

TESTIMONY OF MARY LOU LEARY
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Before the
Subcommittee on Crime, Terrorism, and Homeland Security
Committee on the Judiciary
United States House of Representatives

The Department of Justice Programs
Oversight

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“Supporting Crime Victims through Federal Funding”

Good morning, Chairman Scott, ranking member Gohmert, and members of the Subcommittee. My name is Mary Lou Leary, and I am executive director of the National Center for Victims of Crime. The National Center is a nonprofit resource and advocacy organization that has championed the rights and interests of victims of crime for more than twenty years. The National Center’s activities include national and regional trainings, technical assistance to service providers and policy makers, direct response to victims through our National Crime Victim Helpline, and more.

We are here today to lend some understanding to how grant funding through the Office for Victims of Crime (OVC) benefits crime victims nationwide. One primary OVC function is to administer formula grants for crime victim compensation and victim assistance under the Victims of Crime Act (VOCA) Fund. Congress created the VOCA Fund to comprise criminal fines collected from federal offenders. These funds are the lifeblood of state and local victim assistance activities, funding victim support personnel in criminal justice agencies as well as nonprofit organizations that serve victims of rape, child abuse, homicide, domestic violence, drunk driving, and other crimes. I have attached to my written testimony a report of our survey of VOCA recipients, conducted earlier this year. This report clearly shows the great importance of this funding source to the day-to-day work of victim response. We want to recognize the many members of this Subcommittee who have worked over the years to ensure the continued availability of VOCA Funding for victim compensation and assistance.

OVC’s discretionary grant making

I will focus my remarks today on OVC’s discretionary grant-funding activities, as experienced by our organization. As you may know, by statutory formula, OVC receives a percentage of each year’s VOCA distribution to fund demonstration projects, program

evaluation, compliance efforts, and training and technical assistance services to eligible crime victim assistance programs.¹ These grants advance the victim services field, informing the front-line service providers about promising practices and fostering learning and collaboration opportunities among victim service providers and allied professionals.

It is important to note that a combination of circumstances reduced the VOCA funds available in FY 2008 to a level lower than Congress had intended. More than \$30 million was diverted for management and administration costs within the Office of Justice Programs (OJP) during FY 2008. Additional money was taken from VOCA to fund the Department of Justice's Office of Audit, Assessment and Management (OAAM). These two reductions within OJP cut OVC's discretionary grant funding by one-third in FY 2008 and reduced the formula grants that states rely on to serve crime victims. We understand this issue will be addressed in the appropriations bills for FY 2009.

The National Center's experience as an OVC grantee

The National Center for Victims of Crime has been awarded a number of grants from OVC over the past two decades. Many of these grants have brought victim advocates and allied professionals together to collectively advance the treatment of crime victims.

One important example was a project titled *Focus on the Future: A Systems Approach to Prosecution and Victim Assistance*. In the early 90s, prosecutor offices across the country were struggling to implement the victims' rights laws that had been passed requiring them to keep victims informed and assist them in exercising their rights to be present and heard during the criminal justice process. *Focus on the Future* involved a collaboration among the National Center, Mothers Against Drunk Driving, and the American Prosecutors Research Institute, an affiliate of the National District Attorneys Association. This training and technical assistance project for prosecutors, police, and prosecutor-based victim assistants helped them develop programs, work with special victim populations, and form relationships with other criminal justice agencies regarding victim services. This project included a set of sample forms and letters on a computer disk, a major innovation at the time. Today, victim services are an integral part of prosecutor offices.

A similar grant funded a multiphase project, begun in 1990, to integrate victim services into corrections. Working with the National Organization for Victim Assistance, the American Correctional Association, the American Probation and Parole Association, the California Department of Corrections, and the California Youth Authority, this training and technical assistance project helped correctional agencies begin or enhance their victim services, provide victim notification, collect victim restitution, incorporate the use of victim impact statements at release hearings, and protect victims from intimidation and harassment. That project included a national conference, the development of resources, and trainings held in more than 35 states. Today, nearly every state correctional system has an active victim assistance program.

“Looking Back/Moving Forward,” another program funded by OVC in the early 90s, established the concept of coordinated community response to victims of sexual assault. This project was itself a collaboration between the National Center, the American Prosecutors Research Institute, and the Police Foundation. It brought together a number of other nationally-recognized experts to create a community model incorporating all agencies that interact with victims of sexual assault: law enforcement, prosecution, crime victim services, and the medical community. Today, a coordinated response is the preferred approach for serving sexual assault victims.

