

2019 VOCA National Training Conference

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***Don't Stop Til You Get Enough:
More Questions More Answers About
Using VOCA Victim Assistance Dollars***

Kristopher Brambila, Assistant General Counsel,
Office of General Counsel

Kathrina Peterson, OVC Acting Deputy Director

Brian Sass-Hurst, Program Manager, OVC





Objectives

1. Discuss new efforts to streamline communications and answer questions.
2. Answer pending questions previously submitted.
3. (Try to) answer questions live about how states can use VOCA Victim Assistance dollars.



The New & Evolving OVC Process

- Consistent review, consistent response from OVC
- Monthly communications from OVC
- OVC on the Road



Questions & Answers: Building Modifications



- When are building modification costs allowable under VOCA?



Questions & Answers: Building Modifications



General cautioning - Because the potential expenditures are wide-ranging, we can't broadly characterize all modification situations as either allowable or unallowable.



Questions & Answers: Building Modifications



- VOCA Assistance subrecipients may incur costs for ordinary facility repairs and maintenance, and minor facility modifications or renovations, if those activities are either to facilitate ADA compliance, or to improve victim services.

Questions & Answers: Building Modifications



- The VOCA Assistance Rule provides that subrecipients may incur “[o]rganizational expenses that are necessary and essential to providing direct services and other allowable victim services,” including “...required *minor* building adaptations necessary to meet the Department of Justice standards implementing the Americans With Disabilities Act (ADA), and/or *modifications that would improve a program’s ability to provide services to victims.*” 28 C.F.R. § 94.121(d).

Questions & Answers: Building Modifications



- Unallowable: all subrecipient costs that for “capital expenses, including capital improvements, property losses and expenses, ... and construction (*except as specifically allowed elsewhere in this subpart*).” 28 C.F.R. § 94.122(e)

Questions & Answers: Building Modifications



- Capital expenditures means expenditures to acquire capital assets or expenditures to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets *that materially increase their value or useful life.* (Emphasis added) 2 C.F.R. § 200.13

Questions & Answers: Building Modifications



- Ordinary repairs and maintenance (*i.e.*, modifications that do not materially increase the facility's value or useful life) are not capital expenses.
- These expenses are not typically considered construction.
- Therefore, they *are* allowable to the extent that they fall under the allowable costs described in the rule.

Questions & Answers: Building Modifications



Allowable Expenses:

- Repairs necessary to ensure a victim's safety
 - 28 C.F.R. 94.119(a)(8)
- Maintenance, repair, or replacement of items that contribute to maintenance of a healthy or safe environment for crime victims (such as a furnace in a shelter)
 - 94.121(i)
- Minor building adaptations and modifications that would improve a program's ability to provide services to victims
 - 94.121(d)



Questions & Answers: Building Modifications



- What is “minor?”
 - Ordinary repairs and maintenance typically are minor.
 - Modifications that do not materially increase the value or useful life of a building are minor.
 - Modifications that do not change the basic prior use of a facility or its size (i.e., footprint), are more likely to be minor. (NEPA)
 - Modification costs that are below the organization’s capitalization threshold for real property assets are more likely to be minor. (DOJ Financial Guide)

Questions & Answers: Child victims acting as perpetrators



- Can VOCA Assistance funds be used to support a program that is providing services to child sexual abuse victims who are now themselves committing acts of sexual abuse?

Questions & Answers: Child victims acting as perpetrators



- All VOCA-Victim Assistance funded activities must be for the purpose of providing assistance to victims of crime. The driving factor for states to consider is whether the funding is being used to provide services to victims of crime. VOCA-victim assistance funded programs shall only expend VOCA-victim assistance funding for “providing services to victims of crime.” *See* 34 U.S.C. §20103(b)(2).
- A state considering funding a program to serve formerly sexually abused children who are now abusing other children must determine if the program is using funding to provide services to victims of crime.

Questions & Answers: Indirect Costs



- If a subrecipient is using de minimis for indirect costs, can they also charge VOCA for a percentage of grant administrative staff as a direct cost?

