ADMINISTRATIVE MANUAL

STOP Violence Against Women Program

Department of Military Affairs and Public Safety
Division of Justice and Community Services
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Earl Ray Tomblin
Governor

PREFACE

This manual provides procedures for the administration of the STOP Violence Against Women Formula Grant Program and is applicable to all grants approved by the Governor after July 1, 2015. When revisions and corrections are deemed necessary, appropriately changed pages will be issued.

Sample application, reporting and other forms and schedules are provided in this manual and are for demonstration and information purposes only. Actual forms may be obtained from the Division of Justice and Community Services.

The staff of the Division of Justice and Community Services will be pleased to discuss any questions which are not adequately covered in this manual and will be receptive to recommendations that might make the administration of grant funds easier and more efficient. For further information, clarification, materials or submission of ideas, please contact:

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Chapter 1

GENERAL INFORMATION AND APPLICATION PROCESS

A. Background

The Violence Against Women Act (VAWA), enacted by Congress, is set out in Title IV of the Violent Crime Control and Law Enforcement Act of 1994 and amended in 2000, 2005, and 2013. The Act provides financial assistance to States for developing and strengthening effective law enforcement and prosecution strategies and victim services in cases involving domestic violence, sexual assault, stalking and dating violence crimes. The goal of STOP (Services*Training*Officers*Prosecutors) Violence Against Women Formula Grant Program (STOP VAWA) is to encourage governmental and non-governmental agencies to restructure and strengthen the Criminal Justice System's response to be proactive in dealing with the problem of violence against women; to draw on the experience of all the players in the system; and to develop a comprehensive strategy to address this complex problem.

The Violence Against Women Act was reauthorized in 2000 (Violence Against Women Act of 2000), in 2005 (Violence Against women and Department of Justice Reauthorization Act of 2005) and again in 2013 (Violence Against Women Act of 2013). Each reauthorization modified program requirements and guidelines. A copy of the Violence Against Women Act of 1994, 2000, 2005, and 2013 can be found in **Appendix A.**

B. Program Purpose Areas

The Violence Against Women Act enumerates the following statutory purposes for which funds may be used:

1. Training law enforcement officers, judges, other court personnel, and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of sexual assault, domestic violence, stalking, and dating violence, including the appropriate use of nonimmigrant status under subparagraphs (U) and (T) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a));

2. Developing, training, or expanding units of law enforcement officers, judges, other court personnel, and prosecutors specifically targeting violent crimes against women, including the crimes of sexual assault, dating violence, stalking, and domestic violence;

3. Developing and implementing more effective police, court, and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to violent crimes against women, including the crimes of sexual assault, dating violence, stalking, and domestic violence, as well as the appropriate treatment of victims;

4. Developing, installing, or expanding data collection and communication systems, including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying, classifying, and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of sexual assault, dating violence, stalking, and domestic violence;

5. Developing, enlarging, or strengthening victim services and legal assistance programs, including sexual assault, domestic violence, stalking, and dating violence programs, developing or improving delivery of victim services to underserved populations, providing specialized domestic violence court advocates in courts where a significant number of protection orders are granted, and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of sexual assault, dating violence, stalking, and domestic violence;

6. Developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women, including the crimes of sexual assault, dating violence, stalking, and domestic violence;

7. Supporting formal and informal statewide, multidisciplinary efforts, to the extent not supported by State funds, to coordinate the response of state law enforcement agencies, prosecutors, courts, victim services agencies, and other state agencies and departments, to violent crimes against women, including the crimes of sexual assault, domestic violence, stalking, and dating violence;

8. Training of sexual assault forensic medical personnel examiners in the collection and preservation of evidence, analysis, prevention, and providing expert testimony and treatment of trauma related to sexual assault;

9. Developing, enlarging, or strengthening programs to assist law enforcement, prosecutors, courts, and others to address the needs and

circumstances of older and disabled women who are victims of domestic violence, dating violence, stalking, or sexual assault, including recognizing, investigating, and prosecuting instances of such violence or assault and targeting outreach and support, counseling, and other victim services to such older and disabled individuals;

10. Providing assistance to victims of domestic violence and sexual assault in immigration matters;

11. Maintaining core victim services and criminal justice initiatives, while supporting complementary new initiatives and emergency services for victims and their families;

12. Supporting the placement of special victim assistants (to be known as "Jessica Gonzales Victim Assistants") in local law enforcement agencies to serve as liaisons between victims of domestic violence, dating violence, sexual assault, and stalking and personnel in local law enforcement agencies in order to improve the enforcement of protection orders. Jessica Gonzales Victim Assistants shall have expertise in domestic violence, dating violence, sexual assault, or stalking and may undertake the following activities-
    (A) developing, in collaboration with prosecutors, courts, and victim service providers, standardized response policies for local law enforcement agencies, including the use of evidence-based indicators to assess the risk of domestic and dating violence homicide and prioritize dangerous or potentially lethal cases;
    (B) notifying persons seeking enforcement of protection orders as to what responses will be provided by the relevant law enforcement agency;
    (C) referring persons seeking enforcement of protection orders to supplementary services (such as emergency shelter programs, hotlines, or legal assistance services); and
    (D) taking other appropriate action to assist or secure the safety of the person seeking enforcement of a protection order.

13. Providing funding to law enforcement agencies, victim services providers, and state, tribal, territorial, and local governments (which funding stream shall be known as the Crystal Judson Domestic Violence Protocol Program) to promote—
    (A) the development and implementation of training for local victim domestic violence service providers, and to fund victim services personnel, to be known as "Crystal Judson Victim Advocates," to provide supportive services and advocacy for victims of domestic violence committed by law enforcement personnel;
    (B) the implementation of protocols within law enforcement agencies to ensure consistent and effective responses to the commission of

domestic violence by personnel within such agencies such as the model policy promulgated by the International Association of Chiefs of Police ("Domestic Violence by Police Officers: A Policy of the IACP, Police Response to Violence Against Women Project" July 2003); and (C) the development of such protocols in collaboration with state, tribal, territorial and local victim services providers and domestic violence coalitions.

Note: Any law enforcement, state, tribal, territorial, or local government agency receiving funding under the Crystal Judson Domestic Violence Protocol Program shall, on an annual basis, receive additional training on the topic of incidents of domestic violence committed by law enforcement personnel from domestic violence and sexual assault nonprofit organizations and, after a period of two years, provide a report of the adopted protocol to the Department, including a summary of progress in implementing such protocol. As such, states and territories are responsible for ensuring that each sub-grantee receiving funds under this purpose area will receive the required annual training. States are also responsible for ensuring that sub-grantees submit their two-year report to the Department. States and territories must notify and provide OVW with a list of sub-grantee recipients awarded STOP funds under the Crystal Judson Domestic Violence Protocol Program.

14. Developing and promoting state, local, or tribal legislation and policies that enhance best practices for responding to domestic violence, dating violence, sexual assault, and stalking.

15. Developing, implementing, or enhancing Sexual Assault Response Teams, or other similar coordinated community responses to sexual assault.

16. Developing and strengthening policies, protocols, best practices, and training for law enforcement agencies and prosecutors relating to the investigation and prosecution of sexual assault cases and the appropriate treatment of victims.

17. Developing, enlarging or strengthening programs addressing sexual assault against men, women, and youth in correctional or detention settings.

18. Identifying and conducting inventories of backlogs of sexual assault evidence collection kits and developing protocols and policies for responding to and addressing such backlogs, including protocols and policies for notifying and involving victims.

19. Developing, enlarging, or strengthening programs and projects to provide services and responses to male and female victims of domestic violence,

dating violence, sexual assault, or stalking, whose ability to access traditional services and responses is affected by their sexual orientation or gender identity, as defined in section 249(c) of title 18, United States Code.

20. Developing, enhancing, or strengthening prevention and educational programming to address domestic violence, dating violence, sexual assault, or stalking, with not more than 5 percent of the amount allocated to a state to be used for this purpose.

Examples of innovative approaches include those:

- ❖ Retain core services to victims; particularly for victims of sexual and domestic violence and support for rape crisis center and domestic violence shelters:
- ❖ Increase support for sexual assault, including services, law enforcement response and prosecution;
- ❖ Increase support for underserved populations, particularly communities of color, in a culturally appropriate manner, with a special emphasis on African-American, tribal and LGBT communities;
- ❖ Increase the use of promising or evidence-building practices, where available;
- ❖ Provide culturally-specific services and training to underserved communities based on factors such as race, ethnicity, language, sexual orientation, or gender identity;
- ❖ Provide basic and advanced training to tribal law enforcement and tribal courts regarding services for victims in tribal communities;
- ❖ Provide comprehensive training to victim services, law enforcement, prosecution, and court personnel on sexual assault, to encourage increased reporting, arrest and successful prosecution of perpetrators;
- ❖ Support Full Faith and Credit training for tribes, states and territories; and Implement evidence-based risk/danger assessments to identify and prioritize victims who are considered to be in relationships with a high risk of lethality
- ❖ Implement evidence-based risk/danger assessments to identify and prioritize victims who are considered to be in relationships with a high risk of lethality.

C. West Virginia's Plan

It is the mission of the West Virginians Against Violence (WVAV) Committee to increase the awareness and understanding of domestic violence, sexual assault, dating violence and stalking crimes and its consequences, reduce the incidence of domestic violence, sexual assault, stalking and dating violence crimes and to create a safer environment for all victims, and provide a collaborative response to the needs of victims of domestic violence, sexual assault, stalking and dating violence crimes within West Virginia.

This mission is accomplished by:

1. Continue to improve the criminal and civil justice systems response to domestic violence, dating violence, sexual assault and stalking crimes.

2. Coordinate and structure cross training to maximize attendance of all professionals and paraprofessionals that impact victims of domestic violence, sexual assault, dating violence, and stalking crimes, in order to provide a better response to victims.

3. Develop and/or increase effective responses to the needs of victims of domestic violence, sexual assault, dating violence and stalking in underserved communities and cultural and linguistic populations.

4. Increase prevention and public awareness of services available for domestic violence, sexual assault, dating violence, and stalking victims.

