

RESOLUTION OF THE  
NAABIK'ÍYÁTI' STANDING COMMITTEE  
25<sup>th</sup> NAVAJO NATION COUNCIL -- Second Year, 2024

AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE; SUPPORTING FUNDING FOR VICTIMS OF CRIMES ACT IN THE UNITED STATES FEDERAL APPROPRIATIONS BUDGET FOR FISCAL YEAR 2024

WHEREAS:

- A. The Navajo Nation Council, as the governing body of the Navajo Nation, is entrusted with the responsibility to safeguard the interests, rights, and traditions of the Navajo People. 2 N.N.C. § 102(A).
- B. The Navajo Nation Council established the Naabik'iyati' Committee as a Navajo Nation Council standing committee with the delegated responsibility and authority to coordinate all requests for information, appearances and testimony related to proposed county, state and federal legislation impacting the Navajo Nation. 2 N.N.C. §§ 770(A), 701(A)(6).
- C. The Victims of Crime Act of 1984 (VOCA) established the Crimes Victims Fund (the Fund) as a major funding source for victim services throughout the United States. Exhibit A.
- D. The Crimes Victim Fund provides support for the following:
  - 1. Victim Services, including funding to tribes for services and programs to improve the investigation and prosecution of child abuse and neglect cases in American Indian and Alaska Native communities;
  - 2. Victim Compensation, covering medical costs, funeral and burial costs, mental health counseling, and lost wages; and
  - 3. Victim Assistance, including crisis intervention, emergency shelter, emergency transportation, counseling, criminal justice advocacy.
- E. The 2024 fiscal year budget proposes to cut VOCA funding by 40%, which would have devastating results to the various programs VOCA supports.
- F. The proposed VOCA funding reduction would impact thousands of victim services providers nationwide, forcing them to close

their doors and millions of victims would lose access to these lifesaving services.

- G. A reduction in VOCA funding would be especially impactful to Indian Country, as Native women continue to face the highest rates of violence in the county and urgently need these victim services and programs to continue to operation.
- H. The Navajo Nation supports the letter by Honorable Amber Crotty, 25<sup>th</sup> Navajo Nation Council Delegate, Chair of the MMIP Taskforce and member of the Navajo Nation Budget and Finance Committee, urging Congress to maintain adequate funding for VOCA in the fiscal year 2024. Exhibit B.
- I. For the reasons stated above, it is in the best interest of the Navajo Nation to oppose any reduction to the Victims of Crime Act for fiscal year 2024.

**THEREFORE, BE IT RESOLVED:**

The Navajo Nation opposes any reduction to the Victims of Crime Act for fiscal year 2024 and urges Congress to maintain adequate funding for Victims of Crime Act to provide the necessary and vital services to victims of crime throughout the United States, especially in Indian Country.

**CERTIFICATION**

I, hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 25<sup>th</sup> Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 17 in Favor, and 00 Opposed, on this 11<sup>th</sup> day of April 2024.



Honorable Crystalyne Curley, Chairwoman  
Naabik'íyáti' Committee

4/12/2024

Date

Motion: Honorable Curtis Yanito  
Second: Honorable Shaandiin Parrish

Chairwoman Crystalyne Curley not voting



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## Crime Victims Fund

The Crime Victims Fund (the Fund), established by the Victims of Crime Act of 1984 (VOCA), is a major funding source for victim services throughout the Nation. Millions of dollars have been deposited into the Fund annually from criminal fines, forfeited bail bonds, penalties, and special assessments collected by U.S. Attorneys' Offices, federal U.S. courts, and the Federal Bureau of Prisons. To date, Fund dollars have always come from offenders convicted of federal crimes, not from taxpayers. Previous legislation expanded the sources from which Fund deposits may come.<sup>1</sup>

Fiscal Year (FY) 2012 was a record breaking year for deposits, with \$2.795 billion going into the Fund ([figure 1](#)). In keeping with VOCA's mandated allocation process, \$359 million in formula grants was channeled from the Fund to states and territories for victim compensation in FYs 2011 and 2012, while more than \$807 million was provided for victim assistance.

