

# **Appendix C**

State of West Virginia  
Victims of Crime Act (VOCA) Victim Assistance  
Grant

## Program Guidelines

# **VICTIMS OF CRIME ACT ASSISTANCE (VOCA) PROGRAM GUIDELINES FOR THE STATE OF WEST VIRGINIA**

## **GENERAL INFORMATION AND APPLICATION ROCESS**

The Victims of Crime Act (VOCA) was passed by Congress and signed into law by President Reagan on October 12, 1984 and amended by The Children's Justice and Assistance Act of 1986, The Anti-Drug Abuse Act of 1988, the Supplemental Appropriations Act of 1992, the Courts Administration Act of 1992, The Justice Appropriations Act of 1994 and The Violent Crime Control and Law Enforcement Act of 1994. The purpose of VOCA was to enhance and expand direct services to victims of crime with special emphasis placed on victims of domestic violence, child abuse, and sexual assault. The Act was one of the results of recommendations made earlier in the year by the President's Task Force on Victims of Crime and was a response to the call for action by victims and victim services providers who appealed to the task force for help.

VOCA provides financial aid to state crime victim compensation programs and crime victim assistance programs. The Act established within the U.S. Treasury a separate account known as the Crime Victim's Fund. The fund is not financed by tax dollars, but is generated entirely by fines, penalty assessments, and forfeited appearance and bail bonds collected by the federal government.

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 Program in West Virginia.

## **PRIORITY PROGRAMS AND FUNDING PREVIOUSLY UNDERSERVED VICTIM POPULATIONS**

Under the Victims of Crime Act, priority is given to eligible crime victim assistance programs whose principal mission is to offer comprehensive specialized services to meet the special needs of one or more of the priority categories of victims as follows:

1. Rape/Sexual Assault
2. Spousal Abuse/Domestic Violence

3. Child Abuse
4. Previously Underserved Victims of Violent Crime (which may include but is not limited to survivors of homicide victims, victims of drunk drivers, adult survivors of child sexual assault or incest, elderly victims of abuse or neglect, rural victims, disabled victims, vulnerable adults, or other victims of violent crime that are being neglected or not being served adequately.

Please note that projects may tailor services to meet one of the above-listed four priority categories, a combination of several of the categories, or all four categories. For instance, a project may focus solely on providing specialized services to underserved victim populations or a project may provide a combination of services to child abuse and sexual assault victims.

### **Elderly Abuse Victims of Abuse or Neglect**

The federal Office for Victims of Crime (OVC) has recognized that domestic elder abuse has been steadily increasing in recent years and that most of these elder abuse cases are being perpetrated by adult children of the victim. They also realize that the elderly population has a variety of needs requiring a variety of services, which are unfortunately not always provided or even available. However, VOCA funding can only be utilized for providing direct services to elderly victims of a crime.

Because elderly victims of abuse or neglect is a relatively new victim population to be served through Victims of Crime Act Assistance funds, The Division of Justice and Community Services has worked with the Office for Victims of Crime in redefining the elderly abuse category under Previously Underserved Victims of Violent Crime as follows:

### **Definition of Elderly Relating Only to VOCA-Funded Services**

Please note that individuals between the ages of 55-65 may be eligible to receive VOCA-funded services, but would have to be approved through The Division of Justice and Community Services on a case-by-case basis.

1. Elder Abuse--The mistreatment of older persons through physical, sexual, or physical violence; neglect; or economic exploitation and fraud. For instance, children caring for their elderly parents, who fail to provide adequate food or medicine or physically abuse their parents by hitting, slapping, locking them up, and restraining them to their beds or

wheelchairs. Caretakers may be family members, friends or hired caretakers.

Please note that in order for an elderly individual to be eligible to receive VOCA-funded services there would need to be evidence that the caretaker committed a crime, such as through an investigation determining abuse or neglect had occurred.

A key element of consideration in West Virginia is the definition of abuse or neglect of any adult in accordance with the Adult Protective Services Regulations as outlined in the following Section 9-6-15 of the West Virginia Code:

**Abuse or neglect of incapacitated adult; creation of emergency situation; penalties:**

- a. Any person having actual care, custody or control of an incapacitated adult who abuses or neglects such adult, or who knowingly permits another person to abuse or neglect or create an emergency situation for an incapacitated adult, is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five hundred dollars nor more than fifteen hundred dollars, or imprisoned in the county jail for not less than ninety days nor more than one year, or both fined and imprisoned.
- b. Any person having actual care, custody or control of an incapacitated adult who with the intent to abuse or neglect such adult willfully creates an emergency situation for an incapacitated adult, is guilty of a felony, and, upon conviction thereof, shall, in the discretion of the court, be confined in the penitentiary for not less than two nor more than ten years or be confined in the county jail for not more than twelve months and fined not more than fifteen hundred dollars.