5. Increase collaboration and communication among systems, agencies and organizations in their coordinated response to victims of domestic violence, sexual assault, dating violence, and stalking.

6. To strengthen and expand STOP Violence Against Women Act (VAWA) programs through targeted legislation, identifying new funding sources, coordination and overall system improvement in this area.

   *West Virginia's STOP Violence Against Women Plan can be found in **Appendix B.**

D. Activities that May Compromise Victim Safety

Because of the overall purpose of the program is to enhance victim safety and offender accountability, grant funds may not be used to support activities that compromise victim safety and recovery. The following activities have been

found to jeopardize victim safety, deter or prevent physical or emotional healing for victims, or allow offenders to escape responsibility for their actions:

- Procedures or policies that exclude victims from receiving safe shelter, advocacy services, counseling, and other assistance based on their actual or perceived: age, immigration status, race, religion, sexual orientation, gender identity, mental health condition, physical health condition, criminal record, work in the sex industry, relationship to the perpetrator, or the age and/or gender of their children
- Procedures or policies that compromise the confidentiality of information and privacy of persons receiving OVW-funded services;

- Offering perpetrators the option of entering pre-trial diversion programs or placing batterers in anger management programs;

- Requiring mediation or counseling for couples as a systemic response to domestic violence or sexual assault, or in situations in which child sexual abuse is alleged;

- Requiring victims to report sexual assault, stalking, or domestic violence crimes to law enforcement or forcing victims to participate in criminal proceedings;

- Relying on court-mandated batterer intervention programs that do not use the coercive power of the criminal justice system to hold batterers accountable for their behavior; or

- Supporting policies or engaging in practices that impose restrictive conditions to be met by the victim.

- Not practicing a "Victim Centered Approach" when working with victims and/or training victim service providers. A victim centered approach is defined as follows:

    - A systematic focus on the needs and concerns of a victim to ensure the compassionate and sensitive delivery of services in a non-judgmental manner. A victim centered approach seeks to minimize re-traumatization associated with the criminal justice process by providing support to the victim, empowering the victim/survivor and providing them the opportunity to play a role in seeing their offender brought to justice. In a victim centered approach, the victim's wishes, safety and wellbeing take priority.

E. Confidentiality and Victim Safety

Funded programs must ensure the safety of victims and their families by protecting the confidentiality and privacy of persons receiving services. Programs may not disclose any personally identifying information (name, address, other contact information, social security number, date of birth, racial/ethnic/religions identity, or any other combined information that would serve to identify an individual) without the informed, written, reasonably time-limited consent of the person (or guardian in the case of a minor or disabled). Consent release cannot be given to an abuser of the person.

In the event that release of information is compelled by statutory or court mandate, programs must make reasonable attempts to provide notice to victims affected by the disclosure of information and take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

F. Administration of Federal Funds

The U.S. Department of Justice, Office of Justice Programs, Office on Violence Against Women awards funds appropriated by Congress to the Division of Justice and Community Services which has been designated by the Governor as the state agency responsible for the administration of the Violence Against Women Act Program in West Virginia.

G. Grant Applications

Applications for federal funds by agencies are initiated by completing a STOP Violence Against Women grant application for a project and submitting it to the Division of Justice and Community Services. Grant funding is awarded on a competitive basis each year. **There is no guarantee of funding beyond the one year award period.**

The standard grant application form must be used for all applicants. Copies of this form are available from Division of Justice and Community Services. Contact with staff should be maintained during the preparation of the grant application. A copy of the standard grant application form is found in **Appendix C.** The Division of Justice and Community Services and the West Virginians Against Violence Committee reserve the right to approve and enforce the grant solicitation requirements, as based on specific State needs assessment.

H. Eligible Applicants

In order to be eligible for STOP VAWA funds, programs must meet the following requirements:

1. A team must be formed that includes at a minimum: law enforcement officer, a prosecutor and a private non-profit, non-governmental victim service provider in order to improve the criminal justice system's response to domestic violence, sexual assault, stalking and dating violence. The team may include other agencies in the team area that wish to participate. Only one Team per county will be funded. All teams are encouraged to include a member from a faith-based and a cultural/linguistic specific group/organization. All STOP Teams are required to have at least one goal/objective for the whole core team; whether all core members are funded or not.

2. Programs must be operated by a public agency or a private non-profit organization which is a 501(c) (3) and is in good standing with Auditor's and Secretary of State's Office. However, a private non-profit organization that only provides occasional counseling or services to victims or whose sole purpose is to provide advocacy to the legislature for victims of crime would not qualify for eligibility.

3. The STOP VAWA requires that each state must distribute their grant funds each year in the following manner: At least 30 percent to victim services programs *(of which 10 percent must be distributed to linguistically and culturally specific community-based organizations),* 25 percent must be allocated to law enforcement, 25 percent to prosecution, 5 percent to state or local courts, with the remaining 15 percent allocated as discretionary. This is a statutory requirement. These allocations may not be redistributed or transferred to another funding allocation area (with the exception of the discretionary funds, which can be used to supplement other allocation areas) States must set aside 20% for projects which meaningfully address sexual assault across at least two of the allocations (victim services, law enforcement, prosecution and courts).

   Victim service provider is defined as a nonprofit, nongovernmental organization, tribal organization, or rape crisis center, including a State and tribal coalition, domestic violence shelter, faith-based organization, and other organization that assists or advocates for victims of domestic violence, dating violence, sexual assault, or stalking. Non-profit, non-governmental organizations with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking are eligible to apply for the portion designated for nonprofit, nongovernmental victim serves. Any entity that is eligible for a STOP Formula sub-grant based on its status as a nonprofit organization must be an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of that Code. *See* 42 U.S.C. § 13925(b) (16) (B).

Community-based organizations (as defined by VAWA) that offer full linguistic access and culturally specific services and resources, including outreach, collaboration, and support mechanisms primarily directed toward racial and ethnic minority communities and who have a documented history of effective work with those communities are eligible to apply for the portion designated for culturally specific organizations. Additionally, to be eligible for this funding category you must meet the following criteria:

(A) Focuses primarily on domestic violence, dating violence, sexual assault, or stalking;

(B) Has established a specialized culturally specific program that addresses domestic violence, dating violence, sexual assault, or stalking;

(C) Has a primary focus on racial and/or ethnic minority populations (and includes representatives of these populations) and domestic violence, dating violence, sexual assault, or stalking; ***or***

(D) Obtains expertise, or shows demonstrated capacity to work effectively, on domestic violence, dating violence, sexual assault, and stalking through collaboration;
and:
(E) is primarily directed toward racial and ethnic minority groups; ***and***

(F) is providing services tailored to the unique needs of that population.

Governmental victim services programs contracting with non-profit organizations are eligible to apply for the portion designated for nonprofit, nongovernmental victim services.

Rape crisis center that, among other things, includes governmental entities in States (but not territories) as long as they are not part of the criminal justice system and offer a level of confidentiality comparable to that offered by a nonprofit entity that provides similar services.

Governmental victim services programs attached to a law enforcement agency or a prosecutor's office may apply for the portions of funds designated for law enforcement or prosecution.

Governmental victim services programs that are not connected to a law enforcement agency or a prosecutor's office and are not considered nonprofit organizations may apply for funding through the portion designated as discretionary. With the exception of a victim

services program attached to a probation office, which would be eligible to apply for the portion of funds designated for state or local courts or those designated as discretionary.

4. Programs shall promote a **victim-centered approach** within the community or region served coordinated public and private efforts to aid crime victims. Because various kinds of services needed by victims of crime are usually provided by a variety of agencies, it is important that these services be coordinated to ensure continuity of support to the victim and to avoid duplicating services.

5. Programs shall assist victims in seeking available crime victim compensation benefits through the West Virginia Court of Claims. Programs will identify and notify potential recipients of the compensation program and assist them with the compensation claim forms.

6. Programs must be able to identify and describe the underserved population(s) within their locality and how the population(s) will benefit from the STOP VAWA related services. These underserved populations must be expanded beyond domestic violence, sexual assault, stalking and dating violence victims. For example, an underserved population could be LGBTQQ, or People of Color victims, disabled victims of all the above referenced crimes.

7. Programs must be able to describe how they plan to address the needs, including access to programs, services and information, of populations of individuals whose primary language is not English.

8. Programs must be able to describe in detail a plan of sustainability of the program in the event that STOP VAWA funds were to be relinquished. The plan should illustrate the willingness and capacity to continue the program after STOP VAWA funds are no longer available. Programs do not discuss the fact that without STOP VAWA funds the program would not exist.

9. State Agencies/Organizations are also eligible for STOP VAWA funds as long as the proposal meets at least one of the Federal and State Program Purpose Areas. Statewide initiatives do not require a Team application; however, an advisory committee made up of at least a non-profit, non-governmental victim services, prosecution and law enforcement is required.

   Additionally, State law enforcement, prosecution, and court applicants are required to consult with State and/or local victim service programs during the course of developing their applications in order to ensure

that proposed activities and equipment acquisitions are designed to promote the safety, confidentiality, and economic independence of victims of domestic violence, sexual assault, stalking and dating violence. This is a requirement of the grant application.

10. All sub-grantees are required to develop and implement client surveys for evaluation (of the services provided) purposes. All survey/evaluations must ensure client confidentiality. All STOP Teams will be required to evaluate the effectiveness of the STOP Team. DJCS may require a copy of these surveys/evaluations or request proof survey is being implemented.

11. Faith-based Organizations: Such organizations receiving VAWA funds must ensure that services are offered to all victims without regard to religious affiliation and that the receipt of services in not contingent upon participation in a religious activity or event. They must ensure it doesn't use Federal funds to conduct religious activities such as prayer, religious instructions, or proselytization and that these activities are kept separate in time and place from federally funded activities.

