allocations

STATE	GRT. NO 90-VC-GX-	FY 86 \$23,594,000 (39)	FY 87 \$28,296,000 (40)	FY 88 \$36,600,000 (38)	FY 89 \$44,647,429 (42)	FY 90 \$48,527,000 (42)	FY 91 \$65,674,500 (57)	FY 92 \$56,718,000 (44)
Alabama	0001	0	79,000	237,000	405,000	603,000	565,000	625,000
Alaska	0002	283,000	246,000	143,000	164,000	161,000	127,000	222,000
Arizona	0004	0	0	0	60,000	93,000	258,000	193,000
Arkansas	0005	0	0	0	0	0	110,000	308,000
California	0006	5,185,000	6,353,000	16,691,000	13,610,000	15,444,000	15,808,000	19,517,000
Colorado	0008	472,000	703,000	740,000	1,211,000	1,175,000	1,442,000	1,357,000
Connecticut	0009	442,000	478,000	509,000	431,000	422,000	774,000	966,000
Delaware	0010	123,000	172,000	165,000	173,000	267,000	292,000	365,000
Dist. Columbia	0011	85,000	112,000	80,000	167,000	122,000	191,000	119,000
Florida	0012	1,493,000	1,872,000	1,808,000	2,250,000	2,022,000	1,539,000	1,854,000
Georgia	0013	0	0	0	0	0	0	0
Hawaii	0015	150,000	165,000	179,000	142,000	214,000	135,000	152,000
Idaho	0016	0	0	0	25,000	125,000	95,000	152,000
Illinois	0017	1,242,000	921,000	921,000	1,025,000	820,000	0	706,000
Indiana	0018	117,000*	147,000*	0	434,000	734,000	1,337,000	830,000
Iowa	0019	57,000	106,000	155,000	212,000	203,000	312,000	490,000
Kansas	0020	116,000	131,000	134,000	189,000	146,000	231,000	502,000
Kentucky	0021	213,000	212,000	197,000	344,000	270,000	189,000	224,000
Louisiana	0022	77,000	114,000	222,000	326,000	220,000	206,000	284,000
Maine	0023	0	0	0	0	0	0	0
Maryland	0024	433,000	785,000	855,000	1,014,000	1,179,000	0	0
Massachusetts	0025	387,000	321,000	353,000	634,000	1,096,000	791,000	978,000
Michigan	0026	699,000	686,000	654,000	780,000	774,000	684,000	653,000
Minnesota	0027	190,000	284,000	276,000	466,000	496,000	589,000	389,000
Mississippi	0028	0	0	0	0	0	0	0
Missouri	0029	266,000	355,000	373,000	567,000	615,000	705,000	644,000
Montana	0030	129,000	136,000	118,000	67,429	0	0	118,000
Nebraska	0031	31,000	38,000	0	0	0	49,000	73,000

STATE	GRT. NO 90-VC-GX-	FY 86 \$23,594,000 (39)	FY 87 \$28,296,000 (40)	FY 88 \$38,600,000 (38)	FY 89 \$44,647,429 (42)	FY 90 \$48,527,000 (42)	FY 91 \$65,674,500 (57)	FY 92 \$56,718,000 (44)
Nevada	0032	106,000	93,000	0	0	0	0	0
New Hampshire	0033	0	0	0	0	0	0	0
New Jersey	0034	1,243,000	1,910,000	1,332,000	2,080,000	1,159,000	1,513,000	2,235,000
New Mexico	0035	65,000	83,000	73,000	145,000	144,000	172,000	185,000
New York	0036	2,434,000	2,597,000	2,655,000	3,200,000	3,076,000	3,074,000	2,865,000
North Carolina	0037	0	0	0	0	225,000	638,000	517,000
North Dakota	0038	32,000	27,000	22,000	68,000	48,000	49,000	37,000
Ohio	0039	2,369,000	2,056,000	1,106,000	1,713,000	2,543,000	2,421,000	2,822,000
Oklahoma	0040	187,000	241,000	214,000	238,000	269,000	215,000	302,000
Oregon	0041	261,000	285,000	340,000	514,000	462,000	89,000	289,000
Pennsylvania	0042	888,000	776,000	701,000	798,000	662,000	385,000	801,000
Rhode Island	0044	123,000	231,000	277,000	340,000	443,000	250,000	626,000
South Carolina	0045	173,000	234,000	403,000	423,000	505,000	734,000	988,000
South Dakota	0046	0	0	0	0	0	0	0
Tennessee	0047	495,000	1,278,000	928,000	1,402,000	638,000	1,347,000	2,904,000
Texas	0048	1,472,000	2,223,000	3,193,000	6,023,000	6,068,000	6,446,000	6,023,000
Utah	0049	0	0	0	47,000	342,000	634,000	1,110,000
Vermont	0050	0	0	0	0	0	0	0
Virginia	0051	186,000	280,000	349,000	578,000	274,000	511,000	504,000
Washington	0053	970,000	1,108,000	1,180,000	1,573,000	1,870,000	2,881,000	2,145,000
West Virginia	0054	53,000	64,000	593,000	423,000	173,000	191,000	245,000
Wisconsin	0055	285,000	368,000	322,000	336,000	365,000	351,000	318,000
Wyoming	0056	0	0	29,000	24,000	35,000	38,000	66,000
Puerto Rico	0072	0	0	0	0	0	0	0
Virgin Islands	0078	62,000	26,000	73,000	26,000	25,000	10,000	15,000

