

ADMINISTRATIVE MANUAL

VICTIMS OF CRIMES ACT (VOCA) PROGRAM



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GOVERNOR

PREFACE

This manual provides procedures for the administration of the VOCA Program and is applicable to all grants approved by the Governor after July 1, 2014. When revisions and corrections are deemed necessary by the State VOCA Assistance Administrator, 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 Victims of Crime Act of 1984, passed by Congress and signed into law by President Reagan on October 12, 1984 responds to the needs of innocent victims of crime. The Act provides financial aid to state crime victim compensation programs and crime victim assistance programs. A copy of the amended Act can be found in **Appendix A**.

B. 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 in order.

C. 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.

D. Administration of Federal Funds

The U.S. Department of Justice, Office for Victims of Crime 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 Victims of Crime Act (VOCA) Program in West Virginia. VOCA funds are based on fines and fees collected from Federal criminal offenders.

E. Grant Applications

Applications for federal funds by agencies are initiated by completing a Victim Assistance 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 grants. Copies of this form are available from DJCS. 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 B**. 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.

F. Eligibility Criteria

In order to be eligible for Victims of Crime Act (VOCA) funds, a victim's assistance project must be designed to provide direct services to victims of crime; adhere to the VOCA and Victim Assistance Guidelines; and meet at minimum the following requirements:

1. Public or Nonprofit Organization. To be eligible to receive VOCA funds, organizations must be operated by public or nonprofit organization, or a combination of such organizations, and provide services to crime victims.
2. Record of Effective Services. Demonstrate a record of providing effective services to crime victims. This includes having the support and approval of its services by the community, a history of providing direct services in a cost-effective manner, and financial support from other sources.
3. New Programs. Those programs that have not yet demonstrated a record of providing services may be eligible to receive VOCA funding, if they can demonstrate 20 percent of their financial support comes from non-federal sources. It is important that organizations have a variety of funding sources besides federal funding in order to ensure their financial stability.
4. Volunteers. Programs must utilize (at the minimum one volunteer per grant period) volunteers to assist in providing services to victims unless the Division of Justice and Community Services determines that compelling reasons exist to waive this requirement. A "compelling reason" may include a statutory or contractual provision concerning liability or confidentiality of counselor/victim information, which bars the using of volunteers for certain positions or the inability to recruit and maintain volunteers after a sustained and aggressive effort. If a program will not be utilizing volunteers to implement a project, they must submit a written justification in order to obtain a waiver from the Division of Justice and Community Services. *Note a waiver is the exception not the rule.*
5. Promote Community Efforts to Aid Crime Victims. Promote, within the community, coordinated public and private efforts to aid crime victims. Coordination may include, but is not limited to, serving on state, federal, local, or Native American task forces, commissions, working groups, coalitions, and/or multi-disciplinary teams. Coordination efforts also

include developing written agreements that contribute to better and more comprehensive services to crime victims. Coordination efforts qualify an organization to receive VOCA victim assistance funds, but **are not activities that can be supported with VOCA funds.**

6. Help Victims Apply for Compensation Benefits. Such assistance may include **identifying and notifying crime victims of the availability of compensation**, assisting them with application forms and procedures, obtaining necessary documentation, and/or checking on the status of claim(s).
7. Resolution. Have obtained a resolution passed by the governing board that authorizes the president of the board (non-profit agencies) or president of the county commission (local governments) to act on its behalf to make an application for VOCA funding.
8. Programs shall comply with Federal Rules Regulating Grants. Programs must comply with the applicable provisions of VOCA, the Program Guidelines, and the requirements of the OJP Financial Guide, effective edition, which includes maintaining appropriate programmatic and financial records that fully disclose the amount and disposition of VOCA funds received. This includes: financial documentation for disbursements; daily time and attendance records specifying time devoted to VOCA allowable victim services; client files; the portion of the project supplied by other sources of revenue; job descriptions; contracts for services; and other records which facilitate an effective audit.
9. Maintain Civil Rights Information. Programs shall maintain statutory required civil rights statistics on victims serviced by race, national origin, sex, age, and disability, within the timetable established by DJCS; and permit reasonable access to its books, documents, papers, and records to determine whether the recipient is complying with applicable civil rights laws. This requirement is waived when providing a service, such as telephone counseling, where soliciting the information may be inappropriate or offensive to the crime victim.
10. Comply with State Criteria. Programs must abide by any additional eligibility or service criteria as established by the state including submitting upon request statistical and programmatic information of the use and impact of VOCA funds. The Division of Justice and Community Services and the West Virginians Against Violence Committee hold the authority to enforce supplementary program guidelines to those issued by the Federal Program Office.
11. Services to Victims of Federal Crimes. Programs must provide services to victims of federal crimes on the same basis as victims of state/local

crimes. Sub-grantees should contact the Victim/Witness Coordinator at their local U.S. Attorney's Office and advise the Coordinator of the services their program provides and their willingness to assist federal crime victims.

