

Ohio Attorney General  
Dave Yost  
Crime Victim Services Section

## **Guidelines and Eligibility**

Fiscal Year 2019-2020



Victims of Crime Act (VOCA)  
State Victims Assistance Act (SVAA)



# DAVE YOST

OHIO ATTORNEY GENERAL

Dear Community Partner:

Enclosed, please find the Guidelines and Eligibility for the State Victims Assistance Act (SVAA) and Victims of Crime Act (VOCA) grant programs.

These policies and procedures are provided to give grant management guidelines and technical assistance to program partners regarding financial responsibility in the areas of record keeping and reporting, cash management and federal and state compliance.

Federal and state compliance ensures that The Ohio Attorney General's Office and our community partners (subrecipients) can continue to remain at the forefront of the victims' rights movement, helping to lead the nation in creative and innovative ways to assist victims of crime in rebuilding their lives.

Please read the information contained in this packet carefully. If you have any questions regarding the proper use or reporting of these funds and are unable to locate the answers in this manual, please contact the Ohio Attorney General's Office of Crime Victim Services at (614) 466-5610 or 1-800-582-2877. Lists and examples are not all inclusive.

We look forward to our continued partnership and thank you for your past work and great work to come.

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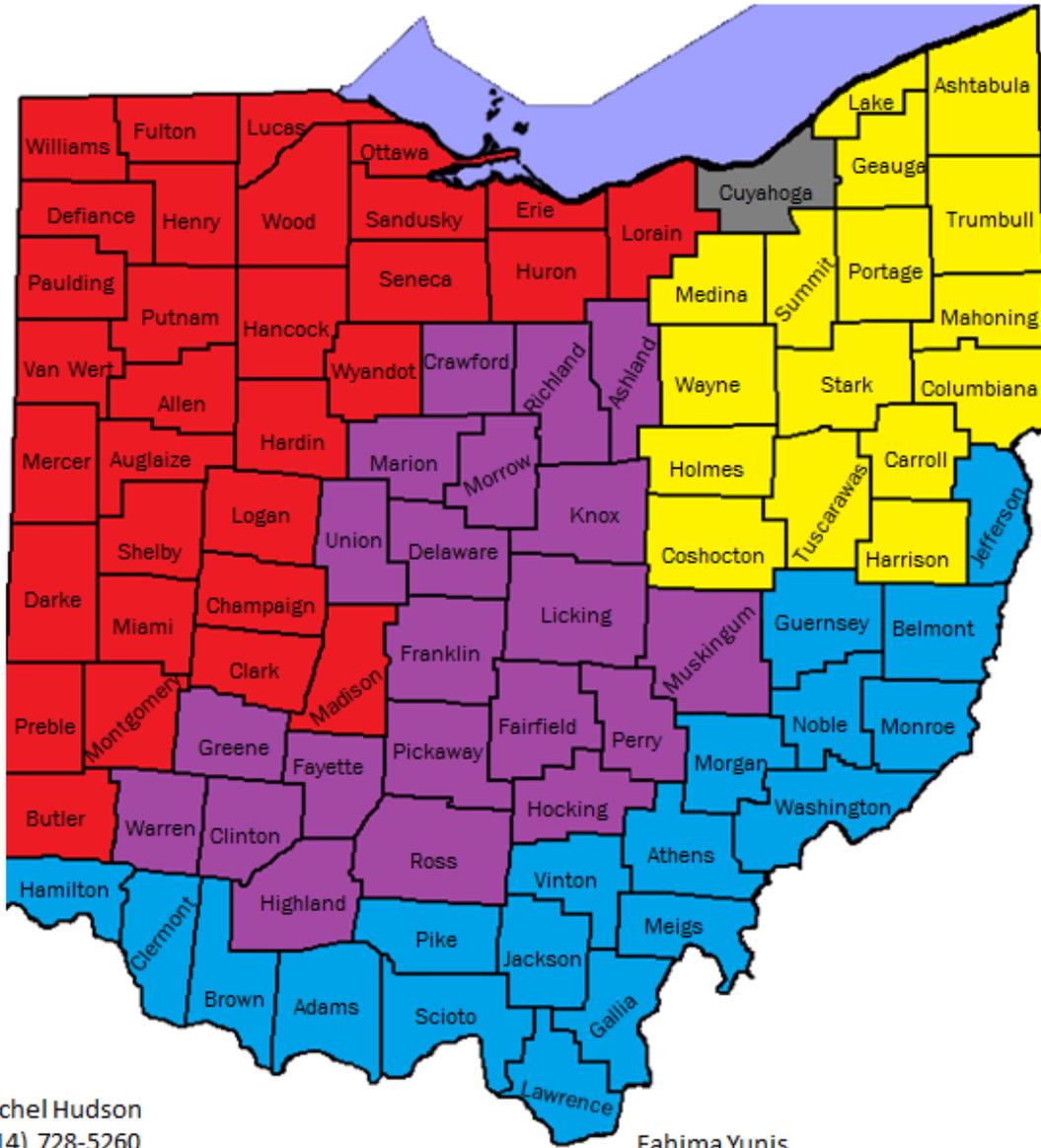
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## **HISTORY OF VOCA AND SVAA**

