

# Victims of Crime Act Webinar

December 7, 2016

## The Illinois Criminal Justice Information Authority

ICJIA is Illinois' Criminal Justice Research and Grant-making Agency

**Mission:** To reduce crime and violence and increase public safety by improving criminal justice outcomes and helping create a more effective criminal justice system through research, funding, and technical assistance and by coordinating the development of information systems.

# The Illinois Criminal Justice Information Authority

## ICJIA — Two Principal Divisions

- Research & Analysis Unit — Illinois Statistical Analysis Center (SAC)
- Federal & State Grants Unit — Illinois State Administering Agency (SAA)

## ICJIA Board

- Statutorily created 25-member independent oversight board composed of state and local public safety officials, community leaders, and policy experts.
- Sets agency priorities, tracks the progress of ongoing programs, and oversees the agency's grant-making.

## How ICJIA's Funding Works

### Three Part Process

- Led by our Research Unit, ICJIA examines criminal justice and victim service issues and service gaps
- Based on ICJIA's research, the Board establishes high level funding priorities. To accomplish this task, ICJIA's Board can create ad hoc committees (e.g. Ad Hoc Victim Services Committee)
- Led by our Grant's Unit, ICJIA takes the Board's priorities and makes specific, programmatic funding recommendations.

# Victims of Crime Act

Statute: 42 U.S.C. 10603

Codified Rule: 28 C.F.R. 94, Subpart B

- ICJIA, as the designated State Administrative Agency (SAA) for VOCA Victim Assistance funds, is required to allocate at least 10% of each year's VOCA grant for each of the three priority categories of crime victims:
  - Sexual Assault
  - Spousal Abuse
  - Child Abuse
- 10% must also be allocated for underserved victims of violent crime
- Match requirement remains at 20%

## Definitions

- *Crime victim* is a person who has suffered physical, sexual, financial, or emotional harm as a result of the commission of a crime.
  - Victims do not have to participate in the criminal justice process.
  - Victim eligibility is not dependent on immigration status.
- *Direct services* include services listed in 42 U.S.C. 10603(d)(2), and those that:
  - (1) Respond to the emotional, psychological, or physical needs of crime victims;
  - (2) Assist victims to stabilize their lives after victimization;
  - (3) Assist victims to understand and participate in the criminal justice system; or
  - (4) Restore a measure of security and safety for the victim.

- *Spousal abuse* includes domestic and intimate partner violence.
- *Victim of child abuse* means a victim of crime, where such crime involved an act or omission considered to be child abuse under the law of the relevant SAA jurisdiction. In addition, for purposes of this program, victims of child abuse may include, but are not limited to, child victims of: Physical, sexual, or emotional abuse; child pornography- related offenses; neglect; commercial sexual exploitation; bullying; and/or exposure to violence.



## Incarcerated Persons

- VOCA funds may be used to support incarcerated victims of crime.
- Incarcerated persons are subject to the same victim definition as all other persons.
- Criminal defense is not an allowable cost.

## Changes to Grantee Allowable Costs

- *Safety planning and safety-related property repair* — Necessary replacement or repair of windows, doors, locks, and other items to ensure a victim's safety
- *Short-term in-home care and supervision for adults and children* — 45 days
- *Limited emergency health care expenses* — Provided no other health care funding source is reasonably expected to be quickly available to cover the expense

## Changes to Grantee Allowable Costs

- *Personal advocacy and emotional support* — Broadened examples and includes traditional, cultural, and/or alternative therapy/healing
- *Mental health counseling and care* — Mental health counseling and care, including, but not limited to, out-patient therapy/counseling (includes substance-abuse treatment directly related to the victimization)
- *Peer-support* — Including, but not limited to, activities that provide opportunities for victims to meet other victims; share experiences; and provide self-help, information, and emotional support

## Transitional Housing and Relocation

*Transitional housing* — Including, but not limited to, travel, rental assistance, security deposits, utilities, and other costs incidental to the relocation to such housing, as well as voluntary support services such as childcare and counseling

*Relocation* — Including, but not limited to reasonable moving expenses, security deposits on housing, rental expenses, and utility startup costs

## Forensic Interviews

*Forensic interviews must follow the following parameters:*

- (1) Results of the interview will be used not only for law enforcement and prosecution purposes, but also for identification of needs such as social services, personal advocacy, case management, substance abuse treatment, and mental health services;
- (2) Interviews are conducted in the context of a multi-disciplinary investigation and diagnostic team, or in a specialized setting such as a child advocacy center; and
- (3) The interviewer is trained to conduct forensic interviews appropriate to the developmental age and abilities of children or the developmental, cognitive, and physical or communication disabilities presented by adults.

