

## 2017 – Victims of Crime Act (VOCA) Crime Victim Assistance Special Conditions

The following program specific requirements are imposed by the Federal sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements. These requirements apply to this Agreement and must be passed on to subgrant award recipients.

### **A. Grantee Organizational Eligibility Requirements:**

VOCA establishes eligibility criteria that must be met by all organizations that receive VOCA funds. These funds are to be awarded to grantees only for providing services to victims of crime through their staff. Each grantee organization shall meet the following requirements:

1. **Public or Non-profit Organization:** To be eligible to receive VOCA funds, organizations must be operated by a public or nonprofit organization, or a combination of such organizations, and provide services to crime victims.
2. **Record of Effective Services to Victims of Crime and Financial Support from Sources other than VOCA:** Demonstrate a record of providing effective services to crime victims and financial support from sources other than the VOCA fund. This includes having the support and approval of its direct services by the community, having a history of providing direct services in a cost-effective manner and the breadth or depth of its financial support comes from sources other than the VOCA fund.
3. **Substantial Financial Support from Sources Other than the Crime Victims Fund (New Programs):** Those programs that have not yet demonstrated a record of providing effective services to crime victims may be eligible to receive VOCA funding if it has substantial financial support from sources other than the Crime Victims Fund (VOCA). Substantial financial support is when at least 25% of the program's funding in the year of, or the year preceding the award comes from other sources, which may include other federal funding programs. If the funding is non-federal (or meets the DOJ Grants Financial Guide exceptions for using federal funds for match), then a program may count the used funding toward its match requirement.
4. **Project Match Requirements:** The purpose of matching contributions is to increase the amount of resources available to the projects supported by grant funds. Matching contributions of 20% (cash or in-kind) of the total cost of each VOCA project (VOCA project = VOCA grant plus match), are required for each VOCA-funded project and must be derived from non-federal sources, except as provided in the DOJ Grants Financial Guide, effective edition (Part III. Post Award Requirements, Chapter 3. Matching or Cost Sharing). All funds designated as match are restricted to the same uses as the VOCA victim assistance funds and must be expended within the grant period. Match must be provided on a project-by-project basis. Any deviation from this policy must be approved by the federal Office for Victim of Crime.
5. **Volunteers:** Programs are required to use volunteers in order to be eligible to receive VOCA funds. The state may waive this requirement, provided the programs submits written

documentation of its efforts to recruit and maintain volunteers, or otherwise demonstrate why circumstances prohibit the use of volunteers to the satisfaction of the state.

6. **Promote Community Efforts to Aid Crime Victims.** Coordinated public and private efforts to aid crime victims may include, but are not limited to, serving on federal, state, local or tribal work groups to oversee and recommend improvements to community responses to crime victims, and developing written agreements and protocols for such responses.
7. **Help Victims Apply for Compensation Benefits.** Such assistance may include, but is not limited to, referring potential recipients to an organization that can assist, identifying crime victims and advising them of the availability of compensation benefits, assisting potential recipients with application forms and procedures, obtaining necessary documentation, monitoring claim status, and intervening on behalf of potential recipients with the crime victims' compensation program

#### **B. VOCA Requirements for Grantees:**

1. The Grantee authorizes DCJ, Office for Victims of Crime (OVC) and/or the Office of the Chief Financial Officer (OCFO), and its representatives, access to and the right to examine all records, books, paper or documents related to the VOCA grant.
2. The grantee agrees to submit a Subgrant Award Report (SAR) part 2 to the Division of Criminal Justice within 30 days of receiving an award.
3. VOCA Requirements

The grantee assures that the grantee and its subgrantees will comply with the conditions of the Victims of Crime Act (VOCA) of 1984, sections 1404(a)(2), and 1404(b)(1) and (2), 42 U.S.C. 10603(a)(2) and (b)(1) and (2) (and the applicable program guidelines and regulations), as required. Specifically, the grantee certifies that funds under this award will:

- a. be awarded only to eligible victim assistance organizations, 42 U.S.C. 10603(a)(2);
- b. not be used to supplant State and local public funds that would otherwise be available for crime victim assistance, 42 U.S.C. 10603(a)(2); and
- c. be allocated in accordance with program guidelines or regulations implementing 42 U.S.C. 10603(a)(2)(A) and 42 U.S.C. 10603(a)(2)(B) to, at a minimum, assist victims in the following categories: sexual assault, child abuse, domestic violence, and underserved victims of violent crimes as identified by the State.

Note: Section 14043g was editorially reclassified as section 12511 of Title 34, Crime Control and Law Enforcement.

