

# VICTIMS OF CRIME ACT (VOCA)



## Program Guidelines

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## Wisconsin Victims of Crime Act Subgrant Program Guidelines

### I. INTRODUCTION

#### A. Applicability

These guidelines discuss general program requirements and restrictions relating to the administration of all Victims of Crime Act (VOCA) subgrant awards funded by the State of Wisconsin under its federal VOCA formula and discretionary grants. This revision supersedes all previously issued guidelines. OCVS reserves the right to modify the State VOCA Guidelines at any time.

#### B. Administration

The U.S. Department of Justice Office of Justice Programs Office of Victims of Crime (OVC) is the federal agency responsible for administration of the Victims of Crime Act.

The Wisconsin Department of Justice is the designated agency for the administration, or the State Administering Agency (SAA), of VOCA in the state. The Office of Crime Victim Services (OCVS) in the Department of Justice has specific program responsibility for VOCA.

#### C. Authority

These guidelines apply to subgrants awarded by the State of Wisconsin pursuant to the U.S. Victims of Crime Act of 1984 (VOCA), Public Law 98-473, as amended, codified at 42 U.S.C. 10603. Also see Rules and Regulations, Federal Register, July 8, 2016 (Part 94 - Crime Victim Services, Subpart B – VOCA Victim Assistance Program):

<https://www.gpo.gov/fdsys/pkg/FR-2016-07-08/pdf/2016-16085.pdf>.

#### D. Program Goals

The primary purpose of VOCA victim assistance grants is to support the services to victims of crime throughout Wisconsin. Direct services are efforts that:

1. Respond to the emotional, psychological, or physical needs of crime victims;
2. Assist victims to stabilize their lives after a victimization;
3. Assist victims to understand and participate in the criminal justice system; or
4. Restore a measure of safety and security for the victim.

For the purposes of this program, a crime victim is a person who has suffered physical, sexual, financial or emotional harm as a result of the commission of a crime.

Subrecipients may provide direct services regardless of a victim's participation in the criminal justice process. Additionally, victim eligibility for direct services under this program is not dependent on the victim's immigration status.

[Note: Although VOCA-funded programs cannot restore the financial losses suffered by victims of fraud, victims are eligible for the counseling, criminal justice advocacy and other support services offered by VOCA-funded victim assistance programs.]

## II. SUBGRANTEE ELIGIBILITY REQUIREMENTS

### A. Agency Type

Projects must be operated by a public agency, a nonprofit organization, or a combination of both. A nonprofit organization must be duly incorporated and registered under Wisconsin Statutes, unless it is a tribal governing body or chapter of an eligible national nonprofit organization. Eligible programs are not limited to entities whose sole purpose is to provide direct services. Federal agencies and inpatient treatment facilities (e.g. drug, alcohol and/or mental health treatment) are not eligible to receive VOCA victim assistance funding.

### B. Record of Effective Services and Support from Sources Other than the Crime Victims Fund

A program has demonstrated a record of effective direct services and support from sources other than the Crime Victims Fund when, for example, it demonstrates the support and approval of its direct services by the community, its history of providing direct services in a cost-effective manner, and the breadth or depth of its financial support from sources other than the Crime Victims Fund.

A program has substantial financial support from sources other than the Crime Victims Fund when at least twenty-five percent of the program's funding in the year of, or the year preceding the award comes from such sources, which may include other federal funding programs. If the funding is non-federal (or meets the DOJ Grants Financial Guide exceptions for using federal funding for match), then a program may count the used funding to demonstrate non-VOCA substantial financial support toward its project match requirement.

### C. Local Match Requirements (See appended "Local Match Contributions" for additional information)

1. Match is to be committed for each VOCA-funded project and, with certain limited exceptions, derived from resources other than federal funds and/or resources.
2. All match funds are restricted to the same uses as federal VOCA funds and must be expended within the grant period. VOCA subgrantees must maintain records that clearly show the source, the amount, and the period during which the match was expended.
3. The minimum match requirement is 20%, cash or in-kind, of the total VOCA funds, except for federally-recognized Native American tribes or projects that operate on tribal lands which are not subject to a match requirement.
4. Revenue generated by fees or other charges assessed for services or activities supported in whole or in part by VOCA funds are considered program income and may not be used as local match.

### D. Volunteers

Agencies must utilize volunteers (which may include student interns) to provide victim services. OCVS may waive this requirement, provided that the program completes the Volunteer Waiver form and submits written documentation of its efforts to recruit and maintain volunteers, or otherwise demonstrates why circumstances prohibit the use of volunteers.

**E. Promotion of Community Efforts to Aid Crime Victims**

Community-served coordinated public and private efforts to aid crime victims may include, but are not limited to, serving on federal, state, local, or tribal work groups to oversee and recommend improvements to community responses to crime victims, and developing written agreements and protocols for such responses.

**F. Crime Victim Compensation Assistance**

Agencies must assist victims in seeking available crime victim compensation benefits. Crime Victim Compensation (CVC) is a program operated by OCVS to reimburse innocent crime victims for certain out-of-pocket expenses (mostly lost wages and medical expenses). Information and materials can be obtained by calling 1-800-446-6564. All positions funded partially or completely by VOCA that provide direct services must attend a training on Crime Victim Compensation every three years. Contact OVCS for training dates and locations.

Assistance to potential recipients of Crime Victim Compensation benefits (including potential recipients who are victims of federal crime) in applying for CVC benefits may include, but are not limited to:

1. Referring such potential recipients to an organization that can so assist;
2. Establishing agency policies and procedures to identify clients who may be eligible for crime victim compensation benefits and advising them of the availability of such benefits;
3. Assisting such potential recipients with application forms and procedures, obtaining necessary documentation, monitoring claim status, and intervening on behalf of such potential recipients of the Crime Victim Compensation Program;
4. Maintaining a supply of crime victim compensation applications and brochures.
5. Ensuring that appropriate agency staff is familiar with the Crime Victim Compensation program; and
6. Coordinating with other local service providers.

**G. Serve Victims of Federal Crimes**

Agencies must offer services to victims of federal crimes on the same basis as victims of state crimes. A “victim of federal crime” means a victim of an offense in violation of a federal criminal statute or regulation, including, but not limited to, offenses that occur in an area where the federal government has jurisdiction, whether in the United State or abroad, such as Indian reservations, national parks, federal buildings, and military installations. Examples of other federal crimes are: terrorism, bank robbery, some drug-related crimes, interstate or international kidnapping, trafficking, and mail or wire fraud.

**H. Proof of Non-Profit Status**

All non-profit subrecipients are required to certify their non-profit status. Subrecipients may certify their non-profit status by submitting a statement to the recipient (to be placed in the grant file) affirmatively asserting that the subrecipient is a non-profit organization, and indicating that it has on file, and available upon audit, either—

1. A copy of the subrecipient’s 501(c)3 designation letter;
2. A letter from the subrecipient’s state/territory taxing body or state/territory attorney general stating that the recipient is a non-profit organization operating within the state/territory; or

3. A copy of the subrecipient's state/territory certificate of incorporation that substantiates its non-profit status. Subrecipients that are local non-profit affiliates of state/territory or national non-profits should have available proof of 1, 2, or 3, and a statement by the state/territory or national parent organization that the subrecipient is a local non-profit affiliate.

### **I. Additional Requirements**

In addition to the above statutory requirements, projects must:

1. Be registered on the SAM (formerly Central Contractor Registration/CCR) database. This is the repository for standard information about federal financial assistance applicants, recipients, and subrecipients. Agencies must update or renew their SAM registration on a yearly basis. Information to update your entity records can be accessed at <https://www.sam.gov/SAM/>;
2. Maintain appropriate programmatic and financial records that fully disclose the amount and disposition of VOCA funds received (i.e. daily time/attendance and efforts records specifying time devoted to specific victim services, client files); the total cost of the project; the portion of the project supplied by other sources and other records which will facilitate an effective audit;
3. Comply with applicable provisions of VOCA Rule and U.S. Department of Justice (US DOJ) Financial Guide (effective edition);
4. Meet the terms of the Subgrant Award Agreement, including any special conditions attached thereto;
5. Maintain statutorily required civil rights statistics on victims served by race, national origin, sex, age, and handicap;
6. Reasonably protect the confidentiality and privacy of persons receiving services under this program and prevent the release of personally identifying information or client information. These provisions shall not prevent compliance with any legally mandated reporting of abuse or neglect;
7. Fulfill Wisconsin contract compliance (affirmative action) requirements;
8. Provide services to crime victims through the VOCA Project at no charge; any deviation may constitute program income and requires prior approval by OCVS; and
9. Adopt and implement a seat-belt policy

## **III. USE OF PROJECT FUNDS**

### **A. Project Funds**

The term "project funds" refers to both federal VOCA funds and the associated local match included in the approved VOCA budget. All federal and match funds budgeted as part of the VOCA Project must be utilized for direct services, unless approved by OCVS and otherwise specified in these guidelines.