In the mid-90s, OVC funded the National Center’s project to address HIV/AIDS and sexual assault victims, an issue facing victim service providers across the country. That project involved creating a training manual to address the crucial medical, counseling, and treatment issues relating to sexual assault victims and their concerns about HIV/AIDS. We conducted training in nine communities, distributed thousands of copies of the manual, and facilitated new collaborations and cross-training between victim service and HIV/AIDS care providers. That project also led to an article in the *Journal of the American Medical Association*.

Each of these projects significantly advanced the nation’s response to victims of crime by bringing together victim advocates and allied professionals to develop recommendations for victim services and to work together to educate our constituencies.

Recent activities

As the field of victim services has evolved, so have our grant-funded activities. More recent projects funded by OVC involve special issues or the adoption of new technologies to educate victim service providers and allied professionals.

Teen victims

Statistics show that teens are twice as likely as others to be victims of violent crime.² We also know this population has not been adequately served by existing victim programs, which typically serve adult or child victims. OVC funded the National Center and the National Council for Crime Prevention to develop Youth Outreach for Victim Assistance (YOVA), a youth-led, multi-site project to educate teens on the dynamics of victimization and provide information on where they can turn for help and support. Thirty-two youth-adult teams around the nation were selected and supported as they created unique outreach events, materials, and advertising to reach teen crime victims in their local communities. Much of this work was truly extraordinary, from teens who took on the issue of sexual abuse of males in Maryland to teens in Oregon tackling the “unmentionable” problem of hate crimes in their community. One of the most effective elements of this multiyear project was the use of certain exceptional YOVA sites from the first years of the project as mentors to sites formed in later years.

That same grant also funded the development of several significant publications, most recently *Chart a Course: Policies That Affect Victim Services for Teens*. This four-part guidebook for victim advocates helps answer difficult questions about mandated reporting of suspected child abuse, teen victims' confidentiality rights, boundaries in teen victim services, and partnering with schools to address teen victimization.

We have also been funded to provide Web trainings on teen victimization, which have included such topics as: *Understanding and Responding to Teen Victimization, Engaging Marginalized Youth, Stalking and Teens, Victimization of Teens Living with Disabilities, and Addressing School-based Victimization and Victim Safety*. A total of 488 participants received these trainings, which were also archived on our Web site for later viewing.

OVC's support of this work is helping to reshape the nation's response to teen victims.

Victims with disabilities

OVC funding has played a significant role in providing services to victims in marginalized communities. One such victim population is crime victims with disabilities. A grant from OVC is funding the National Center, together with the Joint Center on Violence and Victim Studies (JCVVS), to hold a National Training Conference on Responding to Crime Victims with Disabilities. In addition to JCVVS and the National Center, the conference planning committee includes partners essential to meeting the needs of victims and developing lasting change: the Institute on Disabilities at Temple University, the National Council on Independent Living, the National Sheriffs' Association, the Pennsylvania Coalition Against Rape/National Sexual Violence Resource Center, and the Wyoming Institute for Disabilities. This conference, planned for 2009, will highlight current research and promote best practices in meeting the needs of victims with disabilities.

VictimLaw

OVC also funded us to create and maintain *VictimLaw*, a comprehensive, online database of federal, state, and tribal crime victims' rights laws. *VictimLaw* represents a revolution in crime victims' rights accessibility and education. Prior to *VictimLaw*, there was no single place to obtain the most up-to-date information on state and federal laws and tribal codes related to victims' rights.

The thousands of people who now use *VictimLaw* include victim advocates, victims, policymakers, criminal justice students and professors, and others interested in crime victims' rights. More than 2,000 other Web sites link to *VictimLaw*, including those of federal and state government agencies, attorney generals' offices, law enforcement agencies, libraries, private organizations, and domestic violence and sexual assault programs.

One of *VictimLaw*'s most significant capacities is its ability to convey a broad understanding of a jurisdiction's crime victims' rights in the national context. *VictimLaw* enables advocates and policymakers alike to see how the laws in their jurisdiction compare to those of their neighbors.