#### 4. Demographic Data

The grantee assures that its subgrantees will collect and maintain information on race, sex, national origin, age, and disability of victims receiving assistance, where such information is voluntarily furnished by the victim.

## 5. Discrimination Findings

The grantee assures that in the event that a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the ground of race, religion, national origin, sex, or disability against a grantee of victim assistance formula funds under this award, the grantee will forward a copy of the findings to DCJ and the Office for Civil Rights of OJP.

6. The grantee understands that all OJP awards are subject to the National Environmental Policy Act (NEPA, 42 U.S.C. section 4321 et seq.) and other related Federal laws (including the National Historic Preservation Act), if applicable. The grantee agrees to assist DCJ and/or OJP in carrying out its responsibilities under NEPA and related laws, if the grantee plans to use VOCA funds (directly or through subaward or contract) to undertake any activity that triggers these requirements, such as renovation or construction. (See 28 C.F.R. Part 61, App. D.) The grantee also agrees to comply with all Federal, State, and local environmental laws and regulations applicable to the development and implementation of the activities to be funded under this award.
7. The grantee agrees to submit (and, as necessary, require sub-recipients to submit) quarterly performance reports on the performance metrics identified by DCJ and OVC. These quarterly reports are completed and submitted in the federal Performance Measures Tool (PMT) system. This information on the activities supported by the award funding will assist in assessing the effects that VOCA Victim Assistance funds have had on services to crime victims within the jurisdiction.
8. The grantee agrees to submit quarterly performance reports on the performance metrics identified by OVC. These quarterly reports are completed and submitted in the federal Performance Measures Tool (PMT) system.
9. Grantee integrity and performance matters: Requirement to report information on certain civil, criminal, and administrative proceedings to SAM and FAPIIS.

The grantee must comply with any and all applicable requirements regarding reporting of information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either this OJP award or any other grant, cooperative agreement, or procurement contract from the federal government. Under certain circumstances, grantees of OJP awards are required to report information about such proceedings, through the federal System for Award Management (known as "SAM"), to the designated federal integrity and performance system (currently, "FAPIIS").

The details of grantee obligations regarding the required reporting (and updating) of information on certain civil, criminal, and administrative proceedings to the federal designated integrity and performance system (currently, "FAPIIS") within SAM are posted on the OJP web site at <https://ojp.gov/funding/FAPIIS.htm> (Award condition: Grantee Integrity and Performance Matters, including Grantee Reporting to FAPIIS), and are incorporated by reference here.

10. The subject grant provides funds from the Victims of Crime Act of 1984 (VOCA) to enhance crime victim services in the State. These funds are awarded by the State to local community-based organizations that provide direct services to crime victims. None of the following activities will be conducted either under the OJP federal action or a related third party action:

1. New construction. 2. Any renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historical Places or (b) located within a 100-year floodplain. 3. A renovation which will change the basic prior use of a facility or significantly change its size. 4. Research and technology whose anticipated and future application could be expected to have an effect on the environment. 5. Implementation of a program involving the use of chemicals. Consequently, the subject federal action meets OJP's criteria for a categorical exclusion as contained in paragraph 4.(b) of Appendix D to Part 61 of the Code of Federal Regulations. Additionally, the proposed action is neither a phase or a segment of a project which when viewed in its entirety would not meet the criteria for a categorical exclusion.

### **C. Crime Victims Services (CVS) Requirements:**

1. **Future funding:** The capacity for CVS grant funds to provide future dollars for projects is undetermined at this time.
2. Grantee Agency shall notify the Division of Criminal Justice (DCJ) if the agency has obtained funding for a specific (CVS) funded position that totals more than 100% of the cost for that position. The agency must resolve the allocation of funds to the satisfaction of DCJ.
3. Grantee agency must notify DCJ immediately in writing, in the method determined by DCJ of:
  - any CVS grant funded personnel changes;
  - any CVS grant funded position that is vacant more than 45 days;
  - any change of an Official and/or employee who is listed as a responsible party on this CVS grant funded project.
4. **State Confidentiality of Victims Information:** The Grantee certifies that the signing authorities, all staff and volunteers assigned to the project have read and understand, state laws and applicable rules of professional conduct related to issues of confidentiality and privilege, particularly with respect to releasing identifying information about victims of crime, including, but not limited to, those found in C.R.S. 13-90-107.
5. **Colorado Victim Rights Act (Applies to Government Agencies only):** The Grantee Agency assures that Grant signatories, all staff and volunteers assigned to the funded project have read and understand the rights afforded to crime victims pursuant to 24-4.1-302.5 C.R.S., and the services delineated pursuant to 24-4.1-303 and 24-4.1-304 C.R.S. commonly known as the Victim Rights Act, and enabling legislation.