

Victim Assistance Fines, Fees and Assessment Fund Frequently Asked Questions:

For further information and or questions, please do not hesitate to contact the SOVA Auditing Section – updated 1/12

Q 1: Can flowers be purchased out of the fund?

A: No, this is not an allowable expense and cannot be purchased out of the fund.

Q 2: Can advocates purchase training “favors” (ex: cup holders, fans etc)

A: No, these items are not considered an allowable expense and cannot be purchased out of the fund.

Q 3: Can supplies be purchased for an advocate ceremony?

A: No, supplies for ceremonies are not an allowable expense and cannot be purchased out of the funds.

Q 4: Can books such as the Code of Laws handbooks be purchased out of these funds?

A: No, this is not an allowable expense and not considered direct victim services; therefore, cannot be purchased out of the funds.

Q 5: Can snacks be purchased for meetings that victim advocates will be attending?

A: No, snacks for a meeting the advocate attends are not considered an allowable expense and cannot be purchased out of the funds.

Q 6: Can food/snacks be purchased for the victims while they are waiting in court or attending a meeting with the solicitor and or law enforcement?

A: Yes, food and snacks can be purchased for the victims while they are awaiting court and or meeting with the solicitor’s office and or law enforcement. It is recommended that receipts are maintained, organized and attached to the supporting documents. In addition, the name of the case should be included for accounting and auditing purposes.

Q 7: Can law enforcement agencies receiving funds provide a donation for breakfast and or lunch for a victim advocate group hosting a certified training approved by the Crime Victims' Ombudsman's Office of Victim Services Education and Certification?

A: Yes, the funds can only be used as a donation for training events approved by the Crime Victims' Ombudsman's Office of Victim Services Education and Certification. However, the law enforcement agency must follow State per diem guidelines and not exceed \$6.00 per person for breakfast and \$7.00 per person for lunch.

The donation can be less than the above amount but not more than the per diem amounts listed. It is recommended that receipts are maintained and organized and an agenda for the specific training should be attached for finance and auditing purposes. If all donated funds for the training are not used for breakfast and or lunch, the remaining funds should be returned to the law enforcement agency. These funds should be placed back into the Victim/Witness Fines, Fees and Assessment fund along with supporting documentation.

Q 8: Can advocates be reimbursed for money they may have spent in purchasing food for the victims while they are awaiting court and or meeting with law enforcement/solicitor?

A: Yes, the advocate can be reimbursed for out of pocket expenses for the purchase of food for the victims while they were awaiting court/ meeting with solicitor and or law enforcement. Again, it is recommended that receipts are maintained and organized. The case file number should be kept with documents to identify the case later for finance and auditing purposes.

Q9: Can funds be used to assist the crime victims' family with funeral/burial assistance in a homicide case?

A: No, the family of a homicide case is encouraged to meet with their local victim advocate to discuss their options of filing a crime victims' compensation application for assistance with funeral/burial expenses or discuss other possible community resource options that may be available.

Q10: Can a portion of the Chief's salary come from the funds?

A: Yes, but only under the following circumstances and that being if the town is a very small town and has only the Chief or the Chief and one other officer and the Chief has to perform the duties of an advocate. There should be a job description indicating the percentage of time that the Chief will serve as an advocate each week verses the Chief of Police. In order to determine a percentage of time that the Chief shall serve as an advocate, statistical research will need to be conducted showing over the past 2 – 5 years the number of crime victims that needed assistance, services that were provided or should have been provided etc. based upon the definition of crime victim as outlined in ACT 141.

Once the statistical research has been conducted and a percentage of time determined, this is the amount of time that the Chief should be paid out of the Victim's Assistance Fines, Fees and Assessment Fund for serving as a victim advocate each week. The other percentage of time the Chief should be paid out of the town's police department's budget and not from the Victim's Assistance Fines, Fees and Assessment Fund.

Also, the Chief will be required to keep a Time and Activity form weekly showing the types of victims assisted, services provided, the amount of time spent with each victim and the percentage of time must match the percentage of time indicated in the job description for assisting victims each week. The Time and Activity form will need to be kept and updated weekly on an ongoing basis as long as any portions of the Victim Assistance Fines, Fees and Assessment Funds are being used to pay a portion of the Chief's salary. This will be reviewed for auditing purposes.

