

South Carolina Attorney General's Office

The definition regarding victims is stated in the Omnibus Criminal Justice Improvement Act for serious and violent crime victims and in South Carolina victims of crime legislation (16-3-1506, et seq.).

Violence Against Women Act (VAWA)

The South Carolina Office of the Attorney General, Department of Crime Victim Assistance Grants, has been designated as the State Administering Agency (SAA) for the Services Training Officers Prosecution (STOP) portion of the VAWA funds, authorized originally under Title IV of

sexual assault, domestic violence, stalking, and dating violence, including the use of nonimmigrant status under subparagraphs (U) and (T) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a));

2. Developing training, or explaining (s) of law. (15) 102 men 00715 (s) judge 416058.6w (i) 26 (j) 6n7

10. Providing assistance to victims of domestic violence and sexual assault in immigration matters;
11. Maintaining core victim services and criminal justice initiatives, while supporting complementary new initiatives and emergency services for victims and their families;
12. Supporting the placement of special victim assistants (to be known as “Jessica Gonzales Victim Assistants”) in local law enforcement agencies to serve as liaisons between victims of domestic violence, dating violence, sexual assault, and stalking and personnel in local law enforcement agencies in order to improve the enforcement of protection orders. Jessica Gonzales Victim Assistants shall have expertise in domestic violence, dating violence, sexual assault, or stalking and may undertake the following activities:
 - a. developing, in collaboration with prosecutors, courts, and victim service providers, standardized response policies for local law enforcement agencies, including the use of evidence-based indicators to assess the risk of domestic and dating violence homicide and prioritize dangerous or potentially lethal cases;
 - b. notifying persons seeking enforcement of protection orders as to what responses will be provided by the relevant law enforcement agency;
 - c. referring persons seeking enforcement of protection orders to supplementary services (such as emergency shelter programs, hotlines, or legal assistance services); and
 - d. taking other appropriate action to assist or secure the safety of the person seeking enforcement of a protection order.
13. Providing funding to law enforcement agencies, victim services providers, and state, tribal, territorial, and local governments (which funding stream shall be known as the Crystal Judson Domestic Violence Protocol Program) to promote:
 - a. the development and implementation of training for local victim domestic violence service providers and to fund victim services personnel to be known as “Crystal Judson Victim Advocates,” to provide supportive services and advocacy for victims of domestic violence committed by law enforcement personnel;
 - b. the implementation of protocols within law enforcement agencies to ensure consistent and

basis, receive additional training on the topic of incidents of domestic violence committed by law enforcement personnel from domestic violence and sexual assault nonprofit organizations and, after a period of two years, provide a report of the adopted protocol to the Department, including a summary of progress in implementing such protocol. As such, states and territories are responsible for ensuring that each subrecipient receiving funds under this purpose area will receive the required annual training. States are also responsible for ensuring that subrecipients submit their two-year report to the Department. States and territories must notify and provide OVW with a list of subrecipient recipients awarded STOP funds under the Crystal Judson Domestic Violence Protocol Program.

14. Developing and promoting state, local, or tribal legislation and policies that enhance best practices for responding to domestic violence, dating violence, sexual assault, and stalking.
15. Developing, implementing, or enhancing Sexual Assault Response Teams or other similar coordinated community responses to sexual assault.
16. Developing and strengthening policies, protocols, best practices, and training for law enforcement agencies and prosecutors relating to the investigation and prosecution of sexual assault cases and the appropriate treatment of victims.
17. Developing, enlarging or strengthening programs addressing sexual assault against men, women, and youth in correctional or detention settings.
18. Identifying and conducting inventories of backlogs of sexual assault evidence collection kits and developing protocols and policies for responding to and addressing such backlogs, including protocols and policies for notifying and involving victims.
19. Developing, enlarging, or strengthening programs and projects to provide services and responses to 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, as defined in section 249(c) of title 18, United States Code.
20. Developing, enhancing, or strengthening prevention and educational programming to address domestic violence, dating violence, sexual assault, or stalking, with not more than 5 percent of the amount allocated to a state to be used for this purpose.

State Victims Assistance Program (SVAP)

In 1986, the General Assembly of South Carolina passed the Omnibus Criminal Justice Improvements Act (§24-3-40 of the South Carolina Code of Laws). Pursuant to this Section, a percentage of the wages earned by inmates participating in the South Carolina Department of Corrections' Work Release Program must be placed on deposit with the State Treasurer for credit to a special account to support victim assistance programs established pursuant to the Victims of Crime Act of 1984, Public Law 98-473, Title II, Chapter XIV, Section 1404.