The Victims of Crime Act (VOCA) was passed by Congress and signed into law by President Reagan on October 12, 1984, and establishes within the U. S. Treasury an 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. Crime Victims' Fund dollars have always come from offenders convicted of federal crimes, not from taxpayers.

The VOCA Formula Grant Program provides federal funding to support victim assistance and compensation programs such as those which benefit victims by providing training for 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. The yearly grant amount awarded to each state includes a base amount of \$500,000 and additional funds based on the state's population. States apply each year for the federal grant and then award VOCA Victim Assistance funds to eligible public and nonprofit organizations. The Attorney General's Office has been designated as the administrator of the Crime Victims Assistance Grant in Ohio.

The State Victims Assistance Act (SVAA) was passed by the Ohio Legislature and signed into law in 1984, and establishes the Crime Victim Services Section (CVS) of the Ohio Attorney General's Office (OAG). CVS administers the Crime Victims Fund, made up of court costs paid by offenders, driver's license reinstatement fees, and federal grant monies to provide compensation to innocent victims of violent crime who have suffered an unrecoverable economic loss as a result of their victimization, and also administers VOCA and SVAA grants. The guidelines, eligibility requirements, and application process for VOCA and SVAA grants are very similar. This application may be used for either or both types of grants, and differences between the two programs will be highlighted throughout these guidelines.

The U. S. Department of Justice, Office of Justice Programs, Office for Victims of Crime has issued guidelines and rules to implement the grant provisions of VOCA. In the following sections, those federal guidelines have been integrated with administrative guidelines adopted by OAG and guidelines for SVAA grants. All applications will be reviewed by OAG staff. Recommendations regarding all applications and funding levels will be made to the Attorney General, who approves all final VOCA and SVAA grant awards. A Grant Award and Acceptance Package will be made available to successful applicants via email notification at the start of each grant cycle.

## **PERIOD OF FUNDING**

VOCA and SVAA funds will be awarded for the **2019-2020** period beginning on or after **October 1, 2019 and ending September 30, 2020**. Only expenses incurred within the grant period are eligible to be paid with 2019-2020 funds. VOCA funds are paid by reimbursement to grant recipients. **All payments will be issued upon receipt/verification of monthly financial reports due by the 15<sup>th</sup> of each month. This process will continue throughout the grant cycle. SVAA funds are disbursed quarterly in advance.**

## **ELIGIBILITY**

In order to be eligible for VOCA or SVAA grants, a victim assistance program must be operated by either a public agency or a private nonprofit organization; direct service to victims of crime must be a core component of the organization's mission and operations. This includes organizations such as rape crisis centers, domestic violence shelters, child abuse treatment facilities, and community-based victim service organizations. However, serving crime victims need not be an organization's sole purpose. Eligible organizations may also include:

