

**T
E
N
N
E
S
S
E
E**

**OFFICE OF
CRIMINAL JUSTICE
PROGRAMS**

**Administrative
Manual
2014 – 2015**



Photograph by Tommy Sneed

**Office of Criminal Justice Programs
Department of Finance and Administration
William R. Snodgrass TN Tower
312 Rosa L. Parks Ave.
Nashville, TN 37243-1102**

OCJP ADMINISTRATIVE GRANT MANUAL

GENERIC SECTION

Table of Contents

INTRODUCTION

- I. Pre-Award Requirements
 - Application Process
 - Eligibility Requirements
 - Subrecipient Application Announcement
 - Certified Assurances
 - Additional Requirements
 - Policy on Making Awards
 - Award/Contract Document
 - Conflict of Interest
- II. Achievement of Operational Status
 - Program and Fiscal Responsibilities
 - Operational Timeline
 - Project Director
 - Financial Director
 - Authorized Official
 - OCJP Notifications
- III. Financial Requirements
 - Standards for Financial Management Systems
 - Match Requirements
 - Payment Methods
 - Year End
- IV. Program Income Procedures
 - Program Income Defined
 - Examples of Program Income
 - Accounting for Program Income
- V. Annual Financial Report and Audit Requirements
 - Audit Objectives
 - Audit Reporting Requirements
 - Failure to Comply
 - Audit Threshold
 - Due Dates for Audit Reports
 - Resolution of Audit Reports
 - Distribution of Audit Reports
- VI. Personnel Policies and Procedures
 - Personnel Policies and Procedures
 - Personnel Costs
 - Personnel Qualifications
 - Personnel File Requirements
 - Subcontracted Staff

VII. [Reporting Requirements](#)

Policy 03 Quarterly Expense and Revenue Report
Inter/Unit Journals
Invoice for Reimbursement
Project Equipment Summary Report
Quarterly Income Summary Report
Audit Report or Annual Financial Report

VIII. [Supplies and Operating Expenses](#)

Purchasing Procedures
Supporting Documentation

IX. [Travel, Conferences and Meetings](#)

Travel Voucher
Documentation of Travel Expenditures
Conferences and Meetings

X. [Property and Equipment](#)

[Definition of Equipment](#)
Screening
Documentation
Management and Oversight of Equipment
Disposition
Reporting Purchase
Equipment Acquired with Specific Federal Formula Funds

XI. [Publications and Media](#)

Definition
Publication of Documents

XII. [Procurement of Goods and Services](#)

General Information
Procurement Standards
Adequate Competition
Non-Competitive Practices

XIII. [Procurement of Professional Services](#)

[Professional Service Contracts \(Subcontracts\)](#)
Preparing a Professional Service Contract
Consultant Rates of Payment
[Oversight of a Professional Service Contract](#)

XIV. [Allowable Costs](#)

Conferences, Meetings and Training Activities
Food or Beverage – Rarely Allowable
Space
Software Development
Post-Employment
General Salaries and Personnel Cost
Consultant Fees
Equipment, Software and Hardware
Travel
Prior Approval Required

XV. [Unallowable Costs](#)

- Construction
- Land Acquisition
- Supplanting
- Compensation of Federal Employees
- Travel of Federal Employees
- Bonuses or Commissions
- Military Type Equipment
- Lobbying
- Fund Raising
- Corporate Formation
- State and Local Taxes
- Conferences, Meetings and Training Activities
- Other Unallowable Expenses
- Prior Approval Required

XVI. [Cost Allocation](#)

- Definitions
- F&A Policy 03 and Indirect Cost Rates
- F&A Policy 03 and Cost Allocation Methods for Not-For Profit Agencies
- Approved Cost Allocation Plans
- Cost Allocation Plans--Central Support Services

XVII. [Grant Project Revisions & Modifications](#)

- Program Narrative / Scope of Services Revisions
- Budget Modifications
- Prior Approval Required

XVIII. [Contract Amendments](#)

- Program Narrative / Scope of Services Amendments
- Budget Amendments
- Agency Name Change Amendments

XIX. [Subrecipient Monitoring](#)

- Definition of Monitoring
- Subrecipient Agency Preparation
- Disposition
- Findings
- Non-Findings
- Observations
- Corrective Action Plan Guidelines

XX. [Retention and Access Requirements to Records](#)

- Retention of Records
- Maintenance of Records
- Access to Records

XXI. [Sanctions and Termination of Funding](#)

- Sanctions
- Termination for Convenience
- Termination for Cause

XXII. [Civil Rights Compliance](#)

- Laws that Protect Civil Rights
- Prohibition of Discrimination for Recipients of Federal Funds
- Discrimination Complaints
- Obligation to Report Discrimination Complaints and Findings
- Maintain Civil Rights Information
- Limited English Proficiency (LEP)
- Faith-Based Organizations
- Title VI Compliance Training

OCJP ADMINISTRATIVE GRANT MANUAL APPENDICES

- A [OCJP Fact Sheet](#)
- B [Glossary of Frequently Used Terms](#)
- C [Title VI Poster](#)
- D [Tennessee Travel Regulations](#)
- E [Professional Services Contracting Requirements](#)
- F [Subcontract Monitoring Form](#)
- G [Automated Clearing House Form \(ACH\)](#)
- H [Substitute W-9 Form](#)
- I [OCJP Invoice for Reimbursement Instructions & Forms](#)
- J [Policy 03 – Tennessee Uniform Subrecipient Reporting for Non-Profit Agencies](#)
- K [Project Equipment Summary Report](#)
- L [Quarterly Program Income Summary Report](#)
- M [Non-Profit Organizations and Governing Board Responsibilities](#)
- N [Notification of Speaker Agreement](#)
- O [Language Access and Culturally Competent Staff](#)
- P [Discrimination Complaint Notification](#)
- Q [Guidelines for Working with Interpreters](#)
- R [Corrective Action Plan Template](#)
- S [Attachment A](#)

GRANT SPECIFIC FUND SOURCE CHAPTERS

[JAG](#)

[FVPSA](#)

[Coverdell](#)

[METH](#)

[ICAC](#)

[SASP](#)

[NCHIP](#)

[STOP](#)

[RSAT](#)

[VOCA](#)

OCJP ADMINISTRATIVE GRANT MANUAL

INTRODUCTION

This document is provided for use by all subrecipient staff receiving grant funds administered by the Tennessee Office of Criminal Justice Programs (OCJP). This Guide is to serve as reference for the financial and programmatic requirements/responsibilities of projects funded through the OCJP:

A. FEDERAL GRANTS ADMINISTERED BY OCJP

The following are Federal grants administered by the Office of Criminal Justice Programs. These grants are awarded to numerous subrecipients throughout Tennessee.

Edward Byrne Memorial Justice Assistance Grant (CFDA # 16.738): The purpose of the JAG Formula Grant Program is to counter the violent crime and the threat of violent crime that has seriously eroded the quality of life for all citizens. JAG Formula Grant Programs are intended to allow states to broaden their strategies in addressing both drug and violent crime issues. To assist in the accomplishment of this task, Congress and the executive branch have established National priorities for responding aggressively and effectively to violent crime, and reducing drug trafficking and abuse. These priorities include:

- Law enforcement programs.
- Prosecution and court programs.
- Prevention and education programs.
- Corrections and community corrections programs.
- Drug treatment and enforcement programs.
- Planning, evaluation, and technology improvement programs.
- Crime victim and witness programs

Using the National Priorities as a guide, Tennessee has identified specific needs and gaps. To address these areas of need OCJP has developed, with input from public hearings, statewide surveys and state level planning groups, eight state priority areas. Under these specific priorities Tennessee funds approximately 60-70 individual projects annually. The specific priority areas include the following:

- Multi-Jurisdictional Drug and Violent Crime Task Force
- Criminal Justice Professional Enhancement Training
- Pre-Trial Service Delivery
- Criminal Justice Information Systems
- Drug Courts
- Victim/Witness Programs
- Correctional Programming
- Community Crime Prevention
- Innovations In Criminal Investigations

(See JAG [Appendix A](#) - Legislative Authority)

Paul Coverdell Forensic Science Improvement Grants Program (CFDA #16.742): The Paul Coverdell Forensic Science Improvement Grants Program (Coverdell) awards grants to States and units of local government to help improve the quality and timeliness of forensic science and medical examiner services. Among other things, funds may be used to eliminate a backlog in the analysis of forensic evidence and to train and employ forensic laboratory personnel, as needed, to eliminate such a backlog.

This program furthers the mission of the Department of Justice by providing States and units of local government with tools needed to meet the challenges of crime and justice. Specifically, this program seeks to improve the quality and timeliness of forensic science and medical examiner services, including services provided by laboratories operated by States and units of local government.

(See Coverdell [Appendix C](#) – Federal Legislative Authority)

Family Violence Prevention Services Act Programs (CFDA # 93.671): FVPSA supports programs that prevent incidents of family violence, domestic violence and dating violence. FVPSA Programs provide immediate shelter, supportive services and access to community-based programs for victims of family violence, domestic violence, or dating violence as well as for their dependents. States must provide specialized services to underserved populations and victims who are members of racial and ethnic minority populations. Special emphasis is given to the support of community-based projects of demonstrated effectiveness. Shelter Programs must provide the following nine (9) core components:

- safe confidential shelter
- 24 hour crisis hot-line
- Counseling
- Advocacy
- transportation
- community education
- referral
- follow-up
- specialized services to children and to underserved populations

(See FVPSA [Appendix A](#) -Legislative Authority)

The National Criminal History Improvement Program (CFDA #16.554): The National Criminal History Improvement Program (NCHIP) awards grant funds to States to help improve the Nation’s safety and security by enhancing the quality, completeness, and accessibility of criminal history record information and by insuring the nationwide implementation of criminal justice and noncriminal justice background check systems.

This program furthers the mission of the Department of Justice to enhance the crime fighting and criminal justice capabilities of state governments by improving the accuracy, utility, and interstate accessibility of criminal history records and enhancing records of protective orders involving domestic violence and stalking, sex offender records,

automated identification systems, and other state systems supporting national records systems and their use for criminal history background checks.

To date, all states, the District of Columbia, and five U.S. territories have received funds under NCHIP. Detailed information about the history of the NCHIP program and its accomplishments are available at <http://bjs.ojp.usdoj.gov/index.cfm?ty=tp&tid=47>.

