

# Office for Victims of Crime



## **Victims of Crime Act Crime Victim Compensation Grant Program Instruction and Application Kit**

**Fiscal Year 2000**

U.S. Department of Justice  
Office of Justice Programs  
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Washington, DC 20531

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**Office for Victims of Crime**  
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For grant and funding information contact:  
**Department of Justice Response Center**  
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**SL 000387**

The Office for Victims of Crime is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, and the Office of Juvenile Justice and Delinquency Prevention.

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**Victims of Crime Act  
Crime Victim Compensation Grant  
Program Instruction and Application Kit  
Fiscal Year 2000**

**State Compensation and Assistance Division  
Office for Victims of Crime**



**U.S. Department of Justice**

Office of Justice Programs

*Office for Victims of Crime*

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Washington, D.C. 20531

Dear VOCA Administrator:

This application kit provides the information and forms required to submit your request for the FY 2000 Victims of Crime Act (VOCA) Crime Victim Compensation Program. Please do the following:

- Complete the Application for Federal Assistance (SF 424) found in Attachment C.
- Review and sign the Assurances found in Attachment D.
- Review and sign the Certifications Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements found in Attachment E.
- Complete and sign, if applicable, the Disclosure of Lobbying Activities found in Attachment F.
- Complete the Crime Victims Compensation State Certification Form (FY 1999 Payout) found in Attachment G.
- Write statements covering required information and certifications on Civil Rights, Administrative Funds and State Grantee Eligibility Requirements, Attachment H.
- Provide a copy of the most recent State statute covering the crime victim compensation program.
- Complete Application Checklist found in Attachment H.
- Send your completed application, with attachments, and one copy of the package to—

State Compensation and Assistance Division  
Office for Victims of Crime  
U.S. Department of Justice  
810 Seventh Street, NW.  
Washington, D.C. 20531-0001  
202-307-5983

***Applications must be received by close of business December 31, 1999.***

If you have questions concerning the application, please contact your assigned Program Specialist. For your convenience, a listing of the Specialists is provided in Attachment A.

Thank you, as always, for your work on behalf of crime victims.

Sincerely,

*Carol R. Watkins*  
Director  
State Compensation and Assistance Division

Attachment: VOCA Allocation Table



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# Victims of Crime Act Victim Compensation Grant Program Fiscal Year 2000

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## Introduction

This *Program Instruction and Application Kit* concerns Victims of Crime Act (VOCA) crime victim compensation program grants. According to the *Crime Victim Compensation Final Program Guidelines*, “The primary purpose of these grants is to supplement State efforts to provide financial assistance and reimbursement to crime victims throughout the Nation for costs associated with being a victim of a crime and to encourage victim cooperation and participation in the criminal justice system.”

## Grant Period

The Fiscal Year (FY) 2000 crime victim compensation grant program project period is October 1, 1999, through September 30, 2003.

## Application Documents

To apply for a VOCA crime victim compensation grant, State grantees must submit a number of documents. To ensure that all are included, please use the Application Kit Checklist in Attachment H. **Do not use forms from a previous year’s application kit for a FY 2000 grant.**

## Application Submission and Deadline

Send an original and one copy of the application, including all attachments, to the following address:

State Compensation and Assistance Division  
Office for Victims of Crime  
Office of Justice Programs  
U.S. Department of Justice  
810 Seventh Street, NW.  
Washington, D. C. 20531-0001

***Applications must be received by close of business December 31, 1999.***

## For Further Assistance

Contact your assigned Program Specialist listed in Attachment A.

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## **Intergovernmental Review of Federal Programs**

This program is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs. Information requirements have been reviewed and approved by the Federal Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3504(h).

### **Effective Date**

Upon issuance.



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# Victims of Crime Act Crime Victim Compensation Grant Program Instruction and Application Kit Fiscal Year 2000

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## I. Application Documents

This *Program Instruction and Application Kit* contains the forms and detailed information required to apply for a Victims of Crime Act (VOCA) FY 2000 crime victim compensation grant. This Kit must be used in conjunction with VOCA; the *Crime Victim Compensation Final Program Guidelines*; the Office of Justice Programs (OJP) *OJP Financial Guide*; and all other applicable Federal laws. The crime victim compensation grant program is authorized by the Victims of Crime Act of 1984, as amended (codified at 42 U.S.C. 10601 *et seq.*)

For detailed information on specific requirements listed in this application, please refer to the *Crime Victim Compensation Final Program Guidelines* found in Attachment B and to the *OJP Financial Guide*. In this *Kit*, the term "State" includes all States, the District of Columbia, the Commonwealth of Puerto Rico, the U. S. Virgin Islands, the Commonwealth of Northern Mariana Islands, American Samoa, and Guam.

All forms and certifications must be signed by the authorized representative of the State agency designated by the Governor to apply for and administer the Federal grant. If the designated State agency has changed and the Office for Victims of Crime (OVC) has not been notified, include with the application a letter signed by the governor designating the new agency.

The following forms must be submitted with the application package:

- Application for Federal Assistance, Standard Form 424 (Attachment C). Standard Form 424 is the face sheet for the application. Instructions for completing the form can be found in Attachment C along with a completed sample.
- Assurances (Attachment D).
- Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements (Attachment E).

### Section 1: Lobbying.

This certification is a material representation of fact on which OVC relies when considering the application. Any person who fails to file the required certification is subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each failure.

### Section 2: Debarment, Suspension, and other Responsibility Matters.

Cross out this section since it is not applicable.

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### Section 3: Drug-Free Workplace.

Grantees of Federal agencies are required to certify that they will provide drug-free workplaces in compliance with the Drug-Free Workplace Act of 1988.

- Disclosure of Lobbying Activities (Attachment F).  
Any State grantee that receives more than \$100,000 and has engaged in reportable Federal lobbying activities must complete this form.
- Crime Victim Compensation State Certification Form and Instructions (Attachment G).  
The amount certified on this form will be used by the Office of the Comptroller and OVC to determine the annual Federal grant award to each eligible State in FY 2001. Report all sources of State revenue available to the crime victim compensation program during FY 1999, except for amounts paid for property losses or damage.
- Application Kit Checklist (Attachment H).

Other written documents required are as follows:

- The most recent copy of the State statute covering the crime victim compensation program.
- The name, address, and telephone number of the contact for civil rights.
- If the State grantee chooses to use up to 5 percent of the award for administering the State compensation program, a statement must be submitted of the amount of the award to be used for this purpose, and certification that the use of these funds will not supplant State or local funds available for the administration of this program.
- A written certification that the State grantee meets all of the eligibility requirements in Part II of this document, State Grantee Eligibility Requirements.
- A letter from the Governor if the designated State agency has changed and OVC has not been notified.

## **II. State Grantee Eligibility Requirements**

To be eligible for a VOCA crime victim compensation grant, each State must provide written assurance of compliance with the following:

- The program is operated by a State and offers compensation to victims and survivors of victims of criminal violence, including drunk driving, domestic violence, and terrorism in other countries for—
  - Medical expenses attributable to a physical injury resulting from compensable crime, including expenses for mental health counseling and care.

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- Loss of wages attributable to a physical injury resulting from a compensable crime.
  - Funeral expenses attributable to a death resulting from a compensable crime.
  - The program promotes victim cooperation with the reasonable requests of law enforcement authorities.
  - The program certifies that grants received for crime victim compensation will not be used to supplant State funds otherwise available to provide crime victim compensation.
  - The program provides compensation to residents and nonresidents on the same basis.
  - The program provides compensation to victims of Federal crimes occurring within the State on the same basis that it provides compensation to victims of State crimes.
  - The program provides compensation to State residents who are victims of terrorism in another country or in a U.S. Territory without a crime victim compensation program.
  - The program does not, except according to State established rules, deny compensation to any victim because of the victim's familial relationship to the offender or because the victim and offender share the same residence.
  - The program does not provide compensation to a convicted Federal offender who is delinquent in paying a fine, other monetary penalty or restitution imposed for the offense. (NOTE: This provision will not be applied until the U.S. Attorney General and the Director of the Administrative Office of the U.S. Courts issue a written determination that the entities administering Federal victim programs have access to an accurate and efficient criminal debt payment tracking system.)
  - The program provides other information and assurances related to the crime victim compensation program as the OVC Director may reasonably require.

### **III. Funding Allocation and State Certification**

#### **A. Funding Allocation**

Each State, the District of Columbia, Guam, and the U.S. Virgin Islands are eligible to receive FY 2000 VOCA crime victim compensation grant funds. Annual grants equal 40 percent of the amounts awarded by the program from State sources of revenue 2 years prior to the grant year. For example, for FY 2000, a program's grant allocation is based on 40 percent of the amount awarded from State revenues in FY 1998.

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**B. State Certifications**

To be eligible for a VOCA crime victim compensation award a State must submit a FY 1999 Crime Victim Compensation State Certification Form for the period October 1, 1998, through September 30, 1999. The amount certified on this form will be used by the Office of the Comptroller and OVC to determine the FY 2001 State grant awards. The certification form and instructions are found in Attachment G.

**IV. Administrative Funds**

Since FY 1995, VOCA has allowed State grantees to use up to 5 percent of the crime victim compensation award for administering the State crime victim compensation program. The purpose of these funds is to advance, enhance, or expand program administration, including claims processing, staff development, public outreach, and financial management. The goal is to support effective delivery of compensation services to crime victims.

**A. Maintenance of Effort**

State grantees must certify that VOCA funds used for administration will not supplant State or local funds but will increase the amount of funds available for administering the compensation program. States grantees must have an established baseline level of effort documented prior to the use of VOCA administrative funds.

The following hypothetical example illustrates how the maintenance of effort can be documented:

- In FY 1999, a State grantee spent \$70,000 to administer the crime victim compensation grant program. These funds supported the salary and benefits of two staff (a director and a claims investigator).
- With the FY 2000 grant program, the State grantee will receive a crime victim compensation grant of \$700,000. The State will use \$35,000 of the VOCA grant (5 percent) to expand and improve services to crime victims by hiring and training a restitution coordinator.
- For the State grantee to satisfy the maintenance of effort requirement, it must be able to document that at least \$105,000 (\$70,000 plus \$35,000) will be used to administer the FY 2000 grant program.

**B. Allowable Activities and Costs**

As examples of activities and costs directly related to managing a VOCA grant, State grantees may use administrative funds for the following:

- Program personnel salary and benefits.
- Travel costs for attendance at State, regional, and national compensation training conferences.

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- Computer equipment and support services.
  - Audit costs.
  - Costs involved in outreach activities including production and distribution of program brochures and posters.
  - Professional fees for computer services.
  - Peer review of compensation claims.
  - Agency membership dues for victim compensation organizations.
  - Program enhancements such as toll-free numbers.
  - Special equipment and materials to facilitate services to persons with disabilities.
  - Other reasonable costs directly related to administering a compensation program.

As examples of supporting activities that impact the delivery and quality of compensation services to crime victims, State grantees may use administrative funds to do the following:

- Improve coordination efforts on behalf of crime victims with programs funded by other Office of Justice Program offices and bureaus and with Federal, State, and local agencies and organizations.
- Provide training on the crime victim compensation program to State, public, and nonprofit organizations that serve or assist crime victims.
- Develop protocols, policies, and procedures that promote coordination of victim compensation and victim assistance services and improve treatment of and services to crime victims.

Only staff activities directly related to compensation functions may be funded with VOCA administrative funds. These staff must work directly for the compensation program in the same proportion as they are supported with VOCA funds. If VOCA supported staff have other functions, the proportion of time working on the compensation program must be documented, using some reasonable method at regular intervals or time and attendance records, to provide a clear audit trail for expenditure of grant funds.

Similarly, VOCA administrative funds may be used to pay for a proportional share of equipment costs supporting VOCA-related activities.

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### **C. Application and Reporting Processes**

States using VOCA funds for administration must notify OVC in writing of the amount of the award to be used. This notice may be provided at the time of application or at the time this option is exercised and when modifying the amount to be used.

State grantees must maintain documentation to support expenditure of VOCA funds for administration and must include a narrative description of the impact of these funds in the annual performance report.