## **B. Non-supplantation**

VOCA funds are intended to expand or enhance direct victim services. Therefore federal VOCA funds must be used to supplement existing state and local government funds for program activities and must not supplant those funds that have been appropriated for the same purpose. Supplanting is to deliberately reduce state or local funds because of the existence of federal funds. For example, when state funds are appropriated for a stated purpose and federal funds are awarded for that same purpose, the State replaces its state funds with federal funds, thereby reducing the total amount available for the stated purpose.

If OCVS thinks that supplanting may have occurred, the subrecipient will be required to supply documentation demonstrating that the reduction in non-federal resources occurred for reasons other than the receipt or expected receipt of VOCA funds.

## **C. Eligible Services and Activities**

1. Immediate Health and Safety – Services that respond to immediate needs of crime victims, including, but not limited to—
  - a. Crisis intervention services;
  - b. Accompanying victims to hospitals for medical examinations;
  - c. Hotline counseling;
  - d. Safety planning;
  - e. Emergency food, shelter, clothing, and transportation;
  - f. Short-term (up to 45 days) in-home care and supervision services for children and adults who remain in their own homes when the offender/caregiver is removed;
  - g. Short-term (up to 45 days) nursing-home, adult foster care, or group- home placement for adults for whom no other safe, short-term residence is available;
  - h. Window, door, or lock replacement or repair, and other repairs necessary to ensure a victim's safety; and
  - i. Emergency legal assistance, such as for filing for restraining or protective orders, and obtaining emergency custody orders and visitation rights.
2. Personal Advocacy – Allows for personal advocacy and emotional support, including, but not limited to: working with a victim to assess the impact of the crime; identification of victim's needs; case management; management of practical problems created by the victimization; identification of resources available to the victim; provision of information, referrals, advocacy, and follow-up contact for continued services, as needed; and traditional, cultural, and/or alternative therapy/healing (e.g., art therapy, yoga).
3. Health Care Assistance – Costs of the following, on an emergency basis i.e., when the State's compensation program, the victim's (or in the case of a minor child, the victim's parent's or guardian's) health insurance plan, Medicaid, or other health care funding source, is not reasonably expected to be available quickly enough to meet the emergency needs of a victim (typically within 48 hours of the crime): non-prescription and prescription medicine, prophylactic or other treatment to prevent HIV/AIDS infection or other infectious disease, durable medical

equipment (such as wheel-chairs, crutches, hearing aids, eyeglasses), and other healthcare items are allowed. Special Conditions and restrictions may apply.

4. Forensic Examinations – For sexual assault victims, forensic medical exams are allowable only to the extent that other funding sources (such as state compensation, private insurance or public benefits) are unavailable or insufficient.
5. Forensic Interviews – Forensic interviews, when:
  - a. Results of the interview will be used not only for law enforcement and prosecution purposes, but also for identification of needs such as social services, personal advocacy, case management, substance abuse treatment, and mental health services;
  - b. Interviews are conducted in the context of a multi-disciplinary investigation and diagnostic team, or in a specialized setting such as a child advocacy center; and
  - c. The interviewer is trained to conduct forensic interviews appropriate to the developmental age and abilities of children, or the developmental, cognitive, and physical or communication disabilities presented by adults.
6. Mental Health Assistance – Assisting victims in understanding the dynamics of victimization and in stabilizing their lives after victimization, including substance abuse treatment connected to the victimization, counseling, group treatment and therapy, including intensive professional psychological/psychiatric treatment for individuals, couples and family members.
7. Assistance with Participation in Public Proceedings Arising from the Crime – The provision of services and payment of costs that help victims participate in the criminal justice system and in other public proceedings arising from the crime, including, but not limited to—
  - a. Advocacy on behalf of a victim;
  - b. Accompanying a victim to offices and court;
  - c. Transportation, meals, and lodging to allow a victim who is not a witness to participate in a proceeding;
  - d. Interpreting for a non-witness victim who is deaf or hard of hearing, or with limited English proficiency;
  - e. Providing child care and respite care to enable a victim who is a caregiver to attend activities related to the proceeding;
  - f. Notification to victims regarding key proceeding dates (*e.g.*, trial dates, case disposition, incarceration, and parole hearings);
  - g. Assistance with Victim Impact Statements;
  - h. Assistance in recovering property that was retained as evidence; and
  - i. Assistance with restitution advocacy on behalf of crime victims.
8. Cross-System Coordination – Activities that support a coordinated and comprehensive response to crime victims needs by direct service providers, including, but not limited to, payment of salaries and expenses of direct service staff serving on child and adult abuse multi-disciplinary investigation and treatment teams,

coordination with federal agencies to provide services to victims of federal crimes and/or participation on statewide or other task forces, work groups, and committees to develop protocols, interagency, and other working agreements. May also include coordination activities that facilitate the provision of direct services. Such activities include, but are not limited to, statewide coordination of victim notification systems, crisis response teams, multi-disciplinary teams, coalitions to support and assist victims, and such other programs, and salaries and expenses of such coordination.

9. Non-Emergency Legal Services – Legal assistance services where reasonable and where the need for such services arises as a direct result of the victimization. Such services include, but are not limited to—
  - a. Those (other than criminal defense) that help victims assert their rights as victims in a criminal proceeding directly related to the victimization, or otherwise protect their safety, privacy, or other interests as victims in such a proceeding;
  - b. Motions to vacate or expunge a conviction, or similar actions, where the jurisdiction permits such a legal action based on a person’s being a crime victim; and
  - c. Those actions (other than tort actions) in the civil context, that are reasonably necessary as a direct result of the victimization.
10. Special Services – Including facilitation of peer support (e.g. support groups); relocation expenses necessary for safety and well-being, such as moving expenses, security deposits, rental expenses, and utility startups; and restorative justice programming approved by OCVS.

#### **D. Ineligible Services and Activities**

1. Lobbying and administrative advocacy
2. Studies and research
3. Prosecutions or investigation of criminal activity and activities directed at improving the criminal justice system’s effectiveness and efficiency (some examples include, witness notification and management activities, expert witnesses, witness protection.)
4. Fundraising activities
5. Capital improvements; property losses and expenses; real estate purchases; mortgage payments; and construction
6. Administrative staff expenses (salaries, fees and reimbursable expenses for administrators, board members, executive directors, consultants, coordinators, and other individuals unless incurred while providing direct victim services) except as they apply to direct administration of VOCA funding
7. Activities exclusively related to crime prevention
8. Medical care not outlined specifically above

### **IV. PROJECT COSTS AND EXPENSES**

#### **A. Personnel**

1. Staff providing direct services to crime victims may be funded under the project; such as staff salaries and fringe benefits and a prorated share of liability insurance.

2. Persons who recruit, train, and supervise volunteers utilized as part of the VOCA project may be funded including volunteer coordinators at Court Appointed Special Advocate (CASA) programs. At CASA programs, VOCA funds may pay only for the time the coordinator devotes to supervising and/or training those volunteers who provide direct services to child victims.
3. Activities supporting direct services for which VOCA funds may be used include, but are not limited to, the following:
  - a. Supervisory staff for the VOCA project when OCVS determines such staff are necessary and effectively facilitate the provision of direct services
  - b. Coordination activities that facilitate the provision of direct services, including, but not limited to, crisis response teams, multi-disciplinary teams, statewide coordination of victim notification systems, coalitions to support and assist victims, and the salaries and expenses of such coordination
  - c. Activities that support a coordinated and comprehensive response to crime victims needs by direct service providers, including, but not limited to, payment of salaries and expenses of direct service staff serving on child and adult abuse multi-disciplinary investigation and treatment teams, coordination with federal agencies to provide services to victims of federal crimes and/or participation on statewide or other task forces, work groups, and committees to develop protocols, interagency, and other working agreements
  - d. Costs of administrative time spent performing the following:
    - i. Completing VOCA-required time and attendance sheets and programmatic documentation, reports, and statistics;
    - ii. Collecting and maintaining crime victims' records; and
    - iii. Conducting victim satisfaction surveys and needs assessments to improve victim services delivery in the project
4. For each position included in a VOCA budget, the subgrantee must provide OCVS with the following information and any subsequent changes:
  - a. Job descriptions and qualifications
  - b. Name of each person filling the position unless a volunteer or "shared" position
  - c. Documentation that the incumbent meets or exceeds the subgrantee's qualifications (copy of resume)
5. Accurate time/attendance and efforts records must be maintained for all positions (federal or match) budgeted under the subgrant. Adequate documentation and policies must be maintained to determine appropriate funding allocations. Special care should be taken if a position is funded from more than one source.
6. Written personnel policies and procedures with regard to work hours, holidays, vacation, sick leave, overtime pay, compensatory time, termination, job descriptions, and job qualifications must be available at the agency.
7. Employee Benefits

Employee benefits for grant-funded personnel include FICA, Unemployment Compensation, Health Insurance, etc. and amounts budgeted should be based on actual known costs or an established formula. Employee benefits are for the personnel listed in the budget and only for the percentage of time devoted to the project. Employee benefits on overtime hours are limited to FICA, Workers' Compensation, and Unemployment Compensation.

