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Application Guidelines for:

The 2011 VICTIMS OF CRIME ACT (VOCA) Grant Program

I. THE VICTIMS OF CRIME ACT OF 1984

The Victims of Crime Act was passed by Congress and signed into law by the President on October 12, 1984 and amended by The Children's Justice and Assistance Act of 1986, The Anti-Drug Abuse Act of 1988, the Supplemental Appropriations Act of 1992, the Courts Administration Act of 1992, The Justice Appropriations Act of 1994 and The Violent Crime Control and Law Enforcement Act of 1994. The Task Force concluded that the needs of crime victims could be adequately met through partnership of the federal, state and local governments, along with the private sector, sharing the responsibility of providing victims assistance. The Act establishes within the U. S. Treasury a separate account known as the Crime Victims' Fund. Millions of dollars are deposited annually into the fund from criminal fines, penalties, forfeited bail bonds, and special assessments collected by the federal government. To date, the Crime Victims' Fund dollars have always come from offenders convicted of federal crimes, not from taxpayers.

The Victims of Crime Act (VOCA) Formula Grant Program provides federal funding to support victim assistance and compensation programs which benefit victims by providing training for diverse professionals who work with victims; by developing projects to enhance victims' rights and services; and by undertaking public education and awareness activities on behalf of crime victims.

All states and most territories receive an annual VOCA Formula Grant; the amount of each grant awarded includes a base amount of \$500,000 and additional funds based on the state's population. State and territorial administrative agencies, such as the Ohio Attorney General's Office, apply each year for the federal grant and then award VOCA Victim Assistance funds to eligible public and nonprofit organizations to provide direct services to victims of crime. The Attorney General's Office has been designated as the administrator of the Crime Victims Assistance Grant in Ohio.

In addition to the program eligibility requirements stated in the Act, the U. S. Department of Justice has issued guidelines and rules to implement the grant provisions of the Victims of Crime Act. In the following sections, those federal guidelines have been integrated with administrative guidelines adopted by the Ohio Attorney General, Crime Victims Assistance and Prevention Section, hereinafter referred to as CVAP.

II. VOCA VICTIM ASSISTANCE APPLICATION PROCESS

CVAP will make the application available through the Attorney General's website (www.ohioattorneygeneral.gov). Upon request anyone who wishes a hard copy is able to receive one through the U.S. mail. All applications will be reviewed by the staff of CVAP. Recommendations regarding all applications and funding levels will be made to the Attorney General who approves all final VOCA grant awards. A Letter of Determination and a Grant Award and Acceptance form will be mailed to grant recipients by September 24, 2010.

III. PERIOD OF FUNDING

VOCA funds will be awarded for the 2010-2011 period commencing on or after October 1, 2010 and ending September 30, 2011. Only expenses incurred within the grant period are eligible to be paid with 2010-2011 funds.

VOCA funds are paid through the reimbursement process to grant recipients. If an agency receives VOCA funding, they will receive an advance payment by October 15, 2010 that will include their first month of funding as well as funds for any equipment or furnishings. This will be the only advance payment during the grant cycle. After this, all payments will be issued after receiving/verifying monthly financial reports. Expense reports are due by the 15th of each month. Payments will then be made to the agency only if there is a balance due to the agency after the expenses have been deducted from the initial payment. This cycle will continue throughout the grant cycle. *Note: Equipment and furnishing funds must be expended by December 31, 2010.*

IV. APPLICANT ELIGIBILITY

A. Eligible Recipients

In order to be eligible for financial aid under the Victims of Crime Act (VOCA), a victim assistance program can be a new or existing program, operated by either a public agency or a private, nonprofit organization and its principal mission must be providing services to victims of crime that directly benefit individual crime victims. These include, but are not limited to, rape crisis centers, domestic violence shelters, child abuse treatment facilities, and community based victim service organizations.

In addition to victim service organizations, whose sole purpose is to serve crime victims, public and nonprofit organizations that have components which offer services to crime victims are eligible to receive VOCA funds, if the funds are used to expand or enhance the delivery of crime victim services. These include, but are not limited to, the following:

1. **Criminal Justice Agencies.** Agencies such as law enforcement organizations, prosecutors' offices, courts, corrections departments, probation and paroling authorities are eligible to receive VOCA funds to help pay for victims' services. For example, a police department may use VOCA funds to provide crime victim services that exceed a law enforcement official's normal duties, such as victim crisis response units. Regular law enforcement duties such as crime scene intervention, questioning of victims and witnesses, investigation of the crime, and follow-up activities **may not be paid for with VOCA funds.**
2. **Religiously-Affiliated Organizations.** Such organizations receiving VOCA funds must ensure that services are offered to all crime victims regardless of religious affiliation and that the receipt of services is not contingent upon participation in a religious activity or event.
3. **Hospitals and Emergency Medical Facilities.** Such organizations must offer crisis counseling, support groups, and/or other types of victim services.
4. **Others.** State and local public agencies such as mental health services organizations, state grantees, legal services agencies, and public housing authorities that have components specifically designed to serve crime victims.

B. Ineligible Recipients

Some public and non-profit organizations that offer services to crime victims are not eligible to receive VOCA funding. These organizations include, but are not limited to, the following:

1. Federal Agencies – This includes US Attorneys' Offices and FBI Field Offices. Receipt of VOCA funds would constitute an augmentation of the federal budget with money intended for state agencies. However, private non-profit organizations that operate on federal land may be eligible subrecipients of VOCA funding.
2. In-patient Treatment Facilities – For example, those designed to provide treatment to individuals with drug, alcohol, and/or mental health related conditions.

V. GENERAL PROVISIONS

In addition to the statutory provisions of the Victims of Crime Act, special program conditions and stipulations have been developed for the implementation of VOCA grants. These general program provisions have been prepared by the Federal Office for Victims of Crime and CVAP. Eligible victim service providers should review this section carefully in order to assure program compliance.