NCHIP has provided support to states in the following areas:

- Record improvement and support for courts
- Participation in the Interstate Identification Index (III)
- Automation of records and fingerprint data
- National Instant Criminal Background Check System
- Sex offender registries
- Domestic violence records/protection orders

(See NCHIP [Appendix B](#) – Federal Legislative Authority)

Sexual Assault Services Program (CFDA #16.017): The Sexual Assault Services Program (SASP) was created by the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005), 42 U.S.C. §14043g, and is the first Federal funding stream solely dedicated to the provision of direct intervention and related assistance for victims of sexual assault. Overall, the purpose of SASP is to provide intervention, advocacy, accompaniment (e.g., accompanying victims to court, medical facilities, police departments, etc.), support services, and related assistance for adult, youth, and child victims of sexual assault, family and household members of victims and those collaterally affected by the sexual assault.

(See SASP [Appendix E](#)– Legislative Authority)

STOP Violence Against Women Formula Grants (CFDA # 16.588): STOP Grants promote a coordinated, multidisciplinary approach to improving the criminal justice system's response to violence against women. This approach envisions a partnership among law enforcement, prosecution, the courts, victim advocates and service providers to ensure victim safety and offender accountability.

This grant program provides funding for projects that assist in efforts to reduce violence against women and men, specifically domestic violence, sexual assault, stalking, and dating violence.

(See STOP [Appendix A](#) - Legislative Authority)

Tennessee must allocate STOP Program funds as follows:

- 25% support law enforcement programs,
- 25% to prosecution programs,
- 30% to nonprofit, nongovernmental victim services programs (of which 10% must go to culturally specific community based organizations),
- 5% to court programs, and
- 15% to further support law enforcement, prosecution, court or victim services programs at the state's discretion.

STOP-funded programs must address one or more of the following purpose areas:

- Training law enforcement officers and prosecutors to more effectively identify and respond to violent crimes against women;
- Developing, training, or expanding specialized units of law enforcement officers and prosecutors targeting violent crimes against women;
- Developing and implementing more effective police and prosecution policies, protocols, orders, and services specifically dedicated to identifying, and responding to violent crimes against women;
- Developing, installing, or expanding data collection and communication systems linking police, prosecutors, and courts or that are designed to identify and track arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women;
- Developing, enlarging, or strengthening victim service programs, including sexual assault and domestic violence programs;
- Developing, enlarging, or strengthening programs addressing stalking;
- Developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women.
- Supporting statewide, multidisciplinary efforts to coordinate the response of law enforcement, prosecution, courts, and victim services to sexual assault, domestic violence, dating violence, and stalking.
- Training sexual assault forensic medical personnel examiners
- Developing, enlarging, or strengthening programs to assist law enforcement, prosecutors, courts, and victim services to address and recognize the needs and circumstances of older and disabled individuals who are victims of domestic violence and sexual assault.
- Providing assistance to victims of domestic violence and sexual assault in immigration matters.
- Maintaining core victim services and criminal justice initiatives, while supporting complementary new initiatives and emergency services for victims and their families.
- 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.
- To provide funding for:
 - the development and implementation of training of local victim of 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;
 - the implementation of protocols within law enforcement agencies to ensure consistent and effective responses to the commission of domestic violence by personnel within such agencies (such as the model policy promulgated by the International Association of Chiefs of Police (“Domestic Violence by Police Officers: A Policy of the IACP, Police Response to Violence Against Women Project” July 2003);

- the development of such protocols in collaboration with State, tribal, territorial and local victim services providers and domestic violence coalitions.

Victims of Crime Assistance Grants (CFDA # 16.575): The purpose of the Victims of Crime Act (VOCA) is to provide high quality services that directly improve the health and well being of victims of crime with priority given to victims of child abuse, domestic violence, sexual assault and services for previously underserved victims. Tennessee must allocate a minimum of 10% to each of the four priority areas each fiscal year. (See VOCA [Appendix A](#) -Legislative Authority)

For the purpose of these Programs Guidelines, services are defined as those efforts that:

- respond to the emotional and physical needs of crime victims;
- assist primary and secondary victims of crime to stabilize their lives after victimization;
- assist victims to understand and participate in the criminal justice system, provide victims of crime with a measure of safety and security such as boarding up broken windows and replacing or repairing locks.

A program is considered eligible under VOCA if it:

- is operated by a public agency or a nonprofit organization, or a combination of such agencies or organizations or both such agencies and organizations, and provides services to victims of crime;
- Demonstrates a record of providing effective services to victims of crime and substantial financial support from nonfederal sources;
- Utilizes volunteers;
- Promotes within the community served coordinated public and private efforts to aid crime victims, and
- Assists potential recipients in seeking crime victim compensation benefits.

Residential Substance Abuse Treatment for State Prisoners Grants (CFDA # 16.593): The Violent Crime Control and Law Enforcement Act of 1994 established a program of federal grants administered by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. This program, known as Residential Substance Abuse Treatment for State Prisoners (RSAT), assists states and units of local government in developing and implementing residential substance abuse treatment programs within State and local correctional and detention facilities.

(See [RSAT Appendix A](#) -Legislative Authority)

B. OFFICE OF CRIMINAL JUSTICE PROGRAMS FACT SHEET

This administrative manual is not intended to replace more detailed technical assistance available from the staff of OCJP. Subrecipient staff is encouraged to address questions or concerns regarding the subject matter in this guide or other issues to OCJP staff. (See OCJP [Appendix A](#) – Fact Sheet)

C. OFFICE OF MANAGEMENT AND BUDGET (OMB) CIRCULARS AND COMMON RULES

This manual incorporates by reference the provisions of the federal Office of Management and Budget (OMB) circulars and government-wide common rules applicable to grants and cooperative agreements. These circulars and common rules include the following:

Reference: U.S. Department of Justice, Office of Justice Programs, Office of the Comptroller, [Financial Guide 2011](#).

OMB CIRCULARS:

Administrative Requirements:	
OMB Circular A-102	"Grants and Cooperative Agreements with State and Local Governments".
OMB Circular A-110	"Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals and Other Non-Profit Organizations" (codified at 28 CFR Part 70).
Cost Principles:	
OMB Circular A-21	"Cost Principles for Educational Institutions," (codified at 28 CFR Part 66, by reference).
OMB Circular A-87	"Cost Principles for State, Local, and Indian Tribal Governments," (codified at 28 CFR Part 66, by reference).
OMB Circular A-122	"Cost Principles for Nonprofit Organizations" (codified at 28 CFR Part 66, by reference)
Audit Requirements:	
OMB Circular A-133	"Audits of States, Local Governments and Nonprofit Institutions," (codified at CFR Part 66 & Part 70).

GOVERNMENT-WIDE COMMON RULES:

"Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Units of Governments," (codified at 28 CFR Part 66). (Grants Management Common Rule for State and Local Units of Governments).

"Government-wide Debarment and Suspension (Non-procurement)" (codified at 28 CFR Part 67) and "Government-wide Requirements for Drug-free Workplace (Grants)" (codified at 28 CFR Part 83).

"New Restrictions on Lobbying" (codified at 28 CFR Part 69).

For additional information on grants management and to obtain copies of current circulars, please visit the OMB website at: www.whitehouse.gov/OMB/grants/index.html.

The records of not-for-profit entities shall be maintained in accordance with the Tennessee Comptroller of the Treasury. Tennessee Comptroller of the Treasury, Division of Municipal Audit, [Accounting and Financial Reporting for Not-For-Profit Recipients of Grant Funds in Tennessee](#)

CHAPTER I

PREAWARD REQUIREMENTS

A. APPLICATION PROCESS

The Office of Criminal Justice Programs (OCJP) application announcement routinely occurs each State fiscal year usually in the spring (March, April). Check the OCJP website at <http://www.tn.gov/finance/section/fa-ocjp> for the most current grant application information.

B. ELIGIBILITY REQUIREMENTS

For a detailed description of Grant Specific eligibility requirements please proceed to the following guides.

[JAG](#) (Grant Specific JAG Chapter I)

[COVERDELL](#) (Grant Specific Coverdell Chapter I)

[FVPSA](#) (Grant Specific FVPSA Chapter I)

[NCHIP](#) (Grant Specific NCHIP Chapter I)

[SASP](#) (Grant Specific SASP Chapter I)

[STOP](#) (Grant Specific STOP Chapter I)

[VOCA](#) (Grant Specific VOCA Chapter I)

[RSAT](#) (Grant Specific RSAT Chapter I)

C. SUBRECIPIENT APPLICATION ANNOUNCEMENT

The Office of Criminal Justice Programs (OCJP) application announcement routinely occurs each State fiscal year usually in the spring (March, April). Check our website at <http://www.tn.gov/finance/section/fa-ocjp> for the most current grant application information.

D. CERTIFIED ASSURANCES

The OCJP application consists of narrative application and budget. **All applicants must agree to comply with special conditions and/or certifications provided at the time of the grant contract award** which may include the following federal assurances and certifications:

1. **Non-Discrimination Certification:** The potential subrecipient must assure and certify that they comply with all applicable civil rights non-discrimination

requirements as set forth in the application packet. In the event that a Federal or State court or Federal or State Administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, age, sex or disability against a subrecipient, a copy of such findings must be forwarded to the office for Civil Rights, Office of Justice Programs.

2. **Debarment and Suspension Certification:** This certification must be submitted with any signed grant agreement. This government-wide common rule for debarment and suspension provides guidance or requirements that subrecipients shall meet in order to receive Federal funds.
3. **Lobbying Certification:** This certification must be submitted with any signed grant agreement. The Department of Justice's (DOJ) codification of the government-wide common rule for restrictions on lobbying, 28 CFR Part 69, provides guidance on requirements that recipients shall meet in order to receive Federal funds.

The following restrictions on lobbying are applicable to all subrecipients (in addition to the restrictions imposed by recent revisions to 18 U.S.C. Sec 1913). Interim Final Guidance for New Restrictions on Lobbying was published in the Federal Register in December 1989. The Lobbying Disclosure Act of 1995 included amendments that have an impact on the guidance provided in 1989. Per 31 USC §1352, the restrictions on lobbying are as follows:

- a. No federally-appropriated funds may be expended by the recipient of a Federal award, cooperative agreement, or contract to pay a person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with any of the following covered Federal actions: the awarding of any Federal contract, the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, or cooperative agreement.
- b. Each person who requests or receives from an agency an initial Federal contract, award, or cooperative agreement (including subcontracts, subawards, and contracts under cooperative agreements) exceeding \$100,000 shall file with that agency a certification regarding lobbying. The certification shall be submitted to the agency making the award. Each person is certifying that:
 - (1) They have not made, and will not make, any payment for a lobbying activity.
 - (2) If any non-Federal funds have been paid or will be paid to any person, they will complete and submit a "Disclosure of

Lobbying Activities" form (Disclosure Form).

