



COMMISSION ON CRIME
AND DELINQUENCY

September 23, 2022

TO: County District Attorney
County Treasurer

On July 11, 2022, Governor Wolf signed Act 77 of 2022 into law amending the Crime Victims Act (CVA) section 18 P.S. § 11.1101 (b)(2) Disposition. This section provides "that 70% of any costs which exceed \$60 shall be paid into a local victim services fund, established and administered by the county treasurer of each county. The county treasurer shall disperse money from a local victim services fund at the discretion of the county district attorney. The money in the local victim services fund shall be used only for victim services. Each county treasurer shall by August 31 of each year provide the commission with an annual statement which fully reflects all collections deposited into and expenditures from the local victim services fund for the preceding fiscal year."

Act 77 of 2022 also stipulated that the Commission, as advised by the Victims' Services Advisory Committee (VSAC), develop guidelines for the administration of the Local Victim Services Fund. Attached are the "*Guidelines for Counties Establishing a Local Victim Services Fund*" that were approved by VSAC on August 9, 2022 and subsequently approved by the PCCD Commission on September 14, 2022.

If you have any questions, please contact Jeff Blystone at 717-265-8747 or jblystone@pa.gov.

Sincerely,

A handwritten signature in black ink that appears to read "Kathy Buckley".

Kathy Buckley
Director, Office of Victims' Services

CC: County Commissioners



Guidelines for Counties Establishing a Local Victim Services Fund (Pursuant to Act 77 of 2022)

Overview

Prior to Act 77 of 2022 (Act 77), the Crime Victims Act (CVA) 18 P.S. § 11.1101 (a)(1) states, in part, "a person who pleads guilty or nolo contendere or who is convicted of a crime, shall pay costs of at least \$60 and may be sentenced to pay additional costs up to the statutory maximum monetary penalty for the offense committed." The CVA also provides that the \$60 is divided as follows: \$35 to the Crime Victim's Compensation Fund, and \$25 to the Victim Witness Services Fund. Finally, the statute provides that where the court imposes a cost above the \$60 minimum, the monies are divided in the following manner: 30% to the Crime Victim's Compensation Fund, and 70% to Victim Witness Services Fund.

Act 77 was signed into law on July 11, 2022 and amends CVA 18 P.S. § 11.1101 (b)(2) Disposition. This section provides "that 70% of any costs which exceed \$60 shall be paid into a local victim services fund, established and administered by the county treasurer of each county. The county treasurer shall disperse money from a local victim services fund at the discretion of the county district attorney. The money in the local victim services fund shall be used only for victim services. Each county treasurer shall by August 31 of each year provide the commission with an annual statement which fully reflects all collections deposited into and expenditures from the local victim services fund for the preceding fiscal year."

These changes replace the current 11.1101 (b)(1) and (2) and are effective immediately. In addition, pursuant to Act 77, "The Commission, as advised by the Victim Services Advisory Committee, shall develop guidelines for the administration of the Local Victim Services Fund."

These Local Victim Services (LVS) Fund Guidelines provide counties with guidance on the establishment and administration of the LVS Fund pursuant to Act 77. These guidelines only apply to those counties where costs are imposed on offenders that exceed the minimum \$60 penalty assessment. Information is provided on the responsibilities of counties and should be used to develop or tailor existing policies and procedures as needed to comply with Act 77 of 2022.

Responsibilities of County District Attorneys and County Treasurers

Currently, the \$25 assessment imposed on certain offenders, supports the Rights and Services Act (RASA) Program. These funds are provided to support responsibilities assigned to the Prosecution and Juvenile Probation under the Crime Victims Act (Act 85 of 2002), the Juvenile Act, and Pennsylvania's Rules of Juvenile Court Procedure. The goal is to ensure that victims of crimes committed by adult and juvenile offenders, whose cases are processed within the criminal and juvenile justice systems, receive all the rights and services to which they are entitled by law.

Under Act 77, the LVS Funds "shall only be for victim services" and support/strengthen the same provision of services to victims as delineated under the Crime Victims Act, the Juvenile Act, and

Pennsylvania's Rules of Juvenile Court Procedure. The county district attorney shall provide direction to the county treasurer how the LVS funds will be utilized to support the provision of services to victims. This information should include the amount of funds to be utilized and who should receive the funds, taking into consideration who is currently supported with RASA funds and how these LVS Funds can support/strengthen these existing programs.

In accordance with Act 77, a county must establish a Local Victim Services (LVS) Fund that will be funded by 70% of any costs collected exceeding \$60 (the VPA). The LVS Fund must be administered by the county treasurer and will disperse monies from this fund only at the discretion of the county district attorney. The remaining 30% shall continue to be sent to the Commonwealth so they are deposited into the state Crime Victims' Compensation Fund.

The implementation and administration of the LVS Fund should outline the eligible activities and expenses that the LVS funds can support. Eligible activities and expenses include the provision of services and notifications to victims of crime they are entitled to receive under the law as their case progresses through the criminal and Juvenile justice systems (please refer to the section "Eligible Activities and Expenses"). These rights are services are assigned to the Prosecution and Juvenile Probation under the Crime Victims Act (Act 85 of 2002), the Juvenile Act, and Pennsylvania's Rules of Juvenile Court Procedure.