A. PROGRAM REQUIREMENTS

VOCA establishes minimal criteria that must be met by all organizations that receive VOCA funds. These funds are awarded to recipients for the purpose of providing direct services to victims through their staff. Each recipient organization must meet the following requirements:

1. Be a public or nonprofit organization that provides direct services to crime victims;
2. Utilize volunteers in providing such services unless compelling reasons exist to waive this requirement, and a waiver is granted by CVAP. A compelling reason may include statutory or contractual provisions concerning liability or confidentiality of counselor/victim information, which bars using volunteers for certain positions, or the inability to recruit and maintain volunteers after a sustained and aggressive recruitment effort has been conducted;

3. Promote within the community or region served, coordinated public and private efforts to aid crime victims. It is essential that these services be coordinated to ensure continuity of support to the victim and to avoid duplication of effort;
4. Assist victims in seeking Victims of Crime Compensation benefits. Responsibilities include maintaining a supply of Victims of Crime Compensation brochures and applications; establish agency policies and procedures to identify clients who may be eligible for Victims of Crime Compensation benefits; ensure that all VOCA-funded staff is familiar with the Victims of Crime Compensation program; and assist clients in filling out an application;
5. Comply with the applicable provisions of VOCA, the Program Guidelines, and the requirements of the OJP Financial Guide, effective edition (www.ojp.usdoj.gov/financialguide/) which includes maintaining appropriate programmatic and financial records that fully disclose the amount and disposition of VOCA funds received. This includes financial documentation for disbursements; daily time and attendance records specifying time devoted to VOCA-allowable victim services; client files; the portion the project supplied by other sources of revenue; job descriptions; contracts for services; and other records which facilitate an effective audit;
6. Provide services to victims of federal crimes on the same basis as victims of state/local crimes;
7. Provide a variety of services and assistance to crime victims, beyond assistance with compensation and information/referral services;
8. Provide services, at no charge to victims of crime, through the VOCA-funded project. Any deviation from this provision requires prior approval by the Office for Victims of Crime and CVAP;
9. Maintain confidentiality of client information. VOCA recipients cannot use or reveal any client information without consent of the client, as required by state and federal law;
10. Have a record of providing effective services to victims of crime. This includes having the support and approval of its services by the community and a history of providing direct services in a cost effective manner. Applicants must also demonstrate financial support from non-federal sources and sources other than CVAP. A program shall be considered to have financial support from nonfederal sources and sources other than the Ohio Attorney General's Office if it can demonstrate that at least twenty-five percent (25%) of its project budget (including in-kind contributions) is from non-federal sources and not another grant administered by the Ohio Attorney General.
11. Each sub-recipient organization shall meet program match requirements. The purpose of matching contributions is to increase the amount of resources available to the projects supported by grant funds. Matching contributions of twenty-five percent (25%), cash or in-kind, of the total costs of each VOCA project are required and must be derived from non-federal sources. The budget match policy is explained in more detail under VI. MATCH FOR VOCA FUNDS;
12. Provide an Outcome Measure Survey. This survey is a program improvement and measurement tool that correlates to the four program quality areas of access, structure, process, and outcomes;
13. EEOP Plans. The applicant must meet the requirements of 28 CFR 42.301 et seq., Equal Employment Opportunity Program (EEOP). The plan must cover the grant period specified in the application.
14. Maintain civil rights information. The applicant must maintain statutorily required civil rights statistics on victims served by race, national origin, sex, age, and disability, within the timetable established by the state grantee, and permit reasonable access to its books, documents, papers, and records to determine whether the subrecipient is complying with applicable civil rights laws. This requirement is waived when providing a service, such as telephone counseling, where soliciting the information may be inappropriate or offensive to the crime victim.
15. Comply with state criteria. Subrecipients must abide by any additional eligibility or service criteria as established by the state grantee including submitting statistical and programmatic information on the use and impact of VOCA funds, as requested by the grantee.

For Private Non-Profit Agencies:

16. Must have obtained Articles of Incorporation certifying that your agency is registered through the Ohio Secretary of State's Office as a private non-profit agency.
17. Must have obtained an IRS Determination Letter certifying that the applicant is listed in the Articles of Incorporation and has received separate 501(c)(3) status.

B. PRIORITY PROGRAMS AND FUNDING UNDERSERVED VICTIM POPULATIONS

Under the Victims of Crime Act, priority shall be given to victims of sexual assault, domestic violence, and child abuse. Thus, a minimum of 10% of each Federal Fiscal Year's grant (30% total) will be allocated to each of these categories of crime victims. The Ohio Attorney General's Office defines a priority program as one whose principal mission is to offer comprehensive specialized services tailored to the special needs of the three priority categories of victims. An additional 10% of each VOCA grant will be allocated to victims of violent crime (other than "priority" category victims) who were "previously underserved." These underserved victims of either adult or juvenile offenders may include, but are not limited to, victims of federal crimes; survivors of homicide victims; or victims of assault, robbery, gang violence, hate or bias crimes, intoxicated drivers, bank robbery, and elder abuse.

C. ALLOWABLE SERVICES, ACTIVITIES, AND COSTS

Throughout the legislative history of VOCA, Congress has provided guidance on the types of direct services intended by this Act. These include those services which respond to the immediate needs of crime victims, so that the severity of the psychological trauma is reduced; assist the victim in participating in the criminal justice process; and help restore the victim's sense of dignity, self esteem, and coping mechanisms. Likewise, costs that are necessary and essential to providing these direct services may be supported with VOCA funds.