## 8. Volunteers

- a. Volunteer services furnished by professional and technical personnel, consultants, and other skilled and unskilled labor may be counted as match if the services is an **integral and necessary** part of the approved project.
- b. Volunteer time used as local match is subject to the same rules and regulations as time by paid staff. Thus, only volunteer time providing **direct services** may be counted toward fulfilling the match requirement. Examples: staffing a crisis hotline, counseling, legal advocacy, providing transportation, childcare, court accompaniment, etc. Volunteer time spent in non-VOCA allowable activities such as fundraising, general office administration, Board membership, and general public relations and awareness or lobbying may **not** be used as match.
- c. The agency must maintain proper documentation for all volunteer time reported as local match. This should include time/attendance and efforts records documenting VOCA eligible activities.
- d. VOCA projects that use on-call volunteer hours to ensure availability of 24-hour crisis response may count those hours as in-kind match. Volunteer on-call hours should be valued at the same rate as what a paid staff person would earn for being on call, typically in the range of \$2.50 to \$5 per hour. If a volunteer is called out to respond to a crime, the hourly rate during active response hours is typically valued at a higher rate, the same as what a paid staff person would be paid when responding to a crisis. All match hours contributed to the VOCA project by such volunteers, whether on-call or during active response, must be tracked and distinguished. Subgrantees must maintain supporting documentation such as signed, certified volunteer logs or timesheets clearly identifying on-call vs. active hours is required per VOCA guidelines.

## B. Staff Development

- a. VOCA funds designated for training are to be used exclusively for developing the skills of direct victim service providers so that they are better able to offer quality services to crime victims. This may include volunteers and paid direct services staff both VOCA-funded and not. Training includes, but is not limited to, manuals, books, videoconferencing, electronic training resources, and other materials and resources relating to such training.
- b. VOCA funds may **not** be used for the following:
  - i. Training unrelated to direct victim services, such as grant writing, fundraising, lobbying, general administrative/management or prevention education;
  - ii. Training of persons who do not provide direct victim services, such as executive directors, administrative or clerical assistants, and board members;
  - iii. Costs associated with a subgrantee providing training to individuals from other organizations (although staff from other organizations can be invited to attend training activities that are held for the subrecipient's staff, if no additional costs will be incurred by the VOCA funded project);
  - iv. Curriculum development for external use; or
  - v. Sponsorship of regional or statewide conferences.
- c. State rate limits apply to training-related costs such as mileage, meals, and lodging. Please refer to the pocket travel guide for current state rates:

<https://doa.wi.gov/Documents/DEO/PocketTravelGuide2015-2017.pdf>

- d. Out of state or national training **must be approved by OCVS in advance**. However, all training events that are listed in an applicant's approved budget are still subject to review and approval by OCVS. It is the agency's responsibility to ensure that training costs comply with VOCA restrictions. Therefore, agencies should confer with OCVS prior to expending any funds related to training events to ensure that the training and training expenses are allowable. This will avoid any potential denial of expense reimbursements. All requests for reimbursement of training costs must be individually itemized and include an agenda or description of topics sufficient to establish that training is for **direct victim services skills development**. Out-of-state travel rates apply; contact OCVS for details if your training is approved.
- e. Unless specifically approved by OCVS, networking, or general information sharing activities are not considered training
- f. Agency (not individual or personal) membership dues in organizations which offer needed, timely, and relevant information on victim services and issues are allowed (e.g., NOVA, NVC, WCASA, End Abuse, WVWP). Membership or fees for organizations that are not exclusively related to victim assistance or which are required for professional licensing may not be charged to VOCA. No more than three agency memberships may be funded under VOCA.

### C. Travel

Travel costs for VOCA funded staff and VOCA project volunteers must be for the purposes of direct services to victims. This may also include reasonable costs for transporting victims in connection with the provision of direct services and to participate in criminal justice proceedings and in other public proceedings arising from the crime (e.g., juvenile justice hearings, civil commitment proceedings).

1. The travel must take place within the subgrant period (i.e., between the project's beginning and end dates).
2. Travel expenses for training purposes should be budgeted as training, not travel expense.
3. Travel expenses (transportation, meals, and lodging) to allow a victim who is not a witness to participate in a proceeding.
4. The costs of sending individual crime victims to conferences are not allowable.
5. State rate limits for mileage applies. Please refer to the Pocket Travel Guide for current state rates:

<https://doa.wi.gov/Documents/DEO/PocketTravelGuide2015-2017.pdf>

### D. Equipment

Tangible non-expendable personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. See appended "Property/Equipment Policies".

### E. Supplies and Operating Expenses

Operating expenses are defined as the actual, reasonable and necessary expenditures, exclusive of personal services, required to carry out the services provided by VOCA funded staff and VOCA project volunteers. All expenditures must be documented and original source documents (statements, invoices, etc.) must be retained for audit purposes. VOCA funds cannot support the entire cost of an item that is not used exclusively for the

VOCA funded staff and VOCA project volunteers. However, VOCA funds can support a prorated share.

In addition to Equipment as defined above, tangible non-expendable personal property having a useful life of more than one year and an acquisition cost of \$1,000 but less than \$5,000 is subject to property acquisition policies. See appended “Property/Equipment Policies”.

Efforts should be made to utilize small business and minority owned business sources of goods and services. Such efforts should allow these sources the maximum feasible opportunity to compete and may include small business and minority set-asides; the break-out of work that could be readily handled by small business and minority firms; and should include the aggressive recruitment of small business and minority firms for bidders’ lists.

Operating expenses include but are not limited to—

1. Supplies
2. Equipment use fees
3. Property insurance
4. Printing, photocopying, and postage
5. Courier service
6. Books and other victim-related materials
7. Computer back-up files/tapes and storage
8. Security systems
9. Equipment and furniture
  - a. Allows for expenses of procuring furniture and equipment that facilitate the delivery of direct services (e.g., mobile communication devices, telephones, braille and TTY/TDD equipment, computers and printers, beepers, video cameras and recorders for documenting and reviewing interviews with children, two-way mirrors, colposcopes, digital cameras, and equipment and furniture for shelters, work spaces, victim waiting rooms, and children’s play areas). The VOCA grant may be charged only the prorated share of an item that is not used exclusively for victim-related activities.
10. Essential communication services, such as web hosts and mobile device services
11. Public Information
  - a. Brochures that describe available services;
  - b. Design and maintenance of websites and social media;
  - c. Public awareness and education presentations (including, but not limited to, the development of presentation materials, brochures, newspaper notices, and public service announcements) in schools, community centers, and other public forums that are designed to inform crime victims of specific rights and services and provide them with (or refer them to) services and assistance. Publications cannot be used for VOCA unallowable activities, such as fundraising or lobbying;
  - d. In all materials publicizing or resulting from award activities, you must acknowledge awarding agency assistance. An acknowledgement of support shall be made through use of the following or comparable footnote:

“This project is supported by Victims of Crime Act Subgrant No. XXXX-VO-01-XXXXX awarded by the Wisconsin Department of Justice Office of Crime

Victim Services under a grant from the U.S. Department of Justice Office for Victims of Crime.”

12. Rent and Other Organizational Costs

Organizational expenses that are necessary and essential to providing direct and allowable victim service, including, but not limited to, the prorated costs of rent, utilities, and required minor building adaptations necessary to meet US DOJ standards implementing the American with Disability Act and/or modification that would improve the program’s ability to provide services to victims.

- a. Subgrantees must submit a written certification that rental rates are consistent with prevailing rates in the local area and must be able to support that determination with adequate documentation to that effect. This is a federal requirement. Subgrantees shall provide rent certification to OCVS.
- b. Mortgage payments, capital improvements or repairs, and construction costs are not permitted.

