

## VOCA Rules, 28 CFR Part 94 – Frequently Asked Questions

### General Provisions

1. Q – When do the new rules take effect?  
A – The rule goes into effect on August 8, 2016.
2. Q – Do the new rules apply to awards already in effect like the 2014 and 2015 grants?  
A – No, unless the state decides to apply the rule to such funding, which it may do under certain circumstances. The default rule is that funds under grants awarded by OVC before the rule’s effective date continue to be subject to the VOCA Assistance Guidelines, but a state may choose to apply the rule to any unobligated funding at the state or subrecipient levels under such a grant.

OVC recommends states adopt a bright-line approach and only fund newly allowable services with OVC grant funds awarded in FY16 and later, as this simplifies oversight and audit. The rule, however, does permit states to adopt alternative approaches.

3. Q – If my state elects to use the new rules for awards already in effect like the 2014 and 2015 grants, how do we document the election?  
A – Discretionary decisions to apply the rule to grants awarded by OVC before the rule’s effective date must be documented to facilitate monitoring and audit. The state should take care to ensure documentation is complete and retained in accordance with state and federal guidelines.

Example (state unobligated funding): State has unobligated funding from its FY 2014 VOCA Assistance grant. The state wants to award that funding to an organization that will use it to provide services to incarcerated victims. Services to incarcerated victims is not allowable under the VOCA Guidelines, but is allowable under the new VOCA rule. The state should include in the grant file (e.g., in the solicitation, award documents, or other communication to the recipient) that the funding for that award is subject to 28 CFR Part 94, Subpart A, not the VOCA Guidelines. If the state does not include such a statement, an auditor would not know that the state had elected to allow the newly allowable use of funds and would audit the grant according under the standards in the Guidelines.

Example (subrecipient unobligated funding): A state awarded a subrecipient funding from the FY 2014 VOCA Assistance grant. That subrecipient has funding remaining on its award that it has not yet obligated, and wants to use this funding to provide services to incarcerated victims. The subrecipient may NOT unilaterally use the funding for this activity, as this would violate the terms of its subaward, which is under the Guidelines. Similarly, the state typically would not be able to compel the subrecipient to serve incarcerated victims, as this could not have been part of the subaward agreement. However, if BOTH the state and subrecipient agree to modify the subaward, the services to incarcerated victims would be allowable even though the subrecipient will use FY 2014 money. [Note: OVC does not encourage states to take this approach, as it could be administratively burdensome or complicated, but permits it under the rule.]

4. Q – Why didn't OVC just make the rule applicable to all VOCA Assistance funding, including funding awarded in prior years?

A – A grant agreement is similar to a contract, and OVC cannot unilaterally change the terms of an agreement that it made in the past. Similarly, an agreement between the state and a subrecipient (unless specified otherwise in the agreement) typically is subject to the rules in effect when the agreement went into effect. Thus, in accordance with these principles, OVC applies the new rule to grants it awards after the effective date. OVC permits states to apply the rule to unobligated funding at the state level, should the state elect to do so. OVC also permits states to apply the rule to unobligated funding at the subrecipient level, though such changes to awards made in the past would (presumably) require consent of both the state and subrecipient.

5. Q – Do the new rules change how funding levels are determined for the states or change the Crime Victims Fund appropriation “cap”?

A – No. This rule has no effect on the funding formulas for State Administering Agencies or the amount of funds awarded to the states from the Crime Victims Fund.

6. Q – Do the definitions of various terms change from the Guidelines to the rule?

A – Some definitions have changed. There are no meaningful changes to the definitions of ‘crime victims,’ ‘direct services,’ or ‘victim of federal crime.’ Child abuse is specifically defined in the rule to encompass a broad range of harm to children, and crimes that are considered child abuse under the law of the State Administering Agency (SAA) jurisdiction. Additionally, the term ‘spousal abuse,’ terminology written into the statute in the 1980s, is defined to encompass the more modern concepts of domestic violence (the term used in the Guidelines) as well as intimate partner violence.

### **SAA Program Requirements**

7. Q – What are the priority categories of crime types?

A – The rule does not change the priority categories, which are set by statute. The priority categories of crime victims are the three categories that State Administering Agencies must allocate a minimum of ten percent of each year's VOCA grant per category. The categories are specified at 42 U.S.C. 10603(a)(2)(A) and include victims of sexual assault, spousal abuse, and child abuse. (In addition to the priority categories, State Administering Agencies also are required to allocate a minimum of ten percent of each year's VOCA grant to underserved victims of violent crime.) *See* 28 CFR 94.104.