1. Allowable Direct Services, Activities, and Costs. The following is a non-exhaustive listing of services, activities and costs that are considered to be eligible for support with VOCA funds:

- a. Those services that immediately respond to the emotional and physical needs (excluding medical care) of crime victims such as crisis intervention; accompaniment to hospitals for medical examinations; hotline counseling; emergency food, clothing, transportation, and shelter; emergency legal assistance such as filing restraining orders; and other emergency services that are intended to restore the victims' sense of dignity, self esteem, and coping mechanisms;
- b. 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 a victimization such as short-term counseling, group treatment, and therapy;
- c. Services that are directed to the needs of the victims who participate in the criminal justice process. These services may include advocacy on behalf of crime victims; accompaniment to criminal justice offices and court; transportation to court; child care to enable victims to attend court; notification to victims regarding trial dates, case disposition information and parole consideration procedures; and restitution advocacy and assistance with victim impact statements. VOCA cannot be used to pay for non-emergency legal representation such as divorce;
- d. Services that offer an immediate measure of safety to crime victims such as boarding-up broken windows and replacing or repairing locks. Emergency Financial Assistance refers to cash outlays for transportation, food, clothing, emergency housing, etc;
- e. Costs that are necessary and essential to providing direct services such as pro-rated costs of rent, telephone service, transportation costs for victims to receive services, emergency transportation costs that enable a victim to participate in the criminal justice system, and local travel expenses for direct service providers;
- f. Services which 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;
- g. Costs that are directly related to providing direct services through staff. Such costs may consist of the following: advertising costs associated with recruiting personnel and volunteers; training costs for paid and volunteer staff; salaries and fringe benefits.
- h. Conferences that focus on skills development components that enable service providers to offer quality services to crime victims may be allowable.

2. Other Related Allowable Services, Activities, and Costs. The services, activities, and costs discussed under this section are not generally considered direct crime victim services. For example, staff training is often a necessary and essential activity to ensure that quality, direct services are provided. However, it is not a direct service. Other costs described in this section may also be tied to direct services, although in a more remote way. Before these costs can be supported with VOCA funds, CVAP must agree that direct services to crime victims cannot be offered without support for these expenses, that the applicant has no other source of support for them, and that only limited amounts of VOCA funds will be used for these purposes. The following list provides examples of such items:

a. Skills training for staff (Maximum of \$2000.00): VOCA funds designated for training are to be used exclusively for developing the skills of direct service providers (paid and volunteer) so they are better able to offer quality services to crime victims. An example of skills development is training focused on how to respond to a victim in crisis. This type of training differs significantly from being apprised of legislative updates or recent research findings regarding victims of crime. VOCA funds can be used for training direct service providers within the applicant's organization, who are not supported with VOCA funds; however, priority should be given to the individuals supported with VOCA funds. VOCA funds can purchase materials such as books, training manuals, and videos for direct service providers, within the VOCA-funded organizations, and can support the costs of a trainer for in-service staff development. Although VOCA cannot support training individuals in other organizations, other staff from other organizations can be invited to attend training activities that are held for the sub-recipient's staff, if no additional costs will be incurred by the VOCA-funded project. VOCA funds can support costs associated with attendance at training activities held on a statewide basis or within a similar geographic area, such as travel, meals, lodging, and registration fees. VOCA funds cannot be used to support attendance at local, regional, or national-level conferences that do not focus on skills development for direct service providers but focus, instead, upon national issues, networking, legislative updates, presentation of research papers, etc. nor can VOCA funds support management and administrative training for executive directors, board members, and other individuals that do not provide direct services.

b. Contracts for professional services. VOCA funds can only support limited use of contract services. Recipients are prohibited from using a majority of their entire award for contracted services that have administrative, overhead, and other indirect costs included in the hourly or daily rate. VOCA grant funds are to be used within the recipient's organization. It was not intended that the VOCA recipients serve as contractors of services. It may be necessary for VOCA recipients to contract for specialized services, such as when there is an infrequent need for a specialized victim service. In such situations, recipient organizations must show that it is not cost effective to employ an individual with the skills to perform the needed service, either on a part-time or full-time basis.

c. Operating costs directly related to serving crime victims are allowable, such as office supplies; equipment (maximum of \$2,000) and equipment use fees, when supported by usage logs; printing, photocopying, and postage; brochures which describe available services; books and other victim-related materials, etc. VOCA funds may support only a portion of administrative time to complete VOCA-required time and attendance sheets and programmatic documentation, reports, and statistics; administrative time to maintain crime victims' records; pro-rated share of audit costs, etc.

d. Supervision of direct service providers only to the extent that such supervision is necessary and essential to providing direct services to crime victims. For example, using VOCA funds to support a volunteer coordinator position that is responsible for recruiting, screening, training, supervising, and maintaining volunteers is necessary and essential as well as being a cost-effective way of serving more crime victims.

e. Repair and/or replacement of an essential item of a victim service that contributes to maintaining a healthy and/or safe environment, such as a furnace in a shelter. Each request for expending VOCA funds for such purposes will require the following:

- (1) that the building is owned by the recipient organization and not rented/leased;
- (2) all other sources of funding have been exhausted;
- (3) there is no available option for providing the service in another location, and
- (4) that the cost of the repair or replacement is reasonable considering the value of the building.

f. Outreach. Activities and costs related to describing the services available to crime victims within the community such as programs including presentations, brochures, presentation materials, newspaper notices. Any publications funded by the grant should be available for CVAP review.