12. No Charge to Victims for VOCA-Funded Services. Programs must provide services to crime victims, at no charge, through the VOCA-funded project. Any deviation from this provision requires prior approval by DJCS.
13. Client-Counselor and Research Information Confidentiality. Programs must maintain confidentiality of client-counselor information, as required by state and federal law. This provision is intended, among other things, to ensure the confidentiality of information provided by crime victims to counselors working for victim services programs receiving VOCA funds. However, this confidentiality provision should not be interpreted to thwart the legitimate informational needs of public agencies. For example, this provision does not prohibit a domestic violence shelter from acknowledging, in response to an inquiry by a law enforcement agency conducting a missing person investigation, that the person is safe in a shelter. Similarly, this provision does not prohibit access to a victim service project by a federal or state agency seeking to determine whether federal and state funds are being utilized in accordance with funding agreements.
14. Confidentiality: All Programs who receive funds under the Victims of Crime Act (VOCA) and also receive funds under the STOP Violence Against Women Act must adhere to **all** confidentiality requirements under the Violence Against Women Reorganization Act of 2005. The sub-grantee must maintain a written confidentiality policy that prohibits the disclosure of victim's name, address, phone number, any contact information, or any other personally identifying information without prior voluntary, informed, and written consent of the victim (or legal guardian). Client information should only be accessible to authorized direct service staff of the funded program.
15. Limited English Proficiency Plan for Services. All VOCA funded program are required to address the needs, including access to programs, services and information, for populations of individuals whose primary language is not English.
16. Discrimination: Any victim assistance program applying or receiving VOCA funding cannot discriminate against victims because the victim disagrees with the way the State is prosecuting the criminal case. This is an eligibility requirement for the victim assistance program or agency.

17. Client Surveys/Evaluations: All sub-grantees are required to develop and implement client surveys for evaluation purposes. DJCS may require a copy of these surveys/evaluations or request proof survey is being implemented. All survey/evaluations must ensure client confidentiality. All survey/evaluations will include the two following outcome measures: (1) Victim Safety and (2) Public Awareness; results will be required as part of the VOCA Annual Performance Report.
18. 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 is 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.
19. 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 agencies are required to inform victims and funded staff they do not discriminate on the basis of race, color, religion, national origin, age, and sex on 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

For Private Non-Profit Agencies:

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

G. Eligible Organizations

VOCA specifies that an organization must provide services to crime victims and be operated by a public agency or nonprofit organizations, or a combination of such agencies or organizations, in order to be eligible to receive VOCA funding. Eligible organizations include victim services organizations whose sole mission is to provide services to crime victims and are victim centered. These organizations include, but are not limited to: sexual assault and rape treatment centers, licensed domestic violence programs and shelters, child abuse programs, centers for missing children, mental health services, and other community-based victim coalitions and support organizations including those who serve survivors of homicide victims.

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

1. Criminal Justice Agencies: Such agencies as law enforcement organizations, prosecutors' offices, courts, corrections departments, and probation and paroling authorities are eligible to receive VOCA funds to help pay for victims' services. For example, prosecutor-based victim services may include victim-witness programs, victim notification, and victim impact statements, including statements of pecuniary damages for restitution. Corrections-based victim services may include victim notification, restitution advocacy, victim-offender mediation programs, and victim impact panels. Police-based victim services may include victim crisis units or victim advocates, victim registration and notification, and cellular phone and alarm services for domestic abuse victims. In general, VOCA funds may be used to provide crime victim services that exceed a law enforcement official's normal duties. Regular law enforcement duties such as crime scene intervention, questioning of victims and witnesses, investigation of the crime, and follow-up activities may not be paid for with VOCA funds.