8. Q – What qualifies when determining awards for underserved victims of crime?

A – The new rule uses the same approach as the Guidelines. SAAs must identify such services for underserved victims of violent crime by the type of crime they experience (e.g., victims of elder abuse) or the characteristics of the victim (e.g., LGBTQ victims), or both (e.g., victims of violent crime in high crime urban areas). Underserved victims may differ between jurisdictions, but some examples of victim populations often underserved may include, but are not limited to, DUI/DWI victims; survivors of homicide victims; American Indian/Alaska Native victims in certain jurisdictions with insufficient victim service resources; victims of physical assault; adults molested as children; victims of elder abuse; victims of hate and bias crimes; victims of kidnapping; child victims and

adult survivors of child pornography; child victims of sex trafficking; victims of violent crime in high crime areas; LGBTQ victims; victims of federal crimes; victims of robbery; and victims of gang violence. See 28 CFR 94.104.

9. Q – How must SAAs count the use of funds for underserved victims of crime who are not victims of violent crime?

A – The VOCA statute requires funding be allocated to projects serving “previously underserved populations of victims of *violent crime*.” States may still fund services for underserved victims of non-violent crimes, such as identity theft, with VOCA Assistance grant funds, but cannot count those services toward meeting the required allocation for the underserved victim category. See 42 U.S.C. 10603(a)(2)(B).

10. Q – When reporting the allocation of subawards among priority categories and types of underserved victims, how do I allocate those dollars used to provide services to individuals who may be underserved as well as a victim of a priority category crime?

A – SAAs may count funds allocated to such projects in either the priority or underserved category, but not both. See 28 CFR 94.104.

11. Q – Are states able to deviate from the underserved and priority percentages?

A – Yes, if they request and receive an exception pursuant to 28 CFR 94.104(d), from the underserved and priority allocation requirements. The Director of the Office for Victims of Crime may approve an allocation that differs from the underserved and priority percentage requirement in response to a written request from the SAA that demonstrates (to the satisfaction of the Director) that there is good cause therefor. The Guidelines also permitted exception requests, but OVC records indicate that these are extremely rare.

12. Q – How must SAAs determine which organizations receive funds and in what amounts?

A – SAAs have sole discretion to determine which organizations will receive funds, and in what amounts, subject to the requirements of VOCA and the provisions in the DOJ Grants Financial Guide relating to conflicts of interest. SAAs must maintain a documented methodology for selecting all competitive and non-competitive sub-recipients. Additionally, SAAs are encouraged to award funds through a competitive process, when feasible. Typically, such a process entails an open solicitation of applications and a documented determination, based on objective criteria set in advance by the SAA (or pass-through entity, as applicable). 28 CFR 94.104(e).

13. Q – Are SAAs permitted to use their annual VOCA grants to fund their own direct service projects?

A – Yes. As was permitted by the Guidelines, a SAA may use no more than ten percent of its annual VOCA grant to fund its own direct service projects, unless the Director of OVC grants a waiver. 28 CFR 94.104(f).

14. Q – What types of reports must an SAA submit?

A – Generally, SAAs must submit subgrant award reports (SARs) and performance reports. See 28 CFR 94.105. Other reports may be required by the solicitation, depending on cross-cutting federal requirements for that fiscal year – for example:

FFATA subaward reports; submission of the SAA's Methods of Administration to the OJP Office for Civil Rights within 90 days of award; and FAPIIS reporting.

15. Q – What is an SAA responsible for when submitting a SAR?

A – SAAs must submit a SAR within 90 days of the subaward start date using the OVC Performance Measurement Tool (PMT) platform, found at <https://www.OVCPMT.org>. See 28 CFR 94.105 and the FY16 VOCA Assistance Program solicitation. More information about the SAR is available [here](#).

16. Q – What is an SAA responsible for when submitting a performance report?

A – SAAs must submit performance report data to OVC on a quarterly basis via the Performance Measurement Tool (PMT) platform, found at <https://www.OVCPMT.org>. Additionally, SAAs must export the data from PMT and upload into OJP's Grant Management System (GMS) on an annual basis. See 28 CFR 94.105 and the FY 16 VOCA Assistance Program solicitation. More information about performance reporting is available [here](#) and [here](#).

17. Q – What is an SAA's responsibility to report fraud, waste, abuse, and similar misconduct?

A – SAAs must promptly notify OVC of any formal allegation or finding of fraud, waste, abuse, or similar misconduct involving VOCA funds. Additionally, SAAs must promptly refer any credible evidence of such misconduct to the Department of Justice Office of the Inspector General. Finally, SAAs must apprise OVC in timely fashion of the status of any ongoing investigations. See 28 CFR 94.105.

18. Q – What are the requirements for monitoring subrecipients?

A – Unless the Director of OVC grants a waiver, SAAs shall develop and implement a monitoring plan in accordance with the requirements of 28 CFR 94.106 and 2 CFR 200.331. The monitoring plan must include a risk assessment plan. SAAs must conduct regular desk monitoring of all subrecipients. In addition, SAAs shall conduct on-site monitoring of all subrecipients at least once every two years during the award period, unless a different frequency based on risk assessment is set out in the monitoring plan. SAAs must also maintain copies of site visit results and other documents related to compliance. 28 CFR 94.106.