D. UNALLOWABLE SERVICES, ACTIVITIES, AND COSTS.

The following services, activities, and costs, although not exhaustive, cannot be supported with VOCA funds:

1. Crime prevention activities and other activities intended to educate the community on the prevention of crime and to raise the public's consciousness regarding crime;
2. Lobbying and administrative advocacy for victim legislation or administrative reform, whether conducted directly or indirectly; legislative expenses or other political activity.
3. Perpetrator rehabilitation and counseling. Subrecipients cannot use VOCA funds to offer rehabilitative services to offenders. Likewise, VOCA funds cannot support services to incarcerated individuals, even when the service pertains to the victimization of that individual;
4. Needs assessments, surveys, evaluations, studies, and research efforts conducted by individuals, organizations, task forces, special

commissions, etc. which study and/or research a particular crime victim issue;

5. Activities directed at prosecuting an offender and/or improving the criminal justice system's effectiveness and efficiency such as witness notification and management activities and expert testimony at a trial. Additionally, victim protection costs and victim/witness expenses, such as travel to testify in court and subsequent lodging and meal expenses, are considered part of the criminal justice agency's responsibility and cannot be supported with VOCA funds;

6. Fundraising activities; likewise, funds can not be used as contributions or donations to other causes.

7. Indirect organizational costs such as liability insurance on buildings; capital improvements; security guards and body guards; property losses and expenses; real estate purchases; mortgage payments; construction costs, etc.;

8. Reimbursing crime victims for expenses incurred as a result of a crime or to supplement Victims of Crime Compensation awards to victims of crime for such costs as funeral expenses, lost wages, medical bills, etc.;

9. Medical costs resulting from a victimization, nursing home care, home health care costs, in-patient treatment costs, hospital care, and other types of emergency and non-emergency medical and/or dental treatment;

10. Relocation expenses for victims such as moving expenses, security deposits on housing, ongoing rent, or mortgage payments. However, VOCA funds may be used to support staff time in locating resources to assist victims with these expenses;

11. Professional dues and memberships in the name of a specific individual. However, VOCA funds may purchase organizational memberships, if such membership will offer needed, timely, and relevant information on victim services and issues that assist direct service providers to provide quality services;

12. Salaries, fees, and reimbursable expenses associated with administrators, board members, executive directors, consultants, coordinators, and other individuals unless, and to the extent that, these expenses are incurred while providing direct services to crime victims;

13. Development of protocols, interagency agreements, and other working agreements that benefit crime victims, in general, throughout the community. These activities are considered examples of the types of activities that organizations undertake as part of their role as a victim services organization, which, in turn, qualifies them as an eligible VOCA sub-recipient. As such, VOCA funds cannot be used to support these activities;

14. Costs of sending individual crime victims to conferences. The purpose of the VOCA victim assistance grant program is to maximize the impact of the limited VOCA funds by expanding the number of direct service providers available to offer services. VOCA funds are insufficient to support individual crime victims' needs and cannot be used for this purpose;

15. Attendance at national-level conferences that have, as a primary focus, discussions and presentations on national issues, networking, sharing ideas, presenting research findings, etc., even when held in a subrecipient's community.

16. Development of training manuals and/or extensive training materials. Viable crime victim organizations that receive VOCA funds should, prior to receiving a VOCA grant, offer training and materials for their staff;

17. VOCA funds cannot be used for victim-offender meetings, which serve to replace criminal justice proceedings;

18. VOCA funds cannot be used to pay for legal costs or legal representation for divorces, child custody or visitation rights litigation, etc. for victim of spousal or child abuse;

19. VOCA funds cannot be used for the purchase of gift cards, gift certificates or gas cards.

20. The Office for Victims of Crime has recently emphasized Medicaid-reimbursable clients cannot also be provided services by VOCA-funded direct service staff because this would be considered double billing. An agency can bill Medicaid for victim services, but they must ensure that their VOCA-funded staff are providing direct services to only those victims who are not eligible for Medicaid reimbursement.

21. VOCA funds cannot be used to satisfy bad debts, fines, penalties, interest and/or other financial obligations or costs.

22. While mileage is an allowable expense, it must be understood that the established rate for mileage incorporates gas expenses, auto maintenance costs, etc. into one amount. Gas expenses are unallowable under any other category.

23. Contingencies.
24. Entertainment.
25. Employee bonuses.
26. Overtime pay.

E. INFORMATION AND ASSURANCES

Eligible victim assistance programs, which receive funding from CVAP, are required to agree to the following:

1. Provide an assurance that the program does not have an outstanding debt with a state or federal entity;
2. Provide the name of a civil rights contact person who has lead responsibility for ensuring that all applicable civil rights requirements are met. The person shall act as a liaison in civil rights matters with the U.S. Office of Civil Rights Compliance;
3. Provide an assurance that the program will comply with all applicable nondiscrimination requirements;
4. Provide an assurance that, in the event a federal or state court or federal or state administration agency makes a finding of discrimination after a due process hearing, on the grounds of race, color, religion, national origin, sex, age, or handicap against the program, the program will forward a copy of the finding to the U.S. Office of Civil Rights Compliance;
5. Submit an annual performance report to CVAP;
6. Compliance with the applicable provisions of VOCA Guidelines;
7. Provide an assurance that funds granted under this application will not be used to supplant federal, state, or local funds, which would otherwise be available to the office of victim assistance program through any other source; Grantees must use federal funds to supplement existing State and local funds for program activities and must not replace (supplant) State or local funds that they have appropriated or allocated for the same purpose. Potential supplanting will be the subject of monitoring and audit. Violations may result in a range of penalties, including suspension of current and future funds under this program, suspension or debarment from federal grants, recoupment of monies provided under a grant, and civil and/or criminal penalties.
8. That appropriate accounting, auditing, and monitoring procedures will be employed and that records are maintained to assure fiscal control, proper management, and efficient disbursement of the VOCA victim assistance funds;
9. Compliance with all federal laws and regulations applicable to federal assistance programs and with the provisions of Title 28 Code of Federal Requirements (CFR) applicable to grants. The "Application for Victims Assistance Funds" states these assurances and requires the signature of the authorized official who is requesting funding; and
10. Recognize that recipients and sub-recipients of federal grants have been awarded funds to carry out the goals and objectives identified in the grant. These funds are subject to certain regulations, oversight, and audit. In addition, the applicant acknowledges that grant recipients and sub-recipients are stewards of federal funds. Grant dollars must be used for their intended purpose and using grant funds for unjust enrichment, personal gain, or other than intended use is a form of theft, subject to criminal and civil prosecution under the laws of the United States. The Ohio Attorney Generals Office of Crime Victims Assistance and Prevention requires that all sub-recipients certify to the best of his or her knowledge and belief, that the applicant: (a) is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal Department or agency; (b) has not, within a 3-year period preceding this proposal, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; (c) is not presently indicted or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in item (b) of this certification; (d) has not, within a 3-year period preceding this application/proposal, had one or more public transactions (Federal, State, or local) terminated for cause or default and the applicant will post a "Grant Fraud Reporting Contacts Poster" in a public place where all employees have access to contact information.

