



## **The Victims of Crime Act: Addressing the Crisis & Ensuring Sustainability to Meet the Needs of Victims**

In 1984, Congress passed, and President Reagan signed into law, the Victims of Crime Act (VOCA). VOCA established the Crime Victims Fund (CVF) to assist and compensate victims and survivors of crime. The CVF comprises federal criminal fines, forfeited bonds, forfeited profits from criminal activity, additional special assessments, and donations by private parties. Congress disburses money from the CVF in the annual appropriations process, and the Office for Victims of Crime (OVC) oversees the fund and distributes the money in the form of formula grants to states and territories. The states then use this money to a) fund victim services for victims of all crimes, including crimes such as murder and drunk driving, with a statutory priority for child abuse, domestic violence, and sexual violence services; and b) to compensate victims and survivors for crime-related losses including medical and counseling costs, lost wages, and, in the most severe cases, funeral costs.

### **Current Challenges**

#### **Decreasing Deposits and Cuts to State VOCA Grants**

Over the past several years, deposits to VOCA have decreased dramatically. As the amount of money available in the CVF has dwindled, so has the money available for VOCA grants to the states. Appropriators wrote in 2019, “The Committee is concerned . . . by the historically low receipts deposited in the CVF, and in turn, the decrease in resources available for OVC’s disbursement of CVF funded grants and cooperative agreements.”<sup>1</sup> After a watershed disbursement from the CVF in Fiscal Year 2018, disbursements have decreased annually. Accounting for transfers, the disbursement in Fiscal Year 2020 was 40% lower than it was in Fiscal Year 2018. This decrease is expected to continue, and worsen, unless Congress takes action to improve the health of the CVF.

#### **The Impact of COVID-19 on Victim Services**

Domestic violence, sexual assault, child abuse, and other forms of interpersonal violence increase in times of crisis, and the crisis resulting from the COVID-19 pandemic is no different. Social-distancing and isolation also increase the risk of these forms of violence. The unique stress associated with the COVID-19 pandemic and resulting crisis can exacerbate survivor trauma. Moreover, COVID-19 makes people more vulnerable to sexual coercion and other forms of violence and abuse.

Many victim service providers have seen an increase in requests for services, and others are preparing for a surge in requests as stay-at-home orders are phased out. The escalating need for services associated with the pandemic will not end with the immediate crisis - the COVID-19-created need will continue for years to come.

At the same time need is increasing, programs must adapt their service modalities to protect the health of their advocates and the survivors they serve. They must build new technological infrastructures to provide remote services and must ensure survivors have the technology to access these services. To maintain social distancing, domestic violence shelters must provide alternative accommodations rather than filling shelters to their usual capacity. These are costly adjustments, and they come at a time when organizations are having to cancel their

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<sup>1</sup> Senate committee report, *Department of Commerce, Justice, Science and Related Agencies Appropriations Bill, 2020, (to Accompany S.2584)*.

annual in-person fundraisers, volunteer activity has decreased, philanthropic giving is being directed elsewhere, and state and local governments are facing severe funding shortfalls. Victim service providers need more resources to meet the existing and emerging needs of survivors. Cuts to VOCA grants necessitated by diminished deposits would profoundly injure programs' abilities to serve survivors and their communities.

## **Proposed Solutions**

### **Redirecting Monetary Penalties into the Crime Victims Fund**

The shortfall of deposits into the Crime Victims Fund can be solved by redirecting into the CVF monetary penalties from deferred and non-prosecution agreements that, if associated with a conviction, would have been deposited into the CVF. Some of the monetary penalties associated with deferred and non-prosecution agreements are obligated for existing programs. However, a substantial amount is also deposited into the General Fund of the Treasury - more than \$7.7 billion over the past three years - that would instead be deposited into the CVF.

### **Match Waiver**

OVC imposes a 20% match requirement for programs receiving VOCA victim assistance grants. This match can be met using both cash or in-kind donations. However, programs are struggling to meet this match requirement as they are forced to cancel major fundraisers, philanthropic giving is directed to other sectors combatting COVID-19, volunteer pools are shrinking, internships are being cancelled, and state and local budgets are being cut.

Congress can address this problem by waiving VOCA assistance match requirements, as it has done for many other grant programs, for the pendency of the COVID-19 crisis. Given the expected lasting economic impact of COVID-19, it also permanently establishes the state's ability to waive match based on the needs of funded programs.

### **Increase Funding to Victim Compensation Programs**

State and federal funds to provide vital financial assistance to victims of crime are decreasing dramatically because of COVID-19's effects on state budgets. State compensation programs are cutting benefits to victims and delaying payments as state resources decline. And since VOCA compensation grants are calculated at 60% of the amounts that states pay in their own funds to victims, a resulting decline in those grants needs to be addressed by increasing this statutory formula to 75%. To cover the immediate needs of victims, a \$35 million-dollar COVID-19 Supplemental VOCA Compensation allocation is crucial to address current state revenue shortfalls. VOCA also needs to be amended to create good cause exceptions to cooperating with, and reporting to, law enforcement authorities in order to expand eligibility for those victims whose involvement in the criminal justice system may jeopardize their mental and physical health or safety. Finally, VOCA should be changed so that states do not have to deduct restitution and subrogation recoveries from their state payouts in calculating grant amounts; current rules requiring this are costing states substantial amounts in federal resources. Without these changes, financial aid to crime victims through VOCA will be at risk as states struggle to find revenue to meet victims' needs.

### **COVID-19 Supplemental Appropriations Bill**

There is an opportunity to address all of these challenges to victim services in the next COVID-19 relief package. Addressing dwindling deposits into the CVF, waiving VOCA assistance match requirements, and increasing funding to victim compensation programs are critical to both meeting the immediate needs of survivors who are reaching out for help during the COVID-19 crisis and the long term need for services created by this crisis. Due to the nexus between COVID-19 and domestic violence, sexual assault, child abuse, and other forms of violence, these provisions should be included in the next COVID-19 supplemental appropriations bill.