

2014-2016 Certification Guidelines for Local Victim Assistance Programs



I. Criminal Justice Coordinating Council Authority & Responsibilities Regarding:
(A) Certification of Local Victim Assistance Programs
(B) Reporting of Local Victim Assistance Add-On Fines Collected & Disbursed
(C) Reporting by Local Victim Assistance Programs of Funds Received & Victims Served

The Criminal Justice Coordinating Council was created by the Georgia Legislature in 1981. The applicable authority, membership, role, and responsibilities of the Criminal Justice Coordinating Council are set forth in Georgia Code Title 35, Chapter 6A, sections 35-6A-1 through 35-6A-9. The Criminal Justice Coordinating Council is charged by the General Assembly “to provide the necessary leadership to coordinate the major components of the criminal justice system.”

The Criminal Justice Coordinating Council is also Georgia’s designated State Administrative Agency; this means that CJCC is the state agency that applies to the U.S. Department of Justice for federal grants, and administers the redistribution of these grant funds to criminal justice agencies, including victim assistance programs. As Georgia’s State Administrative Agency, the Criminal Justice Coordinating Council applies for many federal grants that support victim assistance programs in Georgia. Currently the Council receives the following: the Victims of Crime Act (VOCA) grant, the STOP Violence Against Women Act (VAWA) grant, the Sexual Assault Services Program (SASP) grant, and the Safe Havens: Supervised Visitation Program grant.

The original statute passed by the Georgia General Assembly in 1995 as O.C.G.A. §15-21-130-134 (**Article 8 Funding for Local Victim Assistance Programs**) provided funding for local victim assistance programs through the imposition of an additional penalty equal to 5 percent of the original fine imposed on any criminal offense or any criminal ordinance violation in any court of this state, or any municipality or political subdivision of the state. Funds derived through these Local Victim Assistance Add-On Fines are referred also as “five percent funds.” The Criminal Justice Coordinating Council’s functions as enumerated in Code section 35-6A-7 include “(10) To promulgate rules governing the approval of victim assistance programs as provided for in Article 8 of Chapter 21 of Title 15.”

In the 2007 Regular Session of the Georgia General Assembly, O.C.G.A 15-21-132 was revised to clarify the roles of different county and state agencies in the collection, distribution, and reporting of the Local Victim Assistance Add-On Fines and in the certification of victims’ assistance programs eligibility to receive these funds. The entire text of Article 8, as amended, is provided in Section II below.

In response, the Administrative Rules Committee of the Criminal Justice Coordinating Council (CJCC) made changes in the CJCC’s Administrative Rules, Chapter 144-6, which provides guidance on definitions pertaining to victims’ assistance programs, procedures for reporting and applying for certification, and a list of pre-approved services. The change in procedures applies to county governing authorities and district attorneys collecting and disbursing funds and to agencies applying for certification of eligibility to receive these funds.

The entire text of the relevant section of the Criminal Justice Coordinating Council's Administrative Rules is provided in Sections III-VI below.

The information reported from county governing authorities, solicitor general's, district attorneys, and victim assistance programs about monies collected through add-on fines (5% funds) and redistributed to local victim assistance programs enables the Criminal Justice Coordinating Council to fulfill two of its primary responsibilities under Article 8: (1) to make informed decisions about the allocation of funds from its federal grants to victim assistance programs, and (2) to report to the Georgia Legislature and the Governor the amount of funds from criminal fines collected through local courts for the support of victim assistance programs. In turn, this responsibility is tied directly to the functions and authority of the Criminal Justice Coordinating Council as described in Title 35 Code § 35-6A-7.

II. Official Code of Georgia, Title 15 Courts, Article 8 Funding for Local Victim Assistance Programs

15-21-130. Legislative Intent.

It is the intent of this article to provide funding for local victim assistance programs. (Code 1981, § 15-21-130, enacted by Georgia Legislature, 1995, p. 260, § 3.)

15-21-131. Imposition of additional fines.