### Primary Sources of Revenue

Federal revenues deposited into the Crime Victims Fund come from the following sources:

- Criminal fines, with exceptions for funds related to certain environmental, railroad, unemployment insurance, and postal service violations.
- Forfeited appearance bonds.
- Special forfeitures of collateral profits from crime.
- Special assessments that range from \$25 on individuals convicted of misdemeanors and from \$400 on corporations convicted of felonies.
- Gifts, donations, and bequests by private parties, as provided by the USA PATRIOT Act 2001, which went into effect in 2002.<sup>2</sup>

When the Crime Victims Fund was authorized in 1984, a cap was placed on how much could be deposited into it for the first 8 years. During this time, the annual cap varied from \$100 million to \$150 million. The lifting of the cap in 1993 allowed for the deposit of all criminal fines, special assessments, and forfeited bail bonds to support crime victim program activities. Starting in 2000, in response to large fluctuations in deposits, Congress placed a cap on funds available for distribution. These annual caps were intended to maintain the Fund as a stable source of support for future services. From 2000 to 2009, the amount of the annual cap varied from \$500 million to \$635 million. The caps for FYs 2011 and 2012 were each set at \$705 million.

### Fund Support for Victim Services

Federal, state, and tribal victim assistance programs received formula grants, discretionary grants, and set-asides according to a carefully established annual allocation process (see [figure 2](#)). Following are descriptions of the main VOCA-funded streams that support programs and services:

- State crime victim compensation program formula grants supplement state funds for reimbursing victims of violent crimes for out-of-pocket expenses that result from the crime. All states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands receive VOCA compensation grants. A state is eligible for a VOCA compensation grant if it meets the criteria set forth in VOCA and OVC program guidelines.
- State victim assistance program formula grants support providers who supply services directly to victims. All states and most territories receive annual VOCA assistance grants consisting of a mandated base amount plus additional funds based on population ([see detailed formula](#)).
- OVC discretionary grants fund national-scope demonstration projects and training and technical assistance to enhance the professional expertise of victim service providers by funding program evaluations, building compliance, awarding fellowships, and improving services to victims of crime in tribal communities and victims of federal crimes.
- Victim-witness coordinators in U.S. Attorneys' Offices assist victims of federal crimes and inform them of a variety of issues, including restitution orders and their right to make oral and written victim impact statements at an offender's sentencing, in accordance with the *Attorney General Guidelines for Victim and Witness Assistance (AG Guidelines)*.
- Federal Bureau of Investigation victim specialists keep victims of federal crimes informed of case developments and proceedings, and direct them to appropriate resources in accordance with the *AG Guidelines*.
- The Federal Victim Notification System provides a means for notifying victims of federal crimes about the release or detention status of offenders, the filing of charges against suspects, court proceedings, sentences, and restitution.
- The Children's Justice Act provides formula grants to states through the U.S. Department of Health and Human Services and discretionary grants to tribes through OVC for services and programs to improve the investigation and prosecution of child abuse and neglect cases in American Indian and Alaska Native communities.
- In addition, the VOCA statute allows amounts retained in the Fund after awarding funding in the above program areas to be used to replenish the Antiterrorism Emergency Reserve, which funds emergency expenses and other services for victims of terrorism or mass violence within the United States and abroad.

### Victim Compensation

*What Is Crime Victim Compensation?*

Crime victim compensation is a direct reimbursement to or on behalf of a crime victim for the following statutorily identified crime-related expenses:

- Medical costs.
- Funeral and burial costs.
- Mental health counseling.

- Lost wages or loss of support.

Other compensable expenses may include the replacement or repair of eyeglasses or other corrective lenses, dental services and devices, prosthetic devices, crime scene cleanup, and forensic sexual assault exams. However, property damage and loss are not covered.

#### How Are VOCA Funds Allocated for Crime Victim Compensation Programs?

Every state administers a crime victim compensation program that provides financial assistance to victims of both federal and state crimes. Under VOCA, each state compensation program receives an annual grant equal to 60 percent of what the program spends in state money annually. This calculation is based on the state dollars paid out for the federal fiscal year 2 years prior to the year of the federal grant. Although each state administers its own program independently, most programs have similar eligibility requirements and offer comparable types of benefits. No more than 5 percent of each year's VOCA compensation formula grant may be used for administration and training; the rest must be used for awards of compensation to crime victims.

## Victim Assistance

#### What Is Victim Assistance?

Victim assistance includes, but is not limited to, the following services:

- Crisis intervention.
- Emergency shelter.
- Emergency transportation.
- Counseling.
- Criminal justice advocacy.

More than 4,000 VOCA awards are made by states annually to public and private nonprofit organizations to provide these and other essential services to victims of crime.