Because of these West Virginia Code regulations, some instances that would not normally be classified as a crime are now subject to criminal penalties, such as:

If an individual hired to care for an elderly person or a social service agency discontinues providing home health care services to an elderly person who is unable to care for himself or herself, this is a definite problem and is a social service crisis, but would normally not be classified as a crime. However, if Adult Protective Services has investigated a case and determined that abuse has occurred in accordance with the West Virginia Code clearly identifying that a

crime has occurred and identified the perpetrator to be charged with a misdemeanor, then the elderly victim would be eligible to receive VOCA-funded services.

2. Because VOCA funds are limited to providing direct services to victims of a crime, **VOCA funds cannot be used for prevention of abuse or neglect**. Often, there is a suspicion that a current caretaker whether it be a family member or a hired caretaker is not capable of taking care of the elderly individual, such as if the caretaker is an alcoholic or is emotionally unstable.

However, until there is some evidence of a crime or Adult Protective Services has made an investigation and determined that abuse has occurred and identified the perpetrator of the crime, these elderly individuals would not be eligible to receive VOCA-funded services and would need to be referred to a social service agency that provides home health care services.

3. Elderly persons who endanger themselves and are victims of self abuse or self neglect because they live by themselves and are unable to care for themselves adequately are not eligible for VOCA-funded services as VOCA funds are restricted to providing direct services to victims of a crime involving the victim and a perpetrator.

\*\*The Division of Justice and Community Services realizes that although the VOCA-funded elderly victims of abuse or neglect programs will serve predominantly this victim population, they will also attempt to provide direct services to elderly victims of other types of crime as well, such as the following:

1. Elderly Abuse Victims of Sexual Assault are not classified as Previously Underserved Victims of Violent Crime. Sexual Assault victims have already been identified under one of the three primary categories. However, if an elderly individual is a victim of sexual assault or rape, they could be provided VOCA-funded services through an elderly victim of abuse or neglect program in order for them to be provided some initial services in a crisis situation and then appropriately referred to a rape/sexual assault program for additional services.
2. Elderly Victims of Exploitation--If an elderly individual is a victim of exploitation, such as money was stolen from them or their personal property, such as their home, car, investments or personal possessions, were taken away through fraudulent acts, then these individuals could receive VOCA-funded services. Often there is suspicion that a family member is stealing or misusing the funds of an elderly relative. However, there must be proof that a crime has been committed with a complete

investigation of the situation including charges brought against the perpetrator. VOCA funds cannot be utilized to provide services to prevent exploitation.

3. If an elderly individual is involved in a car accident caused by a drunk driver or a member of their family is involved in a car accident resulting from a drunk driver, as long as they were not the DUI perpetrator, the elderly victim would be eligible for VOCA-funded services.
4. If an elderly individual is a victim of a robbery or burglary, which has been investigated by the police, then this elderly victim would be eligible for VOCA-funded services.

\*\*Please note that if a program has any questions regarding if an individual is eligible to receive VOCA-funded services, please contact the State VOCA Administrator at the Division of Justice and Community Services.

### **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 and meet 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 by using a victim centered approach.
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 **35-50 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. New Programs must also clearly identify and support a gap in service in their community and explain how the proposed project will meet that gap. New Programs must also show that they have office space and regular office hours in that community.

4. Volunteers. Programs must utilize 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.
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 holds 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.
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 program 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. Client information

should only be accessible to authorized direct service staff of the funded program.

14. **Confidentiality:** All Programs who also receive funds under the STOP Violence Against Women Act (VAWA) must adhere to all confidentiality requirements under the Violence Against Women Reorganization Act of 2005.
15. **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.
16. **Limited Language Proficiency Plan:** All programs must describe in detail how the program will address the needs, including access to programs, services and information, of populations of individuals whose primary language is not English. A plan should also be included on how the project will address the needs of the blind, deaf and hard of hearing, and those victims who cannot read; as well as cultural competency.
  - **Cultural Competency:** refers to an ability to interact effectively with people of different cultures. Cultural competence comprises four components: (a) Awareness of one's own cultural worldview, (b) Attitude towards cultural differences, (c) Knowledge of different cultural practices and worldviews, and (d) cross-cultural Skills. Developing cultural competence results in an ability to understand, communicate with, and effectively interact with people across cultures.