- (a) In every case in which any court of this state or any municipality or political subdivision of this state shall impose a fine, which shall be construed to include costs, for any criminal offense or any criminal ordinance violation, there shall be imposed as an additional penalty a sum equal to 5 percent of the original fine.
- (b) Such sums shall be in addition to any amount required by Code Section 47-17-60 to be paid into the Peace Officers' Annuity and Benefit Fund and in addition to any other amounts provided for in this chapter. (Code 1981, § 15-21-131, enacted by Georgia Legislature, 1995, p. 260, § 3; Georgia Legislature 1997, p. 551, § 1.)

15-21-132. Assessment and collection of additional sums; reporting; certification of victim assistance programs.

(a) The sums provided for in Code Section 15-21-131 shall be assessed and collected by the court officer charged with the duty of collecting moneys arising from fines and shall be paid monthly:

- (1) If the county where the fine was imposed has a victim assistance program providing services to residents of that county and certified by the Criminal Justice Coordinating Council, the funds shall be directed to the governing authority of the county for disbursement to those victim assistance programs for the purpose of defraying the costs of victim assistance activities carried out by the programs; or
- (2) If the county where the fine was imposed does not have a victim assistance program providing services to residents of that county and/or a program not

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certified by the Criminal Justice Coordinating Council, the funds shall be directed to the district attorney of the judicial circuit in which the county is located for the purpose of defraying the costs of victim assistance activities carried out by the district attorney's office. Such funds shall be paid over in the same manner as other county funds paid for operations of the district attorney's office and shall be in addition to rather than in lieu of any other such funds.

All such funds shall be paid to the recipients by the last day of the month in which the funds are received; provided, however, **that the governing authority of the county shall be authorized to hold as reserve funds an amount not to exceed 5 percent of the funds received by the governing authority in the preceding calendar year.**

- (b) The court officer charged with the duty of collecting moneys arising from fines as provided for in Code Section 15-21-131 shall receive and distribute the funds collected to the county governing authority or district attorney as appropriate, and shall submit a monthly report of the collection and distribution of such funds to the Georgia Superior Court Clerks' Cooperative Authority, and the Georgia Superior Court Clerks' Cooperative Authority shall submit a financial report to the Criminal Justice Coordinating Council each month stating the amount collected and the amount disbursed no later than the last day of the month following the month in which the funds were collected.
- (c) The county governing authority receiving funds shall submit a financial report to the Criminal Justice Coordinating Council semiannually stating the recipients that directly received funds during such reporting period no later than the last day of the month following the reporting period in which the funds were collected in order to allow coordination of local, state, and federal funding sources for similar services. The Criminal Justice Coordinating Council shall report annually to the General Assembly the county governing authorities that failed to submit semiannual reports during the previous calendar year.
- (d) All recipients of funds pursuant to this Code Section, except county governing authorities, shall submit an annual report to the Criminal Justice Coordinating Council. Such report shall include, but not be limited to, the total amount of funds received pursuant to this Code section, the purposes for which the funds were expended, and the total number of victims served in each county for which the funds were received. A copy of each recipient's annual report shall also be submitted to each county governing authority from which funds were received pursuant to this Code section.
- (e) The Criminal Justice Coordinating Council shall promulgate rules governing the certification of victim assistance programs. The rules shall provide for the certification of programs which are designed to provide substantial assistance to victims of crime in understanding and dealing with the criminal justice system as it relates to the crimes committed against them. It is the intention of the General Assembly that certification shall be liberally granted so as to encourage local innovations in the development of victim assistance programs.

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- (f) The Criminal Justice Coordinating Council shall promulgate rules governing the revocation of certification of victim assistance programs. Such rules shall provide for the decertification of programs previously certified by the Criminal Justice Coordinating Council that are no longer in compliance with the rules promulgated by the Criminal Justice Coordinating Council pursuant to this Code section.
- (g) Monies arising from fines imposed pursuant to Code Section 15-21-131 shall not be paid to any victim assistance program that has not been certified by the Criminal Justice Coordinating Council or to any program that has been decertified by such Council.
- (h) Each calendar quarter, the Criminal Justice Coordinating Council shall prepare and publish, by document and posting on its website, a report that shall list each court which has not filed the reports required by subsection (b) of this Code section (Code 1981, § 15-21-132, enacted by Georgia Legislature 1995, p. 260, § 3; Georgia Legislature 2000, p. 1359, § 14; Georgia Legislature 2005, p. ES3, § 7; Georgia Legislature 2006, p. 710, § 1/SB 203.)

