



August 24, 2020

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Washington, DC 20515

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House of Representatives
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2138 Rayburn House Office Bldg.
Washington, D.C. 20515

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Senate Judiciary Committee
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Washington, D.C. 20510

Hon. Mitch McConnell
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Washington, DC 20510

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United States Senate
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Hon. Jim Jordan
Ranking Member
House Judiciary Committee
2056 Rayburn House Office Bldg.
Washington, D.C. 20515

Hon. Dianne Feinstein
Ranking Member
Senate Judiciary Committee
331 Hart Senate Office Building
Washington, DC 20510

Dear Speaker Pelosi, Majority Leader McConnell, Minority Leader McCarthy, Minority Leader Schumer, Chairman Nadler, Chairman Graham, Ranking Member Jordan, and Ranking Member Feinstein:

On behalf of the undersigned state Attorneys General, we write to respectfully urge Congress to address the ongoing, declining balance of the Crime Victims Fund (“the Fund”). The Fund provides critical support and services to victims of crime across the country. As state Attorneys General, we are often the administrators of grant funding, through our state compensation programs or otherwise, financed directly from the Fund. In order to ensure the predictability and sustainability of these critical funds, change must be enacted to support our states’ ability to effectively serve victims and survivors of crime for years to come.

The Fund, established by the Victims of Crime Act of 1984 (“VOCA”), is the primary funding source for victim services in all 50 states and six U.S. territories. Deposits to the Fund originate from criminal fines, forfeited bail bonds, penalties and special assessments collected by U.S. Attorneys’ Offices, federal courts and the Federal Bureau of Prisons. Funding is derived from offenders convicted of federal crimes, and not from taxpayers.

1850 M Street, NW
Twelfth Floor
Washington, DC 20036
Phone: (202) 326-6000
<https://www.naag.org/>

Since its creation, the Fund has covered the expenses of essential direct services and support for victims and survivors in the aftermath of crime, including medical care, mental health counseling, lost wages, courtroom advocacy and temporary housing. The Fund also provides support for initiatives that benefit victims of crime, including federal, state and tribal victim service programs, crime victim compensation, discretionary grant awards, victim specialists in U.S. Attorneys' and FBI offices and the federal victim notification system. Additionally, grants through the Fund are the only funding source available for services to all victims of crime.

The balance and financial health of the Fund is in jeopardy. As deposits have sharply decreased in recent years due to a decline in the fines and penalties recouped from federal criminal cases, withdrawals have increased at a rapid pace. In 2015, Congress increased the annual cap on distributions from the Fund, resulting in significant growth in the amount of services offered across the country. Nearly 2,500 new organizations received VOCA funding since 2015. In addition, more than 2.5 million new victims were served through VOCA assistance formula grants from 2015 to 2019.

We applaud Congress for expanding access to victim services. Yet, these important advances are at risk given the current downward trajectory of the Fund's balance. Its balance is projected to reach a ten-year low by the end of 2021 unless specific changes are enacted to protect its bottom line. Any decrease in the funds available for distribution results in a decrease in the number of victims and survivors that are served as well as potential loss of essential staff for victim service programs.

In order to stabilize and maintain the Fund for use in the future, we respectfully request Congress amend VOCA in the following three ways:

Deposit all monetary penalties from deferred and non-prosecution agreements into the Crime Victims Fund.

Over the last decade, the Department of Justice has increasingly utilized deferred and non-prosecution agreements to resolve cases of corporate misconduct. These agreements bypass a traditional prosecution process and shift fines and penalties into the general treasury rather than the Fund. In 2018 and 2019, the total recoveries resulting from these agreements resulted in approximately \$8 billion each year.¹ Redirecting these deposits will provide increased funding to the Fund, which will allow for better predictability of state awards.²

Increase the rate at which states are federally reimbursed for victim compensation programs to 75%.

¹ (Gibson Dunn, 2020) available at <https://www.gibsondunn.com/2019-year-end-npa-dpa-update/>

² June 2020, The House of Representatives included language related to deferred and non-prosecution agreements in the HEROES Act.

The Fund supports state compensation programs, which provide direct reimbursement to or on behalf of crime victims for unexpected and often catastrophic expenses caused by violent crime. In order to supplement a state's efforts to financially assist victims for crime-related out-of-pocket expenses, the Fund reimburses states 60% of spending in a fiscal year. Most states' compensation programs are funded through fines and fees paid by offenders prosecuted in state courts. Recently, due to criminal justice reform initiatives along with court closures due to the COVID-19 pandemic, states are facing a significant decline in collections of these fines and fees, limiting their ability to support essential victim compensation eligible expenses. An increase in the reimbursement rate from the Fund to at least 75% will ensure each state has more money accessible to serve victims and survivors with much needed financial support.

Allow for additional years of spending or no-cost extensions for VOCA discretionary, assistance and compensation awards.

Current statutory limitations require that recipients of VOCA funds spend annual grants in a four-year period. To reduce reversions and provide better forecasting for programming, the statute should allow for longer periods to spend down grants and allow the Office for Victims of Crime to permit no-cost extensions to states. A longer award period allows administrators to better plan and predict funding awards and long-term services. In times of economic uncertainty, such as the COVID-19 pandemic, this is especially important as state budgets and other funding sources are significantly impacted. Additional time also allows for redirection of funds for emergency assistance without the threat of compromising traditional services.

