

Victim Assistance Fines, Fees and Assessment Fund  
**Frequently Asked Questions (FAQ)**

For further information and or questions, please do not hesitate to contact the SOVA Auditing Section - updated 2/2017



**Content**

	<b><u>Page</u></b>
<b>(1) Budgets .....</b>	<b>2</b>
<b>(2) Salaries .....</b>	<b>3</b>
<b>(3) Vehicles .....</b>	<b>7</b>
<b>(4) Donations .....</b>	<b>8</b>
<b>(5) Contracts .....</b>	<b>11</b>
<b>(6) Trainings and Events .....</b>	<b>12</b>
<b>(7) Departmental Purchases .....</b>	<b>14</b>
<b>(8) Victim Related Purchases .....</b>	<b>16</b>
<b>(9) Finance Director Support .....</b>	<b>18</b>

Please be advised, SOVA will update the FAQ section periodically

You may get the most recently updated version at,

**[www.sova.sc.gov](http://www.sova.sc.gov)**

**(Click on the SOVA Auditing tab)**

# **Budgets**

**Q1: 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.

**Q2: 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 Auditing Proviso, 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.

# Salaries

**Q1: Can a portion of a part time officer/part time advocate within the police department or sheriff's department be paid out of the funds?**

A: Yes, but only under the following circumstances such as the town being very small (in most cases) and has only a few officers or if the sheriff has made a decision to use one of his officers to perform the duties of an advocate. There should be a job description indicating the percentage of time that the officer/advocate will serve as an advocate or that the municipality or county as designated. In order to determine a percentage of time, statistical research will need to be conducted showing over the past 2 - 5 years the number of crime victims (if municipality is small) in which assistance and services was provided or should have been provided etc. This is based upon the definition of a crime victim as outlined in ACT 141. Also, 90 days of Time and Activity forms must be kept and provided to SOVA to initially determine the percentage of time. After the percentage of time is determined, the Time and Activity forms will need to be kept on an ongoing basis as long as the funds are used for salary as outlined above.

However, once statistical research has been conducted and a percentage of time determined from the Time and Activity forms, this is the amount of time that the officer/advocate should be paid out of the Victim Assistance Fines, Fees and Assessment Fund serving as a victim advocate. The other percentage of time for the officer/advocate's salary must come from the town's police department's budget or the county sheriff's department's budget. It must not come from the Victim's Assistance Fines, Fees and Assessment Fund.

Also, as a reminder, the officer/advocate will be required to keep Time and Activity forms weekly showing the types of victims assisted, services provided, the amount of time spent with each victim etc. All Time and Activity forms are required to be kept and updated on an ongoing basis as long as any portions of the Victim Assistance Fines, Fees and Assessment Funds are being used to pay the officer's/advocate's salary or portion of salary.

This will be reviewed for auditing purposes. Also, as another reminder, SOVA is required to calculate the percentage used for salary after the initial 90 day review of all Time and Activity forms or unless otherwise noted.

**Q2: Can the victim assistance funds be used and allocated for administrative cost to include but not limited to maintaining, tracking, recording and depositing collected victim assistance funds?**

A: No, the funds may not be used for this purpose since this is not considered providing direct victim services to crime victims.

**Q3: Are victim advocates required to keep job descriptions on file with the County or Municipal HR department and Law Enforcement HR?**

A: Yes, Victim Advocate should have a current job description on file within the County or Municipal HR Office in addition to having one on file within the Law Enforcement HR department. All Job descriptions must reflect the actual job duties performed by the victim advocate and should be reviewed and updated annually.

**Q4: Can a portion of the Chief's salary come from the funds?**

A: Yes, but only under the following circumstances such as the town being very small and has only the Chief or the Chief and one/two other officers 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 continue to maintain on an ongoing basis the Time and Activity forms 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 designated for the job description 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. Also, SOVA is required to calculate the initial percentage used for salary after the 90 day review of the Time and Activity forms.

**Q5: Can judges, municipal and county administrators, finance directors etc. be paid out of the funds?**

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

**Q6: Can the victim assistance funds be used to pay the salary for therapists?**

A: Yes, if the therapists (must provide direct services to crime victims only and have trauma training) is not covered by a grant and the agency is not billing SOVA for crime victims' compensation reimbursement for the therapist's salary, then the donated funds to the agency may be used to pay for the salary or cover portions of the salary. The agency cannot "double dip". Meaning, if the salary is covered by another source, then you cannot bill SOVA too for the services rendered and you must ensure that the therapist is providing direct victim services to crime victims only.