15-21-133. Payment of additional sums.

Reserved. Repealed by Georgia Legislature 2005, p. ES3, § 8, effective June 15, 2004.

15-21-134. Refusal to pay sums as provided in this article.

Any person whose duty it is to collect and remit the sums provided for in this article who refuses to do so remit shall be guilty of a misdemeanor. (Code 1981, § 15-21-134, enacted by Georgia Legislature 1995, p. 260, § 3.)

III. Definitions (Criminal Justice Administrative Rules, amended)

144-6-.01 Definitions

For purposes of approving or certifying Victim Assistance Programs, the following terms and phrases contained in O.C.G.A. § 15-21-130 *et. seq.* are defined:

- (a) “Certified victim assistance program” refers to any governmental agency, private nonprofit organization, or prosecuting attorney’s office which has met the criteria established by the CJCC.
- (b) “CJCC” refers to the Criminal Justice Coordinating Council.
- (c) “County” or “county governing body” refers to County Commission.
- (d) “Court Officer” refers to a person charged with the duty of collecting moneys arising from criminal fines ordered by a court and will generally be the Clerk of the Court.
- (e) “Courts” refers to all superior, state, probate, magistrate, municipal, and other courts that assess or collect fines pursuant to Georgia law.
- (f) “Crime” refers to any criminal offense as defined by Title 16 of the Official Code of Georgia Annotated or any other applicable Code Section.
- (g) “Eligible Applicant” refers to any governmental agency or private non-profit organization

that meets all applicable certification criteria set forth by the Criminal Justice Coordinating Council (CJCC).

- (h) “Fine” refers to any criminal fine or criminal bond forfeiture ordered by a court.
- (i) “GSCCCA” refers to the Georgia Superior Court Clerks Cooperative Authority.
- (j) “Victim” refers to any person against whom a crime has been perpetrated.
- (k) “Victim assistance program” refers to any governmental agency, private non-profit organization, or prosecuting attorney’s office that coordinates and provides direct services to victims of crime.

Authority O.C.G.A. §§. 15-21-132, 35-6A-7. **History.** Original Rule entitled “Definitions” adopted: F. June 14, 1995; eff. July 4, 1995. **Amended:** F. Sept. 24, 2001; eff. Oct. 14, 2001. **Amended:** F. Jan. 15, 2002; eff. Feb. 5, 2002.

IV. Procedures for Counties (Criminal Justice Administrative Rules, amended)

144-6-.02 Procedures.

- (a) Local Victim Assistance Add-On Fine Collection, Distribution, and Reporting
 - 1. An additional penalty of 5% of the original fine shall be added to every criminal offense or criminal ordinance violation where a fine has been imposed for any court. This amount is in addition to any amount required for the Police Officers’ Annuity Benefit Fund or any other amounts provided in O.C.G.A. § 15-21-131.
 - 2. Five percent of the original fine shall be assessed and collected by the court officer who shall distribute said funds to the county for the purposes of defraying the costs of victim assistance activities associated with certified victim assistance programs in which the court resides or, if the county has no certified victim assistance program, to the district attorney, for the purposes of defraying the costs of victim assistance activities no later than the end of the month in which the funds were received.
 - 3. The court officer shall report monthly to the Georgia Superior Court Clerks Cooperative Authority (GSCCA) the amount of funds collected and disbursed to the county or to the prosecuting attorney.
 - 4. The GSCCCA must submit a monthly financial report to the CJCC stating the amount collected and disbursed no later than the end of the month following the month in which the funds were collected.
 - 5. The county must decide what percentage of the total funds will be given to each program if there is more than one certified victim assistance program within the county. For reference, the most current list of all certified victim assistance programs can be found on CJCC’s website, <http://cjcc.georgia.gov>.
 - 6. The county may reserve no more than 5% of the funds received in the previous year as a contingency fund to sustain victim assistance programs.