- Criminal justice agencies: state and local law enforcement, prosecutor's offices, courts, and probation and paroling authorities, among others, are eligible to receive funding. Federal agencies are not eligible. Grants made to law enforcement agencies must be used for direct services to victims. Normal law enforcement activities aimed at prosecution or crime reduction are not eligible for grant funding.
- Faith-based organizations: these must ensure that services are offered to all victims regardless of religious affiliation and that the receipt of services is not contingent upon participation in a religious activity or event. Additional eligibility requirements of faith-based organizations may be found in later portions of this application.
- Hospitals and emergency medical facilities that offer crisis counseling, support groups, or other types of direct, immediate victim services: in-patient treatment facilities are not eligible, except for emergency, short-term nursing home shelter for elder abuse victims for whom no other safe, short-term residence is available.
- Others: state and local public agencies such as mental health service organizations, legal services agencies, and public housing authorities that have components specifically designed to serve crime victims.

## **GENERAL ELIGIBILITY PROVISIONS**

In addition to the statutory provisions of VOCA, these general program provisions have been prepared by the Office for Victims of Crime and OAG. Eligible victim service providers should review this section carefully in order to assure program compliance.

1. The organization must utilize volunteers in providing services unless a compelling reason exists not to. Compelling reasons 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 effort. A waiver must be obtained from OAG.
2. The organization must provide services to victims of federal crimes on the same basis as victims of state or local crimes.
3. The organization must promote, within the community, coordinated public and private efforts to aid crime victims. Coordination may include, but is not limited to, serving on state, federal, local, or Native American task forces, commissions,

working groups, coalitions, or multi-disciplinary teams. Coordination efforts also include developing written agreements that contribute to better and more comprehensive services to crime victims.

- 4 The organization must assist victims in seeking Victims of Crime Compensation benefits, including maintaining a supply of Compensation brochures and applications, establishing procedures to identify clients who may be eligible for Compensation, ensuring that all VOCA-funded staff are familiar with the Compensation program, assisting clients with the application process, and checking on claim status. The organization must also provide services beyond compensation assistance and referral.
- 5 The organization must provide VOCA-supported services at no charge to victims. Any deviation from this provision requires prior approval from the Ohio Attorney General's Office.
- 6 The organization must comply with the applicable provisions of VOCA, the Program Guidelines, and the requirements of the OJP Financial Guide, effective edition ([www.ojp.gov/financialguide](http://www.ojp.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 allowable VOCA victim services, client files, the portion of the project supplied by other sources of revenue, job descriptions, contracts for services, and other records which facilitate an effective audit.
- 7 The organization shall, to the extent permitted by law, reasonably protect the confidentiality and privacy of persons receiving services through VOCA/SVAA. If release of confidential information is compelled by statutory or court mandate, subrecipients shall make reasonable attempts to provide notice to victims affected by the disclosure of the information, and take reasonable steps necessary to protect the privacy and safety of the persons affected by the release of the information.
- 8 Under no circumstance a crime victim be required to provide consent to release personally identifying information as a condition of eligibility for VOCA/SVAA-funded services. Nothing in this section prohibits compliance with legally mandated reporting of abuse and neglect.
- 9 The organization must be able to demonstrate a record of providing effective services to crime victims. This includes having the support and approval of its services by the community, a history of providing direct services in a cost-effective manner, and financial support from other sources. Those programs that have not yet demonstrated a record of providing services may be eligible to receive VOCA funding, if they can demonstrate that at least 25 percent of their financial support comes from other sources besides VOCA. It is important that organizations have a variety of funding sources besides VOCA funding in order to ensure their financial stability.
- 10 The organization must maintain statutorily required civil rights statistics on victims served by race, national origin, sex, age, and disability, within the timetable established by the Ohio Attorney General's Office; and must 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 victim.

- 11 The organization must abide by any additional eligibility or service criteria as established by the Ohio Attorney General's Office, including submitting statistical and programmatic information on the use and impact of VOCA funds, as requested by the Ohio Attorney General's Office.
- 12 To be eligible to receive VOCA funds, organizations must be operated by public or nonprofit organization, or a combination of such organizations, and provide services to crime victims.
- 13 Programs receiving VOCA funds must follow certain procedures regarding the confidentiality of research information, details of which can be found in later portions of this application.
- 14 Programs receiving VOCA funds must meet matching requirements, details of which can be found in later portions of this application.