#### How Are VOCA Funds Allocated for Victim Assistance Grants?

All states, the District of Columbia, the U.S. Virgin Islands, and Puerto Rico each receive an annual VOCA victim assistance grant with a base amount of \$500,000; the Northern Mariana Islands, Guam, and American Samoa each receive a base amount of \$200,000. Additional funds are distributed to states and territories based on population. In each state and territory, VOCA assistance funds are awarded to local community-based organizations and public agencies that provide services directly to victims of crime. As with the VOCA compensation formula grants, a state may use no more than 5 percent of each VOCA assistance grant for administration and training purposes.

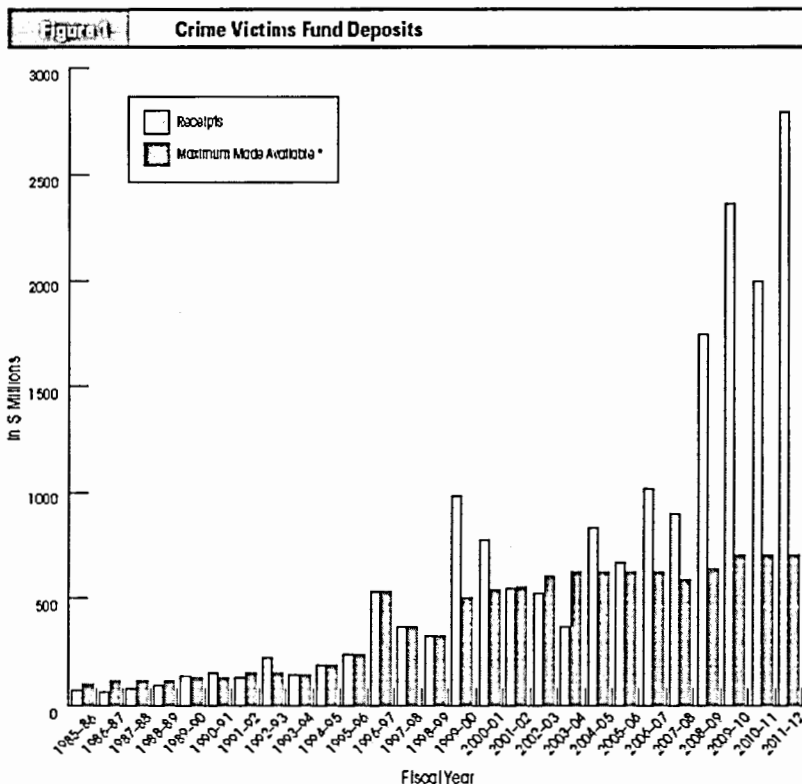
#### How Do States and Territories Determine Which Organizations Will Receive VOCA Victim Assistance Grants?

Each state and territory determines which organizations will receive funding based on the eligibility requirements for subrecipient programs contained in VOCA, the victim assistance guidelines, and the needs of crime victims in that state or territory. VOCA assistance funds may be used only for direct services to crime victims.

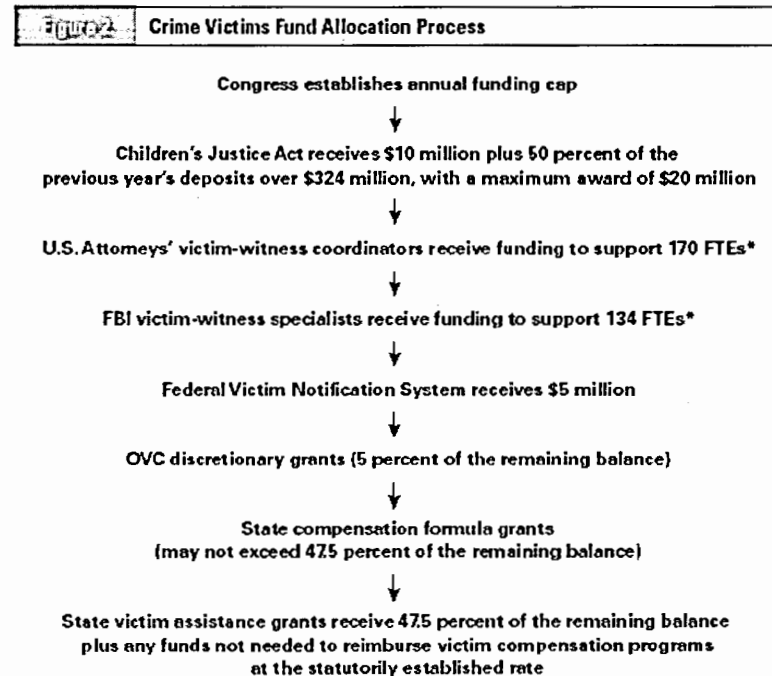
VOCA allows state grantees to use no more than 5 percent of each year's grant for training and administering the VOCA victim assistance grant at the state grantee level with the remaining portion being used exclusively for direct service providers. Services such as offender rehabilitation, criminal justice improvements, and crime prevention activities cannot be supported with VOCA victim assistance funds.