F. CONFIDENTIALITY OF RESEARCH INFORMATION

Except as otherwise provided by Federal law, no recipient of monies under VOCA shall use or reveal any research or statistical information furnished under this program by any person, and identifiable to any specific private person, for any purpose other than the purpose for which such information was obtained, in accordance with VOCA. Such information, and any copy of such information, shall be immune from legal process and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceeding. [See Section 1407(d) of VOCA, codified at 42 U.S.C. 10604.] This provision is intended, among other things, to assure the confidentiality of information provided by crime victims to counselors working for victim services programs receiving VOCA funds. Whatever the scope of application given this provision, it is clear there is nothing in VOCA, or its legislative history, to indicate that Congress intended to override or repeal, in effect, a State's existing law governing the disclosure of information, which is supportive of VOCA's fundamental goal of helping crime victims. For example, this provision would not act to override or repeal, in effect, a State's existing law pertaining to the mandatory reporting of suspected child abuse. See *Pennhurst State School and Hospital v. Halderman, et al.*, 451 U.S. 1(1981). Furthermore, this confidentiality provision should not be interpreted to thwart the legitimate informational needs of public agencies. For example, this provision does not prohibit a domestic violence shelter from acknowledging, in response to an inquiry by a law enforcement agency conducting a missing person investigation, that the person is safe in the shelter. Similarly, this provision does not prohibit access to a victim service project by a federal or state agency seeking to determine whether Federal and state funds are being utilized in accordance with funding agreements.

G. REPORTING REQUIREMENTS

VOCA recipients are required to maintain appropriate programmatic and financial records that fully disclose the amount and disposition of VOCA funds received (i.e., daily time and attendance records; the total cost of the project; receipts for expenditures); the portion of the project supplied by other sources; and other records which will facilitate an effective audit. See Financial Section for detailed information on records that sub-recipients are required to keep for monitoring purposes. Monthly Financial Reports are due no later than the 15th day of each month.

VOCA recipients are required to provide an Outcome Measure Survey. This survey is a program improvement and measurement tool that correlates to the four program quality areas of access, structure, process, and outcomes. Additionally, each victim assistance program receiving funds under VOCA is required to submit an annual Performance Report to CVAP. Programs receiving funding will be asked to provide the following information:

- 1) Type of program;
- 2) Victim statistics;
- 3) Efforts made to serve federal crime victims;
- 4) Description of coordinated activities;
- 5) Efforts to assist Crime Victim Compensation;
- 6) Program evaluation results, case histories, victim satisfaction surveys, and anecdotal information.

Non-profit organizations and institutions of higher education that expend \$500,000 or more in federal funds per year shall have an organization-wide financial and compliance audit. Grantees must submit audit reports within 9 months after their fiscal year ends. Failure to comply with these requirements may result in administrative action such as suspension of payments, termination of grant award, or non-certification of new grant awards.

H. CIVIL RIGHTS COMPLIANCE

As a condition for receiving funding from the Office of Justice Programs (OJP), recipients must comply with applicable federal civil rights laws, including Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and the Justice Department's regulation for the Equal Treatment of Faith-Based Organizations. Depending on the funding source, a recipient must also comply with the nondiscrimination provisions within the applicable program statutes, which may include the Omnibus Crime Control and Safe Streets Act of 1968, the Victims of Crime Act, or the Juvenile Justice and Delinquency Prevention Act. Collectively, these federal laws prohibit a recipient of OJP funding from discriminating either in *employment* (subject to the exemption for certain faith-based organizations discussed below; see "Funding to Faith-based Organizations") or in the *delivery of services or benefits* on the basis of race, color, national origin, sex, religion, or disability. In addition, OJP recipients may not discriminate on the basis of age in the delivery of services or benefits.

Compliance with Title VI of the Civil Rights Act of 1964, which prohibits recipients from discriminating on the basis or national origin in the delivery of services or benefits, entails taking reasonable steps to ensure that persons with limited English proficiency (LEP) have meaningful access to funded programs or activities. An LEP person is one whose first language is not English and who has a limited ability to read, write, speak, or understand English. To assist recipients in meeting their obligation to serve LEP persons,

the Justice Department has published a guidance document, which is available at www.lep.gov. The OJP encourages applicants and recipients to include within their program budgets the costs for providing interpretation and translation services to eligible LEP service populations.

VI. FUNDING TO FAITH-BASED ORGANIZATIONS

In 2002, Executive Order 13279 was issued and in 2004, the Department of Justice (DOJ) issued the regulation, Equal Treatment for Faith-Based Organizations, 28 C.F.R. Part 38. In general, the Executive Order and regulation require funding organizations to treat faith-based organizations (FBOs) the same as any other applicant or recipient of DOJ funding, neither favoring nor discriminating against FBOs in making and administering grant awards, and require that FBOs be allowed to retain their independence, autonomy, expression, and religious character when competing for DOJ financial assistance used to support social service programs and participating in the social service programs supported with DOJ financial assistance.

