

## **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



COLLECTIONS > DEPOSITS > DISBURSEMENTS > STATE ADMINISTRATION > DIRECT SERVICES > REBUILT LIVES



Office for Victims of Crime  
**OVC**  
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## 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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## NATIONAL CONGRESS OF AMERICAN INDIANS

### 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**

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**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.

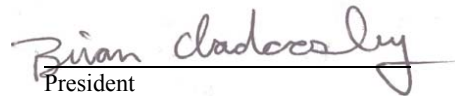
**NOW THEREFORE BE IT RESOLVED**, that the NCAI does hereby support the increase in the amount of money released from the Crime Victim's Fund to include a dedicated funding stream for Indian tribes to meet the dire needs of tribal victims; and

**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

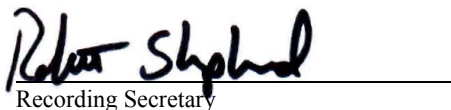
**BE IT FINALLY RESOLVED**, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

#### 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.

  
President

ATTEST:

  
Recording Secretary