2. Faith-based Organizations. Such organizations receiving VOCA funds must ensure that services are offered to all crime victims without regard to religious affiliation and that the receipt of services is not contingent upon participation in a religious activity or event.
3. State Crime Victim Compensation Agencies. Compensation programs, including both centralized and decentralized programs, may receive VOCA assistance funds if they offer direct services to crime victims that extend beyond the essential duties of compensation staff such as claims investigations, distribution of information about compensation and referral to other sources of public and private assistance. Such services would include assisting victims in identifying and accessing needed services and resources.
4. Hospitals and Emergency Medical Facilities. Such organizations must offer crisis counseling, support groups, and/or other types of victim services.
5. Others. State and local public agencies such as mental health services organizations, state/local public child and adult protective services, state sub-grantees, legal services agencies and programs with a demonstrated history of advocacy on behalf of domestic violence victims, and public housing authorities that have components specifically trained to serve crime victims. Since the intention of the VOCA grant program is to support and enhance the crime victim services provided by community agencies, state sub-grantees that meet the definition of an eligible sub-recipient organization may not sub-award themselves more than 10 percent of their annual VOCA award.

H. Ineligible Recipients of VOCA Funds

Some public and nonprofit organizations that offer services to crime victims are not eligible to receive VOCA victim assistance funding. Their organizations include, but are not limited to, the following:

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

I. Application Process

The application process consists of the following steps:

1. Applications will be promptly acknowledged upon receipt and reviewed for completeness. Applicant will be contacted if omissions appear and the applicant has **10 working days** after being contacted to submit omissions or revisions.
***Late Applications will not be accepted.**
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. A Memorandum of Understanding (MOU) must be completed with all Victim Assistance Programs in their service area. A MOU must include each agencies mission statement/goal and how they coordinate efforts with other programs in order to ensure no gaps in services, an **original signature** of the Project Director, Executive Director or the Agency Head.
 - g. Need for the project.
 - h. Geographic area(s) to be served.

- i. Ability to address the needs of underserved populations. Priority may be given to innovative programs that provide effective services to underserved victim populations.
 - j. A minimum of 40 percent of the total grant will be awarded by giving at least 10 percent to each of four categories of crime victims: sexual assault, domestic violence, child abuse, and underserved.
3. A representative of the applying agency who is familiar with the proposed project is requested to be available for a telephone call or attend the West Virginians Against Violence Committee Meeting to make a brief presentation and 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 recommendations are advisory only and should not be considered as indicative of the final action by the Governor.

J. Award

Each approved project not operational within 30 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 60 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 60-day letter, DJCS may cancel the project and redistribute the funds to other project areas or under extenuating circumstances, extend the project period.

I. Grant Cycle

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

Chapter 2

MATCHING FUNDS REQUIREMENTS

A. General

Federal legislation does require a twenty percent (20%) match of VOCA funds for all VOCA programs. This match must come from state, county or local funds only. 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. ***Match must be allowable under VOCA guidelines.***

Example for existing programs

Amount of VOCA grant: \$10,000

$$\$10,000 / .80 = 12,500$$

Total Project: \$12,500

VOCA Funds: -10,000

Matching Funds: \$ 2,500

Cash Match Represents the grantee's cash outlay; money contributed to the sub-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: Cash donations, United Way funds, money from fundraising activities, 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 sub-grantee and are committed to the VOCA-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. If a doctor or lawyer provides some volunteer professional services, such as counseling or legal advice, their services may be assigned a value of as much as \$75.00 per hour or \$100.00 per hour depending upon their individual rates for providing professional services. Any overtime for salaried staff cannot be used as match. All volunteer hour must be logged with the volunteer's name, the date they volunteered, hours volunteered,

B. Timing of Matching Share

The sub-grantee matching share must be expended in the same manner and proportion as budgeted in the Grant Application. The sub-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 sub-grantee matching federal funds is mandatory, accurate records must be maintained and 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. Reporting Match

Documentation of matching contributions should be submitted on a monthly basis, but must be submitted at least on a quarterly basis. Failure to do so will result 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 VOCA 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 VOCA 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: If you are using an agency vehicle the rate is 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 VOCA 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 VOCA funded person(s).
 - ❖ Documentation required: lease agreement, 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 VOCA project
 - ❖ Documentation required: invoice and proof of payment
- Audit Costs – 2% of the Audit costs can be used as match for VOCA
 - ❖ Documentation required: invoice and proof of payment

In-Kind Match**Personnel/Contractual:**

- Volunteer hours – must be donating time to the VOCA project – this can include unpaid interns
 - ❖ Documentation required: volunteer log or 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, 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 included 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 VOCA 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 VOCA project.
 - ❖ Documentation required: DJCS Office equipment usage log; this should be pro-rated for VOCA 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 (A-87), Cost Principles for Non-profit Organizations (A-122), Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-profit Organizations (A-110), Grants and Cooperative Agreements with State and Local Governments (A-102), Cost Principles for Educational Institutions (A-21) and Audit requirements for Non-profit Organizations (A-133) a link to these are found in **Appendix C**.