The Executive Order and regulation also prohibit recipient FBOs from using Justice Department funding to engage in inherently religious activities, such as proselytizing, scripture study, or worship. Funded FBOs may, of course, engage in inherently religious activities; however, these activities must be separate in time or location from the federally assisted program. Moreover, funded FBOs must not compel program beneficiaries to participate in inherently religious activities. Funded faith-based organizations must also not discriminate on the basis of religion in the delivery of services or benefits.

VII. MATCH FOR VOCA FUNDS

All funds designated as match are restricted to the uses outlined in the application and must be expended within the grant period. Only services and activities that are VOCA allowable qualify as match. VOCA recipients must maintain records, which clearly show the source, the amount, and the period during which the match was expended. As a condition to receive VOCA funds, programs are required to provide a 25% matching share of the requested project budget. Applicants should commit only the 25% required match to the VOCA-funded project. Matching funds may be in the form of either cash contributions or in-kind contributions. **Funding for all VOCA personnel positions require a cash match.** In general, this matching of funds is known as cost-sharing or matching, and represents the portion of the proposed project costs not paid for by the federal government. Cash contributions represent an applicant's cash outlay, including non-federal money contributed by public agencies and institutions, and private organizations and individuals. In-kind contributions represent the value of non-cash contributions provided by the applicant. In-kind contributions may be in the form of charges for real property and nonexpendable personal property and the value of goods and services directly benefiting crime victims, which are specifically identifiable to the project. In-kind match may be used for all categories except personnel.

NOTE: 100% of the cost of items may be requested, but must have a 25% match of eligible in-kind contributions.

NOTE: Value of volunteer match is \$15.00 per hour.

All contributions, both cash and in-kind, will be a part of the applicant's matching share if:

- 1) The contributions are verifiable from the applicant's records;
- 2) The contributions are not included as contribution for any other federal funds;
- 3) The contributions are necessary and reasonable for proper and efficient accomplishment of the project's objectives;
- 4) The contributions are types of allowable charges;
- 5) The contributions are not paid by the applicant from federal funds received under another assistance agreement;
- 6) The contributions are provided for in the approved budget; and
- 7) The contributions conform to all federal and state requirements.

Matching contributions need not be applied at the exact time or in proportion to the obligation of the Federal funds. However, at least 50% of the match requirement for the fiscal year should be reported on or before the March Financial Report which is due to CVAP no later than April 15. If at least 50% of the match is not reported, an explanation of how your agency plans to meet the full match requirement before September 30 must accompany your March Financial Report. **The full matching share must be obligated by the end of your award. Failure to provide the required match may result in suspension or termination of future grant awards.**

VIII. MONITORING

Office of the Chief Financial Officer

The U.S. Department of Justice, Office of the Chief Financial Officer, conducts periodic reviews of the financial policies, procedures, and records of VOCA grantees and sub-recipients. Therefore, upon request, recipients must allow authorized representatives to access and examine all records, books, papers, case files, or documents related to the grant and all sub awards. Staff of OVC or CVAP may visit recipients and review documents, such as:

- 1) Financial records, reports, and audit reports;
- 2) Policies and procedures governing the organization and the VOCA funds;
- 3) Programmatic records of victims' services;
- 4) Timekeeping records and other supporting documentation for costs supported by VOCA funds.

STATE VICTIMS ASSISTANCE ACT (SVAA) GRANT PROGRAM GUIDELINES

I. THE STATE VICTIMS ASSISTANCE ACT OF 1984

Substitute Senate Bill 195, now known as the State Victims Assistance Act (SVAA), was passed by the Ohio Legislature and signed into law by the Governor on June 27, 1984. The bill was one of several proposals made by the Ohio General Assembly to address the needs and concerns of victims of crime. This Act established, within the Office of the Attorney General, a crime victims' assistance office, which is designated as CVAP. CVAP is charged with two primary responsibilities:

1. To determine crime and delinquency victim service needs and policies for the state, and to improve and exercise leadership in the quality of crime and delinquency victim programs in the state; and
2. To determine which victims' assistance programs will receive state financial assistance from funds deposited in the Crime Victims Reparations Fund as appropriated by the Ohio General Assembly.

In addition, the State Victims Assistance Act established the State Victims Assistance Advisory Board. The Advisory Board consists of sixteen (16) members appointed by the Attorney General and three (3) ex-officio members. Appointed members bring to the Advisory Board professional experience or interests in the area of crime victims. Pursuant to the SVAA, the Board serves in an advisory capacity to CVAP in determining victim service needs and policies, and in improving the quality of victim service programs operated throughout the state. Additionally, the Advisory Board is responsible for reviewing local victim assistance programs and recommending to the Attorney General which programs should be considered for receiving financial aid that has been appropriated for this purpose.

II. STATE VICTIMS ASSISTANCE ACT APPLICATION PROCESS

CVAP will make the application available through the Attorney General's website (www.ohioattorneygeneral.gov). Upon request, anyone who requests a hard copy is able to receive one through the mail. All SVAA applications will be reviewed by CVAP personnel and presented to the State Victims Assistance Advisory Board. The Board will review applications and make funding recommendations to the Attorney General. Final decisions on all applications and funding levels are made by the Attorney General. Letters of Determination and Grant Awards and Acceptance packets will be mailed to grant recipients by September 24, 2010.

III. PERIOD OF FUNDING AND SVAA DISBURSEMENT

Funding under the SVAA Grant Program is for a twelve-month period beginning October 1, 2010 and ending September 30, 2011. Grants of \$5,000 or less may be disbursed by CVAP in a lump sum payment. Grants in excess of \$5,000 are disbursed in quarterly payments, unless, for a compelling reason, the funds are needed in a lump-sum payment. All SVAA funds must be expended before September 30, 2011.