### **Private Non-Profit Agencies**

In addition to the requirements above, private non-profit agencies must also meet the following criteria:

The organization must have obtained Articles of Incorporation certifying that the agency is registered with the Ohio Secretary of State as a private non-profit agency.

### **Priority Programs and Funding Underserved Victim Populations**

#### **VOCA**

Under VOCA, 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 needs of one or more 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 may include, but are not limited to, victims of violent federal crimes, survivors of homicide victims, or victims of assault, robbery, gang violence, hate crimes, intoxicated drivers, and elder abuse.

#### **SVAA**

Pursuant to R.C. 109.91(C)(2), financial aid to crime victim assistance programs shall be based upon the following priorities.

- Programs in existence on July 1, 1985 shall be given first priority.
- 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. Experience and expertise in providing quality services, financial stability, and compliance with administrative requirements are taken into account.

- Other qualified programs shall be given last priority.

## **ALLOWABLE AND UNALLOWABLE SERVICES, ACTIVITIES, & COSTS**

Throughout the history of VOCA and SVAA, Congress and the Ohio Legislature have provided guidance on the types of direct services for which they intend the grants to be used. Generally, only direct service to crime victims and the necessary administration and coordination of such services is allowable. Additionally, there are some expenses that are not allowable under a VOCA or SVAA grant regardless of their benefit to crime victims. Some are listed here.

### **Unallowable expenses:**

- Activities related exclusively to crime prevention. Grant funds may be used to support outreach such as presentations in the community as long as they are designed specifically to identify crime victims and provide or refer them to needed services.
- Political activity, lobbying or advocacy on behalf of legislation, administrative reform, or improving the criminal justice system, whether conducted directly or indirectly
- Active investigation and prosecution of criminal activities or activities that aid in the investigation or prosecution of criminal activities. Prosecutor-based victim/witness assistance programs that provide both victim services and witness notification services may receive funding support only for that portion of the program that provides direct services to crime victims. In addition, victim witness protection costs and subsequent lodging and meal expenses are considered part of the criminal justice agency's responsibility and cannot be supported with VOCA funds.
- Fundraising activities
- Reimbursement to victims for expenses incurred as a result of a crime such as insurance deductibles, replacement of stolen property, funeral expenses, lost wages, and medical bills.
- Research and studies, except for project evaluation
- Victim assistance grant funds cannot support medical costs resulting from a victimization, except for forensic medical examinations for sexual assault victims or other costs specifically listed as allowable.
- 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.
- Services for which the provider intends to bill Medicaid or any other federal institution or program. Medicaid may not be billed for work funded by VOCA

- Costs of fines and penalties resulting from violations of, or failure of the organization to comply with federal, state, and local laws and regulations except when incurred as a result of compliance with specific provisions of an award or instructions in writing from the awarding agency. (2 C.F.R. 230 Appendix B paragraph 16)
- Contributions to a contingency reserve or any similar provision made for events the occurrence of which cannot be foretold with certainty as to time, intensity, or with an assurance of their happening. The term “contingency reserve” excludes self-insurance reserves (see 2 C.F.R. 230 Appendix B, paragraphs 8.g.(3) and 22.a(2)(d)); pension funds (see 2 C.F.R. 230 Appendix B, paragraph 8.i); and reserves for normal severance pay (see 2 C.F.R. 230 Appendix B, paragraph 8.k.)
- Costs of entertainment, including amusement, diversion, and social activities and any costs directly associated with such costs (such as tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities) are unallowable. (2 C.F.R. 230 Appendix B paragraph 14)
- Overtime, extra-pay shift, and multi-shift premiums are only allowable with the prior approval of the awarding agency. (2 C.F.R. 230 Appendix B paragraph 8.f).
- No federal funds may be used as matching funds. (2 C.F.R. 230 Appendix A (A)(2)(f))
- Gift cards or gas cards, even if for victims
- Other items as determined by the awarding agency (OAG)

### **Allowable Expenses**

A non-exhaustive list of some examples:

- 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, and other emergency services that are intended to restore the victims' sense of security. Also allowable is emergency legal assistance, such as filing restraining orders and obtaining emergency custody/visitation rights when such actions are directly connected to family violence cases and are taken to ensure the health and safety of the victim
- 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 or respite care to enable to a victim to attend court; notification of victims regarding trial dates, case disposition information, and parole consideration procedures; and assistance with victim impact statements.
- 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. “Therapy”

refers to intensive professional psychological/psychiatric treatment for individuals, couples, and family members related to counseling to provide emotional support in crises arising from the occurrence of crime. This includes the evaluation of mental health needs, as well as the actual delivery of psychotherapy.

