

**TESTIMONY OF MARY LOU LEARY
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**Before the
Committee on the Judiciary
United States Senate**

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**“The Victims of Crime Act:
25 Years of Protecting and Supporting Victims”**

Good morning, Chairman Leahy, ranking member Specter, and members of the Committee. Thank you for holding this hearing during National Crime Victims’ Rights Week to bring focus to one of the nation’s most successful programs: the Victims of Crime Act and the Crime Victims Fund it created.

My name is Mary Lou Leary, and I am the executive director of the National Center for Victims of Crime. For over twenty years the National Center has worked to ensure that victims have the rights and resources they need to recover and rebuild their lives after a crime. We help thousands of victims each year through our toll-free National Crime Victim Helpline. We provide advice and technical assistance to policy makers and victim service providers across the country. We work to raise public awareness of the impact of crime on victims and train thousands of professionals at national and regional conferences to help them address victims’ needs more effectively.

We would like to thank the Committee for giving us the opportunity to speak to you this morning.

The Victims of Crime Act and VOCA Fund

Twenty-five years ago, Congress passed the Victims of Crime Act. Many members of this Committee were instrumental in its passage: Senator Leahy, Senator Grassley, Senator Specter, and Senator Hatch. This historic Act revolutionized the nation’s response to crime victims. One of the principal features of that Act was the creation of a dedicated funding stream that used money from fines on federal criminals to support crime victim compensation and crime victim services nationwide: the Crime Victims Fund, also called the VOCA Fund.

Hundreds of millions of dollars are distributed from the VOCA Fund each year. The bulk of the funds is distributed to the states to support: (a) crime victim compensation programs, which pay many of crime victims’ out-of-pocket expenses that directly result from the crime; and (b) crime victim assistance programs. VOCA assistance funding supports more than 4,400 state and local victim programs, including rape crisis centers,

domestic violence shelters, victim assistants in law enforcement and prosecutor offices, and other direct services for victims of crime.

VOCA assistance dollars fund services that help victims in the immediate aftermath of crime, including accompaniment to hospitals for examination; hotline counseling; emergency food, clothing, shelter, and transportation; replacing or repairing broken locks; filing restraining orders; support groups; and more. VOCA money also funds assistance as victims move through the criminal justice system, including notification of court proceedings, transportation to court, help to complete a victim impact statement, notification about the release or escape of the offender, and assistance in seeking restitution.

Along with funding programs that serve victims, VOCA dollars support crime victim compensation, a critical resource when victims have no insurance, no workman's compensation, and no other assistance to meet out-of-pocket expenses related to the crime. The crime victim compensation program pays medical bills, counseling costs, crime scene cleanup, burial costs, and similar expenses. The VOCA Fund reimburses states for 60 percent of their compensation costs.

VOCA funds are essential to our national response to victims. More than 98 percent of our nonprofit victim service provider members tell us VOCA funds are "very important" and more than 90 percent of our system-based members—those serving in prosecutors' offices and law enforcement agencies—say the same.

Recent Developments

For the past several years, Congress has imposed a cap on the funds disbursed each year, in part to promote a steady and predictable level of funding. In recent years, as the balance has grown to approximately \$1.9 billion, the cap has hovered around \$625 million, and last year dropped to \$590 million. As I reported to you in January, this reduction of funding, coupled with the current economic climate, was devastating to victim service programs. Most programs had already cut everything but staff, and were leaving positions unfilled, reducing staff hours, and even having to lay people off.

Programs were reaching fewer victims and providing fewer services to the victims they could reach. For example, with fewer victim assistants in the prosecutor's office, victims might receive notice about criminal justice proceedings but not help with their victim impact statements. Victims who might have been best served with individual counseling were limited to support groups. In many places victims were put on a long waiting list for counseling.

The National Census of Domestic Violence Services conducted last fall showed that in one day, nearly 9,000 victims were turned away from shelter, counseling, or other crucial services because local programs were unable to serve them. In most cases, this was directly due to lack of adequate staff.

We reported this to you in January, and you responded by working to ensure that \$100 million for crime victim compensation and assistance would be included in the stimulus package. We can't tell you how grateful we are.

In addition, the FY 09 appropriations package passed in February released \$635 million from the VOCA Fund. The combination of the stimulus and general appropriation funding will restore victim funding to the levels it received in FY 06, before the recent reductions.

While the dollars haven't yet reached the front line service providers (grants to the states just went out last Friday), the relief is already being felt. That relief comes from eliminating much of the worry and uncertainty that kept victim service providers from concentrating on their missions—helping victims of crime. With the stimulus money, they might not have to cut any more staff this year. With the FY 09 funding, they can begin to restore services.

We thank you for all you've done to bring relief to crime victims.

The Need Continues

That relief was much-needed and well timed. But there is still much to be done.