National Crime Victims' Rights Week resource guide

Grassroots victim service agencies and local criminal justice agencies are constantly working to increase public awareness of the services they offer victims. For the past three years, the National Center has received funding to develop public awareness materials for National Crime Victims' Rights Week, held annually in April. This past April, more than 13,000 kits were distributed to victim advocates in nonprofits and criminal justice agencies nationwide, with additional materials downloaded from the OVC Web site. These materials include a sample proclamation, sample news release, appropriate quotations, a black-and-white theme poster, a Crime Clock, public awareness posters, a historical overview, an information and referrals contact list, an online resources list, and crime victim statistics. Some of these materials, including posters, were displayed and made available in 15,000 Post Offices across the country. While these materials are most widely used during National Crime Victims' Rights Week for local public awareness events, recipients report using them throughout the year, for purposes such as National Night Out in August; Domestic Abuse Awareness Month; the opening of a safe home; college courses, law enforcement academy trainings, and presentations at local elementary schools; Day of Remembrance events for homicide victims in September; long-term displays in police and prosecutor waiting rooms; and public speaking events throughout the year. By providing high-quality outreach materials, this grant helps agencies reach and serve more victims of crime.

Conclusion

Our experience as a recipient of OVC grant funds should provide a clear illustration of the way that federal funding for competitive grant programs can provide significant leadership and development regarding issues of national importance. Targeted funding can have a broad impact, inspiring and educating people across the country who respond every day to victims of crime.

¹ 42 U.S.C. 10603(c) (2008).

² Madeline Wordes and Michell Nunez, *Our Vulnerable Teenagers: Their Victimization, Its Consequences, and Directions for Prevention and Intervention*, (Washington, DC: National Center for Victims of Crime and National Council on Crime and Delinquency, 2002), 2.

VOCA FUNDING

Victim Advocates Speak Out

In January of 2008, the National Center for Victims of Crime surveyed crime victim advocates across the country about their use of VOCA funds and the effect of recent cuts in that funding. We polled nonprofit organizations serving victims of child abuse, domestic violence, sexual assault, drunk driving, or survivors of homicide victims, as well as victim assistance units in criminal justice agencies, such as police departments, prosecutor offices, and corrections departments. More than 1,000 responded.

The message was clear: VOCA funds are vital to all forms of crime victim services.

Background

The Victims of Crime Act, passed in 1984, created the Victims of Crime Act Fund, or VOCA Fund, as a protected and dedicated source of funding for crime victim programs. The VOCA Fund does not depend on taxpayer dollars—it is derived from fines and penalties on offenders at the federal level. Each year, the bulk of VOCA dollars distributed goes to states to support two important types of programs: crime victim compensation programs, which pay many of the out-of-pocket expenses incurred by victims as a result of crime, and victim assistance programs, which provide victims with support and guidance in the aftermath of crime. Nearly 4 million victims a year are served by the more than 4,000 local and state victim service agencies funded by VOCA.

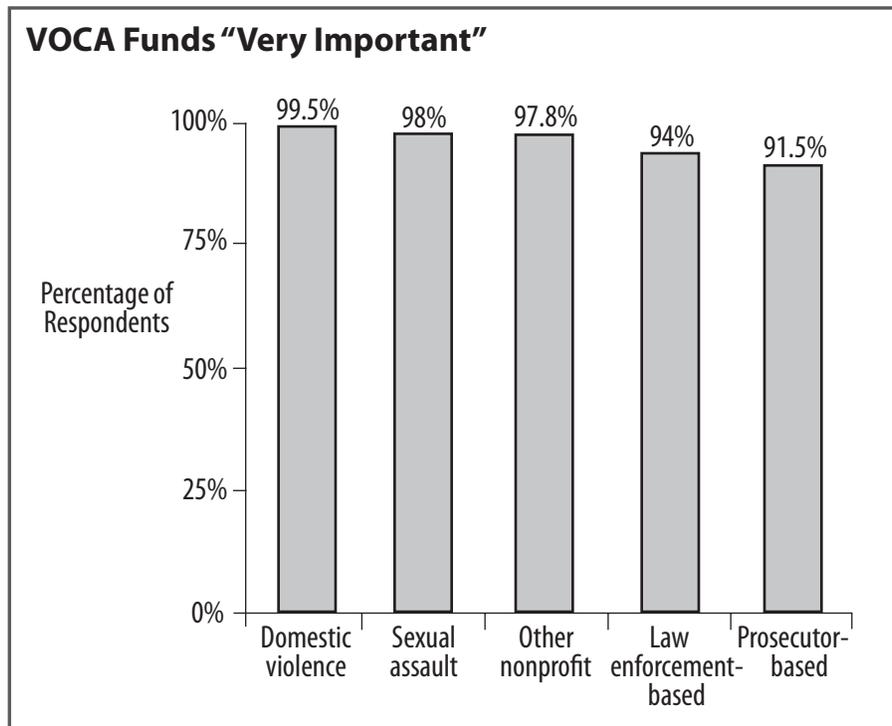
Because the Fund comprises offender penalties and fines, the amount in the Fund fluctuates from year to year. For the last several years, Congress has created a special reserve of VOCA dollars for use in leaner years by placing a cap on the Fund distribution and saving the amount collected over the cap to ensure the stability of the Fund. In recent years, the cap has been set at \$625 million.

