The Victims of Crime Act

Background

The Victims of Crime Act (VOCA) was enacted in 1984 and established the Crime Victims Fund (CVF or Fund). The CVF is unique in that it is funded only through the collection of criminal fines, forfeited appearance bonds, penalties, and assessments. These dollars derive from offenders convicted of federal crimes and resulting fines and penalties; not taxpayers. While Congress does not appropriate funds for VOCA it does determine how much can be released or distributed each year from the CVF. The 2013 balance of the CVF was over $13 billion.

Overview

The idea behind the Act was that money collected by the government from criminals should be utilized to help crime victims. VOCA dollars are primarily distributed to support two important types of programs:

- Crime victim compensation programs, which pay many out-of-pocket expenses incurred by crime victims (including medical costs, mental health counseling, funeral and burial costs and lost wages or loss of support); and
- Victim assistance programs, which provide victims with support and guidance in the aftermath of crime(s), including but not limited to crisis intervention, counseling, emergency shelter, criminal justice advocacy and emergency transportation.

Under VOCA, each state and territory receives a dedicated annual amount for the above purposes. Formula grants to states and territories are based largely on population. Of the total amount allocated for state victim assistance grants, each state receives a base of $500,000 ($200,000 for territories) and the remainder is distributed to each state and territory proportional to population.

VOCA Generally Not Available to Indian Tribes

Tribes were not included in the 1984 VOCA legislation. As a result there is no dedicated VOCA tribal funding stream for Indian tribes to compensate and provide assistance to tribal crime victims. Rather, tribes must access these funds through one of two grant sources. The first is what is known as a pass-through from the state where the tribe is located. The second is by competing for very limited grant resources that the Department of Justice administers under the Children’s Justice Act and the Office of Victims of Crimes (OVC) discretionary grants. These small discretionary grant programs cannot be compared to the current state formula program.
## Victims of Crime Act

**Rebuilding Lives through Assistance and Compensation**

### Crime Victims Fund

The Crime Victims Fund (the Fund), established by the Victims of Crime Act of 1984 (VOCA), is a major funding source for victim services throughout the United States and its territories. Millions of dollars collected are deposited into the Fund annually and support the state victim assistance and compensation programs. Since 1986, $4.8 billion in VOCA victim assistance funds and $1.8 billion in compensation funds have been awarded.

### Office for Victims of Crime

VOCA is administered by the Office for Victims of Crime (OVC) within the Office of Justice Programs, U.S. Department of Justice. OVC distributes victim assistance and compensation funds to states and U.S. territories, in accordance with the Victims of Crime Act. OVC may also use funds for demonstration projects, program evaluation, compliance efforts, training, and technical assistance services, and other related activities.

### States and Territories

VOCA administrators distribute VOCA victim assistance and compensation grants. All states and territories, including the Northern Mariana Islands, Guam, and American Samoa, receive annual VOCA victim assistance grants, which are awarded competitively to local community-based organizations that provide direct services to crime victims. Similarly, all states, the District of Columbia, the U.S. Virgin Islands, and Puerto Rico receive VOCA compensation grants after satisfying criteria set forth in VOCA and OVC program rules.

### Public and Private Organizations

**Victim Assistance**

Organizations (called “subrecipient programs”) use the VOCA victim assistance funds to provide direct services—such as crisis intervention, emergency shelter, transportation, counseling, and criminal justice advocacy—to crime victims free of charge. Victim advocates in these programs inform victims about the eligibility requirements of compensation and assist victims with the required paperwork.

**Victim Compensation**

Victim compensation helps victims rebuild their lives by reimbursing victims for costs in the immediate aftermath of crime, such as crime-related medical costs, mental health counseling, funeral and burial costs, and lost wages or loss of support. Victim compensation is used as a payment of last resort and is paid when other financial resources (e.g., private insurance and worker’s compensation) do not cover the loss.

### U.S. Attorneys

U.S. Attorneys’ Offices, federal courts, and the Federal Bureau of Prisons collect criminal fines, forfeited bail bonds, penalties, and special assessments, which are deposited into the Crime Victims Fund.