### **SAA Use of Funds for Administration and Training**

19. Q – How may SAAs utilize VOCA funds for training and administration?

A – SAAs may use up to the amount prescribed by VOCA at 42 U.S.C. 10603(b)(3) for training and administration. As of July 8, 2016, the amount is five percent of a State's annual VOCA grant. To use VOCA funds for training or administration, an SAA must notify OVC of its decision either at the time of application for the VOCA grant or within thirty days of such decision. Such notification shall indicate what portion of the amount will be allocated for training and what portion for administration. If VOCA funding will be used for administration, the SAA shall follow the rules and submit the certification required in § 94.108 regarding supplanting. SAAs shall ensure that each training and administrative activity funded by the VOCA grant occurs within the award period and shall maintain sufficient records to substantiate the expenditure of VOCA funds for training or administration. 28 CFR 94.107.

20. Q – May subrecipients use VOCA funds to train volunteers?

A – Yes. SAAs may allow subrecipients to use VOCA funds to train volunteers in how to provide direct services when such services will be provided primarily by volunteers. Such use of VOCA funds will not count against the limit on SAA administrative and training funds.

21. Q – What is supplanting and what are the rules concerning it?

A – Consistent with the DOJ Grants Financial Guide, supplantation is the deliberate reduction of State funds because of the availability of VOCA funds. Where a State decreases its administrative support for the State crime victim assistance program, the SAA must submit, upon request from OVC, an explanation for the decrease. Additionally, in each year that an SAA uses VOCA funds for administration, it shall establish and document a baseline level of non-VOCA funding required to administer the State victim assistance program, based on SAA expenditures for administrative costs during that fiscal year and the previous fiscal year, prior to expending VOCA funds for administration. See 28 CFR 94.108.

22. Q – May an SAA charge indirect costs to an annual VOCA grant for administrative costs?

A – Yes. SAAs may charge a federally-approved indirect cost rate to the VOCA grant, provided that the total amount charged does not exceed the 5% limit for training and administration. 28 CFR 94.109.

23. Q – What are allowable SAA administrative costs under a VOCA Assistance award?

A – Funds for administration may be used only for costs directly associated with administering a State's victim assistance program. Where allowable administrative costs are allocable to both the crime victim assistance program and another State program, the VOCA grant may be charged no more than its proportionate share of such costs. Costs directly associated with administering a State victim assistance program generally include the following:

- a) *Salaries and benefits* of SAA staff and consultants to administer and manage the program;
- b) *Training* of SAA staff, including, but not limited to, travel, registration fees, and other expenses associated with SAA staff attendance at technical assistance meetings and conferences relevant to the program;
- c) *Monitoring compliance* of VOCA subrecipients with federal and State requirements, support for victims' rights compliance programs, provision of technical assistance, and evaluation and assessment of program activities, including, but not limited to, travel, mileage, and other associated expenses;
- d) *Reporting* and related activities necessary to meet federal and State requirements;
- e) *Program evaluation*, including, but not limited to, surveys or studies that measure the effect or outcome of victim services;
- f) *Program audit costs* and related activities necessary to meet federal audit requirements for the VOCA grant;
- g) *Technology-related costs*, generally including for grant management systems, electronic communications systems and platforms (e.g., Web

- pages and social media), geographic information systems, victim notification systems, and other automated systems, related equipment (e.g., computers, software, fax and copying machines, and TTY/TDDs) and related technology support services necessary for administration of the program;
- h) *Memberships* in crime victims' organizations that support the management and administration of victim assistance programs, and publications and materials such as curricula, literature, and protocols relevant to the management and administration of the program;
  - i) *Strategic planning*, including but not limited to, the development of strategic plans, both service and financial, including conducting surveys and needs assessments;
  - j) *Coordination and collaboration efforts* among relevant federal, State, and local agencies and organizations to improve victim services;
  - k) *Publications*, including but not limited to, developing, purchasing, printing, distributing training materials, victim services directories, brochures, and other relevant publications; and
  - l) *General program improvements* – Enhancing overall SAA operations relating to the program and improving the delivery and quality of program services to crime victims throughout the State. 28 CFR 94.109.

24. Q – What are allowable training costs?

A – VOCA funds may be used only for training activities that occur within the award period, and all funds for training must be obligated prior to the end of such period. Allowable training costs generally include, but are not limited to, statewide/regional training of personnel providing direct assistance and allied professionals, including VOCA funded and non-VOCA funded personnel, as well as managers and Board members of victim service agencies; and training academies for victim assistance. 28 CFR 94.110.

### **Sub-Recipient Program Requirements**

25. Q – May SAAs make awards to faith-based and neighborhood programs?

A – Yes. Faith-based and neighborhood programs are eligible to receive VOCA awards if they meet other eligibility requirements of VOCA and the SAA. SAAs must ensure that such programs comply with all applicable federal law, including 28 CFR Part 38 (the Department of Justice's regulation on Partnerships with Faith-Based and Other Neighborhood Organizations, which was revised on April 4, 2016). In particular, 28 CFR 38.2 allows faith-based or religious organizations to retain their independence and carry out their mission, including the definition, development, practice, and expression of their religious beliefs, provided that they do not use direct Federal financial assistance, whether received through a prime award or a subaward, to support or engage in any explicitly religious activities, including activities that involve overt religious content such as worship, religious instruction, or proselytization. See 28 CFR 94.112(a)(1).