Appendix B - Victim Assistance Allocations

STATES	GET. NO 90-VA-GX-	FY 86 \$41,270,000 (57)	FY 87 \$30,772,000 (57)	FY 88 \$34,888,000 (57)	FY 89 \$43,492,000 (59)	FY 90 \$64,818.500 (57)	FY 91 \$65,674,500 (57)	FY 92 \$62,734,000 (57)
Alabama	0001	700,000	526,000	592,000	729,000	1,077,000	1,086,000	1,024,000
Alaska	0002	175,000	153,000	165,000	224,000	268,000	270,000	312,000
Arizona	0004	559,000	426,000	503,000	630,000	939,000	958,000	947,000
Arkansas	0005	453,000	351,000	387,000	489,000	692,000	697,000	680,000
California	0006	3,953,000	2,832,000	3,372,000	4,073,375	6,552,000	6,757,000	6,270,000
Colorado	0008	578,000	439,000	496,000	617,000	896,000	904,000	872,000
Connecticut	0009	574,000	436,000	486,000	605,000	881,000	887,000	870,000
Delaware	0010	192,000	165,000	177,000	241,000	299,000	303,000	336,000
Dist. Columbia	0011	194,000	166,000	176,000	238,000	291,000	287,000	324,000
Florida	0012	1,751,000	1,270,000	1,516,000	1,855,000	2,939,000	3,030,000	2,839,000
Georgia	0013	978,000	722,000	840,000	1,032,000	1,584,000	1,613,000	1,522,000
Hawaii	0015	256,000	211,000	229,000	304,000	398,000	403,000	426,000
Idaho	0016	251,000	207,000	221,000	292,000	377,000	381,000	406,000
Illinois	0017	1,831,000	1,327,000	1,501,000	1,793,000	2,776,000	2,800,000	2,531,000
Indiana	0018	927,000	686,000	768,000	934,000	1,406,000	1,422,000	1,331,000
Iowa	0019	538,000	410,000	445,000	552,000	791,000	796,000	767,000
Kansas	0020	467,000	360,000	398,000	501,000	714,000	721,000	706,000
Kentucky	0021	660,000	497,000	553,000	679,000	993,000	997,000	952,000
Louisiana	0022	771,000	576,000	646,000	783,000	1,147,000	1,146,000	1,060,000
Maine	0023	274,000	223,000	242,000	318,000	422,000	428,000	450,000
Maryland	0024	754,000	564,000	642,000	793,000	1,195,000	1,217,000	1,176,000
Massachusetts	0025	972,000	718,000	807,000	980,000	1,482,000	1,494,000	1,427,000
Michigan	0026	1,465,000	1,068,000	1,209,000	1,455,000	2,239,000	2,257,000	2,096,000
Minnesota	0027	726,000	544,000	612,000	752,000	1,124,000	1,139,000	1,092,000
Mississippi	0028	491,000	377,000	418,000	522,000	742,000	745,000	724,000
Missouri	0029	853,000	634,000	715,000	874,000	1,312,000	1,323,000	1,243,000
Montana	0030	224,000	188,000	199,000	265,000	332,000	333,000	363,000
Nebraska	0031	342,000	271,000	294,000	376,000	512,000	517,000	522,000
Nevada	0032	237,000	197,000	217,000	293,000	388,000	403,000	445,000
New Hampshire	0033	247,000	204,000	224,000	300,000	395,000	402,000	426,000