- (3) The language of this certification will be included in their award documents for all subawards at all tiers (including subcontracts, subawards and contracts under awards, and cooperative agreements), and all subrecipients shall certify and disclose accordingly.
 - (4) Each person, if applicable, shall submit the Disclosure Form to the agency making their award. The subrecipient is responsible for reporting lobbying activities of its employees if the employee's tenure is less than 130 working days within one year immediately preceding the date of the subrecipient's application or proposal submission.
 - (5) A subrecipient, who requests or receives Federal funds exceeding \$100,000, shall be required to file with the agency making their award a certification and a Disclosure Form, if applicable. All certifications shall be maintained by the agency making the award and all Disclosure Forms shall be forwarded from tier to tier until received by the Federal agency making the award. That agency shall forward all Disclosure Forms to the awarding agency. The Disclosure Form shall contain the following information:
 - Name and address of reporting entity;
 - Federal program name;
 - Federal award number;
 - Federal award amount; and
 - Name and address of lobbying registrant.
- c. The above requirements DO NOT apply to Federally recognized Indian tribes or tribal organizations, or any other Indian organization with respect to expenditures specifically permitted by other Federal law.
- d. Each person shall file a Disclosure Form at the end of each calendar quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any Disclosure Form previously filed by such persons. Examples of such events are:
- (1) A cumulative increase of \$25,000 or more in the amount paid or expected to be paid for influencing or attempting to influence a covered Federal action;
 - (2) A change in the person(s) or individual(s) influencing or attempting to influence a covered Federal action; or

- (3) A change in the officer(s), employee(s), or member(s) contacted to influence or attempt to influence a covered Federal action.
- e. Penalties and enforcement of lobbying restrictions shall be as follows:
- (1) Any person who makes an expenditure prohibited by the New Restrictions on Lobbying shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure.
 - (2) Any person who fails to file or amend the Disclosure Form to be filed or amended, if required, shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

To summarize, the common rule for lobbying requires certification that subrecipients certify they will comply with the lobbying common rule. The requirement is only for awards made exceeding \$100,000.

4. **Equal Employment Opportunity Plan (EEOP) Certification:** This certification must be submitted with any signed grant agreement. The government-wide common rule for equal opportunity workplace, 28 CFR Part 42.207 and 42.301 provides guidance on requirements that subrecipients shall meet in order to receive Federal funds or, in the case of a recipient who is an individual, certify to OCJP that his or her conduct of award activity will be delivered in an equitable manner to all segments of the service population. This shall include meaningful access for people with limited English proficiency as required by Title VI of the Civil Rights Act. If a subrecipient makes a false certification, the subrecipient is subject to suspension, termination, and debarment.
 - a. OCJP shall be responsible for obtaining an EEOP certification from each sub-recipient agency.
 - b. Sub-recipient agencies:
 - (1) Certify that the agency will maintain data to ensure that services are provided in an equitable manner to all segments of the service population and
 - (2) Certify an EEOP, if required to be written, must be kept on file and submitted to the Department of Justice.
 - Agencies whose certification requires that an EEOP be on file with the Department of Justice shall forward said copy to Department of Justice, Office of Civil Rights within 45 days of the award.
 - Certify that the person in this agency or unit of government who is responsible for reporting formal and

informal civil rights complaints and/or findings of discrimination will submit these complaints and/or findings, if any, to the Tennessee Office of Criminal Justice Programs within the Department of Finance and Administration within 45 days of the finding, and/or if the finding occurred prior to the grant award beginning date, within 45 days of the grant award beginning date. The notification to OCJP can be made by submitting the Civil Rights Complaint Notification Form to OCJP. (See OCJP [Appendix P](#))

- (3) Certify that Services to Limited-English-Proficient (LEP) Persons comply with Title VI of the Civil Rights Act and the Omnibus Crime Control and Safe Streets Act.
- Subrecipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs.
 - Meaningful access may entail providing language assistance services, including interpretation and translation services, where necessary.
 - Subrecipients are encouraged to consider the need for language services for LEP persons served or encountered both in developing their proposals and budgets and in conducting their programs and activities.
 - Subrecipients must document their process to provide meaningful access for LEP persons.
 - Resources available for meaningful access are in [Appendix O](#) and <http://ojp.gov/about/ocr/lep.htm>

To summarize, 28 CFR 42.207 and 42.301 requires that ALL recipients of Federal awards, either direct or in-direct, certify they will comply with EEOP requirements. There is no dollar threshold for certification. For assistance in developing an EEOP refer to <http://ojp.gov/about/ocr/lep.htm>.

E. Federal Funding Accountability and Transparency Act of 2006 (FFATA), Public Law 109-282 Certification:

The potential subrecipient applying for Federal funding must comply with FFATA. In order to apply for federal funding with OCJP, the agency must have a DUNS number, register at www.SAM.gov and maintain an active registration, and when appropriate, must comply with Executive Compensation Reporting.

FFATA was signed on September 26, 2006, and requires the existence of a single searchable website, accessible by the public at no cost, that includes information about where and how federal funds are spent. This includes information on grants,

subgrants, loans, awards, cooperative agreements and other forms of financial assistance funded with federal funds. Federal grant awards of \$25,000 or more began being reported October 1, 2010. State agencies that receive federal awards now report subgrant information for public access.

DUNS Number: To enable state agencies that receive federal awards to report this information, subgrantees (i.e., Subrecipients) are required to obtain and report a DUNS numbers. A DUNS number is obtained through Dun & Bradstreet (D&B) and is a unique nine digit identification number that is assigned for FREE for all businesses required to register with the US Federal government for contracts or grants A DUNS number is required for this grant and is reported on [Attachment A](#) of your application. For more information and to obtain a DUNS number go to the following website: <http://fedgov.dnb.com/webform>.

SAM Registration: To enable OCJP to report subawards in a timely manner, Subrecipients are also required to register with the System for Award Management (SAM). SAM is a centrally located database of all grantees and contractors with the federal government, and it will be used to populate the information needed to report subaward information. In order to register you must have a DUNS number. Registration can be done at www.SAM.gov . Your registration expiration date must be reported on [Attachment A](#) and a copy of confirmation submitted with your application.

Executive Compensation Reporting: FFATA now requires a subgrantee of a federal award to report the names and total compensation of the most highly compensated executives (i.e., officers, managing partners, or any other employees in management positions) if they meet all of the following criteria:

1. 80 percent or more of the subgrantee's annual gross revenues from Federal procurement contracts and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320; and
2. \$25,000,000 or more in annual gross revenues from Federal procurement contracts, and Federal financial assistance subject to the Transparency Act; and
3. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/excomp.htm>).

Any potential subrecipient who meets the criteria listed above is required to complete a certification outlining executive compensation for the five most highly compensated executives and submit this certification with their signed grant agreement.

F. ADDITIONAL REQUIREMENTS

All applicants must agree to comply with the following federal requirements:

1. **Environmental Tobacco Smoke:** This is a requirement for any Grantee that provides services to children under the age of 18. Public Law 103227, Part C Environmental Tobacco Smoke, also known as the Pro Children Act of 1964, requires that smoking not be permitted in any portion of any indoor routinely owned or leased or contracted for or by an entity and used routinely or regularly for provisions of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local government, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to \$1000 per day and/or the imposition of an administrative compliance order on the responsible entity.

The applicant/grantee further agrees that it will require the language of this certification be included in any sub-awards which contain provisions for the children's services and that all subgrantees shall certify accordingly.

2. **Immigration and Naturalization Service Form:** Grantee agrees to complete and keep on file, as appropriate, Immigration and Naturalization Service Employment Eligibility Verification Form (I-9). This form is to be used by recipients of federal funds to verify that persons are eligible to work in the United States.
3. **Mandatory Reporting of Abuse:** The Grantee agrees to comply with Tennessee Code Annotated (TCA), 37-1-403 and 37-1-605 by reporting suspected cases of child abuse to the Department of Children's Services and with Tennessee Code Annotated 71-6-103 by reporting cases of adult abuse to the Department of Human Services as required by law.
4. **National Environmental Policy Act:** The grantee agrees to assist BJA comply with the National Environmental Policy Act (NEPA) and other related federal environmental impact analyses requirements in the use of these grant funds. Accordingly, prior to obligating grant funds, the grantee agrees to first determine if any of the following activities will be related to the use of the grant funds. Grantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, a subgrantee or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:

- a. New construction

- b. Minor renovation or remodeling of a property either listed on or eligible for listing on the National Register of Historic Places located within a 100 year flood plain
- c. A renovation, lease or any other proposed use of a building or facility that will either result in a change to its basic prior use significantly change its size
- d. Implementation of a new program involving the use of chemicals other than chemicals that are: purchased as an incidental component of a funded activity and traditionally used, for example, in office, household, recreational, or educational environments

For any of the grantee's programs or activities that will be funded by these grant funds, the Grantee upon specific request from the Bureau of Justice Assistance (BJA), agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity. The Grantee agrees to contact the Office of Criminal Justice Programs for additional implementation guidance before deciding on any renovation work for which the Grantee is unsure of the application of this condition.

- 5. **National Historical Preservation Act Compliance:** The Grantee shall adhere to the National Historical Preservation Act Compliance, Section 106 of the National Historic Preservation Act (16 U.S.C. Section 470, et seq., as amended) which states that prior to use of any grant funds to renovate, alter, or otherwise improve the exterior or interior of a building, applicants for federal funds must establish identification, record keeping, reporting, consultation and decision-making processes within their programs or procedures for administering grant funds. The Grantee agrees to contact the Office of Criminal Justice Programs for additional implementation guidance before deciding on any renovation work for which the Grantee is unsure of the application of this condition.
- 6. **Human Subject Testing:** The Grantee shall adhere to the federal policy on protection of human subjects of research, the "Common Rule." The Common Rule is set forth in 28 CFR Part 46, *Protection of Human Subjects*, which requires that research involving human subjects be submitted to an independent review board for approval and that informed consent procedures be followed. Federal funds may not be expended for research involving human subjects unless the requirements of this policy have been satisfied, if the research is not covered by an exemption set forth in 28 CFR Section 46.101(b)(1).
- 7. **HIPAA Compliance:** The State and Grantee shall comply with obligations under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and its accompanying regulations.