**Q7: Can the victim assistance funds be used to pay the salary for a forensic interviewer?**

A: Yes, if the forensic interviewer (must provide direct services to crime victims only) is not covered by a grant and the agency is not billing SOVA for crime victims' compensation reimbursement for the forensic interviewer's salary, then the donated funds to the agency may be used to pay for the salary or cover portions of the salary. The agency cannot "double dip". Meaning, if the salary is covered by another source, then you cannot bill SOVA too for the services rendered and you must ensure that the forensic interviewer is providing direct victim services to crime victims only.

**Q8: Can the victim advocate provide assistance to suspects and to inmates who were victimized while incarcerated?**

A: No, the victim advocate cannot provide assistance to suspects and to inmates victimized while incarcerated if they are paid 100% of their salary out of the victim assistance fund. If the victim advocate's salary is not paid 100% out of the victim assistance fund and this type of assistance by the advocate is warranted, the advocate and immediate supervisor are required to contact SOVA Auditing department for further assistance and guidance prior to services being rendered.

**Q9: 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 is, 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.

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 90 days of Time and Activity forms 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 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. Also, SOVA is required to calculate the percentage used for salary after the 90 day review of all Time and Activity forms.

# **Vehicles**

**Q1: 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

**Q2: Can the victim advocate vehicle purchased out of the fund be discarded at any time?**

A: No, the approved guidelines clearly states, "Automobiles shall be used solely by the Victim Service Provider (VSP) for providing direct victim services for the life of the automobile". The life of a vehicle is until a mechanic states the vehicle is deadline. This means remove a vehicle or piece of equipment from operation or use for one of the following reasons: a. is inoperative due to damage, malfunctioning, or necessary repairs are expensive; b. is unsafe; and c. damaged by further use of the vehicle. The term does not include items temporarily removed from use by reason of routine maintenance and repairs that does not affect the working capability of the vehicle".

# Donations

**Q1: 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.

**Q2: If a non-profit organization receives a donation from 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 117.51. 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.

**Q3: Can the funds be used for donations to Crime Stoppers?**

A: No, the funds may not be used for a donation to Crime Stoppers. This is not considered providing direct victim services

**Q4: If a non-profit agency (or any agency) is receiving donated victim assistance fines, fees and assessment funds from any entity, are they required to submit to the donating agency a request letter for the funds and are they required to prepare written statistical reports?**

A: Yes, if a non-profit agency (or any agency) receives donated victim assistance fines, fees and assessment funds, they are required to do both. Please see information below outlining the process and procedure. The donation form can be found on the SOVA website at [www.sova.sc.gov](http://www.sova.sc.gov).



**If you are donating funds to any agency or organization providing direct victim services, please note the following information.**

**(Excerpts from SOVA Memo dated 1/29/2013):**

- Make sure the agency you are donating to request their donation in writing indicating how they intend to use the funds to provide direct services to crime victims. Please keep a record of this on file.
- Make sure your agency responds to their request in writing informing them of the amount that will be donated for direct victim services. Again, please keep a record of this on file.
- Make sure your response letter indicates the amount to be donated and inform the agency requesting the donation that they are required to provide monthly, quarterly and year-end reports to your agency showing the number and types of victims assisted and services provided. A sample report can be found at [www.sova.sc.gov](http://www.sova.sc.gov) under the auditing tab attached to the sample contract. Please keep all reports on file. These reports may be requested for review by the auditing staff during the budget phase or if there is an audit scheduled for your municipality or county.
- The agency or organization receiving the funds will be required at the end of the fiscal year to provide SOVA with a budget and or report showing how the donated funds were used. They can send their budget with your agency's budget or they can send it separately. The budget is required to be submitted to SOVA each year per Proviso.