26. Q – May SAAs make awards to crime victim compensation programs?

A – Yes. 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. 28 CFR 94.112(a)(2).

27. Q – May SAAs make awards to victim service organizations located in an adjacent State?

A – Yes. SAAs may award VOCA funds to otherwise eligible programs that are physically located in an adjacent State, but in making such awards, the SAA shall provide notice of such award to the SAA of the adjacent State, and coordinate, as appropriate, to ensure effective provision of services, monitoring, auditing of federal funds, compliance, and reporting. 28 CFR 94.112(a)(3).

28. Q – When making an award, how must SAAs assess the organizational capacity of a program to ensure that the program is eligible to receive VOCA funding?

A – When making a VOCA award, SAAs must determine that the program has either a *record of effective services to victims of crime and support from sources other than the Crime Victims Fund* OR *substantial financial support from sources other than the Crime Victims Fund*.

A program has demonstrated a *record of effective services to victims of crime and support from sources other than the Crime Victims Fund* when, for example, it demonstrates the support and approval of its direct services by the community, its history of providing direct services in a cost-effective manner, and the breadth or depth of its financial support from sources other than the Crime Victims Fund.

A program has *substantial financial support from sources other than the Crime Victims Fund* when at least twenty-five percent of the program's funding in the year of or the year preceding the award comes from such sources, which may include other federal funding programs. If the funding is non-federal (or meets the DOJ Grants Financial Guide exceptions for using federal funding for match), then a program may count the used funding to demonstrate non-VOCA substantial financial support toward its project match requirement. See 28 CFR 94.112(b).

29. Q – Must VOCA-funded programs use volunteers?

A – Yes. VOCA requires programs to use volunteers, to the extent required by the SAA, in order to be eligible to receive VOCA funds. The chief executive of the State, who may act through the SAA, may waive this requirement, provided that the program submits written documentation of its efforts to recruit and maintain volunteers, or otherwise demonstrate why circumstances prohibit the use of volunteers, to the satisfaction of the chief executive. SAAs shall maintain documentation supporting any waiver granted under VOCA, at 42 U.S.C. 10603(b)(1)(C), relating to the use of volunteers by programs. 28 CFR 94.113.

30. Q – What guarantees of confidentiality must VOCA-funded programs make?

A – The program rules at 28 CFR 94.115 describe the non-disclosure and confidentiality rules that apply to SAAs and subrecipients of VOCA funds. In general, SAAs and subrecipients of VOCA funds shall, to the extent permitted by law, reasonably protect the confidentiality and privacy of persons receiving services under the VOCA-funded program.

- They shall not disclose, reveal, or release any personally identifying information or individual information collected in connection with VOCA-funded services requested, utilized, or denied, regardless of whether such information has been encoded, encrypted, hashed, or otherwise protected.

In no circumstances may a crime victim be required to provide a consent to release personally identifying information as a condition of eligibility for VOCA-funded services. Additionally, in no circumstances may any personally identifying information be shared in order to comply with reporting, evaluation, or data-collection requirements of any program.

- They also may not disclose, reveal, or release any individual client information without the informed, written, reasonably time-limited consent of the person about whom information is sought.

Consent for release may not be given by the abuser of a minor, incapacitated person, or the abuser of the other parent of the minor. If a minor or a person with a legally appointed guardian is permitted by law to receive services without a parent's (or the guardian's) consent, the minor or person with a guardian may consent to release of information without additional consent from the parent or guardian.

28 CFR 94.115

31. Q – What exceptions are there to the confidentiality requirements?

A – If release of information is compelled by statutory or court mandate, SAAs or sub-recipients of VOCA funds shall make reasonable attempts to provide notice to victims affected by the disclosure of the information, and take reasonable steps necessary to protect the privacy and safety of the persons affected by the release of the information. Nothing in the VOCA confidentiality provisions prohibits compliance with legally mandated reporting of abuse or neglect.

28 CFR 94.115

### **Sub-Recipient Project Requirements**

32. Q – What information may VOCA SAAs and subrecipients share?

A – SAAs and subrecipients may share the following:

- Non-personally identifying data in the aggregate regarding services to their clients and non-personally identifying demographic information in order to comply with reporting, evaluation, or data collection requirements.
- Court-generated information and law-enforcement generated information contained in secure governmental registries for protection order enforcement purposes.
- Law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.

28 CFR 94.115

33. Q – What projects may be funded with VOCA Assistance funds?



A – VOCA funds shall be available to subrecipients only to provide direct services and supporting and administering activities, as set out in the program rules. SAAs shall ensure that VOCA subrecipients obligate and expend funds in accordance with VOCA. Subrecipients must provide services to victims of federal crimes on the same basis as to victims of crimes under State or local law. 28 CFR 94.116

34. Q – Must VOCA-funded projects only serve victims who are participating in the criminal justice process?

A – No. Subrecipients may provide direct services regardless of a victim’s participation in the criminal justice process. 28 CFR 94.116.