- a. Grantee warrants to the State that it is familiar with the requirements of HIPAA and its accompanying regulations, and will comply with all applicable HIPAA requirements in the course of this contract.

- b. Grantee warrants that it will cooperate with the State, including cooperation and coordination with State privacy officials and other compliance officers required by HIPAA and its regulations, in the course of performance of this Grant so that both parties will be in compliance with HIPAA.
 - c. The State and the Grantee will sign documents, including but not limited to business associate agreements, as required by HIPAA and that are reasonably necessary to keep the State and Grantee in compliance with HIPAA. This provision shall not apply if information received by the State under this Grant is NOT “protected health information” as defined by HIPAA, or if HIPAA permits the State to receive such information without entering into a business associate agreement or signing another such document.
8. **Counter-terrorism Efforts:** The Grantee agrees when funds are spent on counter-terrorism or first-responder efforts, the Grantee shall notify the State of Tennessee’s Department of Homeland Security to ensure coordination of such efforts.
9. **Association of Community Organizations for Reform Now:** The Grantee understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OCJP.
10. **Public Accountability:** If the Grantee is subject to *Tennessee Code Annotated*, Title 8, Chapter 4, Part 4, or if the Grant contract involves the provision of services to citizens by the Grantee on behalf of the State, the Grantee agrees to establish a system through which recipients of services may present grievances about the operation of the service program, and the Grantee shall display in a prominent place, located near the passageway through which the public enters in order to receive Grant supported services, a sign at least twelve inches (12") in height and eighteen inches (18") in width stating:

NOTICE: THIS AGENCY IS A RECIPIENT OF TAXPAYER FUNDING.
IF YOU OBSERVE AN AGENCY DIRECTOR OR EMPLOYEE
ENGAGING IN ANY ACTIVITY WHICH YOU CONSIDER TO BE
ILLEGAL, IMPROPER, OR WASTEFUL, PLEASE CALL THE STATE
COMPTROLLER’S TOLL-FREE HOTLINE: 1-800-232-5454

11. **Equal Treatment for Faith Based Organizations:** The Grantee and their subcontractors agree to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulations governing “Equal Treatment for Faith Based Organizations” (the “Equal Treatment Regulation”). The Regulation provides in part that federal funding may not be used to fund any inherently religious activities, such as worship, religious instruction or proselytization. Grantees and their subcontractors may still engage in inherently religious activities but such activities must be separate in time or place from the federally funded program and participation in such activities by

individuals receiving services from the Grantee or their subcontractors must be voluntary. The Regulation also makes it clear that Grantees and their subcontractors are not permitted to discriminate in the provision of grant funded services on the basis of participant's religion. Faith Based Organizations may, in some circumstances, consider religion as a basis for employment and Grantees should contact their OCJP program manager for additional information if their organization or their subcontractors have such policies.

12. VAWA Statutory Eligibility Regulations for States and Grantees: In order to qualify for funds provided under the Violence Against Women Act, Tennessee has certified that practices across the State are in compliance with following regulations:

- a. Forensic Medical Examination Payment Requirement for Victims of Sexual Assault
- b. The State incurs the full out-of-pocket costs of forensic medical exams for victims of sexual assault.
- c. Exams to victims are provided free of charge to the victims;
- d. Arranges for victims to obtain such exams free of charge to the victims; and
- e. Subrecipients provide information at the time of the forensic medical exam to all victims, including victims with limited or no English proficiency, regarding how to obtain reimbursement; and
- f. Subrecipients cannot require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, or to be reimbursed for charges incurred on account of such an exam.
- g. Filing Costs for Criminal Charges

A subrecipient will not be entitled to funds unless it certifies that its laws, policies and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence offense, or in connection with the filing, issuance, registration, or service of a protection order or a petition for a protection order, to protect a victim of domestic violence, stalking, or sexual assault, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, or service of a warrant, protection order, petition for protection order, or witness subpoena, whether issued inside or outside the state or local jurisdiction.

- h. Gun Control Laws Related to Domestic Violence

Certifies that its judicial administrative policies and practices include notification to domestic violence offenders of the requirements delineated in section 922(g)(8) and (g)(9) of title 18, United States Code, and any applicable related Federal, State or local laws.

- i. Polygraph Examination for Victims of Alleged Sexual Offenses
 - (1) Certifies that its laws, policies, and practices will ensure that no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of an alleged sex offense as defined under Federal, tribal, State, territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense; and
 - (2) The refusal of a victim to submit to a polygraph or other truth telling examination shall not prevent the investigation, charging, or prosecution of an alleged sex offense by a state or local unit of government.

If a Grantee becomes aware that one or more of these regulations is not being followed, the Grantee must immediately report this to their OCJP Program Manager.

13. **Federal Debt (OMB Circular A-129):** OCJP holds subrecipients accountable for any overpayment, audit disallowance, or any other breach of award that results in a debt owed to F&A/OCJP involving Federal Grant money. The Federal Debt Collection Act of 1996 states that if, after written notification, grantee payments continue to be delinquent, the debt will be referred to a collection agency for further action. The State shall apply interest, penalties, and administrative costs to a delinquent debt owed by a debtor pursuant to State requirements and the Federal Claims Collection Standards and [OMB Circular A-129](#).
14. **Drug-Free Workplace:** The government-wide common rule for debarment and suspension and drug-free workplace, 28 CFR Part 67 provides guidance on requirements that subrecipients shall meet in order to receive Federal funds or, in the case of a recipient who is an individual, certify to the agency that his or her conduct of award activity will be drug-free. If a subrecipient makes a false certification, the subrecipient is subject to suspension, termination, and debarment.

Sub Part F of 28 CFR part 67 implements the statutory requirements of the Drug-Free Workplace Act of 1989. All subrecipients receiving awards from any federal agencies shall certify to that agency that they will maintain a drug-free work place.

 - a. OCJP shall submit a drug-free workplace certification to the Bureau of Justice Assistance and shall be responsible for obtaining a drug-free workplace certification from each State agency that is sub-awarded

funds. Subrecipients who are not State agencies are not required to submit a drug-free workplace certification.

- b. There are two different certifications: one for individuals and one for organizations. The individual subrecipient certifies that he or she will not engage in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in conducting any activity with the award. The organizational subrecipient certifies that it will provide a drug-free workplace by:
- (1) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the recipient's workplace and specifically the actions that will be taken against employees for violation of such prohibition.
 - (2) Establishing a drug-free awareness program to inform employees about:
 - The dangers of drug abuse in the workplace;
 - The subrecipient's policy of maintaining a drug-free workplace;
 - Any available drug counseling, rehabilitation, and employee assistance programs; and
 - The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace
 - (3) Making it a requirement that each employee to be engaged in the performance of the award be given a copy of the employer's statement about drugs in the workplace.
 - (4) Notifying the employee that, as a condition of employment under the award, the employee will:
 - Abide by the terms of the statement; and
 - Notify the employer of any criminal statute conviction for a violation occurring in the workplace not later than five business days after such a conviction.
 - (5) Notifying OCJP within ten business days after receiving notice from an employee or otherwise receiving actual notice of such conviction.
 - (6) Taking one of the following actions, within 30 business days of receiving notice, with respect to any employee who is so convicted:
 - Taking appropriate personnel action against such an employee, up to and including termination; or
 - Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program

- approved for such proposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
- (7) Making a good faith effort to continue to maintain a drug-free workplace.

To summarize, the drug-free workplace common rule requires that ONLY direct recipients of Federal awards certify they will comply with the drug-free workplace common rule. There is no dollar threshold for certification.

15. **Computer Networks:** The subrecipient understands and agrees that: (a) No award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, and (b) Nothing in subsection (c) limits the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.
16. **Religious Discrimination:** The subrecipient understands and agrees that award funds may not be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.
17. **Multiple Awards** The subrecipient agrees that if it currently has a contract with OCJP and receives additional federal funding, outside OCJP, and those funds are to be used, in whole or in part, for one or more of the identical cost items for which funds are being provided under the OCJP contract, the subrecipient will promptly notify the OCJP program manager in writing.

G. POLICY ON MAKING AWARDS

OCJP will not make an award to any applicant who has an overdue audit or an open audit report where the subrecipient has not attempted to respond or has taken no action to resolve findings. Every applicant for funding is on notice that, unless they are in compliance with the audit requirements, their application may be rejected. OCJP shall obtain credit reports on any applicant where there is reason to believe that performance is substandard or there is evidence of financial irregularities.

H. AWARD/CONTRACT DOCUMENT

After completion of the review process subrecipients will receive notice of application outcome. If successful, the subrecipient will receive a grant agreement with all required attachments and special conditions for signature

I. CONFLICT OF INTEREST

Personnel and other officials connected with agency-funded programs shall adhere to the following requirements:

1. Advice: No official or employee of a State or unit of local government or a non-governmental subrecipient shall participate personally through decisions, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise in any proceeding, application, request for a ruling or other determination, contract, award, cooperative agreement, claim, controversy, or other particular matter in which award funds (including program income or other funds generated by Federally-funded activities) are used, where to his/her knowledge, he/she or his/her immediate family, partners, organization other than a public agency in which he/she is serving as an officer, director, trustee, partner, or employee, or any person or organization with whom he/she is negotiating or has any arrangement concerning prospective employment has a financial interest or less than an arms-length transaction.

2. Appearance: In the use of agency project funds, officials or employees of State or local units of government and non-governmental subrecipients shall avoid any action that might result in, or create the appearance of:
Using his or her official position for private gain;
 - a. Giving preferential treatment to any person;
 - b. Losing complete independence or impartiality;
 - c. Making an official decision outside official channels; or
 - d. Affecting adversely the confidence of the public in the integrity of the government or the program.

For example, where a recipient of federal funds makes sub-awards under any competitive process and an actual conflict or an appearance of a conflict of interest exists, the person for whom the actual or apparent conflict of interest exists should recuse him- or herself not only from reviewing the application for which the conflict exists, but also from the evaluation of all competing applications.

CHAPTER II

ACHIEVEMENT OF OPERATIONAL STATUS

The expectation for accepting an award from OCJP is that the subrecipient will have in place a system that is adequate for carrying out the administrative/financial, as well as the program aspects of the grant award. This includes good communication between the board of directors (if applicable), administrative/financial staff and the program staff. Management should pay particular attention to the budget and expenditure process of the grant award. The subrecipient management devotes a great deal of thought to the purpose of the grant, therefore, everyone who works within the grant must be familiar with the fiscal and programmatic aspects of the OCJP Administrative Manual so that the program and funding are managed appropriately.