### Collections > Deposits > Disbursements > State Administration > Direct Services > Rebuilt Lives

_Sponsored by: U.S. Department of Justice | Office of Justice Programs | Office for Victims of Crime_
Key Issues for Tribes:

American Indian and Alaska Natives experience the highest crime victimization rates in the country, but are largely left out of VOCA funded programs. Since 2003, the NCAI Task Force has recommended that Congress create a funding stream within the CVF for Indian Tribes. The NCAI resolution concerns are based on the following information from the United States Department of Justice:

- Between the years of 2011-2014, programs that served American Indians/Alaska Native survivors of violent crimes, received less than 0.5% of the CVF annually.
- In 2013, more than 60% of states with Indian tribes did not make a single sub grant. As a result, Native communities and survivors of violent crimes, received little assistance.

For over 10 years, the National Congress of American Indians Task Force, advocates, and tribal leaders have requested a permanent fix to this disparity. In the last three years Congress has considered amending the VOCA to address this issue. In 2015, Senator John Barrasso, Senator Jon Tester and other bipartisan Senators on the Indian Affairs Committee worked to introduce the SURVIVE Act to direct 5% of the overall CVF disbursements to tribal governments with the expressed purpose of meeting the needs of crime victims on tribal lands. In 2016, Representative Mike Honda (prior D-CA) and Tom Cole (R-OK), worked together to pass an amendment to the House Commerce, Justice and Science appropriations bill for FY 2017, directing 5% of the CVF to tribal governments.

FY 2017 VOCA Distribution is $2.5 billion

During the past two years, Congress has more than tripled outlays from CVF, which reflects Congress’s commitment to provide services to victims of crime. For FY 2017, the VOCA cap was set at $2.5 billion. Even with the above documented increases, the FY 2017 distribution did not include a dedicated stream for tribes. Furthermore, tribes and American Indian/Alaska Native survivors have not been given any access to these increases.

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The National Congress of American Indians
Resolution #ANC-14-048

TITLE: Support for a dedicated Tribal Set-Aside in the Victims of Crime Act (VOCA) Fund

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the Crime Victims Fund, administered by the Office for Victims of Crime (OVC) within DOJ’s Office of Justice Programs (OJP), was initially established to address the need for victim services programs, and to assist tribal, state, and local governments in providing appropriate services to their communities; and

WHEREAS, Congress passed the Victims of Crimes Act thirty years ago and did not include Indian tribes in the original distribution of funds; and

WHEREAS, the Fund is financed by collections of fines, penalty assessments, and bond forfeitures from defendants convicted of Federal crimes, but until now, tribes have only been eligible to receive a very small portion of the discretionary funding from the Fund; and

WHEREAS, in FY 2000, Congress began limiting the amount of Fund deposits that could be obligated each year. This was to provide a stable level of funding available for these programs in future years despite annual fluctuations in Fund deposits; and

WHEREAS, in $2.8 billion and as a result the Fund now holds balances in excess of $10 billion enough under the current spending cap to last 12 years; and

WHEREAS, OVC and OJP officials have recognized the great need to strengthen victims services on tribal lands and, thus, are proposing this new set-aside to help meet that need; and
WHEREAS, the new tribal funding is requested as part of OVC’s Vision 21 Initiative, a strategic planning initiative based on an 18-month national assessment by OJP that systematically engaged the crime victim advocacy field and other stakeholder groups in assessing current and emerging challenges and opportunities facing the field; and

WHEREAS, Indian nations and tribal service providers require essential resources to respond to violence perpetrated against American Indian and Alaska Native women, as well as to provide services to women victims seeking assistance.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby support the increase in the amount of money released from the Crime Victim’s Fund to include a dedicated funding stream for Indian tribes to meet the dire needs of tribal victims; and

BE IT FURTHER RESOLVED, that the NCAI does hereby support the creation of an “above the cap” reserve in the Victims of Crime Act (VOCA), or alternatively, a 10% VOCA tribal set-aside, that would fund tribes and tribal government programs and non-profit, non-governmental tribal organizations, located within the jurisdictional boundaries of an Indian reservation, Alaska Native Villages, and Indian areas that provide services to Native women victimized by domestic and/or sexual violence; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2014 Mid-Year Session of the National Congress of American Indians, held at the Dena’ina Civic & Convention Center, June 8-11, 2014 in Anchorage, Alaska, with a quorum present.

ATTEST:

[Signature]
President

[Signature]
Recording Secretary