### **V. Performance Report**

Each State grantee must submit an annual performance report. OVC uses this information in writing its report to Congress to document the impact of Federal funds on the lives of crime victims. A copy of the Performance Report is found in Attachment I. It is due January 15 of each year for the preceding fiscal year. The annual performance report for funds expended from October 1, 1998, through September 30, 1999, is due January 15, 2000.

### **VI. Financial Requirements**

State grantees must adhere to the financial and administrative provisions of the effective edition of the *OJP Financial Guide*. The following represent the core financial requirements under the grant program:

#### **A. Award Document**

The award document is the operative document obligating and reserving Federal funds for use by the State grantee. This obligation may be terminated without further cause if the grantee fails to affirm timely utilization of the grant by signing and returning the acceptance document to OJP and OVC within 45 days from the date of the award. No Federal funds will be disbursed to a grantee until the signed award document and signed special conditions accepting the grant have been received by OJP and OVC.

#### **B. Payment of Grant Funds**

States must be enrolled in the Automated Clearing House (ACH) Vendor Express program to request Federal funds. For information on the ACH Vendor Express program, please call the Office of the Comptroller, Customer Service Center at 800-458-0786 or send inquiries via e-mail to [askoc@ojp.usdoj.gov](mailto:askoc@ojp.usdoj.gov).

#### **C. Obligation Period**

Crime victim compensation grant funds may be obligated at any time during the balance of the fiscal year in which the award was made and the following 3 fiscal years. The FY 2000 grant period begins October 1, 1999, and ends on September 30, 2003. Although VOCA compensation awards are not made until after the October 1 start date, State grantees may pay claims prior to receiving the award and use the award

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funds to cover those costs when they become available.

#### **D. Financial Status Reports**

State grantees must submit a Financial Status Report (SF-269A) each quarter to the Office of the Comptroller. The report is due within 45 days after the end of each calendar quarter (i.e., 45 days after March 31, June 30, September 30, and December 31). Final Financial Status Reports are due 120 days after the end of the grant period. Failure to comply with this requirement may result in administrative action such as the withholding of payments, cancellation of a letter of credit, or noncertification of new or supplemental grant awards.

#### **E. Audit Responsibilities**

- State and Local Governments, Institutions of Higher Education, and Nonprofit Institutions.

The Single Audit Act mandates one audit circular for State and local governments, institutions of higher education, and other nonprofit institutions; i.e., OMB Circular A-133, as amended. This circular requires an audit for all entities that expend \$300,000 or more in Federal funds per year. The audit report must be submitted within 9 months from the end of the State fiscal year.

For example, a State grantee receives \$500,000 in Federal funds, so an audit is required. If the audited fiscal year is July 1, 1999, through June 30, 2000, the \$300,000 audit threshold is in effect and the audit due date is March 31, 2001; that is, 9 months after the close of the fiscal year. Subsequent audits will also be due 9 months after the end of the audited fiscal year.

For further information, please contact the Office of the Comptroller, Customer Service Center at telephone number 800-458-0786 or send inquiries via e-mail to [askoc@ojp.usdoj.gov](mailto:askoc@ojp.usdoj.gov).

- Audit Costs.

Under OMB Circular A-133, as amended, audit costs are generally allowable charges to Federal grants. Audit costs incurred by State grantees are an administrative expense and may be paid with the allowable 5 percent for administration. Any of the VOCA grant funds used for administrative purposes cannot be included in the State-certified payout. Audit costs incurred for audits not required by OMB Circular A-133 are unallowable.

### **VII. Compensable Expenses**

State grantees are provided significant latitude in the types of expenses for which compensation is awarded. Compensable crimes are crimes of violence and are defined in State legislation or rule. Compensable crimes must include terrorism in other countries, driving while intoxicated, and domestic violence. The following mandatory expenses are to be covered under the program:

- Medical expenses attributable to a personal injury resulting from a compensable crime, including

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expenses for mental health counseling and care.

- Loss of wages attributable to a personal injury resulting from a compensable crime.
- Funeral expenses attributable to a death resulting from a compensable crime.

State grantees may include expenses, not specifically identified in VOCA such as the following:

- Pain and suffering.
- Crime scene cleanup and replacement costs for clothing and bedding held as evidence. (These items are exempt from the prohibition against reimbursing victims for property losses.)
- Annuities for child victims for loss of support.
- Medically-necessary building modification.
- Medically-necessary devices.
- Attorney fees related to a victim's claim for compensation.
- Forensic sexual assault examinations, even if the victim does not report the crime to law enforcement, if the payments are made from funds administered by the compensation program and are allowable under the State's statute or administrative rules.

## **VIII. Fund Suspension or Termination**

The Director of OVC, after reasonable notice and opportunity for a hearing on the record, finds that a State grantee has failed to substantially comply with VOCA, the *Crime Victim Compensation Final Program Guidelines*, the *OJP Financial Guide*, other applicable Federal laws, or the terms and conditions of the grant award, may suspend or terminate funding to the State grantee or take other appropriate action, as deemed necessary.

## **IX. Monitoring and Technical Assistance**

State grantees must provide access to OVC and other Federal agency officials to any book, document, papers, and records for the purpose of audit and examination. Other Federal agencies include the U.S. Department of Justice Office of the Inspector General, the Office of the Comptroller and the General Accounting Office.

OVC and the Office of the Comptroller conduct periodic onsite reviews of State grantee records pertaining to certified payments to crime victims from State funding sources and all other financial and programmatic aspects of the State crime victim compensation program. The purpose is to determine compliance with VOCA, the *Crime Victim Compensation Final Program Guidelines*, the *OJP Financial Guide*, civil rights requirements, and all other applicable Federal laws.



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**Attachment A**  
**State Compensation and Assistance Division**  
**State and Territory Assignments**

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**STATE COMPENSATION AND ASSISTANCE DIVISION  
STATE AND TERRITORY ASSIGNMENTS**

<b>Vanessa Alston</b> 202/305-8619 Alstonv @ojp.usdoj.gov	<b>DeLano Foster</b> 202/616-3612 Fosterd@ojp.usdoj.gov	<b>Jeff Kerr</b> 202/616-3581 Kerrj@ojp.usdoj.gov	<b>Toni Thomas</b> 202/616-2579 Toni@ojp.usdoj.gov	<b>Celesetine Williams</b> 202/616-3565 Celeste@ojp.usdoj.gov
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MO	MT	NJ	MI	NH
NM	NE	OR	OH	NV
NY	ND	PU/NM	RI	NC
SD	OK	WA	TN	PR
TX	PA	WV	VA	SC
VI	UT	WY	WI	VT

**State Compensation and Assistance Division  
Office for Victims of Crime  
810 Seventh Street NW  
Washington, DC 20531**

**Carol R. Watkins, Director**  
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**Linda Rost, Grants Technician**  
202/616-3304  
Rost@ojp.usdoj.gov

As of 9/8/99

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**Attachment B**  
**Victims of Crime Act Crime Victim Compensation**  
**Final Program Guidelines**

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FINAL PROGRAM GUIDELINES  
VICTIMS OF CRIME ACT FFY 1997 VICTIM  
COMPENSATION PROGRAM



(PUBLISHED IN THE FEDERAL REGISTER OF FEBRUARY 14, 1997)



**FINAL PROGRAM GUIDELINES  
VICTIMS OF CRIME ACT  
FFY 1997 VICTIM COMPENSATION GRANT PROGRAM  
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**FINAL PROGRAM GUIDELINES  
VICTIMS OF CRIME ACT FFY 1997 VICTIM COMPENSATION PROGRAM  
(PUBLISHED IN THE FEDERAL REGISTER OF FEBRUARY 14, 1997)**

**DEPARTMENT OF JUSTICE**

**Office of Justice Programs**

**Victims of Crime Act Victim Compensation Grant Program**

**AGENCY:** Office of Justice Programs, Office for Victims of Crime, Justice.

**ACTION:** Final Program Guidelines.

**SUMMARY:** The Office for Victims of Crime (OVC), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) is publishing Final Program Guidelines to implement the victim compensation grant program as authorized by the Victims of Crime Act of 1984, as amended, 42 U.S.C. 10601, *et seq.* (hereafter referred to as VOCA).

**EFFECTIVE DATE:** From October 1, 1996 (Federal Fiscal Year 1997 VOCA grant program), until further revised by OVC.

**FOR FURTHER INFORMATION CONTACT:** Jackie McCann Cleland, Director, State Compensation and Assistance Division, 633 Indiana Avenue N.W., Washington, D.C. 20531; telephone number (202) 307-5983. (This is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** VOCA provides federal financial assistance to states for the purpose of compensating and assisting victims of crime, providing funds for training and technical assistance, and assisting victims of federal crimes.

These Final Program Guidelines provide information on the administration and implementation of the VOCA victim compensation grant program as authorized in Section 1403 of VOCA, Public Law 98-473, as amended, codified at 42 U.S.C. 10602 and 10603b, and contain the following information.

Summary of the Comments on the Proposed Program Guidelines; Background; Funding Allocation and Application Process; Program Requirements; Financial Requirements; Monitoring; and Suspension and Termination of Funding. These Final Program Guidelines are based on the experience gained and legal opinions rendered since the inception of the grant program in 1986, and are in accordance with VOCA. These Final Program Guidelines are all inclusive. Thus, they supersede any Guidelines previously issued by OVC.

The Office of Justice Programs, Office for Victims of Crime, in conjunction with the Office of Policy Development, DOJ, and the Office of Information and Regulatory Affairs, the Office of Management and Budget (OMB), has determined that this rule is not a "significant regulatory action" for purposes of Executive Order 12866 and, accordingly, these Final Program Guidelines were not reviewed by OMB.

In addition, it has been determined that these Final Program Guidelines will not have a significant economic impact on a substantial number of small entities; therefore, an analysis of the impact of these Guidelines on such entities is not required by the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*

The program reporting requirements described in the Program Requirements section have been approved by the OMB as required under the Paperwork Reduction Act, 44 U.S.C. 3504(h). (OMB Approval Number 1121-0014.)

**SUMMARY OF THE REVISIONS TO THE 1997 PROPOSED PROGRAM GUIDELINES**

Proposed VOCA Victim Compensation Program Guidelines were distributed to interested individuals and organizations for the purpose of soliciting comments. In September, 1996, OVC asked the state VOCA victim compensation program administrators attending the annual conference of the National



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Association of Crime Victim Compensation Boards (NACVCB) for their comments. In September, OVC also mailed copies of the Proposed Guidelines to all of the state VOCA victim compensation and assistance program administrators, as well as to the executive directors of national victim organizations.

OVC received comments from state VOCA victim compensation and assistance administrators, representatives of national victim organizations, and the state legislator. In total, over 18 different recommendations, questions, and comments were received.

As a result of the comments from the field, recent legislative amendments, and modifications of applicable federal regulations, substantive changes were made to four sections of the Proposed Program Guidelines, including: the Availability of Funds, the Application Process, the Program Requirements, and the Financial Requirements. These changes are summarized in the paragraphs below, and incorporated into the complete text of the Final Program Guidelines for Crime Victim Compensation Grants. The Final Program Guidelines also include several technical corrections that are not listed in this summary because they do not affect policy or implementation of the Guidelines.

#### Comments from the Field

##### Administrative Cost Provision.

1. **Indirect Cost.** Some respondents questioned OVC's prohibiting the use of these funds for indirect cost and noted that this was inconsistent with rules governing other OJP formula grant programs. Thus, this restriction has been eliminated from the "Availability of Funds" section of the Final Program Guidelines.