A. PROGRAM AND FISCAL RESPONSIBILITIES:

The subrecipient must establish and maintain program records to ensure that the direct and subcontracted project activities are in compliance with the approved Project Narrative/Logic Model. Such records must be readily available for review.

1. The subrecipient must establish and maintain fiscal controls and procedures that assure that federal and/or local funds available for the grant program are properly disbursed.
2. Funds awarded may be expended only for activities and purposes set forth in the approved Project Narrative/Logic Model and budget within the approved grant period. (The "grant period" is that period of time listed in the grant contract.)
3. Grant funds must be obligated and expended prior to the termination date of the grant award period. Obligated funds are those funds for which goods or services have been encumbered, such as a valid purchase order or requisition to cover the cost of purchasing an authorized item on or after the begin date. These items or services must have been received and there must be an obligation to pay by the end date of the award period.

B. OPERATIONAL TIMELINE:

Each federally funded project not achieving operational status within sixty (60) days of the beginning date of the grant period listed in the grant contract must write a letter or email to the Program Manager assigned to the subrecipient and send to the Department of Finance and Administration, Office of Criminal Justice Programs, describing steps taken to initiate the project, reasons for delay, and the projected operational date. If operational status is not achieved within ninety (90) days of the beginning date of the grant period, the subrecipient must submit a second letter or email explaining the additional delay in implementation. The Office of Criminal

Justice Programs may, after reviewing the circumstances, elect to cancel the project and redistribute funds.

C. PROJECT DIRECTOR:

This is the individual who will be in direct operational charge of the project. The agency's management will make it explicit to the selected Project Director what his/her duties will entail, as Project Director. These responsibilities include ensuring that the project is implemented as described in the Project Narrative/ Logic Model, and assuming oversight responsibility for the direct and subcontracted services provided. The Project Director must ensure that all grant requirements are completed and documented within the specified deadlines as provided by OCJP through the Administrative Manual or through correspondences from OCJP staff.

The Project Director should be a person who combines knowledge and experience in the project area with ability in administration and supervision of personnel. He/she shares responsibility with the financial office for seeing that all expenditures are within the approved budget and ensures that all reporting requirements are met. It is the responsibility of the Project Director to assure that any subrecipient personnel working within the grant-funded project receive copies of all information distributed from the Office of Criminal Justice Programs, including a copy of the executed current contract. All new Project Directors are responsible for completing [Title VI Compliance Training](#) within 90 days of start date as well as providing periodic training for staff.

The Project Director is responsible for ensuring that client files are maintained on each individual receiving direct or subcontracted services under this grant. If multiple funding sources support a single function (i.e. shelter), the Project Director must be able to delineate which funding source(s) support which service(s) the individual received. The file on each individual should minimally include identifying information about the individual served, services provided and dates of service(s).

The individual selected as Project Director cannot be the same person who serves as Financial Director for the project. The Office of Criminal Justice Programs must be notified in writing within ten (10) days in the event of a change in Project Director.

D. FINANCIAL DIRECTOR:

This is the person who is responsible for fiscal matters relating to the grant-funded project and is ultimately in charge of accounting, management of funds, verification of expenditures, and grant financial reports. The Financial Director must establish and maintain grant accounting systems and financial records to accurately account for funds awarded to them. The Financial Director must be aware of acceptable accounting practices and must possess the fiscal skills necessary to adhere to the fiscal requirements of the grant, as specified in [Chapter III – Financial Requirements](#).

The Financial Director must be familiar with the OCJP Administrative Manual and all of the responsibilities that correspond with the fiscal function of OCJP grants. The

Office of Criminal Justice Programs must be notified in writing within ten (10) days in the event there is a change in Financial Director.

E. AUTHORIZED OFFICIAL:

This is the individual who is authorized to enter into binding commitments on behalf of the Authorizing Agency. This is the person who will sign any contract between your organization and the state.

1. State and local government agencies: the Authorized Officials must be Mayors, City Managers, County Executives/Mayors, District Attorneys, or State Commissioners. The Office of Criminal Justice Programs must be notified in writing within ten (10) days in the event of a change in Authorized Official.
2. **Non-profit agencies:** The Authorized Official must be the President/Chairperson of the Board of Directors who will be signing the grant on behalf of the agency's governing board. As the legal contracting entity and person ultimately responsible for its overall operation, the board President/Chairperson, is the board representative of the governing board financially liable for the service program described in the legal agreement. If necessary, the Board President may designate another board officer or the Executive Director to sign the contract in his/her absence. The designee is the person granted permission to sign the Authorized Official's signature. The Office of Criminal Justice Programs must be notified in writing within ten (10) days in the event of a change in President/Chairperson of the Board of Directors of the non-profit organization. **See OCJP [Appendix M– Non-Profit Organizations and the Governing Board of Director's Responsibilities](#).**

F. OCJP NOTIFICATIONS:

Subrecipients must provide written notification to OCJP within ten (10) days from the date of occurrence of any of the following:

1. Any change of address for Authorized Official, Project Director, or Financial Director for the grant-funded project.
2. Any lawsuit filed **against an OCJP funded project or program. (Note: Notification of EEOC claims or lawsuits claiming discrimination must follow the procedure outlined in [Chapter XXII: Civil Rights](#).)**
3. Any cessation or interruption of implementation of project activities arising from litigation, loss of staff, or programmatic restructuring
4. Change in project site or location
5. Change in or temporary absence of the Project Director or Financial Director
6. **Change in Authorized Official.**
7. Change in the name of the person responsible for reporting civil rights findings of discrimination

8. Addition of equipment and/or Sensitive Minor Equipment to project budget not previously identified (Note: Sensitive Minor Equipment requires prior approval from OCJP, see [Chapter 14](#) and [Chapter 15](#))
9. Change in scope of programmatic activities or purpose of project
10. Change in e-mail address of Project Director, Financial Director, Authorized Official or any personnel funded by this grant.
11. Change in grant funded personnel positions. Temporary staff changes should also be reported.
12. Documentation of current registration in the US Federal Governments System for Award Management (SAM) and a valid DUNs number.
13. Vacancies in all grant funded positions MUST be reported in writing (e- mail, fax, or mail) to OCJP within 10 days of the vacancy. All grant funded vacant positions MUST be filled within 45 days of the vacancy. Failure to abide by this requirement may result in the agency losing the position(s) in question. If the position(s) is/are not filled within 45 days, the subrecipient must submit a letter to OCJP justifying the delay in filling the position and explaining how the program is providing services while the position is vacant. After 45 days OCJP must receive a monthly report of this information until the position is filled.

Once the vacant position(s) is filled the subrecipient agency MUST notify OCJP in writing within 10 days of the following information as it pertains to the new employee(s):

- Position Title
- Name of Employee
- Date Hired
- Salary
- Percent of time allotted to the grant funded project
- Job Description

14. Receipt of any additional Federal Grant funds to be used for a currently funded OCJP program.
15. Any change in the subrecipient's banking information that is being used for direct deposit payment of OCJP grant funds must be reported. The subrecipient must submit a new Automated Clearing House (ACH) form to OCJP program manager. See Appendix G ACH Form.
16. In the event of a formal allegation of civil rights discrimination, including those related to employment, OCJP subrecipients must immediately notify the OCJP Title VI Coordinator by completing the Civil Rights Complaint Notification form (see [Appendix P](#)) within forty-five days. Subrecipients must report, in writing, the status of any on-going investigations to OCJP. A subrecipient may request exemption or modification of this requirement by submitting a written request to the OCJP Title VI Coordinator.
17. In the event a federal or state court or a federal or state administrative agency makes an adverse finding of discrimination against a subrecipient agency, after a due-process hearing, on the basis of race, color, national origin, religion, age, sex,

or disability the subrecipient agency must send a copy of the finding to OCJP within forty-five days.

CHAPTER III FINANCIAL REQUIREMENTS

A. STANDARDS FOR FINANCIAL MANAGEMENT SYSTEMS

All grant subrecipients are required to establish and maintain grant accounting systems and financial records to accurately account for funds awarded to them. ([OMB Circular A-87](#), "Cost Principles for State, Local and Indian Tribal Governments." [OMB Circular A-122](#), "Cost Principles for Nonprofit Organizations.")

1. **Accounting Systems:** These records shall include both Federal funds and all matching funds when applicable. Subrecipients shall expend and account for grant funds in accordance with State and local laws and procedures for expending and accounting for their own funds. State and local procedures must ensure compliance with the financial management standards found at [2014 Federal Financial Guide, Section 2.3, Standards for Financial Management Systems](#).
 - a. Each subrecipient is responsible for establishing and maintaining an adequate system of accounting and internal controls. Each subrecipient is also responsible for ensuring that an adequate system exists for any subcontractors, when applicable.
 - b. An acceptable and adequate accounting system:
 - (1) Presents and classifies projected historical cost of the grant as required for budgetary evaluation purposes;
 - (2) Provides cost and property control to ensure optimal use of funds;
 - (3) Controls funds and other resources to assure that the expenditure of funds and use of property are in conformance with any general or special conditions that apply to the subrecipient;
 - (4) Meets the prescribed requirements for periodic financial reporting of operations; and
 - (5) Provides financial data for planning, control, measurement, and evaluation of direct and indirect costs.

For Local Governments and Nonprofit Organizations, the Tennessee Comptroller of the Treasury has several publications available on-line for assistance with meeting the Financial Management Systems standards:

[Accounting and Financial Reporting for Not-for-Profit Recipients](#)

[Internal Control and Compliance Manual for Tennessee Municipalities the City Manual](#)

[Confidential Drug Funds Manual](#)

Local Governments and Nonprofit Organizations should be familiar with the applicable manuals to assure adherence to the financial requirements contained for managing grant funds. In addition to the OCJP Administrative Manual, and the subrecipient grant contracts, the OCJP monitors will use these manuals in the monitoring process.