12. Grantee will comply with all federal civil rights laws, including Title VI of the Civil Rights Act of 1964, as amended. These laws prohibit discrimination on the basis of race, color, religion, national origin, age, and sex in the delivery of services. All funded programs will post and include in their materials that in the delivery of services they do not discriminate on the basis of race, color, religion, national origin, age, and sex. This entity will send all adverse findings of discrimination within the last three years to the Office for Civil Rights to the following address:

    Office for Civil Rights
    Office of Justice Programs
    810 7th Street, NW
    Washington, DC 20531

    Grantees should post information for victims and staff which state where they can contact the Office for Civil Rights:

    Office for Civil Rights
    P.O. Box 1789
    Charleston, WV 25326
    (304) 558-0546

    They should also have posted the following information:
    WV Human Rights Commission
    1321 Plaza, East, Room 108A

Charleston, WV 25301
(304) 558-2616
1- 888-676-5546

I. STOP Team Guidelines

The West Virginians Against Violence Committee has implemented minimum guidelines for all VAWA funded STOP Teams.

Teams must adhere to the following requirements:

a. Membership of the STOP Team **must** include a non-governmental non-profit victim service provider, law enforcement officer, and prosecuting attorney, regardless of whether those positions are STOP funded. These three entities are known as the "core" members. They are required to have at a minimum one goal/objective for the core team in their application.

In the event that your county has both a WV Family Protection Services Board (WVFPSB) licensed domestic violence program and a WV Foundation for Rape Information & Services (WVFRIS) member sexual assault program, then a representative from each program must be a part of your Team and will be considered core members.

In the event that **more** than one law enforcement agency receives funding, then a representative from **each** of those departments must be represented on the Team and is also considered a core member. The same requirement is true for victim service agencies or any other agency/organization receiving STOP funds.

If a STOP Project includes a cultural specific organization component, then a representative from the funded organization must also be included and is also designated as a core member.

b. The Team must meet on **at least** a quarterly basis (within the grant period which begins July 1st and ends June 30th) and copies of the agenda, sign-in sheet, and meeting minutes must be documented and submitted to DJCS with appropriate monthly progress reports. All STOP Teams will be required to have a meeting to discuss the requirements, budgets, and special, standard and supplemental requirements of the grant (this should be completed no later than August). Also, required is to meet to discuss and develop the next year's grant application. It may be required to have other meetings during the grant period

c. **All** core members must have **active** participation and **regular attendance** at Team meetings. A high level of **commitment** from all core members to work collaboratively must be demonstrated. If a core member cannot attend they may have another person attend in their place. For example, if a Prosecutor cannot attend another prosecutor or assistant prosecutor should attend in their place. (Prosecutor's key personnel, investigators, or advocates cannot attend in the prosecutor's place).

d. Maintain a Team protocol for Law Enforcement, Prosecution and Victim Services response to domestic violence, sexual assault, stalking and dating violence crimes. Regular reviews and necessary revisions should be an on-going process. *Note: All Protocols must include each core member's response to the new Firearms Law of Firearm removal and storage; and a response to law enforcement officers who are perpetrators of domestic violence, sexual assault, stalking and dating violence crimes.*

e. The application (which includes Goals and Objectives), Team protocol, and required reports must have input from **all** core members. These three topics should be recurring topics at STOP Team meetings. The application will require documentation showing all members participated in the development of the application. The goal of STOP Violence Against Women Formula Grant Program (STOP VAWA) is to encourage governmental and non-governmental agencies to restructure and strengthen the Criminal Justice system response to be proactive in dealing with the problem of violence against women; to draw on the experience of all the players in the system; and to develop a comprehensive strategy to address this complex problem.

   All components of the application apply to the entire Team, whether all entities are STOP funded or not.

   All required paperwork must be completed in a timely and thorough manner.

f. Application, protocol, membership, and meeting topics must address all four violence against women crimes (domestic violence, dating violence, sexual assault, and stalking) and should ensure victim confidentiality at all times.

g. A Team evaluation or feedback process must be implemented and maintained throughout the grant period to assist in measuring the

Team's effectiveness and to identify need and gaps in service. This should also be a continuing topic at Team meetings.

h. Team must keep current on all local, state, and federal laws and policies related to violence against women crimes. (For example, the changes in the 2007 legislative session regarding forensic medical exams and polygraph prohibition for sexual assault victims and the changes in the 2008 legislative session regarding stalking.)

i. Must develop and implement policies/practices regarding victim confidentiality and information sharing that meets the VAWA 2005 and 2013 requirements.

j. All funded staff are required to attend eight hours of training within the grant period on pre-approved VAWA related training. If Law Enforcement overtime is funded for a law enforcement agency, then at least one officer from that agency must attend eight hours of training.

k. Ensure all agencies are practicing a "Victim Centered Approach".

Teams are strongly encouraged to comply with the following recommendations:

a. Other community and criminal justice organizations are encouraged to be part of the STOP Team, such as local community corrections programs, probation office, faith-based programs, local hospital/medical personnel, mental health programs, school Prevention Resource Officers (PRO), legal aid programs, human services agency/organization, and the humane society/officer.

Membership on the STOP Team should broadly be representative of the community served (geographic, ethnic, race, gender).

b. In circumstances where there is a victim advocate in a law enforcement agency or a prosecutor's office. Then both the advocate and a law enforcement officer or the advocate and a prosecuting attorney should be a member of the STOP Team. **However, as indicated above, an officer and a prosecutor are required**.

c. Include community agencies and individuals (both those that are part of the STOP Team and those who are not) in the evaluation of the Team and Team process. Examples: Judges, victims served, law enforcement officers, probation officers, victim advocates, prosecutors, health professionals, etc.

d. Conduct training/education events throughout the year. This can be done with 20-30 minute workshop/sessions at each STOP Team meeting.

e. Focus training, education, awareness, and services on community collaboration and include more cross-training events.

f. Evolve new leadership on the STOP Team. Leadership/officers should be re-evaluated and reconsidered each year.

g. Constantly review and evaluate membership and add/change members as needed. Team members should be willing and active participants.

J. Application Process

The application process consists of the following steps:

1. Applications will be promptly acknowledged upon receipt and reviewed for completeness. Applicants will be contacted if omissions appear and will have 10 working days to make corrections.

2. Staff will assess the merit and overall need of the project as well as evaluate how the specific project will satisfy state goals and objectives. Comments and recommendations will be attached and the application will be forwarded to the West Virginians Against Violence Committee for consideration after staff has evaluated the merits of the application which might include, but will not necessarily be limited to:

    a. Compliance of the proposed project application with the priority programs described in the state plan.

    b. The eventual assumption of costs by the applicant agency.

    c. Probability that the grant will achieve its objective(s).

    d. Adequate fiscal responsibility.

    e. Certification that federal funds will not be used to supplant or replace state or local funds.

    f. Coordination of efforts with other local jurisdictions and federal grant programs.

g. Need for the project.

h. Geographic area(s) to be served.

i. Ability to identify and address the needs of underserved populations.

3. Members of the applying team who are familiar with the proposed project are requested to either attend the West Virginians Against Violence Committee Meeting to make a brief presentation and/or be available by phone to answer any questions regarding the proposal.

4. Based primarily upon the West Virginians Against Violence Committee, staff will make one of the following recommendations to the Governor:

   a. Approve the application.

   b. Approve with conditions, budget adjustments, or amendments to the application.

   c. Return for revision. The required revision will be appended to the application.

   d. Denial.

   Applicants should note that authority to make grant awards is vested only by the Governor. Staff and Committee recommendations are advisory only and should not be considered as indicative of the final action by the Governor.

K. Award

Each approved project not operational within 60 days of the approved starting date of the grant period must report by letter to DJCS the steps taken to initiate the project, the reasons for delay, and the expected starting date.

If a project is not operational within 90 days of the original starting date of the grant period, the grantee must submit a second statement to DJCS explaining the implementation delay. Upon receipt of the 90-day letter, DJCS may cancel the project and redistribute the funds to other project areas or under extenuating circumstances, extend the project period.

L. Grant Cycle

The project period for VAWA projects is July 1 - June 30.

Chapter 2

MATCHING FUNDS REQUIREMENTS

A. General

Portions of funded projects must receive financial support from sources other than STOP VAWA funding (or any other Federal funding source). This is known as the matching contribution that is the statutory ratio that must be applied to the grantee as its portion of a grant. The purpose of matching funds is to augment the amount of resources available to the project from grant funds and to foster the dedication of state, local and community resources to the purposes of the project. Matching funds must be allowable and for the purpose of the funded project. The matching requirements are as follows:

a. Private Non-Profit Agencies: A contribution of non-Federal dollars is **not required** for these agencies for the Victim Services Category funds only.

b. Government Agencies: 27% Cash or In-Kind Match required. Government agencies, as a part of the team, must provide a minimum of 27% match from other non-federal sources for their portion of the application. This match may be cash or in-kind. Matching funds are required on a project-by-project basis.

Cash Match Represents the grantee's cash outlay; money contributed to the grantee by other public agencies and institutions and private organizations and individuals. Funds received from other federal grants cannot be considered as grantee's cash match contribution.

Examples: United Way funds, state grants, private foundations, etc.

In-Kind Match Represents the value of non-cash resources (services, personnel, space, equipment, or other non-cash items) which belong to the subgrantee and are committed to the VAWA-funded project; which may consist of the value of goods and services specifically identifiable to the grant program; and charges or value of real property. For the purpose of this program, in-kind match may include donations of expendable equipment, office supplies, workshop or classroom material, work space, or the monetary value of time contributed by professionals and technical

personnel and other skilled and unskilled labor, if this services they provide are an integral and necessary part of the funded project.

Examples: Volunteer time used in aiding victims of crime; donations of food, clothing, supplies, or furniture; donation of office space used for counseling victims, etc.

Please Note: if volunteer hours (which are one of the best non-cash resources) are used as match, a dollar value (a wage rate) may be assigned for the volunteer's time depending upon the type of service provided to the victim; for instance, a volunteer who transports victims may be assigned a value of $5.00 per hour for providing this service. Any overtime for salaried staff cannot be used as match.

B. Timing of Matching Share

The grantee matching share must be expended in the same manner and proportion as budgeted in the Grant Application. The grantee share must also be expended in the same time concurrence (grant period) as the federal funds are expended.

C. Records of the Grantee Share

Since the requirement for grantee matching federal funds is mandatory, accurate records must be maintained which show the amount and timing of these contributions. These records are subject to audit in the same manner and to the same extent as books and records dealing with the receipt and expenditure of federal funds.