2. **Delivery and Quality of Services.** Respondents also noted that VOCA compensation programs, like VOCA assistance programs need to measure the impact of their activities on the delivery and quality of services to crime victims

throughout their state. Thus, the following activities can now be supported by VOCA victim compensation administrative funds:

a. Improving coordination efforts on behalf of crime victims with other OJP Offices and Bureaus and with federal, state, and local agencies and organizations;

b. Providing training on crime victim compensation program issues such as application and eligibility requirements and range of compensable expenses, to state, public, and nonprofit organizations that serve or assist crime victims such as law enforcement officials, victim witness coordinators, corrections personnel, social service workers, victim service providers, and mental health and medical professionals;

c. Purchasing, printing, and/or developing applications, brochures and other relevant publications such as training manuals which describe the compensation application process, eligibility criteria, and range of benefits, available for crime victims; and

d. Developing protocols, policies, and procedures that promote coordination of victim compensation and victim assistance services and improve the ways crime victims are treated and served;

**B. Victim Cooperation with Law Enforcement.** OVC received numerous inquiries concerning the VOCA provision which requires, as a condition of eligibility, that a program promote victim cooperation with the reasonable requests of law enforcement.

Many victims of crime cannot qualify for compensation because they have not complied with reporting and cooperating requirements found in most state statutes. There are many reasons for this.

including fear of reprisal, a belief by the victim that the police are insensitive, ineffective, or biased, and other reasons. Historically, the most under reported crimes were rape, sexual assault, and domestic violence. Moreover, when many of these victims do report, they frequently miss the 72-hour reporting requirement used as a condition of eligibility in most state compensation programs.

In light of these facts, and in response to comments from VOCA program administrators and other crime victim advocates, OVC has modified the Final Program Guidelines. Although state crime victim compensation programs maintain the authority and discretion to establish their own standards for "reasonable cooperation," OVC encourages state compensation program staff to meet with victims and victim service providers to carefully review whether state statutes, program guidelines, and policies are responsive to the needs of crime victims and to determine possible barriers that might impede a victim's cooperation with law enforcement.

Possible impediments include compelling health or safety reasons, such as apprehension regarding personal safety, fear of retaliation, and intimidation by the offender or others. For example, some victims may be reluctant to cooperate fully with law enforcement after receiving threats of violence or even death against themselves and their children from the offender.

Age, psychological, cultural, or linguistic barriers may also influence the extent of victim cooperation with law enforcement. For instance, there may be special barriers deterring a young child or senior citizen from "reasonable cooperation." Likewise, embarrassment and shame may delay the reporting of sexual assault, and cultural and language differences may diminish a victim's access to the criminal justice system.

In setting the standard for victim cooperation with law enforcement, the state program should determine how much weight to give to these considerations.

VOCA's "cooperation with the reasonable requests of law enforcement" requirement may be fulfilled by

utilizing the following criteria or any other criteria the state believes is necessary to encourage victim cooperation with law enforcement. For example, a state may:

1. Require a victim to report the crime to a law enforcement agency;
2. Require a victim to report the crime to an appropriate governmental agency, such as child and/or adult protective services, family or juvenile court; or
3. Accept proof of the completion of a medical evidentiary examination, such as medical reports, x-rays, medical photographs, as well as other clinical assessments as evidence of cooperation with law enforcement in cases involving sexual assault or abuse.

Modifications to the "victim cooperation with law enforcement" language are contained in the "Program Requirements" section of the Final Program Guidelines.

## II. Legislative Changes

**A. The Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132).** The Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132) (hereinafter "The Antiterrorism Act"), signed into law on April 24, 1996, contained a number of victim related provisions that amended VOCA. Listed below are three provisions that resulted in changes to the "State Eligibility Criteria" section of the Final Program Guidelines.

1. **State Eligibility Criteria/Mandatory Coverage of Terrorism Victims in State Compensation Statutes.** The Antiterrorism Act provides for a new VOCA-eligibility requirement that each state must include "crimes involving terrorism" in their definition of "compensable crimes". Thus, the state must offer compensation benefits to:

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a. Residents and non-residents who are injured or killed by a crime involving terrorism occurring within the state;

b. Its own residents who are injured or killed in terrorist attacks occurring outside the United States or in a state that does not have an eligible crime victim compensation program.

The law gives states until April 24, 1997 (Federal Fiscal Year 1998 grant application) to come into compliance with this new eligibility requirement for receiving federal VOCA compensation grants.

**2. Means Testing.** The Antiterrorism Act also prohibits any federal, state, or local government program that uses federal funds from including victim compensation benefits when determining income eligibility for an applicant, if the applicant needs such assistance (medical or otherwise), in full or in part, because of the commission of a crime against the applicant.

**3. Prohibition Against Awards To Convicted Persons Owing Fines.** The Antiterrorism Act prohibits states from awarding victim compensation benefits to any person convicted of a federal crime who is delinquent in paying a fine, monetary penalty, or restitution imposed for the offense. This provision, however, will not become effective until the U.S. Attorney General and the Director of the Administrative Office of the U.S. Courts issue a written determination that the entities administering federal victim programs have access to accurate and efficient criminal debt payment information. As of this date, no such determination has been made, and states are under no obligation to investigate or make determinations on whether a victim owes a federal criminal debt before awarding compensation benefits.

The Antiterrorism Act also resulted in three changes to the "Availability of Funds" section.

**4. OVC Reserve Fund.** The Anti-terrorism Act authorizes the OVC Director to establish a reserve fund, up to \$50 million, from current year Crime Victims Fund (Fund) deposits which are in excess of 110 percent of the total amount deposited in the Fund during the preceding fiscal year. Reserve fund monies may be used for supplemental grants to assist victims of terrorist acts or mass violence occurring within or outside the U.S. The OVC Director may award reserve funds to the following entities:

a. States for providing compensation and assistance to their state residents, who, while outside of the borders of the United States, become victims of a terrorist act or mass violence. The beneficiaries, however, cannot be persons who are already eligible for compensation under the Omnibus Diplomatic Security and Antiterrorism Act of 1986. Individuals covered under this Act include those who are taken captive because of their relationship with the U.S. government as a member of the U.S. Civil Service, as well as other U.S. citizens, nationals, or resident aliens who are taken captive while rendering service to the U.S. similar to that of civil servants. Dependent family members of such persons also are covered under the Omnibus Diplomatic Security Act.

b. States' eligible crime victim compensation and assistance programs for providing compensation and emergency relief for the benefit of victims of terrorist acts or mass violence occurring within the U.S.; and

c. U.S. Attorney's Offices for use in coordination with state victim compensation and assistance efforts in

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providing relief to victims of terrorist acts or mass violence occurring within the U.S.

d. The Director of OVC may also award OVC reserve funds to eligible state compensation and assistance programs to offset fluctuation in the funds during years in which the Fund decreases and additional monies are needed to stabilize funding for state programs.

**5. Unobligated Grant Funds.** Beginning with FFY 1997 VOCA grants, funds not obligated by the end of the grant period, up to a maximum of \$500,000, will be returned to the Fund, and not to the General Treasury, as was the practice in previous years. Returned funds in excess of \$500,000 in a given year shall be returned to the Treasury. Once any portion of a state's grant is returned to the Fund, the funds must be redistributed according to the formula established by VOCA and the Final Program Guidelines. States are encouraged to closely monitor the expenditure of VOCA funds throughout the grant period to avoid returning unobligated balances at the end of the grant period.

**6. Grant Period Extended.** The Antiterrorism Act extended the VOCA victim compensation grant period from the year of award plus one, to the year of award plus two. (Subsequent legislation further extended the grant period to the year of award, plus three.)

**B. Omnibus Appropriations Act of 1997.** This legislation was passed by Congress and signed into law by President Clinton in September, 1996. This Act further extended the grant period to the year of award plus three. This change is effective for all FFY 1997 grants. The Final Program Guidelines clarify that funds are available for obligation beginning October 1 of the year of the award, through September 30 of the FFY three years later. For example, grants awarded in November, 1996 (FFY

1997) are available for obligation beginning October 1, 1996 through September 30, 2000.

This modification is contained in the "Availability of Funds" section of the Final Program Guidelines.

### **III. Changes in Applicable Federal Regulations.**

**A. Mandatory Enrollment in U.S. Treasury Department's Automated Clearing House (ACH) Vendor Express Program.** In accordance with the Debt Collection Improvement Act of 1996, the U.S. Treasury Department revised its regulations regarding federal payments. The Final Program Guidelines have been modified to require that, effective July 26, 1996, all federal payments to VOCA victim compensation grantees must be made via electronic funds transfer.

States that are new award recipients, or those that have previously received funds in the form of a paper check from the U.S. Treasury, must enroll in the Treasury Department's ACH Vendor Express program before requesting any federal funds. This means that VOCA grantees can no longer receive drawdowns against their awards via paper check mailed from the Treasury. Grant recipients must enroll in ACH for Treasury to electronically transfer drawdowns directly to their banking institutions. States that are currently on the Letter of Credit Electronic Certification System (LOCES) will be automatically enrolled in the ACH program. This modification is included in the "Application Process" section of the Final Program Guidelines.

**B. Higher Audit Threshold.** In response to suggestions made by many recipients of federal grant awards, including VOCA grant recipients, OMB Circular, A-133 was revised, raising the audit threshold to \$300,000 for all organizations receiving federal grants. This means that those state compensation programs that expend \$300,000 or more in federal funding within the state fiscal year must have an audit made in accordance with OMB Circular A-133, as amended. This rule is effective for all fiscal years that began on or after July 1, 1996.

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Previously, states that received \$100,000 or more in federal financial assistance in any fiscal year were required to have a single audit for that year. States and subrecipients receiving at least \$25,000, but less than \$100,000, in a fiscal year had the option of performing a single audit or an audit of the federal program, and state and local governments receiving less than \$25,000 in any fiscal year were exempt from audit requirements. This modification is contained in the "Financial Requirements" section of the Final Program Guidelines.

## **GUIDELINES FOR CRIME VICTIM COMPENSATION GRANTS**

### **I. Background**

In 1984, VOCA established the Crime Victims Fund (Fund) in the U.S. Treasury and authorized the Fund to receive deposits from fines and penalties levied on criminals convicted of federal crimes. This Fund provides the source of funding for carrying out all of the activities mandated by VOCA.

OVC makes annual VOCA crime victim compensation grants from the Fund to eligible states. The primary purpose of these grants is to supplement state efforts to provide financial assistance and reimbursement to crime victims throughout the Nation for costs associated with being a victim of a crime, and to encourage victim cooperation and participation in the criminal justice system. State crime victim compensation programs may use VOCA compensation grant funds to pay for eligible expenses provided by the state compensation statute except for property damage and property losses.

States have the responsibility for establishing guidelines and procedures for applying for crime victim compensation benefits which meet the minimal statutory requirements outlined in VOCA and the requirements in these Final Program Guidelines.

### **II. Funding Allocation and Application Process**

A. **Distribution of Crime Victim Fund.** OVC administers the deposits made into the Fund for programs and services, as specified in VOCA. The

amount of funds available for distribution each year is dependent upon the total deposits into the Fund in the preceding Federal Fiscal Year.

The Federal Courts Administration Act of 1992 removed the cap on the Fund, beginning with FFY 1993 deposits. This Act also eliminated the need for periodic reauthorization of VOCA and the Fund. Thus, under current legislation, the Fund will continue to receive deposits.

The Violent Crime Control and Law Enforcement Act of 1994 provides that the deposits into the Fund are to be distributed as follows:

1. The first \$3,000,000 deposited in the Fund in each fiscal year is available to the Administrative Office of United States Courts for administrative costs to carry out the functions of the judicial branch under Sections 3611 of Title 18, U.S. Code.
2. The next \$10,000,000 deposited in the Fund in a particular fiscal year:
  - a. 85% shall be available to the Secretary of Health and Human Services for grants under Section 4(d) of the Child Abuse Prevention and Treatment Act for improving the investigation and prosecution of child abuse cases;
  - b. 15% shall be available to the Director of the Office for Victims of Crime for grants under Section 4(d) of the Child Abuse Prevention and Treatment Act for Assisting Native American Indian Tribes in developing, establishing, and operating programs to improve the investigation and prosecution of child abuse cases.
3. The remaining Fund deposits are distributed as follows:
  - a. 48.5 percent is available for victim compensation grants;

b. 48.5 percent is available for victim assistance grants;

c. Three percent is available for support of services to federal crime victims and for demonstration, training, and technical assistance grants to eligible crime victim programs.

