INFORMATION SPECIFIC TO STOP VIOLENCE AGAINST WOMEN FORMULA GRANT PROGRAM (VAWA) FUNDING

The STOP Violence Against Women Formula Grant Program funds are issued to the State of Oregon by the U.S. Department of Justice, Office on Violence Against Women (OVW) under the Violence Against Women and Department of Justice Reauthorization Act of 2013¹ and 2016 VAWA general provisions and grant conditions.

The STOP Program seeks to forge lasting partnerships between the criminal justice system and victim advocacy organizations. The emphasis of the STOP Program is on the implementation of comprehensive strategies addressing violence against women that are sensitive to the needs and safety of victims in cases involving domestic violence, sexual assault, stalking and dating violence and to hold offenders accountable for their crimes.

The amount of STOP Program funding available to applicants is based on statutory funding allocations determined by OVW. CVSD distributes the STOP VAWA funds as required by statute for law enforcement, prosecution, courts and victims' services programs (tribal and non-profit organizations). A total of 25% of the annual VAWA award for law enforcement, 25% for prosecution and 5% for courts is included in the competitive RFA. A total of 45% of the annual VAWA award is included in the non-competitive Joint DV/SA RFA for victim service programs. At least 10% of the 30% allocation for the victim services allocation addresses culturally specific agencies. A portion of the funds across all allocation categories also address meaningful access to sexual assault services.

STOP VAWA has <u>federal statutory purpose areas</u> and <u>state funding priorities</u> that must align with the applicant's proposed project: Training; Direct Services; or Policies, Procedures and Protocols. In this application, Applicants will be asked to describe how their proposed project meets these requirements.

- Applicants will use at least one federal statutory purpose area in their proposed project;
- Applicants will address the <u>two required state funding priorities and select an additional priority</u> in their proposed project as noted on Form B.

A copy of the FY 2017 – 2020 STOP VAWA Implementation Plan for Oregon may be found at: https://justice.oregon.gov/crime-victims/pdf/2018_vawa_comp_ip.pdf. The plan lists the revised statewide funding priorities on page 49 (Section IV. B.) and related goals and objectives in Section IV. C. Funding priorities and related objectives for victim service programs are also listed below.

¹ The VAWA Act of 1994 became federal law (Title IV, sec. 40001-40703 of the Violent Crime Control and Law Enforcement Act, H.R. 3355) signed as Pub.L. 103-322 (codified in part at 42 U.S.C. sections 13701 through 14040). The Act was reauthorized in 2000, 2005 and again in 2013. Reauthorization of the Act is anticipated every five years.

A. FEDERAL STATUTORY PURPOSE AREAS AND DEFINITIONS

To be eligible for STOP VAWA Program funding, projects must fall within at least one of 20 Federal Statutory Purpose Areas established by Congress in the 2013 Reauthorization of the Violence Against Women Act.

For purposes of the FY 2018 - 2019 VAWA Competitive Application, applicants will be selecting their purpose area(s) on Form B. in the E-Grants application. Please note that the activities related to the VAWA grant and match-funded staff and activities must be connected to the selected purpose area (s).

Definitions of terms used in VAWA that apply to the STOP Program, as amended by VAWA 2013, may be referenced at <u>VAWA 2013 Universal Definitions and Grant Conditions</u>.

The following definitions are important for applicants to consider when developing their proposals:

The term "victim service provider" means a nonprofit, nongovernmental or tribal organization or rape crisis center, including a State or tribal coalition, that assists or advocates for domestic violence, dating violence, sexual assault, or stalking victims, including domestic violence shelters, faith-based organizations, and other organizations, with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

The term "victim advocate" means a person, whether paid or serving as a volunteer, who provides services to victims of domestic violence, sexual assault, stalking, or dating violence under the auspices or supervision of a victim services program.

New definitions in VAWA 2013 for culturally specific services, population specific services and underserved populations ensure that VAWA funded services effectively reach victims from communities with unique needs and characteristics, and communities whose members face barriers to access traditional services.

The term "culturally specific" means primarily directed toward racial and ethnic minority groups (as defined in section 300u-6(g)).

The term "culturally specific services" means community-based services that include culturally relevant and linguistically specific services and resources to culturally specific communities.

The term "**population specific organization**" means a nonprofit, nongovernmental organization that primarily serves members of a specific underserved population and has demonstrated experience and expertise providing targeted services to members of that specific underserved population.

The term "**population specific services**" means victim-centered services that address the safety, health, economic, legal, housing, workplace, immigration, confidentiality, or other needs of

victims of domestic violence, dating violence, sexual assault, or stalking, and that are designated primarily for and are targeted to a specific underserved population.