D. Methods for Calculating Match

The method for calculating the appropriate match for individual VAWA grants is as follows:

EXAMPLE #1

Amount of Law Enforcement Budget Page: $18,750
$18,750 ÷ .73 = 25,685

Total Project:	**$25,685**
VAWA Funds	**-18,750**

Matching Funds $ 6,935

EXAMPLE #2

Team Participant	Federal Funds	Match Required	Total Cost
Prosecutor's Office	22,500	8,322	30,822
Police Department	18,750	6,935	25,685
Court Program	50,000	18,493	68,493
Total Funds	$91,250	$33,750	$125,000

The total budget is the budget only for the VAWA grant. The match reflected should be only the amount required; overmatching is not required.

E. Reporting Match

Documentation of matching contributions from each funded agency should be submitted on a monthly basis, but must be submitted at least on a quarterly basis. Failure to do so will result in a delay of payment of the monthly request for reimbursement.

Allowable Match (be advised if any of these items are not included in approved budget – they will require a grant adjustment and approval from your DJCS specialist)

Cash Match
Personnel/Contractual:

- Salaries/benefits: (not federally funded and is for the purpose of the VAWA grant program)
    - ❖ Documentation required: timesheets; paycheck stubs; back-up documentation for insurance and other required documentation.

- Supervision: of advocates which is directly related to serving victims (this is not a full-time position and should be pro-rated and should not exceed 30% of their time)
    - ❖ Documentation required: a memo stating who the person is and that they certify their time is spent supervising for the project; timesheets, paycheck stubs; back-up documentation for insurance and other required documentation.

- Costs incurred to advertise for personnel for the VAWA funded project.
    - ❖ Documentation required: invoice, proof of payment, copy of advertisement.

Travel/Training:

- Direct Service Mileage: includes transporting victim(s) to court, medical appointments, and counseling. This may also include the advocate attending the court, MDIT meeting **with** the victim. **This cannot be used to attend STOP Team Meetings, SART Meetings or other community meetings.**
    - ❖ Documentation required: Travel form which has the same information required on DJCS travel form, purpose for travel, two signatures, and proof of payment.
      Note: VAWA- Law enforcement may use travel costs to investigate VAWA crimes – they must provide documentation such as a travel log which includes the date and mileage, and charge at the cruiser rate which is 20 cents/mile. Also be aware if an agency is using an agency vehicle the rate is also 20 cents/mile.

- Travel/Training: Skills training for staff which may include travel (at the state per diem rates and state regulations) and training costs, such as registration fees. BE AWARE: **ALL** trainings must be **pre-approved by DJCS** or they will not be reimbursed or used as match.
    - ❖ Documentation required: Travel form which has the same information required on DJCS travel form **and two signatures**; proof of payment; registration fees will only be reimbursed if DJCS is provided proof of attendance, such as certificates or sign-in sheets and proof of payment.

- Training materials: books, manuals, etc. (no trinkets, bags, food, etc. can be used for match)
    - ❖ Documentation required: invoice and proof of payment

Space:

- Telephone/Hotline/Internet: This is pro-rated and must be for the VAWA funded person (s).
    - ❖ Documentation required: invoice, proof of payment and the amount charged to the grant.

- Office space: pro-rated and must be only for the VAWA funded person(s).
    - ❖ Documentation required: lease agreement or invoice, proof of payment and the amount charged to the grant.

Other:

- Supplies: may include paper, ink, envelopes, postage, other office supplies which are related to serving victims (not calendars)
    - ❖ Documentation required: invoice and proof of payment and the amount charged to the grant

- Leases for office equipment: this must be pro-rated for the grant
    - ❖ Documentation required: invoice; lease agreement and proof of payment; and the amount charged to the grant.

- Furniture purchases: which is used exclusively for the VAWA project
    - ❖ Documentation required: invoice and proof of payment

- Audit Costs – 2% of the Audit costs can be used as match for VAWA
    - ❖ Documentation required: invoice and proof of payment

<u>In-Kind Match</u>

Personnel/Contractual:

- Volunteer hours – must be donating time to the VAWA project – this can include un-paid interns
    - ❖ Documentation required: volunteer timesheet (if a timesheet is used it must have the volunteer's signature and supervisor's signature) which has the date volunteered, volunteer's name, hours volunteered, activity, and rate; this should have a certification which is signed by the project director, or the fiscal officer, or the volunteer coordinator. Volunteer rates are as follows:
        - ⊣ Professionals: up to $150/hr. A professional is defined as a doctor, licensed therapist/counselor, pro-bono attorney, etc.

        - ⊣ Paraprofessional: up to $20/hr. A paraprofessional is defined as a person who is trained to assist professionals but do not have licensure and have received extensive

training and may not work regular work hours. Such as CASA Volunteers, counselors, hotline workers, etc.

- General: up to $10/hr. All other volunteers who do not fit the professional or paraprofessional definition.

Space: this includes donated office space

- Documentation required: a letter stating this organization provides office space at this amount per month for this agency. (This must be a fair market rate and if the advocate or person the office space is provided for is part-time it should be pro-rated for the amount of time allocated for the project). The letter should be on the agencies letterhead donating the space and should include the grant period (June 1- July 31st). Also be aware if a position is not filled during a period of time this **cannot** be used as match. Also, it is **required** to include square footage and rate per square foot on the space match letter.

Other

- Donations: of expendable equipment, office supplies, workshop or classroom material, clothing, food, housing supplies.
  - Documentation required: list of donated goods, certificate stating these items are used for the VAWA project, and a fair market value of each item. All donated goods must be used in the same time as they are requested for match; for example if you are requesting this as match in October than they should have been distributed or used by October.
  - Office equipment: such as a copier, fax machine etc. Provided by the agency and used for VAWA project.
  - Documentation required: DJCS Office equipment usage log; this should be pro-rated for VAWA usage only and a fair market value applied.

Chapter 3

ALLOWABILITY OF COSTS

A. General

The purpose of this chapter of the manual is to set forth the cost allowability rules and principles. These rules and principles for all determining allowable costs* apply to all grants awarded. They are intended to provide a basis for a uniform approach to the problem of determining costs under projects supported with federal funds. Cost Principles for State and Local Governments, Cost Principles for Non-profit Organizations, Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-profit Organizations, Audit Requirements for State and Local Governments, OJP/OVW Financial Guide, and Audit Requirements for Non-profit Organizations (Uniform Guidelines) are found in **Appendix D.**

B. Basic Principles

The basic guide in determining allowability of costs will be the extent to which these costs contribute to the purpose and execution of federal assisted programs. It will be assumed that:

1. Applicant agencies will each bear their appropriate share of allocated costs as allowable under federal, state and local law or regulation.

2. DJCS and its grantees have the primary responsibility for employing whatever form of organization and management techniques will be necessary to assure proper and efficient fiscal administration and cost allocation, including accounting, budgeting, reporting, auditing and other review controls.

3. Costs pertinent to carrying out unrelated function (i.e., unrelated to programs receiving grant support) are not allowable and there can be no recognition of "profit" or increment above true cost in executing grants.

- In general, project costs are "all necessary charges made by a grantee to accomplish the objectives of a project during the grant period."

C. General Guidelines

Violence Against Women funds shall be used only to provide services to victims of domestic violence, sexual assault, stalking and dating violence crimes. "Services to victims of crime" means those activities that directly benefit individual crime victims, including the required coordination of such activities, i.e., coordination of volunteers and/or coordination of public and private efforts to aid crime victims. Activities unrelated or only tangentially related to the provision of direct services to victims are not eligible for support.

Services to victims of violent crimes against women include, but are not limited to, the following:

1. Direct-Service Staff -- A portion of a team VAWA grant is allocated for covering salaries or portions of salaries and benefits (benefits may include FICA, Workers Compensation, Unemployment, Insurance, and retirement) for staff members who are providing direct services to domestic violence, sexual assault, stalking and dating violence victims, such as therapists, counselors, and victim advocates. Administrative salaries such as for an executive director, fiscal officer, or clerical staff, cannot be VAWA-funded.

2. Crisis Intervention Services that meet urgent emotional and physical needs of crime victims. Crisis intervention may include support, guidance and counseling provided by counselors or mental health professionals in the immediate aftermath of a crime, crisis or trauma. It may also include the operation of a 24-hour hotline that provides counseling or referral for crime victims.

3. Counseling and Therapy which assist victims in dealing with their victimization beyond the services provided in the immediate aftermath of a crime, crisis or trauma. Therapy refers to specialized psychological or psychiatric treatment for individuals, couples, and family members. Counseling refers to mental health services which involve providing support and guidance to victims. Immediate family members are also eligible to receive service if the crime victim will benefit from such services. Immediate family members: a) the parent and/or legal guardian of a victim under 18; b) siblings of a crime victim; c) the spouse of the victim; and d) the children of crime victims. There is a cap of $10,000 per application for contractual services, such as counseling and therapy sessions.

4. Support Services may include reassurance and empathetic listening and guidance for resolving practical problems created by the victimization experience; providing employment counseling; acting on the crime victim's behalf via other social services and

criminal justice agencies; and referral to other sources of assistance as needed.

5. Emergency Services -- Provide accompaniment/transportation to hospital and police station; provide temporary shelter for crime victims who cannot safely remain in their current lodgings; or provide crime victims with petty for meeting immediate needs related to transportation, food, medicine, shelter, and other necessities. This is to be used for **emergency situations** only and should not last more than one week.

6. Group Treatment refers to supportive group activities, as well as psychotherapeutic group treatment. This may include peer support, social support, and drop-in groups.

7. Court-Related Services refers to services which assist women in participating in criminal justice proceedings including advising victims of their legal rights, providing information regarding police investigation and explaining prosecution and court procedures; assisting victims with the preparation of victim impact statements; maintaining an on-call service and information system to apprise victims of appearances at court proceedings; advising victims of post adjudication notices of parole board and probation hearings and notice of offender release, etc.; assisting in filing temporary restraining orders, injunctions, and other protective orders, elder abuse petitions and child abuse petitions; accompanying a crime victim to court; providing child care services for crime victims while they participate in essential court proceedings; providing transportation to and from court; and providing emotional support to victims during a trial. This does not include the employment of private attorneys.