IV. APPLICANT ELIGIBILITY

In order to be eligible for financial aid under the State Victims Assistance Act, a victim assistance program:

- a. Can be a new or existing program.
- b. Must be incorporated in Ohio as a nonprofit corporation or established by a unit of state or local government.
- c. Must provide crime victim services to victims of crime that meet the needs of the racial, ethnic, and socioeconomic diversity of the community or region served. Services to victims of crime include, but are not limited to, the following:
 - Crisis intervention services that meet urgent emotional or physical needs of crime victims. Crisis intervention services may include the operation of a 24-hour hotline that provides counseling or referrals for crime victims;
 - Emergency services that provide temporary shelter for crime victims who cannot safely remain in their current lodgings;
 - Temporary financial assistance for food, clothing or property repair services to victims of crime;
 - Support services that include reassurance and empathetic listening, guidance and counseling for resolving practical problems created by the victimization; interacting on the victim's behalf with other social services and criminal justice agencies; assistance in the swift

return of property being kept by police as evidence; language interpretation (verbal, sign, or foreign language), when needed; intervention, as appropriate, with landlords or employers; and referral to other sources of assistance, as needed;

- Court-related services that assist crime victims in participating in criminal justice proceedings including transportation to court, interpreter services, and child care;
- Services for victims under the operation of any political subdivision of the state or a branch of the criminal justice system;
- Technical assistance to persons or organizations that provide services to victims of crime under the operation of a branch of the criminal justice system.

V. GENERAL PROVISIONS

The SVAA Grant Program is intended to complement program budgets and should not be considered as a principal source of funding for any agency or organization. Grants are awarded to help meet an agency's victim assistance financial needs during a twelve-month period. SVAA grants may fluctuate dramatically from one year to the next and should not be considered automatically renewable. A victim assistance program may apply for financial assistance using the application following these guidelines. Each program that receives financial assistance may use the funds to provide the services identified in this application and to cover minimal cost of program administration.

Public agencies or nonprofit organizations are eligible to receive SVAA funds to provide services to victims of any offense, to assist victims in judicial proceedings, or to provide technical assistance to persons or organizations that provide services to victims of crime under the operation of a branch of the criminal justice system.

A. FUNDING PRIORITIES

Pursuant to Section 109.91 of the Ohio Revised Code, financial aid to crime victim assistance programs shall be based upon the following priorities:

1. Programs in existence on July 1, 1985 shall be given first priority;
2. Programs established after July 1, 1985 or new programs proposing to offer the broadest range of services and referrals to the community shall be given second priority; and
3. All other qualified programs shall be given last priority.

B. OTHER FUNDING PRIORITIES

To qualify for funds under the State Victims Assistance Act, an applicant's governing board, staff, volunteers, practices, and services must reflect the demographics and character of the community or area to be served. Other qualifications such as experience or expertise in providing quality services, financial stability, community support, and the ability to comply with administrative requirements are also taken into consideration.

C. ALLOWABLE SERVICES, ACTIVITIES, AND COSTS

Services to victims of crime is defined as those activities that directly benefit individual crime victims including the required and necessary coordination of such services, and the required and necessary training of direct staff and volunteers. The following is a non-exhaustive listing of services, activities and costs that are considered to be eligible for support with SVAA grant funds:

1. Those services that immediately respond to the emotional and physical needs (excluding medical care) of crime victims such as crisis intervention; accompaniment to hospitals for medical examinations; hotline counseling; emergency food, clothing, transportation, and shelter; emergency legal assistance such as filing restraining orders; and other emergency services that are intended to restore the victims' sense of dignity, self-esteem, and coping mechanisms;
2. 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 a victimization such as short-term counseling, group treatment, and therapy;
3. Services that are directed to the needs of the victims who participate in the criminal justice system. These services may include advocacy on behalf of crime victims; accompaniment to criminal justice offices and court; transportation to court; child care to enable victims to attend court; notification of victims regarding trial dates, case disposition information and parole consideration procedures; and restitution advocacy and assistance with victim impact statements;

4. Services that offer an immediate measure of safety to crime victims such as boarding-up broken windows and replacing or repairing locks;
5. Costs that are necessary and essential to providing direct services such as pro-rated costs of rent, telephone service, transportation costs for victims to receive services, emergency transportation costs that enable a victim to participate in the criminal justice system, and local travel expenses for direct service providers;
6. Services which 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;
7. Costs that are directly related to providing direct services through staff. Such costs may consist of the following: advertising costs associated with recruiting personnel; training costs for paid and volunteer staff; salaries and fringe benefits;
8. Skills training for staff (Maximum of \$2000.00) for developing the skills of direct service providers (paid and volunteer) so they are better able to offer quality services to crime victims. An example of skills development is training focused on how to respond to a victim in crisis;
9. Contracts for professional, specialized services, where it is not cost-effective to employ an individual with the skills to perform the needed service, either on a part-time or full-time basis;
10. Operating costs directly related to serving crime victims such as utilities, telephones, supplies, equipment use fees, printing, photocopying, postage, books, and other victim-related material;
11. Repair and/or replacement of an essential item of a victim service that contributes to maintaining a healthy and/or safe environment, such as a furnace in a shelter. Each request for expending SVAA funds for such purposes is scrutinized and will require the following:
 - (1) that the building is owned by the recipient organization and not rented/leased;
 - (2) all other sources of funding have been exhausted;
 - (3) there is no available option for providing the service in another location, and
 - (4) that the cost of the repair or replacement is reasonable considering the value of the building; and
12. Activities and costs related to describing the services available to crime victims within the community such as presentations, brochures, newspaper articles, etc.

