

**Office of the Attorney General
Department of Crime Victim Compensation**

**Victim Assistance Fines, Fees and Assessment Fund
Frequently Asked Questions (FAQ)**

For further information and or questions, please do not hesitate to contact the DCVC Auditing Section - updated 5/23/18



Salaries

Q1: Can a portion of a part time officer/part time advocate within the police

A: Yes, but only under the following circumstances such as the town being very small (in most cases) and has only a few officers or if the sheriff has made a decision to use one of his officers to perform the duties of an advocate. There should be a job description indicating the percentage of time that the officer/advocate will serve as an advocate or that the municipality or county as designated. In order to determine a percentage of time, statistical research will need to be conducted showing over the past 2 - 5 years the number of crime victims (if municipality is small) in which assistance and services was provided or should have been provided etc. This is based upon the definition of a crime victim as outlined in ACT 141. Also, 90 days of Time and Activity forms must be kept and provided to DCVC to initially determine the percentage of time. After the percentage of time is determined, the Time and Activity forms will need to be kept on an ongoing basis as long as the funds are used for salary as outlined above.

However, once statistical research has been conducted and a percentage of time determined from the Time and Activity forms, this is the amount of time that the officer/advocate should be paid out of the Victim Assistance Fines, Fees and

Q2: Can the victim assistance funds be used and allocated for administrative cost to include but not limited to maintaining, tracking, recording and depositing collected victim assistance funds?

A: No, the funds may not be used for this purpose since this is not considered providing direct victim services to crime victims.

Q3: Are victim advocates required to keep job descriptions on file with the County or Municipal HR department and Law Enforcement HR?

A: Yes, Victim Advocate should have a current job description on file within the County or Municipal HR Office in addition to having one on file within the Law Enforcement HR department. All Job descriptions must reflect the actual job duties performed by the victim advocate and should be reviewed and updated annually.

Q4:

A: Yes, but only under the following circumstances such as the town being very small and has only the Chief or the Chief and one/two other officers and the Chief has to perform the duties of an advocate. There should be a job description indicating the percentage of time that the Chief will serve as an advocate each week verses the Chief of Police. In order to determine a percentage of time that the Chief shall serve as an advocate, statistical research will need to be conducted showing over the past 2 - 5 years the number of crime victims that needed assistance, services that were provided or should have been provided based upon the definition of crime victim as outlined in ACT 141.

Once the statistical research has been conducted and a percentage of time determined, this is the amount of time that the Chief should be paid out of the Victim's Assistance Fines, Fees and Assessment Fund for serving as a victim advocate each week. The other percentage of time the Chief should be paid out of the town's police department's budget and not from the Victim's Assistance Fines, Fees and Assessment Fund.

Also, the Chief will be required to continue to maintain on an ongoing basis the Time and Activity forms weekly showing the types of victims assisted, services provided, the amount of time spent with each victim and the percentage of time must match the percentage of time designated for the job description assisting victims each week. The Time and Activity form will need to be kept and updated weekly on an ongoing basis as long as any portions of the Victim Assistance Fines, Fees and Assessment Funds are being used to pay a portion of the Chief's salary. This will be reviewed for auditing purposes. Also, DCVC is required to calculate the initial percentage used for salary after the 90 day review of the Time and Activity forms.

Q5: Can judges, municipal and county administrators, finance directors etc. be paid out of the funds?

A: No, this is not considered providing direct victim services as a victim advocate; therefore, it is not an allowable expense.

Q6: Can the victim assistance funds be used to pay the salary for therapists?

A: Yes, if the therapists (must provide direct services to crime victims only and have trauma training) is not covered by a grant and the agency is not billing DCVC for crime victims' compensation reimbursement for the therapist's salary, then the donated funds to the agency may be used to pay for the salary or cover portions of the salary. The agency cannot "double dip". Meaning, if the salary is covered by another source, then you cannot bill DCVC too for the services rendered and you must ensure that the therapist is providing direct victim services to crime victims only.

Q7: Can the victim assistance funds be used to pay the salary for a forensic interviewer?

A: Yes, if the forensic interviewer (must provide direct services to crime victims only) is not covered by a grant and the agency is not billing DCVC for crime victims' compensation reimbursement for the forensic interviewer's salary, then the donated funds to the agency may be used to pay for the salary or cover portions of the salary. The agency cannot "double dip". Meaning, if the salary is covered by another source, then you cannot bill DCVC too for the services rendered and you must ensure that the forensic interviewer is providing direct victim services to crime victims only.

Q8: Can the victim advocate provide assistance to suspects and to inmates

officer as well. However, to determine retirement that should be paid out of the funds if the advocate is part advocate and part officer and has police retirement and state retirement, then there should be a job description indicating the percentage of time that the advocate will serve as an advocate each week.

In order to determine a percentage of time that the advocate shall serve as an advocate and or officer, statistical research will need to be conducted showing over the past 2 - 5 years the number of crime victims that needed assistance, services that were provided or should have been provided etc. based upon

Vehicles

Q1: Can supplies be purchased out of the fund to wash and keep the victim advoc

A: No, this is not an allowable expense

Q2: Can the victim advocate vehicle purchased out of the fund be discarded at any time?

A: No, the approved guidelines clearly states, automobiles shall be used solely by the Victim Service Provider (VSP) for providing direct victim services to crime victims if purchased out of the Victim Assistance Fines, Fees and Assessment Fund.

In order to replace the vehicle purchased out of the fund, the vehicle is required to fall under one of the two categories noted below:

Category A: Vehicle is required to be deadlined by the county or municipal/town mechanic listing the vehicles' safety issues.