- Services that offer an immediate measure of safety to crime victims such as boarding-up broken windows and replacing or repairing locks, and emergency financial assistance such as for transportation, food, clothing, emergency housing, etc.
- 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
- 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; helping to recover property retained as evidence; filing for compensation benefits; and helping to apply for public assistance
- Costs that are directly related to providing direct services, such as staff salaries and fringe benefits, including malpractice insurance; advertising costs associated with recruiting personnel and volunteers; and training costs for paid and volunteer staff.
- Mileage is an allowable expense but must incorporate gas, maintenance, etc. in one established rate. Such expenses are only allowable as part of a single mileage rate of \$0.52. Mileage to provide direct services (such as to take a victim to court) should be listed in the 'travel' section of the budget. Mileage expenses for training purposes should be built into training costs under the 'other' section of the budget.
- Coordination of activities including crisis response teams, computer storage, websites, state-wide victim response.
- For a more exhaustive list of allowable expenses, please refer to the Federal Register, Vol. 81, No. 131, pages 44515-44535.  
(<https://www.federalregister.gov/documents/2016/07/08/2016-16085/victims-of-crime-act-victim-assistance-program>)

### **Other Related Allowables**

Some services, activities, and costs may be allowable even though they do not constitute direct service to crime victims. Before being allowed, however, OAG must agree in writing that direct services to crime victims cannot be offered without support for these expenses, that the subrecipient has no other source of support for them, and that only limited amounts of grant funds will be used for these purposes

- Certain staff or volunteer training necessary to providing direct service. Priority should be given to grant-funded staff, and the training must focus on skills development. Grant funds cannot be used for management and administrative training

for executive directors, board members, and other individuals that do not provide direct services.

- Indirect Costs not elsewhere identified as unallowable. If the organization has a federally negotiated indirect cost rate, they are permitted to use it. If the organization had a negotiated rate, and it has expired, the organization is not eligible to utilize indirect costs until that rate is active. All other organizations are permitted to use an indirect cost rate of 10% of modified total direct costs. MTDC excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, and contracts in excess of \$25,000.
- Grant funds can be used to purchase materials such as books, training manuals, and videos for direct service providers, within the grant-funded organization, and can support the costs of a trainer for in-service staff development. Staff from other organizations can attend in-service training activities that are held for the subrecipient's staff.
- Grant funds can support costs such as travel, meals, lodging, and registration fees for **paid** staff to attend training within the state. Subrecipients should first look for available training within their immediate geographical area to minimize costs. However, when needed training is unavailable within the immediate geographical area, subrecipients may use grant funds to support training outside of the geographical area with prior approval from the grantor.
- Grant funds may be used to purchase furniture and equipment that provides or enhances direct services to crime victims. Funds cannot support the entire cost of an item that is not used exclusively for victim-related activities. However, grant funds can support a prorated share of such an item. In addition, subrecipients cannot use funds to purchase equipment for another organization or individual to perform a victim-related service. Examples of allowable costs may include; video-recording equipment and players for interviewing children; braille equipment; colposcopes; and equipment and furniture for shelters, work spaces, victim waiting rooms, and children's play areas.
- Subrecipients may use grant funds to purchase or lease vehicles if they can demonstrate that such an expenditure is essential to delivering services to crime victims. Prior approval must be given for all such purchases.
- Grant funds generally should not be used to support contract services. At times, however, it may be necessary for subrecipients to use a portion of the grant to contract for specialized services. Examples of these services include assistance in filing restraining orders or establishing emergency custody/visitation rights (the provider must have a demonstrated history of advocacy on behalf of domestic violence victims); forensic examinations on a sexual assault victim to the extent that other funding sources are unavailable or insufficient; emergency psychological or psychiatric services; or sign and/or interpretation for the deaf or for crime victims whose primary language is not English. Subrecipients are prohibited from using a

majority of funds for contracted services, which contain administrative, overhead, and other indirect costs included in the hourly or daily rate.