13. Automated Systems and Technology

a. The cost of purchasing and operating automated systems and technology that support delivery of direct services to victims (e.g., automated information and referral systems, e-mail systems that allow communications among victim service providers, automated case-tracking and management systems, smartphones, computer equipment, and victim notification systems), including, but not limited to, procurement of personnel, hardware, and other items, subject to the following terms:

- i. The uses and costs are approved in advance by OCVS. The following information should be provided when requesting approval:
  - (a) Description of the device(s)
  - (b) Explanation and justification of how device(s) will be used to provide or enhance direct victim assistance services
  - (c) How the acquisition will be integrated into and/or enhance the program’s current system
  - (d) The cost of installation
  - (e) The cost of training staff to use the automated systems and technology
  - (f) The ongoing operational costs, such as maintenance agreements, supplies
  - (g) How additional costs relating to acquisition will be supported
  - (h) The VOCA staff/volunteer positions that will use or have access to the device(s); specifically identify any staff assigned a device for their exclusive use
  - (i) Any contemplated non-victim assistance uses and the proposed manner of allocating costs
- ii. Acquisition and operating costs charged to the VOCA subgrant must reflect the actual usage related to VOCA funded activities or other approved victim assistance services. Agencies must maintain sufficient documentation (e.g., usage logs, phone bills, etc.) to accurately identify, allocate or prorate costs for use of these devices
- iii. The subgrant agency must adopt and implement a written policy regarding appropriate access, use, and recordkeeping for devices. The policy must prohibit personal use of devices. All staff using or having access to these devices must be informed of this policy

- iv. In addition to the above, devices with an acquisition cost of more than \$1,000 are subject to the VOCA Property Acquisition guidelines, including the submission of property inventory information to OCVS and disposition guidelines

#### **F. Contractual Services**

1. Subgrantees may contract for specialized professional services (e.g., psychological/psychiatric consultation, legal services, interpreters) not available within the subgrantee organization at a rate not to exceed a reasonable market rate. The maximum allowable reimbursement rate is \$650 per day (for an 8 hour day) or \$81.25 per hour. Prior written approval is required from OCVS for rates above the established maximum threshold rate; such requests will be reviewed on a case-by-case basis.
2. All recipients of federal grant funds (including subcontractors) must be registered on the SAM (formerly Central Contractor Registration/CCR) database. This is the repository for standard information about federal financial assistance applicants, recipients, and subrecipients. Agencies must update or renew their SAM registration on a yearly basis. Information to update your entity records can be accessed at <https://www.sam.gov/SAM/>.
3. Principal activities of the project may not be subcontracted or contracted out to another organization without specific prior approval by OCVS.
4. Subgrantees are prohibited from using VOCA funds for contracted services that contain administrative, overhead, and other indirect costs included in the hourly or daily rate.
5. Where the intent to award contracts is known and expressed and stated as part of the application, the approval may be considered granted if these activities are funded as proposed. All such arrangements must be formalized in a contract or other written agreement between the parties involved. The contract or agreement must, at a minimum, state the activities to be performed, the time schedule, the project policies and the flow-through requirements that are applicable to the contractor or other secondary recipient, other policies and procedures to be followed, the dollar limitation of the agreement and the cost principles to be used in determining allowable costs. The contract or other written agreement must not affect the project's overall responsibility for the duration of the project and accountability to the OCVS. Copies of all executed subcontracts or agreements must be provided to the OCVS within 30 days of the award date.
6. Audit expenses are allowable **only** if an audit is required pursuant to Title 2 C.F.R. Subpart F (§200.500 et seq.) (i.e., only for those agencies that expend \$750,000 or more in federal funds during their fiscal year). Only a reasonable, prorated amount may be budgeted as audit expense. Contracts for audit services do not require prior OCVS approval.

#### **G. Indirect Costs**

The government-wide grant requirements in Title 2 C.F.R. part 200, as implemented in December 2014 by the U.S. Department of Justice at Title 2 C.F.R. part 2800 (79 FR 76081, Dec. 19, 2014), state a policy that federal awards should bear their fair share of costs, including reasonable, allocable, and allowable direct and indirect costs. VOCA-funded projects align with the government-wide grant requirements and cost principles,

which allow federal funding to support subrecipient indirect costs (see Title 2 C.F.R. 200.331 and 200.414).

Programs will be required to submit the agency's approved federally approved Negotiated Indirect Cost Rate Agreement (NICRA) or Certification to Apply 10% de Minimus Indirect Cost Rate Form to OCVS.

#### **H. Other (Miscellaneous)**

Reminder: all operating expenses, including miscellaneous expenses, must be directly related to and necessary for the purpose of the VOCA funded services. The miscellaneous category is not a catch-all for unknown or unbudgeted items; all miscellaneous expenses must be itemized in the approved VOCA project budget.

##### **1. Emergency Financial Fund**

- a. Funds may be set aside to meet the critical emergency financial needs of crime victims. VOCA funds may be used for only those emergency need that meet OVC guidelines.
- b. Written policies must be established and approved by OCVS specifying the types of expenses to be covered by an emergency fund, the method of monitoring and accounting for such for such funds and any work or repayment requirements. The subgrantee shall establish and submit to OCVS within 30 days of the award date written policies specifying the criteria and operation of its emergency financial assistance fund.
- c. It is advised that careful attention be given to the use of VOCA funds for emergency expenses which might also be covered under the state Crime Victim Compensation Program. Payment under a VOCA emergency fund would be considered a collateral source and may be deducted from a victim's compensation benefits.

##### **2. Relocation Expenses**

Generally where necessary for the safety and well-being of victims, relocation expenses including reasonable moving expenses, security deposits on housing, rental expenses, and utility startup costs are allowable. Relocation expenses are typically one-time expenses and not intended to be ongoing economic assistance for housing. Written policies specifying the criteria and operation of the subgrantee's relocation assistance fund must be submitted for approval by OCVS with application for award. Mortgage expenses are not allowable.

##### **3. Maintenance, Repair, or Replacement of Essential Items**

Costs of maintenance, repair, and replacement of items that contribute to maintenance of a healthy or safe environment for crime victims (such as a furnace in a shelter; and routine maintenance, repair costs, and automobile insurance for leased vehicles), as determined by OCVS after considering, at a minimum, if other sources of funding are available Such use may be approved if:

- a. The building is owned and not rented or leased by the subgrantee
- b. All other sources of funding have been exhausted
- c. There is no available option for providing the service in another location
- d. The cost of the repair or replacement is reasonable in light of the value of the building
- e. The cost is prorated among all sources of income or
- f. Consistent with the scope of the VOCA project's services and activities.

## V. PROGRAM REPORTING REQUIREMENTS

### A. General

1. Project Director – The Project Director identified in Egrants will be the primary individual that OCVS will contact or communicate with regarding any VOCA related matter. The Project Director is responsible for submitting all required program reports within Egrants, submitting OVC PMTs, and responding to OCVS correspondence. If the Project Director changes during the grant year, the subgrantee shall submit a modification request in Egrants to update the Project Director associated with the subgrant.
2. Financial Officer – The Financial Officer must be the individual the recipient has designated as responsible for the financial administration of the award. The Financial Officer must be different than the Project Director. . If the Financial Officer changes during the grant year, the subgrantee shall submit a modification request in Egrants to update the Financial Officer associated with the subgrant.
3. VOCA Project Employees – Unless otherwise approved, subgrantees must keep the OCVS advised of:
  - a. The job descriptions and qualifications for each project position.
  - b. The name of each person funded under the VOCA project (other than volunteers).
  - c. Subgrantees should submit a modification request in Egrants to update this information in the budget.
4. Project Commencement/Termination – The subgrantee shall advise OCVS when it commences activities under the VOCA subgrant and at any time it is unable to provide the activities or services.
5. Waste, Fraud, Abuse, or Misconduct – The subgrantee must promptly refer to the Wisconsin Department of Justice Office of Crime Victim Services (OCVS) and the US Department of Justice Office of Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has – (1) submitted a claim for award funds that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving award funds.

Potential fraud, waste, abuse, or misconduct should be reported to the OIG by – mail: Office of the Inspector General; U.S. Department of Justice; Investigations Division; 950 Pennsylvania Avenue, N.W.; Room 4706; Washington, DC 20530 – email: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov) – hotline (contact information in English and Spanish): (800) 869-4499 or – hotline fax: (202) 616-9881. Additional information is available from the DOJ OIG website at [www.usdoj.gov/oig](http://www.usdoj.gov/oig).

**B. Subrecipient Monitoring**

All OCVS subrecipients will be subject to programmatic and financial monitoring. This is done to ensure that the VOCA-funded projects are in compliance with federal and state guidelines, and that the project is on track with stated goals, objectives, and services.

1. Technical Assistance – OCVS Grant staff are available by phone, email or in-person to discuss the VOCA project's services, staffing, budget, allowable expenses or any other topic related to the grant.
2. Site Visits – Subrecipients can expect an on-site monitoring visit during their 3-year grant cycle.
3. Desk Monitor – When OCVS initiates a desk monitoring review, subrecipients will be asked to provide backup documentation regarding their expenditures during a specific time period within their grant cycle to be determined by OCVS.