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7. Semiannually, the county must submit to the CJCC a financial report detailing the recipients that received funding and the amounts disbursed to each recipient. **If the county does not have a certified victim assistance program and the funds have been disbursed directly to the district attorney, then the county must so notify the CJCC.** This report is due by July 30th for the period from January 1 through June 30 and January 30th for the period from July 1 through December 31 of each year.

Counties are not released from their obligation to submit a financial report to CJCC detailing the funds collected and distributed under item 7 above, even if the court officer distributes said funds directly to the district attorney as provided for in item 2 above.

8. The CJCC is required to report annually to the General Assembly the counties that do not submit semiannual reports. Such report will be due on March 1st of each year and will be published on the CJCC's website.
9. All certified victim assistance programs that receive funding from this source must report annually to the CJCC. Such reports will be for the reporting period of January 1 through December 31 and will be due no later than 45 days after the report is made available of the year following the reporting period. Failure to report will result in decertification of the program and the program will be viewed as non-compliant with CJCC's subgrantee compliance policy, enacted in October 2011. The online link for reporting will be available on CJCC's website and will include information concerning victims served as well as items related to programmatic and financial activities.

District attorneys are not released from the requirement to submit an annual report to the CJCC under item A-9 above, even if the court officer distributes said funds directly to the district attorney as provided for in item A-2 above.

10. Per item 6 under (b) Application for Program Certification by the CJCC: All certified programs will be evaluated on a biannual basis.

Authority O.C.G.A. §§. 15-21-132, 35-6A-4, 35-6A-7. **History.** Original Rule entitled "Procedures" adopted: F. June 14, 1995; eff. July 4, 1995. **Amended:** F. Sept. 24, 2001; eff. Oct. 14, 2001. Amended: F. Nov. 20, 2007; eff. January 29, 2008.

IV. Procedures for Victims' Assistance Agencies (Criminal Justice Administrative Rules, amended)

144-6-.02 Procedures.

(b) Application for Program Certification by the CJCC

1. The application for program certification is web-based. Current subgrantees will receive a unique username and password necessary to enter and complete the Certification Form. This will enable individuals to leave and re-enter the on-line form before submitting it. Currently unfunded agencies will need to request a user

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name and password; instructions for requesting this information will be posted on our website on or before February 2014.

2. Any victim assistance program desiring to be certified by the CJCC to receive funds authorized under O.C. G.A. § 15-21-131 must submit a completed application with supporting documentation to the CJCC for consideration. Once certified, an agency is required to renew their certification, every two years, with the submission of another certification application.
3. No program will be certified that does not demonstrate that it:
 - a. Provides information and assistance with applications to victims regarding the Georgia Crime Victims Compensation Program;
 - b. Coordinates services with governmental agencies and private non-profit organizations providing fundamental victim services within the county/ies it serves as demonstrated by submitting a current MOU, with signatures;
 - c. Has on staff a licensed professional in social work, psychology, or related field, or a graduate of the Georgia Victim Assistance Academy, the National Victim Assistance Academy, or other program that certifies persons providing assistance to victims.
 - i. Victim Assistance Programs can also meet this requirement by completing the Victim Assistance Training (VAT) *Online*, a free Web-based training program funded by the Office for Victims of Crime at the Department of Justice. This training provides professionals with the basic skills they need to assist victims effectively and sensitively. VAT *Online* is divided into sections that can be completed when convenient. The total course time is approximately 40 hours. Participants who complete VAT *Online* receive a Certificate of Completion. Attaching a copy of this certificate to the Agency Certification Application will also fulfill this requirement;
 - ii. (2) Victim Assistance Programs also can meet this requirement if any member of their staff can show evidence of completion of an equivalent professional licensure or certification. An equivalent professional licensure or certification is one that is provided after the completion of at least 40 hours of training; by professional association, educational institution, or other licensing body that is accredited by the State of Georgia or nationally; and that the content of the training required for certification is related to the knowledge and skills needed to provide services to victims of crime. Acceptable certifications and licenses include, but are not limited to those provided to nurses, addiction counselors or specialists, and paralegals)
 - d. Provides or will provide services to victims of crime in the counties for which certification is requested. (Examples of services which have been pre-approved by CJCC may be found at 144-6-.03).