# Criminal Justice and Public Proceedings Arising from the Crime

*Helping victims participate in proceedings may include:*

- Advocacy on behalf of a victim;
- Accompanying a victim to offices and court;
- Transportation, meals, and lodging to allow a victim to attend activities
- Interpreting for a non-witness victim who is deaf or hard of hearing, or with limited English proficiency;
- Child care and respite care to enable a victim to attend activities;
- Notification to victims regarding key proceeding dates;
- Assistance with Victim Impact Statements;
- Assistance in recovering property that was retained as evidence; and
- Restitution advocacy.

## Legal Assistance

Legal assistance services are allowable if they are reasonable and the need for such services arises as a direct result of the victimization.

Such services include, but are not limited to:

- (1) Emergency legal assistance such as filing for restraining or protective orders, and obtaining emergency custody orders and visitation rights;
- (2) Those that assert victim rights in a criminal proceeding directly related to the victimization, or protect victim safety, privacy, or other interests in such proceedings;
- (3) Motions to vacate or expunge a conviction, or similar actions, where the jurisdiction permits such a legal action based on a person's being a crime victim; and
- (4) Those actions that, in the civil context, are reasonably necessary as a direct result of the victimization.

## Legal Assistance

*Examples of allowable civil legal services include but are not limited to:*

- Protective/Restraining Orders (or campus administrative protection/stay-away orders)
- Family, custody, housing and dependency matters
- Immigration assistance
- Intervention with creditors
- Intervention with law enforcement

*Criminal defense and tort lawsuits are prohibited*



## Multi-Disciplinary Response and Costs

*Allowable costs that support a coordinated response by direct service providers:*

- Coordination activities such as State-wide coordination of victim notification systems, crisis response teams, MDTs, and coalitions to assist victims
- Participation on Statewide or other task forces, work groups, and committees to develop protocols, interagency, and other working agreements as well as working with federal agencies to provide services to victims of federal crimes
- Payment of salaries and expenses of coordinators, necessary supervisory staff that facilitate direct services and direct service staff on child/adult abuse multi-disciplinary investigations and treatment teams
- Contracts for professional services not available within an organization
- Forensic interviews now allowed when conducted in a multi-disciplinary investigation and diagnostic team, or in a specialized setting such as a CAC

## Allowable Costs to Provide Direct Services

- *Volunteer Training* – to provide direct services when these direct services will be primarily done by volunteers
- *Automated systems and technology* – include automated information and referral systems, automated case-tracking and management systems, smartphones and computer equipment, among others
- *Restorative Justice* – victim-centered, voluntary and reasonably anticipated to provide beneficial or therapeutic value to victims

## Grantee administrative costs

- *Personnel costs*
- *Skills training for staff*
- *Training-related travel*
- *Organizational Expenses*
- *VOCA administrative time*
- *Leasing or purchasing vehicles essential for direct services*
- *Maintenance, repair, or replacement of essential items*

## Grantee administrative costs

- *Equipment and furniture* — prorated costs of furniture and equipment that facilitates the delivery of direct services
- *Operating costs* — office supplies, property insurance, security systems, web sites, and others
- *Project evaluation* — surveys and studies
- *Indirect Costs*

## What is an indirect cost rate?

A rate (percentage) that is used determine the appropriate indirect cost of an agency. This rate is obtained from:

1. Grantee's negotiation with a Federal agency;
2. Grantee's negotiation with the State of Illinois  
Centralized Indirect Cost Unit; or
3. Entities that have **never** had a negotiated rate may elect the De Minimis rate of 10% of modified total direct costs.

## Unallowable Grantee Costs

- *Lobbying*
- *Research and studies*
- *Active investigation and prosecution of criminal activities*
- *Fundraising*
- *Capital expenses*
- *Compensation for victims of crime*
- *Medical care*
- *Salaries and expenses of management*

# Questions?

Please submit questions by

December 10<sup>th</sup> to:

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