**C. Subgrant Award Report**

Subgrantees shall complete a Subgrant Award Report (SAR). Subgrant Award Report outlines anticipated VOCA allocations and services to be provided under the VOCA project. SAR shall be submitted to OCVS once a year. OCVS will input this data into the OVC PMT website on behalf of the subgrantee.

**D. Semi-annual Program Reports**

Each subgrantee shall submit a semi-annual program report in Egrants. Reports can be submitted Egrants by selecting Monitoring and then select the corresponding Program Reports. Program Reports shall be based solely upon the **VOCA Project** (federal funds and associated local match). The report shall summarize the activities and problems encountered in the VOCA project during that reporting period. Subgrantees may also include case histories.

Quarterly reimbursements or reimbursements for March will not be reimbursed until the program report has been submitted in Egrants.

**E. OVC PMT Data Report**

The Office for Victims of Crime Performance Measures Tool (OVC PMT) Data report is due on a quarterly basis and should be submitted directly to the federal government on OVC PMT website: <https://ojpsso.ojp.gov/>. (Please see "OVC PMT Definitions" on the VOCA webpage for further information: <https://www.doj.state.wi.us/ocvs/not-crime-victim/victims-crime-act-voca>).

Quarterly reimbursements or reimbursements for December, March, and June will not be reimbursed until the quarterly OVC PMT data report has been submitted in OVC PMT.

**F. Demographic Information**

1. Each subgrantee is required to collect and maintain demographic statistics on victims served in order to establish compliance with federal civil rights requirements and as part of the OVC PMT Data Report.
2. This requirement is waived when providing a service, such as telephone counseling, where soliciting the information may be inappropriate or offensive to the crime victim. (Please see "OVC PMT Definitions" on the VOCA webpage for further information: <https://www.doj.state.wi.us/ocvs/not-crime-victim/victims-crime-act-voca>).

## G. Final Reports

1. Scope – Unless otherwise specifically instructed, the Final Report shall be based solely upon the **VOCA Project** (federal funds and associated local match). However, in appropriate situations, it may be permissible to prorate total agency or program activities. Depending upon the nature or the program, the VOCA project and the agency's structure, prorating may be based upon an allocation of budget, staff assignments, number of victims served, number of services provided, etc. Prorating of data may only be done upon consultation with and approval by the OCVS.

The specific data collection requirements are subject to change if necessary to meet state or federal information requirements or needs. Subgrantees shall be given as much advance notice as possible if any changes in reporting requirements.

2. Timeframe – Federal Performance Reports require data to be reported on the basis of the federal grant awarded to the state from which federal VOCA funds were used to provide services. In most cases, October 1 through September 30. This may be a different period than the subgrant project period.
3. Submissions – Unless otherwise instructed, Final Performance Reports must be submitted within 30 days after the end of the applicable period (October 30).
4. Allocations – The total of the VOCA funds **MUST** equal the final amount actually spent on the subgrant. This includes any modifications or any underspending as reported on the agency's last fiscal report. All amounts should be rounded to the nearest dollar.

This section is completed in Egrants under "Freestyle Questionnaire" section of the program report. Agencies should calculate the amount of **federal** funds associated with serving each crime type (child physical abuse, child sexual abuse, domestic and family violence, adult sexual assault, etc.).

5. Narrative – A narrative report must be submitted in Egrants under the "Final Report" section of the program report. The report shall address the following questions:
  - a. What major issues either assisted or prevented victims from receiving assistance during the grant cycle (12 month period ending Sept 30)?
  - b. How did your agency promote the coordination of public and private efforts within the community to help crime victims during the grant cycle?
  - c. What were notable activities that improved the delivery of victim services during the grant cycle?
  - d. Please describe how VOCA funds have been used to assist crime victims during the grant cycle (please provide case histories or other materials).
  - e. What efforts have been taken to serve victims of federal crime during the grant cycle?
  - f. Please identify any emerging issues or notable trends affecting crime victim services during the reporting period.

- g. Please briefly outline any staffing retention issues that your victim assistance program has and why these issues may occur during the grant cycle (e.g., high turnover due to insufficient salary, insufficient benefits, heavy workload).
  - h. What was your agency's process for publicizing its victim assistance funding for services to victims of crime during the grant cycle?
  - i. If you received supplemental funding, were you able to provide services to new/underserved populations during the grant cycle?
  - j. Please explain how your program was able to respond to gaps in services during the grant cycle.
6. Goals and Objectives – Subgrantees are required to submit reports regarding the goals and objectives. This report should restate the goals and objectives of the project, the data collected and summarize the final results obtained. The actual raw data need not be submitted, but summaries of the data and conclusions or interpretations drawn from the data should be included in the report.

## VI. FINANCIAL REQUIREMENTS/AUDITS

### A. General

1. The responsibility of subgrant projects is identical with that of OCVS. Each has a continuous responsibility throughout the subgrant period to faithfully discharge the public trust which accompanies the authority to expend public funds. The projects will therefore establish and maintain fiscal control and accounting procedures which assure that subgrant funds available for the conduct of the projects covered by the subgrant are properly disbursed, adequately controlled and accounted for in a separate account.
2. Payment of Grant Funds – Grant funds will be disbursed on a request for funds basis. That is, upon approval of the subgrant application, check will be issued periodically payable to the subgrantee. The amount of each installment will be based upon actual funds expended during the applicable reporting period. In special circumstance, checks may be issued in advance, but not for more than the project's estimate of the amount of funds needed for up to 30 days. In the event of non-compliance with conditions or requirements of the subgrant agreement, the issuance of checks will be suspended.
3. Each project is responsible for keeping records which fully disclose the amount and disposition of the proceeds of the subgrant. This includes financial documentation for disbursements; daily time/attendance and effort records specifying time devoted to VOCA allowable victim services; client files; the portion of the project supplied by other sources of revenue; job descriptions; contracts for services; and other records which facilitate an effective audit.
4. Records shall also be kept pertaining to the total cost of the project for which the subgrant is awarded, the amount and disposition of the proceeds of the subgrant and the amount and disposition of that portion of total costs provided from non-federal sources. The procedures developed by each project must provide for the accurate and timely recording of the receipt of funds, expenditures, and unexpended balances. Adequate documentation of each transaction shall be maintained to permit the

determination, through an audit, of the accuracy of the records and the allowability of expenditures charged to subgrant funds.

5. Records Retention – All records relating to the VOCA project must be retained and available for inspection for a period of three (3) years following the end of the VOCA project period.

## **B. Program Income**

1. Any revenues generated by VOCA project activities or staff are considered program income and requires advanced approval by OCVS.
2. Imposition of any fee or charge, whether imposed directly upon a client or indirectly through a third-party payer (including counties or other local governments, private insurance, crime victim compensation or Medicare/Medicaid) for services or activities in connection with the VOCA project constitutes program income. This includes services or activities funded by VOCA or included as part of the project match.
3. Training Registration Fees/Honoraria – Although VOCA is not intended to fund training of non-agency personnel, situations may arise in which non-agency providers attend an agency's VOCA funded training. Any registration fee imposed would constitute program income and be subject to the provisions of this section. (A charge covering no more than the actual out-of-pocket costs for materials, working meals, etc. would not constitute program income.) Honoraria to VOCA funded staff for services which fall within the scope of the VOCA project should also be treated as program income.
4. In order to be approved, a proposal to generate program income requires:
  - a. Assurance that the rates being charged do not include any administrative, indirect or other costs ineligible for VOCA funding or which offset otherwise unallowable VOCA costs.
  - b. A written non-discrimination policy specifying that services available to clients will not in any fashion depend upon the payment of any such fees by the client or any third-party payer.
  - c. Separate and regular reporting of program income collected, and expended.
  - d. Revenues derived from program income must be used to expand or enhance appropriate crime victim services beyond that funded by the VOCA subgrant; revenue generated by VOCA-supported activities **may not** be used for costs ineligible for VOCA funding.
5. Program income may not be used as local match for the VOCA subgrant project.
6. Reports of all amounts collected and expended as program income must be submitted for the same time period as the fiscal report on forms to be provided to projects with approved program income plans.