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. The DJCS and its sub-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 sub-grantee to accomplish the objectives of a project during the grant period."

C. General Guidelines

Crime victim's assistance funds shall be used only to provide services to victims of crime. "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.

The following categorical guide can be used as an aid in determining **allowable** costs. "Services to victims of crime" includes, but is not limited to, the following:

1. Immediate Health and Safety. Those services which respond to the immediate emotional and physical needs (excluding medical care) of crime victims such as crisis intervention; accompaniment to hospitals for medical examinations; hotline counseling; emergency food, clothing, transportation, and shelter (including emergency short-term nursing home shelter for elder abuse victims for whom no other safe, short-term residence is available); and other emergency services that are intended to restore the victim's sense of security. This includes services, which offer an immediate measure of safety to crime victims such as boarding-up broken windows and replacing or repairing locks. Also allowable is emergency legal assistance such as filing restraining orders and obtaining emergency custody/visitation rights when such actions are directly connected to family violence cases and are taken to ensure the health and safety of the victim.
2. Mental Health Assistance. Those services and activities that assist the primary and secondary victims of crime in understanding the dynamics of victimization and in stabilizing their lives after a victimization, such as counseling, group treatment, and therapy. "Therapy" refers to intensive professional psychological/psychiatric treatment for individuals, couples, and family members related to counseling to provide emotional support in crisis arising from the occurrence of crime. This includes the evaluation of mental health needs, as well as the actual delivery of psychotherapy.
3. Assistance with Participation in Criminal Justice Proceedings. In addition to the cost of emergency legal services noted above in section 1. "Immediate Health and Safety", there are other costs associated with helping victims participate in the criminal justice system that are also allowable. These services may include advocacy on behalf of crime victims; accompaniment to criminal justice offices and court; transportation to court; child care or respite care to enable a victim to attend court; notification of victims regarding trial dates, case disposition information, and parole consideration procedures; assistance with victim impact statements; and restitution advocacy on behalf of specific crime victims.

VOCA funds cannot be used to pay for non-emergency legal representation such as for divorces or civil restitution recovery efforts.

4. Costs Necessary and Essential to Providing Direct Services. This includes pro-rated costs of rent, telephone services, and transportation costs for victims to receive services, emergency transportation costs that enable a victim to participate in the criminal justice system, and local travel expenses for service providers.
5. Special Services. Services to assist crime victims with managing practical problems created by the victimization such as acting on behalf of the victim with other service providers, creditors, or compensation benefits; and helping to apply for public assistance.
6. Personnel Costs. Costs that are directly related to providing direct services, such as staff salaries and fringe benefits, including malpractice insurance; the cost of advertising to recruit VOCA-funded personnel; and the cost of training paid and volunteer staff.
7. Restorative Justice. Opportunities for crime victims to meet with perpetrators, if such meetings are requested or voluntarily agreed to by the victims and have possible beneficial or therapeutic value to crime victims. **VOCA assistance funds cannot be used for victim-offender meetings, which serve to replace criminal justice proceedings.**

D. Other Related Allowable Costs

These services, activities, and costs listed below are not generally considered direct crime victim services, but are often a necessary and essential activity to ensure that quality direct services are provided. Before these costs can be supported with VOCA funds, the state grantee and sub-recipient must agree that direct services to crime victims cannot be offered without support for these expenses; that the sub-recipient has no other source of support for them; and that only limited amounts of VOCA funds will be used for these purposes. The following list provides examples of such items:

1. Skills Training for Staff. VOCA funds designated for training are to be used exclusively for developing the skills of direct service providers including paid staff and volunteers, so that they are better able to offer quality services to crime victims. An example of skills development is training focused on how to respond to a victim in crisis. **Please note all trainings 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.**

VOCA funds can be used for both VOCA-funded and non-VOCA-funded service providers who work within a VOCA recipient organization, but VOCA funds cannot be used for management and administrative training for executive directors, board members, and other individuals that do not provide direct services.