Following amendments to state legislation, twenty percent of inmate's wages were garnished, and half of this was remitted back to the SC Department of Corrections (SCDC) for the support of the work release program. Proviso #89-157 of 2011 amended this amount to 5% of inmate work release wages and provided for the transfer of an additional \$20,500 per month to the SVAP account. This is in addition to the 5% allocated by statute. As of July 1, 2017 following the passage of Act 96, the South Carolina Crime Victim Services Act, funds are administered by the South Carolina Office of the Attorney General, Crime Victim Services Division, Department of Crime Victim Assistance Grants.

SVAP grant programs may be considered in the following categories:

1. Victims of Sexual Assault
2. Victims of Domestic Violence
3. Victims of Child Abuse and Neglect
4. Training Programs
5. Previously Underserved Victims of Crime

Match requirements are 80 percent Grantor / 20 percent In-Kind or Cash Match.

Note:

3. Victims of Child Abuse and Neglect
4. Training Programs
5. Previously Underserved Victims of Crime

Match requirements will mimic VOCA and SVAP. Match will be 80 percent Grantor/20 percent In-Kind or Cash Match; however, if there is not a match for VOCA and SVAP projects then match will be waived for SAVS projects as well.

Note:

in the grant application. VOCA projects must have at least one volunteer in order to be eligible for funding.

- Provide program information to the majority of agencies that assist with victims of crime in the agency's service delivery area.
- Maintain statutorily required civil rights statistics on victims served by race or national origin, sex, age, and disability within the grant period. Provide reasonable and time-limited access to documents, papers, and records to determine compliance with civil rights laws.
- Provide services to victims at no charge.
- Maintain confidentiality of client-counselor information.
- Provide statistical information to the DCVAG concerning staff, volunteers, and clients (no names).

VAWA Specific - Additional Requirements:

- Meet non-supplanting requirement.
- Meet all Personal Health Information Protection Act, 2004 requirements.

PROGRAM PURPOSE AREAS

Victims of Crime Act (VOCA)

The VOCA guidelines require that each state allocate at least ten percent (10%) of the total VOCA allotment to be spent in each of the following priority program areas:

- Sexual Assault
- Domestic Violence
- Child Abuse and Neglect
- Previously Underserved Victims of Violent Crime - may include but is not limited to:
 - Survivors of Homicide Victims
 - Elder Abuse Victims
 - For the purpose of this program, elder abuse is defined as the mistreatment of older persons through physical, sexual, or psychological violence,

State Victims Assistance Program (SVAP)

According to SVAP Guidelines, the following are priority program areas:

- Sexual Assault
- Domestic Violence
- Child Abuse and Neglect
- Law Enforcement Victim Assistance
- Training Grants
- Previously Underserved Victims of Violent Crime - may include but are not limited to:
 - Survivors of Homicide Victims
 - Elder Abuse Victims
 - For the purpose of this program, elder abuse is defined as the mistreatment of older persons through physical, sexual, or psychological violence, neglect, or economic exploitation and fraud.
 - DUI/DWI Victims
 - Adult Survivors of Incest
 - Domestic Violence Victims in Need of Transitional Housing

Violence Against Women Act (VAWA)

Pursuant to the STOP Violence Against Women Act, a percentage of the total VAWA allotment, without duplication, must be spent in each of the following priority program areas:

- 25% Prosecution
- 25% Law Enforcement
- 30% Non-profit, non-governmental direct services, 10% of which must be awarded to culturally-specific community-based organizations
- 5% Courts (These applications must be from a court entity. No other entity is eligible for this category.)
- 10% Culturally specific community-based organizations set aside

Supplemental Allocation for Victims Services (SAVS)

SAVS funding is intended to ease some of the financial hardships of recent federal funding reductions and provide for the continued provision of victim services throughout the state. For that reason, the scope mirrors that of SVAP grant funding.

According to SAVS Guidelines, the following are priority program areas:

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PROJECT CONTINUATION AND SUCCESS

After the first year of a project, the applying entity is eligible to apply for continuation funding, contingent on the following:

on their proposed budgets how they would meet match requirements if they were in place.

VOCA: 80 percent Grantor and 20 percent in-kind or cash match from non-federal sources.

- o Tribal Organizations are exempt from the match requirement.

SVAP: 80 percent State and 20 percent in-kind or cash support from non-federal sources.

SAVS: 80 percent State and 20 percent in-kind or cash support from non-federal sources.

VAWA: 75 percent Federal and 25 percent in-kind or cash match from non-federal sources.

