

OFFICE FOR VICTIMS OF CRIME

16.575 Crime Victim Assistance

AUTHORIZATION:Victims of Crime Act of 1984 (VOCA), Section 1402; 1404, 42 U.S.C. 10601; 10603.

OBJECTIVES: Up to \$20,000,000 of the initial fund deposits shall be available for grants under Section 1404A. Of the remaining amount deposited in the fund in a particular year, 47.5 percent shall be available for Crime Victim Assistance Formula Grants under 1404 (a).

Under Section 1404B, the OVC Director may make supplemental grants to state victim services organizations, public agencies, and non-governmental organizations for providing assistance including emergency relief, crisis response efforts, assistance, training, and technical assistance to U.S. Nationals, who are victims of a terrorist act or mass violence occurring within the U.S.

Under 1404C, the OVC Director may provide compensation to US Nationals, or employees of the U.S. government who are victims of international terrorism occurring outside the United States.

Under Section 1402 the Director of OVC may retain funds in an Antiterrorism emergency reserve fund up to \$50,000 million.

USES AND USE RESTRICTIONS: Funds under this program shall be used by states and territories to provide direct services to crime victims with the following exception: states may retain up to 5 percent of their grant for administrative purposes including training. A victim assistance program is an eligible crime victim assistance program under VOCA if it:

- (1) is operated by a public agency or a nonprofit organization, or a combination of such agencies or organizations or of both such agencies and organizations, and provides services to victims of crime;
- (2) demonstrates a record of providing effective services to victims of crime or substantial financial support from nonfederal sources;
- (3) utilizes volunteers in providing such services, unless and to the extent the chief executive determines that compelling reasons exist to waive this requirement;
- (4) promotes within the community, coordinated public and private efforts to aid crime victims;
- (5) assists potential recipients in seeking crime victim compensation benefits; and
- (6) does not discriminate against victims because they disagree with the way a state prosecutes a case.

An eligible crime victim assistance program shall expend sums received under subsection (a) only for providing direct services to victims of crime. The chief executive of each state shall (A) certify that priority shall be given to eligible crime victim assistance programs providing assistance to

victims of sexual assault, spousal abuse, or child abuse, and to programs serving previously underserved victims of violent crime, as determined by the state, (B) certify that funds awarded to eligible crime victim assistance programs will not be used to supplant state and local funds otherwise available for crime victim assistance; and (C) provide such other information and assurances related to the purposes of this section as the Director may reasonably require.

DEFINITIONS: as used in this program, (1) the term “state” includes the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and any other territory or possession of the United States; (2) the term “services to victims of crime” includes (a) crisis intervention services to provide emotional support in cases arising from the occurrence of crime; (b) providing, in an emergency, transportation to court, short-term child care services, and temporary housing and security measures; (c) assistance in participating in criminal justice proceedings; and (d) payment of all reasonable costs for a forensic medical examination of sexual assault victims, to the extent that such costs are otherwise not reimbursed or paid; and (3) the term “chief executive” includes a person designated by the governor to perform the functions of the chief executive under this section.

ELIGIBILITY REQUIREMENTS:

APPLICANT ELIGIBILITY: Any State, the District of Columbia, and any other territory or possession of the United States are eligible. Funds may be subgranted to eligible public and nonprofit organizations or combinations of such agencies or organizations or of both such agencies and organizations, who provide direct services to victims of crime.

BENEFICIARY ELIGIBILITY: Any member of the general public who has been a victim of a violent crime or those who are survivors of victims of crime.

CREDENTIALS/DOCUMENTATION: Applications from the designated state agency for this program must be submitted on Standard Form 424 at a time specified by the Office for Victims of Crime, Office of Justice Programs. The state grant applicant, by completing the grant application, and by receiving a VOCA victim assistance grant award, certifies:

- (1) that funds awarded to eligible crime victim assistance programs will not be utilized to supplant State and/or local funds that would otherwise be available for crime victim assistance;
- (2) that the state will provide such accounting, auditing, monitoring and evaluation procedures as may be necessary, and keep such records as the Office of Justice Programs may prescribe, to assure fiscal control, proper management and efficient disbursement of federal funds;
- (3) that the state shall give priority to programs aiding victims of sexual assault, spousal abuse, or child abuse, and to programs serving previously underserved victims of violent crimes as determined by the state;
- (4) that the state will submit to the Office of Justice Programs Subgrant Award Reports and Performance Reports concerning the activities carried out with the federal funds received and will maintain and report such data and information as required;

- (5) that the state will adhere to the audit and financial management requirements set forth in the OJP Financial Guide;
- (6) that the state will comply with all applicable federal and VOCA nondiscrimination requirements; and
- (7) that the information in the application is correct and that the State will comply with all applicable provisions of the Victims of Crime Act and other federal laws, regulations, and circulars. Costs will be determined in accordance with OMB Circular No. A-87 for state and local governments.

