

Written Testimony Presented to
House Committee on Appropriations
Subcommittee on Commerce, Justice, Science, and Related Agencies

Submitted by
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on the
Fiscal Year 2011 Appropriations

The National Association of VOCA Assistance Administrators (NAVAA) represents the 56 state agencies that manage Victims of Crime Act (VOCA) victim assistance formula grants administered through the Department of Justice, Office of Justice Programs, Office for Victims of Crime (OVC). NAVAA respectfully requests the Subcommittee to recommend a minimum cap on obligations from the Crime Victims Fund account for 2011 of \$867 million.

Unless the 2011 VOCA cap is high enough, under the Administration's proposed budget, grants for state VOCA victim assistance programs could be cut by \$20 million.

The Crime Victims Fund is unlike most other programs under the Subcommittee's jurisdiction in that all revenues deposited into the Fund are considered "special and trust fund receipts" that are derived from criminal fines and other monetary penalties collected from convicted Federal criminals. The Fund does not receive any General Fund or taxpayer dollars.

From its inception in 1984 until 2000, all moneys deposited into the Fund in any fiscal year were distributed to support victim services the following fiscal year. Since 2000, Congress has delayed (or "capped") obligations from the Fund "to ensure that a stable level of funding will remain available for these programs in future years" [Conf. Rpt. 106-479]. As a result of these caps, a substantial balance has been retained in the Fund which the statute requires shall be available only for VOCA programs.

State VOCA victim assistance formula grants support critical, often life-saving, assistance to some 4 million victims of all types of crimes throughout our nation. This assistance is provided by 4,400 direct service agencies, such as domestic violence shelters, rape crisis centers, child abuse treatment programs, support groups for survivors of homicide victims and victims of drunk driving crashes, mental health counseling services, crisis response programs, court-appointed special advocates, child advocacy centers, prosecutor- and law enforcement-based victim assistance programs, and many others.

VOCA assistance subgrant funds can only be used to provide direct services to crime victims. This means that virtually all of that money pays for victim advocates, counselors, shelter staff and other direct service staff. OVC data indicate that more than 13,500 full-time equivalent jobs were paid for with VOCA assistance funds.* Most VOCA-funded advocates working in non-profit agencies earn minimal salaries that typically range from \$25,000 to \$30,000 (with some as

* This is ten-year old data from OVC's Subgrant Award Reporting System; the number is undoubtedly larger today.

low at \$9,600). Few are offered health insurance or other benefits. The ability to recruit and retain trained advocates is essential to maintaining quality services for crime victims, particularly given that nowadays advocates and counselors typically work beyond capacity to meet the needs of victims and survivors. Direct assistance provided by VOCA-funded projects is further leveraged by the use of an estimated 36,000 full-time equivalent trained and supervised volunteers.

However, victim assistance projects funded by state VOCA victim assistance grants are not the only programs that rely on the Crime Victims Fund for financial support. Under the statute's allocation formula, these other programs get funding precedence over state VOCA assistance grants:

- Children's Justice Act grants used to improve the prosecution and investigation of child abuse cases;
- Victim witness coordinators in United States Attorneys' Offices;
- Victim assistance specialists in the FBI;
- Federal Victim Notification System;
- OVC discretionary grants supporting national scope training and technical assistance and services to victims of Federal crimes;
- Formula grants to state crime victim compensation programs.

The VOCA statute specifies the sequence in which these programs are allocated annual sums from "under the cap" so that, in effect, the amount available for state VOCA victim assistance grants is whatever remains after the other programs are funded. As a result, the amount of state VOCA victim assistance grants depends, not only on the total cap set each year by Congress, but the costs for new and/or expanded other VOCA-funded programs. Unless the cap is set high enough, new and expanded funding for the other programs reduces the amount available for state victim assistance grants. Indeed, there have been years when Congress raised the cap but state assistance grants were reduced. Between 2006 and 2008, state victim assistance grants were cut by \$87 million or 22 percent which in turn led to a reduction in direct crime victims' services at these already underfunded agencies. OVC, for example, reported that 336,580 *fewer* crime victims received VOCA assistance funded services in 2008 compared to the previous year.

NAVAA and the dozens of other national, state and local victim advocacy and allied criminal justice organizations that support VOCA are very appreciative of the efforts of this Subcommittee to recognize the need to restore funding for state victim assistance grants. In 2009, Congress not only raised the VOCA cap but allocated \$100 million in Recovery Act funds for VOCA programs. Together, these brought state victim assistance grants back to the 2006 level, including inflation. Although the 2010 VOCA assistance grants have not yet been determined, we believe they are likely to remain level with total 2009 funding, i.e. VOCA formula plus Recovery Act grants.

Meanwhile, the need for critical victim assistance services continues to grow. The National Crime Victims Helpline reported a 25 percent increase in calls. The National Domestic Violence Hotline cites a similar increase in calls, many of which are tied to recent financial stress. Local shelters and crisis lines are also reporting increased demand. The most recent census by the

National Network to End Domestic Violence (NNEDV) reports that 8,927 requests for services on a single day in 2008 went unmet. The census noted that “many programs reported a critical shortage of funds and staff to fully assist victims in need of services such as transportation, childcare, language translation, mental health and substance abuse counseling, and legal representation.”

Although the Administration’s FY 2011 request would raise the VOCA cap to \$800 million—an increase of \$95 million—the request also proposes some new and expanded earmarks from the Crime Victims Fund. This is not sufficient to avoid reductions in state VOCA assistance grants. These additional requests include a new and additional \$100 million OVC discretionary grant program to support temporary shelter, transitional housing and other assistance for victims of violence against women, \$32.6 million in increased funding for 240 FTE victim witness coordinators in United States Attorneys’ Offices and \$21.4 million for 155 FTE victim assistance specialists in the FBI.*

The net effect of these new and expanded programs is to reduce the amount under the VOCA cap that would otherwise be available for state VOCA assistance grants. In fact, under the Administration’s proposals, based on current information, 2011 state VOCA assistance grants could be as much as \$20 million less than the 2009 and 2010 grants. This decrease will further reduce the capacity of victim service agencies across the nation to provide necessary and essential advocacy and counseling services for free to victims of crime.

We strongly urge a 2011 VOCA cap of at least \$867 million. We estimate this would provide funding for state VOCA victim assistance programs at the 2006 amount in real dollars with a modest 3.5 percent increase to begin meeting new and additional needs for services.

At a time when the economic downturn has resulted in restricted state government funding and significant decreases in private giving, the Crime Victims Fund has grown to historic proportions. The Administration estimates the 2011 opening Fund balance will be \$4.3 billion with an additional \$1 billion to be deposited during the year. This means there will be more than enough money in the Fund to maintain the Subcommittees’ laudable commitment to help meet crime victims’ vital needs for assistance services while also ensuring the Crime Victim Fund’s ongoing sustainability.

We therefore strongly encourage the Subcommittee to raise the 2011 VOCA cap to \$867 million which we believe is the minimum necessary to support these core programs without jeopardizing the Fund’s long-term stability.

* The original appropriation limited VOCA funding for USAO victim witness coordinators to 170 FTEs at \$14.4 million a year, stating “the conferees expect that appropriate sums will be made available under this provision in succeeding fiscal years to continue this program at the current level.” [Conf. Report 106-479] VOCA funding for the FBI victim assistance positions was limited to 112 FTEs at \$7.4 million a year. [Conf. Report 106-1005] The 2011 requests thus represent increases of 126 percent and 189 percent respectively over the original appropriations.