35. Q – Should VOCA-funded projects take the immigration status of a victim into account when determining eligibility for services?

A – No. Victim eligibility under this program for direct services is not dependent on the victim’s immigration status. 28 CFR 94.103(a); 28 CFR 94.116.

This principle derives from the nature of services provided by most VOCA-funded victim service providers in light of the Personal Responsibility Work Opportunity Reconciliation Act of 1996, and was communicated to all VOCA Assistance (and Compensation) SAAs in a June 28, 2010, OVC Director Memorandum.

36. Q – Must VOCA-funded services be provided free of charge?

A – Yes, unless the SAA grants a waiver. Subrecipients must provide VOCA-funded direct services at no charge, unless the SAA grants a waiver allowing the subrecipient to generate program income by charging for services. Program income, where allowed, shall be subject to federal grant rules and the requirements of the DOJ Grants Financial Guide, which, as of July 8, 2016, require in most cases that any program income be restricted to the same uses as the subaward funds and expended during the grant period in which it is generated. 28 CFR 94.117.

37. Q – What must SAAs consider when reviewing a request for a waiver allowing the subrecipient to generate program income by charging for services?

A – When reviewing a request for a waiver allowing the subrecipient to generate program income by charging for services, the SAA should consider whether charging victims for services is consistent with the project’s victim assistance objectives and whether the subrecipient is capable of effectively tracking program income in accordance with financial accounting requirements. 28 CFR 94.117.

38. Q – What is the matching requirement?

A – Subrecipients must contribute 20% of the total project cost of each VOCA-funded project. Match contributions may be cash or in-kind. Those subrecipients that are federally-recognized American Indian or Alaska Native tribes, projects that operate on tribal lands, subrecipients that are territories or possessions of the United States (except for the Commonwealth of Puerto Rico), or projects that operate therein do not have a match requirement. 28 CFR 94.118.

39. Q – Is match able to be waived in part or in full?

A – Yes. SAAs may apply to the Director of OVC to request a full or partial match waiver for specific subrecipients. Waiver requests must be supported by the SAA and justified in writing. Waivers are entirely at the Director’s discretion, but the Director typically considers factors such as local resources, annual budget changes, past ability to provide match, and whether the funding is for new or additional activities requiring additional match versus continuing activities where match is already provided. 28 CFR 94.118.

40. Q – What may be used to meet the matching requirement?

A – Contributions must be derived from non-federal sources, except as may be provided in the DOJ Grants Financial Guide, and may include, but are not limited to, the following:

- a. *Cash; i.e.*, the value of direct funding for the project;
- b. *Volunteered professional or personal services*, the value placed on which shall be consistent with the rate of compensation (which may include fringe benefits) paid for similar work in the program, but if the similar work is not performed in the program, the rate of compensation shall be consistent with the rate found in the labor market in which the program competes;
- c. *Materials/Equipment*, but the value placed on lent or donated equipment shall not exceed its fair market value;
- d. *Space and facilities*, the value placed on which shall not exceed the fair rental value of comparable space and facilities as established by an independent appraisal of comparable space and facilities in a privately-owned building in the same locality; and
- e. *Non-VOCA funded victim assistance activities*, including but not limited to, performing direct service, coordinating, or supervising those services, training victim assistance providers, or advocating for victims.

Additionally, any reduction or discount provided to the subrecipient shall be valued as the difference between what the subrecipient paid and what the provider’s nominal or fair market value is for the good or services. Contributions of match are restricted to the same uses, and timing deadlines for obligation and expenditure, as the project’s VOCA funding. 28 CFR 94.118.

41. Q – What recordkeeping requirements apply to project match?

A – Each subrecipient must maintain records that clearly show the source and amount of the contributions used as match, and the period of time for which such contributions were allocated. The basis for determining the value of personal services, materials, equipment, and space and facilities must be documented. Volunteer services must be documented by the same methods used by the subrecipient for its paid employees. Generally, this should include timesheets substantiating time worked on the project. 28 CFR 94.118.

### **Sub-Recipient Allowable/Unallowable Costs**

42. Q – What are allowable direct service costs under VOCA?

A – Direct services for which VOCA funds may be used include, but are not limited to the following:

- a. Immediate emotional, psychological, and physical health and safety;
- b. Personal advocacy and emotional support;
- c. Mental health counseling and care;
- d. Peer-support;
- e. Facilitation of participation in criminal justice and other public proceedings arising from the crime;
- f. Legal assistance;
- g. Forensic medical evidence collection examinations;
- h. Forensic interviews;
- i. Transportation;
- j. Public awareness;
- k. Transitional housing; and
- l. Relocation.