STATE	GRT. NO 90-VC-GX-	FY 86 \$41,270,000 (57)	FY 87 \$30,772,000 (57)	FY 88 \$34,888,000 (57)	FY 89 \$43,492,000 (59)	FY 90 \$64,818,500 (57)	FY 91 \$65,674,500 (57)	FY 92 \$62,734,000 (57)
New Jersey	0034	1,230,000	901,000	1,024,000	1,238,000	1,896,000	1,909,000	1,776,000
New Mexico	0035	314,000	252,000	279,000	363,000	491,000	498,000	509,000
New York	0036	2,767,000	1,991,000	2,256,000	2,678,000	4,199,000	4,230,000	3,869,000
North Carolina	0037	1,027,000	757,000	868,000	1,060,000	1,617,000	1,644,000	1,552,000
North Dakota	0038	203,000	173,000	182,000	245,000	301,000	300,000	331,000
Ohio	0039	1,717,000	1,247,000	1,404,000	1,680,000	2,604,000	2,629,000	2,412,000
Oklahoma	0040	596,000	452,000	501,000	614,000	883,000	882,750	842,000
Oregon	0041	502,000	385,000	427,000	536,000	776,000	791,000	780,000
Pennsylvania	0042	1,890,000	1,369,000	1,542,000	1,843,000	2,864,000	2,886,000	2,623,000
Rhode Island	0044	245,000	203,000	218,000	290,000	375,450	377,000	405,000
South Carolina	0045	596,000	452,000	510,000	636,000	935,000	949,000	911,000
South Dakota	0046	206,000	175,000	186,000	251,000	311,000	312,000	341,000
Tennessee	0047	809,000	603,000	683,000	839,000	1,257,000	1,273,000	1,194,000
Texas	0048	2,505,000	1,805,000	2,124,000	2,531,000	3,958,000	4,012,000	3,664,000
Utah	0049	348,000	276,000	302,000	388,000	532,000	538,000	551,000
Vermont	0050	180,000	157,000	166,000	228,000	276,000	279,000	315,000
Virginia	0051	948,000	701,000	802,000	987,000	1,510,000	1,537,000	1,462,000
Washington	0053	754,000	564,000	642,000	794,000	1,201,000	1,232,000	1,192,479
West Virginia	0054	394,000	308,000	332,000	419,000	574,000	573,000	566,000
Wisconsin	0055	817,000	608,000	681,000	832,000	1,248,000	1,256,000	1,198,000
Wyoming	0056	177,000	155,000	161,000	220,000	258,000	257,000	292,000
Puerto Rico	0072	591,000	448,000	497,000	617,000	894,000	898,000	918,000
Virgin Islands	0078	16,000	11,000	13,000	165,000	173,000	172,000	221,000
Guam	0066	18,000	12,000	15,000	169,000	180,000	182,000	227,000
American Samoa	0060	5,000	4,000	5,000	155,000	159,000	159,000	210,000
N. Mariana Isl.	0069	3,000	2,000	2,000	153,000	155,000	155,000	209,000
Trust Territor.		19,000	13,000	16,000	0	0	0	0
Micronesia	0064	0	0	0	25,500	0	0	0
Marshall Isl.		0	0	0	10,625	0	0	0
Palau	0070	0	0	0	25,500	28,050	27,750	24,521

* FY94 data reflects grant allocations which will be awarded during this Fiscal Year.

Appendix C

FY 92 Questionnaire for Federal Law Enforcement Agencies Victim/Witness Assistance

Pursuant to the Victims of Crime Act, as amended, 42 U.S. C. 10603 (c)(3)(A), the Director, Office for Victims of Crime, (OVC) has the responsibility for monitoring compliance by Federal agencies with law enforcement functions with guidelines for fair treatment of victims and witnesses. This questionnaire is designed to assess the level of compliance with the requirements of the Victim and Witness Protection Act (VWPA) of 1982, P.L. 97-291, and the victims' provisions contained in the Crime Control Act of 1990, P.L. 101-647. Answer only those sections that are applicable to your agency. Please elaborate, if desired, on any question, at the conclusion of this questionnaire.

Has your agency issued guidelines consistent with the Victim and Witness Protection Act of 1982? Yes _____ No _____
 (If yes, please attach copy.)

Has your agency revised those guidelines to incorporate the victims' provisions contained in the Crime Control Act of 1990? (If yes, please attach copy.) Yes _____ No _____

Has your agency developed informational brochures/booklets to assist victim/witnesses? Yes _____ No _____
 (If yes, please provide copies.)

Has your agency designated by name and office title the persons who are responsible for identifying victims of crime and performing victim/witness services? (If yes, please provide names and addresses.) Yes _____ No _____

Services to Crime Victims/Witnesses

A. Investigative Agencies

1. Victim/Witness identification and notification are key components of the VWPA and guidelines for the fair treatment of victims and witnesses. Please indicate how well you believe your subordinate investigative staff are able to provide the following assistance.