**Q5: If a non-profit organization receives a donation from law enforcement agency out of the funds, can the donated funds be utilized toward paying the non-profit organization building lease?**

A: Yes, a non-profit may use a portion of donated Victim Assistance Fines, Fees, and Assessment Funds towards the lease of a building. An example of the Non-profit Allowable Victim Assistance Fines, Fees, and Assessment Fund Lease Process and Procedures can be found on the SOVA Auditing Website at [www.sova.sc.gov](http://www.sova.sc.gov). However, please note the follow requirements:

- The non-profit **MUST provide direct service to crime victims.**
- The non-profit **MUST adhere to all donation guidelines** as outlined on the SOVA Donation Form (located at [www.sova.sc.gov](http://www.sova.sc.gov) under the auditing tab).
- The non-profit **will be allowed 150 square feet per person** providing direct services.
- The non-profit will **be allowed to pay lease for those personnel only that provide direct service to crime victims. (The non-profit MUST forward a copy of all job descriptions to SOVA for review and accountability purposes)**

- If all personnel within the leased building provide direct service to crime victims 100% of the time, **the lease MAY be paid at 100%. (The non-profit MUST forward a copy of all job descriptions to SOVA for review and accountability purposes)**
- **The non-profit MUST contact SOVA prior to utilizing Victim Assistance Fines, Fees, and Assessment funds annually if used for lease**

***CONTACT SOVA TO DISCUSS ALL LEASE  
PROCESS AND PROCEDURES***

# Contracts

**Q1: 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.

**Q2: 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.

# Trainings and Events

**Q1: 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.

**Q2: 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.

**Q3: 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.

**Q4: Can funds be used to purchase and or assist in the building of a training facility that will be used by 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](http://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.

# Departmental Purchases

**Q1: 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

**Q2: 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.

**Q3: Can funds be used for uniforms?**

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

**Q4: Can pepper spray be purchased out of funds for the victim advocate?**

A: No, this is not an allowable expense

**Q5: 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.

**Q6: Can the victim assistance funds be used to pay the cable bill or a portion of the cable bill?**

A: No, the funds may not be used for this purpose since this is not considered providing direct victim services to crime victims.

**Q7: 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.

**Q8: Can funds be used to pay for a Restitution Officer/Coordinator?**

A: No, this is not an allowable expense.

**Q9: Can funds be used to pay for a security system in the courthouse or courtroom?**

A: No, this is not an allowable expense

**Q10: Can SOVA receive complaints regarding the Victim Assistance Funds?**

A: Yes, all complaints must be filed with SOVA in writing. Also, SOVA can receive anonymous reports as well. Anyone seeking to file an anonymous report is encouraged to call SOVA first so that further instructions may be provided on this process.

**Q11: Can the victim advocate possess a debit and or credit card linked to the victim assistance bank account for purchases out of the fund?**

A: No, the victim advocate cannot possess a debit and or credit card linked to the victim assistance bank account for purchases out of the fund.

**Q12: Can the victim assistance funds be used to purchase and install a security camera for the victim assistance program and or office space?**

A: No, the funds cannot be used for this purpose. This is unallowable because it is not providing direct services to crime victims.

**Q13: 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.

**Q14: 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.

**Q15: 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.

# **Victim Related Purchases**

**Q1: Can flowers be purchased out of the fund?**

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

**Q2: 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.

**Q3: 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.

**Q4: 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.

**Q5: 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.

**Q6: Can the funds be used to pay for DNA testing of the defendant?**

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

**Q7: 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.

**Q8: 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 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.

**Q11: Can ACT 141 money be used to pay for or reimburse victims or witnesses who are not expected to testify at a criminal proceeding?**

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

**Q12: Can funds be used to pay for victim peer programs?**

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

# **Finance Director Support**

**Q1 Can you supplement the Victim Assistance Program with the General Fund?**

A: Yes, a County/Municipality can choose to supplement the financial obligation of the Victim Assistance Program. However, it is important to ensure you are using the VSCC approved guidelines as a tool for approving the program expenditures. Also, please let us know you are doing this via correspondence.

**Q2 Is there a cap on the total amount of retained Victim Assistance Fines, Fees and Assessment Fund (VAFFA)?**

A: Yes, Proviso 93.35 states, “A county or municipality may retain carry forward funds that were collected pursuant to Sections 14-1-206 (B) and (D), 14-1-207 (B) and (D), 14-1-208 (B) and (D), and 14-1-211 (B) of the 1976 Code, but no more than \$25,000 or 10% of funds collected in the prior fiscal year, whichever is higher. If a county or municipality does not spend at least 90% of the funds collected pursuant to Sections 14-1-206 (B) and (D), 14-1-207 (B) and (D), 14-1-208 (B) and (D), and 14-1-211 (B) on Article 16, Chapter 3, Title 16 first priority and/or second priority programs during the fiscal year that the funds are received then the county or municipality shall remit any unspent funds that are greater than the allowed carried forward funds, regardless of the year collected, to the State Victim Assistance Program (SVAP) with the Department of Public Safety, Office of Highway Safety and Justice Programs within 120 days after the end of the fiscal year.