Please note the West Virginians Against Violence Committee is requiring all projects receiving Travel/Training funds to be utilized in the following order:

- Apply to attend the West Virginia State Victim Assistance Academy WVSVA (all newly funded VOCA advocates and those with less than 5 years of experience);
 - If unable to attend the WVSVA then Travel/Training funds must be used for either
 - a. In-State Trainings or
 - b. Direct Service Mileage for Victims
2. Training Materials. VOCA funds can be used to purchase materials such as books, training manuals, and videos for direct service providers, within the VOCA-funded organization, and can support the costs of a trainer for in-service staff development. Speaker fees are **not** to exceed the \$450 per day Federal rate (must follow OJB Financial Guidelines for conference costs). Staff from other organizations can attend in-service training activities that are held for the sub-recipient's staff.
3. Training Related Travel. VOCA funds can support costs such as travel, meals, lodging, and registration fees to attend training within the state or a similar geographic area. This limitation encourages programs to first look for available training within their immediate geographical area, as travel costs will be minimal. However, when needed training is unavailable within the immediate geographical area, VOCA funds may be used to support training outside of the geographical area. However, DJCS and the West Virginians Against Violence Committee may restrict out of state training.

Travel expenses incurred from direct victim services can also be supported with VOCA funds. **However, travel mileage for staff to attend taskforce/committee meetings cannot be supported by VOCA.**

4. Advanced Technologies. At times, computers may increase a program's ability to reach and serve crime victims. For example, automated victim notification systems have dramatically improved the efficiency of victim notification and enhance victim security.

In order to receive a grant for advanced technologies, each sub-recipient must meet the program eligibility requirements set forth in this manual. In

making such expenditures, VOCA programs must describe to DJCS how the computer equipment will enhance services to crime victims; how it will be integrated into and/or enhance the sub-recipients current system; the cost of installation; the cost of training staff to use the computer equipment; the on-going operational costs, such as maintenance agreements and supplies; and how these additional costs will be supported. **(Please see Appendix D – Computer & Office Equipment Listing Form)**. Property insurance is an allowable expense as long as VOCA funds support a prorated share of the cost of the insurance payments. *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 four years.*

6. Contracts for Professional Services. VOCA funds generally should not be used to support contract services. At times, however, it may be necessary for VOCA sub-recipients to use a portion of the VOCA grant to contract for specialized services. Examples of these services include assistance in filing restraining orders or establishing emergency custody/visitation rights the provider must have a demonstrated a history of advocacy on behalf of domestic violence victims); emergency psychological or psychiatric services; or sign and/or interpretation for the deaf or for crime victims whose primary language is not English.

Programs are prohibited from using a majority of VOCA funds for contracted services, which contain administrative, overhead, and other indirect costs included in the hourly or daily rate.

7. Operating Costs. Examples of allowable operating costs include supplies; equipment use fees, when supported by usage logs; printing, photocopying, and postage; brochures which describe available services; and books and other victim-related materials. VOCA funds may support administrative time to complete VOCA-required time and attendance sheets and programmatic documentation, reports, and statistics, administrative time to maintain crime victims' records; and the pro-rated share of audit costs.

VOCA funds may be used to purchase general office furniture and equipment that provides or enhances direct services to crime victims, as demonstrated by the VOCA program.

VOCA funds cannot support the entire cost of an item that is not used exclusively for victim-related activities. However, VOCA funds can support a prorated share of such an item. In addition, sub-recipients cannot use VOCA funds to purchase equipment for another organization or individual to perform a victim-related service. Examples of allowable

costs may include beepers; computers, videotape cameras and players for interviewing children; two-way mirrors; and equipment and furniture for shelters, work spaces, victim waiting rooms, and children's play areas.

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 four years.

The costs of furniture, equipment such as Braille equipment or TTY/TTD machines for the deaf or minor building alterations/improvements that make victim's services more accessible to persons with disabilities are allowable. Refer to the OJP Financial Guide, effective edition, before these types of decisions are made.