Your support of the Crime Victims Fund is paramount to our responsibility as Attorneys General to protect the interests of victims. As such, we defer to you on the best vehicle to introduce the above changes. We do ask, however, that Congress make them a key priority and act upon all three swiftly.

Thank you for your attention and consideration of this matter.

Sincerely,



Maura Healey
Massachusetts Attorney General



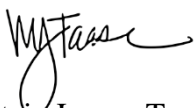
Tim Fox
Montana Attorney General



Steve Marshall
Alabama Attorney General



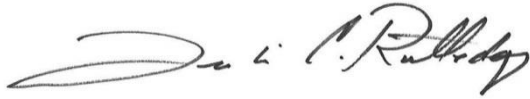
Kevin G. Clarkson
Alaska Attorney General



Mitzie Jessop Taase
American Samoa Attorney General




Mark Brnovich
Arizona Attorney General



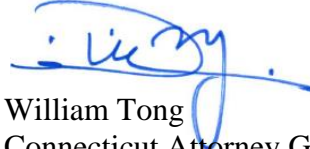
Leslie Rutledge
Arkansas Attorney General



Xavier Becerra
California Attorney General



Phil Weiser
Colorado Attorney General



William Tong
Connecticut Attorney General



Kathleen Jennings
Delaware Attorney General



Karl A. Racine
District of Columbia Attorney General



Ashley Moody
Florida Attorney General



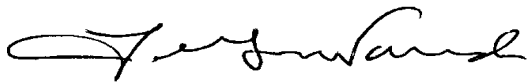
Christopher M. Carr
Georgia Attorney General



Leevin Taitano Camacho
Guam Attorney General



Clare E. Connors
Hawaii Attorney General



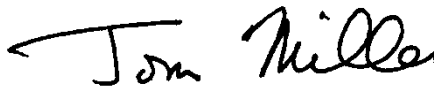
Lawrence Wasden
Idaho Attorney General



Kwame Raoul
Illinois Attorney General



Curtis T. Hill, Jr.
Indiana Attorney General



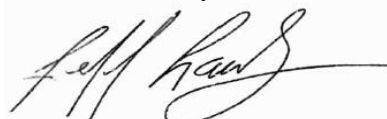
Tom Miller
Iowa Attorney General



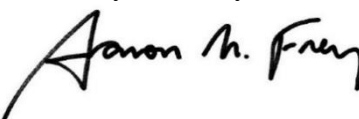
Derek Schmidt
Kansas Attorney General



Daniel Cameron
Kentucky Attorney General



Jeff Landry
Louisiana Attorney General



Aaron M. Frey
Maine Attorney General

Brian Frosh
Maryland Attorney General

Dana Nessel
Michigan Attorney General

Keith Ellison
Minnesota Attorney General

Lynn Fitch
Mississippi Attorney General

Eric S. Schmitt
Missouri Attorney General

Douglas Peterson
Nebraska Attorney General

Aaron D. Ford
Nevada Attorney General

Gordon MacDonald
New Hampshire Attorney General

Gurbir S. Grewal
New Jersey Attorney General

Hector Balderas
New Mexico Attorney General

Letitia James
New York Attorney General

Josh Stein
North Carolina Attorney General

Wayne Stenehjem
North Dakota Attorney General

Edward Manibusan
Northern Mariana Islands Attorney General

Dave Yost
Ohio Attorney General


Mike Hunter
Oklahoma Attorney General

Ellen F. Rosenblum
Oregon Attorney General

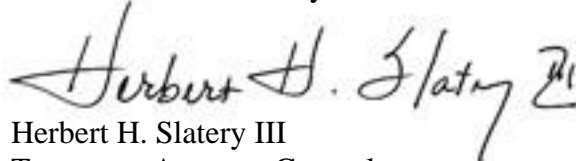
Josh Shapiro
Pennsylvania Attorney General



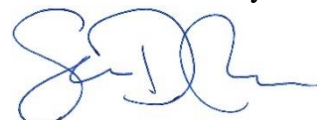
Inés del C. Carrati-Martínez
Acting Puerto Rico Attorney General




Alan Wilson
South Carolina Attorney General



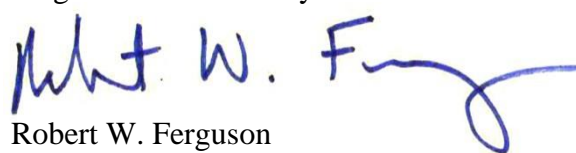
Herbert H. Slatery III
Tennessee Attorney General



Sean Reyes
Utah Attorney General



Denise N. George
Virgin Islands Attorney General



Robert W. Ferguson
Washington Attorney General



Joshua L. Kaul
Wisconsin Attorney General



Peter F. Neronha
Rhode Island Attorney General



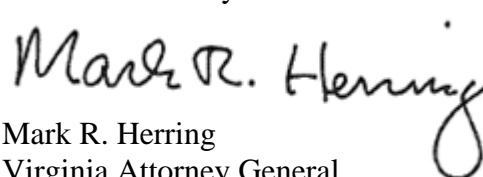
Jason R. Ravensborg
South Dakota Attorney General



Ken Paxton
Texas Attorney General



T.J. Donovan
Vermont Attorney General



Mark R. Herring
Virginia Attorney General



Patrick Morrissey
West Virginia Attorney General



Bridget Hill
Wyoming Attorney General