4. Upon receipt of a completed application, CJCC's staff shall within thirty (30) days review the application and forward to the applicant correspondence from the CJCC's Director, or the Director's designee, either certifying the program as meeting all criteria set forth by the CJCC or rejecting its certification request.
5. If a program is denied approval it may within fifteen (15) days of receipt of any rejection letter appeal in writing to the CJCC's Director or to the Chair of the Criminal Justice Systems Advisory Committee. The Committee shall review the appeal at its next regularly scheduled meeting and may conduct a hearing to determine whether the appeal has any merit and may either affirm, overturn, or modify the initial decision.
6. Agencies may be decertified if found to:
 - a. Be delinquent in meeting the reporting requirements;
 - b. Have used funds for activities other than providing direct services to victims;
 - c. No longer meet the minimum criteria as set forth in 144-6-.02 (b) 3;
 - d. Have failed to comply with these administrative rules; or
 - e. No longer provide services as outlined in the original application.
7. Per item 9 under (a) Local Victim Assistance Add-On Fine Collection, Distribution, and Reporting: All certified victim assistance programs that receive funding from this source must report annually to the CJCC. Such reports will be for the reporting period of January 1 through December 31 and be due no later than 45 days after the report is made available of the year following the reporting period. Failure to report will result in decertification of the program and the program will be viewed as noncompliant with CJCC's subgrantee compliance policy, enacted in October 2011. The online link for reporting will be available on CJCC's website and will include information concerning victims served as well as items related to programmatic and financial activities.

District attorneys are not released from the requirement to apply to the CJCC for certification as a victim assistance program under items B-2 and B-3 above. District attorneys are not released from the requirement submit an annual report to the CJCC under item 7 above, even if the court officer distributes said funds directly to the district attorney as provided for in item A-2 above.

Authority O.C.G.A. §§. 15-21-132, 35-6A-4, 35-6A-7. **History.** Original Rule entitled "Procedures" adopted: F. June 14, 1995; eff. July 4, 1995. **Amended:** F. Sept. 24, 2001; eff. Oct. 14, 2001. **Amended:** F. Nov. 20, 2007; eff. January 29, 2008.

Currently unfunded agencies can submit an Agency Certification Application throughout the year, as certification occurs on a rolling basis. CJCC will review the application and return a decision to the applicant within thirty (30) days, per the Rules above. However, their period of certification shall last for the remainder of the year during which they are certified through February 28, 2016.

Currently funded agencies are required to submit a single Agency Certification Application, no matter how many counties are included in their service areas. Agencies may be certified as

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eligible to receive 5% funds in all counties within which they provide approved victims' assistance services. However, agencies must provide information in their Agency Certification Application about partnerships and clients served specific to each county. If this information is not provided in detail for each county in which the agency requests certification, certification for eligibility to receive 5% funds from that county will be withheld until such information is forthcoming. Evidence of partnerships should be demonstrated through Memoranda of Understanding (MOU).

Applicants must attach a copy of their certification or license, with additional information provided about the required training and the certifying or licensing agency, to their applications. These will be reviewed on a case-by-case basis by CJCC staff in accordance with the language of O.C.G.A. § 15-21-132 (e) "...It is the intention of the General Assembly that certification shall be liberally granted so as to encourage local innovations in the development of victim assistance programs."