8. Community awareness activities that describe direct services available to women and how to obtain a program's assistance (such as pamphlets, brochures, and posters) are eligible to be funded out of VAWA funds. Brochures or pamphlets outlining general information, such as about rape or domestic violence, may be funded out of VAWA funds if the agency's name, phone number, and a description of services are also printed on the brochure or pamphlet.

   The brochures, pamphlets, and posters must contain a statement reflecting that the printing costs of these brochures, etc., were covered by a U.S. Department of Justice Violence Against Women Act (VAWA) grant awarded by the Division of Justice and Community Services.

9. Rent -- A subgrantee may charge or prorate a reasonable cost of rent for a VAWA-funded project. The subgrantee shall certify in writing that the requested rental charge is consistent with the prevailing rate in the local area.

10. Training -- A subgrantee may include as a small portion of a grant the reasonable cost of staff development for those persons (salaried and volunteer staff) who provide direct services to women. Please note all approval for any training must be approved by the Division of Justice and Community Services **prior** to attending any training by submitting to DJCS a written request for training approval.

    VAWA funds may be used for workshop/conference registration fees, mileage, meal reimbursement, and lodging expenses for In-State Training and Out-of-State Training in accordance with and State Travel Regulations. **The State Travel Regulations can be found in Appendix P.** VAWA funds may not be used for continuing education credits. This means that a staff member can attend a training (if approved by DJCS) at which CEU credits are offered. However, VAWA funds would not cover the costs of the CEU credits but would cover the registration costs and related travel, meals, and lodging expenses.

    VAWA funds can also be used to host in-state violence against women related training events. All training events, agendas, contracts, and speakers must be pre-approved by DJCS 90 days prior to the scheduled training. Speaker fees may not exceed the $450/day federal rate. All sub-grantees using STOP VAWA funds for training events must follow all OVW requirements for conferences and trainings.

11. Travel -- A sub-grantee may include as a small portion of their grant necessary and reasonable travel expenses relating only to providing direct services to victims, such as transporting victims. Direct service staff and volunteers would be reimbursed in accordance with State Travel Regulations,

    Travel expenses associated with administrative costs, such as making bank deposits, delivering and picking up mail, and attending meeting or general speaking engagements would not be allowable expenses under the VAWA grant.

12. Audit costs -- All grant recipients which are required to have agency-wide audits and VAWA funds may be used to reimburse

grantees for a portion of the audit expense (no more than 2 percent of the grant award). Required audits are to be performed on an organization-wide basis as opposed to a grant-by-grant basis, and must be performed annually pursuant to the OMB Uniform Circulars, Audits of State and Local Governments, and Audits of Institutions of Higher Education and Other Nonprofit Institutions.

13. Printing and Postage -- VAWA funds may be used to cover reasonable costs for printing and distributing brochures, pamphlets, posters, and similar announcements describing a program's victim services and how to obtain a program's assistance, and similar public notification efforts intended to recruit volunteers.

14. Advertising -- VAWA funds may be utilized to advertise a program's victim services, such as newspaper ads. It is also allowable to use VAWA funds to cover costs for advertising staff position openings, such as for VAWA staff. It would not be allowable to allocate an entire VAWA grant for advertising victim services.

15. Counseling/Educational Materials -- VAWA funds may be utilized to purchase materials necessary in counseling victims, such as books, tests, psychological testing materials, materials used to train volunteer staff, etc.

16. Crisis Hotlines, Telephone costs which are necessary and reasonable in providing crisis intervention services, such as emergency counseling or referral for crime victims, may be allowable from VAWA funds. For instance, if a VAWA project used one of an agency's four telephone lines for sexual abuse services, it would be reasonable to charge a VAWA grant $50 a month out of a $200 a month telephone bill.

17. Office Supplies -- Reasonable supply costs in operating the VAWA program, such as files for setting up case records, Xerox paper for copying brochures or general information relating to direct services to victims, letterhead, envelopes, and postage for mailing direct service information to victims are allowable. A portion of general office equipment that is necessary and essential to the delivery of direct service may also be allowable. The total office supplies/equipment for a program could not be charged to the grant. *Please be aware the West Virginians Against Violence Committee has set the following guidelines for computer purchases: $1,000 cap per computer, limited to only one computer per project (unless more than one can be purchased for the $1,000), and computers can be requested to be purchased every three years. Supplies such as ink pens, etc. which have the extra*

cost of including the agency name and other information will not be reimbursed.

18. Law Enforcement Officers -- The cost of salary, benefits and/or overtime of a police officer who is dedicated to a domestic violence unit or sexual assault investigative unit. There is a cap of $25/hour (or $26,000) on VAWA funds to be awarded for the salary of dedicated law enforcement officers under the grant program (this does not necessarily include fringe benefits).

19. Prosecutors -- The cost of salary and benefits for an assistant prosecutor who would be dedicated to the prosecution of domestic violence and/or sexual assault cases. Prosecution support services, such as overseeing or participating in statewide or multijurisdictional domestic violence task forces, conducting training for local prosecutors or enforcing victim compensation and domestic violence related restraining orders shall be considered "direct responsibility" for purposes of this program. There is a cap of $25/hour (or $26,000) on VAWA funds to be awarded for the salary of dedicated prosecutors under the grant program (this does not necessarily include fringe benefits).

20. Assessment -- Project that would assess the effectiveness of funded teams.

21. Data collection -- The development and improvement of data collection and communications systems linking police, prosecutors, and courts or for purposes of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions.

NOTE: Nothing in the VAWA 2005 and 2013 shall be construed to prohibit male victims of domestic violence, dating violence, sexual assault, and stalking from receiving benefits and services under the Act; however, the Act does not require the funding of male-only programs with VAWA funds.

D. Ineligible Activities or Services

The following categorical guide can be used as an aid in determining unallowable costs:

1. Projects that are unrelated, or only tangentially related, to the provision of direct services to victims are not eligible for VAWA funding. Agencies or organizations whose function is administrative or legislative oversight, or groups defined as

coalitions where direct service is not a part of the organization's function, are also not eligible to receive VAWA funding, except for the role of overseeing statewide direct services and/or statewide training and/or information sharing initiatives that directly relate to and benefit Violence Against Women response and services.

2. Because VAWA funding is limited to providing direct services to crime victims, VAWA funding cannot be used for administrative salaries, such as for executive directors, fiscal staff, or clerical staff.

3. Medicaid-reimbursable clients cannot also be provided services by VAWA-funded direct service staff because this is considered double billing. An agency can be billing Medicaid for victim services but they must ensure that their VAWA-funded staff are providing direct services to only those victims who are not eligible for Medicaid reimbursement.

4. Payment of costs for a forensic medical examination of a crime victim. The West Virginia Forensic Medical Examination Fund through the WV Prosecuting Attorneys Institute was established in 1996 and should be used for these costs. See Chapter 10 for details.

5. Lobbying, Legislative and Administrative Advocacy -- Lobbying for particular victim legislation or administrative reform is an ineligible activity.

6. Fundraising is an unallowable expense.

7. The purchase of liability insurance policies.

8. The repair of buildings and improvements to shelter.

9. Witness Management or Notification Programs -- Victim/Witness programs which provide both victim services and witness notification services can receive VAWA funding support only for that portion of the program that provides direct services to crime victims.

10. The payment of fees for professional services rendered by lawyers and doctors are not eligible for VAWA funding. Victims treated for crime-related injuries are encouraged to seek reimbursement for medical services from the Crime Victims Compensation Program. This provision, however, does not prohibit direct service programs from hiring staff, salaried medical/health professionals to provide

services on site to clients. This differs significantly from a case by case fee-for-service type of arrangement.

11. Grant funds will not be used to support the development or presentation of a domestic violence, sexual assault, dating violence and/or stalking curriculum for primary or secondary schools. The grantee further agrees that grant funds will not be used to teach primary or secondary school students form an already existing curriculum.

12. The purchase of real estate.

13. The purchase or rental of cars, van, or other vehicles.

14. Bad debts.

15. Contingencies.

16. Contributions or cash donations.

17. Entertainment.

18. Fines and penalties.

19. Interest and other financial costs.

20. Prior obligations.

21. Underrecovery of costs under grant agreements.

22. Legislative expenses.

23. Legal or defense services for perpetrators of violence against women may not be supported with grant funds.

24. Law Enforcement overtime hours to provide security at Monitored Visitation and Exchange Centers.

25. Non-Licensed Residential Services. Residential services (services provided in a shelter) through a non-licensed domestic violence program are not eligible for VAWA funding.

26. Activities that compromise victim safety

27. Dedicated VAWA funds for perpetrator intervention/prevention programs (with the exception of funding law enforcement officer

overtime to facilitate classes or including the facilitation of such classes in the job description of a VAWA dedicated law enforcement officer).

28. Political Activity.
29. Grant funds will not be used to support the purchase of law enforcement equipment, including uniforms, safety vests, shields, weapons, bullets, and armory or to support chemical dependency or alcohol abuse programs that are not an integral part of a court-mandated batterer intervention program.

E. Costs Requiring Prior Approval

1. Out of State travel
2. Training
3. Agendas and Speakers
4. Consultant fees
5. Contracts
6. Anything not specific in the approved grant budget

Chapter 4

GRANTEE REPORTING

A. General

Grantees are required to constantly monitor performance under grant-supported activities to assure that time schedules are being met, projected work units by time periods are being accomplished, and other performance goals are being achieved.

B. Types of Reports

Grantees are required to prepare and submit the following types of reports. (**Appendix E)** All funded projects which become 60 days delinquent in the submission of reporting requirements **will** forfeit one month of reimbursable expenses for the entire project. Every additional 30 days past the initial 60-day delinquency period, shall result in an additional forfeiture of a month's reimbursable expenses. Monthly Reports are due to DJCS by the 20th of every month.

1. **Request for Reimbursement**

   A copy of this form is to be submitted monthly with the Project Financial Report for the purpose of DJCS issuing a reimbursement check. The total requested should agree with amounts listed on the Project Financial Report form. This form must contain the **original signature of either the Authorized Official or the Fiscal Officer of the approved grant**. This form should not be altered in any way.