D. UNALLOWABLE SERVICES, ACTIVITIES, AND COSTS.

State Victims Assistance Act funds shall be used only to provide services to victims of crime identified in the application and to cover a reasonable cost of administration of those services. Activities unrelated to the provision of direct services to victims of crime are not eligible for support. Examples of ineligible activities include:

1. Advocacy for particular legislation or administrative reform (programs that are focused primarily on lobbying or raising public awareness concerning a particular issue or cause do not qualify as direct services to crime victims and cannot be funded;
2. General criminal justice and mental health agency improvements, programs for the homeless or programs where crime victims are not the sole or primary beneficiaries;
3. Witness management/notification programs, which provide both victim services and witness notification services can receive funding to support only that portion of the program that provides direct services to crime victims;
4. Using SVAA funds as matching funds for VOCA funds;
5. Client or staff travel outside the state of Ohio without written approval from CVAP;
6. Perpetrator rehabilitation and counseling. SVAA funds cannot be used to offer rehabilitative services to offenders and cannot be used to support services to incarcerated individuals, even when the service pertains to the victimization of that individual;
7. Use of SVAA funds for reimbursing crime victims for expenses incurred as a result of a crime or to supplement crime victim compensation awards to victims of crime for such costs as funeral expenses, lost wages, medical bills, etc.;

8. Nursing home care, home health care costs, in-patient treatment costs, hospital care, and other types of emergency and nonemergency medical and/or dental treatment. SVAA funds cannot support medical costs regardless of whether or not they are a result of a victimization;
9. Professional dues and memberships in the name of a specific individual. However, SVAA funds may purchase organizational memberships, if such membership will offer needed, timely, and relevant information on victim services and issues that assist direct service providers to provide quality services;
10. Salaries, fees, and reimbursable expenses associated with administrators, board members, executive directors, consultants, coordinators, and other individuals unless these expenses are incurred while providing direct services to crime victims;
11. The costs of sending individual crime victims to conferences. The purpose of the victim assistance grant program is to maximize the impact of the limited funds by expanding the number of direct service providers available to offer services. Funds are insufficient to support individual crime victims' needs and cannot be used for this purpose;
12. Attendance at national-level conferences that have, as a primary focus, discussions and presentations on national issues, networking, sharing ideas, presenting research findings, etc., even when held in a sub-recipient's community. Conferences that focus on skills development components that enable service providers to offer quality services to crime victims may be allowable;
13. SVAA funds cannot purchase gift cards, gift certificates and gas cards; and
14. Employee bonuses and overtime pay.

E. INFORMATION AND ASSURANCES

Eligible victims' assistance programs, which receive funding from CVAP, are required to agree to the following:

1. Provide an assurance that the program does not have an outstanding debt with a state or federal entity;
2. Provide the name of a civil rights contact person who has lead responsibility for ensuring that all applicable civil rights requirements are met. The person shall act as a liaison in civil rights matters with the U. S. Office of Civil Rights Compliance;
3. Provide an assurance that the program will comply with all applicable nondiscrimination requirements;
4. Provide an assurance that, in the event a federal or state court or federal or state administration agency makes a finding of discrimination after a due process hearing, on the grounds of race, color, religion, national origin, sex, age, or handicap against the program, the program will forward a copy of the finding to the U.S. Office of Civil Rights Compliance;
5. Submit an annual performance report to CVAP;
6. Appropriate accounting, auditing, and monitoring procedures will be employed and that records are maintained to assure fiscal control, proper management, and efficient disbursement of victim assistance funds.
7. Grant dollars must be used for their intended purpose and using grant funds for unjust enrichment, personal gain, or other than intended use is a form of theft, subject to criminal and civil prosecution under the laws of the United States. The Ohio Attorney Generals Office of Crime Victims Assistance and Prevention requires that all sub-recipients certify to the best of his or her knowledge and belief, that the applicant: (a) is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal Department or agency; (b) has not, within a 3-year period preceding this proposal, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; (c) is not presently indicted or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in item (b) of this certification; (d) has not, within a 3-year period preceding this application/proposal, had one or more public transactions (Federal, State, or local) terminated for cause or default and the applicant will post a "Grant Fraud Reporting Contacts Poster" in a public place where all employees have access to contact information.

The "Application for Victims Assistance Funds" states these assurances and requires the signature of the authorized official who is requesting funding.

F. REPORTING REQUIREMENTS

SVAA recipients are required to maintain appropriate programmatic and financial records that fully disclose the amount and disposition of SVAA funds received (i.e., daily time and attendance records, receipts and bills, and other records) which will facilitate an effective audit. Quarterly Financial Reports are required for all sub-recipients. All funds must be expended, and financial reports must be filed in a timely manner. Failure to expend funds or file reports in a timely manner may result in suspension or termination of the grant award. The Quarterly Reports are used to report the receipt and expenditure of SVAA funds by the sub-recipient for crime victims' services. These report forms are mailed out by CVAP to be completed and returned by sub-recipients no later than 15th of each quarter (January 15, April 15, July 15, October 15). SVAA recipients are also required to provide an Outcome Measure Survey Report. This report compiles survey results received by each program from clients that have been served. The Outcome Measure Survey is a program improvement and measurement tool that correlates to the four areas of program quality: access, structure, process, and outcomes.

Additionally, each victim assistance program receiving funds under SVAA is required to submit an annual Performance Report to CVAP on designated forms. Programs receiving funding will be asked to provide the following information:

- 1) Type of program;
- 2) Victim statistics;
- 3) Efforts made to serve federal crime victims;
- 4) Description of coordinated activities;
- 5) Efforts to assist crime victim compensation
- 6) Program evaluation results, case histories, victim satisfaction surveys, and anecdotal information.

Failure to comply with the above requirements may result in administrative action such as suspension of payments, termination of grant award, or non-certification of new grant awards.

VI. MONITORING

Upon request, recipients must allow authorized representatives to access and examine all records, books, papers, case files, or documents related to the grant and all sub-awards. Staff of Federal OVC or CVAP may visit recipients and review documents such as:

- 1) Financial records, reports, and audit reports
- 2) Policies and procedures governing the organization and the SVAA funds
- 3) Programmatic records of victims' services
- 4) Timekeeping records and other supporting documentation for costs supported by SVAA funds.