28 CFR 94.119.

43. Q – What are direct services for immediate emotional, psychological, and physical health and safety?

A – These are services that respond to immediate needs (other than medical care, except as specifically allowed) of crime victims, including, but not limited to:

- (1) Crisis intervention services;
- (2) Accompanying victims to hospitals for medical examinations;
- (3) Hotline counseling;
- (4) Safety planning;
- (5) Emergency food, shelter, clothing, and transportation;
- (6) Short-term (up to 45 days) in-home care and supervision services for children and adults who remain in their own homes when the offender/caregiver is removed;
- (7) Short-term (up to 45 days) nursing-home, adult foster care, or group-home placements for adults for whom no other safe, short-term residence is available;
- (8) Window, door, or lock replacement or repair, and other repairs necessary to ensure a victim's safety;
- (9) Costs of the following, on an emergency basis (*i.e.*, when the State's compensation program, the victim's or in the case of a minor child, the victim's parent's or guardian's) health insurance plan, Medicaid, or other health care funding source, is not reasonably expected to be available quickly enough to meet the emergency needs of a victim (typically within 48 hours of a crime): non-prescription and prescription medicine, prophylactic or other treatment to prevent HIV/AIDS infection or other infectious disease, durable medical equipment (such as wheelchairs, crutches, hearing aids, eyeglasses), and other healthcare items are allowed; and
- (10) Emergency legal assistance such as for filing for restraining or protective orders, and obtaining emergency custody orders and visitation rights.

28 CFR 94.119(a).

44. Q – What are direct services for personal advocacy and emotional support?

A – Personal advocacy and emotional support services include, but are not limited to:

- (1) Working with a victim to assess the impact of a crime;
- (2) Identification of victim's needs;
- (3) Case management;
- (4) Management of practical problems created by the victimization;
- (5) Identification of resources available to the victim;
- (6) Provision of information, referrals, advocacy, and follow-up contact for continued services, as needed; and
- (7) Traditional, cultural, and/or alternative therapy/healing (*e.g.*, art therapy, yoga).

28 CFR 94.119(b).

45. Q – What are direct services for mental health counseling and care?

A – Mental health counseling care includes, but is not limited to, outpatient therapy/counseling (including, but not limited to, substance-abuse treatment so long as the treatment is directly related to the victimization) provided by a person who meets professional standards to provide these services in the jurisdiction in which the care is administered.

28 CFR 94.119(c).

46. Q – What are direct services for peer-support?

A – Peer-support includes, but is not limited to, activities that provide opportunities for victims to meet other victims, share experiences, and provide self-help, information, and emotional support.

28 CFR 94.119(d).

47. Q – What are direct services for the facilitation of participation in criminal justice and other public proceedings arising from the crime?

A – The provision of services and payment of costs that help victims participate in the criminal justice system and in other public proceedings arising from the crime (*e.g.*, juvenile justice hearings, civil commitment proceedings), including, but not limited to:

- (1) Advocacy on behalf of a victim;
- (2) Accompanying a victim to offices and court;
- (3) Transportation, meals, and lodging to allow a victim who is not a witness to participate in a proceeding;
- (4) Interpreting for a non-witness victim who is Deaf or hard of hearing, or with limited English proficiency;
- (5) Providing child care and respite care to enable a victim who is a caregiver to attend activities related to the proceeding;
- (6) Notification to victims regarding key proceeding dates (*e.g.*, trial dates, case disposition, incarceration, and parole hearings);
- (7) Assistance with Victim Impact Statements;
- (8) Assistance in recovering property that was retained as evidence; and
- (9) Assistance with restitution advocacy on behalf of crime victims.

28 CFR 94.119(e).

48. Q – What are direct services for legal assistance?

A – The provision of legal assistance services (including, but not limited to, those provided on an emergency basis), where reasonable and where the need for such services arises as a direct result of the victimization. Such services include, but are not limited to:

- (1) Those (other than criminal defense) that help victims assert their rights as victims in a criminal proceeding directly related to the victimization, or otherwise protect their safety, privacy, or other interests as victims in such a proceeding;
- (2) 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
- (3) Those actions (other than tort actions) that, in the civil context, are reasonably necessary as a direct result of the victimization.

28 CFR 94.119(f).

49. Q – What are allowable direct service costs for forensic medical evidence collection examinations?

A – Forensic medical evidence collection examinations for victims are allowable to the extent that other funding sources such as State appropriations are insufficient. Forensic medical evidence collection examiners are encouraged to follow relevant guidelines or protocols issued by the State or local jurisdiction. Subrecipients are encouraged to provide appropriate crisis counseling and/or other types of victim services that are offered to the victim in conjunction with the examination. Subrecipients are also encouraged to use specially trained examiners such as Sexual Assault Nurse Examiners. 28 CFR 94.119(g).

50. Q – When may forensic interviews be allowable direct service costs?

A – Forensic interviews may be allowable for direct services with 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.

28 CFR 94.119(h).

51. Q – What are direct services for transportation?

A – Transportation of victims to receive services and to participate in criminal justice proceedings. 28 CFR 94.119(i).