## B. Availability of Funds.

### 1. VOCA Victim Compensation Grant Formula.

The Director of OVC will make an annual grant to eligible state crime victim compensation programs equal to 40 percent of the amounts awarded by the state program to victims of crime from state sources of revenue during the fiscal year preceding the year of deposits in the Fund (two years prior to the grant year). Note: Amounts paid to compensate victims for property damage or property loss cannot be included in a state's certification for a VOCA victim compensation grant award. If the amount in the Fund is insufficient to award each state 40 percent of its prior year's compensation payout, Section 1403(a)(2) of VOCA provides that all states will be awarded the same reduced percentage of their prior year payout from the available funds.

2. Reserve Fund. As the result of the provisions in the Antiterrorism Act amending VOCA, the OVC Director is authorized to retain funds in a reserve fund, up to \$50 million. The Director may utilize the reserve funds in order to:

a. Award supplemental grants to assist victims of terrorist acts or mass violence outside or within the U.S. The OVC Director may grant reserve funds for such purposes to the following entities:

1) States for providing compensation and assistance to their state residents, who, while inside their state borders or outside of the borders of the United States, become victims of a terrorist act or mass violence. The beneficiaries, however, cannot be persons who are already eligible for compensation under The Omnibus

Diplomatic Security and Antiterrorism Act of 1986.

Individuals covered under the Omnibus Diplomatic Security and Antiterrorism Act of 1986 include persons who are taken captive because of their relationship with the U.S. Government as a member of the U.S. Civil Service, as well as other U.S. citizens, nationals, or resident aliens who are taken captive while rendering service to the U.S. similar to that of civil servants. Dependent family members of such persons also are covered under the Omnibus Diplomatic Security Act.

2) States' eligible crime victim compensation and assistance programs for providing emergency relief, including crisis response efforts, training, and technical assistance for the benefit of victims of terrorist acts or mass violence occurring within the U.S.

3) U.S. Attorney's Offices for use in coordination with state victim compensation and assistance efforts in providing emergency relief to victims of terrorist acts or mass violence occurring within the U.S.

b. Offset Fluctuations in Fund. The OVC director may also use the reserve fund to offset fluctuations in Fund deposits for state compensation and assistance programs in years in which the Fund decreases and additional monies are needed to stabilize programs.

3. Grant Period. Federal legislation passed in 1996 also makes victim compensation grant funds available for expenditure throughout the FFY of award as well as in the next three fiscal years. The FFY begins on October 1 and ends on September 30. State crime victim compensation

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programs may pay compensation claims retroactively from October 1, even though the VOCA grant may not be awarded until later in the grant period.

**4. Grant Deobligations.** Funds not obligated by the end of the grant period, up to a total of \$500,000, will be returned to the Fund. Once any portion of a state's grant is returned to the Fund, the funds must be redistributed according to the rules established by VOCA and the Final Program Guidelines, so states are encouraged to monitor closely the expenditure of VOCA funds throughout the grant period.

### **C. Administrative Costs**

**1. Purpose of Administrative Cost Allowance.** Since FFY 1995, the VOCA has allowed up to five percent of crime victim compensation grant funds to be used for administering the state crime victim compensation grant program(s). It is in the state's discretion to use the allowable five percent for program administration. However, any part of the allowable five percent which is not used for administrative purposes must be used for awards of compensation to crime victims.

The intent of this provision of VOCA is to support and advance program administration in all operational areas including claims processing, staff development and training, public outreach, and program funding by supporting those activities that will improve program effectiveness and service to crime victims. If a state elects to use up to five percent of their VOCA compensation grant for administrative purposes, only those costs directly associated with administering the program, enhancing overall program operations such as training and public outreach regarding eligibility requirements and available benefits, and ensuring compliance with federal requirements, can be paid with limited administrative grant funds. Further, states must certify that VOCA funds used for administrative purposes will not be used to supplant state or local funds but will be used to increase the amount of state funds that are available for administering the compensation program. For

the purpose of establishing a baseline level of effort, states should maintain documentation as to the overall administrative commitment of the state prior to their use of VOCA administrative grant funds.

**2. Allowable Costs.** Allowable administrative costs include but are not limited to the following: program personnel, salary and benefits; travel costs for attendance at state, regional, and national compensation training conferences; computer equipment and support services; audit costs; costs involved in the production and distribution of program brochures and posters, and other program outreach activities; professional fees for computer services and peer review of compensation claims; agency membership dues for victim compensation organizations; program enhancements such as toll-free numbers; special equipment and materials to facilitate service to persons with disabilities, and other reasonable costs directly related to administering a compensation program.

The following activities impact the delivery and quality of compensation services to crime victims throughout the state and, thus, can be supported by administrative funds:

- a. Improving coordination efforts on behalf of crime victims with other OJP Offices and Bureaus and with federal, state, and local agencies and organizations;
- b. Providing training on crime victim compensation program issues such as application and eligibility requirements and range of compensable expenses, to state, public, and nonprofit organizations that serve or assist crime victims such as law enforcement officials, victim witness coordinators, corrections personnel, social service workers, victim service providers, and mental health and medical professionals;
- c. Purchasing, printing, and/or developing applications, brochures and other relevant publications such as training manuals which

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describe the compensation application process, eligibility criteria, and range of benefits, available for crime victims;

d. Developing protocols, policies, and procedures that promote coordination of victim compensation and victim assistance services and improve the ways crime victims are treated and served; and

**3. Salary Costs.** Staff supported by administrative funds under the VOCA crime victim compensation grant must work directly for the compensation program in the same proportion as their level of support from VOCA grant funds. If the staff have other functions, the proportion of time working on the compensation program must be documented using some reasonable method at regular intervals such as time and attendance records on all funded staff which demonstrate the portion of staff time spent on compensation related activities. The documentation must provide a clear audit trail for the expenditure of grant funds.

Only staff activities directly related to compensation functions can be funded with VOCA administrative funds. Similarly, any equipment purchases or other expenditures charged to the VOCA compensation grant should only be charged proportionate to the percentage of time utilized by the compensation program.

Temporary or periodic personnel support, such as qualified peer reviewers for medical and mental health claims, and data processing support services are also allowable. These services may be obtained through contract using VOCA administrative funds.

**4. Requirement to Notify OVC of Use of Administrative Funds.** Those states that elect to utilize administrative funds under the VOCA compensation grant, are required to include with their annual application the following information:

a. The amount of the total grant that will be used for program administration;

b. An itemization of the state's projected expenditures and a general description of the activities that will be supported;

c. How these activities will improve the administration of the VOCA program and/or improve services to crime victims.

A state may modify projections set forth in their application by providing OVC a revised description of their planned use of administrative funds in writing, subsequent to submitting their annual application. However, the revised description must be reviewed prior to the obligation of any federal funds. Failure to notify OVC of modifications will prevent the state from meeting its obligation to reconcile its State-wide Report with its Final Financial Status Report.

#### **D. Application Process**

**1. Application for Federal Assistance.** Each year, OVC issues to each eligible state a Program Instruction and Application Kit, which contains the necessary forms and detailed information required to make application for VOCA crime victim compensation grant funds. The amount for which each state may apply is included in the Application Kit. States shall use the Standard Form 424, Application for Federal Assistance, and its attachments to apply for VOCA victim compensation grant funds. Applications for VOCA crime victim compensation grants may only be submitted by the state agency designated by the Governor to administer the VOCA grant.

Completed applications must be submitted on or before the stated deadline, as determined by OVC. If an eligible state fails to apply for its crime victim compensation allocation by the prescribed deadline, OVC will redistribute federal VOCA crime victim compensation dollars to the VOCA victim assistance grant program as provided by Section 1404(a)(1) of VOCA (42 U.S.C. 10603 (a)(1)), assuming all states have received the statutorily prescribed 40% (percent) of their prior years payouts.



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2. **Required Attachments to Application.** In addition to submission of the Application for Federal Assistance, states shall submit the following information:

a. A description of their arrangements for complying with the audit provisions of Circular A-133, as amended.

b. Certifications Regarding Lobbying, Debarment, Suspension, and Other Responsibility Matters; Drug-Free Workplace Requirements; Civil Rights Compliance, and any other certifications required by OJP and OVC. Additionally, states must complete a disclosure form specifying any lobbying activities that are conducted.

c. Crime Victim Compensation Eligible State Payments Certification Form which is furnished by OVC. The amount certified on this Form is used by OVC to determine the annual federal grant award to each eligible state in the following year. This form must be completed and signed by the authorized individual within the agency designated by the Governor to administer the VOCA crime victims compensation grant. For further information concerning the state certification, see the Program Requirements section.

d. An assurance that the program will comply with all applicable nondiscrimination requirements;

e. An assurance that in the event a federal or state court or federal or state administrative agency makes a finding of discrimination after a due process hearing, on the grounds of race, color, religion, national origin, sex, or disability against the program, the program will forward a copy of the finding to the Office of Justice Programs, Office for Civil Rights (OCR);

f. The name of the civil rights contact person who has lead responsibility for ensuring that all

applicable civil rights requirements are met and who shall act as liaison in civil rights matters with OCR;

g. An assurance that programs will maintain information on crime victims receiving services by race, national origin, sex, age, and disabilities, where such information is voluntarily furnished by claimants. A state may, at its discretion, use the following language when soliciting claimant responses: "The submission of information regarding race/ethnic background or disabilities is strictly voluntary. A decision to not supply this information will not affect your eligibility for compensation benefits information. However, this information is important. We use it to study the extent to which members of minorities and persons with disabilities are recipients of compensation benefits and to determine the extent to which outreach efforts should be enhanced to ensure access and services to these populations."

h. A copy of the state statute authorizing the state's crime victim compensation program.

3. **Enrollment in Automated Clearing House.** In addition to yearly submission of the grant application and the above-mentioned information and assurances, states must be enrolled in the automated clearing house (ACH) so that the U.S. Department of Treasury can electronically transfer the VOCA victim compensation grant directly to the grantee's banking institution. States that are new award recipients, or those that have previously received funds in the form of a paper check from the U.S. Treasury, must enroll in the Treasury Department's ACH Vendor Express program before requesting any federal funds. This means that VOCA grantees can no longer receive drawdowns against their awards via paper check mailed from the Treasury. Grant recipients must enroll in ACH for Treasury to electronically transfer drawdowns directly to their banking institutions. States that are currently on the Letter of Credit Electronic Certification System (LOCES) will be automatically enrolled in the ACH program. Enrollment in ACH need only be completed once.

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### III. Program Requirements

#### 1. State Eligibility Criteria

The fundamental criteria for eligibility is the grantee must be an operational state-administered crime victim compensation program. The term "state" includes the District of Columbia, the Virgin Islands, and any other possession or territory of the United States. Although an authorized program that has not actually paid out compensation benefits would be technically eligible under Section 1403(b)(1) of VOCA, the program would not be entitled to a VOCA grant because it had not awarded any benefits that could be matched under Section 1403(a)(1). VOCA compensation grant funds may not be used as "start-up" funds for a new state program.

Section 1403 of VOCA prescribes the conditions and eligibility criteria related to crime victim compensation grants. In order for a state to meet or maintain eligibility for a crime victims compensation grant, it must satisfy the following eligibility requirements:

**1. State Operated Compensation Program for Victims.** The program must be operated by a state and offer compensation to victims and survivors of victims of "compensable crimes," including crimes involving terrorism, drunk driving, and domestic violence. The Amendments to VOCA contained in the Antiterrorism Act of 1996 gives states until April 24, 1997 (FFY 1998 grant application) to come into compliance with the new eligibility conditions for receiving federal VOCA compensation grants.

The term "compensable crime" means a crime, the victims of which are eligible for compensation under the state's eligible crime victim compensation program statute or rule. The range of expenses for which states may award crime victims compensation varies nationwide, although all states must award compensation for medical expenses, including mental health counseling and care; loss of wages; and funeral expenses.

**2. Means Testing.** The Antiterrorism Act prohibits any federal, state, or local government program that uses federal funds from including victim compensation benefits when determining income eligibility for an applicant, if the applicant needs such assistance (medical or otherwise), in full or in part, because of the commission of a crime against the applicant.