VI. Pre-Approved Victims' Assistance Services (Criminal Justice Administrative Rules, amended)

A. 144-6-.03 List of Services Pre-approved by CJCC.

- (1) Crisis Intervention
- (2) Emergency food and clothing.
- (3) Provide victim information on all victim rights available to them.
- (4) Accompaniment to Line-ups.
- (5) Accompaniment to interviews.
- (6) Information about case status and about all scheduled court proceedings.
- (7) Information about contact persons at jail and DA's office.
- (8) Brochures and/or general information about the criminal justice process.
- (9) Information on arrest status, bail, bond, and pretrial release.
- (10) Allow victim to have input on accused's jail release.
- (11) Accompaniment to forensic examination, paid for also.
- (12) Provide victim compensation information.
- (13) Information and/or assistance regarding protection and restraining orders.
- (14) Emergency shelter.
- (15) Tell victim of right to hearing on not releasing their address.
- (16) Coordination of victim/witness appearance.
- (17) Information about transportation options to hearings.
- (18) Information about case progress and disposition.
- (19) Support during trial process.
- (20) Allow victim to give input on diversions, dismissals, plea bargains, continuances, and sentencing.
- (21) A safe place provided separate from the defendant and relatives during the trial.
- (22) Provide information all victim rights in the aftermath of a case disposition.
- (23) Inform victim of offender's status or release after disposition.
- (24) Enforcement of restitution orders.
- (25) Inform victim of right to victim impact statements and help with it.

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- (26) Personal support during appeals process and motions for retrial.
- (27) Long term counseling referral.
- (28) Social services referral and referral to community based victim services.
- (29) Training for all employees (on victim services).
- (30) Prevention services aimed at re-victimization.
- (31) Volunteer utilization.

Authority O.C.G.A. §§. 15-21-132, 35-6A-7. **History.** Original Rule entitled "List of Fundamental Services" adopted: F. June 14, 1995; eff. July 4, 1995. **Amended:** F. Nov. 20, 2007; eff. January 29, 2008.

B. VOCA Grant Approved Victim Assistance Services

Some victim assistance programs and agencies may be more familiar with the list of services funded under the VOCA (Victims of Crime Assistance Act) grants distributed by the Criminal Justice Coordinating Council. For the purpose of the VOCA crime victim assistance grant program, a crime victim is a person who has suffered physical, sexual, financial, or emotional harm as a result of the commission of a crime. All services performed by agencies receiving VOCA grants from CJCC are also considered pre-approved by the CJCC for the purpose of these guidelines. These services are categorized by the federal government and by the CJCC as follows:

Immediate Health and Safety. Those services which respond to the immediate emotional and physical needs (excluding medical care) of crime victims such as:

- (1) crisis intervention;
- (2) accompaniment to hospitals for medical examinations;
- (3) hotline counseling;
- (4) emergency food, clothing, transportation, and shelter (including emergency, short-term nursing home shelter for elder abuse victims for whom no other safe, short-term residence is available); and
- (5) other emergency services that are intended to restore the victim's sense of security. This includes services which offer an immediate measure of safety to crime victims such as boarding-up broken windows and replacing or repairing locks.

Also considered an allowable victim assistance service under VOCA federal guidelines and CJCC guidelines is:

- (6) emergency legal assistance such as filing restraining orders and obtaining emergency custody/visitation rights when such actions are directly connected to family violence cases and are taken to ensure the health and safety of the victim.

Mental Health Assistance. Those services and activities that assist the primary and secondary victims of crime in understanding the dynamics of victimization and in stabilizing their lives after victimization such as counseling, group treatment, and therapy. "Therapy" refers to intensive professional psychological/psychiatric treatment for individuals, couples, and family members related to counseling to provide emotional support in crises arising from the occurrence of crime. This includes the evaluation of mental health needs, as well as the actual delivery of psychotherapy.

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Assistance with Participation in Criminal Justice Proceedings. In addition to the cost of emergency legal services noted above in section a. "Immediate Health and Safety", there are other costs associated with helping victims participate in the criminal justice system that also are allowable. These services may include advocacy on behalf of crime victims; accompaniment to criminal justice offices and court; transportation to court; child care or respite care to enable a victim to attend court; notification of victims regarding trial dates, case disposition information, and parole consideration procedures; and assistance with victim impact statements. *Most, but not all, of the victim assistance services listed under A above fall into this category as designated by VOCA.*

Special Services. Services to assist crime victims with managing practical problems created by the victimization such as acting on behalf of the victim with other service providers, creditors, or employers; assisting the victim to recover property that is retained as evidence; assisting in filing for compensation benefits; and helping to apply for public assistance.