52. Q – What are direct services for public awareness?

A – Public awareness and educational presentations (including, but not limited to, the development of presentation materials, brochures, newspaper notices, and public service announcements) in schools, community centers, and other public forums that are designed to inform crime victims of specific rights and services and provide them with (or refer them to) services and assistance. 28 CFR 94.119(j).

53. Q – What are direct services for transitional housing?

A – Subject to any restrictions on amount, length of time, and eligible crimes, set by the SAA, transitional housing for victims (generally, those who have a particular need for such housing, and who cannot safely return to their previous housing, due to the circumstances of their victimization), 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.

28 CFR 94.119(k).

54. Q – What are direct services for relocation?

A – Subject to any restrictions on amount, length of time, and eligible crimes, set by the SAA, relocation of victims (generally, where necessary for the safety and well-being of a victim), including, but not limited to, reasonable moving expenses, security deposits on housing, rental expenses, and utility startup costs. 28 CFR 94.119(k).

55. Q – What are allowable costs for activities that support direct services?

A – Supporting activities for which VOCA funds may be used include, but are not limited to, the following:

- (a) Coordination of activities;
- (b) Supervision of direct service providers;
- (c) Multi-system, interagency, multi-disciplinary response to crime victim needs;
- (d) Contracts for professional services;
- (e) Automated systems and technology;
- (f) Volunteer trainings; and
- (g) Restorative justice.

28 CFR 94.120.

56. Q – What are coordination activities?

A – Coordination activities that facilitate the provision of direct services, include, but are not limited to, State-wide coordination of victim notification systems, crisis response teams, multi-disciplinary teams, coalitions to support and assist victims, and other such programs, and salaries and expenses of such coordinators. 28 CFR 94.120(a).

57. Q – What costs are allowable to supervise direct service providers?

A – Payment of salaries and expenses of supervisory staff in a project, when the SAA determines that such staff are necessary and effectively facilitate the provision of direct services. 28 CFR 94.120(b).

58. Q – What is a multi-system, interagency, multi-disciplinary response to crime victim needs?

A – This describes activities that support a coordinated and comprehensive response to crime victim needs by direct service providers, including, but not limited to, payment of salaries and expenses of direct service staff serving on child and adult abuse multi-disciplinary investigation and treatment teams, coordination with federal agencies to provide services to victims of federal crimes and/or participation on Statewide or other task forces, work groups, and committees to develop protocols, interagency, and other working agreements. 28 CFR 94.120(c).

59. Q – What are allowable contracts for professional services?

A – Contracting for specialized professional services (e.g., psychological/psychiatric consultation, legal services, interpreters), at a rate not to exceed a reasonable market rate, that are not available within the organization. 28 CFR 94.120(d).

60. Q – What are allowable automated systems and technology?

A – Subject to the provisions of the DOJ Grants Financial Guide and government-wide grant rules relating to acquisition, use and disposition of property purchased with federal funds, procuring automated systems and technology that support delivery of direct services to victims (e.g., automated information and referral systems, email systems that allow communications among victim service providers, automated case-tracking and management systems, smartphones, computer equipment, and victim notification systems), including, but not limited to, procurement of personnel, hardware and other items, as determined by the SAA after considering:

- (1) Whether such procurement will enhance direct services;
- (2) How any acquisition will be integrated into and/or enhance the program's current system;
- (3) The cost of installation;
- (4) The cost of training staff to use the automated systems and technology;
- (5) The ongoing operational costs, such as maintenance agreements, supplies; and
- (6) How additional costs relating to any acquisition will be supported.

28 CFR 94.120(e).

61. Q – What are allowable costs for volunteer training?

A – Activities in support of training volunteers on how to provide direct services when such services will be provided primarily by volunteers.

28 CFR 94.120(f).

62. Q – What are allowable costs for restorative justice?

A – Activities in support of opportunities for crime victims to meet with perpetrators, including, but not limited to, tribal community-led meetings and peace-keeping activities, if such meetings are requested or voluntarily agreed to by the victim (who may, at any point, withdraw) and have reasonably anticipated beneficial or therapeutic value to crime victims. SAAs that plan to fund this type of service should closely review the criteria for conducting these meetings, and are encouraged to discuss proposals

with OVC prior to awarding VOCA funds for this type of activity. At a minimum, the following should be considered:

- (1) The safety and security of the victim;
- (2) The cost versus the benefit or therapeutic value to the victim;
- (3) The procedures for ensuring that participation of the victim and offenders are voluntary and that the nature of the meeting is clear;
- (4) The provision of appropriate support and accompaniment for the victim;
- (5) Appropriate debriefing opportunities for the victim after the meeting; and
- (6) The credentials of the facilitators.