**3. Prohibition Against Awarding Compensation to Those Delinquent in Paying Federal Criminal Fines.** The Antiterrorism Act prohibits states from awarding victim compensation benefits to any person convicted of a federal crime who is delinquent in paying a fine, monetary penalty, or restitution imposed for the offense.

This provision, however, will not become effective until the U.S. Attorney General and the Director of the Administrative Office of the U.S. Courts issue a written determination that the entities administering federally-funded victim compensation programs have access to accurate and efficient criminal debt payment tracking information. As of this date, no such determination has been made, and states are under no obligation to investigate or make determinations on whether a victim owes a federal criminal debt, before awarding compensation benefits.

**4. Victim Cooperation with Law Enforcement.** Encouraging victims to cooperate with law enforcement and to report the crime is important to the effective functioning of the criminal justice system and to preventing further victimization.

Although state crime victim compensation programs maintain the authority and discretion to establish their own standards for "reasonable cooperation," OVC encourages state compensation program staff to meet with victims and advocates to carefully review whether state statutes and state program guidelines and policies are responsive to the needs of crime victims and to determine possible barriers that might impede a victim's cooperation with law enforcement.

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Possible impediments include compelling health or safety reasons, such as apprehension regarding personal safety, fear of retaliation, and intimidation by the offender or others. For example, some victims may be reluctant to cooperate fully with law enforcement after receiving threats of violence or even death against themselves and their children from the offender.

Age, psychological, cultural, or linguistic barriers may also influence the extent of victim cooperation with law enforcement. For instance, there may be special barriers deterring a young child or senior citizen from complying fully with law enforcement. Embarrassment and shame may delay the reporting of sexual assault, and cultural and language differences may diminish a victim's access to the criminal justice system.

In setting the standard for victim cooperation with law enforcement, the state program should determine how much weight to give to these considerations.

VOCA's "cooperation with the reasonable requests of law enforcement" requirement may be fulfilled by utilizing the following criteria or any other criteria the state believes is necessary to encourage victim cooperation with law enforcement. For example, a state may:

- a. Require a victim to report the crime to a law enforcement agency;
- b. Require a victim to report the crime to an appropriate governmental agency, such as child and/or adult protective services, family court, or juvenile court; or
- c. Accept proof of the completion of a medical evidentiary examination, such as medical reports, x-rays, medical photographs, as well as other clinical assessments as evidence of cooperation with law enforcement in cases involving sexual assault or abuse.

5. **Nonsupplantation.** The state must certify that grants received under this section will not be used

to supplant state funds otherwise available to provide crime victim compensation or to administer the state crime victim compensation program.

The nonsupplantation provision is intended to assure that states use VOCA funds to augment, not replace, otherwise available state funding for crime victim compensation. More specifically, the states may not decrease their financial commitment to crime victim compensation solely because they are receiving VOCA funds for the same purpose.

6. **Compensation for Residents Victimized Outside Their Own State.** The state must provide compensation to residents of the state who are victims of crimes occurring outside the state, if the crimes would be compensable had they occurred inside that state; and the crimes occurred in a state not having an eligible crime victim compensation program, or occurred outside the U.S. (If the compensable crime is terrorism as defined in Section 2331 of title 18 of the U.S. Code). The state must make these awards according to the same criteria used to make awards to those who are victimized while in the state.

This provision is intended to cover those residents of a state who are victimized in a state which does not have an eligible crime victims compensation program for which the victim qualifies. In such instances, the victim would be eligible to apply for crime victim compensation from the State in which he or she resides.

7. **Compensation for Non-residents of a State.** The state must make compensation awards to victims who are non-residents of the state according to the same criteria used to make awards to victims who are residents of such state.

Eligibility for VOCA funds requires the state program to extend its coverage to all non-residents victimized in the state. Note: For the purposes of this provision, the term "non-resident" must, at a minimum, include anyone who is a resident in one

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state but victimized in another. A state may, at its discretion, broaden its definition of non-resident to include anyone victimized in the state regardless of whether the victim is a United States resident.

This provision is intended to ensure that non-residents of a state, who are victimized in a state that has an eligible compensation program, are provided the opportunity to apply for and receive the same compensation benefits that are available to residents of the state. The provision of reciprocal agreements with certain other states will not suffice to meet these criteria.

**8. Victims of Federal Crime.** The state must provide compensation to victims of federal crimes occurring within the state on the same basis that such program provides compensation to victims of state crimes.

For example, a victim of a rape, occurring on a federal installation or Indian reservation inside the state, must be afforded the same benefits that would be available to the victim if the rape were classified as a crime against the state. This provision is intended to cover those individuals victimized on military installations, national parks and highways, Native American reservations, and under other circumstances where Federal jurisdiction exists since there is no federal compensation program which provides benefits to victims covered under federal jurisdiction.

**9. Unjust Enrichment.** Except pursuant to rules issued by the compensation program to prevent unjust enrichment of the offender, the state cannot deny compensation to any victim because of that victim's familial relationship to the offender, or because of the sharing of a residence by the victim and the offender.

Unjust enrichment, as the basis for denying crime victims compensation, must be based upon written rules issued by the state crime victims compensation program. "Rules" mean either written policies or directives developed and distributed by state crime victim compensation programs or rules adopted by legislative or

administrative bodies. Such rules cannot have the effect of denying compensation to a substantial percentage of domestic violence victims. The rules relating to unjust enrichment should be applicable to all claims for compensation although it is recognized that domestic violence cases have the greatest potential for unjust enrichment.

In general, programs must balance the goals of making compensation benefits available to victims and preventing unjust enrichment of offenders. State programs are strongly encouraged to work with domestic violence coalitions and representatives to this end.

In developing rules, the states are encouraged to consider the following:

a. Legal responsibilities of the offender to the victim under the laws of the state and collateral resources available to the victim from the offender. For example, legal responsibilities may include court-ordered restitution or requirements for spouse and/or family support under the domestic or marital property laws of the state. Collateral resources may include insurance or pension benefits available to the offender to cover the costs incurred by the victim as a result of the crime. However, as with other crimes, victims of domestic violence should not be penalized when collateral sources of payment are not viable, e.g., when the offender refuses to, or cannot, pay restitution or other civil judgments within a reasonable period of time or when the offender otherwise impedes direct or third party (i.e., insurance) payments.

b. Payments to victims of domestic violence which benefit offenders in only a minimal or inconsequential manner would not be considered unjust enrichment. To deny payments, in some instances, could serve to further victimize the claimant. For example, denial of medical or dental expenses solely because the offender has legal responsibility

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for the charges, but is unwilling, or unable to pay them, could result in the victim's inability to receive treatment.

c. Consultation with social services and other concerned governmental entities, as well as with private organizations that support and advocate on behalf of domestic violence victims.

d. The special needs of child victims of criminal violence especially when the perpetrator was the parent who may or may not have lived in the same residence.

**10. Other Information Requested by the OVC Director.** The state must provide such other information and assurances as the Director of OVC may reasonably require.

**11. Payor of Last Resort.** When a victim is eligible to receive benefits from a federal program or federally financed state or local program, such as Medicaid, the state compensation program shall not pay the costs that the federal or federally financed programs covers. Additionally, the federal or federally financed program shall make its payments without regard to the existence of the crime victim compensation program. The compensation program is the payor of last resort with regard to federal or federally financed programs.

OVC encourages state grantees to coordinate their VOCA assistance and compensation activities to ensure a continuum of services for crime victims. Coordination may include activities such as: planning meetings; training activities for direct service providers on the general parameters of the state compensation agency's program (e.g., eligibility criteria, completion of claims, and time frames for receiving compensation); providing information on VOCA-funded victim assistance services within the state; and developing joint guidance, where applicable, on third-party payments to VOCA assistance organizations.

OVC also requires state grantees to coordinate their activities with the Victim/Witness Coordinator staff

within U.S. Attorney Offices to ensure that the Coordinators are aware of available resources for victims of federal crime.

**B. State Certifications.** Guidelines on amounts to be included as well as amounts to be excluded in a state's certification of payments of crime victims compensation from state funding sources are furnished below:

**1. Program Revenue.** States must report on the certification form all sources of state revenue available to the crime victims compensation program during the Federal Fiscal Year. In some instances, funds are made available to the crime victims compensation program from other departments or agencies, from supplemental appropriations, donations, or unspent funds carried over from prior years. All state funds which are available during the Federal Fiscal Year should be reported. The amount of certified revenue, excluding VOCA funds, but including all other sources, including carried over funds, must meet or exceed the amount of certified payments to crime victims.

**2. Amounts to Be Included.** The total amount to be certified by the state program must include only those amounts paid from state funding sources to or on behalf of crime victims during the Federal Fiscal Year (October 1 to September 30).

**3. Compensable Expenses.** The range of expenses for which states may award crime victims compensation varies nationwide, although all states must award compensation for medical expenses, including mental health counseling and care; loss of wages; and funeral expenses. Note: The term "medical expenses" includes, to the extent provided under the state crime victim compensation program statute, expenses for eyeglasses and other corrective lenses; dental services, devices, and prosthetic devices; and for services rendered in accordance with a method of healing recognized by the law of the state. "Mental health counseling and care" means the assessment, diagnosis, and treatment of an individual's mental and emotional functioning that

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is required to alleviate psychological trauma resulting from a compensable crime. Such intervention must be provided by a person who meets such standards as may be set by the state for victim mental health counseling and care.

Compensable expenses to be included in the annual certification must be authorized by state statute or rule, providing there is rule making authority in state law. States may include expenses, not specifically identified in VOCA, such as pain and suffering; crime scene clean up; replacement costs for clothing and bedding held as evidence; annuities for child victims for loss of support; medically-necessary building modification; medically-necessary devices; and attorney fees related to a victim's claim for compensation.

States may also include payments related to forensic sexual assault examinations, even if the victim did not report the crime to law enforcement if such payments are made from funds administered by the compensation program and are allowable under the state's statute or administrative rules.

**4. Amounts to Be Excluded.** States must exclude, in the certification, VOCA grant funds, compensation for property losses or property damage, audit costs, personnel costs, and any other program administrative costs.

**5. Applicable Credits.** Any "applicable credits" must be deducted from the state certification. The term "applicable credits" refers to those receipts or reduction of expenditures, which offset or reduce expense items that are allocable to a particular crime victim compensation claim. Typical examples of applicable credits in state crime victims compensation programs include funds received through a state's subrogation interest in a claimant's civil law suit recovery, restitution, refunds, or other reimbursements. Refunds include amounts from overpayment, erroneous payments made to claimants, uncashed checks, etc. Additional guidance regarding applicable credits can be found in OMB Circular A-87, "Cost Principles for State and Local Governments."

States must determine how to account for both the receipt and expenditure of restitution and refunds. Note: A state is not required to reduce its certified payment figure by the amount of restitution recoveries received by the state which are not directly related to the payment of crime victim compensation benefits, nor when such reimbursements were from payments to victims prior to receiving a VOCA award.

**6. Recovery Costs.** Salary costs for personnel directly involved in recovery efforts, which are directly attributable to the recovery of restitution, refunds, and other reimbursements, may be offset against the amount of income received from such reimbursement. Expenses shall be limited to the percentage of those salaries incurred by the state for employees whose primary responsibilities (not less than 75 percent of their time) are directly and specifically related to recovering restitution and other reimbursements. Recovery costs can not be claimed for employees whose salary is derived from federal administrative grant funds.

**7. Source of Payments to Crime Victims.** There is no financial requirement that state compensation programs identify the source of individual payments to crime victims as either federal or state dollars, nor is there any requirement that restitution recoveries or other refunds be tracked to federal or state dollars paid out to the victim.

**C. Incorrect Certifications.** If it is determined that a state has made an incorrect certification of payments of crime victims compensation from state funding sources and a VOCA crime victim compensation grant is awarded in error, one of the following two courses of action will be taken:

**1. Over Certification.** In the event that an over certification comes to the attention of OVC or the Office of the Comptroller, OJP, the necessary steps will be taken to recover funds which were awarded in error. OVC does not have the authority to permit states to keep amounts they were not entitled to as a result of overcertification.