2. **Project Financial Report**

   This report must be prepared and submitted on a monthly basis and is due at the DJCS office no later than 20 days following the close of the reporting month. Attach copies of invoices, as well as, proof of payment, to verify expenditures. **All sub-grantees are required to use the DJCS timesheet only.** Matching contributions should also be submitted with back up documentation

and should be recorded on the Project Financial Report forms. All sub-grantees are required to submit a Budget Summary Project Financial Report and if applicable Victim Services, Cultural Specific, Law Enforcement, Prosecution, Court, and Discretionary Budget Summary reports.

3. **Financial Recap Page**

A copy of this form is to be completed and submitted monthly with the Project Financial Report Form and the Request for Reimbursement Form. This form supplies a specific breakdown of requested items and funds for **each** entity for **each** reporting period. Each agency requesting reimbursement for funds in a reporting period should complete this form or provide their own form that lists an itemization of funds for each reporting period.

4. **Progress Reports**

This report must be prepared and submitted on a monthly basis and is due no later than 20 days following the close of the reporting month. It is to include, but not limited to:

a. Statistical data reflecting the number and types of victims served during the month. Statistical report forms are provided to each program. Each agency receiving funds should complete and submit these forms each month.

b. A summary completed by each VAWA-funded staff position outlining activities during the month. These activities should be related to the approved goals and objectives of the grant and should report the status of each objective (for example if the objectives states they will provide services to 340 victims, the program should be reporting on how many victims during the reporting period have been served.

c. Copies of minutes from the governing board, such as Board of Directors, Advisory Boards, STOP Team, etc. If the Team and/or Board do not meet during a month, then this should be indicated in the corresponding monthly progress report.

d. A monthly summary of coordination efforts among team members. This may be reflected in the funded staff summaries and/or the Team meeting minutes.

e. A copy of any training certificates showing the attendance at pre-approved required training for all funded staff and/or agency.

5. **Equipment Listing Form**

This form is required of all VAWA sub-grantees that purchase computer or equipment with VAWA funds or a portion of VAWA funds during a grant period. After the purchase of computer or equipment, this form should be submitted with the corresponding monthly project financial report in which the equipment was purchased.

6. **Annual Performance Report**

This form is required of all VAWA projects, and is due no later than January 30 of each year (unless a different date is specified by DJCS). The form and instructions will be mailed by DJCS.

7. **Other Periodic Reports**

Periodically, additional programmatic and/or fiscal information may be requested by DJCS; most often for the purpose of program evaluation and strategic planning. All VAWA funded projects will be required to provide such information upon request.

Chapter 5

ACCOUNTING BOOKS AND RECORDS

A. General

Grantees must maintain accounting records in accordance with generally accepted accounting procedures which will insure that federal and grantee matching funds are accounted for adequately. The minimum requirements for such records are explained below.

B. Minimum Requirements

In addition to complying with its regular accounting procedure, the grantee must keep special accounting records which will accomplish the following:

1. Account for the receipt of federal funds approved for each grant project.

2. Account for the expenditure of federal and grantee funds approved for each grant project by the broad budget categories set forth below:

    a. **Personnel/Contractual:** Salaries, employee benefits, and contracts for hiring of consultants. Consultant services require advance DJCS pre-approval.

        - Fringe Benefits: All benefits paid by an employer to or on behalf of its employees. Such benefits include: vacation, sick leave, and other paid absences, employee health, life and disability insurance, Social Security taxes (FICA), unemployment compensation, workers compensation, retirement/pensions.

    b. **Travel/Training:** Lodging, transportation, registration fees, and subsistence expenses for project personnel. Training projects require advance DJCS approval. Expenses may not exceed ceiling established by West Virginia state travel regulations.

    c. **Space:** Rent/Mortgage and telephone.

d. **Other:** Computers, software, and other allowable expenses not otherwise classified.

C. Documentation

Adequate documentation for all project costs must be maintained. Such documentation must be retained and available for audit purposes for the period of time specified in Chapter 7. Adequate documentation is defined as follows, for each major budget category.

1. **Personnel/Contractual:** Documentation includes the DJCS timesheet signed by each project employee and his/her supervisor. Additional documentation includes payroll records which indicate payroll period, payment rate, hours per day, and other related information, and paycheck stubs. Contractual services require documentation by way of the consultant agreement and statement from the consultant indicating time period, payment rate, hours per day, signature of consultant and approval of project director. Resumes and/or contract agreements must be submitted to DJCS prior to any request for reimbursements.

2. **Travel**: Documentation includes detailed expense vouchers, signed by the employees and approved by the employees' supervisor. **(Appendix F)**

3. **Training**: Documentation includes detailed expense vouchers, receipts from the training organization, and brochures, etc. from training. Documentation when your organization provides training for other participants includes consultant agreement and copies of the actual receipts for other expenses. All speakers and training agendas must be pre-approved by DJCS prior to entering into contract agreements and submitting requests for reimbursements.

4. **Other**: Documentation for "other" includes purchase orders, audited vendor invoices approved by the project director, and copies of checks issued for payment.

D. Technical Assistance

A determination of the adequacy of the grantee's accounting records can be made by the staff of DJCS. Technical assistance will be provided if necessary.

Chapter 6

GENERAL FISCAL AND ADMINISTRATIVE REQUIREMENTS

A. Budget Deviations

Deviations (increases or decreases) from the submitted cost estimates of each budget category are **not** allowable without prior approval from DJCS. In no event, however, may the grantee charge to the grant amounts in excess of the approved federal funding.

B. Written Approval of Changes

Grantees must obtain prior written approval from DJCS for major project changes. **Only the Project Director** of the grant can request a grant adjustment or change. In addition, **grant adjustment requests will not be considered by DJCS after June 18 each year.** Grant changes requiring approval include:

1. Changes in substance and project activities, goals and objectives, design, or research plans set forth in the approved application,

2. Changes in the project director, the authorized official, the fiscal officer, or key professional personnel. All changes in VAWA-funded personnel require written notification and must include a copy of the resume of new staff.

3. Changes in the project budget (**Appendix G -** Sample Budget Adjustment), which include changes in match, and

4. Changes in the length of the project period.

C. Obligation of Funds

Project funds (federal and grantee) may not be obligated prior to the effective date or subsequent to the closing or termination date of the project period. Obligations outstanding as of the closing or termination date shall be liquidated within 30 days. Such obligations must be related to goods or services provided within the project period.

Unexpended grant funds will be deobligated after a grant has ended. If a grantee determines that there will be unexpended grant funds prior to the end of the grant period, those funds will be deobligated. That will allow those funds to be rewarded to another project.

D. Time Extensions

If adequate justification is provided, DJCS does occasionally approve time extensions. A situation where an extension might be approved would be if the grant project started later than originally planned. An extension would allow sufficient time for the grantee to fully expend the grant funds. Grantees must request approval from DJCS in writing. If after reviewing the individual circumstances, an adjustment is justified, an adjustment notice will be forwarded to the grantee reflecting the approval of the time extension.

E. Travel Regulations and Rates

Project travel expense charges are to be determined in accordance with the State of West Virginia travel regulations and rates, unless the grantee's travel regulations are more restrictive, then its regulations will govern. **Reimbursement is limited to actual expenses incurred.** A complete copy of the current State rates and regulations can be found in Appendix P of this Administrative Manual.

Meal allowance: Costs are only allowable for **overnight** stay travel. Please refer to the State of West Virginia Travel Regulations for percentages to use for single day travel.

Motor Vehicle: Reimbursement for the use of employee's personal car in connection with grant business will be on State Government rates. Such reimbursement rate shall apply between the employee's headquarters and any designated location of work as approved by the project director. There will be no reimbursement of expense for commuting purposes other than in cases where an employee has complete his/her work day and is called out to return to his/her headquarters.

Duplicate Reimbursements: Notwithstanding any provision of these rules and regulations to the contrary, no official or employee shall be permitted to receive reimbursement for any expenses incurred in instances in which such expenses have been paid or are to be paid by any person, firm, corporation, partnership, association or any other third party. No official or employee shall receive reimbursements for any expense incurred in instances in which such expenses have been paid or are to be paid by DJCS as part of registration fee.

Registration Fees: Registration fees for conferences and/or seminars must be supported by receipts and attached to the attendee's expense report. In order to be reimbursed for registration fees, you must show proof you attended the conference, such as certificates or a receipt along with a copy of the check for the registration fee. Lodging and/or food that is included in the registration should be indicated on the expense report. Additional reimbursement will not be made for lodging or food that is included in registration fees.

F. Record Retention

Records of the grantee and its contractors, including books of original entry, source documents supporting accounting transaction, the general ledger, subsidiary ledgers, personnel and payroll records, canceled checks, and related documents and records must be retained for a period of at least three years. The retention period starts from the date of the submission of the final expenditure report or, for grants which are renewed annually from the date of the submission of the annual expenditure report. The three-year retention period after the end of the Federal grant Period is qualified as follows:

1. Records for nonexpendable property acquired with federal grant funds shall be retained for three years after its final disposition.

2. Records must be retained beyond the three-year period when an audit is in progress and/or the finding of a completed audit has not been resolved satisfactorily. If an audit is completed and the findings are resolved prior to the three-year period, records will be retained until the end of the three-year period. If the three-year period has passed and no audit has been initiated, the records will be retained in accordance with other federal, state, and local laws. If state and local law requires a longer period of record retention, access to the records will be allowed for purposes of an audit.

3. DJCS may request transfer of certain records to its custody when it determines that the records possess long-term retention value.

G. Project Income

Project income is defined to be "gross income earned by grant supported activities." Regarding project income, the following general rules apply:

1. Royalties received from copyrights and patents during the grant period shall be retained by the grantee and, in accordance with the grant agreement, be either added to the funds already committed to the program or deducted from total project costs for the purpose of determining the net costs on which the state share of costs will

be based. After termination or completion of the grant, the federal share of royalties in excess of $200 received annually shall be returned to the grantor agency (through DJCS) in absence of other specific agreements between the grantor agency and the grantee. Three federal shares of royalties shall be computed on the same ratio basis as the federal share of the total project cost.