In the Fiscal Year 2008 Omnibus Appropriations bill, VOCA funding was cut by \$35 million, despite higher than expected deposits into the Fund the previous year. In addition, the Department of Justice is considering tapping the VOCA allocation to cover shortfalls in management and administration expenses, potentially doubling the loss of funding to local service programs.

The VOCA Fund has proved an effective funding source for more than twenty years. Currently, the VOCA Fund has an estimated balance of \$1.7 billion.

Importance of VOCA Funding

We asked victim service providers to rate the importance of VOCA funding to their programs. Overwhelmingly, respondents told us VOCA funding was “very important.”



From the Field

“We have three over-worked victim advocates; two of them are totally paid for with VOCA Funds.”

–Prosecutor-based service provider (GA)

“VOCA covers almost all of the counseling staff for our women’s shelter and sexual assault program.”

–Nonprofit service provider (VA)

“This is often the only real source of monies that will put a victim advocate on the ground where law enforcement and the victims are.”

–Law enforcement-based service provider (SC)

“VOCA funding is the life-blood of an agency like ours dedicated solely to helping child victims of felony sexual and physical abuse crimes and their non-offending family members.”

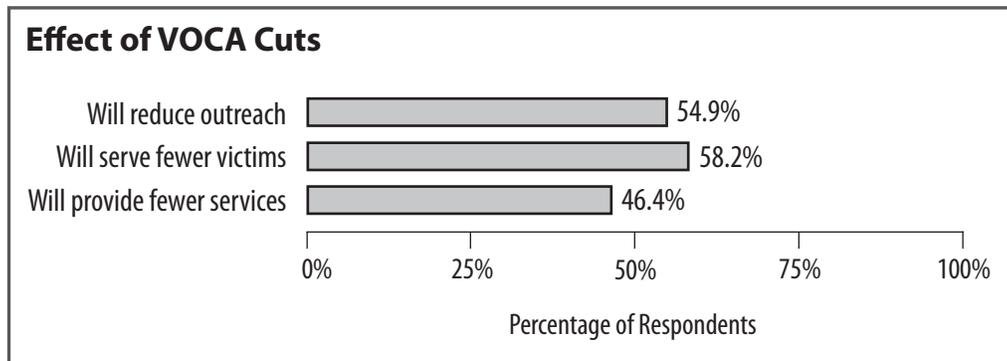
–Nonprofit service provider (AL)

“We are a bare-bones operation.... VOCA funding for staff and services is the only way most of our poor and homeless clients ever get assistance.”

–Nonprofit service provider (TX)

Effect of VOCA Cuts

We also asked victim service providers about the likely effect of the recent VOCA cuts on their programs. The clear message was that the funding cuts would have an immediate and significant impact.



Many agencies indicated they would have to reduce the types of services they offer, no longer having the staff or volunteers to accompany victims to the hospital or court. Others stated that more victims would be wait-listed for counseling or shelter. Many said they would be forced to cut training, including training for volunteers, further reducing their ability to provide direct services to victims.

From the Field

"We will have to reduce our services to victim notification only."

—Prosecutor-based service provider (GA)

"Our crisis counselor and victim advocate may be forced to reduce the court preparation for children and may not be available to accompany them to court—a service which greatly reduces the trauma to children and families and enhances their ability to testify."

—Nonprofit service provider (MI)

"Many victims would be placed on waiting lists and be required to wait up to three months for therapeutic services for sexual abuse."

—Nonprofit service provider (OK)

"We will have to cut one or two advocate positions. As a result, victims will not be provided an advocate in three of our four main court precincts. [It would also affect] the volunteer program, not allowing us the extra money to train [them]."

—Prosecutor-based service provider (AZ)

"We will cancel plans to provide two full-time crisis staff at our hospital emergency department.... The sex crimes unit has asked for our collaboration in contacting victims of cold case files. The funding reduction will affect our ability [to work with them]."