2. **Under Certification.** If a state under-certifies amounts paid to crime victims, OVC will not supplement payments to the state in a subsequent year to correct the state's error. Once OVC awards funds in a given FFY, there are no excess funds available to remedy errors of this nature.

**D. Program Reporting Requirements. Annual Performance Report.** States receiving VOCA crime victims compensation grant funds are required to submit an Annual Performance Report that is provided by OVC. The Report requests specific information about claims for compensation, such as types of crimes compensated, including terrorism, drunk driving and domestic violence, disposition of claims, payments for compensable expenses, and use of administrative and training funds. The Performance Report covers the Federal Fiscal Year ending September 30 and is due to OVC by December 30 of the same year.

#### E. Additional Requirements

1. **Civil Rights - Prohibition of Discrimination for Recipients of Federal Funds.** No person in any state shall, on the grounds of race, color, religion, national origin, sex, or disability be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or denied employment in connection with any program or activity receiving federal financial assistance, pursuant to the following statutes and regulations: Section 809(c), Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. 3789d, and Department of Justice Nondiscrimination Regulations, 28 CFR Part 42, Subparts C, D, E, and G; Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d, *et seq.*; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794; Subtitle A, Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. 12101, *et seq.*; and Department of Justice regulations on disability discrimination, 28 CFR Part 35 and Part 39; Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681-1683; and the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101, *et seq.*

2. **Confidentiality of Research Information.** Except as otherwise provided by law, no recipient of monies under VOCA shall use or reveal research or statistical information gathered under this program by any person, and identifiable to any specific private person, for any purpose other than the purpose for which such information was obtained, in accordance with VOCA. Such information, and any copy of such information, shall be immune from legal process and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceeding. [See Section 1407(d) of VOCA, codified at 42 U.S.C. 10604(d)].

This provision is intended, among other things, to assure the confidentiality of information provided by crime victims to employees of VOCA-funded victim compensation programs. However, there is nothing in VOCA or its legislative history to indicate that Congress intended to override or repeal, in effect, a state's existing law governing the disclosure of information, which is supportive of VOCA's fundamental goal of helping crime victims. For example, this provision would not act to override or repeal, in effect, a state's existing law pertaining to the mandatory reporting of a suspected child abuse. See Pennhurst State School and Hospital v. Halderman, et al., 451 U.S. 1 (1981).

#### IV. Financial Requirements

As a condition of receiving a grant, states agree to insure adherence to the general and specific requirements as set forth in the "OJP Financial Guide" and applicable OMB Circulars and Common Rules. This includes the maintenance of books and records in accordance with generally accepted government accounting principles. States further agree to identify their state fiscal year and federal cognizant audit agency. This section describes the payment of grant funds, termination of advanced funding; financial status reports, and audit requirements.

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**A. Audit Responsibilities for States.** State compensation programs that expend \$300,000 or more in federal financial assistance within the state's fiscal year are required to have an audit in accordance with OMB Circular A-133, as amended. State and local governments expending less than \$300,000 in their fiscal year are exempt from audit requirements. This rule is effective for all fiscal years that began on or after July 1, 1996.

**B. Audit Costs.** Although under OMB Circular A-133 audit costs are generally allowable charges under federal grants, audit costs incurred at the grantee level are determined to be an administrative expense and may be paid with the allowable five percent for administration. Any of the VOCA grant monies used for administrative purposes cannot be included in the state-certified payout.

**C. Financial Status Report for States.** Financial Status Reports (269A) are required from all state agencies. A Financial Status Report shall be submitted to the Office of the Comptroller for each calendar quarter in which the grant is active. This Report is due even when no obligations or expenditures were incurred during the reporting period. Financial Status Reports shall be submitted to the Office of the Comptroller, by the state, within 45 days after the end of each calendar quarter. Calendar quarters end March 31, June 30, September 30, and December 31. A Final Financial Status Report is due 120 days after the end of the VOCA grant, no later than January 31.

**D. Termination of Advance Funding.** If the state grantee receiving cash advances by direct Treasury deposit demonstrates an unwillingness or inability to establish procedures that will minimize the time elapsing between cash advances and disbursements, OJP may terminate advance funding and require the state to finance its operations with its own working capital. Payments to the state will then be made to the state by the ACH Vendor Express method to reimburse the grantee for actual cash disbursements. It is essential that the grantee organization maintain a minimum of cash on hand and that drawdowns of cash are made only when necessary for disbursements.

## V. Monitoring

**A. Office of the Comptroller/General Accounting Office/Office of the Inspector General.** The Office of the Comptroller, the General Accounting Office, and the Office of the Inspector General conduct periodic reviews of the financial policies and procedures and records of VOCA state grantees. Therefore, upon request, states must give authorized representatives the right to access and examine all records, books, papers, case files, or other documents related to the grant.

**B. Office for Victims of Crime.** OVC conducts on-site monitoring in which each state grantee is visited a minimum of once every three years. While on site, OVC personnel will review various documents and files such as (1) financial and program manuals and procedures governing the crime victim compensation grant program; (2) financial records, reports, and audit reports for the state grantee; (3) the state's compensation application, procedures, and guidelines for awarding compensation benefits; (4) a random sampling of victim compensation claim files; and (5) all other applicable state records and files.

## VI. Suspension and Termination of Funding

If, after notice to the grantee, OVC finds that a state has failed to comply substantially with VOCA, the OJP Financial Guide (effective edition), the Final Program Guidelines, or any implementing regulation or requirement, OVC may suspend or terminate funding to the state and/or take other appropriate action. Under the procedures of 28 CFR Part 18 (7-1-96-Edition), states may request a hearing on the justification for the suspension and/or termination of VOCA funds.



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**Attachment C**  
**Application For Federal Assistance,**  
**Instructions, and Completed Sample Application**

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# APPLICATION FOR FEDERAL ASSISTANCE

		2. DATE SUBMITTED	Applicant Identifier
<b>1. TYPE OF SUBMISSION:</b> <i>Application</i> <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		3. DATE RECEIVED BY STATE	State Application Identifier
		4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier
<b>5. APPLICANT INFORMATION</b>			
Legal Name:		Organizational Unit:	
Address (give city, county, state, and zip code):		Name and telephone number of the person to be contacted on matters involving this application (give area code)	
<b>6. EMPLOYER IDENTIFICATION NUMBER (EIN):</b> [ ][ ] - [ ][ ][ ][ ][ ][ ][ ][ ][ ]		<b>7. TYPE OF APPLICANT:</b> (enter appropriate letter in box) <input type="checkbox"/>	
<b>8. TYPE OF APPLICATION:</b> <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision  If Revision, enter appropriate letter(s) in box(es): <input type="checkbox"/> <input type="checkbox"/> A. Increase Award    B. Decrease Award    C. Increase Duration D. Decrease Duration    Other (specify): _____		A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District H. Independent School Dist. I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify): _____	
		9. NAME OF FEDERAL AGENCY:	
<b>10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:</b> [ ][ ][ ][ ] - [ ][ ][ ][ ]		<b>11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:</b>	
TITLE: _____  <b>12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):</b>			
<b>13. PROPOSED PROJECT:</b>		<b>14. CONGRESSIONAL DISTRICTS OF:</b>	
Start Date	Ending Date	a. Applicant	b. Project
<b>15. ESTIMATED FUNDING:</b>		<b>16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?</b>	
a. Federal	\$ .00	a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:  DATE _____  b. NO. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E.O. 12372 <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW	
b. Applicant	\$ .00		
c. State	\$ .00		
d. Local	\$ .00		
e. Other	\$ .00		
f. Program Income	\$ .00	<b>17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?</b>	
g. TOTAL	\$ .00	<input type="checkbox"/> Yes    If "Yes," attach an explanation. <input type="checkbox"/> No	
<b>18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED</b>			
a. Typed Name of Authorized Representative		b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed	

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## Instructions for Completion of the Application for Federal Assistance (SF 424)

The Application for Federal Assistance is a standard form used by most Federal agencies for application for Federal assistance. It contains 18 different items, all of which must be completed in order for your application to be reviewed. The Office for Victims of Crime cannot accept the application without a completed and signed SF 424.

- Item 1**      **Type of Submission:** OVC discretionary grant funds cannot be used for construction or building purposes. Check the “Non-Construction” box in the application section.
- Item 2**      **Date Submitted:** Indicate the date you sent the application to OVC. The “Application Identifier” is the number assigned by your jurisdiction, if any, to track applications. If your jurisdiction does not assign an identifier number, leave this space blank.
- Item 3**      **Date Received by State:** Leave blank. OVC applicants are exempted from the requirement to submit applications to a State Single Point of Contact.
- Item 4**      **Date Received by Federal Agency:** This item will be completed by OJP.
- Item 5**      **Applicant Information:** The “Legal Name” is the unit of government or the parent organization. For example, the primary or parent organization of a law enforcement agency is the name of the city or township. Thus, the city or township should be entered into the Legal Name box and the name of the law enforcement or other agency should be entered into the Organizational Unit box. One person should be designated as the contact for the proposed project, and that person’s telephone number should also be included. It is not unusual for the name of the contact person to differ from the authorized representative of your agency in item 18 below.
- Item 6**      **Employer Identification Number:** Each employer receives an employer identification number from the Internal Revenue Service. Generally, this number can be easily obtained from your agency’s accountant or comptroller.
- Item 7**      **Type of Applicant:** Enter the appropriate letter in the space. If the applicant is representing a consortium of agencies, specify by checking Block N and entering “consortium.”
- Item 8**      **Type of Application:** Check “new.”
- Item 9**      **Name of Federal Agency:** Type in “Office for Victims of Crime.”
- Item 10**     **Catalog of Federal Domestic Assistance Number:** For OVC discretionary grants, the number is 16.582, and the title is Crime Victim

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Assistance/Discretionary Grants. The number for the Children's Justice Act Discretionary Grant Program for Native Americans is 16.583.

- Item 11**     **Descriptive Title of Applicant's Project:** Type in: (1) the title of the program as it appears in the solicitation or announcement, and (2) the name of your cognizant Federal agency. The cognizant Federal agency is generally the Federal agency from which the applicant agency receives the most Federal dollars.
- Item 12**     **Areas Affected by Project:** Identify the geographic area(s) encompassed by the project. Indicate "Statewide" or "National," if applicable.
- Item 13**     **Proposed Project Dates:** Fill in the begin and end dates of the project. These dates may be adjusted by the OVC when the award is made. Most projects under this solicitation will begin on October 1, 1999.
- Item 14**     **Congressional Districts:** Fill in the number of the congressional district in which the project will be located as well as the congressional district(s) the project will serve. Indicate "Statewide" or "National," if applicable.
- Item 15**     **Estimated Funding:** On line "a," type in the amount of Federal funds requested, not to exceed the dollar amount allocated in the program announcement. Indicate any other resources that will be available to the project and the source of those funds on lines "b through f," as appropriate.
- Item 16**     **State Executive Order 12372:** OVC applicants are exempted from the requirement to submit applications to a State Single Point of Contact. Please mark the appropriate box in item 16. The answer is, **No, program is not covered by E.O. 12372.**
- Item 17**     **Delinquent Federal Debt:** This question applies to the applicant organization. Categories of debt include delinquent audit disallowances, loans, and taxes.
- Item 18**     **Authorized Representative:** Type the name of the person legally authorized to enter into contracts on behalf of your agency. The signature on the original application must be signed in blue ink and/or stamped as "original" to help distinguish the original from the photocopies.



