

The VOCA Rule Change: Federal Funding and Working with Incarcerated Survivors

Sexual abuse is a crime with devastating consequences for survivors, no matter where it occurs. For countless adults and children who endure this violence, the counseling and medical care offered by community service providers is a lifeline. Yet for many years, these services were not available to people in detention.

However, in a dramatic shift, community rape crisis counselors are now a regular presence inside many detention facilities. Two key developments helped spark this change: the 2012 release of national standards, as required by the Prison Rape Elimination Act of 2003 (PREA);¹ and the 2016 reversal of a federal rule, written into the Victims of Crime Act (VOCA), that restricted funding to help incarcerated survivors of this violence.²

The PREA Victim Services Standards

In 2012, the Department of Justice released national standards aimed at addressing sexual abuse in detention. Mandated by PREA, the standards include vital reforms that are binding on prisons, jails, youth detention facilities, community corrections

facilities, and police lockups. The standards' groundbreaking provisions include robust training for corrections staff on sexual abuse prevention and response; safer housing for vulnerable inmates; and confidential ways for inmates to report abuse.

Crucially, the PREA standards recognize that people who are sexually abused in detention need and deserve the chance to get quality rape crisis services — including from providers in the community. Corrections agencies must make a good faith effort to work with local outside organizations, which can offer emotional support and critical information at every stage of the process after a report is filed, from the hospital visit to the investigation.³

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.⁴ The net effect of these provisions is that rape crisis centers have an opportunity to play a greater role than ever before in the care and healing of survivors behind bars.

The VOCA Rule Change

Passed in 1984, the Victims of Crime Act (VOCA) created the Crime Victims' Fund, which uses criminal fines and penalties to support victim assistance and crime victim compensation programs. These programs provide crisis intervention, counseling, and resources to help victims. However, VOCA guidelines precluded rape crisis centers from directing any such funding to serve incarcerated individuals — even in cases where detainees have been sexually abused.

In July 2016, after years of advocacy by JDI and other groups that fight for prisoners' rights, the Office for Victims of Crime (OVC) removed the ban on funding for rehabilitation and counseling programs inside detention facilities. In releasing the new rule, OVC recognized that “the prohibition unnecessarily prevents States and communities from fully leveraging all available resources to provide services to these victims, who have been shown to have a great need.”⁵

The rule change doesn't require that services to incarcerated victims must be provided, but instead leaves this decision to individual states. Grantees can now set their own eligibility criteria for victim services projects — but they are no longer required to exclude people who are locked up. In an encouraging sign, since the ban was lifted OVC has increased the number of requests for proposals that address providing services behind bars and implementing the standards.

Bringing Crisis Services to Inmates

The VOCA rule change and PREA standards have opened the door for rape crisis centers to expand — or start — a program to deliver services in detention. While many advocates have little difficulty working behind bars, some find it daunting at first. The good news is that there are resources aimed at helping advocates who are eager to help prisoners, but don't know where to start. State coalitions and VOCA funding administrators can offer advice and support. In addition, advocates should connect with their peers who are already doing the work. Community rape crisis centers are a lifeline for countless survivors, and their programs can serve as a model.

Endnotes

1. National Standards To Prevent, Detect, and Respond to Prison Rape, 28 CFR 115 (Department of Justice, 2012), available at: www.federalregister.gov/a/2012-12427
2. Victims of Crime Act Victim Assistance Program, 28 CFR 94, (Department of Justice, 2016) available at: www.federalregister.gov/documents/2016/07/08/2016-16085/victims-of-crime-act-victim-assistance-program
3. National Standards, “Access to Outside Support Services,” (§§ 115.53, 115.253, 115.353)
4. National Standards, “Coordinated Response,” (§§ 115.65, 115.165, 115.265, 115.365)
5. Victims of Crime Act Victim Assistance Program, Services to Incarcerated Individuals, available at: www.federalregister.gov/d/2016-16085/p-100

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