28 CFR 94.120(g).

63. Q – What are allowable subrecipient administrative costs?

A – Administrative costs for which VOCA funds may be used by subrecipients include, but are not limited to, the following:

- (a) Personnel costs;
- (b) Skills training for staff;
- (c) Training-related travel;
- (d) Organizational expenses;
- (e) Equipment and furniture;
- (f) Operating costs;
- (g) VOCA administrative time;
- (h) Leasing or purchasing vehicles;
- (i) Maintenance, repair, or replacement of essential items; and
- (j) Project evaluation.

28 CFR 94.121.

64. Q – What are allowable personnel costs?

A – Personnel costs that are directly related to providing direct services and supporting activities such as staff and coordinator salaries expenses (including fringe benefits), and a prorated share of liability insurance.

28 CFR 94.121(a).

65. Q – What are allowable costs for skills training for staff?

A – Training exclusively for developing the skills of direct service providers, including paid staff and volunteers (both VOCA-funded and not), so that they are better able to offer quality direct services, including, but not limited to, manuals, books, videoconferencing, electronic training resources, and other materials and resources relating to such training. 28 CFR 94.121(b).

66. Q – What are allowable costs for training-related travel?

A – Training-related costs such as travel (in-State, regional, and national), meals, lodging, and registration fees for paid direct-service staff (both VOCA-funded and not). 28 CFR 94.121(c).



67. Q – What are allowable costs for organizational expenses?

A – Organizational expenses that are necessary and essential to providing direct services and other allowable victim services, including, but not limited to, the prorated costs of rent; utilities; local travel expenses for service providers; and required minor building adaptations necessary to meet the Department of Justice standards implementing the Americans with Disabilities Act and/or modifications that would improve the program's ability to provide services to victims. 28 CFR 94.121(d).

68. Q – What are allowable costs for equipment and furniture?

A – Expenses of procuring furniture and equipment that facilitate the delivery of direct services (*e.g.*, mobile communication devices, telephones, braille and TTY/TDD equipment, computers and printers, beepers, video cameras and recorders for documenting and reviewing interviews with children, two-way mirrors, colposcopes, digital cameras, and equipment and furniture for shelters, work spaces, victim waiting rooms, and children's play areas), except that the VOCA grant may be charged only the prorated share of an item that is not used exclusively for victim-related activities. 28 CFR 94.121(e).

69. Q – What are allowable costs for operating costs?

A – Operating costs include but are not limited to supplies; equipment use fees; property insurance; printing, photocopying, and postage; courier service; brochures that describe available services; books and other victim-related materials; computer backup files/tapes and storage; security systems; design and maintenance of Web sites and social media; and essential communication services, such as web hosts and mobile device services. 28 CFR 94.121(f).

70. Q – When is the leasing or purchasing of vehicles allowable?

A – Costs of leasing or purchasing vehicles may be allowable, as determined by the SAA after considering, at a minimum, if the vehicle is essential to the provision of direct services. 28 CFR 94.121(h).

71. Q – What are allowable costs for maintenance, repair, or replacement of essential items?

A – Costs of maintenance, repair, and replacement of items that contribute to maintenance of a healthy or safe environment for crime victims (such as a furnace in a shelter; and routine maintenance, repair costs, and automobile insurance for leased vehicles), as determined by the SAA after considering, at a minimum, if other sources of funding are available. 28 CFR 94.121(i).

72. Q – What are allowable costs for project evaluation?

A – Costs of evaluations of specific projects (in order to determine their effectiveness), within the limits set by the SAA. 28 CFR 94.121(j).

73. Q – What costs are unallowable at the subrecipient level?

A – Notwithstanding any other provision of the rules, no VOCA funds may be used to fund or support the following:

- (1) Lobbying;
- (2) Research and studies;

- (3) Active investigation and prosecution of criminal activities;
- (4) Fundraising;
- (5) Capital expenses;
- (6) Compensation for victims of crime;
- (7) Medical care; and
- (8) Salaries and expenses of management.

28 CFR 94.122.

74. Q – What are unallowable lobbying costs?

A – Lobbying or advocacy activities with respect to legislation or to administrative changes to regulations or administrative policy (*cf.* 18 U.S.C. 1913), whether conducted directly or indirectly.

28 CFR 94.122(a).

75. Q – What are unallowable research and study costs?

A – All research and studies are unallowable, except for project evaluation under § 94.121(j). 28 CFR 94.122(b)

76. Q – What are unallowable costs for the active investigation and prosecution of criminal activities?

A – The active investigation and prosecution of criminal activity is expressly unallowable, except for the provision of victim assistance services (*e.g.*, emotional support, advocacy, and legal services) to crime victims, under § 94.119, during such investigation and prosecution. 28 CFR 94.122(c)

77. Q – What are unallowable costs for medical care?

A – All subrecipient costs for medical care are unallowable, except as otherwise allowed by other provisions of the rules. 28 CFR 94.122(d)

78. Q – What are unallowable costs for salaries and expenses of management?

A – Salaries, benefits, fees, furniture, equipment, and other expenses of executive directors, board members, and other administrators (except as specifically allowed elsewhere in this subpart) are unallowable. 28 CFR 94.122(e)