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**Attachment D**  
**Assurances**

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## ASSURANCES

The Applicant hereby assures and certifies compliance with all Federal statutes, regulations, policies, guidelines and requirements, including OMB Circulars No. A-21, A-110, A-122, A-128, A-87; E.O. 12372 and Uniform Administrative Requirements for Grants and Cooperative Agreements—28 CFR, Part 66, Common Rule, that govern the application, acceptance and use of Federal funds for this federally-assisted project. Also the Applicant assures and certifies that:

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally-assisted programs.
3. It will comply with provisions of Federal law which limit certain political activities of employees of a State or local unit of government whose principal employment is in connection with an activity financed in whole or in part by Federal grants. (5 USC 1501, et seq.)
4. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act if applicable.
5. It will establish safeguards to prohibit employees from using their positions for a purpose that is or give the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
6. It will give the sponsoring agency or the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
7. It will comply with all requirements imposed by the Federal Sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements.
8. It will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed in the Environmental protection Agency's (EPA-list of Violating Facilities and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.
9. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that had been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
10. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470), Executive Order 11593, and the Archeological and Historical Preservation Act of 1966 (16 USC 569a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
11. It will comply, and assure the compliance of all its subgrantees and contractors, with the applicable provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act, as appropriate; the provisions of the current edition of the Office of Justice Programs Financial and Administrative Guide for Grants, M7100.1; and all other applicable Federal laws, orders, circulars, or regulations.
12. It will comply with the provisions of 28 CFR applicable to grants and cooperative agreements including Part 18, Administrative Review Procedure; Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Systems Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Nondiscrimination/Equal Employment Opportunity Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; Part 63, Floodplain Management and Wetland Protection Procedures; and Federal laws or regulations applicable to Federal Assistance Programs.
13. It will comply, and all its contractors will comply, with the nondiscrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789(d), or Victims of Crime Act (as appropriate); Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Subtitle A, Title II of the Americans With Disabilities Act (ADA) (1990); Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C, D, E, and G; and Department of Justice regulations on disability discrimination, 28 CFR Part 35 and Part 39.
14. In the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs.
15. It will provide an Equal Employment Opportunity Program if required to maintain one, where the application is for \$500,000 or more.
16. It will comply with the provisions of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 USC 3501 et seq.) which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.

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Signature

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Date

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**Attachment E**  
**Certification Regarding Lobbying; Debarment, Suspension and**  
**Other Responsibility Matters;**  
**and Drug-free Workplace Requirements**

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## CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

### 1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

### 2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510—

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a

public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

### 3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620—

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about—

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

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Check  if there are workplaces on file that are not identified here.

Section 67, 630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7.

Check  if the State has elected to complete OJP Form 4061/7.

**DRUG-FREE WORKPLACE  
(GRANTEES WHO ARE INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67; Sections 67.615 and 67.620—

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

1. Grantee Name and Address:

2. Application Number and/or Project Name

3. Grantee IRS/Vendor Number

4. Typed Name and Title of Authorized Representative

5. Signature

6. Date

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**Attachment F**  
**Disclosure of Lobbying Activities**

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# DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352  
(See reverse for public burden disclosure)

<p><b>1. Type of Federal Action:</b></p> <p><input type="checkbox"/> a. contract  <input type="checkbox"/> b. grant  <input type="checkbox"/> c. cooperative agreement  <input type="checkbox"/> d. loan  <input type="checkbox"/> e. loan guarantee  <input type="checkbox"/> f. loan insurance</p>	<p><b>2. Status of Federal Action:</b></p> <p><input type="checkbox"/> a. bid/offer/application  <input type="checkbox"/> b. Initial award  <input type="checkbox"/> c. post award</p>	<p><b>3. Report type:</b></p> <p><input type="checkbox"/> a. Initial filing  <input type="checkbox"/> b. material change</p> <p><b>For Material Change Only:</b></p> <p>year _____ Quarter _____  date of last report _____</p>
<p><b>4. Name and Address of Reporting Entity:</b></p> <p><input type="checkbox"/> Prime      <input type="checkbox"/> Subawardee</p> <p style="padding-left: 40px;">Tier _____, <i>if known</i></p> <p><b>Congressional District, if known:</b></p>	<p><b>5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:</b></p> <p><b>Congressional District, if known:</b></p>	
<p><b>6. Federal Department/Agency:</b></p>	<p><b>7. Federal Program Name/Description:</b></p> <p><b>CDFA Number, if applicable:</b> _____</p>	
<p><b>8. Federal Action Number, if known:</b></p>	<p><b>9. Award Amount, if known:</b></p> <p>\$ _____</p>	
<p><b>10. a. Name and Address of Lobbying Entity (if individual, last name, first name, MI)</b></p>	<p><b>b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI)</b></p>	
<p><b>11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of the fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.</b></p>	<p><b>Signature:</b> _____</p> <p><b>Print Name:</b> _____</p> <p><b>Title:</b> _____</p> <p><b>Telephone No.:</b> _____ <b>Date:</b> _____</p>	
<p><b>Federal Use Only:</b></p>		<p>Authorized for Local Reproduction Standard Form - LLL</p>

## INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identifying the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001".
9. For a covered Federal action where there has been an award or loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.  
  
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI)>
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046); Washington, D.C. 20503.

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**Attachment G**  
**Crime Victim Compensation State Certification Form**  
**and Instructions**

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**U.S. Department of Justice**  
Office for Victims of Crime

**CRIME VICTIM COMPENSATION STATE CERTIFICATION FORM**

State of \_\_\_\_\_

Reporting Period: October 1, \_\_\_\_\_ through September 30, \_\_\_\_\_

NOTE: Please Read the Instruction on the Attached Page Before Completing this Form.

**Part I. PAYMENT INFORMATION**

A. Total amount paid to or on behalf of crime victims from ALL FUNDING SOURCES (both state and federal) (+) \$ \_\_\_\_\_

B. Amounts To Be Deducted From Total Paid To Crime Victims:

1. VOCA Grant Funds FY\_\_\_\_ FY\_\_\_\_ \$ \_\_\_\_\_

2. Subrogation Recoveries \$ \_\_\_\_\_

3. Restitution Recoveries \$ \_\_\_\_\_

4. Refunds \$ \_\_\_\_\_

5. Amount Awarded for Property \$ \_\_\_\_\_

6. Other Reimbursements:

Specify \_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

C. Total Amount To Be Deducted (Sum of B1 through B6) (-) \$ \_\_\_\_\_

D. Subtract Line C From Line A (=) \$ \_\_\_\_\_

E. Recovery Costs, If Any (Attach Documentation) (+) \$ \_\_\_\_\_

F. Total State Payments Eligible For Matching VOCA Grant Award  
Add Line D and Line E (=) \$ \_\_\_\_\_

**Part II. FUNDS AVAILABLE FOR THE STATE VICTIM COMPENSATION PROGRAM**  
(During the Reporting Period)

A. Funds From All Sources Other Than VOCA Grant Funds:

1. General Funds \$ \_\_\_\_\_

2. Court Costs \$ \_\_\_\_\_

3. Fees \$ \_\_\_\_\_

4. Fines and Penalties \$ \_\_\_\_\_

5. Private Donations \$ \_\_\_\_\_

6. Bond Forfeitures \$ \_\_\_\_\_

7. Subrogation Recoveries \$ \_\_\_\_\_

8. Restitution Recoveries \$ \_\_\_\_\_

9. Refunds \$ \_\_\_\_\_

10. Reimbursements \$ \_\_\_\_\_

11. Earned Interest \$ \_\_\_\_\_

12. Reserves Carried Over \$ \_\_\_\_\_

13. Other Sources \$ \_\_\_\_\_

Specify: \_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

B. Total Amount of Lines A1 through A13 (+) \$ \_\_\_\_\_

C. VOCA Grant Funds  
FY\_\_\_\_ FY\_\_\_\_ (+) \$ \_\_\_\_\_

D. Total Funds Received  
Add Lines B and C (=) \$ \_\_\_\_\_

**Part III. CERTIFICATION**

I certify that the amount reported in Part I F of this form is complete and accurate.

\_\_\_\_\_  
Type Name and Title of Duty Authorized Official

\_\_\_\_\_  
Signature of Duty Authorized Official

\_\_\_\_\_  
Date

Note: This form must be signed by the authorized individual within the agency designated by the Governor to administer the VOCA crime victim compensation grant.

# CRIME VICTIM COMPENSATION STATE CERTIFICATION FORM

## INSTRUCTIONS

The Crime Victim Compensation State Certification Form must be used by each state and territory submitting an application for Victims of Crime Act (VOCA) crime victim compensation grant funds. The amount certified in Part I, line F will be used by the Office for Victims of Crime (OVC) to determine the annual VOCA grant award. State payments must be reported for the Federal Fiscal Year (October 1 through September 30).

### Part I:

- Line A. Please record the total amount of payments made by the compensation program to, or on behalf of, victims of crime from **all funding sources**. This amount may include payments for forensic sexual assault examinations, including payments made in connection with a compensation claim or through a separate payment process. Do not include amounts expended for administrative costs in this figure.
- Line B1-6. Please record all amounts to be deducted from the total funds paid to crime victims.
- B1 Enter the total amount of VOCA grant funds used to pay compensation claims as reported on Line A. If funds from more than one grant were expended, enter the applicable grant years in the spaces provided. Do not include amounts expended for administrative costs.
- B2 Enter amounts recovered through civil suits or third party settlements. You do not need to include amounts expended for collection costs, such as attorney fees charged in connection with subrogation recoveries and service fees paid on wage garnishments.
- B3 Enter amounts of restitution recovered by your program, including reimbursements recovered for sexual assault examinations as well as compensation claims.
- B4 Enter amounts paid to crime victims and/or providers that are returned to the compensation program or never cashed.
- B5 Enter amounts awarded to crime victims for property damage or losses. Crime scene clean up, replacement costs for clothing and bedding held as evidence, and building modifications are compensable expenses that may be included in the annual certification, and should not be deducted as property damages or losses.
- B6 Enter all other reimbursements.
- Line C. Please record the total of B1 through B6.
- Line D. Please record the total of all payments made to victims with state funds less all required reductions.
- Line E. Recovery costs that may be claimed as a credit are limited to a percentage of those salaries incurred by the state compensation program which are specifically attributable to securing recoveries for crime victim claims. For a state program to qualify for the credit, they must verify that they have a staff person who dedicates at least 75% of his or her time to activities that are directly related to the recovery of crime victim restitution, subrogation, and refunds (RSRs). After calculating the percentage of each staff person's time that is dedicated to recovery of RSR's (75% or more), calculate this percentage of their annual salaries. Enter the total dollar amount. Please attach supporting documentation, such as time sheets, job descriptions, etc.
- Line F. Please record the total eligible payments to victims of crime from state funding sources. **Upon review and approval by the OJP Office of the Comptroller, your Federal grant award will equal 40% of this figure.**

### Part II:

- Line A1-13. Report funds, other than VOCA grant funds, that were available to the state crime victim compensation program during the reporting period. All amounts reported in Part I should also be reported in this section. Report funds carried over from a prior year on Line A-12.
- Line B. Please record the total of A1 through A13.
- Line C. Enter the total amount of VOCA victim compensation funds available to the program. This amount may include more than one VOCA grant award and may be greater than the amount reported in Part I (B) 1.
- Line D. Enter the total revenue received from all sources. This figure represents the total revenue available to the crime victim compensation program during the reporting period to pay crime victim compensation claims.

### Part III:

The Crime Victim Compensation State Certification Form must be signed by the duly authorized official. This may be the Governor, Attorney General, Treasurer, Secretary of State, or another individual designated to administer the compensation program by the Governor.

#### Public Reporting Burden

Paperwork Reduction Act Notice. Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to complete and file this information is 60 minutes or 1 hour. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the State Compensation and Assistance Division, Office for Victims of Crime, U.S. Department of Justice, 810 7th Street, N.W., Washington, D.C. 20531



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**Attachment H**  
**Application Kit Checklist**

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**VICTIMS OF CRIME ACT (VOCA)  
CRIME VICTIM COMPENSATION GRANT PROGRAM**

**Application Kit Checklist**

To ensure that all documents are completed and included in the State grantee application package, check off each item as completed and attach this checklist to the application.