The term "underserved populations" means populations who face barriers in accessing and using victim services, and includes populations underserved because of geographic location, religion, sexual orientation, gender identity, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Attorney General or by the Secretary of Health and Human Services, as appropriate.

B. VAWA STATE FUNDING PRIORITIES

The CVSD Advisory Committee and the VAWA Implementation Planning Subcommittee are responsible for the development of the STOP VAWA Implementation Plan for Oregon (IP). This plan establishes the state funding priorities for all projects receiving federal STOP VAWA Formula Grant Program funds that are consistent with the federal statutory purpose areas. Funding priorities include all statutorily required allocations for law enforcement, prosecution, courts and victim services.

The funding priorities demonstrate the state's intent for VAWA funds following an inclusive and coordinated planning process. The funding priorities are developed every four years in response to an evaluation of statewide gaps <u>2016 VAWA IP Survey Gaps</u>. The IP is intended to reflect the strengths and needs of the state; the challenges that survivors, systems, providers, and relevant disciplines face; and the priorities, goals, and objectives for use of STOP funds.

C. COMPLIANCE, ASSURANCES AND CERTIFICATIONS

Grantees must comply with the applicable provisions of the STOP VAWA Program and the financial and administrative requirements of the OVW Financial Guide found at: https://www.justice.gov/ovw/file/892031/download

As of December 29, 2016, the general award terms and conditions provided in the <u>Standard Special Conditions-Grants</u> will apply to your award. These changes are included in the federal register:

 $\underline{https://www.federalregister.gov/documents/2016/11/29/2016-28437/conforming-stop-violence-against-women-formula-grant-program-regulations-to-statutory-change$

The rule issued in 2016 amends the regulations for the STOP Program:

- Streamlined existing regulations to reduce repetition of statutory language;
- Implements statutory requirements for nondisclosure of confidential or private information pertaining to victims of domestic violence, dating violence, sexual assault and stalking; and
- Revises the definition of "forensic medical examination" and directs STOP recipients to incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault.

Grantees must comply with other OVW program specific award conditions that will be included on the VAWA Program Grant Agreement and its exhibits.

- Prohibited conduct by recipients and subrecipients related to trafficking in persons,
- General appropriations-law restrictions on use of federal award funds,
- Recipient Integrity and Performance Matters including Recipient Reporting to FAPIIS.
- System for Award Management (SAM) and Universal Identifier Requirements.

D. VAWA REAUTHORIZATION ACT OF 2013 MANDATES

Mandates to consider when preparing proposed projects for this solicitation (per OVW FAQs) include the following:

NOTE: For additional information on STOP Program funding limitations, read the "Frequently Asked Questions on STOP Formula Grants" published by the Office on Violence Against Women and found at the website:

https://www.doj.state.or.us/wp-

content/uploads/2017/06/stop frequently asked questions 18feb16.pdf

Support Services to Children:

STOP funds should be used for projects that serve or focus on adult and youth (age 11-24) women and girls who are victims of domestic violence, dating violence, sexual assault, or stalking. In general, victims served with STOP funds must be adults or youth. Under a new purpose area created by VAWA 2005, however, STOP funds may also support "complementary new initiatives and emergency services for victims and their families." For example, STOP funds may support services for secondary victims such as children who witness domestic violence.

Child Sex Abuse Victims:

STOP funds can serve sexual assault victims who are age 11 or older. VAWA defines sexual assault as "any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks the capacity to consent". The target of the STOP Program is adult and youth victims. Youth is defined as "a person who is 11 to 24 years old" per VAWA 2013.

Support Services to Men:

Regardless of the purpose of the STOP award, STOP grantees must provide services to a male victim in need who is similarly situated to female victims the grantee ordinarily serves and who requests services. Under the anti-discrimination provision of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3789d(c)(1) and under a new nondiscrimination grant condition from VAWA 2013, grantees, including STOP grantees, may not exclude any person from receiving grant-funded services on a number of prohibited grounds, including that person's sex. See the non-discrimination requirements under Common Requirements in this RFA.

Note: In VAWA 2013, Congress added two new purpose areas that specifically included men, which means that applicants under those purpose areas may have projects that target male victims. [13] The specific purpose areas are purpose area 17 (focusing on programs addressing sexual assault against men, women, and youth in correctional and detention settings) and purpose area 19 (focusing on services and responses targeting male and female victims of domestic violence, dating violence, sexual assault, or stalking, whose ability to access traditional services and responses is affected by their sexual orientation or gender identity).

Services to lesbian, gay, bisexual, or transgender (LGBT) victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking:

STOP funds can serve LGBT victims of domestic violence, dating violence, sexual assault, or stalking. Congress added a new purpose area for "developing, enlarging, or strengthening programs and projects to provide services and responses targeting male and female victims whose ability to access traditional services and responses is affected by their sexual orientation or gender identity, as defined in section 249 (c) of title 18, United States Code. In addition, the new nondiscrimination grant condition indicates that grantees may not exclude any person from receiving grant-funded services on a number of prohibited grounds, including that person's sexual orientation or gender identity.