FORMULA AND MATCHING REQUIREMENTS: All States and most Territories receive an annual VOCA victim assistance grant. Each state, the District of Columbia, the U.S. Virgin Islands, and Puerto Rico receive a base amount of \$500,000. The territories of the Northern Mariana Islands, Guam, and American Samoa, and the Republic of Palau each receive a base amount of \$200,000. Additional funds are distributed based on populations. That portion of the then remaining funds will be divided among all states or territories according to population (U.S. Census Bureau). If the amount available for grants under this program is insufficient to provide \$500,000 to each state, the base amount available shall be distributed equally among the States and territories.

16.576 Crime Victim Compensation

AUTHORIZATION: Victims of Crime Act of 1984 (VOCA), Sections 1402; 1403, 42 U.S.C. 10601; 10602.

OBJECTIVES: Up to \$20,000,000 of the initial fund deposits shall be available for grants under Section 1404A. Of the remaining amount deposited into the fund in a particular fiscal year, 47.5 percent shall be available for grants under Section 1403 Crime Victim Compensation Formula Grants.

USES AND USE RESTRICTIONS: Funds under this program shall be used by the states for awards of compensation benefits to crime victims, with the following exception: States may retain up to 5 percent of their total grant for administrative purposes. A crime victim compensation program is an eligible crime victim compensation program if:

- (1) such program is operated by a state and offers compensation to victims and survivors of victims of criminal violence, including drunk driving and domestic violence for: (A) medical expenses attributable to a physical injury resulting from a compensable crime, including expenses for mental health counseling and care; (B) loss of wages attributable to a physical injury resulting from a compensable crime; and (C) funeral expenses attributable to a death resulting from a compensable crime;
- (2) such program promotes victim cooperation with the reasonable requests of law enforcement authorities;
- (3) such state, possession or territory certifies that grants received under this program will not be used to supplant funds otherwise available to provide crime victim compensation;

- (4) such program, as to compensable crimes occurring within the state, possession or territory, makes compensation awards to victims who are nonresidents of the state, possession or territory on the basis of the same criteria used to make awards to victims who are residents of the state, possession or territory;
- (5) such program provides compensation to victims of federal crimes occurring within the state on the same basis that such program provides compensation to victims of state crimes;
- (6) such program provides compensation to residents of the state who are victims of crimes occurring outside the state if (A) the crimes would be compensable crimes had they occurred inside the state and (B) the places the crimes occurred are in states not having eligible crime victim compensation programs;
- (7) such program does not, except pursuant to rules issued by the program to prevent unjust enrichment of the offender, 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;
- (8) such program does not provide compensation to any person who has been convicted of an offense under federal law with respect to any time period during which the person is delinquent in paying a fine, other monetary penalty, or restitution imposed for the offense; and
- (9) such program provides other information and assurances related to the purposes of this section as the Director may reasonably require.

DEFINITIONS: As used in this section—(1) the term “property damage” does not include damage to prosthetic devices, eyeglasses or other corrective lenses, or dental devices; (2) the term “medical expenses” includes, to the extent provided under the eligible crime victim compensation program, expenses for eyeglasses and other corrective lenses, for dental services and devices and prosthetic devices, and for services rendered in accordance with a method of healing recognized by the law of the State; and (3) the term “compensable crime” means a crime the victims of which are eligible for compensation under the eligible crime victim compensation program, and include driving while intoxicated and domestic violence.

ELIGIBILITY REQUIREMENTS:

APPLICANT ELIGIBILITY: States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, and any other possession or territory of the United States who have an established eligible crime victim compensation program, and who meet the eligibility requirements discussed above.

BENEFICIARY ELIGIBILITY: Victims of crime that results in death or physical or personal injury and are determined eligible under the State victim compensation statute. State compensation statutes either declare that coverage extends generally to any crime resulting in physical or personal injury, or they list all specific crimes that can be covered.

FORMULA AND MATCHING REQUIREMENTS: As provided in VOCA, formula grant awards to an eligible state crime victim compensation program are based on 60 percent of the amounts states

expended during the fiscal year preceding the year of collections for the Crime Victims Fund, other than amounts awarded for property damage. If the sums available in the Fund for grants under this program are insufficient to provide grants of 60 percent as provided above, grants from the sums available will be made to each eligible crime victim compensation program so that all such programs receive the same percentage of the amounts awarded by such programs during the preceding fiscal year, other than amounts awarded for property damage.