	Very Well	Well	Needs Improvement
Victim/Witness Identification:			
Identify victims/witnesses			
Inform victims/witnesses of right to receive services			
Provide name, address, phone number of victim coordinator			
Refer victims for emergency medical/social services			
Victim/Witness Notification:			
Provide victims information about compensation/support programs			
Right to be protected from intimidation/harassment			
Arrange reasonable protection from threat, harm, intimidation			
Provide notice of status of investigation,/indictment			
Inform of arrest of suspected offender			

Is It the Policy and Practice of Your Investigative Agencies To:

- | | |
|---|------------------------|
| 2. Routinely give victims a brochure containing general information about the rights of victims and available services? | Yes ___ No ___ N/A ___ |
| 3. Give the name and phone number of a responsible official to victims as soon as victims are identified? | Yes ___ No ___ N/A ___ |
| 4. Return victims' property as soon as possible? | Yes ___ No ___ N/A ___ |
| 5. Pay, if necessary, cost of physical exams in sexual assault cases? | Yes ___ No ___ N/A ___ |
| 6. Provide training to all mandated reporter groups (on Federal land, or in federally operated or contracted facilities where children are cared for or reside) on the statutory obligation to report suspected child abuse and in the identification of abused children? | Yes ___ No ___ N/A ___ |
| 7. Work with a multidisciplinary team (health, social service, law enforcement, and legal professionals) to ensure child protection in child abuse cases? | Yes ___ No ___ N/A ___ |
| 8. Provide training to all current and new personnel concerning their responsibilities in carrying out the provisions of the VWPA and the victims' provisions of the Crime Control Act of 1990? | Yes ___ No ___ N/A ___ |
| 9. Maintain written instructions to ensure that mandated victim and witness services are provided? | Yes ___ No ___ N/A ___ |
| 10. Advise victims and witnesses of their right to be protected from intimidation/harassment? | Yes ___ No ___ N/A ___ |

B. Prosecutorial Agencies - (Non-Applicable ___)

1. Victim/Witness notification and consultation are key components of the VWPA and the guidelines for fair treatment of victims and witnesses. Please indicate how well your subordinate prosecutorial agencies are able to provide the following assistance.

	Very Well	Well	Needs Improvement
Victim/Witness Notification:			
Right to be protected from intimidation/harassment			
Pretrial status of offender			
Judicial proceeding scheduling changes/continuances			
Pleas, plea agreements			
Filing of charges or proposed dismissal of charges			
Trial results and sentencing hearing dates			
Right to be heard at sentencing (written/oral)			
Date of sentencing and sentence imposed			
Victim Consultation:			
Pretrial release or diversion			
Declination or dismissal of any or all charges			
Plea agreement/sentencing recommendations			
Restitution			
Victim Referral (if not done by law enforcement agency):			
Emergency medical assistance			
Social services			
Counseling or support groups			
State crime victim compensation program			

Is It the Policy and Practice of Your Prosecutorial Agencies to:

2. Resist, when appropriate, defense attempts to obtain addresses of victims and witnesses? Yes ___ No ___ N/A ___
3. Notify employers of victims and witnesses (when requested) if their cooperation causes absence from work? Yes ___ No ___ N/A ___
4. Notify creditors of victims and witnesses if their cooperation affects their ability to make timely payments? Yes ___ No ___ N/A ___
5. Assist your own employees who are victims of crime? Yes ___ No ___ N/A ___
6. Provide general information to victims and witnesses about transportation, parking, translator services, and other information related to court-room appearances? Yes ___ No ___ N/A ___
7. Ensure that sexual assault victims do not pay for the cost of forensic examinations? Yes ___ No ___ N/A ___
8. Maintain accurate, up-to-date resource material which identifies available victim counseling and treatment programs in the jurisdiction? Yes ___ No ___ N/A ___
9. Provide training to all current and new personnel concerning their responsibilities in carrying out the provisions of the VWPA and the victims' provisions of the Crime Control Act of 1990? Yes ___ No ___ N/A ___
10. Make best efforts to provide victim and witnesses for the prosecution a waiting area separate from the defendant and defense witnesses? Yes ___ No ___ N/A ___
11. Work with a multidisciplinary team (e.g., health, social service, law enforcement, and legal professionals) to ensure child protection in child abuse cases? Yes ___ No ___ N/A ___
12. Provide training to all prosecutors on multidisciplinary procedures of handling child victim cases? Yes ___ No ___ N/A ___
13. Ensure all identifying information concerning child victims or witnesses is kept confidential? Yes ___ No ___ N/A ___
14. Take measures, when appropriate, to obtain speedy trials or precedence for hearing child victim cases? Yes ___ No ___ N/A ___
15. Provide names and addresses of victims/witnesses who want to be notified of release, inmate transfer or escape from prison (Federal) to that correctional facility? Yes ___ No ___ N/A ___

C. Correctional Institutions (Non-Applicable ___)

Is It the Policy and Practice of Your Correctional Institutions To:

1. Provide victims/witnesses who want to be notified information about the pending parole, release, transfer or escape of an inmate?
Descriptive information about procedures which have been adopted by your agency or anecdotal information about specific programs can be useful in illustrating program accomplishments. If you have examples of services provided or new procedures that have been implemented in your agency, please describe and submit as an attachment. Please return completed questionnaire to: Director, Office for Victims of Crime, 633 Indiana Avenue, N.W., Room 1352, Washington D.C. 20531.