- o Non-profit, non-governmental victim services programs and tribal organizations are exempt from the match requirement.

In-kind contributions represent a project's non-cash outlay. An example would be an in-kind contribution of volunteer hours. Cash match may be applied from local, state, public, or private funds that have a binding commitment to the project. Federal funds are not allowable as match. Once funds are committed to match, they cannot be used for match in other areas. All match on grants must be verifiable in program/agency records and provided for in the approved budget; not included as part of cost sharing on another project; must be necessary and reasonable for efficient accomplishment of project objectives; allowable costs; non-federal dollars; in compliance with all federal and state guidelines; and of an appropriate percentage. In other words, if the activity being proposed as match could not be directly funded as part of the application budget, it cannot be used as match.

Volunteer services used as in-kind match are allowable. VOCA projects must have at least one

ALLOWABLE EXPENSES/LINE ITEMS

The following is a listing of services, activities, and costs that are eligible for support with grant funds. Please note this list is not exhaustive. (See also Federal Guidelines - Appendix B):

- Those services that immediately respond to the emotional and physical needs (excluding medical care) of crime victims such as crisis intervention; accompaniment to hospitals for medical examinations; hotline counseling; emergency food, clothing, transportation, and

- Funds can be used to purchase memberships if the following criteria are met: (1) funds can only purchase organizational memberships for the service agency as opposed to individual membership for staff, (2) memberships must be purchased only in criminal justice and victims' organizations, and (3) subrecipients are limited to using funds to

- Overtime, bonuses, commissions, on-call, shift differential or one-time annualization.
- Development of training manuals and/or extensive training materials. (Not applicable for VAWA).
- Activities that are exclusively related to crime prevention.
- Uniforms or personal accessories.
- Costs of applying for a grant.
- Any expense prior to the grant award date outside of Retroactive and Multi-Grant Year Payment Policy.
- Compensation to federal employees for travel or consulting fee(s).
- Entertainment.
- Providing food/beverages/meals at trainings, conferences, or meetings.
- Capital Improvements of any type.
- Weapons, law enforcement vehicles, and/or equipment that could be used for regular law enforcement duties.

VAWA Specific - Additional Restrictions:

- Any purchase, lease, or other contracted use of a vehicle. Vehicles of any type are not an allowable expense.
- Military-type equipment, firearms, or weapons.
- Corporate formation.
- Imputed interest.
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- Project Feasibility - Applications should describe sufficiently and clearly how the project will be implemented.
- Interagency Collaboration - Priority will be given to projects demonstrating coordination and collaboration between the applicant and other associated agencies.
- Project Title - The project title must reflect the scope of the project concisely (Example: Volunteer Coordinator) and not the agency's name.
- Project Summary - Must include the names of counties to be served by the project.
- Design Quality of Proposal - The proposal is clearly written, supported by facts, and contains measurable objectives and performance indicators.

The following list includes some of the required parts of the application:

- Budget - Proposed expenditures are reasonable and adhere to the guidelines. Each expenditure must be explained in detail in its budget narrative and include an explanation of need as it pertains to this project.
- Interagency Coordination - Clearly outlines cooperation anticipated from other agencies or jurisdictions and why it will make the activity more successful and better serve crime victims.
- Problem Definition - Is clearly defined and based upon facts, a needs assessment, and/or statistics.
- Project Description - Tells the reviewer exactly what the project plans to do. Outlines that the project has been well-planned, has a good likelihood of success, and lists which counties, areas, or populations to be served.
- Objectives - Are relevant, specific, and measurable. They specify what the program will accomplish in concrete terms. Each objective corresponds to each performance indicator. Objectives outline who will do what by when. Include no more than five solid objectives.
- Project Performance: Objectives and Indicators - The indicators match objectives number by number and are useful measurements to assess the effectiveness of the project. The project has additional measures for evaluating project impact.
- Sources of Income – Applicants must document current and projected income for the agency. Strong applicants should be able to demonstrate that at least 25% of funding is

APPENDIX A

Glossary

Assistance in Filing Compensation Claims includes making victims aware of the availability of crime victim compensation and assisting victims in completing the required forms and in gathering the needed documentation. It may also include follow-up contact with the Department of Crime Victim Compensation agency on behalf of victims.

Community Awareness refers to an activity which raises the community's awareness of a particular service offered by an agency or organization. Activities which advance the general awareness of crime victim issues are not allowable.