2. All other program income earned during the grant period shall be retained by the grantee and, in accordance with the grant agreement, shall be:

   a. Added to funds committed to the project by the grantor and grantee and be used to further eligible program objectives, or

   b. Deducted from the total project costs for the purpose of determining the net costs on which the federal share of costs will be based.

H. Cash Depositories

Recipients of federal funds shall deposit these funds in state treasury or in a bank with FDIC coverage and be collaterally secure. Although DJCS does not require physical segregation of the establishment of any eligibility requirement for cash depositories, it does recommend (consistent with the national goal of expanding the opportunities for minority business enterprises) the use of minority banks.

I. Lobbying

All grants funded with U. S. Department of Justice funds, will contain in the grant contract a certification regarding lobbying. The certification will be signed by the authorized official of the grant indication that no grant funds will be used to lobby, or if lobbying is engaged in by anyone associated with the grant, it will be done with non-federal funds. A Disclosure of Lobbying Activities form must be completed and submitted to DJCS in all instances of grantee lobbying with non-federal funds.

J. Political Activity

The federal Hatch Act (5 U.S.C. Chapter 15 – Political Activity of Certain State and Local Employees) restricts the political activity of individuals principally employed by State or local executive agencies who work in connection with programs financed in whole or part by federal loans or grants.

Prohibited activities include:

A. Be a candidate for public office in a partisan election.

B. Use official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination for office.

C. Directly or indirectly coerce contributions from subordinates in support of a political party or candidate

K. Federal Audit Requirements

Federal Office of Management and Budget (OMB) Uniform Guidelines sets forth standards for obtaining consistency and uniformity for the audit of states, local government, and non-profit organizations expending Federal awards. Subgrantees shall adhere to the audit requirements set forth in the OMB Uniform Guidelines.

As of December 26, 2014 the requirements set forth by **OMB Uniform Guidelines** are as follows:

> *Non-Federal entities that expend $750,000 or more in a year in Federal awards shall have a single or program-specific audit conducted for that year. Non-Federal entities that expend less than $750,000 a year in Federal awards are exempt from Federal audit requirements for that year, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and General Accounting Office.*

Federal Office of Management and Budget (OMB) sets forth standards for obtaining consistency and uniformity for the audit of institutions of higher education, hospitals, and other non-profit organizations expending Federal awards. .

> *Single audit:* A non-Federal entity that expends $750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single audit conducted in accordance with §200.514 Scope of audit except when it elects to have a program-specific audit conducted in accordance with paragraph(c) of this section.

(c) *Program-specific audit election.* When an auditee expends Federal awards under only one Federal program (excluding R&D) and the Federal program's statutes, regulations, or the terms and conditions of the Federal award do not require a financial statement audit of the auditee, the auditee may elect to have a program-specific audit conducted in accordance with §200.507 Program-specific audits. A program-specific audit may not be elected for R&D unless all of the Federal awards expended were received from the same Federal agency, or the same Federal agency and the same pass-through entity, and that Federal agency, or pass-through entity in the case of a subrecipient, approves in advance a program-specific audit.

(d) *Exemption when Federal awards expended are less than $750,000.* A non-Federal entity that expends less than $750,000 during the non-Federal entity's fiscal year in Federal awards is exempt from Federal audit requirements for that year, except as noted in §200.503 Relation to other audit requirements, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and Government Accountability Office (GAO).

If an audit must be conducted pursuant to OMB Uniform Guidelines, a copy of the audit shall be submitted to the WV Division of Justice and Community Services as well as to the Federal clearinghouse.

As of 10/1/04, the Federal clearing house is as follows:

Federal Audit Clearinghouse
Bureau of the Census
1201 E. 10th Street
Jeffersonville, IN 47132

All private, non-profit subgrantees also must submit a copy of their audit for each year in which funds were expended and the resolution of any audit findings or recommendations to the Division of Justice and Community Services.

L. State Audit Requirements

Subgrantees must assure that they have read, understand, and are in full compliance with all requirements as set forth in §12-4-14., Code of West Virginia, as amended, and are not currently debarred from receiving state grant funds as a result of non-compliance with §12-4-14., as amended. Subgrantees further understand that if they are currently debarred or are not in compliance with §12-4-14., as amended, they are ineligible to receive funding from the West Virginia Division of Justice and Community Services.

Additionally, programs who are not required to submit an audit under §12-4-14 are still required to submit a copy of an audit or an annual internal financial

review to the VAWA Administrator at DJCS, showing the total budget expenditures and revenues from all sources for the prior year, along with a systematic method for timely and appropriate resolution of findings and/or recommendations.

Note: any sub-grantee who is debarred must notify DJCS in writing of this within 30 days of becoming debarred.

M. Enforcing Civil Rights Laws

No person shall, on the grounds of race, religion, color, age, national origin, sex, handicap, or limited English proficiency be excluded from participation in, be denied the benefits, or be otherwise subjected to discrimination under or denied employment in connection with grants awarded pursuant to the Victims of Crime Act of 1984. Recipients of funds under the Act are also subject to Title VI of the Civil Rights Act of 1954. 42 U.S.C. 2000d (prohibiting discrimination in federally-funded programs on the basis of race, color, or national origin). Section 504 of the Rehabilitation Act of 1973, 2 U.S.C. 794 (prohibiting discrimination in such programs on the basis of handicap). The Age Discrimination Act of 1975, 42 U.S.C. 8108, et seq., and the Department of Justice Nondiscrimination Regulations. 28 CFR, Part 42, Subparts C, D, and G. Recipients of funds are also subject to Title I (employment of qualified disabled individuals), Title II (equal benefits of program s, services and activities to disabled individuals), and Title III (public accommodations to disabled individuals for services and activities).

In the event a federal or state court or administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, age, national origin, sex, handicap, or limited English proficiency against a recipient of funds the applicant will forward a copy of the finding to the DJCS within 30 days of receiving notice.

Grantee will comply with all federal civil rights laws, including Title VI of the Civil Rights Act of 1964, as amended. These laws prohibit discrimination on the basis of race, color, religion, national origin, and sex in the delivery of services. This entity will send all adverse findings of discrimination within the last three years to the Office for Civil Rights to the following address:

Office for Civil Rights
Office of Justice Programs
810 7th Street, NW
Washington, DC 20531

Grantees should post information for victims and staff which state where they can contact the Office for Civil Rights:

Office for Civil Rights
P.O. Box 1789
Charleston, WV 25326
(304) 558-0546

They should also have posted the following information:

WV Human Rights Commission
1321 Plaza, East, Room 108A
Charleston, WV 25301
(304) 558-2616
1- 888-676-5546

Nondiscrimination requirements under VAWA 2013 are as follows:

> "No person in the United States shall, on the basis of actual or perceived race, color, religion, national origin, sex, gender identity (as defined in paragraph 249(c)(4) of title 18, United States Code), sexual orientation, or disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program, or activity funded in whole or in part with funds made available under STOP VAWA, and any other program or activity funded in whole or in part with funds appropriated for grants, cooperative agreements, and other assistance administered by the Office on Violence Against Women."

Chapter 7

PURCHASING PROCEDURES

A. General

This section sets forth procedures for purchasing supplies, equipment, construction, and other services. These procedures are furnished to insure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable law.

Grantees may use their own purchasing regulations and procedures which reflect applicable federal, state, and local laws provided that purchases made with grant funds adhere to the minimum requirements set forth below:

B. Minimum Requirements

1. All purchasing transactions, regardless of whether negotiated or advertised and without regard to dollar value, shall be conducted in a manner so as to provide maximum open and free competition. The grantee should be alert to organizations conflicts of interest or non-competitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade. Contractors that develop or draft specifications, requirements, statements of work and/or RFPs for proposed procurement shall be excluded from bidding or submitting a proposal to compete for the award of such procurement. In this regard, requests for proposal or invitations for bid issued by the grantee to implement the grant project are to provide notice to prospective bidders that DJCS organizational conflict of interest provision is applicable in that contractors that develop or draft specifications, requirements, statements of work/or RFPs for a proposed procurement shall be excluded form bidding or submitting a proposal to compete for the award of such procurement.

2. Proposed purchases shall be reviewed by grantee officials to avoid purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement.

3. Invitations for bids or requests for proposals shall be based upon a clear and accurate description or the technical requirements for the material, produce, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. "Brand name or equal" description may be used as a means to define the performance or other salient requirements of procurement, and when so used the specific features of the named brand which must be met by offerers should be clearly specified.

4. Positive efforts shall be made by the grantees to utilize small business and minority-owned business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts to be performed utilizing grant funds.

5. The type of procuring instruments used (i.e., fixed price contracts, cost reimbursable contracts, purchase orders, incentive contract, etc.) shall be appropriate for the particular procurement and for promoting the best interest of the grant program involved. The "cost-plus-a-percentage of cost" method of contracting shall not be used.

6. Formal advertising, with adequate purchase description, sealed bids, and public openings shall be the required method of procurement unless negotiation pursuant to paragraph (7) below is necessary to accomplish sound procurement. However, procurement of $4,999 or less need not be so advertised unless otherwise required by state or local law or regulations. Where such advertised bids are obtained the awards shall be made to the responsible bidder whose bid is responsive to the invitation and is most advantageous to the grantee price and other factors considered. (Factors such as discounts, transportation costs, taxes may be considered in determining the lowest bid.) Invitations for bids shall clearly set forth all requirements which the bidder must fulfill in order for his/her bid to be evaluated by the grantee. Any or all bids may be rejected when it is in the grantee's interest to do so, and such rejections are in accordance with applicable state and local law, rules, and regulations.

7. Procurements may be negotiated if it is impracticable to use formal advertising. The term "negotiation" is used to describe all procurement from the private sector that is made by means other than public advertising procedures. Unlike public advertising, negotiation generally involves discussion and bargaining with a view to reaching agreement on the prices and other terms of a

proposed contract. It may also be used to obtain an equitable adjustment for a unilateral, grantee-directed change in a contract provision, or to resolve a mutually acceptable amendment or supplement to an existing contract.