Name of Agency _____

Victim/Witness Point of Contact _____

Address and Phone Number _____

Appendix D

Instruction Sheet for Victim and Witness Questionnaire

Instruction Sheet for Victim and Witness Questionnaire

The Office for Victims of Crime (OVC) is required to monitor Federal compliance with Guidelines for fair treatment of crime victims and witnesses. This information is included in OVC's *Report to Congress*. The Attorney General Guidelines for Victim and Witness Assistance (Guidelines) requires an annual report from each U.S. Attorney by November 1 of each year on their best victim/witness efforts. U.S. Attorneys may comply with this requirement by filing their annual report on victim and witness assistance with the Executive Office for U.S. Attorneys. See A.G. Guidelines, Article II.

This questionnaire will be included as part of EOUSA's annual report and EOUSA will provide the information to OVC for the *Report to Congress*. To assist you in filling out the form, the cite for each question and other clarifying information is provided below. If you have questions about the Questionnaire, please call Sue Shriner of OVC at 202-514-6444 or FTS 368-6444 or the Victim-Witness Staff of EOUSA.

Questionnaire

A. Program Policy

1. Guidelines, Article IV, A. It is recognized that during "discovery," the names of victim/witnesses must be released to the defense; however, prosecutors do not routinely need to release the addresses and phone numbers of these victim/witnesses.
2. Victim and Witness Protection Act of 1982 (VWPA), Sec. 6(8).
3. Victim and Witness Protection Act of 1982 (VWPA), Sec 6(8).
4. Guidelines, Article IV, C.
5. Guidelines, Article IV, D and VWPA, Sec 6(10).
6. 42 U.S.C. 10607 (c) (7).
7. U.S. Attorneys Manual Bluesheet, Volume I, "U.S. Attorney Compliance with Attorney General Guidelines for Management of the Provision of Victim-Witness Assistance.
8. Guidelines, Article VIII.
9. VWPA, Sec. 6(6) and Guidelines, Article III, D(4).
10. 18 U.S.C. § 3509(g).
11. Guidelines, Article VII, C, 1.
12. 18 U.S.C. § 3509(d) and Guidelines, Article VII, C(4).
13. 18 U.S.C. § 3509(j) and Guidelines, Article VII, C(9).

B. Program Practice and Structure

Statistical data (items 14 a-h) gives an important indication of the scope of the services that you provide. Chapter 5 of OVC's 1990 *Report to Congress* demonstrates how these figures are used to illustrate the scope of various Victim/Witness programs. Staffing information (items 15-16) and program procedures (items 17-20) provide insight about the variety of structures used in Victim-Witness Programs.

14. a. Indicate the same number of indictments submitted to EOUSA for the FY 92 Statistical Report.
- b. Indicate the number of victims from the cases and matters submitted in item a. This number only indicates the victims from the criminal cases (in item a) indicted in FY 92.

- c. Indicate the number of child (under 18 years old) victims involved in the cases and matters (submitted in item a.) handled by your office.
 - d. The number of victims from cases in item a. that request notification of any of the various criminal proceedings e.g., filing of charges, sentencing dates.
 - e. The total number of victims assisted by your Victim/Witness Program during this period. This figure may include, but is not limited to, victims of cases indicted during this FY, victims from cases indicted in a prior FY, victims from cases under investigation but not yet indicted, victims transferred into your District from another District. The Victim/Witness Coordinator does not personally have to provide these services. Victims should only be counted once, although various services may be provided at different times by different staff members.
 - f. Indicate the number of witnesses from cases and matters (in item a.) that received notification from your office e.g. letters.
 - g. Indicate the total number of witnesses assisted by the Victim/Witness Program during this period. This figure may include, but is not limited to, witnesses from cases indicted in a previous FY that receive travel assistance during this period. The Victim/Witness Coordinator does not personally have to provide these services to witnesses. Notification letter sent by administrative staff and services provided to witnesses by other office staff should be counted in this figure.
 - h. Indicate the total number of cases and matters in which the Victim/Witness Coordinator was directly involved in FY 92. Direct involvement means direct contact by the Coordinator - either by phone, letter, or in person. This figure may include, but is not limited to, cases indicted in a previous FY, cases indicted in another District but services provided to victims/witnesses by the Coordinator in your District.
15. Full-time is equivalent to 2080 hours per year. If the Coordinator position is both LECC and VW, indicate as a percentage how much time (estimate if necessary) is spent on VW issues. For example, "45 percent is spent on Victim/Witness responsibilities."
 16. Indicate "yes" if the clerical staff is assigned to the Victim/Witness Program full-time. If clerical or other administrative staff are available to the Victim/Witness Program on a part-time basis, indicate "no" but add an explanation.
 17. Self-explanatory.
 18. Indicate the kinds of cases that most often require direct assistance by the Victim/Witness Coordinator. These cases are probably the type of cases indicated in item 14 h.
 19. Self-explanatory.
 20. Victim notification and consultation are responsibilities of Office of U.S. Attorneys. The new guidelines designate that victim referral activities be assumed by Federal law enforcement officers. However, OVC realizes that the Victim-Witness Coordinators must often assume this responsibility when referral services have not been made prior to the case being presented to the U.S. Attorney's Office. OVC would like information about how often Victim-Witness Coordinators must assume this responsibility. You may describe this situation on the reverse of the form.