Policies and procedures should be in place for those instances, where costs are imposed on offenders that exceed the minimum \$60 penalty assessment to address:

- 30% shall continue to be sent to the Commonwealth to support the state Crime Victims' Compensation Fund;
- 70% shall be retained and deposited into a newly established Local Victim Services Fund (LVS).

Policies and procedures should address how the receipt of the funds will be tracked and dispersed utilizing established financial procedures and applicable regulations. This includes maintaining an adequate system of internal accounting and controls. The county should maintain documents to support all transactions and should include maintaining purchase orders, receiving records, paid invoices, cancelled checks, personnel, payroll, time and attendance records, and other evidence to support expenditures. In addition, policies and procedures.

Pursuant to Act 77, "each county treasurer shall by August 31 of each year provide the commission with an annual statement which fully reflects all collections deposited into and expenditures from the local victim services fund for the preceding fiscal year." The fiscal year will be considered July 1st of the previous year through June 30th of the current year.

The annual statement submitted by the county treasurer by August 31st will include the following:

- I. Total collections deposited into the LVS Fund for the preceding fiscal year (July-June).
- II. Total expenditures from the LVS fund for the preceding fiscal year (July-June).
- III. The county district attorney must sign off on the annual statement.

The Commission, at its discretion, may ask for a more detailed breakdown of the annual statement of deposits and expenditures at any time.

The annual statement shall be submitted to the Commission through e-mail to RA-OVS-FundingInfo@pa.gov or via mail to:

Pennsylvania Commission on Crime and Delinquency
ATTN: Office of Victim Services
3101 North Front Street
Harrisburg, Pennsylvania 17110

Eligible Activities and Expenses

LVS funds may be used to support any, all, or one of the following criminal/juvenile justice procedural services:

Accompaniment (Criminal Cases/Juvenile Cases) – Victims receive accompaniment during court-related activities and hearings. Accompaniment is the in-person support provided to a victim.

Pre-Disposition Notifications (Juvenile Cases) - Victims receive, in formats accessible to them, all notifications and services available to them throughout all appropriate pre-disposition proceedings in the juvenile justice system. Examples of pre-disposition notifications include information on available victim services; Allegation Filed; Informal Adjustment; Juvenile Petition Filed; Consent Decree; and If Adjudication Hearing Date is Set.

Post-Disposition Notifications (Juvenile Cases) - Victims receive, in formats accessible to them, all notifications and services available to them throughout all appropriate post-disposition proceedings in the juvenile justice system. Examples of post-disposition notifications include Dispositional Hearing; Dispositional Outcome; Transfer to Another County; Transfer to Adult System; Commitment Review; Dispositional Review; Probation Revocation Hearing; Dispositional Review Hearing; Detention Hearing; Home Passes; Release from Placement; Termination of Probation; Escape from Detention Facility and Re-Apprehension.

Pre-Sentencing Notifications (Criminal Cases) - Victims receive, in formats accessible to them, all notifications and services available to them throughout all appropriate pre-sentencing proceedings in the criminal justice system. Examples of pre-sentencing notifications include information on available victim service; court hearing; and trial.

Post-Sentencing Notifications (Criminal Cases) - Victims receive, in formats accessible to them, all notifications and services available to them throughout all appropriate post-sentencing proceedings in the criminal justice system. Examples of post-sentencing notifications include: County Release State Correctional Release including information on PA SAVIN and the Office of the Victim Advocate (OVA); and Victims as Witnesses to Execution.

Prior Comment (Criminal Cases/Juvenile Cases) – Victims receive assistance on how to provide prior comment on all adult and/or juvenile criminal matters concerning, but not limited to, the potential reduction or dropping of a charge, plea agreements, or case diversions including referrals to restorative practices, specialty courts, Accelerated Rehabilitative Disposition (ARD), Informal adjustment, or consent decree.

Property Return (Criminal Cases/Juvenile Cases) - Coordinate the expeditious return of property, used as evidence, to the victim.

Restitution (Criminal Cases/Juvenile Cases) - Inform victims regarding their right to restitution under Pennsylvania law and advocate on behalf of the victim(s) for the necessity and collection of restitution.

Victims Compensation Assistance (Criminal Cases/Juvenile Cases) - Provide information to the victim about Victims Compensation Assistance and assist, directly or indirectly, in the preparation, filing and follow-up of any claim for Victims Compensation Assistance.

Victim Impact Statement (Criminal Cases/Juvenile Cases) - Provide assistance to victims regarding their right to offer a written and/or oral victim impact statement.

Victims' Rights Notification (Criminal Cases/Juvenile Cases) - Provide victims with timely information of their rights under the Crime Victims Act, and other relevant victims' rights laws (including rights automatically granted under the law and those related to victim requests for services).

The following activities and practices cannot be supported with the LVS Funds:

- Prosecution activities: These include activities that are directed towards prosecuting an offender and/or improving the juvenile justice system's effectiveness and efficiency, such as witness locating services, Victim/Witness protection costs, witness relocation expenses. The preparing, drafting, generating, mailing, or serving subpoenas, other than to the victim, is prohibited under this funding.
- Collection of restitution payments
- Counseling or therapy services
- Investigative services
- Reimbursement of victims' expenses or losses otherwise covered by the Victims' Compensation Assistance Program (VCAP)
- Relocation expenses for crime victims
- Promotional items for outreach purposes, i.e. refrigerator magnets, stress balls, key chains, etc. Please note that printing costs for pamphlets, brochures, and other program related materials are eligible.