16.582 Crime Victim Assistance/Discretionary Grants

AUTHORIZATION: Victims of Crime Act of 1984, Section 1402; 1404, 42 U.S.C. 10601, 10603

OBJECTIVES: The Office for Victims of Crime administers a discretionary grant program and other assistance programs for crime victims with amounts set-aside from deposits into the Crime Victims Fund grants for:

- (1) demonstration projects, program evaluation, compliance efforts, and training and technical assistance services to eligible crime victims assistance programs;
- (2) the financial support of services to victims of Federal crime by eligible crime victim assistance programs; and
- (3) the financial support of fellowships or clinical internships.

The purpose of the demonstration and training and technical assistance grants is to improve the overall quality of services delivered to crime victims through the provision of training and technical assistance to providers. Funds are also available to improve the Federal and state responses to victims of Federal crime. Of the amount available for training and technical assistance and services to victims of Federal crimes, not less than 50 percent shall be used for demonstration programs, program evaluation, compliance efforts, and technical assistance, and not more than 50 percent for services to victims of Federal crimes.

USES AND USE RESTRICTIONS: Funds are specifically for:

- (1) demonstration projects, program evaluation, compliance efforts, and training and technical assistance services to eligible crime victims assistance programs;
- (2) the financial support of services to victims of Federal crime by eligible crime victim assistance programs; and
- (3) the financial support of individual fellowships or clinical internships which may be created by the Director.

For the purpose of the grants authorized in 42 U.S.C. 10603, an eligible crime victim association program is defined as: (a) operated by a public agency or a nonprofit organization, or a combination of such agencies and organizations, and providing service to victims of crime; (b) demonstrating (i) a record of providing effective services to victims of crime and financial support from

sources other than the Fund; or (ii) substantial financial support from sources other than the Fund; (c) utilizing volunteers in providing such services, unless to the extent the chief executive determines that compelling reasons exist to waive this requirement; (d) promoting within the community served coordinated public and private efforts to the crime victims; and (e) assisting potential recipients in seeking crime compensation benefits. For purpose of grants authorized for assistance to victims of Federal crime, services includes (a) training of law enforcement personnel in the delivery of services to victims of Federal crime; (b) preparation, publication, and distribution of informational materials setting forth services offered to victims of crime; and concerning services for victims of Federal crime for use by Federal law enforcement and other responsible Federal officials; and (c) salaries of personnel who provide services to victims of crime, to the extent that these personnel provide such services.

ELIGIBILITY REQUIREMENTS:

APPLICANT ELIGIBILITY: Criteria will vary depending on the grant. Generally, eligible applicants may include American Indian/Alaska Native Tribes and tribal organizations, states, United States Attorneys' offices, eligible victim service agencies, private nonprofit agencies, and Federal training centers. Applicants for Victim Assistance in Indian Country grants must be an Indian Tribe, a Tribal organization, a partnership or a non-profit organization that provides direct services to victims of crime in areas of Indian Country that are under Federal criminal justice jurisdiction. Individuals are eligible to apply for fellowships or clinical internships.

BENEFICIARY ELIGIBILITY: These are discretionary grants. Eligibility depends on the specific nature of the grant but may include a wide variety of public and private nonprofit agencies.

CREDENTIALS/DOCUMENTATION: Applications for this program must be on Standard Form 424 at a time specified by the Office for Victims of Crime, Office of Justice Programs and must contain at a minimum such information as OJP/OVC chooses to request. This includes, but is not limited to:

- (1) OJP Form 4061/6 (Certifications Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements);
- (2) OJP Standard Assurances Forms; and
- (3) Certifications that the information in the application is correct and that the applicant will comply with all applicable provisions of the Victims of Crime Act and other Federal laws, (including subtitle A, Title II of the Americans with Disabilities Act (ADA) of 1990) regulations, and circulars.

Costs will be determined in accordance with OMB Circular No. A-21; A-87; or A-122 depending upon the type of organization that applies for funding.

FORMULA AND MATCHING REQUIREMENTS: There are no formula or matching requirements, except for Victim Assistance in Indian Country discretionary grants which have a 10 percent "in kind" match requirement.