Victim and Witness Program Questionnaire

This questionnaire is designed to determine if general office policy and practice is in compliance with the Victim and Witness Protection Act of 1982, the Crime Control Act of 1990, and the 1991 Attorney General Guidelines on Victim and Witness Assistance for the Office for Victims of Crime's Report to Congress. This questionnaire covers fiscal year October 1, 1991 through September 30, 1992.

A. Program Policy

Is It the Policy and Practice of Your Office To:

	Yes	No
1. When appropriate, 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 causes absence from work?		
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 all current and new personnel concerning their responsibilities in carrying out the provisions of the VWPA, the Victims Rights and Restitution Act of 1990, the Victims of Child Abuse Act of 1990, and the 1991 Attorney General's Guidelines on Victim and Witness assistance?		
9. When available, make best efforts to provide victim and witnesses for the prosecution a waiting area separate from the defendant and defense witnesses?		
10. Work with a multidisciplinary team (e.g., health, social service, law enforcement, and legal professionals) to ensure child protection in child abuse cases?		
11. Provide training to all prosecutors on multidisciplinary procedures of handling child victim cases?		
12. Ensure all identifying information concerning child victims or witnesses is kept confidential?		
13. Take measures to obtain speedy trials or precedence for hearing child victim cases, when appropriate?		

If you answered no to any of the above, please indicate the question number and explain. Use the reverse side of this form if needed.

B. Program Practice and Structure

14. During the fiscal year (October 1, 1991, through September 30, 1992) indicate:
- _____ The number of criminal indictments or information filed.
 - _____ The number of victims involved in cases and matters handled by your office
 - _____ The number of child victims involved in these cases and matters.
 - _____ The number of victims requesting notification.
 - _____ The total number of victims assisted by your Victim/Witness Program during this period.
 - _____ The number of witnesses notified?
 - _____ The total number of witnesses assisted by your Victim/Witness Program.
 - _____ The total number of cases and matters in which the Victim/Witness Coordinator was directly involved in FY 92.
15. How many FTEs (full-time equivalent professional staff) are dedicated to the Victim/Witness Program? _____
If a position is both LECC/VW, how much of the Coordinator's time is spent on victim and witness responsibilities?
16. Is clerical staff assigned to the Victim/Witness Program? Yes _____ No _____
17. 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?
- _____
18. Which types of cases (e.g., white collar crime, sexual assault, drug-related crimes) most routinely directly involve the Victim/Witness Coordinator?
- _____
19. If victims/witnesses want to be notified of release, inmate transfer or escape from prison, does your District provide names and addresses to the Bureau of Prisons? Yes _____ No _____
20. Victim/witness notification and victim consultation are key components of the VWPA and the Attorney General's Guidelines. Clearly stated policies and procedures to implement these components should exist in each U.S. Attorney's office. 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
a. Victim/Witness Notification:			
Fight to be protected from intimidation/harassment			
Pretrial status of offender			
Judicial proceeding scheduling changes/continuances			
Pleas, plea agreements			
Filing of charges or proposed dismissal of charges			
Trial results and sentencing hearing dates			
Right to be heard at sentencing (written/oral)			
Date of sentencing and sentence imposed			
b. Victim Consultation:			
Pretrial release or diversion			
Declination or dismissal of any or all charges			
Plea agreements/sentencing recommendations			
Restitution			
c. Victim Referral:			
Emergency medical assistance			
Social services			
Counseling or support groups			
State crime victim compensation program			

Survey of Results Victim Notification, Consultation and Referral

Percent Providing Services ¹

U.S. Attorney's Offices Provide:	Very Well	Well	Needs Improvement	No Answer
Victim/Witness Notification on:				
Right to be protected from intimidation/harassment	66	29	6	
Pretrial status of offender	48	45	7	
Judicial proceeding scheduling changes/continuances	66	25	9	
Pleas, plea agreements	49	41	9	
Filing of charges/proposed dismissal of charges	54	38	8	
Trial results/sentencing hearing dates	70	25	5	
Right to be heard at sentencing (written/oral)	62	32	6	
Date sentence imposed	67	29	4	
Victim Consultation on:				
Pretrial release or diversion	37	47	16	
Declination or dismissal of any or all charges	40	43	15	2
Plea agreements/sentencing recommendations	39	46	15	
Restitution	54	38	8	
Victim referral:				
Emergency medical assistance	46	43	3	8
Social services	53	40	5	2
Counseling or support groups	55	37	5	3
State crime victim compensation	61	31	5	3

¹ Figures rounded to nearest percent.