SOVA shall offer training and technical assistance to each municipality and county annually on acceptable use of both priority one and priority two funds and funds available for competitive bid.

SOVA is authorized to transfer to the State Victim Assistance Program housed in the Department of Public Safety any state funds deemed available under SOVA authority to be placed in the competitive bid process.

The State Victim Assistance Program shall offer any funds remitted to it to non-profit organizations that provide direct victim services on a competitive bid process. These funds may be used by the non-profit for administrative costs and victim services.”

**Q3: If I am a small municipality and have no regular expenditures coming out of the fund, do I need to develop a budget to submit annually?**

A: SOVA understands every County/Municipal Victim Assistance Program is unique therefore, if you do not have regular expenditures coming out of the victim assistance fund, please contact the SOVA Auditing Section to receive details on what would be the appropriate budget submission documentation needed from your office.

**Q4: Is it ok to put all of the Victim Assistance Fines, Fees and Assessment Funds in the same account?**

A. There should be no co-mingling of the victim assistance funds with any other retained funds within the municipality or county. These funds should be separately identified in the governmental entity's annually adopted budget. Please keep in mind it is very important that you have an accurate account of how much is available in your VAFFA Funds. If you receive funds from other municipalities via a contract, please be prepared to identify those funds received from each municipality.

**Q5: Can the Victim Assistance Fines, Fees and Assessment funds be given directly to a crime victim?**

A: No, the victim assistance fund is to be retained to ensure your victim advocate have the proper tools to provide the much needed direct services for the victims in your area. According to the Victim Service Coordinating Council, it is considered unallowable to give any of the funds directly to a victim.

**Q6: What is the difference between the Victim Assistance Fines, Fees and Assessment Fund and the funds received by the Solicitor's Office from SOVA?**

A: The VAFFA fund is the only money monitored by the SOVA Auditing Section. It is the portion of the fines, fees and assessments state law requires counties and municipalities to retain on a monthly basis for their Victim Assistance Program. We do not audit the Solicitor's Office funds forwarded from the state to your agency through SOVA (if this is applicable to your agency). However, these funds must be used as well under the same guidelines and cannot be given to victims.

**Q7: What is the overall requirement to remember in approving Victim Assistance Fines, Fees and Assessment Fund expenditures?**

A: PLEASE REMEMBER, "IS THE PERSON MAKING THE REQUEST PROVIDING DIRECT SERVICES TO CRIME VICTIMS?" Review the Approved Guide and Frequently Asked Questions Section on the SOVA website at [www.sova.sc.gov](http://www.sova.sc.gov) (click on auditing tab). Should you have any further questions, call 803.734.1900 and request to speak with someone in the Auditing Section?

**Q8: Can the victim advocate's salary be paid at 100% out of the funds if the advocate is performing other duties within the County or Municipality Administrative office and or Law Enforcement department not providing a direct service for crime victims?**

A: No, if the victim advocate performs duties other than providing a direct service to crime victims, the advocate's salary cannot be paid out of the victim assistance fund at 100%. There must be an allowable percentage determined prior to utilizing any funds toward this position. If this position is currently being paid at 100%, take the following steps to ensure compliance. The Finance Director must:

1. Halt all future payments from the victim assistance fines, fees, and assessment funds immediately.
2. Review and ensure the victim advocate's job description is updated and outlines all job duties actually performed including both the direct victim services as well as other job duties. Once updated, ensure the new job description is placed on file within the county/municipal HR department and kept on file within the law enforcement agency.
3. Contact the SOVA Auditing Department at (803) 734-1900 to discuss Time and Activity forms
4. Inform the part time advocate that daily Victim Assistance Time and Activity forms are required to be submitted weekly within their area showing the types of victims assisted, services provided, the amount of time spent with each victim as well as signed and dated etc. A SOVA Auditor will provide technical assistance in determining the initial allowable percentage. The initial 90 days of Time and Activity forms must be submitted to SOVA for review and will be used to determine the allowable percentage of victim assistance fines, fees, and assessment funds to be paid towards this position. The advocate will be provided an initial percentage by SOVA to be used for at least 12 months. Afterwards, it can be recalculated if the agency chooses to do so. The State Office of Victim Assistance must be notified if recalculated of the percentage.