Compensation assistance was helpful, but some states have told us they expect to disburse all their stimulus compensation money within a few weeks. The restoration of funding for victim services may take more victims off the waiting lists for counseling or shelter, but there are many more victims—adults and children—who are not being reached, who do not know that help is available. We see this every April, when post offices around the country display posters for National Crime Victims' Rights Week that include the number for our National Crime Victim Helpline. Calls always increase while those posters are displayed, from victims who say, "I had no idea who to call."

State and local programs tell us they need more funding for public awareness and outreach, so that victims in their communities know where to turn for help. And then those programs need funding to serve the new victims who come forward.

As we reported to you previously, the economic crisis is having a direct impact on victimization and the need for services. In many parts of the country, crime is up, and the violence involved in those crimes has increased. What's more, our Helpline has seen an increase in calls from fraud victims—people falling prey to "work at home" scams, secret shopper scams, investment scams, mortgage fraud, and construction fraud. Many of the victims who call us have lost almost everything and are at the end of their rope.

We received a call from a 70-year-old victim of a Ponzi scheme. In his case, an arrest had been made. The case involved more than 50 victims. He had no idea where to turn. He'd been completely wiped out financially, and saw no way forward for himself or the other victims. They had no hope of recovering their losses.

Such victims are in desperate need of financial counseling to help identify their remaining assets and reorganize their finances where they can. Often time is of the essence. But they have nowhere to turn. They also need mental health counseling to overcome the stress and the shame of falling victim to these scams. But it is not available.

States have the ability, under federal regulations, to pay for financial and mental health counseling for victims of financial crime through their compensation programs, but they have been reluctant to expand their pool of eligible victims. Victim assistance programs could be developed for victims of financial crime, but so far there is too much competition for the limited funds available.

Our Helpline is also answering more calls from cyber-crime victims, who have often had their cell phone or email accounts hacked. There is no assistance for these victims. There is plenty of information raising awareness about the problem, but little practical help for victims.

We know that rural victims are suffering. In the past few years, as VOCA dollars declined, satellite offices for rape crisis centers and domestic violence services were closed. Programs that offered transportation to victims, or mobile services, cut those services. Programs need funding to reinstitute those efforts.

And too many victims of crime still have no services outside the criminal justice system, including: victims of assault or stalking where the perpetrator is not an intimate partner; victims of carjacking, murder, robbery, or home invasion; and more. Many victims never even reach the criminal justice system. We know that 49 percent of violent crime and 38 percent of property crime are never reported to the police.¹ And for many of the victims who report the crime, the perpetrator is never arrested or prosecuted.

Congress passed VOCA to address the consequences of victimization. Years of research and practice have demonstrated that money spent on victim assistance is money well spent. We know that without services, victims of crime are far more likely to develop substance abuse problems, suffer from mental illness including depression or posttraumatic stress disorder, become under- or unemployed, and even suffer higher health costs over their lifetime.

So there is a compelling need to release more money from the VOCA Fund.

Not only do we need additional VOCA funding, we need predictable, steady increases in victim funding. Whenever there is a dip in funding, or even when funds remain stagnant for a long period of time, programs lose seasoned staff—those with the knowledge and skills to provide the most effective and efficient services to victims.

¹ Shannan M. Catalano and Michael Rand, "Criminal Victimization, 2006," (Washington, DC: Bureau of Justice Statistics, 2007), 5 <http://www.ojp.usdoj.gov/bjs/pub/pdf/cv06.pdf> (accessed April 27, 2009).

Without predictable funding, victim services are reluctant to begin the targeted outreach to underserved victim populations: teens; immigrant victims; lesbian, gay, bisexual and transgendered (LGBT) victims; victims with disabilities; victims with mental illness; and others. Effective outreach to such groups requires the development of partnerships and the building of trust and awareness. For example, to reach teens, you need a working partnership with schools, the Boys and Girls Clubs, 4-H Clubs, or other youth-serving organizations. These are efforts that will not be undertaken if there is a danger they'll be curtailed after a year.

Predictable funding would also allow victim service providers to focus on their mission. As one of our members told us, "We expend an extraordinary amount of energy getting and keeping funding—energy that would be better placed in serving our communities."

Conclusion

Congress has the ability to provide this funding. As I mentioned, approximately \$1.9 billion is currently in the VOCA Fund. Additional criminal fines totaling more than \$2.7 billion have already been announced against corporate criminal defendants. Thus, additional moneys can be released from the VOCA Fund without compromising the longterm stability of that Fund.

Congress' creation of the VOCA Fund in 1984 fundamentally changed the way our nation responds to victims of crime. The Fund provides ongoing support for services and compensation programs that help victims rebuild their lives. Congress reaffirmed its commitment to victims earlier this year through the stimulus funding and restored appropriations levels. We urge you to tell victims of crime that you haven't forgotten them. You still hear their voices; you recognize their needs; and you will extend them a helping hand by raising the cap on the VOCA Fund.