



Christine Kregg (left), Program Director at JDI, with Esmeralda Soto, a member of JDI's Survivor Council. Photo: Tamela Kemp

Community Service Providers and Federal Funding

“Sexual violence is never the fault of the victim or deserved by the victim, no matter what that person’s criminal history may be. We are opposed to sexual violence in all its forms. It has the same devastating impact on anybody who experiences it.”

— Jill Gruenberg, Advocacy and Prevention Program Coordinator at RESPONSE: Help for Victims of Domestic Violence and Sexual Assault

SEXUAL ABUSE IS A crime that shatters lives, no matter where it occurs. For the adults and children who suffer from this violence, the counseling and medical care offered by community service providers is a lifeline. Yet there is one group that historically has not had access to this support: inmates. The good news is that the Department of Justice’s groundbreaking national standards — mandated by the Prison Rape Elimination Act (PREA) of 2003 — pave the way for community service providers, like rape crisis centers, to deliver comprehensive care to this population.¹

However, many community service providers lack the resources to seize this opportunity fully, believing that the funding they receive from federal grants cannot be used to serve incarcerated victims of crime. With a clear idea of what these funds can be used for — and how to access them — providers will be better equipped to set up life-saving programs for survivors of sexual abuse in detention.

The PREA National Standards

The PREA national standards, released by the U.S. Department of Justice in May 2012, require federal and state prisons, jails, youth detention facilities, police lock-ups, and community corrections facilities to offer vital health care and counseling services to incarcerated survivors in the immediate aftermath of abuse and on an ongoing basis. The standards also call on facilities to respond to sexual abuse effectively, using coordinated teams made

up of first responders, medical and mental health staff, investigators, and facility leaders. The net effect of these provisions is that rape crisis centers now have the opportunity to play a greater role than ever before in the care and recovery of survivors behind bars.

Crucially, community service providers are eligible for federal funding to establish programs that help all survivors of sexual abuse, including those who are incarcerated. This funding — allocated by the Department of Justice’s Office for Victims of Crime (OVC) and its Office on Violence Against Women (OVW) — can give stability to many providers, allowing them to reach some of the country’s most chronically underserved people.

The Violence Against Women Act of 1994

The Violence Against Women Act (VAWA) passed in 1994, in recognition of the need to address domestic violence, dating violence, sexual assault, and stalking. VAWA led to the establishment of OVW, in 1995, to coordinate and provide technical assistance to programs that are working to develop services, programs, and practices that will end gender-based violence.

OVW administers three formula and eighteen discretionary grants authorized by VAWA and subsequent legislation. The largest grant program is the STOP (Services, Training, Officers, and Prosecutors) Violence Against Women Formula Grant Program. STOP grants fund services for survivors, and training and programs for investigators, law enforcement, prosecutors, and courts, with the goal of improving the criminal justice

response to violent crimes against women and increasing services to victims. There are no specific restrictions with regard to using these funds for services to incarcerated survivors.² Also, VAWA 2013, which will take effect with Fiscal Year 2014 funding, added a purpose area for “developing, enlarging, or strengthening programs addressing sexual assault against men, women, and youth in correctional and detention settings.”

A smaller grant area, but one that can be used to serve incarcerated survivors, is the Sexual Assault Services Program (SASP). The purpose of SASP is to provide direct services and advocacy for sexual assault survivors of all ages. SASP funds generally go to rape crisis programs and support things like 24-hour hotlines, crisis intervention, and hospital and criminal justice system advocacy and accompaniment. SASP also funds state sexual assault coalitions, tribal coalitions, and culturally specific organizations.

The Victims of Crime Act of 1984

The Victims of Crime Act (VOCA) was signed into law in 1984 to support victim assistance and compensation programs. The VOCA programs are funded out of the Crime Victims Fund, which is financed by criminal fines and penalties, forfeited bail bonds, private donations, and monies collected by the US Attorneys’ Offices, federal courts, and the Federal Bureau of Prisons. OVC supports a number of federal, state, and tribal victim assistance and compensation efforts out of the Fund, including two major formula grant programs, several smaller discretionary grant programs and demonstration projects, and numerous training and technical assistance resources.

OVC’s formula State Victim Compensation Program provides reimbursement for out-of-pocket expenses to victims of violent crimes. Expenses might include lost wages, medical and mental health care, or travel costs directly related to the crime. Eligibility for victim compensation funds varies state by state, but generally the survivor of the crime must: report the crime; cooperate with the investigation; be innocent of criminal activity related to the crime; and be current on any fees, fines, or restitution imposed for a federal offense.³

The other major formula grant program, OVC’s State Victim Assistance Program, provides funding to states, which sub-award

these funds to support direct services for crime victims — these are the grants that support rape crisis programs.

VOCA defines a crime victim as someone who has suffered physical, sexual, emotional, or financial harm as a result of a crime. However, current VOCA State Victim Assistance Program guidelines exclude incarcerated victims of crime from receiving assistance through VOCA funds “even when the service pertains to the victimization of that individual.”⁴

The Office of Victims of Crime is in the process of revising the State Victim Assistance Program guidelines to provide states the flexibility of allowing service providers to use VOCA funds to assist incarcerated survivors. The draft revised guidelines, which OVC anticipates releasing initially as a notice of proposed rulemaking, and then (after considering public comments) as a final rule, were under review by the Office of Management and Budget as of March 2013.

The current federal VOCA State Victim Assistance Program guidelines do not restrict an agency’s ability to serve incarcerated individuals with other, non-VOCA funding. Agencies that receive restricted VOCA funding may serve incarcerated survivors of sexual abuse, using other funding sources, without jeopardizing their VOCA funding.

It should be noted that state governments may place requirements or restrictions on use of VOCA funds in addition to those already contained under federal rules. Community service providers and victim compensation programs should check guidelines developed by their state victim services administration.

The passage of the PREA standards means new opportunities for collaboration between corrections departments and community service providers — and for funding to support such projects. Over the past two years, both OVW and OVC have included incarcerated survivors and the PREA standards in topic areas for requests for proposals. Organizations interested in working with incarcerated survivors of sexual abuse should visit the websites for OVW (www.ovw.usdoj.gov) and OVC (www.ojp.usdoj.gov/ovc) for more information about funding guidelines, previously funded projects, and possible new opportunities to get much-needed help to survivors of sexual abuse in detention.

Endnotes

¹ National Standards To Prevent, Detect, and Respond to Prison Rape, 28 CFR 115, Department of Justice (2012), §§ 115.53, 115.253, 115.353.

² See FAQ’s on OVW’s website at www.ovw.usdoj.gov for more details on other restrictions and uses for this funding.

³ The Public Health and Welfare, 42 U.S.C. 10602(b)(8), www.gpo.gov/fdsys/pkg/USCODE-2004-title42/pdf/USCODE-2004-title42-chap112-sec10602.pdf

⁴ Final Program Guidelines, produced by Victims of Crime Act Victim Assistance Grant Program (Office for Victims of Crime, Department of Justice, 1997), www.ojp.usdoj.gov/ovc/voca/vaguide.htm

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JUST DETENTION INTERNATIONAL
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THE PREA RESOURCE CENTER
is working to address sexual safety in confinement, and to assist state and local jurisdictions with implementation of the Department of Justice national PREA standards.

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