Questions & Answers: Indirect Costs



- It depends on how the subrecipient handles similar expenses for other federal awards, and if the subrecipient has enough supporting documentation to show that direct billing is reasonable and appropriate.

Questions & Answers: Tips



- Are tips – like for uber or a taxi for taking a victim to an appointment – an allowable expense?

Questions & Answers:

Tips



- Yes, tips for uber or a taxi or similar service for transporting a victim to an appointment or victim service program may be an allowable expense provided that the organization's policies allow for such expenses.
 - The organization should have a written policy and follow it
 - Amounts need to be reasonable

Questions & Answers: Program question for the group



- Are states paying for Safe Exchange or Supervised Visitation programs?

Questions & Answers: Maternity Leave



- Can VOCA funds be used to pay maternity leave for a grant funded position as long as they follow their agency's policy?
- If yes, how would agencies report on activities in the PMT since the money would be used to pay for leave and not for providing service?



Questions & Answers: Maternity Leave



- Grant funds may be used to compensate grant-funded employees for maternity/family leave, assuming the grantee is following internal policies which apply to grant-funded and non-grant-funded employees alike.
- Maternity/family leave is a fringe benefit that must be allocated equitably to federal and non-federal funding sources and consistently across time periods based on the organization's account basis (cash or accrual).



Questions & Answers: Maternity Leave



- Grantees would continue to report grant-funded services provided to victims in the PMT.

Questions & Answers: Student Loans



- Is student loan reimbursement eligible to be billed to a VOCA Victim Assistance grant as part of a personnel package?



Questions & Answers: Student Loans



- Student loan reimbursement is an allowable fringe benefit.
- “The cost of fringe benefits are allowable provided that the benefits are reasonable and are required by law, non-Federal entity-employee agreement, or an established policy of the non-Federal entity.” CFR 200.431
- Typically, fringe benefits funded under a federal grant should be consistent with those provided by the entity in its similar non-federally funded positions.

Questions & Answers: Relocation Expenses



- Do any states use VOCA funds to pay bills in arrears (rent, utilities, car payments) for domestic violence or other victims trying to leave an offender so they can set up services/rent an apartment in a new location?
- If yes, are any limits set?



Questions & Answers: Relocation Expenses



- The VOCA Rule at 28 CFR 94.119(I) allows costs for relocation to be borne by a subrecipient. The Rule permits SAAs to set limits on amounts, length of time, and eligible crimes. States have the discretion to allow programs to make payments in arrears on behalf of victims.



Questions & Answers: Indirect & Overhead Costs



- When are they allowable:
 - Subrecipient non-service or indirect costs?
 - Contracting costs (e.g. case management system)?
 - Security and technology?



Questions & Answers: Leveraging VOCA dollars



- States can leverage VOCA assistance and compensation dollars to make more compensation dollars available for other claims.
- This would NOT be supplantation provided that compensation funding is not reduced overall.



Questions & Answers: Leveraging VOCA dollars



- “SAAs may provide VOCA victim assistance funding to compensation programs only for the purpose of providing direct services that extend beyond the essential duties of the staff administering the compensation program, which services may include, but are not limited to, crisis intervention; counseling; and providing information, referrals, and follow-up for crime victims. - 94.112(a)(2)

Questions & Answers: Leveraging VOCA dollars



- VOCA has clearly distinguished between a compensation and assistance program
- What are states' challenges in having expenses covered?
 - Therapy
 - Forensic exams
 - Emergency pharmaceuticals
 - Relocation

Question for the Group: Emergency Assistance



- How do states operate programs that provide emergency assistance to victims?



Questions & Discussion

- We will take questions and do our best to answer them!



Contact Us!

Kris Brambila

Assistant General Counsel

Office of General Counsel, OJP

Kristopher.Brambila@ojp.usdoj.gov

Kathrina Peterson

Acting Deputy Director, OVC

kathrina.peterson@ojp.usdoj.gov

Brian Sass-Hurst

Program Manager, OVC

Brian.Sass-Hurst@ojp.usdoj.gov