Q11: If a law enforcement agency provides a donation to a non-profit organization out of the funds, does that non-profit organization have to provide any reports to the law enforcement agency regarding the accountability of funds?

A: Yes, if law enforcement provides a donation to a non-profit organization, it is recommended this will assist with accountability of funds and for auditing purposes that a statistical monthly, quarterly and year-end report regarding the number of victims assisted, services provided and types of victims assisted be provided to the law enforcement agency providing the donation to the non-profit organization.

Q12: If a non-profit organization receives a donation from a law enforcement agency out of the funds, does that non-profit organization have to provide SOVA with a copy its budget each year?

A: Yes, each year that the non-profit organization receives the donation from the law enforcement agency, their budget must be submitted to SOVA within 30 days of its approval. Please refer to legislative Proviso 89.61. It is recommended this will assist with accountability of funds and for auditing purposes that a statistical monthly, quarterly and year-end report regarding the number of victims assisted, services provided and types of victims assisted is provided to the law enforcement agency providing the donation to the non-profit organization.

Q13: If a specific police department wishes to have the county collect their fines, fees and assessment fund, what needs to take place?

A: The specific police department should expect a contract to be written, agreed upon by both parties and signed by the Chief and Sheriff or their designee. It is recommended this will assist with accountability of funds and for auditing purposes a statistical monthly, quarterly and year-end report regarding the number of victims assisted, services provided and types of victims assisted is given to the police department that the county has entered a contract agreement for services rendered to crime victims.

Q14: If a very small municipality does not have a victim advocate, police department, hold court and or receives no fines, fees and assessment funds, do they need to notify SOVA?

A: Yes, it is recommended that SOVA receives dated on letterhead a letter from that municipality stating such information so that it may be placed on file within the office for future reference. Also, in an effort to assist any crime victims within that area, it is recommended that some sort of contract is signed with the county law enforcement agency regarding providing any necessary services to crime victims when warranted. If this is done, then a statistical monthly, quarterly and year-end report regarding the number of victims assisted, services provided and types of victims assisted is given to that municipality. This will assist and aid in the accountability of services being provided to crime victims if the need arise.

Q15: Is it mandatory that a municipality have a contract with the county?

A: No, it is not mandatory; however, for best practice purposes it is highly recommended and would then become a part of the municipality's records.

Q16: If a law enforcement agency receives any portions of the Victim Assistance Fines, Fees and Assessment Fund, are they required to submit a budget to SOVA?

A: Yes, per Proviso 89.61 - Any local entity or non-profit organization who receives funding from victim assistance is required to submit their budget to the State Office of Victim Assistance within thirty days of the budget being approved by the local governing entity or non-profit organization. In addition, any entity or non-profit organization receiving victim assistance funding must cooperate and provide expenditure/program data requested by the State Office of Victim Assistance.

Q17: Can police and or state retirement be paid out of the Victim Assistance Fines, Fees and Assessment Funds?

A: Yes, but only under the following circumstances and that being if a victim advocate is a full time advocate but is also a certified officer and only has one retirement and that is police retirement, then the retirement can be paid in full out of the funds since this is a full time victim advocate that just happens to be a certified officer as well. However, to determine retirement that should be paid out of the funds if the advocate is part advocate and part officer and has police retirement and state retirement, then there should be a job description indicating the percentage of time that the advocate will serve as an advocate each week verses an officer.

In order to determine a percentage of time that the advocate shall serve as an advocate and or officer, statistical research will need to be conducted showing over the past 2 – 5 years the number of crime victims that needed assistance, services that were provided or should have been provided etc. based upon the definition of crime victim as outlined in ACT 141. Once the statistical research has been conducted and a percentage of time determined, this is the amount of time that the advocate should be paid for state retirement out of the Victim's Assistance Fines, Fees and Assessment Fund for serving as a victim advocate each week.

As it relates to the other retirement which would be the police retirement percentage of time, the advocate serving as an officer should be paid out of the town's police department's budget and not from the Victim's Assistance Fines, Fees and Assessment Fund since this is the portion related to this person being an officer. Also, the advocate will be required to keep a Time and Activity form weekly showing the types of victims assisted, services provided, the amount of time spent with each victim and the percentage of time must match the percentage of time indicated in the job description for assisting victims each week.