8. Supervision of Direct Service Providers. DJCS may provide VOCA funds for supervision of direct service providers when it is determined that such supervision is necessary and essential to providing direct services to crime victims. For example, DJCS may determine that using VOCA funds to support a coordinator of volunteers or interns is a cost-effective way of serving more crime victims.
9. Repair and/or Replacement of Essential Items. VOCA funds may be used for repair or replacement of items that contribute to maintaining a healthy and/or safe environment for crime victims, such as a furnace in a shelter. In the event that a vehicle is purchased with VOCA funds, related items, such as routine maintenance and repair costs, and automobile insurance are allowable.
10. Public Presentations. VOCA funds may be used to support presentations that are made in schools, community centers, or other public forums, and are designed to identify crime victims and provide or refer them to needed services. Specifically, activities and costs related to such programs including presentation materials, brochures, and newspaper notices can be supported by VOCA funds.

E. Unallowable Costs

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

1. Administrative Salaries. Because VOCA funding is limited to providing direct services to crime victims, VOCA funding cannot be used for

administrative salaries, such as for executive directors, fiscal staff, or clerical staff.

2. Medicaid Clients. The Office for Victims of Crime has recently emphasized Medicaid-reimbursable clients cannot also be provided services by VOCA-funded direct service staff because this would be considered double billing. An agency can be billing Medicaid for victim services but they must ensure that their VOCA-funded staff are providing direct services to only those victims who are not eligible for Medicaid reimbursement.
3. Activities Exclusively Related to Crime Prevention. General public awareness campaigns designed to raise the public consciousness of victim issues or programs that focus primarily on general community/state victim education programs do not qualify as direct services to crime victims. However, community awareness efforts describing direct services available to crime victims are eligible for VOCA funding.
4. Perpetrator Rehabilitation and Counseling. Programs cannot knowingly use VOCA funds to offer rehabilitative services to offenders. Likewise, VOCA funds cannot support services to incarcerated individuals, even when the service pertains to the victimization of that individual
5. Lobbying, Legislative and Administrative Advocacy. VOCA funds cannot support victim legislation or administrative reform, whether conducted directly or indirectly.
6. Fundraising Activities. Fundraising is an unallowable expense.
7. Needs Assessments, Surveys, Evaluation and Studies. VOCA funds may not be used to pay for efforts conducted by individuals, organizations, task forces, or special commissions to study and/or research particular crime victim issues.
8. Indirect Organizational Costs. For example, the costs of liability insurance on building and vehicles, capital improvements, security guards and body guards, property losses and expenses, real estate purchases and construction may not be supported with VOCA funds.
9. The purchase of real estate.
10. Prosecution Activities. VOCA funds cannot be used to pay for activities that are directed at prosecuting an offender and/or improving the criminal justice system's effectiveness and efficiency, such as witness notification and management activities and expert testimony at a trial. In addition,

victim witness protection costs and subsequent lodging and meal expenses are considered part of the criminal justice agency's responsibility and cannot be supported with VOCA funds.

VOCA funds also may not be used for Forensic Interviews, based on the determination that these interviews are for the purpose of determining victimization and in aiding with the investigation and prosecution of cases.

11. Bad debts.
12. Contingencies.
13. Contributions or money donations.
14. Entertainment.
15. Fines and penalties.
16. Interest and other financial costs.
17. Prior obligations.
18. Underrecovery of costs under grant agreements.
19. Legislative expenses.
20. Political Activity
21. Relocation Expenses – VOCA funds cannot support relocation expenses for crime victims such as moving expenses, security deposits on housing, ongoing rent, and mortgage payments. However, VOCA funds may be used to support staff time in locating resources to assist victims with these expenses.
22. Development of Protocols, Interagency Agreements, and Other Working Agreements. These activities benefit crime victims, but they are considered examples of the types of activities that programs undertake as part of their role as a victims services organization.
23. Activities Exclusively Related to Crime Prevention
24. Medical Costs. VOCA funds cannot pay for nursing home care (emergency short-term nursing home shelter is allowable), home health-care costs, in patient treatment costs, hospital care, and other types of emergency and non-emergency medical and/or dental treatment.