Incarcerated Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking: There is now a specific purpose area for "developing, enlarging, or strengthening programs addressing sexual assault against men, women, and youth in correctional or detention settings." The services provided, however, may only address the domestic violence, dating violence, sexual assault, or stalking victimization experienced by the incarcerated individual, including both such crimes experienced while incarcerated and crimes experienced at other points in their youth and adult lives. Funds should not be used to provide any other types of services, such as rehabilitative services related to the crime committed by the incarcerated individual.

Note: Although STOP funds may be used to provide victim services as described above, other federal funds do have restrictions on serving incarcerated victims. The Oregon Department of Corrections (DOC), Oregon Youth Authority (OYA), CVSD, Attorney General Sexual Assault Task Force (AGSATF), Oregon Coalition Against Domestic & Sexual Violence (OCADSV) and other partners are currently working on a statewide plan that includes training for community-based advocates and state correctional staff that may provide advocacy to victims in a correctional setting. STOP funding may be used to subcontract with a prosecutor that provides legal assistance to survivors.

<u>Legal Services (Federal Statutory Purpose Area 5):</u>

A full range of legal services, such as housing, family law, public benefits, and other similar matters can be provided. This includes divorce and child custody cases that are linked to the safety of the victim. Any applicant providing legal assistance must certify that:

- 1) any person providing legal assistance with STOP funds has demonstrated expertise in providing legal assistance to victims of domestic violence dating violence, sexual assault, or stalking in the targeted population; or
- 2) is partnered with an entity or person that has such demonstrated expertise and has completed or will complete training in connection with domestic violence, dating violence, stalking, sexual assault, and related legal issues, including training on evidence-based risk factors for domestic and dating violence homicide;
- 3) any person or organization providing legal assistance through the STOP program has informed and will continue to inform state, local, or tribal domestic violence, dating violence, or sexual assault programs and coalitions, as well as appropriate state and local law enforcement officials of their work; and

4) the applicant's or sub-contracting organizational policies do not require mediation or counseling involving offenders and victims physically together, in cases where sexual assault, domestic violence, dating violence, or child sexual abuse is an issue.

Note: Programs may use funding for this purpose if the legal assistance is provided by an attorney licensed to practice law or they are certified to appear in court; under the supervision of a licensed attorney. Applicants must document that anyone funded under this area meets the required training.

<u>Batterers' intervention</u> programs may be supported provided that the programs are part of a graduated range of sanctions that use the coercive power of the criminal justice system to hold abusers accountable for their criminal actions and for changing their behavior. However, couples counseling or any intervention that requires participation by a victim or that is not designed to hold offenders accountable for their violent behavior cannot be supported with STOP dollars.

Violence Prevention Programs

This is not an allowable activity for applicants in this RFA.

School Programs:

Programs in schools may be supported to the extent that they fit within one or more of the STOP program's statutory program purpose areas. For example, STOP funds could be used to provide support groups that meet at school for dating violence victims or to provide information to students about services available to help victims of dating violence.

Other Important VAWA 2013 Changes:

- Rural Area definition is broadened to include federally-recognized Indian tribes, some of which have been precluded from participating in programs.
- Tribal courts can prosecute non-Native offenders that abuse Tribal Nations/Native women on reservations.
- The definition of "personally identifying information" was expanded to include additional information (driver's license number, passport number or student identification number) that is likely to disclose a victim's identity and adds "regardless of whether the information is encoded, encrypted, or otherwise protected.

E. OTHER FEDERAL REQUIREMENTS BEYOND THE COMMON REQUIREMENTS IN THIS RFA

1. **Maintain the Confidentiality of Survivor Information**. As noted in Common Requirements E.10, applicants must comply with confidentiality and privacy requirements. VAWA fund recipients will be required to sign the *Acknowledgement of Notice of Statutory Requirement to Comply with the Confidentiality and Privacy Provisions of the Violence Against Women Act, as Amended*, with the Grant Agreement. A copy of the form is available on the OVW website at:

 $\underline{http://www.justice.gov/sites/default/files/ovw/pages/attachments/2015/01/20/confidentiality_ack} \\ \underline{nowledgement_form_42015.pdf}$

2. Comply with OVW Financial Requirements. Applicants must agree to follow the financial and administrative requirements in the 2015 OJP Financial Grants Management Guide available at https://ojp.gov/financialguide/doj/pdfs/DOJ_FinancialGuide.pdf.