Criminal Justice Support/Advocacy refers to law enforcement and prosecution investigation support, assistance during the investigation, and explanation of procedures, etc. Included in this advocacy are court related support, i.e., disposition information, victim impact reports, assistance with restitution, witness fees, intimidation intervention or protection services, transportation, child care, property return, etc.; and post-sentencing services following the disposition of a criminal court proceeding, including offender release notification at the probation, parole, and pardon stages of the criminal

Sexual Assault - The term "sexual assault" means any conduct proscribed by Chapter 109A of Title 181, United States Code, whether the conduct occurs in the special maritime and territorial jurisdiction of the United States or in a federal prison and includes both assaults committed by offenders who are strangers to the victim and assaults committed by offenders who are known or related by blood or marriage to the victim.

Law Enforcement - The t

APPENDIX B

Federal Guidelines - Allowable/Unallowable Costs and Activities

The allowable costs listed below are costs that are allowed under the VOCA Assistance Grant Program. After reviewing applications submitted in response to the RFA, the Council may decide that it is in the best interest of the state not to fund one or more of the allowable activities listed below.

(b) *Personal advocacy and emotional support* – Personal advocacy and emotional support, including, but not limited to:

- 1) Working with a victim to assess the impact of the crime,
- 2) Identification of victim's needs,
- 3) Case management,
- 4) Management of practical problems created by the victimization,
- 5) Identification of resources available to the victim,
- 6) Provision of information, referrals, advocacy, and follow-up contact for continued services, as needed, or
- 7) Traditional, cultural, and/or alternative therapy/healing (e.g., art therapy, yoga) (*Please note: Agencies will not be funded to solely provide services under this item as existing victim service providers may offer these services via contract or by other means*);

(c) *Mental health counseling and care*—Mental health counseling and care, including, but not limited to, outpatient therapy/counseling (including, but not limited to, substance abuse treatment so long as the treatment is directly related to the victimization) provided by a person who meets professional standards to provide these services in the jurisdiction in which the care is administered;

(d) *Peer-support*— including, but not limited to, activities that provide opportunities for victims to meet other victims, share experiences, and provide self-help, information, and emotional support;

(e) *Facilitation of participation in criminal justice*—Use appropriate language to describe the role of the agency in facilitating the victim's participation in the criminal justice process.

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7) Assistance with Victim Impact Statements,

8) Assistance in recovering property that was retained as evidence, or

9) Assistance with restitution advocacy on behalf of crime victims;

(f) *Legal assistance*—Legal assistance services (including, but not limited to, those provided on an emergency basis), 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:

1) 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 or

2) Those actions (other than tort actions) that, in the civil context, are reasonably necessary as a direct result of the victimization;

(g) *Transportation*—Transportation of victims to receive services and to participate in criminal

proceedings.

programs, and salaries and expenses of such coordinators (*Please note: due to the eligibility requirements of the VOCA Assistance Grant Program, this item is not intended to allow the funding of statewide coalitions that do not provide direct services*);

(b) *Supervision of direct service providers*—Payment of salaries and expenses of supervisory staff in a project, when the SAA determines that such staff are necessary and effectively facilitate the provision of direct services;

(c) *Multisystem, interagency, multidisciplinary response to crime victim needs*—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 multidisciplinary 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) *Contracts for professional services*—Contracting for specialized professional services (e.g., psychological/psychiatric consultation, legal services, interpreters), at a rate not to exceed a reasonable market rate, that are not available within the organization;

(e) *Automated systems and technology*—Subject to the provisions of the DOJ Grants Financial Guide and government wide grant rules relating to acquisition, use and disposition of property purchased with federal funds, procuring automated systems and technology that support delivery

§ 94.121 Allowable administrative costs.

Administrative costs for which VOCA funds may be used by subgrantees include, but are not limited to, the following:

(a) *Personnel costs*—Personnel costs that are directly related to providing direct services and supporting activities, such as staff and coordinator salaries expenses (including fringe benefits), and a prorated share of liability insurance;

(b) *Skills training for staff*—Training exclusively for developing the skills of direct service providers, including paid staff and volunteers (both VOCA-funded and not), so that they are better able to offer quality direct services, including, but not limited to, manuals, books, Page 30 videoconferencing, electronic training resources, and other materials and resources relating to such training;

(c) *Training-related travel*—costs such as travel (in-State, regional, and national), meals, lodging, and registration fees for paid direct service staff (both VOCA-funded and not);

(d) *Organizational Expenses*—Organizational expenses that are necessary and essential to providing direct services and other allowable victim services, including, but not limited to, the prorated costs of rent; utilities; local travel expenses for service providers; and required minor building repairs.