- Advanced technologies, such as computers to increase a subrecipient's ability to reach and serve crime victims.
- Allowable operating costs include supplies; equipment use fees, when supported with usage logs; printing, photocopying, and postage; brochures which describe available services; and books and other victim-related materials. Grant funds may support administrative time to complete grant-required time and attendance sheets and programmatic documentation, reports, and statistics; administrative time to maintain crime victims' records; and the prorated share of audit costs.
- Supervision of direct service providers, such as in the case of a volunteer coordinator who recruits, trains, and supervises volunteers who provide victim service
- Grant funds may be used to support presentations that are made in schools, community centers, or other public forums, and that are designed to identify crime victims and provide or refer them to needed services. Specifically, activities and costs related to such programs including presentation materials, brochures, and newspaper notices can be supported by grant funds.
- Grant funds may be used for repair or replacement of items that contribute to maintaining a healthy and/or safe environment for crime victims, such as a furnace in a shelter. In the event that a vehicle is purchased with grant funds, related items, such as routine maintenance and repair costs, and automobile insurance are allowable. To be allowable, repair and replacement expenditures must meet the following conditions:
  - The building or vehicle is owned by the subrecipient organization and not rented or leased
  - All other sources of funding have been exhausted
  - There is no available option for providing the service in another location
  - The cost of the repair or replacement is reasonable considering the value of the building or vehicle.
  - The cost of the repair or replacement is prorated among all sources of income
- Consultants paid using VOCA/SVAA funds are allowable with approval from the Ohio Attorney General's Office. Under federal rules, consultants have a maximum rate of \$81.25/hour or \$650 per day. Prep time, travel time, and any follow up are permitted to be included in addition to providing their intended service. While federal rules allow consultants to be paid up to \$650 per day, this does not mean all consultants can be paid the maximum daily rate. Factors such as expertise, market rates, etc should be taken into consideration when determining a rate to pay the consultant.

## **REPORTING AND MONITORING**

**VOCA and SVAA** recipients are required to maintain appropriate programmatic and financial records that fully disclose the amount and disposition of VOCA and/or SVAA 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, matching funds/sources, and other records which will facilitate an effective audit.

**VOCA and SVAA recipients are required to provide a quarterly Outcome Measure Survey (OCM) Report and federal Performance Measure report (PMT). The OCM Summary report compiles survey results received by each program from clients that have been served. This report is due quarterly on the 15<sup>th</sup> of the month following the close of the quarter.**

**The federal Performance Measures Report is a statistical report identifying number of individuals accessing services, demographic information and type of services received. This report is to be submitted on the following dates:**

**Quarter 1: February 10**

**Quarter 2: April 8**

**Quarter 3: August 10**

**Quarter 4: November 9**

**Any PMT reports not submitted by the above due dates will result in the suspension of grant funds until the subrecipient is in compliance with reporting requirements.**

Finally, VOCA and SVAA recipients are required to register as a vendor with Ohio Shared Services (OSS) to receive grant payments through EFT. The procedure for fulfilling this requirement will be provided in the Fiscal Policies and Procedure Guidelines provided at the time of the award.

Upon request, recipient organizations must allow authorized representatives from the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice and the Ohio Attorney General's Crime Victims Section to examine documents such as, but not limited to:

1. Financial records, reports, and audit reports.
2. Policies and procedures governing the organization and the grant funds.
3. Programmatic records of victim services.
4. Timekeeping records, personnel files of employees that are grant funded, and other supporting documentation for costs supported by the grant funds.

**VOCA** recipients are required to submit Monthly Financial Reports, due no later than the 15th day of each month. Further, non-profit organizations, institutions of higher education, and governmental agencies that expend \$750,000 or more in federal funds per year must have an organization-wide financial and compliance audit as required by the federal Single Audit Act of 1984. This audit must be performed in conformity with OMB Circular A-133,

Audits of States, Local Governments, and Non-Profit Organizations. Grantees must submit audit reports within 9 months after the end of the fiscal year.