25. Costs of Sending Individual Crime Victims to Conferences.
26. Non-Licensed Residential Services. Residential services (services provided in a shelter) through a non-licensed domestic violence program are not eligible for VAWA funding.
27. **Activities that compromise victim safety**
Ensuring victim safety is the guiding principle of the VOCA Program. Funded projects are not allowed to participate in any activities that may compromise victim safety such as, but not limited to:
 - Offering perpetrators the option of entering pre-trial diversion programs;
 - Mediation or counseling for couples as a systemic response to domestic violence or sexual assault;
 - Requiring victims to report sexual assault, stalking, or domestic violence crimes to law enforcement or forcing victims to participate in criminal proceedings;
 - Court mandated batterer intervention programs that do not use the coercive power of the criminal justice system to hold batterers accountable for their behavior;
 - Placement of batterers in anger management programs; and
 - Procedures that would force victims of domestic violence to testify against their abusers or impose other sanctions on them.
 - Requiring victims of sexual violence to adhere to a polygraph examination as a condition of proceeding with an investigation of such an offense.

F. Costs Requiring Prior Approval

1. Out of State travel
2. Training
3. Consultant fees
4. Contracts
5. Agendas and Speakers
6. Anything not specific in the approved grant budget
7. Change in Authorized Official, staff, Project Director, and Fiscal Officer

Chapter 4

GRANTEE REPORTING

A. General

Sub-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

Sub-grantees are required to prepare and submit the following types of reports (**Appendix D**). 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

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. A copy of this form is to be submitted 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. This form must contain the **original signature of either the Authorized Official or the Fiscal Officer of the grant.** This form should not be altered in any manner.

2. Project Financial Report

A copy of this form and supporting documentation must be 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/receipts, as well as, proof of payment, to verify all 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. The total amount for the project period should agree with the Request for Reimbursement total for each corresponding month.

3. **Financial Recap Page**

A copy of this form is to be completed and submitted monthly with the Project Financial Report and the Request for Reimbursement. This form supplies a breakdown of specific items and funds being requested for reimbursement for the 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.
- b. A summary completed by the VOCA-funded staff position outlining activities during the month. This summary should list the Goals and Objectives for 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. Any activities performed by the VOCA funded staff that does not fall under the stated goals and objectives of the grant, but are direct victim service related should be included at the end of the report and labeled as "Other".
- c. Copies of minutes from the governing board, such as Board of Directors, Advisory Boards, etc. must be included in the corresponding monthly report for all private non-profits. If the Board did not meet during the reporting month, it should be noted at the end of the Progress Report.

Local units of government must send copies of all City Council or County Commission Meeting minutes anytime the VOCA grant or VOCA funded staff is discussed during a scheduled meeting.

5. **Annual Performance Report**

This form is required for all completed projects, and is due no later than October 30 of each year. The form and instructions will be mailed by DJCS.

The reporting period for the Annual Performance Report is the Federal Grant Period, which is October 1 through September 30. All continuing sub-grantees will be required to report on the last nine months of their prior year's grant and the first three months of their newly awarded grant. All new sub-grantees will report only the first three months of their newly awarded grant.

6. **Sub-grant Award Report**

This form is required of all VOCA sub-grantees and is due within 30 days after the award date. The form and instructions will be mailed by DJCS.

7. **Equipment Listing Form**

This form is required of all VOCA sub-grantees that purchase computer or equipment with VOCA funds or a portion of VOCA 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.

8. **Other Periodic Reports**

Periodically, additional programmatic and/or fiscal information may be requested by DJCS. Most often these additional pieces of information are intended for the purpose of program evaluation and strategic planning. All VOCA funded projects will be required to provide such information upon request.

Chapter 5

ACCOUNTING BOOKS AND RECORDS

A. General

Sub-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 approval.
 - a. 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:** Allowable expenses not otherwise classified. *Please note that computer, software, and printer purchases under \$5,000 are allocated to this category; however, an equipment listing form must be completed for all computer purchases regardless of the amount.*

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 daily time and attendance records 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. 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. *Please refer to the DJCS Handbook.*
2. **Travel:** Documentation includes detailed expense vouchers, signed by the employees and approved by the employees' supervisor. **(Appendix H)**
3. **Training:** Documentation includes detailed expense vouchers, receipts from the training organization, and brochures, etc. from training. Any training events/expenses not specifically noted in the grant's budget requires prior approval by DJCS.

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. If a computer or equipment is purchased an Equipment Listing Form must be completed and submitted with the reimbursement request.