For Private Non-Profit Agencies:

17. 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.
18. 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.
19. Must make their financial statements available online (either on the subgrantees, or another publicly available website). OVC will consider sub-recipient organizations that have Federal 501(c)(3) tax status as in compliance with this requirement, with no further action needed, to the extent that such organization files IRS Form 990 or similar tax document (e.g., 990-EZ), as several sources

already provide searchable online databases of such financial statements.

### **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. These organizations include, but are not limited to: sexual assault and rape treatment centers, domestic violence programs, 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 criminal justice official's normal duties. Regular duties such as crime scene intervention, questioning of victims and witnesses, investigation of the crime, and follow-up activities may not be paid for with VOCA funds.
2. Religiously Affiliated Organizations. Such organizations receiving VOCA funds must ensure that services are offered to all crime victims 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 grantees, legal services agencies, victim rights compliance organizations 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 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.

### **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.
3. Non-Licensed Residential Services. Residential services (services provided in a shelter) through a non-licensed domestic violence program are not eligible for VOCA funding; however, an outreach program through a non-licensed domestic violence program may be eligible to receive funding through VOCA.

## **Application Process:**

Applicants for the Victims of Crime Act (VOCA) Victim Assistance Grant funds must apply on an annual basis. Grant funding is awarded on a competitive basis each year. **There is no guarantee of funding beyond the one year award process.**

The application process consists of the following steps:

1. Applications for federal funds by agencies are initiated by completing a Victims of Crime Act (VOCA) Victim Assistance grant application for a project and submitting it to the Division of Justice and Community Services. The standard grant application kit must be used for all grants. The application kits are available from the Division of Justice and Community Services.
2. 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.**
3. 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. Compliance with federal and state program guidelines and special conditions and assurances of the grant program.
  - c. The eventual assumption of costs by the applicant agency (Plan of Sustainability).
  - d. Measurability and appropriateness of the stated goals and objectives.
  - e. Probability that the grant will achieve its objective(s).
  - f. Adequate fiscal responsibility and resources.

- g. Reasonableness of the proposed budget, clearly itemized budget, and total source of funding for the project.
- h. Certification that federal funds will not be used to supplant or replace state or local funds.
- i. Coordination of efforts with other local jurisdictions and federal grant programs.
- j. Need for the project. The statement of need or problem statement is clearly identified and substantiated by research and statistics.
- k. Gap in Service. New or Expanding projects are requesting funds to fill a clearly identifiable and supported gap of service in their service area and are not requesting funds that would supplant or replace state or local funds.
- l. Geographic area(s) to be served.
- m. Ability to address the needs of underserved populations, including limited English proficiency plan.

*A minimum of 40 percent of the total State grant funds 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.*

- m. Ability to build on previous years of providing direct services to victims of crime.
  - n. Demonstrate a true victim centered approach to responding to victims of crime.
  - o. Demonstrate community awareness and support. A documented interagency linkage and collaboration with community programs such as referral agreements, letter of working agreements, and/or support letters.
  - p. Detailed project implementation plan and schedule.
  - q. Adequacy of evaluation strategy to determine the success of the project.
4. Members of the applying team who are familiar with the proposed project are requested to attend or be available by phone for the West

Virginians Against Violence Committee Meeting to make a brief presentation and/or answer any questions regarding the proposal.

Applicants will be notified of the date, time and location of their in-person presentation or call with the Committee.

5. 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/or answer any questions regarding the proposal.
6. 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.

### **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.

## **MATCHING FUNDS REQUIREMENTS**

Federal legislation requires a twenty percent (20%) match for VOCA funds for all existing 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 (Existing Programs)**

Amount of VOCA grant: \$10,000

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

Total Project:	\$12,500
VOCA Funds:	-10,000
Matching Funds:	<b>\$ 2,500</b>

**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 for the purpose of the VOCA project. Cash donations are not an allowable form of cash match; rather, the grantee must demonstrate provide allowable cash match that was supported by the cash donations or other state and local funds (i.e. salary/benefits of direct service personnel, supplies for the VOCA funded project, etc.). Funds received from other federal grants cannot be considered as grantee's cash match contribution.

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

**In-Kind Match:** Represents the value of non-cash resources (services, personnel, space, equipment, or other non-cash items) which belong to the 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. 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. 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.

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

Since the requirement for 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.

## **ALLOWABILITY OF COSTS**

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 residential services (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; interpreters for victims who are hearing impaired or with limited English proficiency; 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. VOCA funds also may not be used for Forensic Interviews, based on the determination that these interviews aid in the investigation and prosecution of cases.**
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. As a general rule, the West Virginians Against Violence Committee will prioritize funding to increase salaries and benefits to competitive wages (where supported).
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.**

### 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 that all VOCA funded staff are required to attend at least 8 hours of training per grant cycle and that 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:

- 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. Pre-Approved 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. 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.

