



**NNEEDV**  
NATIONAL NETWORK  
TO END DOMESTIC  
VIOLENCE

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April 5, 2024

Kathrina Peterson  
Division Director  
Office for Victims of Crime  
Office of Justice Programs  
U.S. Department of Justice  
810 Seventh Street NW  
Washington, DC 20531

**RE: Victims of Crime Act (VOCA) Victim Compensation Grant Program**

Dear Ms. Peterson:

The National Network to End Domestic Violence (NNEEDV) represents the 56 state and territorial domestic violence coalitions, their nearly 2,000 member programs, and the millions of survivors they serve and advocate on behalf of each year. We welcome the **Notice of proposed rulemaking on the Victim Compensation Grant program** and all efforts to make the program more just and equitable, more low-barrier, more timely and efficient, and easier to access for all victims of crimes.

Addressing the myriad expenses that arise after abuse is financially burdensome and can further endanger victims and their children. Victims who are trying to access compensation are often in crisis and acute need, in desperate need of help to rebuild their lives. Low-barrier and efficient State victim compensation programs can be an essential tool in helping domestic violence survivors access needed resources to address immediate and ongoing safety and the economic consequences of a perpetrator's violent and abusive actions.

Unfortunately, many State victim compensation programs enact barriers that have a disparate impact on Black, brown, and Indigenous survivors, LGBTQ+ survivors, immigrant survivors, survivors living in poverty, survivors with disabilities, and other survivors from historically marginalized communities. Existing practices that screen survivors out due to criminal history, findings of contributory conduct, and requiring cooperation with law enforcement are particularly problematic. Such barriers may dissuade eligible crime victims from applying for compensation or cause dangerous delays or unjust denials. State programs must reduce onerous paperwork and evidentiary requirements, eliminate discriminatory practices, and prioritize the timely distribution of compensation funds. Such provisions should be removed or modified to create the lowest barrier and equitable access to victim compensation.

NNEDV applauds the proposed rule's important steps toward reducing barriers in State victim compensation programs. We respectfully submit additional comments to request modifications to further reduce inequality, barriers, denials, and delays.

### **§ 94.213 Promotion of Victim Cooperation with Reasonable Requests of Law Enforcement**

NNEDV and our member state and territorial domestic violence coalitions wholeheartedly support and welcome the proposed rule's alignment with the statutory language that requires States to "promote," not "ensure," victim cooperation with reasonable requests of law enforcement. Eliminating the requirement for law enforcement cooperation and the related rigid evidentiary burdens that States currently impose would make the compensation program considerably more accessible and survivor-centered. Many state and territorial domestic violence coalitions and their local programs have long shared their concerns about the barriers victims face when required to cooperate with law enforcement and provide a police report. This is especially true for victims from historically marginalized communities, rural areas, those with limited English proficiency, and more.

The preamble of the rule also clarifies that States are not required to impose an evidentiary burden on victims and says the rule "expressly encourages States to avoid doing so" (imposing an evidentiary burden on victims). The rule, however, could be much clearer, and we are concerned that the allowable State exemption policies will seriously undermine the positive change. We are concerned that exemptions will allow States to write a new policy but maintain the status quo of existing high-barrier evidentiary requirements. Such maintained barriers would continue to screen out rather than screen in victims.

If a State wants to continue requiring victims to obtain police reports to substantiate that a crime has been committed, the proposed changes require such States to develop a written policy to address exceptions to such requirements. Preparation of such written policy is not enough to deter States from requiring victims to cooperate with law enforcement. In fact, it is likely some States will conclude that OVC is authorizing them to require victims to report crimes to law enforcement as long as they have a written policy in effect that addresses exceptions. Nothing in the proposed changes would prevent a State from approving a written policy with no alternative methods for victims to demonstrate cooperation.

Finally, § 94.213 does not require States to make their encouragement policies publicly available, as would be required for a written policy on contributory conduct (see § 94.223). Such policies should be publicly available on the States' VOCA compensation websites.

In order to meet the stated goal in the preamble, we recommend that the rule be modified and encourage OVC to only allow an exemption if there is an existing State law requirement.

## **§ 94.222 Criminal History and Delinquent Payments**

We resoundingly support the rule’s clarification that a State may not deny compensation because of a victim’s or survivor’s incarceration, probation, or parole status, prior criminal history, or sentence. As stated in the preamble, certain populations may be more likely to have criminal history due to unjustified disparate treatment in the criminal justice system or due to criminal conduct induced through force, fraud, or coercion.

Many domestic violence survivors are criminalized during their survival—being coerced or forced into criminal activity by a perpetrator, using self-defense to survive, or being wrongfully arrested or convicted as the primary aggressor, when they are, in fact, surviving abuse. Racism, sexism, and homophobia contribute to wrongful arrest and conviction. Survivors are also often navigating poverty, substance use disorders, and immigration, all issues that are often criminalized. Again, this rule’s clarification is incredibly welcomed and will help encourage States to implement just and equitable compensation programs.

While there is a statutory reference to prohibiting providing compensation to those who are delinquent in paying a fine, other monetary penalty, or restitution, we encourage States and OVC to allow waivers in these circumstances. Fines are often levied against those who are least able to pay. Additionally, domestic violence abusers often control finances, meaning a victim could be delinquent on a fine due to the abuser’s financial control and then denied compensation—compounding the impact of the economic abuse. Economic hardship and economic abuse should not impede someone’s ability to receive the help they need in the aftermath of experiencing a crime. We urge OVC to encourage State victim compensation programs to waive these requirements.