16.583 Children's Justice Act Discretionary Grants for Native Americans (Children's Justice Act Partnership for Native American Indian Tribes)

AUTHORIZATION:Victims of Crime Act of 1984 (VOCA), Section 1402, 42 U.S.C. 10601(g)(1)

OBJECTIVES: Fifteen percent of the funds from the Crime Victims Fund that are transferred pursuant to 42 U.S.C. 10603a to the Department of Health and Human Services as part of the Children's Justice Act are statutorily reserved by the Office for Victims of Crime (OVC) to make grants for the purpose of assisting Native American Indian tribes in developing, establishing, and operating programs designed to improve the handling of child abuse cases, particularly cases of child sexual abuse, in a manner which limits additional trauma to the child victim and improves the investigation and prosecution of cases of child abuse.

USES AND USE RESTRICTIONS: Funds are available specifically for the purpose of assisting Indian tribes in developing, establishing, and operating programs designed to improve (a) the handling of child abuse cases, particularly cases of child sexual abuse, in a manner which limits additional trauma to the victim and (b) the investigation and prosecution of cases of child abuse, particularly child sexual abuse.

ELIGIBILITY REQUIREMENTS:

APPLICANT ELIGIBILITY: Federally recognized Indian tribal governments and nonprofit Indian organizations that provide services to Native Americans. Specific criteria will vary depending on the grant.

BENEFICIARY ELIGIBILITY: Native American youth who are victims of child abuse and/or child sexual abuse.

CREDENTIALS/DOCUMENTATION: Applications must be on Standard Form 424 at a time specified by the Office for Victims of Crime, Office of Justice Programs and must contain such information as OJP/OVC chooses to request. This includes but is not limited to:

- (1) OJP Form 4061/6 (Certifications Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements);
- (2) OJP Standard Assurances; and
- (3) Certifications that the information in the application is correct and that the Grantee will comply with all applicable provisions of the Victims of Crime Act and other Federal laws, regulations, and circulars, including Subtitle A, Title II of the Americans With Disabilities Act (ADA) of 1990.

FORMULA AND MATCHING REQUIREMENTS: In-kind match required as follows: 10 percent year 1; 15 percent year 2; 25 percent year 3.

16.321 Antiterrorism and Emergency Assistance Program

AUTHORIZATION:Victims of Crime Act of 1984 (VOCA), 42 U.S.C. 10601,10603b.

OBJECTIVES: Funding available through the Antiterrorism and Emergency Reserve of the Crime Victims Fund (Victims of Crime Act, 42 U.S.C. 10601(d)(5)(A)) is designed to provide timely relief and to help respond to immediate and on-going challenges in providing victim assistance services in the aftermath of cases of terrorism or mass violence. Section 42 U.S.C. 10603b of VOCA, outlines the specific authority of the Office for Victims of Crime (OVC) to provide compensation and assistance to victims of acts of terrorism or mass violence within the United States and assistance to victims of terrorism and mass violence outside the United States. Section 10603c of VOCA establishes the related program to provide compensation payments to victims of international terrorism.

USES AND USE RESTRICTIONS: This program is designed to supplement the available resources and services of entities responding to acts of terrorism or mass violence. Thus, Emergency Reserve support may be granted if needed services cannot be adequately provided with existing resources, or if the provision of services and assistance will result in an undue financial hardship on the jurisdiction's ability to respond to other victims of crime.

In cases of terrorism or mass violence occurring within the United States, 42 U.S.C. 10603b(b) authorizes the Director of OVC ("the Director") to provide funding to eligible state victim compensation and assistance programs, as well as victim service organizations, public agencies (including Federal, state, or local governments) and non-governmental organizations, for emergency relief to benefit victims, including crisis response efforts, assistance, training and technical assistance, and ongoing assistance, including during any investigation or prosecution, to victims of terrorist acts or mass violence. This section also allows supplemental OVC grants for purposes of compensation payments for terrorism or mass violence occurring within the United States.

In cases of terrorism or mass violence occurring outside the United States, 42 U.S.C. 10603b(a) authorizes the Director to make grants to states, victim service organizations, and public agencies (including Federal, state, and local governments) and non-governmental organizations that provide assistance to victims of crime, for emergency relief, including crisis response efforts, assistance, training and technical assistance, and ongoing assistance, including during any investigation or prosecution, to victims of terrorist acts or mass violence occurring outside the United States.

ELIGIBILITY REQUIREMENTS: Applicants eligible for funding include state victim assistance and victim compensation programs, public agencies including Federal, state and local governments, and victim service and non-governmental organizations. In cases within the United States, applications will be accepted only from the jurisdiction in which the crime occurred unless a statute establishes a special authorization and appropriation supporting allocations to other jurisdictions, or a compelling justification can be provided to the OVC Director supporting requests from other jurisdictions.