—Law enforcement-based service provider (MI)

Our survey revealed that the VOCA cuts will hit rural areas particularly hard. Agencies spoke of trying to serve up to 10 counties, or requiring victims to travel 3 or 4 hours to receive services. Many respondents said they would have to close satellite offices—even when the space provided was free—because they could no longer pay the transportation expenses of their staff.

Closing a satellite office does not simply mean that victims will have to travel further for services. It also means that victim programs will lose their visibility within the community, leaving more victims isolated.

“Due to our cutbacks we closed our satellite office and have not been able to reach out to rural poor in our community. There is no public transportation within our county, with the exception of a transit system that travels within a ten mile radius of the county seat limited times of the day. There is no taxi service. There are many people unable to reach us, and we do not have the staff or resources to reach them. This is a small rural county; many simply go unserved.”

–Nonprofit service provider (PA)

“Without a regular presence in the frontier rural communities, victims do not know where to turn when they need help. Our partners (law enforcement, prosecutors) forget that we serve their area. This past year we had to cut back two rural advocates in our outlying areas and this is what we are experiencing.”

–Nonprofit service provider (ID)

Need to Release Additional VOCA Funds

There is a great need to release additional VOCA Funds. Eighty percent of respondents said there were victims they were not currently reaching that could be served with additional VOCA funds.

From the Field

“We have child victims who disclose abuse and cannot get an appointment with a therapist for at least a month, sometimes longer. By the time they are seen, they often have suffered additional trauma and stress.”

–Nonprofit service provider (GA)

“We already turn away many people who have emergency needs as a direct result of their victimization because of limited funding.”

–Nonprofit service provider (SC)

“We are approaching the ‘blood from a turnip’ stage. All costs and expenses are going up. We have good community support but due to the state of the economy the community cannot provide more support than it already provides.”

–Nonprofit service provider (ID)

“The situation in economically-devastated Michigan cannot be overemphasized as a contributor to our concern over VOCA funding. For many of us, VOCA keeps core services alive.”

–Nonprofit service provider (MI)

How Service Providers Would Use Additional Funds

If more VOCA moneys were made available, programs would put the funds to immediate use. Many spoke of plans to increase services to elderly victims, teen victims, tribal victims, victims with disabilities, human trafficking, and homicide victims. Others spoke of very specific plans:

“We would have funds to reinstitute our free transportation program for indigent clients; we would expand our education and outreach program; we could implement an enhanced victim advocacy program for victims going to court.”

–Nonprofit service provider (AL)

“Our community serves a large Hispanic group of child victims. If additional funds were available, we would be able to contract with a Spanish-speaking therapist for this population.”

–Nonprofit service provider (GA)

“Right now families have to drive up to 5 hours at times to reach our services. If more funds were available for outreach or satellite services we would easily be able to increase our referrals 50% or more.”

–Nonprofit service provider (ND)

“More VOCA funds for outreach, satellite facilities (for isolated rural areas) and specially trained staff (multi-lingual, therapeutic, legal, etc.) would definitely help reach more victims.”

–Nonprofit service provider (CA)

“We serve older victims of domestic abuse. We need to reach more victims and let them know there is specialized help for them.”

–Nonprofit service provider (MA)

“We would provide Trauma Focused Cognitive Behavioral Therapy to children having post traumatic stress symptoms. This is evidenced-based treatment that is proven to actually help children recover from abuse and go on to live productive lives. There is no one in the community that provides this service.”

–Nonprofit service provider (ID)

“A funding increase would mean we could travel to outlying areas, including three Native American reservations, to introduce victim services [for victims of drunk drivers], identify those needing assistance and begin providing support group and court accompaniment to those victims. We would be able to do a better job of victim outreach to ensure that victims in the outlying areas know what their rights are and that there may be compensation funding available.”

–Nonprofit service provider (AZ)

Conclusion

Approximately \$1.7 billion is currently on balance in the VOCA Fund—money that has been collected from federal criminal offenders to meet the needs of crime victims. Congress has an opportunity to make a significant difference in the lives of crime victims nationwide by releasing additional VOCA funds in FY09.



“VOCA funding is vital in providing services to those who, through no fault of their own, have become victims of the most vicious of crimes. If this funding were not available, these victims would go without advocacy, medical, mental health, and/or legal services, which is crucial in a victim’s healing process.”

–Nonprofit service provider (WV)



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