## Discretionary Funds

#### What Is the Purpose of Discretionary Funds?



\*When the Fund was authorized in 1984, a cap was placed on how much money could be deposited for the first 8 years (FY 1985 through FY 1993). Congress lifted the cap for FY 1994 through FY 1999. Starting in FY 2000, Congress placed annual caps on obligations to protect against wide fluctuations in receipts and ensure a stable level of funding in the future.



\*Full-time employees.

VOCA authorizes OVC to use discretionary funds to improve and enhance the skills, knowledge, and abilities of victim service providers and allied professionals who work with crime victims. Each year, OVC specifies program priorities that identify the training and technical assistance and demonstration initiatives that should be funded in the coming year with discretionary funds available from the Fund.

#### *How Are Discretionary Funds Used?*

Discretionary funds are used for two types of activities.

- National-scope training and technical assistance to include the following:
  - Performing program evaluations.
  - Funding and evaluating demonstration programs.
  - Conducting special workshops.
  - Supporting victims' rights compliance efforts.
  - Developing training curricula.
  - Providing fellowship opportunities at OVC.
  - Identifying and disseminating promising practices in victim services.
  - Supporting efforts to raise national awareness of victims' rights and needs.
  - Training professionals who work in victim services and allied fields.
  - Delivering technical assistance.
- Services and support for federal crime victims to include the following:
  - Developing materials that inform federal crime victims of their rights and the services available to them.
  - Supporting programs that establish new and expand existing services for federal crime victims, including programs that address the needs of American Indian and Alaska Native crime victims.
  - Training federal, criminal, and tribal justice system personnel on victims' issues.
  - Emergency assistance.

#### **Footnotes**

<sup>1</sup> Passed in October 2001, the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act) provided authority for the deposit of gifts, bequests, or donations from private entities into the Fund beginning in Fiscal Year 2002.

<sup>2</sup> The USA PATRIOT Act authorized the transfer of emergency supplemental appropriation funding into the Emergency Reserve account to assist victims of the September 11, 2001, terrorist attacks on the United States.

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Office for Victims of Crime  
810 Seventh Street NW, Washington, DC 20531  
The Office for Victims of Crime is a component of the Office of Justice Programs, U.S. Department of Justice.



# Missing or Murdered Indigenous Persons (MMIP)

Indigenous persons experience disproportionately high rates of violence, and, relatedly, are reported missing or are murdered at high rates. Tribes and organizations that receive funding from the Office for Victims of Crime (OVC) Tribal Victim Services Set-Aside Program (TVSSA) can use their funds to help Missing or Murdered Indigenous Persons (MMIP) by:

- Providing services to the family members of MMIP victims.
- Generating awareness of MMIP among community members in general as well as individual MMIP cases.
- Collaborating with Tribal, federal, and state and local officials to respond to MMIP cases.

## Missing Persons

Between 2009 and 2018, 85 percent of the Native children who were reported missing to the National Center for Missing and Exploited Children were considered endangered runaways (children between the ages of 11 and 17 who left home and whose whereabouts are unknown to their parent or guardian).<sup>1</sup> Bringing attention to Native children who are endangered runaways is crucial to protecting their safety, as they may be more susceptible to becoming victims of crime. This is particularly true if they run away from foster care. Research suggests youth in foster care may run away more frequently than youth who are not involved in the system and are more likely to become victims of sex trafficking.<sup>2</sup>

Adults also disappear or go missing under a variety of circumstances. Some adults may choose to disappear to escape intimate partner violence or some other form of violence. A 2016 study by the National Institute of Justice found that more than four in five American Indian and Alaska Native adults (83 percent) have experienced some form of violence in their lifetime.<sup>3</sup>

People may disappear and later may be found alive. In some cases the search for a missing person may result in the discovery of a body and the beginning of a homicide investigation. During the time when a loved one's whereabouts are unknown, family members may require services and assistance. If the search for a missing relative results in the discovery of the person's remains, the family may require additional support.