In cases abroad, eligible recipients of compensation or assistance benefits include (1) victims who are nationals of the United States or officers or employees of the U.S. government, who are killed or injured as a result of a terrorist act or mass violence occurring outside the United States; and

(2) in the case of a person who is under the age of 18, incompetent, incapacitated, or deceased, a family member or legal guardian of that person. Only terrorist actions occurring after December 21, 1988, for which there is an ongoing investigation or prosecution as of April 24, 1996, are eligible for coverage.

In no event shall an individual who is criminally culpable for the terrorist act of mass violence receive any assistance under this program, either directly or on behalf of a victim.

CIVIL RIGHTS DIVISION

16.108 Americans With Disabilities Act (ADA) Technical Assistance Program

AUTHORIZATION: Americans with Disabilities Act, Public Law 101-336, Section 506.

OBJECTIVES: To ensure that public accommodations and commercial facilities and State and local governments learn of the requirements of Titles II and III of the Americans with Disabilities Act (ADA) and acquire the knowledge needed to comply with these requirements.

USES AND USE RESTRICTIONS: Grants limited to the provision of technical assistance and educational activities that have a wide impact, including the development and dissemination of materials, the conduct of seminars, conferences, and training, and the provision of technical assistance on a state, regional or national basis depending on the funding priorities announced each year. Because the grant program is educational in nature, the Department does not fund projects to research or resolve issues that are outside the scope of the Department's current ADA regulation and court interpretations. The program is not intended to fund or support site-specific compliance implementation (e.g., funding to make specific facilities more accessible), or to fund or support inspections, reviews, or tests to determine whether an entity is meeting its compliance obligations.

ELIGIBILITY REQUIREMENTS:

APPLICANT ELIGIBILITY: Nonprofit organizations, including trade and professional associations or their subsidiaries, organizations representing State and local governments or their employees, other organizations representing entities covered by the ADA, State and local governments agencies, national and State-based organizations representing persons with disabilities, and individuals.

BENEFICIARY ELIGIBILITY: The target audiences of funded grants will include State and local governments, businesses and nonprofit organizations that operate public accommodations and commercial facilities, and individuals with disabilities.

CREDENTIALS/DOCUMENTATION: Not applicable.

MATCHING REQUIREMENTS: Not applicable.

16.110 Education and Enforcement of the Antidiscrimination Provision of the Immigration and Nationality Act (INA)

AUTHORIZATION: Immigration and Nationality Act, 8 USC 1324(b).

OBJECTIVES: To educate employers and workers about their rights and responsibilities under the Immigration and Nationality Act (INA) in order to prevent employment discrimination based on citizenship status or national origin.

USES AND USE RESTRICTIONS: The anti-discrimination provision of the INA prohibits employment discrimination on the basis of national origin and citizenship status against U.S. Citizens and other legally authorized workers. The Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) was established to ensure that these individuals are not discriminated against with respect to hiring, firing or recruiting or referral for a fee based on their citizenship status or national origin. INA's prohibition against citizenship status discrimination covers:

- (1) U.S. citizens and nationals;
- (2) legal permanent residents;
- (3) temporary residents under IRCA's legalization program, Special Agricultural Worker program (SAW) or Replenishment Agricultural Worker program (RAW);
- (4) refugees; and
- (5) asylees.

The INA also makes it illegal for employers with four to 14 employees to discriminate, with respect to hiring, firing, recruitment or referral for a fee, against any individual on the basis of his or her national origin. Employers with 15 or more employees are covered under Title VII of the Civil Rights Act of 1964. Please note that for national origin charges, OSC has jurisdiction over employers with between four and 14 employees. National origin charges against employers with 15 or more employees come under the jurisdiction of the Equal Employment Opportunity Commission (EEOC), which enforces Title VII of the Civil Rights Act of 1964. There may be exceptions to this general rule, so charges incorrectly filed with OSC are automatically referred to the EEOC and vice versa. All charges of citizenship status discrimination against employers with four or more employees should be filed with OSC.

In addition, under the document abuse provision of the law, employers must accept all forms of work authorization and proof of identity allowed by the Immigration and Naturalization Service (INS) for completion of the Employment Eligibility Verification (I-9) Form and that on their face appear genuine. Employers may not prefer or require one form of documentation over another for hiring purposes. Employers may not, with the intent to discriminate, require more or different documents than required. The goal of the grant program is to educate workers and employers about the antidiscrimination provisions outlined above in order to reduce the incidents of employment discrimination through nonprofit, private groups and state and local governments and, if applicable, their sub-grantees.