D. Technical Assistance

The staff of DJCS can make a determination of the adequacy of the grantee's accounting records. 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

Sub-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 May 20th each year.** Grant changes requiring approval include:

1. Changes in substance and project activities, design, or research plans set forth in the approved application,
2. Changes in the project director, fiscal officer, authorized official or key professional personnel. If there is a change in the funded staff person, DJCS must be notified in writing of the effective date and the position and a resume of the newly funded staff person must be submitted with the notification.
-
3. Changes in the project budget (**Appendix F - Sample Budget Adjustment**), 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. Sub-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 L 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 nationwide per diem rates.

Motor Vehicle: Reimbursement for the use of employee's personal car in connection with grant business will be based on the State Government rate. Such reimbursement rates 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 workday 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 (proof of payment), a letter, certificate or receipt showing actual attendance and attached to the attendee's expense report. Lodging and/or food that are 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 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 findings of a completed audit have 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.
- D. VOCA funded brochures, pamphlets, etc. that are advertising victim services available cannot be used for political advertising for locally elected public officials, such as using pictures of elected officials or printing information used for election campaigns.

K. Audit Requirements

Program Accountability – **Federal Audit Requirements**

I. Federal Office of Management and Budget (OMB) Circular A-133 sets forth standards for obtaining consistency and uniformity for the audit of states, local government, and non-profit organizations expending Federal awards. This sub-grant shall adhere to the audit requirements set forth in OMB Circular A-133 at the time of sub-award.

As of 10/1/04, the requirements set forth by OMB Circular A-133 are as follows:

Non-Federal entities that expend \$500,000 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 \$500,000 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.

II. Federal Office of Management and Budget (OMB) Circular A-110 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. This sub-grant shall adhere to the audit requirements set forth in OMB Circular A-110.

As if 10/1/04, the requirements set forth by OMB Circular A-110 are as follows:

Recipients and sub-recipients that are institutions of higher education or other non-profit organizations (including hospitals) shall be subject to the audit requirements contained in the Single Audit Act Amendments of 1996 (31 USC 7501-7507) and revised OMB Circular A-133.

III. If an audit must be conducted pursuant to OMB Circular A-133 and A-110, 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

L. State Audit Requirements

Sub-grantees 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. Sub-grantees 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.

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, 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, 29 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 programs, 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, 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

Chapter 7

PURCHASING PROCEDURES

A. General

This section sets forth procedures for purchasing supplies, equipment, construction, and other services Victim Assistance grant funds. 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.

Sub-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 organizational 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 from 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 of 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 offers should be clearly specified.
4. Positive efforts shall be made by the sub-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, and 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 is 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 are deemed to be, for purposes of this paragraph, a sole source procurement. Interagency contracts 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 personal 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 materials or services where the prices are established by law, for technical items or equipment requiring standardization and interchangeability of 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 sub-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 Criminal Justice and Highway Safety Office 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, sub-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

Sub-grantees shall establish and administer a system to control, protection, preservation, use and maintenance, and proper 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 sub-grantee, notwithstanding the expiration or a contract agreement. Prior to sale, trade in, or disposal of property, disposition instructions will be obtained by 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 K- Monitoring Report Form)** The only exceptions to this schedule are as follows:

1. **New Sub-grantees:** 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 the grant period. These forms will be mailed to the Project Directors with instructions and will be due no later than June 1 each grant year. **(Appendix K)**

B. Purpose

The purpose of on-site monitoring visit is to:

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.

C. Evaluation

An evaluation team (or member) may make approximately one visit to each grant program during the project period to aid in evaluation efforts.

Evaluation visits will:

1. Determine if each sub-grantee's objectives are specific, measurable, attainable, realistic, and time related.
2. Help sub-grantee develop timelines for objectives, tasks, and activities.
3. Show sub-grantee how to submit the evaluation forms on a monthly basis.
4. Provide technical assistance if needed.

Chapter 9

VICTIM COMPENSATION PROGRAM

A. General

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

All sub-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 of 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 A)**

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 96 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.

An additional amount up to \$100,000.00 may be compensable at the discretion of the Court. Note this qualification parallels the guidelines set forth by Social Security Disability.

As of March 8, 2014, compensation for meth lab clean-up is no longer available (no are other crime scene clean-up costs).

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.

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

A link to get a copy of the claim form is found in **Appendix E**.

Chapter 10

FORENSIC MEDICAL EXAMINATION FUND

A. General

The West Virginia Legislature passed the Forensic Medical Examination Fund 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 I**.

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 non-forensic 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 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 CSR1, et. seq. attached hereto – Appendix N).

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 if any) of an alleged violation of sexual assault.