2. **Accounting Systems Criteria:** The subrecipient is free to use any accounting system that the subrecipient has established if the system meets the following minimum criteria:
 - a. Receipts should be classified by the source of funding, i.e. – the name and number of the grant to which the costs will be charged. As a matter of convenience, subrecipients are encouraged to use the grant award number assigned to the project by the Office of Criminal Justice Programs, unless currently existing agency coding structures prevents this. If costs attributable to the grant program will include those from sources other than the federal grant, such as match, donations, income earned by the project, or funds from other sources, this should be clearly noted on receipts.
 - b. Expenditures should be classified by the budget categories included in the grant application. All expenditure documents, regardless of type, must include the assigned subgrant number. Non-federal matching funds required at the project level must be classified in these same categories.
 - c. Entries in the accounting records should refer to subsidiary records and/or documentation that supports the entry and which can be readily located.
 - d. Each grant should be accounted for separately. Each year of a continuation grant is regarded as coming from a separate fund source and should be accounted for as such. All project records should reflect the grant number listed on the award document. Subrecipients are prohibited from commingling funds on either a program-by-program basis or a project-by-project basis.
 - e. The accounting system must be such as to provide adequate information for the prompt and proper submission of semi-annual and annual financial reports.
 - f. The accounting system should be integrated with an adequate system of internal controls to safeguard the funds and assets covered, check the accuracy and reliability of accounting data, promote operational efficiency and encourage adherence to prescribed management policies.
 - g. The accounting system should include a system of property records for all equipment (see equipment section).
 - h. All required financial records shall be maintained for three years from the date of the final financial report or until all questions arising from an audit have been resolved, whichever is later.

3. **Reporting Irregularities:** The recipient is responsible for promptly notifying OCJP and the State of Tennessee Comptroller of any illegal acts or irregularities and or proposed actual actions. Please notify the State of Tennessee Comptroller Hotline at 1-800-232-5454 of any irregularities that occur. Illegal acts include:

conflicts of interest, falsification of records or reports, misappropriation of funds or other assets, and/or fraud, waste or abuse.

Or contact the U.S. Department of Justice, Office of the Inspector General Hotline concerning DOJ contracts or subcontracts. Submit a report online at www.justice.gov/oig/hotline/contact-contracts.htm or mail complaint with supporting documentation to:

U.S. Department of Justice Office of the Inspector General
Fraud Detection Office
Attention FAR Contractor Reporting
1300 North 17th Street, Suite 3200
Arlington, VA 22209

4. **Commingling of Funds:** The accounting systems of all subrecipients must ensure that:
 - a. Agency funds are not commingled with funds from other Federal agencies.
 - b. Commingling funds on either a program-by-program basis or project-by-project basis are prohibited.
 - c. Funds specifically budgeted and/or received for one project may not be used to support another. The subrecipient must establish a system to provide adequate fund accountability for each project.
5. **Supplanting of Funds:** Federal funds must be used to supplement existing funds for program activities and not replace those funds, which have been appropriated for the same purpose. Potential supplanting will be the subject of application review, as well as pre-award review, post-award monitoring, and audit. If there is a potential presence of supplanting, 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 Federal funds.

B. MATCH REQUIREMENTS

1. **Match Requirements:** Federal Grant funds may be used to pay the pre- set percentage of the cost of a project. (see chart below) *The remaining non-federal share must be in cash or in-kind from non-federal funds.* Match is restricted to the same use of funds as allowed for the Federal funds. Match must be directly related to the project goals and objectives and must be documented in the same manner as grant funded activities.

FUND	TYPE	FEDERAL REIMBURSEMENT RATE	MATCH PERCENTAGE
JAG	Cash	75%	25%
FVPSA	Cash or in-kind	80%	20%
STOP	Cash or in-kind	75%	25%
VOCA	Cash or in-kind	80%	20%
RSAT	Cash	75%	25%

The formula to be used in calculating match and total cost requirements is:

$$\text{Federal Funds divided by Federal Reimbursement Rate} = \text{TOTAL Cost}$$
$$\text{TOTAL Cost multiplied by Match Percentage} = \text{TOTAL Match Amount}$$

- a. Match is the grantee's share of the project costs.
 - b. Match funds must meet the same criteria as grant dollars:
 - (1) Restricted to the same use of funds as allowed for the Federal funds;
 - (2) Applicable to the program, allocable, allowable, reasonable and necessary;
 - (3) Allowable according to cost principles (OMB Circulars);
 - (4) Be in accordance with Generally Accepted Accounting Principles (GAAP);
 - (5) Cannot be used to match another Federal grant;
 - (6) Cannot be from a Federal source;
 - (7) Conform to special grant limitations and restrictions (for example, some grants require cash match);
 - (8) Be shown in the approved budget;
 - c. Funds required to pay the non-federal portion of the cost of each project must be in addition to funds that would otherwise be available for the project.
2. **Cash Match:** Cash match (hard) includes actual cash spent by the subrecipient for project-related costs. Accounting records should be verifiable and trace back to source documentation including cash receipts journal, general ledger, deposit tickets, bank statements, copies of checks/donations, and documentation that the cash match is not from a Federal source, and is not being used to match any other grants. Cash match may be applied from the following sources:
- a. Funds from State and local units of government that have a binding commitment of matching funds for programs or projects.
 - b. Funds contributed from private sources.
 - c. Program income and the related interest earned on that program income generated from projects may be used as match provided it is identified and approved prior to making an award.
 - d. Funds appropriated by Congress for the activities of any agency of a Tribal government or the Bureau of Indian Affairs performing law enforcement functions of Tribal lands may be used as matching funds.
 - e. **Otherwise authorized by law.**

Cash match should **NOT BE** shown on line 24, "In-kind Expense" but should be shown on the line item budget and Monthly Invoice for Reimbursement on the expense line where the cash was expended. For example, if cash match was used to pay for salaries and supplies, show the cash match on the salaries and supplies line item.

3. **In-kind Match:** In-kind match does not involve cash. "In-kind" is the value of something received or provided, which is beneficial to the program, but for which no cash exchanges hands. Since it is much easier to raise in-kind match than it is cash match, Federal and State guidelines regarding in-kind are strict and require careful documentation. [OMB Circular A-110](#) states that in-kind contributions must be verifiable from grantee records, necessary and reasonable, allowable under cost principles, and not included as a contribution under any other federal award. Examples of allowable in-kind contributions include, but are not limited to:

- a. Donations of expendable equipment
- b. Office supplies
- c. Workshop or classroom materials
- d. Work space
- e. Monetary value of time contributed by volunteer professional and technical personnel and other skilled and unskilled labor if the services they provide are an integral and necessary part of a funded project.

(1) The value placed on donated services must be consistent with the rate of compensation paid for similar work in the organization or the labor market.

(2) Fringe benefits may be included in the valuation.

(3) Volunteer services must be documented, and supported by the same methods used by the recipient organization for its own employees. Grantees using volunteers as in-kind match must ensure the volunteers are performing allowable activities.

NOTE: The Fair Labor Standards Act defines volunteer as "an individual who performs hours of service for a public agency for civic, charitable, or humanitarian reasons without promise, expectation, or receipt of compensation for services rendered..." 29 CFR 553.101(a). "The 1985 Amendments provide that employees may volunteer hours of service to their public employer or agency provided 'such services are not the same type of services which the individual is employed to perform for such public agency.' The phrase 'same type of services' means similar or identical services." 29 CFR 553.103.

(4) The value of donated space may not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in a privately owned building in the same locality.

- f. The reasonable value of other donated tangible goods may be used as match. For example, a program may receive donations of used clothing, the reasonable value of which may be used. A funded shelter may also receive donations both from individuals and from companies of food, items such as shampoo and toothpaste for use by victims, toys, supplies such as diapers or formula for victims' children, and supplies for the program itself such as furniture or computers.

4. **In-kind Match Documentation:** Must meet the same standards as documentation for other expenditures. Generally speaking, the documentation should be of the same type as that used if the expense were to be paid directly from agency funds (i.e., original receipts).
- a. All in-kind matching contributions must be supported by documentation that shows how the value of the contribution was derived. The agency must be able to provide supporting documentation to substantiate the amount shown as in-kind expense.
 - b. To document the value of a new item, staple the store receipt to the in-kind donation receipt. If the store receipt is not available, include as much information on the in-kind receipt as possible so that the 'new' value can be documented. Suggestions include: the brand name, size, model number and computer print out from store to establish the price of the item.
 - c. To document the value of a used item, use a basis for valuation such as IRS Publication 561 *Determining the Value of Donated Property* <http://www.irs.gov/pub/irs-pdf/p561.pdf> or the *Valuation Guide for Goodwill Donors* www.Goodwill.org. Specific itemized information about the donated item will need to be included so that the value can be verified. For example, 'table' is not sufficient. Include information to distinguish different types of donations: kitchen table, coffee table, or end table. Another example is 'clothing.' Itemize and describe the clothing on the in-kind receipt: a woman's shirt, man's dress pants, child's coat, etc.
 - d. The grantee must keep on file an In-kind Receipt which should list, at a minimum, the following items:
 - (1) Agency Name
 - (2) Donor name
 - (3) Donor address
 - (4) Date of donation
 - (5) Location of donation
 - (6) Detailed description of item/service
 - (7) Purpose for which contribution was made
 - (8) Value of contribution
 - (9) Basis for valuation (how value was determined)
 - (10) Who made the determination
 - (11) Signature of donor if possible
 - (12) Name of employee accepting the donation
 - (13) Signature of employee accepting the donation

Keep a copy of the receipt in the grant file.

The basis for determining the value of personal services, materials, equipment and space must be documented.

Each subrecipient organization must utilize a tracking system which clearly shows the source, the amount, the use of these matching funds, as well as the period during which the funds were utilized in direct support of the project.

C. PAYMENT METHODS

Currently OCJP utilizes either Interunit Journals (IUJs) or the Invoice for Reimbursement process as methods of payment:

1. **Interunit Journals (IUJs):** This method of payment is used for grants funded to State agencies. This payment method reimburses the subrecipient based upon actual costs incurred by the subrecipient in carrying out the activity of the grant. As the subrecipient incurs costs, those costs are conveyed to the funding source (OCJP) following the State of Tennessee Interunit Journal process described below. Following the IUJ processing, deposits (reimbursement) via the recognition of revenue are made to the account of the state subrecipient.

The Department of Finance and Administration Policy Statement Number 18 establishes the policy for the submission of Interunit Journals (IUJs). In accordance with [Policy 18](#), “no IUJs shall be processed for \$1,000.00 or less, **unless it is necessary for a department’s fiscal year-end budgetary closing.** IUJs of the same nature and between the same departments for less than \$1,000.00 may be accumulated and may be processed quarterly once the cumulative amount exceeds \$1,000.00”. “Exceptions to this Policy Statement should be submitted in writing to the Director of Statewide Accounting, Division of Accounts, for review and approval.”