### C. Fiscal Reports

1. Payments to subgrantees are made upon submission of a state fiscal reports. The fiscal reports may be submitted on either a monthly or a quarterly basis. Fiscal reports must be submitted in Egrants and certified by the Project Director and the Financial Officer.
2. Subgrantees have 30 days after the end of each reporting period (month or quarter) including the final reporting period to report expenses, request reimbursement, and reconcile any discrepancies. See “Unliquidated Obligations” below.
3. Forms generated by the subgrantee (e.g. computer spreadsheet) may be used if approved in advance by OCVS to ensure that all necessary information is provided in a useable manner.
4. Unless otherwise directed by OCVS, copies of check stubs, accounts, ledgers or other supporting documentation should **not** be submitted with the fiscal reports. These must, however, be retained by the subgrantee.
5. Funding is generally on a reimbursement basis. Unless otherwise approved by OCVS, reimbursement requests shall only report actual, approved, and paid expenses. Subgrantees may not, without advanced approval by OCVS, request reimbursement on a prorated basis.
6. Reimbursement requests that do not include appropriate itemizations and explanations and other required reports may be returned to the subgrantee.
7. Quarterly reimbursements or reimbursements for December, March, and June will not be reimbursed until OVC PMT data report have been submitted. Final reimbursements (September or fourth quarter) will not be reimbursed until the Final Program Report and final OVC PMT report have been submitted.
8. Adjustments/Corrections – If a revision of a previously submitted fiscal reports needs to be made, show the **net** amount (i.e. current reporting period plus or minus the adjustment) on the appropriate line item of the current fiscal reports and **include an explanation of the change**. Do **not** resubmit or recalculate the previous fiscal reports.

### D. Budget Modifications/Revisions

If the subgrantee determines that a modification of approved budget items is necessary, the subgrantee shall request review and approval from OCVS and shall not expend funds until the subgrantee receives approval to transfer funds from one budget item to another. Subgrantee should submit modification request in Egrants. Instructions on how to do so can be found on the VOCA webpage:

<https://www.doj.state.wi.us/ocvs/not-crime-victim/victims-crime-act-voca>

1. Budget changes in excess of 10% of the amount in the approved budget category, alterations to the scope of the project, adjustments affecting a budget category that was not included in the original budget, or changes to indirect budget category require justification to and approval from WI DOJ.

2. The Project Contact shall inform OCVS as soon as it appears that total project expenditures for the subgrant period will be less than the approved budget total by at least \$2,500. This may occur due to delayed startup, staff vacancies or other factors. OCVS reserves the right to reduce the total subgrant amount as a result of underspending in order to reallocate the funds to other VOCA programs.
3. Budget modifications do not take effect until the date that the Grant Adjustment Notice (GAN) is signed and approved by OCVS. Subgrantees shall receive a signed copy of the GAN either via mail or email.

#### **E. Unliquidated Obligations**

For financial reports prepared on a cash basis, unliquidated obligations means the amount of obligations incurred in connection with a specific subgrant but not yet paid; for agencies on an accrual basis, it refers to obligations incurred for which an outlay has not been recorded.

On occasion, agencies may incur obligations or encumber funds toward the end of a subgrant period for which payment cannot be made until after the subgrant period. In such cases, agencies should only report the actual expenditures paid during the reporting period. Obligations made prior to the end of the subgrant period but not yet paid must be reported on a separate statement which details the encumbered but unpaid obligations charged to that subgrant award. Agencies will then have an additional 30 days to pay and report those reported obligations on a final fiscal report. **Only those unliquidated obligations reported on the last fiscal report may be reimbursed using this procedure.**

In most instances, these types of unliquidated obligations will be due to accrued payroll expenses or, on rare occasions, an approved operating expense item which had been ordered by the end of the project period but not yet paid for.

This procedure may not be used to retroactively charge off previously unreported expenses in order to fully expend the VOCA subgrant award.

#### **F. Audits**

Pursuant to Title 2 C.F.R. Subpart F (§200.500 et seq.), a subgrantee that **expends \$750,000 or more** in total federal awards (including VOCA and any other federal awards), in its fiscal year must have a single audit for that year. Subgrantees expending less than \$750,000 in total federal awards in their fiscal year are exempt from this audit requirement.

1. Subgrantees are required to notify OCVS in writing whenever it appears that they are or will likely be subject to the audit requirement, i.e., will expend \$750,000 or more in federal funds during their fiscal year.
2. If an audit is required, a reasonable, prorated share of audit costs is allowable as a direct cost to the VOCA project.
3. Audits must be made by an independent auditor in accordance with generally accepted government auditing standards covering financial compliance audits.

4. It is advisable for subgrantees to procure audit services early in the subgrant period, so that adequate plans are made and pitfalls avoided. Early planning for an audit can assist agencies in organizational and operational planning.
5. The Department of Justice Bureau of Budget and Finance will review audits and is required to send a management decision letter to programs after that review.

#### **G. Other Fiscal Requirements**

1. All funds must be obligated before the end date of the project period and subgrantee obligations must be paid within 30 days after the project end date. These obligations and payments include both federal dollars and local match. See “Unliquidated Obligations” above.
2. The accounting systems of all projects must ensure that VOCA funds are not commingled with funds from other agencies or sources. In addition, projects are prohibited from commingling funds on either a program-by-program basis or a project-by-project basis. Funds specifically budgeted and/or received for one project cannot be used to support another. Where a project’s accounting system cannot comply with this requirement, the project must establish a system to provide adequate fund accountability for each grant that it has been awarded.
3. Personnel (both paid and volunteer) time and activity schedules and records must be sufficiently documented for all subgrant programs, including consultants and other contractors.
4. Records must be retained for at least three (3) years after the date of the final expenditure report. Original source documents (invoices, payroll records, time and effort records, etc.) must be retained in addition to ledger entries.
5. Procurement – Agencies must follow their own approved procurement policy. In the event an agency does not have a procurement policy it should follow the guidance set forth in the [Wisconsin Department of Justice Purchasing Manual](#). Subgrantees are encouraged to seek out small firms and firms owned and controlled by socially and economically disadvantaged individuals.
6. All aspects of the proposal from successful applicants will become contractual obligations. OCVS reserves the right to negotiate the award amount, programmatic goals and budget items with the selected applicant(s) prior to entering into a contract.

Justifiable modifications within the contract scope may be made in the course of the contract only through prior consultations with and written approval of OCVS.

## VII. ADDITIONAL REQUIREMENTS

### A. Civil Rights

The nondiscrimination provision of the Victims of Crime Act of 1984 (34 U.S.C. § 20110(e)) prohibits the Subgrantee from discriminating in both employment and the delivery of services or benefits on the basis of race, color, national origin, religion, sex, and handicap in its programs or activities. Subgrantee will also comply (and will require any subcontractor to comply) with any additional applicable federal nondiscrimination requirements, including Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d; Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681); the Age Discrimination Act of 1975 (42 U.S.C. § 6102); 28 C.F.R. pt. 42 (U.S. Department of Justice Regulations – Nondiscrimination; Equal Employment Opportunity; Policies and Procedures); 28 C.F.R. pt. 54 (U.S. Department of Justice Regulations – Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance) 28 C.F.R. pt. 38 (Partnerships with Faith-Based and Other Neighborhood Organizations); Ex. Order 13279 (Equal Protection of the Laws for Faith-Based and Community Organizations); and Ex. Order 13559 (Fundamental Principles and Policymaking Criteria for Partnerships with Faith-Based and Other Neighborhood Organizations). In accordance with these laws, the Subgrantee will not retaliate against individuals for taking action or participating in action to secure rights protected by these laws.

In the even 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, national origin, religion, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the U.S. Department of Justice, Office of Justice Programs, Office for Civil Rights, and the OCVS.

As clarified by Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI of the Civil Rights Act of 1964, a recipient must take reasonable steps to ensure that LEP persons have meaningful access to its programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. The recipient is encouraged to consider the need for language services for LEP persons served or encountered both in developing its budget and in conducting its programs and activities. Additional assistance and information regarding your LEP obligations can be found at [www.lep.gov](http://www.lep.gov).

1. Equal Employment Opportunity Plan (EEO) Certification Form – In certain cases VOCA subgrant recipients must develop an Equal Employment Opportunity Plan (EEO). Submission requirements vary depending on the entity type, number of employees and funding level of a grantee agency. The following chart shows at a glance what information subrecipients must submit to the Office for Civil Rights (OCR) in the U.S. Department of Justice.

Then if	Does the recipient need to submit a Certification Form to OCR?	Does the recipient need to develop an EEOP?	Must the recipient submit an EEOP Utilization Report to OCR?
Recipient is a Medical or Educational Institution, Indian Tribe, or Nonprofit	YES	NO	NO
Largest individual grant received is less than \$25,000	YES	NO	NO
Recipient has less than 50 employees	YES	NO	NO
None of the above	YES	YES	YES

An agency can prepare and submit an EEOP and/or certification through the EEOP Reporter Tool at <https://ojp.gov/about/ocr/eeop.htm>. All subgrantees must complete the certification and submit it to the Office for Civil Rights.

