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January 4, 2007

The Honorable Rob Portman  
Director, Office of Management and Budget  
Executive Office of the President  
Washington, DC 20503

Dear Mr. Portman:

I am writing on behalf of the American Bar Association and in particular its Criminal Justice Section and Victims Committee to urge the Administration, as part of its FY 2008 budget proposal, to support continued funding of the Crime Victims Fund and to work to ensure—at no cost to taxpayers—the availability of the resources essential to meeting the needs of crime victims. We urge the Administration to recommend an increase in the amount of the cap on Victims of Crime Act (VOCA) funding so that victims can obtain their rights as provided by law.

Since 1984, when VOCA was enacted, every state has passed laws or constitutional amendments giving crime victims basic rights. VOCA is the primary vehicle for making these rights a reality by providing direct services and compensation to crime victims, including those who are survivors of homicides and victims of domestic violence, sexual assault, child abuse, elder abuse, and drunk driving. VOCA funds services for 3.8 million crime victims every year.

VOCA funds have provided essential support and advocacy for victims of crime, enabling them to participate fully in the criminal justice system. Prosecutors rely on VOCA funds to ensure that victims get notice of proceedings, get to court, and get to participate through victim impact statements. As a direct result of the fund, thousands of prosecutors' offices, police departments, and public and private agencies now work together to provide critical services to many millions of victims every year. The vast majority of these programs, public and private, rely heavily on VOCA funds for these purposes.

VOCA funds are not drawn principally from taxpayer dollars but from fines and forfeiture monies. A small percentage of the funding is also allocated by Congress to support innovative programs, training, publications, and conferences addressing issues of child victims of physical and sexual abuse.

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Through the federal Children's Justice Act, interdisciplinary "State Children's Justice Task Forces" have distributed funds to bring about essential reforms to better protect children while assuring procedural fairness in the criminal justice system. An example is support for forensic interview training that better prepares professionals to question children appropriately about alleged abuse. Loss of VOCA funding would result in the demise of much of this important Children's Justice work.

A Congressional cap was placed on spending from the fund in 1999 to ensure that there would always be access to funds if the current fund balance was lacking. The "rainy day" fund is critical to ensure stable funding. Blocking ability to draw funds down will devastate programs and severely deplete tight local resources. Ultimately, without a stable source of funding, services will only be available to victims with money. Such a situation destroys any hope of providing services to other persons already devastated by crime. It also makes empty the promise of "rights" for victims.

We urge the Administration to raise the cap on VOCA funding. Representatives of our Criminal Justice Section would be pleased to meet with you and discuss why the cap should be raised and how VOCA should be expanded to utilize attorneys to help victims obtain their rights provided by law.

Sincerely,

A handwritten signature in cursive script that reads "Robert D. Evans".

Robert D. Evans