This includes, but is not limited to, financial documentation for disbursements, daily time and attendance records specifying time devoted to allowable VAWA services, job descriptions, contracts for services, and other records which facilitate an effective audit.

3. Non-supplanting of Funds. Federal funds cannot be used to supplant (replace) other existing funds. Funds presently appropriated for the project may not be deliberately decreased due to additional federal funds.

G. ALLOWABLE COSTS AND SERVICES

In general, STOP Program funds may support personnel, administrative or indirect costs, training, outreach, awareness, evaluation, data collection, office supplies, equipment and operating costs to provide and improve services for victims and the new federal 2013 mandates listed above.

Some changes per VAWA 2013 that impact the use of grant funds:

- STOP funds can be used to pay for the survivor first month's rent. Deposits are now allowable if the grantee has an agreement in place with the landlord that the full/remaining deposit will be returned to the grantee and not the victim at the end of the lease. Funds may not be used to pay for moving household goods to a new location, acquiring furniture or housing in a new location.
- STOP funds can be used to transport a victim safely out of or into the state. Specifically, used to cover reasonable transportation costs that enhance a victim's safety.
- STOP funding may be used to purchase groceries as part of victim services that grantees provide to victims. Grantees need to have a process in place to ensure that all items purchased are allowable, reasonable and necessary under applicable State and Federal statutes and regulations. Pursuant to Federal regulations, the purchase of any alcohol, tobacco, or related products is strictly prohibited with the use of grant funds.
- STOP funding may be used to subcontract with a prosecutor that provides legal assistance to survivors (see federal requirements under STOP VAWA Section D of this RFA).

H. UNALLOWABLE AND OUT-OF-SCOPE ACTIVITIES

The following is a list of activities that are unallowable and out of program scope and cannot be supported by VAWA Formula Grant Program funding:

- Substance abuse counseling for domestic and sexual assault victims;
- Immigration fees for battered immigrant women;
- Activities focused on education and prevention efforts (includes bystander intervention, presentations on healthy relationships, etc.);

- Research projects (this does not include program assessment conducted only for internal improvement purposes);
- Lobbying or attempts to influence members of Congress, the Oregon Legislature, County Commissions, City Councils, or other legislative bodies;
- Fundraising campaigns, endowment drives, or solicitation of gifts and bequests;
- Purchase of real property and vehicles;
- Construction or physical modification to buildings, including minor renovations (such as painting or carpeting);
- Tips, bar charges or related items while on travel status. Meals not associated with overnight travel. An exception is made for breakfast and dinner as long as the employee is on travel status for a minimum of two hours before the beginning of their regularly scheduled work shift or after the end of their regularly scheduled work shift.
- Per diem reimbursement for meals provided at conferences or training seminars;
- Food related items such as napkins, plates, forks, spoons, knives, beverages, snacks, candy or food items not provided in conjunction with a working lunch or dinner at a conference or training event;
- Entertainment, honoraria, gifts, gift certificates, cards, movies, recreation, sporting events, holiday and birthday supplies, or expenses related to these items;
- Personal items such as makeovers, non-professional membership dues, flowers, cards, social events or promotion of church attendance;
- Grant writing;
- Visas or passport charges;
- Bonuses or commissions;
- Interest; interest on non-bearing items, or the cost of money;
- Laundry charges;
- Late fees or finance charges;
- Audit costs for audits not required in accordance with federal guidance. If the grantee didn't expend \$750,000 or more in federal funds in its fiscal year, but contracted with a certified public accountant to perform an audit, these costs may not be charged to the grant;
- Acquiring furniture or housing or moving household goods to a new location;
- Support services that focus exclusively on children;
- Support legal or defense services for perpetrators; and
- Create a voucher program.

Activities that may compromise victim safety will not be supported, including:

- O Procedures or policies that exclude victims from receiving safe shelter, advocacy services, counseling, and other assistance based on their actual or perceived age, immigration status, race, religion, sexual orientation, gender identity, mental health condition, physical health condition, criminal record, work in the sex industry, relationship to the perpetrator, or the age and/or gender of their children;
- o Procedures or policies that compromise the confidentiality of information and privacy of persons receiving OVW-funded services.

- Offering perpetrators the option of entering pre-trial diversion programs or placing batterers in anger management programs.
- o Requiring mediation or counseling for couples as a systemic response to domestic violence or sexual assault, or in situations in which child sexual abuse is alleged;
- o Requiring victims to report sexual assault, stalking, or domestic violence crimes to law enforcement or forcing victims to participate in criminal proceedings;
- o Relying on court-mandated batterer intervention programs that do not use the coercive power of the criminal justice system to hold batterers accountable for their behavior; or
- Supporting policies or engaging in practices that impose restrictive conditions to be met by the victim in order to receive services (e.g., attending counseling, seeking an order of protection).