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. Purchasing or Leasing Vehicles. Sub-recipients may use VOCA funds to purchase or lease vehicles if they can demonstrate to the Division of Justice and Community Services that such an expenditure is essential to delivering services to crime victims. DJCS must give prior approval for all such purchases.
5. Automated Systems and Technology. 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. Equipment such as Braille equipment or TTY/TTD machines for the deaf would also be considered an automated

system or technology, as well as automated information and referral systems, email, and automated case tracking systems.

In order to receive a grant for automated systems and technology, 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. Property insurance is an allowable expense as long as VOCA funds support a prorated share of the cost of the insurance payments.

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 equipment usage logs (or actual pro-rate receipts/invoices)**; 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 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 play areas.

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.

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 that are designed to identify crime victims and provide or refer them to needed services. Specifically, activities and costs related to such programs including presentation materials, brochures, and newspaper notices can be supported by VOCA funds.
11. In-Direct Cost. Subgrantee's that are eligible under 2 C.F.R. 200.414(f), to apply the de minimis 10% indirect cost rate to their VOCA subaward, must apply that rate only to their modified total direct costs (MTDC) under that subaward. Modified total direct costs is defined in 2 C.F.R. § 200.68: MTDC means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first \$25,000 of each subaward (regardless of the period of performance of the subawards under the award). MTDC excludes equipment, capital expenditures, charges for patient care,

rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of \$25,000. Other items may only be excluded when necessary to avoid a serious inequity in the distribution of indirect costs, and with the approval of the cognizant agency for indirect costs. Indirect costs can only be charged on FFY 2015 VOCA grant funds (and later FFY awards) for which the Uniform Guidance is effective. Funds used for indirect costs, like those used for direct costs, are subject monitoring and audit. Typically, such oversight of indirect costs focuses on ensuring that the subgrantee is applying the indirect cost rate correctly to the appropriate cost base.

### **Unallowable Costs**

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

1. 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 is providing direct services to only those victims who are not eligible for Medicaid reimbursement.
2. 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 outreach and awareness efforts describing direct services available to crime victims are eligible for VOCA funding.
3. 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.
4. Lobbying, Legislative and Administrative Advocacy. VOCA funds cannot support victim legislation or administrative reform, whether conducted directly or indirectly.
5. Fundraising Activities. Fundraising is an unallowable expense.

6. 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.
7. 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.
8. The purchase of real estate.
9. 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, expert testimony at a trial and forensic interviewing. 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.
  - i. **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.**
10. Bad debts.
12. Contingencies.
13. Monetary contributions or 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 Activities
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. 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.
23. Costs of Sending Individual Crime Victims to Conferences.
24. Activities Exclusively Related to Crime Prevention
25. Activities that compromise victim safety

### **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

### **REPORTING REQUIREMENT**

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. 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.

Grantees are required to prepare and submit the following types of reports.

1. **Financial Report**

This report must be prepared and submitted on a monthly basis and is due at the DJCS office no later than 20 days following the close of the reporting month. Attach copies of invoices, as well as, proof of payment, to verify expenditures.

2. **Request for Reimbursement**

A copy of this form is to be submitted monthly with the Grant Financial Report for the purpose of DJCS issuing a reimbursement check. The total requested should agree with amounts listed on the Grant Financial Report.

3. **Financial Recap Page**

A copy of this form is to be submitted monthly with the Grant Financial Report and Request for Reimbursement Form for the purpose of DJCS having a breakdown of items requested and for issuing a reimbursement check. The total requested should agree with amounts listed on the Grant Financial Report and Request for Reimbursement Form.

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 be submitted in an objective-based format.
- c. Copies of minutes from the governing board, such as Board of Directors, Advisory Boards, etc.

5. **Annual Performance Report**

This form is required for all completed projects, and is usually due by the end of October. This report will be mailed to grantees by the end of September and covers the **Federal** Fiscal Grant Cycle of October 1 through September 30.

6. **Sub-grant Award Report**

This form is required of all VOCA grantees and is due within 30 days after the award date. This report form will be mailed to all grantees.

7. **Equipment Listing Form**

This form is required of all VOCA grantees that purchase equipment with VOCA funds or a portion of VOCA funds during a grant period. After the purchase of equipment, this form should be submitted to DJCS within twenty (20) days after the end of the month in which the equipment was purchased.