Appendix E - Response to Victim and Witness Questionnaire

Districts	No. of Criminal Indictments	No. of Victims Involved	Number of Child Victims	Number of Victims Requesting Notification	Total Number of Victims Assisted	Number of Witnesses Notified	Number of Witnesses Assisted
Alabama							
Middle District	176	145	1	125	125	160	160
Northern District	312	289	2	82	82	222	222
Southern District	263	190	1	190	190	816	125
Alaska	305	61	0	3	3	512	240
Arizona	1296	1077	166	669	1077	1712	1346
Arkansas							
Eastern District	435	641	3	594	687	198	214
Western District	158	207	0	19	19	164	49
California							
Central District	1081	1457	7	10	13	Unknown	1030
Eastern District	409	150	8	0	150	1000	1000
Northern District	620	253	0	382	405	60	60
Southern District	1343	240	3	33	224	16	16
Colorado	694	250	4	10	142	756	492
Connecticut	302	90	2	90	90	300	300
Delaware	98	1222	0	18	26	77	91
District of Columbia	21172	13900	375	—	2800	—	1500
Florida							
Middle District	952	1785	—	338	372	1613	1951
Northern District	480	112	12	25	45	1250	—
Southern District	1196	10208	4	N/A	23679	4895	5445
Georgia							
Middle District	—	—	10	—	55	—	60
Northern District	—	1000+	5	200+	100+	1000+	1000+
Southern District	296	75	1	33	45	375	2950
Guam/No. Mariana Islands	126	10	0	2	10	123	123

Districts	No. of Criminal Indictments	No. of Victims Involved	Number of Child Victims	Number of Victims Requesting Notification	Total Number of Victims Assisted	Number of Witnesses Notified	Number of Witnesses Assisted
Hawaii	No Response	No Response	No Response	No Response	No Response	No Response	No Response
Idaho	109	27	8	20	20	95	217
Illinois							
Central District	124	290	None	26	29	722	695
Northern District	2782	Unknown	3	25	15	200	700
Southern District	50	—	—	—	—	—	—
Indiana							
Northern District	234	340	0	316	88	299	29
Southern District	289	189	3	72	214	223	384
Iowa							
Northern District	171	15	3	15	15	100	150
Southern District	116	93	0	70	95	537	494
Kansas	417	249	2	249	324	287	287
Kentucky							
Eastern District	206	—	2	—	—	—	—
Western District	198	227	21	227	340	1812	1812
Louisiana							
Eastern District	69	145	0	110	45	145	78
Middle District	54	62	0	62	70	123	124
Western District	215	14	0	0	14	Unknown	Unknown
Maine	149	53	8	35	25	139	40
Maryland	479	466	11	466	466	466	466
Massachusetts	234	N/A	3	N/A	234	N/A	150
Michigan							
Eastern District	1125	117	1	52	15	27	0
Western District	212	154	11	25	35	322	700
Minnesota	431	575	12	575	575	136	136

Districts	No. of Criminal Indictments	No. of Victims Involved	Number of Child Victims	Number of Victims Requesting Notification	Total Number of Victims Assisted	Number of Witnesses Notified	Number of Witnesses Assisted
Mississippi							
Northern District	141	100	0	4	100	0	200
Southern District	264	262	10	42	128	679	626
Missouri							
Eastern District	320	900	0	475	260	320	240
Western District	486	332	2	83	87	115	213
Montana	—	64	36	64	64	285	96
Nebraska	235	168	10	150	200	550	200
Nevada	386	115	4	52	61	14	1060
New Hampshire	76	16	0	5	60	5	20
New Jersey	599	203	16	114	130	168	624
New Mexico	619	110	45	9	110	Unknown	Unknown
New York							
Eastern District	906	1383	100	455	508	200+	2000
Northern District	453	411	1	120	120	650	35
Southern District	1018	2036	300	Unknown	Unknown	Unknown	Unknown
Western District	293	111	5	20	30	169	47
North Carolina							
Eastern District	836	166	0	88	133	4630	3470
Middle District	511	119	2	119	125	161	170
Western District	465	738	2	167	588	0	0
North Dakota	154	79	7	Unknown	212	Unknown	Unknown
Ohio							
Northern District	492	302	0	151	403	106	215
Southern District	594	1620	7	625	1713	1135	1281
Oklahoma							
Eastern District	62	46	0	2	46	630	630
Northern District	188	60	4	27	12	4	42
Western District	466	600	2	200	80	100	100