The Office of Crime Victim Services (OCVS) in the WI Department of Justice is responsible for ensuring that VOCA subgrantees comply with the civil rights requirements related to receiving federal financial assistance. In order to monitor compliance with these requirements, VOCA subgrantees need to submit a copy of the certification submitted in the EEOP Reporter Tool to OCVS. The submission of this form certifies that an agency's EEOP requirement has been met.

2. Federal Civil Rights Laws Training – All subgrantees and their VOCA funded employees are required to review the civil rights training videos found on the Office for Civil Rights' (OCR) website at <https://ojp.gov/about/ocr/assistance.htm> at least once during each grant cycle.

## B. Affirmative Action

Wisconsin's Contract Compliance Law (s. 16.765, Wis. Stats.), requires every vendor contracting with the State of Wisconsin to agree to equal employment and affirmative action policies and practices. In addition, contracts estimated to be \$50,000 or more require vendors to post in conspicuous places, available for employees and applicants for employment, notices setting forth Wisconsin's nondiscrimination laws. An affirmative action plan is required from any vendor who receives a state contract for \$50,000 or more and who has a work force of fifty (50) or more employees as of the award date. The vendor

must, within fifteen (15) working days of receiving the state grant, submit an affirmative action plan acceptable under law or claim an exemption for the requirement.

For additional information please refer to:

<https://doa.wi.gov/Pages/StateEmployees/AffirmReq.aspx>

An affirmative action plan is not required when:

1. The vendor receives a state contract for less than \$50,000.
2. The vendor has less than fifty (50) employees regardless of the amount of the contract.
3. The vendor is a federal government agency or a Wisconsin municipality.
4. The vendor has a balanced work force. (“Balanced Work Force” means an equitable representation of handicapped persons, minorities, and women in each level (job category) of a work force which approximates the percentage of handicapped persons, minorities, and women available for jobs at each level from the relevant labor market from which the vendor recruits job applicants.) The vendor must submit:
  - a. A completed Work Force Analysis;
  - b. Supporting labor market information if requesting an exemption based on this reason; and
  - c. Equal Employment Opportunity Policy Statement.
5. The vendor is a foreign company with a workforce of less than fifty (50) employees in the U.S.
6. Vendors must, within fifteen days, provide the contracting agency with a list identifying any subcontractor(s) or specifying that none exists. Similar contract compliance requirements apply to subcontracts awarded under the state contract.
7. Agencies awarded subgrants under VOCA will be contacted by the Department of Justice Contract Compliance Officer if an affirmative action plan is required.
8. **Only** questions or inquiries regarding contract compliance issues should be directed to:

Contract Compliance Officer  
Wisconsin Department of Justice  
Post Office Box 7857  
Madison, WI 53707-7857

### **C. Non-Disclosure of Confidential or Private Information**

#### **1. Confidentiality**

SAAs and subrecipients of VOCA funds shall, to the extent permitted by law, reasonably protect the confidentiality and privacy of persons receiving services under this program and shall not disclose, reveal, or release, except pursuant to paragraphs (2) and (3) of this section.

- a. Any personally identifying information or individual information collected in connection with VOCA funded services requested, utilized, or denied, regardless of whether such information has been encoded, encrypted, hashed, or otherwise protected; or
- b. Individual client information, without the informed, written, reasonably time-limited consent of the person about whom information is sought, except that consent for release may not be given by the abuser of a minor, incapacitated person, or the abuser of the other parent of the minor. If a minor or a person with a legally appointed guardian is permitted by law to receive services without a

parent's (or the guardian's) consent, the minor or person with a guardian may consent to release of information without additional consent from the parent or guardian.

2. Release

If release of information described in paragraph (1) (b) of this section is compelled by statutory or court mandate, SAAs or subrecipients of VOCA funds shall make reasonable attempts to provide notice to victims affected by the disclosure of the information, and take reasonable steps necessary to protect the privacy and safety of the persons affected by the release of the information.

3. Information sharing

SAAs and subrecipients may share—

- a. Non-personally identifying data in the aggregate regarding services to their clients and non-personally identifying demographic information in order to comply with reporting, evaluation, or data collection requirements;
- b. Court-generated information and law-enforcement-generated information contained in secure governmental registries for protection order enforcement purposes; and
- c. Law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.

4. Personally identifying information

In no circumstances may—

- a. A crime victim be required to provide a consent to release personally identifying information as a condition of eligibility for VOCA-funded services; and/or
- b. Any personally identifying information be shared in order to comply with reporting, evaluation, or data-collection requirements of any program;

5. Mandatory reporting

Nothing in this section prohibits compliance with legally mandated reporting of abuse or neglect.

**D. Prohibited Discrimination**

1. The VOCA non-discrimination provisions specified at 34 U.S.C. § 20110(e) shall be implemented in accordance with 28 CFR part 42.
2. In complying with VOCA, at 34 U.S.C. § 20110(e), as implemented by 28 CFR part 42, SAAs and sub-recipients shall comply with such guidance as may be issued from time to time by the Office for Civil Rights within the Office of Justice Programs.

**E. Certification regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion; Lower, Tier Covered Transactions (Subrecipient)**

This form (OJP Form 4061/1) must be completed and signed by a duly authorized official of the subgrantee agency. OJP Form 4061/1 is included with the contract.

**F. Certification Regarding Lobbying**

Subgrantees who receive over \$100,000 must complete and sign this form (OJP Form 4061/6), crossing out sections 2 and 3. Indian Tribes are not required to complete or sign any portion of this form. OJP Form 4061/6 is included with the contract.

## Local Match Contributions

Local match must be devoted solely and exclusively to the VOCA project and must be accrued during the funding period. Local match is subject to the same restricted uses as the federal VOCA funds.

### A. Project Match Amount

Subrecipients shall contribute (i.e., match) not less than twenty percent (cash or in-kind) of the total cost of each project, except as provided in paragraph B of this section.

1. Computation of minimum match: 20% match of the VOCA funded project. This is equivalent to 25% of the federal VOCA funds.
2. Overmatch: If included in the project, match becomes part of the contractual obligation of the subgrantee. Therefore, it is recommended that proposals do not substantially overmatch the minimum levels of match required.

### B. Exceptions to Project Match Requirement

The following are not subject to the requirement set forth in paragraph A of this section:

1. Subrecipients that are federally-recognized American Indian or Alaska Native tribes, or projects that operate on tribal lands; and
2. Subrecipients other than those described in paragraphs B 1 of this section, that have applied (through OCVS) for, and been granted, a full or partial waiver from the Director of the US Department of Justice Office for Victims of Crime (OVC). Waiver requests must be supported by OCVS and justified in writing. Waivers are entirely at the OVC Director's discretion, but the OVC Director typically considers factors such as local resources, annual budget changes, past ability to provide match, and whether the funding is for new or additional activities requiring additional match versus continuing activities where match is already provided.

### C. Sources of Project Match

Contributions under paragraph A of this section shall be derived from non-federal sources, except as may be provided in the US DOJ Grants Financial Guide, and may include, but are not limited to, the following:

1. Cash; i.e., the value of direct funding for the project;
2. Volunteered professional or personal services, the value placed on which shall be consistent with the rate of compensation (which may include fringe benefits) paid for similar work in the program, but if the similar work is not performed in the program, the rate of compensation shall be consistent with the rate found in the labor market in which the program competes;
3. Materials/Equipment, but the value placed on lent or donated equipment shall not exceed its fair market value;
4. Space and facilities, the value placed on which shall not exceed the fair rental value of comparable space and facilities as established by an independent appraisal of comparable space and facilities in a privately-owned building in the same locality; and
5. Non-VOCA funded victim assistance activities, including but not limited to, performing direct service, coordinating, or supervising those services, training victim assistance providers, or advocating for victims.

### D. Discounts

Any reduction or discount provided to the subrecipient shall be valued as the difference between what the subrecipient paid and what the provider's nominal or fair market value is for the good or service.

**E. Use of Project Match**

Contributions under paragraph A of this section are restricted to the same uses, and timing deadlines for obligation and expenditure, as the project's VOCA funding.