In response to feedback OVC received through Tribal consultations, OVC TVSSA grantees may now use their funding to assist family members of a missing person under the following circumstances:

1. The missing person is known to be a victim of kidnapping or in the company of a human trafficker.
2. The individual's disappearance is under investigation by law enforcement.
3. The missing person's family members fear that they may be a victim of crime.<sup>4</sup>
4. The missing person has a history of being victimized, and their disappearance may be directly or indirectly related to that history.

## Missing Persons' Activities

TVSSA grantees may use their funding to support the following activities related to missing persons:

- Provide financial assistance and support to the families of missing persons.
- Conduct outreach events and other activities to educate the community about MMIP issues.
- Produce billboards, flyers, placards, etc. to generate awareness about individual missing person's cases, and, in limited circumstances, support costs incidental to a private search.
- Work with a multidisciplinary, interjurisdictional group of Tribal, federal, and state and local stakeholders to create MMIP response protocols.

## Support for Victims of Homicide

TVSSA funds can be used to aid families when the remains of a missing person have been recovered and have been determined to be a victim of homicide. In these circumstances, TVSSA funds can support:

- Reunification costs, including exhumation (if needed), repatriation, and burial of the remains.
- Assistance for survivors of homicide, including financial and civil legal help, as well as family and individual counseling.

## For More Information

Visit [ovc.ojp.gov/program/tribal/overview](https://ovc.ojp.gov/program/tribal/overview) for more information on OVC, the TVSSA Program, and or MMIP.

<sup>1</sup> *Native American Children Reported Missing to NCMEC* (2021) National Center for Missing and Exploited Children.

<sup>2</sup> *Research Brief: Examining the Link: Foster Care Runaway Episodes and Human Trafficking*, (2020), Administration for Children and Families, U.S. Department of Health and Human Services.

<sup>3</sup> Rosay, André B., *Violence Against American Indian and Alaska Native Women and Men: 2010 Findings from the National Intimate Partner and Sexual Violence Survey* (pdf, 82 pages). Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2016, NCJ 249736.

<sup>4</sup> It is important to help family members understand that confidentiality is key when adults disappear to protect their personal safety. Law enforcement and victim services personnel may have a duty to protect the confidentiality of persons who have voluntarily disappeared and may not be able to share information about their whereabouts without their consent.



Dear Senator Heinrich,

The proposed \$1.2 billion for VOCA in the President's FY24 budget and the FY24 House and Senate CJS appropriations bills is a 40% cut compared to FY23. This cut would be devastating - causing thousands of victim service providers nationwide to close their doors and millions of victims to lose access to lifesaving services, especially in Indian country.

As your constituent, I urge you to maintain adequate funding for VOCA in the FY24 appropriations budget without cutting other critical DOJ grant programs that provide vital victim services and protect public safety. Native women, who face the highest rates of violence in the country, urgently need these victim services and programs to continue to operate.

As you are aware, the VOCA Fix to Sustain the Crime Victims Fund Act of 2021 ("VOCA Fix") was an effort to fix the long-term challenge of decreased deposits into the Crime Victims Fund ("CVF"). While the VOCA Fix has produced much-needed funding, it has not provided sufficient stabilization to ensure the long-term health of the CVF. Therefore, it has not adequately supported victim service providers and other grant recipients in the current and immediate upcoming fiscal years.

I'm contacting you today to strongly encourage you to protect victims and victim services by maintaining adequate funding for VOCA in the FY24 appropriations budget without cutting other critical DOJ grant programs that provide vital victim services and protect public safety.

Thank you for your continued support for the safety of Tribal communities and Indigenous women.

Sincerely,

Amber Kanazbah Crotty

# NAVAJO NATION

345

4/11/2024

Naa'bik'iyati' Committee Regular Meeting

11:17:03 AM

Amd# to Amd#

New Business: Item A.

PASSED

MOT Yanito, C

CONSENT AGENDA > 0069-24,0078-24

SEC Parrish, S

0040-24,0062-24,0064-24,0065-24

0066-24,0074-24,0077-24

Yeas : 17

Nays : 0

Excused : 6

Not Voting : 0

Yea : 17

Aseret, L

Johnson, C

Simonson, G

Tso, O

Begay, H

Nez, A

Simpson, D

Yanito, C

Crotty, A

Notah, N

Slater, C

Yazzie, C

Daniels, H

Parrish, S

Tolth, G

Yazzie, L

James, V

Nay : 0

Excused : 6

Arviso, S

Charles-Newton, E

Jesus, B

Nez, R

Begay, N

Claw, S

Not Voting : 0

Presiding Speaker: Curley, C