Districts	No. of Criminal Indictments	No. of Victims Involved	Number of Child Victims	Number of Victims Requesting Notification	Total Number of Victims Assisted	Number of Witnesses Notified	Number of Witnesses Assisted
Oregon	670	459	62	459	311	1125	250
Pennsylvania							
Eastern District	588	38363	0	43	151	456	273
Middle District	322	32	0	9	11	40	2
Western District	274	426	0	177	177	0	0
Puerto Rico	391	9	0	8	9	14	14
Rhode Island	No Response	No Response	No Response	No Response	No Response	No Resonse	No Response
South Carolina	410	173	7	82	247	126	259
South Dakota	193	106	48	Unknown	Unknown	Unknown	750
Tennessee							
Eastern District	428	315	0	50	145	150	45
Middle District	182	580	0	370	461	—	1406
Western District	429	168	1	40	96	36	64
Texas							
Eastern District	259	116	27	89	93	244	882
Northern District	751	1127	0	782	782	782	782
Southern District	1568	172	0	Unknown	172	1070	16
Western District	1535	1050	285	45	149	171	122
Utah	384	40	20	0+	30	30	560
Vermont	108	20	3	12	12	320	320
Virgin Islands	344	271	10	200	237	802	380
Virginia							
Eastern District	1983	254	11	63	3354	10625	4075
Western District	280	53	0	106	114	1600	992
Washington							
Eastern District	395	—	13	—	—	—	—
Western District	1615	56	3	28	35	230	17

Districts	No. of Criminal Indictments	No. of Victims Involved	Number of Child Victims	Number of Victims Requesting Notification	Total Number of Victims Assisted	Number of Witnesses Notified	Number of Witnesses Assisted
West Virginia	242	66	0	38	39	38	10
Northern District	527	32	0	16	20	0	541
Southern District							
Wisconsin	267	320	2	173	223	173	562
Eastern District	137	244	0	147	163	767	525
Western District	236	1835	11	20	367	44	471
Wyoming							
TOTALS	63,464	92,606	1,748	11,097	45,526	49,646	49,423

Appendix F

Historical Background of the Victims of Crime Act of 1984

Centuries ago, the crime victim was central to the criminal justice process because crime was viewed as a wrong committed by one individual against another. Since a cohesive "state" did not exist, those who suffered from the criminal acts of another often sought restitution, 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, authority figures such as kings and barons assumed an increasingly prominent role in administering justice. Gradually, those in power became responsible for the safety and security of the people they governed.

As state entities emerged, 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 served as the representative of the people. The victim became a witness upon whom the state relied to help prosecute the offender. In addition, the state took steps to ensure a fair judicial process, by articulating the rights of offenders.

In response, during the 1960's, a grassroots victims movement in this country began focusing public attention on the lack of victim rights. Crime victims sought companionship with other victims to ease the trauma they experienced. Sexual assault victims and battered women often suffered re-victimization while participating in the criminal justice process. The victim was kept uninformed of case progress; not notified of proceedings; detained while waiting to testify in court; and not involved in the charging decision, plea bargaining, or in sentencing. In addition, few services were available to help victims recover from the trauma of the crime. Law enforcement and prosecutors did not make time for victims, and compensation for expenses and assistance in navigating the criminal justice system were rarely available.

In 1963, New Zealand started the first crime victim compensation program, followed by Britain in 1964. The Kitty Genovese murder in 1964, which occurred in plain view of scores of New York City residents 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. Early Federal Government studies paid little attention to victims;²⁶ however, research suggests that crime victimizations were numerous, and that most victims did not report the crimes. In addition, since many victims and witnesses were unwilling to cooperate in the prosecution of their assailants, convictions were difficult to obtain.

Initial Federal support for 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. The creation of the Office Justice Assistance Research and Statistics, now the Office of Justice Programs (OJP) within the Department of Justice in 1984 focused a renewed interest in victim programs at the Federal level. Since its beginning, OJP has coordinated funding for demonstration, training, and research programs responding to the needs of victims of violent crimes in all five of its bureaus and offices, 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).

Victim Rights Legislation

States began taking legislative action to secure victim 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 victim bill of rights in the ensuing 10 year period.

²⁶ In its 1967 report "The Challenge of Crime in a Free Society," the Commission on Law Enforcement and Administration of Justice devoted less than two 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 three called for better treatment of witnesses.

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 a dozen different Federal agencies having a role in the criminal justice process, and serve to implement the VWPA, the first major piece of Federal victim rights legislation. (See Chapter 5, Federal Crime Victims Program, for additional discussion.)