## **§ 94.223 Contributory Conduct**

We welcome the proposed rule’s clarification that a State may not deny or reduce claims on the basis of a victim’s alleged contributory conduct to “increase objectiveness and consistency” and to “address inconsistent attribution of ‘contributory conduct’ to victims, which attribution may later preclude these victims from receiving compensation.” As stated above, survivors of domestic violence are often coerced or forced into engaging in behaviors that have been criminalized or are seen as contributory conduct. A survivor could engage in violence that is self-defensive or protective of their child or other family members. Without an understanding or acknowledgement of the context and intent of domestic violence dynamics, the same survivors who engage in violent acts face arrest and consequences from both the limitations of the criminal legal system and impacts of the physical and mental trauma of the abusive behavior they endured.

The rule, however, allows States to deny or reduce claims in “exceptional and specific cases” if “(1) The victim’s alleged contributory conduct was not a result of force, fraud, or coercion (e.g. human trafficking); and (2) The State has a publically available written policy in effect that (at a minimum) sets forth the standard of review, the review process, and an appeal process for any such denials or reductions.”

We are concerned that the State processes on exceptional cases may undermine the goal of this provision and may serve to screen victims out of the program. We are also concerned that States will not limit the cases where contributory conduct is considered. Instead, as permitted by the proposed changes, States could expand the use of contributory conduct as long as they developed written policies explaining how such cases would be processed and reviewed, and how a victim could appeal the compensation decision-making. The written policies cannot correct for racial, gender, and other biases among decision-makers. We are also concerned with onerous processes, including appeals, that will inevitably delay crucial funds. Those who are applying to the compensation program, especially those with economic constraints, will be harmed by delays.

#### **§94.221 (c) Federal immigration status**

NNEDV welcomes the clarification that “Nothing in this subpart shall be understood to require or authorize a State to consider the Federal immigration status of a victim (or of a survivor of a victim) in determining eligibility for crime victim compensation.”

#### **§ 94.205 Definitions**

NNEDV supports the clarified definitions that allow States to adopt policies to cover victim expenses related to dental care or devices when injuries related to the crime include dental injuries. We further support the clarification that states may apply a broader understanding of medical expenses and mental health counseling including broader healing practices.

#### **§94.249 Discrimination Prohibited**

NNEDV welcomes the clarification that State programs must adhere to federal language access requirements, as survivors with limited English proficiency face additional barriers in accessing compensation.

#### **§94.225 Victim Application Provisions**

NNEDV supports the provision prohibiting States from requiring notarized signatures for victim compensation claims. Eliminating this step will make the program more accessible to victims in crisis.

#### **Conclusion**

NNEDV and the undersigned state and territorial domestic violence coalitions welcome the direction of the proposed rule in advancing a more just and equitable victim compensation program. We encourage OVC to modify the rule as outlined above in order to meet its stated goals. Please feel free to contact Monica McLaughlin, NNEDV Senior Policy Director, [MMcLaughlin@NNEDV.org](mailto:MMcLaughlin@NNEDV.org), if you have any questions.

Sincerely,

National Network to End Domestic Violence

## **State and U.S. Territory Domestic Violence Coalitions**

Alabama Coalition Against Domestic Violence  
Alaska Network on Domestic Violence and Sexual Assault  
Arizona Coalition to End Sexual & Domestic Violence  
California Partnership to End Domestic Violence  
DC Coalition Against Domestic Violence  
Delaware Coalition Against Domestic Violence  
End Domestic Abuse Wisconsin  
Georgia Coalition Against Domestic Violence  
Illinois Coalition Against Domestic Violence  
Indiana Coalition Against Domestic Violence, Inc.  
Iowa Coalition Against Domestic Violence  
Kansas Coalition Against Sexual & Domestic Violence  
Maine Coalition to End Domestic Violence  
Maryland Network Against Domestic Violence  
Massachusetts Coalition Against Sexual Assault & Domestic Violence, Jane Doe Inc.  
Mississippi Coalition Against Domestic Violence  
Montana Coalition Against Domestic & Sexual Violence  
Nevada Coalition to End Domestic & Sexual Violence  
New Hampshire Coalition Against Domestic & Sexual Violence  
New Jersey Coalition to End Domestic Violence  
New Mexico Coalition Against Domestic Violence  
New York State Coalition Against Domestic Violence  
North Carolina Coalition Against Domestic Violence  
Northern Marianas Coalition Against Domestic & Sexual Violence  
Ohio Domestic Violence Network  
Oregon Coalition Against Domestic & Sexual Violence  
Pennsylvania Coalition Against Domestic Violence  
Rhode Island Coalition Against Domestic Violence  
South Carolina Coalition Against Domestic Violence & Sexual Assault  
South Dakota Network Against Family Violence & Sexual Assault  
Texas Council on Family Violence  
Utah Domestic Violence Coalition  
Vermont Network Against Domestic & Sexual Violence  
Violence Free Colorado  
Violence Free Minnesota  
Washington State Coalition Against Domestic Violence  
West Virginia Coalition Against Domestic Violence  
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