Category B: The vehicle has reached a minimum of 125,000 miles

The county or municipality are required to 1) sell the old vehicle that was replaced, 2) show and maintain documentation regarding the sale price, and 3) prove that the proceeds were deposited back into the Victim Assistance Fines, Fees and Assessment Fund. If there are Time and Activity Forms involved, please note that the full price of the vehicle cannot be paid out of the fund if the time and activity sheets do not verify full time employment of the advocate providing direct services to crime victims. In such a case, the county or municipality is

Donations

Q1: If a law enforcement agency provides a donation to a non-

If all personnel within the leased building provide direct service to crime victims 100% of the time, **the lease MAY be paid at 100%.** (*The non-profit MUST forward a copy of all job descriptions to DCVC for review and accountability purposes*)

The non-profit MUST contact DCVC prior to utilizing Victim Assistance Fines, Fees, and Assessment funds annually if used for lease

CONTACT DCVC TO DISCUSS ALL LEASE
PROCESS AND PROCEDURES

Contracts

Q1: Is it mandatory that a municipality have a contract with the county?

A: No, it is not mandatory; however, for best practice purposes it is highly recommended and would then become a part of the municipality's records.

Q2: If a specific police department wishes to have the county collect their fines, fees and assessment fund, what needs to take place?

A: The specific police department should expect a contract to be written, agreed upon by both parties and signed by the Chief and Sheriff or their designee. It is

Trainings and Events

Departmental Purchases

Q

Q9: Can funds be used to pay for a security system in the courthouse or courtroom?

A: No, this is not an allowable expense

Q10: Can DCVC receive complaints regarding the Victim Assistance Funds?

A: Yes, all complaints must be filed with DCVC in writing. Also, DCVC can receive anonymous reports as well. Anyone seeking to file an anonymous report is encouraged to call DCVC

Victim Related Purchases

Q8: Can advocates be reimbursed for money they may have spent in purchasing food for the victims while they are awaiting court and or meeting with law enforcement/solicitor?

A: Yes, the advocate can be reimbursed for out of pocket expenses for the purchase of food for the victims while they were awaiting court/ meeting with solicitor and or law enforcement. Again, it is recommended that receipts are maintained and organized. The case file number should be kept with documents to identify the case later for finance and auditing purposes.

Q9: Can funds be used to as assistance in a homicide case?

A: No, the family of a homicide case is encouraged to meet with their local victim advocate to discuss their options of filing a crime victims' compensation application for assistance with funeral/burial expenses or discuss other possible community resource options that may be available.

Q10: Can funds be used to pay for the enhancement of videos regarding the commission of crime to assist and aid in identifying suspect?

A: No, this is not considered providing direct victim services and is considered investigations. Therefore, it is not an allowable expense.

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Q11: Can ACT 141 money be used to pay for or reimburse victims or witnesses who are not expected to testify at a criminal proceeding?

A: No, ACT 141 money may not be used to pay for or reimburse victims or witnesses who are not expected to testify at a criminal proceeding.

Q12: Can funds be used to pay for victim peer programs?

Finance Director Support

Q1 Can you supplement the Victim Assistance Program with the General Fund?

A:

Q3: If I am a small municipality and have no regular expenditures coming out of the fund, do I need to develop a budget to submit annually?

A: DCVC understands every County/Municipal Victim Assistance Program is unique therefore, if you do not have regular expenditures coming out of the victim assistance fund, please contact the DCVC Auditing Section to receive details on what would be the appropriate budget submission documentation needed from your office.

Q4: Is it ok to put all of the Victim Assistance Fines, Fees and Assessment Funds in the same account?

A. There should be no co-mingling of the victim assistance funds with any other retained funds within the municipality or county. These funds should be separately identified in the governmental entity's annually adopted budget. Please keep in mind it is very important that you have an accurate account of how much is available in your VAFFA Funds. If you receive funds from other municipalities via a contract, please be prepared to identify those funds received from each municipality.

Q5: Can the Victim Assistance Fines, Fees and Assessment funds be given directly to a crime victim?

A: No, the victim assistance fund is to be retained to ensure your victim advocate have the proper tools to provide the much needed direct services for the victims in your

Q8: Can the out of the funds if the advocate is performing other duties within the County or Municipality Administrative office and or Law Enforcement department not providing a direct service for crime victims?

A: No, if the victim advocate performs duties other than providing a direct service to crime victims, the advocate's salary cannot be paid out of the victim assistance fund at 100%. There must be an allowable percentage determined prior to utilizing any funds toward this position. If this position is currently being paid at 100%, take the following steps to ensure compliance. The Finance Director must:

1. Discontinue all future payments from the victim assistance fines, fees, and assessment funds immediately.
2. Review and ensure the victim advocate's job description is updated and outlines all job duties actually performed including both the direct victim services as well as other job duties. Once updated, ensure the new job description is placed on file within the county/municipal HR department and kept on file within the law enforcement agency.
3. Contact the DCVC Auditing Department at (803) 734.1900 to discuss Time and Activity forms
4. Inform the part time advocate that daily Victim Assistance Time and Activity forms are required to be

Q9: What are the procedures for donating money to a Non-Profit Organization or Other Entity?

A: Please ensure that the following checklist has been completed prior to the issuance of Victim Assistance Fines, Fees and Assessment Fund to a Non-Profit Organization or Other Entity.

- (1) Did you receive a request letter from the agency making the donation request identifying how these funds will be used in providing direct victim services to crime victims? **All requests must be submitted yearly and considered a one-time donation and is not a guarantee of funds.**
- (2) Did your agency respond with written notification to the request letter indicating the amount that will be donated for only direct victim services

The county/municipality can deduct the cost of preparing an audit supplemental