8. **Evaluation Surveys**

The sub-grantee is required to implement client surveys for evaluation purposes. DJCS may require a copy of these surveys/evaluations or request proof survey is being implemented. All surveys/evaluations must ensure client confidentiality. All surveys/evaluations will include the two following outcome measures:

- **Victim safety:** Did the program help to increase the victims/client's safety, and/or awareness of safety issues?
- **Public awareness:** How did the victim/client become informed of the program and of services available? Either through public awareness brochures, pamphlets, TV, radio, and/or newspaper ads, or community fairs, etc. Was this information helpful in deciding to seek services?

The results will be required on the VOCA Annual Performance Report. *Please be advised licensed domestic violence programs will not be required to report this on the VOCA Annual Performance Report as they are reporting this information elsewhere.*

9. **Other Reports**

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

## Monitoring of Funded Programs

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. 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.
5. **VOCA Dedicated Monitor:** When available, the DJCS dedicated VOCA monitor will visit each VOCA funded grantee at least once per grant cycle.

Additionally, DJCS will require a self monitoring report for all programs which receive funds but are not visited on-site during a grant period. These forms will be mailed to the Project Directors with instruction and will be due no later than September 1 each grant year.

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

1. Determine progress made toward achieving project objectives;
2. Determine compliance with terms, conditions, and purpose of grant;
3. Identify technical assistance needs; and

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

## **Victim Advocate Job Standards and Responsibilities**

Victim of Crime Act (VOCA) victim's assistance funds shall be used only to provide direct 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. Victim Advocates may be Community-based (non-profit) or System-based Advocates (Prosecution-based, Law Enforcement-based or Correction-based) 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 programs, victim notification, and victim impact statements, including statements of pecuniary damages for restitution.

All funded agencies and staff must be Victim Centered and ensure Victims are informed and ensured of their rights.

**Education/Experienced Required:** All funded staff should at a minimum have a High School Diploma or GED; and have some experience and training in the Victim Services field.

The following are the minimum of the standards or job responsibilities for VOCA Victim Assistance Advocates:

- Ensure Victim Safety and help develop a safety plan if needed; or refer them to a program to develop a safety plan.
- Ensure victims are informed of their rights and that their rights are upheld
- Notify victims of all hearing dates and changes in case status. To help educate the victim of the stages of the criminal justice system if needed. Assist victims in completing paperwork for court if needed.
- 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).
- Serve as a liaison between the prosecutor and law enforcement and or court.
- Provide accompaniment to court
- Assist victim in preparation of impact statements
- Make or provide referrals to appropriate service providers

- To assist victims with notification of a perpetrator's release from Jail or from Corrections when possible.
- Assist with preparation of monthly and annual reports for funding agencies
- Must attend at a minimum eight hours of training of approved victim service training a year.

Note: Programs must provide services to victims of federal crimes on the same basis as victims of state/local crimes.

## **Project Director and Fiscal Officer Role and Responsibilities:**

### **Project Director's Role**

All sub-grantees are required to have a Project Director; the individual charged with facilitating the project **(the actual day-to-day operation and implementation)**. **This individual cannot also be the fiscal officer or authorized official and should not be a full-time grant funded staff person.**

The Project Director's role is as follows:

- ⌘ Be the main contact for DJCS staff
- ⌘ Ensure all information is forwarded to all funded staff/agencies; this includes but is not limited to:
  - Budgets
  - Special and standard conditions of the grant
  - Memos
  - Surveys
  - Changes in grant requirements
  - Forms
  - Training available
- ⌘ Ensure all reports are submitted on time to DJCS
- ⌘ Inform DJCS of changes in staff and Authorized officials
- ⌘ Request project changes and prior approval of attendance of training/travel not specified in budget.
- ⌘ The Project Director is the contact person for members of the West Virginians Against Violence Committee

☞ The Project Director's presence is **MANADATORY** at on-site DJCS monitoring visits.

## **Fiscal Officer's Role**

All sub-grantee are required to have Fiscal Officer, the individual charged with the responsibility for the fiscal records of the project. **This individual cannot also be the authorized official or project director and should not be a STOP VAWA funded staff person.**

The Fiscal Officer's role with DJCS staff is as follows:

- ☞ The contact person for financial questions
- ☞ Review the approved budget for each grant
- ☞ Be aware of Special and Standard Conditions of the grant
- ☞ Review all monthly financial reports and ensure all required documentation is included
- ☞ Submit copies of audits to DJCS and contact DJCS if debarred
- ☞ The Fiscal Officer's presence is **MANDATORY** at on-site DJCS monitoring visits.