The Time and Activity form will need to be kept and updated weekly on an ongoing basis as long as any portions of the Victim's Assistance Fines, Fees and Assessment Funds are being used to pay a portion of the advocate's state retirement and this person is serving as both advocate and officer. This will be reviewed for auditing purposes.

Q18: Can funds be used to pay for the enhancement of videos regarding the commission of crime to assist and aid in identifying suspect?

A: No, this is not considered providing direct victim services and is considered investigations. Therefore, it is not an allowable expense.

Q19: Can funds be used to pay for the towing of victims' vehicles?

A: No, this is not considered providing direct victim services; therefore it is not an allowable expense.

Q20: Can funds be used to pay for victim peer programs?

A: No, funds cannot be used for peer programs. This is not providing direct victim services; therefore, it is not an allowable expense.

Q21: Can funds be used to pay for items of crime victims at pawn shops so that those items can be returned to crime victims?

A: No, this is not considered providing direct victim services; therefore, it is not an allowable expense.

Q22: Can funds be used to pay for a bar coding system used by the Sheriff's Office or Police Department?

A: No, this is not an allowable expense

Q23: Can funds be used to pay for a security system in the courthouse or courtroom?

A: No, this is not an allowable expense

Q24: Can funds be used to pay for a Restitution Officer/Coordinator?

A: No, this is not an allowable expense.

Q25: Can funds be used for uniforms?

A: No, this is not an allowable expense. This is no longer found under the new suggested guidelines.

Q26: Can pepper spray be purchased out of funds for the victim advocate?

A: No, this is not an allowable expense

Q27: Can a bullet proof vest be purchased out of the funds for a victim advocate?

A: No, this is not an allowable expense. While there may be a need for the advocate to have a vest, this should be purchased out of the sheriff's department and or police department's budget.

Q28: Can supplies be purchased out of the fund to wash and keep the victim advocate's vehicle clean?

A: No, this is not an allowable expense

Q29: Can funds be used to purchase and or assist in the building of a training facility that will be used by the county and or city officials?

A: This is only allowable under the following circumstances and we encourage you to call our office to discuss this matter with one of our auditors in detail prior to moving forward with this type of expense: The victim advocate must provide direct victim services within this facility and must first determine a percentage of the time that the facility would be used providing direct victim services by the advocate.

Each time the advocate uses the facility, the advocate must continuously maintain a Time and Activity form indicating the date, usage of time and the type of direct services provided to the crime victim (see sample form at www.sova.sc.gov – under auditing tab technical assistance/support documents). It is only when this has been established that a percentage of the funds can be used for this purpose.

It is important to remember that the victim advocate must be able to use the facility for providing direct services to crime victims in order for a percentage to be allowed for this purpose. It is recommended that the Time and Activity forms are used by the victim advocate for at least 60 – 90 days to assist in determining a percentage that may be considered allowable for this type of expenses.

Again, you are encouraged to call our office to discuss this in a more detailed manner prior to using any of the funds in assist with this type of project.

Q30: Can the funds be used to assist and aid in prevention or for the victim advocate to perform prevention work/duties?

A: No, this is not an allowable expense and is not considered to be direct victim services.

Q31: Can the funds be used to pay for parking for victims and witnesses for court proceedings?

A: No, the funds may not be used to pay for parking for victims and witnesses for court proceedings. This is not an allowable expense.

Q32: Can ACT 141 monies be used to pay for or reimburse victims or witnesses who are not expected to testify at a criminal proceeding?

A: No, ACT 141 monies may not be used to pay for or reimburse victims or witnesses who are not expected to testify at a criminal proceeding.

Q33: Can the funds be used to purchase shoes for the victim advocate?

A: No, the funds may not be used to purchase shoes for the victim advocate. This is not an allowable expense.

Q34: Can the funds be used to purchase a missing car key (or any other type of key) for the crime victim?

A: No, the funds may not be used to purchase a car key or any other type of key for the crime victim. This is not an allowable expense.

Q35: Can the funds be used to pay for DNA testing of the defendant?

A: No, the funds may not be use for this purpose. This is not an allowable expense