**F. Recordkeeping for Project Match**

1. Each subrecipient shall maintain records that clearly show the source and amount of the contributions under paragraph (a) of this section, and period of time for which such contributions were allocated. The basis for determining the value of personal services, materials, equipment, and space and facilities shall be documented. Volunteer services shall be substantiated by the same methods used by the subrecipient for its paid employees (generally, this should include timesheets substantiating time worked on the project).
2. Documentation supporting the market value of in-kind match must be maintained in the award recipient files. Valuation of in-kind match may take one of the following forms:
  - a. Valuation of donated services. Volunteer services furnished by third-party professional and technical personnel, consultants, and other skilled and unskilled labor may be counted as cost sharing or matching if the service is an integral and necessary part of an approved project or program.
    - i. Volunteer services. Recipient or subrecipient rates for third-party volunteer services must be consistent with those rates ordinarily paid for similar work in the recipient's or subrecipient's organization. If the recipient or subrecipient does not have employees performing similar work, the rates will be consistent with those ordinarily paid by other employers for similar work in the same labor market. In either case, a reasonable amount for fringe benefits may be included in the valuation.
    - ii. Employees of other organizations. When an employer other than a recipient or subrecipient furnishes free of charge the services of an employee in the employee's normal line of work, the services will be valued at the employee's regular rate of pay plus an amount of fringe benefits, but exclusive of overhead costs. For additional guidance on cost sharing or matching, please review 2 C.F.R. § 200.306.
  - b. Valuation of third party donated supplies, equipment, or space.
    - i. If a third party donates supplies, equipment, or space, the value must not exceed the fair market value of the property at the time of donation.
  - c. Valuation of third party donated equipment, buildings, and land.
    - i. If a third party donates equipment, buildings, or land, and title passes to a recipient or subrecipient, the treatment of the donated property will depend upon the purpose of the federal award.
    - ii. Awards for capital expenditures. If the purpose of the award is to assist the recipient or subrecipient in the acquisition of equipment, buildings, or land, the aggregate value of the donated property may be counted as cost sharing or matching.
    - iii. If the purpose of the award is to support activities that require the use of the property, normally only depreciation can be charged. However, the fair market value may be allowed, provided that the grant-making component has approved the charges.
  - d. Please refer to 2 C.F.R. § 200.306 for more information about types of match and match requirements.

## Terms and Definitions

**“Crime victim” or “victim”** is a person who has suffered physical, sexual, financial or emotional harm as a result of the commission of a crime.

**“Federal VOCA funds”** refers to the portion of the total project budget provided by federal VOCA funds awarded under the VOCA Subgrant Agreement.

**“Match,” “Local Match,” or “Local Matching Contribution”** refers to the cash or in-kind portion of the total project budget provided by non-federal resources.

**“VOCA”** refers to the U.S. Victims of Crime Act as administered by the Wisconsin Department of Justice Office of Crime Victim Services.

**“VOCA project” or “project”** means the direct services project funded by a grant under this program, unless the context of the VOCA guidelines indicates otherwise.

**“State Administering Agency” or “SAA”** is the governmental unit designated by the chief executive of a State to administer grant funds under this program. The Wisconsin Department of Justice Office of Crime Victim Services is the SAA for VOCA funds in Wisconsin.

**“Spousal Abuse”** includes domestic and intimate partner violence.

**“Victim of child abuse”** means a victim of crime, where such crime involved an act or omission considered to be child abuse under the law of the relevant SAA jurisdiction. In addition, for the purposes of this program, victims of child abuse may include, but are not limited to, child victims of: physical, sexual, or emotional abuse; child pornography related offenses; neglect; commercial sexual exploitation; bullying; and/or exposure to violence.

**“Victim of federal crime”** means a victim of an offense in violation of a federal criminal statute or regulation, including, but not limited to, offenses that occur in an area where the federal government has jurisdiction, whether in the United State or abroad, such as Indian reservations, national parks, federal buildings, and military installations.

## Property/Equipment Policies

### I. Definitions:

- A. “Non-expendable personal property,” means tangible personal property having a useful life of more than one year and an acquisition cost of **\$1,000** or more per unit.
- B. “Equipment” means tangible non-expendable personal property having a useful life of more than one year and an acquisition cost of **\$5,000** or more per unit.
- C. Thus, items costing less than \$1,000 are not covered by this policy. However, to be funded under VOCA they must still meet general VOCA requirements and be included in an approved VOCA budget.

### II. General Guidelines

The Office of Crime Victim Services (OCVS) must specifically approve the acquisition and disposition of property or equipment purchased in whole or in part with federal VOCA funds.

Agencies must follow their own approved procurement policy. In the event that an agency does not have a procurement policy, the agency should follow the guidance set forth in the Wisconsin Department of Justice Purchasing Manual. See <https://www.doj.state.wi.us/sites/default/files/ocvs/not-victim/wi-doj-purchasing-manual-2014.pdf>.

Careful screening should take place before acquiring property in order to ensure that it is needed and that the need cannot be met with property already in the possession of the organization.

A subgrantee must be able to demonstrate that the acquisition of furniture and equipment is necessary to provide or enhance **direct services to crime victims**. While it is recognized that some purchases may make grant management easier, that, in itself is not necessarily sufficient justification for the use of VOCA funds to purchase such equipment. There must be some justification based upon the provision of direct services and not merely administrative convenience.

VOCA funds cannot support the entire cost of an item that is not used exclusively for victim-related activities; in such cases, the costs must be prorated (although the general property rules still apply). A VOCA subgrantee cannot use its VOCA funds to purchase equipment for another organization or individual even though that other individual or organization provides victim-related services.

Subgrantees should note that its obligations regarding property use, disposal, and recordkeeping may extend beyond the project period(s) of its VOCA subgrant(s).

Efforts should be made to utilize small business and minority owned business sources of goods and services. Such efforts should allow these sources the maximum feasible opportunity to compete and may include small business and minority set-asides; the break-out of work that could be readily handled by small business or minority firms; and should include the aggressive recruitment of small business and minority firms for bidder's lists.

### III. Property Acquisition Procedures

A. An acquisition request must be submitted to OCVS prior to any purchase of non-expendable personal property or equipment. The request should be submitted through a modification request in Egrants and must include the following information:

1. An explanation/justification of how the acquisition will improve victim services;
2. If the purchase is for computer or other advanced technology equipment, describe how the equipment will be integrated into or enhance the agency's current system; the cost of installation; the cost of training staff to use the equipment; on-going operational costs (such as maintenance, supplies) and how these additional costs will be supported
3. Whether the acquisition is new or replacement. If replacement, explain the condition and proposed use of the old property
4. The estimated cost(s), showing the calculation of any trade-ins, discounts, etc.
5. The percentage of total acquisition cost to be paid from federal funds.

B. OCVS may discuss the specifics of the purchase with the designated contact person. OCVS will approve, approve with modifications or conditions, or deny the request.

C. If the request is approved, the property or equipment may be acquired. The Subgrantee will be notified of approval when a signed Grant Adjustment Notice (GAN) is sent to the subgrantee via mail or email.

### IV. Reimbursement/Inventory

VOCA will reimburse the subgrantee for the cost of approved property in the same manner as other expenditures. The following information must be submitted to OCVS in Egrants prior to reimbursement:

1. A detailed physical description of the item(s);
2. The date and actual cost of the acquisition;
3. The name of the title holder;
4. A serial number or other unique identification number;
5. The address where each item will be located; and
6. Any minor changes from the information contained in the original request. (Any significant or major deviations (e.g. item cost, use, etc.) from the information originally provided require advance approval from OCVS).

Instructions on how to complete an inventory report in Egrants can be found here: <https://www.doj.state.wi.us/sites/default/files/ocvs/not-victim/how-to-add-inventory-report-egrants.pdf>

### V. Disposition

The subgrantee must send OCVS a request to dispose of any property or equipment acquired in whole or in part with federal funds.

OCVS will approve, approve with modifications or conditions or deny the request and will determine how the property or equipment may be disposed of which may include any of the following:

1. The retention of the property by the subgrantee agency;
2. Transfer to another project with the same or similar program objectives;

3. Return to the OCVS;
4. Sale of the property; and/or
5. Any other disposal deemed appropriate by OCVS.

## **VI. Recordkeeping**

State and federal guidelines require subgrantees that use VOCA funds to purchase property to maintain the following types of property management records for all property acquired in whole or in part with VOCA funds:

- A. Records must contain copies of purchase orders and invoices.
- B. The records must include an inventory control listing for non-expendable personal property and the list must be kept current. The system may be manual or automated, centralized or decentralized; however, the records must contain:
  1. Item description;
  2. Source of property;
  3. Manufacturer's serial number and, if applicable, a control number;
  4. Cost equity at the time of acquisition;
  5. Location, use, and condition of property; and
  6. Ultimate disposition data including sale price or the method used to determine current fair market value.

A physical inventory of non-expendable personal property having useful life of more than one year and an acquisition cost of \$1,000 or more per unit shall be taken and the result reconciled with the property record at least once every two years to verify the existence, current utilization, and continued need for property. These records shall become part of the official subgrant file.

A control system shall be in effect to ensure adequate safeguards to prevent loss, damage or theft to non-expendable personal property. Any loss, damage or theft of non-expendable personal property shall be investigated, fully documented, and made part of the subgrant file.

Adequate maintenance procedures shall be established to keep the non-expendable personal property in good condition.