IUJs should be submitted to Department of Finance and Administration, Office of Business and Finance, 20th Floor William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, Nashville, TN 37243. Once received, the IUJ is then processed for payment through the Department of Finance & Administration Office of Business and Finance.

For additional information please see:

<http://www.tn.gov/assets/entities/finance/attachments/policy18.pdf>

2. **Invoice for Reimbursement:** The invoice is used by non-state agencies to request monthly reimbursement for expenditures incurred by the subrecipient. Subrecipient agencies should invoice monthly, based on expenditures incurred but all subrecipient agencies must request reimbursement at least once per quarter. Funds will be distributed to subrecipients upon receipt of a properly prepared and electronically certified invoice. Funds cannot be disbursed based on budgeted amounts. The expense must have actually occurred before the line item reimbursement can be made. (PLEASE CONTACT YOUR OCJP PROGRAM MANAGER FOR THE PROPER INVOICE FOR REIMBURSEMENT FORM.) Non-state agencies must submit the monthly Invoice for Reimbursement Form electronically by e-mail. Faxed invoices will no longer be accepted. Monthly invoices should be e-mailed to Maher.M.Wasef@tn.gov .

D. YEAR END

- 1. Accrued Liability:** A State of Tennessee accrued liability process occurs at the end of each state fiscal year (June 30th) and allows non-state agencies an opportunity to receive payment for documented, reimbursable expenses that have not been reimbursed by the State of Tennessee by the time the State's annual conversion period to the new fiscal year occurs. The state's annual conversion period begins early July (approximately the first week) and continues approximately three weeks. During the conversion period, no payments can be made to state grant subrecipients. In preparation for this conversion period, all non-state agencies will receive a notification letter on/or before June 5th of each fiscal year detailing the proper procedures for fiscal year-end processing and payment of invoices. These procedures will include instructions to establish an accrued liability, if needed, by grant subrecipients. The accrued liability process must be followed, if needed, to ensure reimbursement for subrecipient expenses that are non-reimbursed prior to the year-end conversion period.
- 2. Obligation of Funds:** An obligation occurs when funds are encumbered, such as a valid purchase order or requisition to cover the cost of purchasing an authorized item on or after the begin date and up to the last day of the grant period in the award. Any funds not properly obligated by the subrecipient within the grant award period will lapse and revert back to OCJP. The obligation deadline is the last day of the grant award period unless otherwise stipulated. (Example: If the award period is 7/01/13 to 6/30/14, the obligation deadline is 6/30/14.)

CHAPTER IV

PROGRAM INCOME PROCEDURES

Grantees must use program income to supplement allowable program costs. Grantees should expend program income as soon as possible, unless otherwise specified by OCJP. If program income is not utilized by a grantee, the grantee may have to refund the program income to the Federal government.

A. PROGRAM INCOME DEFINED

Program income, as described in 28CFR, Part 66.25, means gross income received by the subrecipient directly generated by a grant supported activity, or earned only as a result of the grant agreement during the grant period. “During the grant period” is the time between the effective date of the award and the ending date of the award.

B. EXAMPLES OF PROGRAM INCOME

Examples of Program Income and Disposition Requirements and the Policies Governing the Disposition of the Various Types of Program Income

1. **Addition Method of Handling Program Income:** In the absence of other restrictions on disposition contained within the grant or the terms and conditions of the project, program income shall be added to the funds committed in the grant. The program income shall be used as earned by the subrecipient for any purpose that furthers the broad objectives of the legislation under which the grant was made (i.e., expanding the project or program, continuing the project or program that furthers the broad objectives of the State, obtaining equipment or other assets needed for the project or program, or for other activities that further the statute’s objectives).
2. **Sale of Property:** In the case of real property purchased in part with Federal funds, the subrecipient may be permitted to retain title upon compensating OCJP for its fair share of the property. The Federal share of the property shall be computed by applying the Grant specific percentage of the Federal participation in the total cost of the project for which the project was acquired to the current fair market value of the property.
3. **Royalties:** Subrecipients shall retain all royalties received from copyrights or other works developed under projects or from patents and inventions, unless the terms and conditions of the project provide otherwise, or a specific agreement governing such royalties has been negotiated between OCJP and the subrecipient.
4. **Attorney’s Fees and Costs:** Income received pursuant to a court-ordered award of attorney’s fees or costs, which is received subsequent to completion of the project, is program income to the extent that it represents a reimbursement for attorney’s fees and costs originally paid under the award. Disposition of such

program income is subject to the restrictions on the use of program income set forth in the grant.

5. **Registration/Tuition Fees:** These types of program income shall be treated in accordance with disposition instructions set forth in the project's terms and conditions.
6. **Asset Seizures and Forfeitures:** Income received from the sale of seized and forfeited assets (personal or real property) or seized and forfeited money shall follow the "Additional Method" of handling program income. The following policies apply to program income from asset seizures and forfeitures:
 - a. Program income, with the approval of the OCJP, may be retained by the entity earning the program income or used by OCJP for the purpose that furthers the objectives of the legislation under which the grant was made.
 - b. States or local units of government, **MAY USE PROGRAM INCOME FUNDS FROM SEIZED AND FORFEITURE ASSETS AS MATCH**, when assets are adjudicated by a State Court, in accordance with State law. In addition, State and local units of government **MAY** use cash received under the equitable sharing program from the non-Federal portion (match) of program costs, as provided for in the guidelines established by the DOJ Asset Forfeiture Office, when the assets are adjudicated by a Federal Court.

NOTE: Fines as a result of law enforcement activities are not considered program income.

C. ACCOUNTING FOR PROGRAM INCOME

All income generated as a direct result of an agency-funded project shall be deemed program income. Program income must be used for the purposes and under the conditions applicable to the grant. Unless specified by OCJP, program income should be used as earned and expended as soon as possible. If the cost is allowable under the Federal grant program, then the cost would be allowable using program income. Current program income information for State and Local Government and Educational subrecipients should be reported on the online Quarterly Program Income Summary Report. (See [OCJP Appendix L](#)). Current program income information should be reported by Non-profit agency subrecipients on the online Policy 03 Tennessee Uniform Subrecipient Reporting For Non-profit Agencies. The program income amount, if any, is reported on line 39 of Schedule B. (See [OCJP Appendix J](#)). If there is no special condition on the grant concerning the accounting for program income after the funding period, then program income can be used at the discretion of the subrecipient.

NOTE: State and Local Government and Educational subrecipients who do not generate program income may submit this report form annually 15 days after the end of the fiscal year or end of the grant period.

CHAPTER V

ANNUAL FINANCIAL REPORT AND AUDIT REQUIREMENTS

This chapter establishes responsibilities for the reporting of the organizations fiscal year-end financial activities. The type of report required is dependent upon the type of organization and the amount of funding that is involved. Also, it is dependent upon state and federal requirements. The resources for the annual financial report and audit requirement are the grant contract language, the [Audit Manual for Governmental Units and the Recipients of Grant Funds](#) published by the Tennessee Comptroller of the Treasury, as well as the [Office of Management and Budget \(OMB\) Circular A-133](#).

The Comptroller of the Treasury is the public official in Tennessee responsible for the audit of the various departments, institutions, and agencies of state government; nonprofit or private organizations receiving subrecipient and other funds from such entities; and Tennessee local governments and political subdivisions. ([Audit Manual for Governmental Units and the Recipients of Grant Funds](#))

A. AUDIT OBJECTIVES

Grant awards are subject to conditions of fiscal, program, and general administration to which the subrecipient expressly agrees upon acceptance of the grant award. The audit objective is to review the subrecipient's accountability of funds and required non-Federal contributions to determine whether the subrecipient has done all of the following:

1. Established an accounting system with adequate internal controls that provide full accountability for revenues, expenditures, assets, and liabilities.
2. Prepared financial statements which are presented fairly and in accordance with generally accepted accounting principles.
3. Submitted financial reports that contain accurate and reliable financial data and are presented in accordance with the terms of applicable agreements.
4. Expended funds in accordance with the terms of the grant contract and those provisions of law or regulations that could have a material effect on the financial statements or on the grant awards tested.

B. FISCAL REPORTING REQUIREMENTS

State and Local Governments

An audit is required to be conducted and due no later than 9 months after the close of each fiscal year for state government and local governments (counties, judicial districts, cities, towns, quasi-governments) regardless of whether federal or state funds are involved or the dollar amount expended. Please note, that if the federal funds expended (for the entire government) is \$500,000 or more, the audit must be

conducted in accordance with OMB Circular A-133, and the audit cost is an allowable expenditure to the federal grant(s).

Nongovernmental (nonprofit or private organizations)

Any nongovernmental entity (nonprofit or private organizations) that expends \$500,000 or more under a state contract regardless of whether federal or state funds are involved, during that entity's fiscal year, is required to have an audit conducted and due no later than 9 months after the close of the entity's fiscal year. Please note, that if the federal funds expended (for the entire organization) is \$500,000 or more, the audit must be conducted in accordance with [OMB Circular A-133](#), and the audit cost is an allowable expenditure under the federal grant(s).

Any nongovernmental entity (nonprofit or private organizations) that expends less than \$500,000 under a state contract regardless of whether federal or state funds are involved during that entity's fiscal year, is required to submit an **annual report of the entity's financial activities (not required to be audited)** due no later than 9 months after the close of the entity's fiscal year.

Audit costs for audits not required or performed in accordance with [OMB Circular A-133](#) are unallowable. If the subrecipient did not expend \$500,000 or more in Federal funds in its fiscal year, but contracted with a certified public accountant to perform an audit; these costs may not be charged to the federal grant(s).

C. ILLEGAL ACTS OR OTHER IRREGULARITIES

If the auditor becomes aware of illegal acts or other irregularities, prompt notice shall be given to subrecipient management officials above the level of involvement. The subrecipient, in turn, shall promptly notify OCJP of the illegal acts or irregularities proposed and actual actions, if any. All subrecipient personnel have the responsibility to inform the Tennessee Comptroller of the Treasury and State and local law enforcement agencies or prosecuting authorities, as appropriate, of any known violations of the law within their area of jurisdiction.

D. FAILURE TO COMPLY

Failure to have audits performed as required may result in the withholding of new awards and/or withholding of funds or change in the method of payment on active grants.