After the percentage of time is determined by SOVA, the time and activity forms will be required to be kept on file on an ongoing basis as long as other duties are performed. Once a percentage of time is determined from the Time and Activity forms, this is the amount of time that the part time advocate should be paid out of the Victim Assistance Fines, Fees and Assessment Fund for serving as a victim advocate. The other percentage of time for the part time advocate's salary and expenses must come from a different funding source. It cannot come from the Victim Assistance Fines, Fees and Assessment Fund.

The Time and Activity forms may be reviewed for auditing purposes during budget reviews or audits. Also, as another reminder, SOVA is required to calculate the percentage used for salary after the initial 90 day review of all Time and Activity forms or unless otherwise noted.

**Q9: What are the procedures for donating money to a Non-Profit Organization or Other Entity?**

**A:** Please ensure that the following checklist has been completed prior to the issuance of Victim Assistance Fines, Fees and Assessment Fund to a Non-Profit Organization or Other Entity.

- (1) Did you receive a request letter from the agency making the donation request identifying how these funds will be used in providing direct victim services to crime victims? **All requests must be submitted yearly and considered a one-time donation and is not a guarantee of funds.**
- (2) Did your agency respond with written notification to the request letter indicating the amount that will be donated for only direct victim services to the requesting agency?
- (3) Did your agency ensure that the response letter indicates the amount to be donated and inform the agency requesting the donation that they are required to provide monthly, quarterly and year-end reports to your agency showing the number and types of victims assisted and services provided? A sample report can be found at [www.sova.sc.gov](http://www.sova.sc.gov) under the auditing tab attached to the sample contract. These reports may be requested for review by the auditing staff during the budget phase or during an audit if warranted.
- (4) Did your agency inform the requesting agency or organization receiving the funds that they will be required at the end of the fiscal year to provide SOVA with a budget and or report showing how the donated funds were used? The budget/expenditure report is a requirement per Proviso 89.61.

This is separate from any contract negotiations between counties/municipalities. However, all contracts should include amounts to be transferred to county/municipality providing services and reports above are required by the contractual county/municipality.

(See Donation Form at [www.sova.sc.gov](http://www.sova.sc.gov) (click on auditing tab))

If you have further question or concerns please contact SOVA Auditing Section for further guidance.

**Q10: Can the cost associated with preparing the required supplemental schedule in the annual financial audit be paid from of the Victim Assistance Fines, Fees and Assessment Fund?**

**A:** No, although the cost to prepare an audit supplemental schedule can be paid out of the fines, fees and assessment, it cannot be paid out of the victim assistance portion. The county/municipality can deduct the cost of preparing an audit supplemental schedule from the individual State submitted fines, fees and assessments instead of submitting

a copy of the purchase invoice to the State Treasurer's Office. If you have been paying for this out of the victim assistance fund, you are required to replace all funds back into the VAFFA Fund and ensure proper documentation is readily available (if requested) showing this has been done. It is possible to receive a credit for prior year's payment; however, you will need to contact the State Treasurer's Office at 803.734.2101 for further information.

**Q11: Why is it important to inform SOVA of money transfers into the Victim Assistance Fines, Fees and Assessment Fund from other county/municipality funds?**

A: It is very important that you note any money that is transferred to help support the victim assistance program. Because, if there is any unallowable expenditures from the fund, the county/municipality will be required to replace the money back into the victim assistance fund. However, if SOVA is aware that the general fund assisted in supporting expenditures of the victim assistance fund, your agency may be credited an unallowable expenditure amount up to the general fund transferred total amount.

**Q12: What information should be captured when preparing the Annual Financial Audit Schedule of Fines, Fees and Assessments?**

A: According to the SC Law 14-1-201 (D) (1) (f), to the extent that records are made available the supplementary schedule must include the following elements regarding victim services and activities:

- 1) The total funds, by source, allocated to victim services activities
- 2) How those funds were expended
- 3) Any balances carried forward

Note: All Finance Offices should provide the Sheriff and/or Chief with monthly financial reports regarding the VAFFA fund account balance, revenue, expenditures etc...