SVAA recipients must submit Quarterly Financial Reports. All funds from each quarter 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. These report forms are to be completed by sub-recipients no later than 15th of the month ending each quarter (January 15, April 15, July 15, and October 15).

Recipients of both VOCA and SVAA funds must comply with both reporting requirements. Failure to file reports or expend funds in a timely manner may result in the suspension or termination of the grant award.

Nothing in these guidelines precludes the AGO from conducting a site-visit, desk monitoring or other assessment more often than once per year. In certain situations, a contract may be monitored either on-site or through desk monitoring on a regular and frequent basis to assure compliance. These situations may include, but are not limited to:

- A report to the AGO of the mishandling of grant funds;
- A report of the use of grant funds for ineligible activities;
- Discrepancies noted on financial reports

## **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.

These provisions are 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, 451 U.S. 1, 101 S.Ct. 1531, 67 L.Ed.2d 694 (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.

## **CIVIL RIGHTS COMPLIANCE**

As a condition for receiving funding from the Office for Victims of Crime (OVC), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ), recipients must comply with applicable federal civil rights laws, including Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d and 28 C.F.R. § 42.201 et seq.; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 and 28 C.F.R. § 42.501 et seq.; Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 and 28 C.F.R. pt. 54; the Age Discrimination Act of 1975, 42 U.S.C. § 6101 and 28 C.F.R. § 42.700 et seq.; and the Justice Department's Equal Treatment Regulation 28 C.F.R. part 38. 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 (Safe Streets Act) of 1968, 42 U.S.C. § 3789d(c) and 28 C.F.R. §42.201 et seq.; the Victims of Crime Act (VOCA) of 1984, 42 U.S.C. 10604; or the Juvenile Justice and Delinquency Prevention (JJDP) Act, Pub. L. No. 93-415, 42 U.S.C. § 5601 et seq. 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, 42 U.S.C. § 2000d, 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](http://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.

## **FUNDING TO FAITH-BASED ORGANIZATIONS**

In general, executive orders and regulations 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.

Executive orders and regulations also prohibit recipient FBOs from using Justice Department funding to engage in explicitly 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 explicitly religious activities. Funded faith-based organizations must also not discriminate on the basis of religion in the delivery of services or benefits. Exec. Order No. 13,559, 75 Fed. Reg. 71,319, 71,320 (Nov. 17, 2010).

FBOs may have the option to request, on a case-by-case-basis, an exemption from the program statutes' prohibition against employment discrimination based on religion so that funded FBOs may hire, under certain circumstances, co-religionists. *See* Office of Justice Programs, Other Requirements for OJP Applications, Funding for Faith-Based Organizations, [http://www.ojp.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm)

## **MATCH FOR VOCA FUNDS**

All matching funds 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. In other words, the same rules and regulations that apply to VOCA funds also apply to matching funds. VOCA recipients must maintain records that 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 20% matching share of the requested project budget. Applicants should commit exactly the 20% required match to the VOCA-funded project. Matching funds may be in the form of either cash contributions or in-kind contributions.

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 to 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.

Volunteer time may be counted as an in-kind donation and may be used as part of the 20% match. The monetary value of volunteer time is to be counted as \$15 per hour. Volunteer services used as match must be documented and supported by methods similar to those used for VOCA funded employees.

The value of donated space may not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in privately owned building in the same locality. Agencies cannot "donate" space to themselves, i.e., if the applicant agency is a county, and the office space used by the project agency is owned by the county the fair market value of that space cannot be used as match.

Matching contributions need not be applied at the exact time or in proportion to the obligation of the federal funds. However, at least half of the match requirement for the year must be reported on or before the organization's March financial report. If it is not, the March report must contain an explanation and plan for the full amount of the VOCA match to have been met by the end of the funding period. All matching funds must have been

realized by the end of the funding period, and failure to report the appropriate match in a timely manner will result in the deobligation of a corresponding portion of the VOCA award.