Contrary to a commonly held belief, negotiation is in no sense synonymous with non-competitive (sole source) procurement. Although the method of procuring a non-competitive basis, the general use of negotiation is not intended to preclude competition, In those instances when a contemplated procurement appears to be necessarily non-competitive, the grantee must not only assure that competition is not feasible, but also should take whatever actions are possible to foster competitive conditions for subsequent procurements of the same item. The objective of negotiation, as in public advertising, is to procure in the most effective manner and in the best interest of the grantee.

Public advertising is conducted in full public view, with the bid of each firm known to and examined by his/her competitors after bid opening. This is not true in competitive negotiation. Proposals submitted by competing firms in a negotiation are not disclosed to competitors or the public and subsequent negotiations on the basis of these proposals are conducted individually with each offered. Only after the execution of a contract is the successful firm made known the terms and conditions of the contract disclosed. In this way competitive pressure in maintained throughout negotiations. Generally, procurement may be negotiated by the grantee if:

a. The public exigency (requiring immediate aid or action) will not permit the delay incident to advertising:

b. The material or service to be procured is available from only one person or firm: (All contemplated sole source procurements where the aggregate expenditure is expected to exceed $4,999 shall be referred to for prior approval.) Proposed form all advertised or competitive negotiated procurements for which only one bid or proposal is received is deemed to be, for purposes of this paragraph, sole source procurement. An interagency contract where the work is performed by a state governmental agency, including a state university, does not require approval.

c. The aggregate amount involved does not exceed $4,999;

d. The contract is for person or professional services, or for any service to be rendered by a university, college, or other educational institutions;

e. No acceptable bids have been received after formal advertising;

f. The purchases are for highly perishable materials or medical supplies, for material or services where the prices are established by law, for technical items or equipment requiring standardization and interchangeability or parts with existing equipment, for experimental, developmental or research work, for supplies purchased for authorized resale, and for technical or specialized supplies requiring substantial initial investment for manufacture;

g. Otherwise authorized by law, rules, or regulations.

Notwithstanding the existence of circumstances justifying negotiation, competition shall be obtained to the maximum extent practicable.

8. Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources, or accessibility to other necessary resources.

9. Procurement records or files for purchases in amount in excess of $4,999 shall provide at least the following pertinent information: Justification for the use of negotiation in lieu of advertising, contractor selection, and the basis for the cost or price negotiated.

10. A system for contract administration shall be maintained to assure contractor conformance with terms, conditions, and specifications of the contract or order, and to assure adequate and timely follow-up of all purchases.

C. Contract Provisions

Grantee shall include, in addition to provisions to define a sound and complete agreement, the following provisions in all contracts entered into:

1. Contracts shall contain such contractual provision or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate.

2. All contracts, amounts for which are in excess of $4,999, shall contain suitable provisions for termination by the grantee including the manner by which it will be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

3. All contracts awarded by grantees shall include a provision to the effect that the grantee, the grantor agency, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to a specific grant program for the purpose of making audit, examination, excerpts, and transcriptions.

4. Each contract of an amount in excess of $4,999 awarded by a grantee shall provide that the recipient will comply with applicable regulations and standards of the Cost of Living Council in establishing wages and prices. The provision shall advise the recipient that submission of a bid or offer or the submittal of an invoice or voucher for property, goods or services furnished under a contract or agreement with the grantee shall constitute a certification by him/her that amounts to be paid do not exceed maximum allowable levels authorized by the Cost of Living Council regulations or standards. Violations shall be reported to the Division of Justice and Community Services and the local Internal Revenue Service field office.

D. Approval of Contracts

Prior to entering into any contract exceeding $4,999 which will be paid in whole or in part with project funds, a copy of the proposed contract must be submitted to DJCS for review and approval. This is to assure that the above provisions have been included in the proposed contract. In addition, grantees must submit to DJCS the selection basis (i.e., competitive bids, competitive negotiations, or sole source procurement) used in awarding the proposed contract. Copies of bids, proposals, or other documentation which would support selection basis must also be provided.

E. Property Accountability

Subgrantees shall establish and administer a system to control, protection, preservation, use and maintenance, and properly disposal of any property or equipment provided by the Division of Justice and Community Services. This obligation continues as long as the property is retained by the subgrantee, notwithstanding the expiration of a contract agreement. Prior to sale, trade in or disposal of property, disposition instructions will be obtained from DJCS. Grantee assures inventory checks will be performed annually or pursuant to guidance promulgated in the Administrative Manual for this program (if applicable), with copies provided to DJCS.

Chapter 8

MONITORING

A. General

The Division of Justice and Community Services staff will make at least one on-site visit to each grant program every other year to monitor the performance of grant-supported activities. **(Appendix N).** The only exceptions to this schedule are as follows:

1. **New Subgrantees:** receive an on-site visit the initial year of funding and the following year (two consecutive annual visits);

2. **Compliance Issues:** sub-grantees in which a problem is found during a site visit will receive a follow-up visit the next year;

3. **Administrative/Personnel Change:** sub-grantees who experience significant administrative and/or personnel changes during a grant period may receive a scheduled on-site visit during the current or following grant year;

4. **Technical Assistance:** sub-grantees may request a technical assistance visit during a grant period or DJCS may determine a technical assistance and on-site monitoring visit is necessary.

Additionally, DJCS will require a self monitoring report for all programs which receive funds but are not visited on-site during a grant period. These forms will be mailed to the Project Directors with instructions and will by due no later than June 15th each grant year. **(Appendix N)**.

The purpose of the on-site visits and self reports is:

1. Determine progress made toward achieving project objectives;

2. Determine compliance with terms, conditions, and purpose of grant;

3. Identify technical assistance needs; and

4. Provide guidance of future design or funding of similar projects.

Chapter 9

VICTIM COMPENSATION PROGRAM

A. General

All grantees are required to assist victims make application for the victim compensation benefits. Such assistance may be achieved by: (a) identification of potential recipients; (b) providing assistance with application forms and procedures.

All grantees must demonstrate that they will coordinate their activities with the state compensation program.

B. West Virginia Crime Reparation Act of 1981

The West Virginia Crime Compensation Act established a special revenue fund which pays certain compensation and medical benefits to innocent victims of crime. The program is administered by the West Virginia Court of Claims.

1. **Funding -** The Crime Victims Compensation Program is supported through the assessment of additional court costs on every person who is convicted of or pleads guilty to a misdemeanor or felony offense, other than a non-moving traffic violation.

   Funds are also provided to the program from the Victims of Crime Act of 1984 at a rate equal to sixty percent (60%) of the awards made in the year prior to the Victims of Crime grant. **(Appendix H)**

2. **Filing a Claim -** A claim may be filed by any innocent victim who suffers personal injury as the result of a crime, any individual who is the dependent of a deceased victim of a crime, any individual who is directly exposed to a crime, or any West Virginia resident who is victimized in a state without a victim compensation program.

   The crime must be reported to law enforcement officials within 72 hours and the claimant must fully cooperate with law enforcement officials. The **only** exception of reporting to law enforcement is for victims of sexual assault. In that situation, the individual has 9 hours to complete a Forensic Medical Exam (Which will be accepted in lieu of reporting to the police). An Order of Protection does not fulfill the requirement of reporting to law enforcement. The claim for compensation must be filed within two years from the

date of the crime. If an individual is victimized as a minor and their parent or guardian fails to file on their behalf, the individual has two years after their eighteenth birthday to file a claim.

3. **Processing a Claim** - The Claim Investigator reviews the claim and files a finding of fact and recommendations. Once that is completed a Judge of the Court of Claims evaluates the claim without a hearing and renders a decision. If a claimant chooses to do so, they may request a hearing in the event their claim has been denied.

4. **Compensation Limit** - Compensation payable to a victim and to all other claimants sustaining economic loss because of injury to that victim shall not exceed $35,000. Compensation for the death of a victim shall not exceed $50,000, which includes up to $10,000 for funeral expenses. Relocation expenses for a victim shall not exceed $2,500.

Additional costs covered include lost scholarships which include monies for student loans.

An additional amount up to $100,000 may be compensable at the discretion of the Court. Note this qualification parallels the guidelines set forth by Social Security Disability.

The Victim Compensation Fund may also financially assist with the return of a minor or incapacitated adult who has been unlawfully removed (or kidnapped) from the State of West Virginia and taken to another state. The maximum award for expenses related to such an event is $2,000, unless the victim has been taken to another country in which the maximum award would be $3,000.

A copy of the claim form is found in **Appendix I**.

Chapter 10

FORENSIC MEDICAL EXAMINATION FUND

A. General

The Forensic Medical Examination Fund was passed by the West Virginia Legislature on March 9, 1996. The purpose of the fund is to ensure that victims of sexual assault do **not** have to pay out-of-pocket costs for forensic medical examinations. A copy of the Forensic Medical Examination Bill can be found in **Appendix J**.

B. Procedures

When any person alleges that he or she has been the victim of any sexual assault and/or other related offenses, the following events should occur:

1. A licensed medical facility will perform a forensic medical examination within a reasonable time of the alleged violation.

   The costs of additional nonforensic procedures performed by the licensed medical facility, including, but not limited to, prophylactic treatment, treatment of injuries, testing for pregnancy and testing for sexually transmitted diseases, may **not** be paid from the fund.

2. The licensed medical facility will apply for payment of the costs of a forensic medical examination from the fund within a reasonable time of the alleged violation.

   The payment will cover all reasonable, customary and usual costs of the forensic medical examination up to $350.

3. The licensed medical facility will submit a statement of charges (invoice) directly to the West Virginia Prosecuting Attorneys Institute for payment *(Pursuant to recent statutory changes, local prosecutor approval is no longer required for either performing an exam or for billing the Institute for said exam. See 168 CSR 1, et. Seq., in Appendix J)* from the fund at:

   90 MacCorkle Avenue, S.W.
   Suite 202
   South Charleston, WV 25303
   ATTN: Forensic Medical Fund

No licensed medical facility may collect the costs of a forensic medical examination from the victim (or from the victim's insurance company) of an alleged violation of sexual assault.