- \_\_\_ Application for Federal Assistance, SF 424 (Attachment C)
- \_\_\_ Assurances (Attachment D)
- \_\_\_ Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements (Attachment E)
- \_\_\_ Disclosure of Lobbying Activities, if applicable (Attachment F)
- \_\_\_ Crime Victim Compensation State Certification Form, FY 1999 payout (Attachment G)

Written documentation of the following:

- \_\_\_ Civil Rights: Each State grantee must provide OVC with the name, address, and telephone number of the contact person who has lead responsibility in ensuring that all applicable civil rights requirements are met and who acts as the liaison in civil rights matters with the Office for Civil Rights in the Office of Justice Programs.
- \_\_\_ Administrative Funds: State grantees choosing to use a portion of the award for administrative purposes must report the amount of the total grant that will be used for administrative funds and certify that these funds do not supplant other funds available for administration. (NOTE: This amount cannot exceed 5 percent of the award.)
- \_\_\_ State Grantee Eligibility Requirements: Each State Grantee must provide written, signed certification that it complies with the requirements of Part II, State Grantee Eligibility Requirements.
- \_\_\_ A copy of the State statute covering the crime victim compensation program.
- \_\_\_ A letter from the governor designating a new State agency if there has been a change and OVC has not been notified.

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**Attachment I**  
**Victims of Crime Act**  
**Victim Compensation Grant Program**  
**State Performance Report**

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U.S. Department of Justice  
Office of Justice Programs  
Office for Victims of Crime  
Washington, D.C. 20531

## VICTIMS OF CRIME ACT VICTIM COMPENSATION GRANT PROGRAM STATE PERFORMANCE REPORT

REPORT TIMEFRAME

OCTOBER 1, \_\_\_\_\_ THROUGH SEPTEMBER 30, \_\_\_\_\_

STATES RECEIVING VOCA CRIME VICTIMS COMPENSATION GRANT FUNDS ARE REQUIRED TO SUBMIT AN ANNUAL PERFORMANCE REPORT. THE REPORT COVERS THE FEDERAL FISCAL YEAR ENDING SEPTEMBER 30 AND IS DUE TO OVC BY DECEMBER 31 OF THE SAME YEAR.

<b>SECTION I</b>	1. STATE: _____
	2. CONTACT NAME: _____

<b>SECTION II</b>	CLAIMS DATA (See instructions for definitions):		
	1. NUMBER OF NEW CLAIMS RECEIVED DURING REPORTING PERIOD		_____
	2. NUMBER OF CLAIMS APPROVED AS ELIGIBLE		_____
	a. Number of State Residents	_____	
	b. Number of Non-Residents	_____	
	c. Number approved for victims 17 and under	_____	
	d. Number approved for victims 18-64	_____	
	e. Number approved for victims 65 and older	_____	
	3. NUMBER OF CLAIMS DENIED AS INELIGIBLE OR CLOSED		_____
	4. AVERAGE NUMBER OF WEEKS TO PROCESS CLAIM AND MAIL PAYMENT		_____
	5. NUMBER OF FORENSIC SEXUAL ASSAULT EXAMINATION CLAIMS RECEIVED DURING THE REPORT PERIOD, IF SUCH CLAIMS ARE HANDLED THROUGH SEPARATE CLAIMS PROCEDURE. (See instructions)		_____

PAYMENT STATISTICS BY CRIME CATEGORY:			
	TYPE OF CRIME	a. NUMBER OF CLAIMS PAID DURING REPORTING PERIOD (Includes Column b)	b. NUMBER OF DOMESTIC VIOLENCE RELATED CLAIMS PAID DURING REPORTING PERIOD
			c. TOTAL AMOUNT PAID BY CATEGORY (Include all supplemental payments)
	1. ASSAULT		\$
	2. HOMICIDE		\$
	3. SEXUAL ASSAULT		\$
	4. CHILD ABUSE (including sexual & physical abuse)		\$
<b>SECTION III</b>	5. DW/DUI		\$
	6. OTHER VEHICULAR CRIMES		\$
	7. STALKING		\$
	8. ROBBERY		\$
	9. TERRORISM		\$
	10. KIDNAPING		\$
	11. ARSON		\$
	12. OTHER		\$
	13. TOTAL:		\$

**INDICATE TOTAL EXPENSES PAID BY SERVICE**

<b>SECTION IV</b>	1.	MEDICAL/DENTAL (Except Mental Health)	\$
	2.	MENTAL HEALTH (Include Mental Health Related Medications)	\$
	3.	ECONOMIC SUPPORT (Lost Wages, Loss of Support)	\$
	4.	FUNERAL/BURIAL (Include all Funeral Related Expenses)	\$
	5.	CRIME SCENE CLEAN-UP	\$
	6.	FORENSIC SEXUAL ASSAULT EXAMS	\$
	7.	OTHER (Please specify types of expenses and amounts paid)	\$
	8.	TOTAL:	\$

<b>SECTION V</b>	PLEASE RESPOND TO THE FOLLOWING QUESTIONS. ADDITIONAL 8x11 SHEETS MAY BE ATTACHED IF NECESSARY.	
	1.	DESCRIBE THE IMPACT THAT VOCA FUNDS HAVE HAD ON YOUR PROGRAM.
	2.	IF YOUR STATE HAS USED VOCA ADMINISTRATIVE FUNDS, PLEASE DESCRIBE THE IMPACT THESE FUNDS HAVE HAD ON YOUR STATE'S ABILITY TO PROVIDE COMPENSATION OR IMPROVE VICTIM SERVICES.
	3.	PLEASE ANSWER THE FOLLOWING QUESTIONS REGARDING THE WAY YOUR PROGRAM COUNTS CLAIMS AND CALCULATES PROCESSING TIMES. <ul style="list-style-type: none"> <li>a. DOES YOUR PROGRAM GENERALLY RECEIVE AND COUNT A SEPARATE CLAIM FROM EACH SECONDARY VICTIM, OR IS ONE CLAIM USUALLY RECEIVED ON BEHALF OF ALL SECONDARY VICTIMS SEEKING BENEFITS FROM A VICTIMIZATION?</li>   <li>b. DOES YOUR PROGRAM GENERALLY RECEIVE CLAIMS THAT ALREADY INCLUDE POLICE REPORTS, OR ARE POLICE REPORTS USUALLY SOUGHT BY YOUR PROGRAM AFTER THE CLAIM IS RECEIVED?</li> </ul>
	4.	DOES YOUR PROGRAM PAY FOR FORENSIC SEXUAL ASSAULT EXAMINATIONS THROUGH A SEPARATE PROCESS? IF SO, PLEASE DESCRIBE.
5.	EXPLAIN ANY SPECIAL CIRCUMSTANCES THAT MAY AFFECT YOUR STATISTICS, MAKING REFERENCE TO THE SPECIFIC ITEM ON THIS FORM THAT MAY BE AFFECTED	

AUTHORIZED SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

than your regular compensation claim form and process. If your program pays for forensic sexual assault examinations through its regular claim form and process, leave this space blank.

### SECTION III. PAYMENT STATISTICS, BY CRIME CATEGORY

For each of the listed crimes, report in column (a) the total number of claims in which payments have been made during the reporting period, including claims involving domestic violence; and report in column (b) the number of claims involving domestic violence in which payments have been made. See definition of domestic violence above. Report in column (c) the total amount paid to victims in each crime category, including supplemental payments.

2. and 5. Include drunk-driving deaths or homicides on line 5 rather than on line 2.
3. and 4. Do not include on line 3 or line 4 any claims or payments made for forensic sexual assault exams if such claims are handled through a separate claim or process other than a regular compensation claim. Payments for forensic sexual assault examinations that are not part of a regular compensation claim should be included only in Section IV, item 6.
4. Crimes against children perpetrated by family members should be included in column (a) of line 4.
12. Other: If possible, provide a listing of the crime categories you include in the "other" category.

### SECTION IV. PAYMENT STATISTICS, BY TYPE OF SERVICE

Indicate the total expenses paid for the following services:

1. *Medical/Dental.* Report the total amount paid for all medical/dental-related expenses, including doctors, dentists, hospitals, physical therapy, ambulance, and other medically-related expenses such as transportation costs, prosthetic devices and pharmaceuticals.

2. *Mental Health.* These include payments made for mental health treatment, both in-patient and out-patient, and including psychiatric care, counseling, therapy, and medication management.
3. *Economic Support.* Includes payments made to cover lost wages, loss of support, education benefits, annuities, and other related subsistence payments.
4. *Funeral/Burial.* These include payments made for funeral, burial and all other related expenses.
5. *Crime Scene Clean-up.* Report all expenses related to cleaning and securing a crime scene.
6. *Forensic Sexual Assault Exams.* These include amounts awarded regardless of whether each payment is part of a compensation claim or paid through a separate process.
7. *Other.* If payments are made for services other than those listed in items 1-6, please identify the type of service and the total amount paid for that service. Include an additional sheet if necessary to identify other expenses.
8. *Total.* The totals reported on line 13 of Section III may differ from the totals reported on line 8 of Section IV when payments for forensic sexual assault exams are included on line 6 of Section IV.

### SECTION V. NARRATIVE DESCRIPTIONS

Please answer each of the questions in this section in sufficient detail to provide a full description of your program

**VOCA COMPENSATION GRANT PROGRAM  
STATE PERFORMANCE REPORT  
INSTRUCTIONS - DEFINITIONS**

States receiving VOCA crime victim compensation grant funds are required to submit an Annual Performance Report that is provided by OVC. The Report requests specific information about claims for compensation. The Performance Report covers the Federal Fiscal Year ending September 30 and is due to OVC by December 30 of the same year. States must submit a Report each year.

*process other than your regular compensation claim. Include such claims only on line 5.*

2. Indicate the number of claims that meet the state's eligibility requirements/criteria, whether payments are subsequently made or not. In other words, include claims that are determined eligible, but for which no payment is made because there is not a compensable expense. *Do not include forensic sexual assault claims in any information provided on line 2 or 2a-e.*

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**DEFINITIONS**

A *victim* is a person who suffers personal injury or death, directly or indirectly, or who suffers any economic loss covered by the program. This definition includes family members and other secondary victims.

A *claim* is an application or claim form received by the program from or on behalf of a victim (a family member or other secondary victim). The definition does not include supplemental claims or requests for benefits, but rather only the initial claim filed.

**Domestic Violence** is a crime in which there is a past or present familial, household, or other intimate relationship between the victim and the offender, including spouses, ex-spouses, boyfriends and girlfriends, ex-boyfriends and ex-girlfriends, and any family members or persons residing in the same household as the victim.

**Forensic Sexual Assault Claims** are claims made solely or primarily for payment of expenses relating to forensic sexual assault exams and are handled by the program through a separate claims form and procedure other than the regular compensation form and process.

- 2a-e. Of the claims that meet the state's eligibility requirements/ criteria, indicate the number approved for victims (including secondary victims) who are: (a) state residents and (b) non-residents. Indicate on lines (c), (d) and (e) the age of victims (including secondary victims) receiving benefits. For example, if a homicide victim is under the age of 17, and a family member receiving benefits as a result of the homicide is between 18-64, count one claim in the 17 and under category and one claim in the 18-64 category. (Note: if your program counts only one claim per victimization or crime, count the claim in the category relating to the direct victim's age.)

3. Indicate the number of claims that do not meet the state's statutory requirements for eligibility, and which your program has determined are ineligible or has closed out. Include claims that have been denied or closed for failure to provide information. Do not include pending claims.

4. Indicate the average number of weeks to process a claim and mail a first payment to a victim or a provider providing compensable services. This processing period begins when the compensation program first receives an application and ends when a check is mailed to or on behalf of an eligible victim. Count all calendar days during the processing period, including days in which the program is awaiting information, as well as the days from the time your program requests a check to be sent until the time the check is actually sent. Do not include the time it takes to process and make supplemental payments. Do not include emergency payments in your calculation of processing time.

5. Indicate the total number of Forensic Sexual Assault Examination claims received during the reporting period only if your program handles such claims with a separate form and procedure other

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**SECTION I. STATE GRANT IDENTIFICATION**

1-2. Complete items as indicated.

**SECTION II. CLAIMS DATA**

1. Indicate the total number of claims or applications received during the reporting period, October 1 through September 30. Count only one claim per victimization. *Do not include supplemental or subsequent requests for payment made by a victim. Do not include on line 1 claims made solely or primarily for payment of forensic sexual assaults, if such claims are made through a*