E. RESOLUTION OF AUDIT REPORTS

Timely action on recommendations by responsible management officials is an integral part of the effectiveness of an audit. Each subrecipient shall have policies and procedures for responding to audit recommendations by designating officials responsible for:

1. Follow-up;
2. Maintaining a record of the action taken on recommendations and time schedules for completing corrective action;
3. Implementing audit recommendations;

4. Submitting periodic reports to OCJP on recommendations and actions taken.

F. DISTRIBUTION OF ANNUAL AND AUDIT REPORTS

The submission of annual and audit reports shall be as follows:

State and Local Governments

The audit reports for these entities are posted to the Tennessee Comptroller of the Treasury website and OCJP will obtain these reports when posted. The audit report is considered the annual report for these agencies.

Nongovernmental (nonprofit or private organizations)

Submit the annual report (if audit is not required) and audit report as follows:

1. OCJP – to Janet.Stewart@tn.gov
2. Tennessee Comptroller of the Treasury – must contact
3. Commissioner of Finance and Administration

Note: OCJP monitors the audit requirements through its audit tracking system and is responsible for tracking audit reports received through the audit process until resolved and closed.

CHAPTER VI

PERSONNEL POLICIES AND PROCEDURES

Agency records and accounting systems must include the following components for personnel approved in the project's budget:

PERSONNEL POLICIES AND PROCEDURE

1. The subrecipient must have written personnel policies and procedures that address:

- a. Work hours
- b. Holidays, vacations, sick leave, and other leave time
- c. Overtime pay and compensatory time
- d. Termination
- e. Qualifications
- f. Written job descriptions
- g. Training Received
- h. Supervision of Staff
- i. Verification of employee's references
- j. Background Checks - Agency must have a policy for background checks and adhere to the policy. At a minimum, this policy must include which agency positions require a background check and the type of check performed. Additional requirements for background check are outlined below:
 - Screening of staff and volunteers to ensure that children and vulnerable adults are protected. Individuals in contact with children and vulnerable adults must have background check/screening information collected from the following:
 - [TBI Fingerprint Background Check](#) or a private National Criminal History Check/Screening provider, and
 - [Sex Offender Registry](#) (TBI Website) search.
 - Individuals transporting clients must have the following information reviewed:
 - Driving Record Check
 - Proof of Liability Insurance

Project officials must ensure that employees working on the grant-funded project are not receiving duplicate compensation (i.e., being paid with the

grant funds while receiving a salary for the same periods from another source).

Overtime pay must be authorized in the approved budget, or prior written approval must be obtained from OCJP before any overtime is worked. One time salary supplements or bonuses, including severance provisions, to subrecipients may not be paid with federal and/or state funds. Personnel working for more than one project must have sufficient records to show an accurate accounting of each project which have hours recorded to them. This can usually be accomplished by having personnel keep a detailed log of their activities for each project. Time sheets must accurately reflect hours spent working in separate programs.

2. **Personnel Costs:** Time and Attendance Records – Accurate time and attendance records are required to be maintained for all personnel **whose** salary is charged to the project. These records should minimally contain the following information:
 - a. Date (day, month and year)
 - b. Employee's name
 - c. Position title
 - d. Total daily hours charged to the project
 - e. Employee's signature
 - f. Project director's or supervisor's signature
 - g. Grant number

The subrecipient may use any form that provides the above information.

3. **Personnel Qualifications:** The narrative section of the grant application includes job descriptions determined by the subrecipient agency which establish the qualifications for each position. If an employee does not meet agency established personnel qualifications, a waiver must be requested from the Office of Criminal Justice Programs. The Office of Criminal Justice Programs must approve prior to employment any staff employee not meeting these requirements. A written waiver of personnel qualifications must be requested prior to the employee's employment. The written request for the waiver must explain the reason(s) for employing a staff person who does not meet the personnel qualifications. A training plan must be included that ensures the employee maintains a constant level of understanding on how services are to be provided. If approved, a copy of the request for waiver must be maintained in the employee's personnel file. The waiver will approve the period of the individual's employment in the position and is applicable to that individual only.

To satisfy the requirement that staff are qualified for the positions in which they are employed it is necessary that the agency obtain verification of education prior to employment and/or training. Resumes of former work experience and references for new employees are strongly recommended.

- 4. Personnel File Requirements:** Agencies are required to maintain personnel files for all staff employed by grant monies or volunteers providing direct services to clients. These records should minimally contain the following information:
- a. Documentation of verified character/employment references
 - b. An agency application
 - c. A signed release of information granting the organization permission to obtain a background check and to conduct reference checks
 - d. Job description
 - e. Documentation of training/certification received such as the topic, presenter, length of training, dates.
 - f. Documentation of minimum qualifications
 - g. Documentation of background checks according to agency policy.
- 5. Subcontracted Staff:** For policies concerning Subcontracted Staff see [Chapter XIII- Procurement of Professional Services](#).

NOTES: For RSAT specific personnel requirements see [RSAT Chapter VI](#).

For specific volunteer requirements related to match see [Chapter III- Financial Requirements](#).

CHAPTER VII REPORTING REQUIREMENTS

All subrecipients are responsible for periodic reporting on their projects to OCJP. The following are required generic reports. **A copy of each report submitted must be saved in the corresponding grant file.**

A. POLICY 03

Policy 03 Quarterly Expense and Revenue Report: (Non-profit Agencies Only)

This report consists of the Program Expense Report (Schedule A), the Program Revenue Report (Schedule B), and the Final Program Expense Summary Page (Schedule C). Schedule A is used for submitting detailed and total expense budgets and for detailed and total expense reports. Schedule B is used for submitting revenue budgets and for revenue reports by source with reconciliation between total expense and reimbursable expenses. Program Income, if any, is reported on line 39 of Schedule B. Schedule C is intended to recap all direct expenses in one column, as well as determine a grand total of all expenses. Policy 03 Quarterly Expense and Revenue Reports are due no later than thirty (30) calendar days following the end of the quarter for which the report is completed. These reports are sent to the Fiscal Manager at OCJP at OCJP.P3@tn.gov. (See OCJP [Appendix J](#) Policy 03).

NOTE: Non-Profit subrecipients should review reporting requirements as specified in *Accounting and Financial Reporting for Not-For-Profit Recipients of Grant Funds in Tennessee.*

B. INTERUNIT JOURNALS

State of Tennessee Interunit Journals (IUs): (State Agencies Only)

This method of payment is used for grants funded to State agencies. This payment method reimburses the subrecipient based upon actual costs incurred by the subrecipient in carrying out the activity of the grant. As the subrecipient incurs costs, those costs are conveyed to the funding source (OCJP) following the State of Tennessee Interunit Journal process described below. Following the IUJ processing, deposits (reimbursement) via the recognition of revenue are made to the account of the state subrecipient.

The Department of Finance and Administration Policy Statement Number 18 establishes the policy for the submission of Interunit Journals (IUs). In accordance with [Policy 18](#), “no IUs shall be processed for \$1,000.00 or less, unless it is necessary for a department’s fiscal year-end budgetary closing. IUs of the same nature and between the same departments for less than \$1,000.00 may be accumulated and may be processed quarterly once the cumulative amount exceeds \$1,000.00”. “Exceptions to this Policy Statement should be submitted in writing to the Director of Statewide Accounting, Division of Accounts, for review and approval.”

IUJs should be submitted to Department of Finance and Administration, Office of Business and Finance, 20th Floor William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, Nashville, TN 37243. Once received, the IUJ is then processed for payment through the Department of Finance & Administration Office of Business and Finance.

For additional information please see:

<http://www.tn.gov/assets/entities/finance/attachments/policy18.pdf>

C. INVOICE FOR REIMBURSEMENT

Tennessee Department of Finance & Administration Invoice for Reimbursement
(Non-profit, Local Government, and Universities Only)

The Invoice for Reimbursement is used to request monthly reimbursement for line-item expenditures incurred by the subrecipient. Expenditures, which are allowable according to the appropriate OCJP Administrative Guide, may be disbursed upon receipt of a properly prepared and signed invoice. Funds cannot be disbursed based on budgeted amounts. The expense must have actually occurred before line-item reimbursement can be made. Monthly invoices should be submitted to: OCJP Invoice, Department of Finance and Administration, Office of Business and Finance, 20th Floor William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, Nashville, TN 37243-1102 Maher.M.Wasef@tn.gov (PLEASE CONTACT YOUR OCJP PROGRAM MANAGER FOR THE PROPER INVOICE FOR REIMBURSEMENT FORM.)

NOTE: Subrecipient agencies must request reimbursement at least once per quarter based on expenditures incurred. However, it is recommended that agencies invoice monthly, when monthly expenditures are incurred.

D. PROJECT EQUIPMENT SUMMARY REPORT

(All Subrecipients)

This report is completed on an annual basis, **if equipment or “Sensitive Minor Equipment”** (see [Chapter X-Property and Equipment](#) for definition) is purchased with grant funds during the current fiscal year. It is due to OCJP no later than thirty (30) calendar days past the end of the State fiscal year or July 31st. For new projects, the Project Equipment Summary Report should list new or start-up equipment purchases. For multi-year projects, the Project Equipment Summary Report should specifically identify any purchases that have been made for equipment, either totally or in part with grant money, since the last fiscal year. This report is available for online submission at <http://www.tn.gov/finance/article/fa-ocjp-reporting>

E. OCJP QUARTERLY INCOME SUMMARY REPORT

(State and Local Government and Universities Only)

This report form is completed on a quarterly basis if program income is generated as a direct result of an agency-funded activity. It is due fifteen (15) calendar days after the close of each State fiscal year quarter, (July 1 – September 30), (October 1 – December 31), (January 1 – March 31), (April 1, - June 30). All income generated as

a direct result of an agency funded project shall be deemed program income and reported via the use of this form. If no program income is generated, this form may be submitted annually 15 days after the end of the fiscal year or end of the grant period. This is an online report available at <http://ocjpsurveys.state.tn.us/ocjpsurveys/incomesummary.htm>.

F. AUDIT REPORT OR ANNUAL FINANCIAL REPORT (please read [Chapter V](#) for details)

State and Local Governments

An audit is required to be conducted and due no later than 9 months after the close of each fiscal year for state government and local governments (counties, judicial districts, cities, towns, quasi-governments) regardless of whether federal or state funds are involved or the dollar amount expended. Please note, that if the federal funds expended (for the entire government) is \$500,000 or more, the audit must be conducted in accordance with [OMB Circular A-133](#), and the audit cost is an allowable expenditure to the federal grant(s).

Nongovernmental (nonprofit or private organizations)

Any nongovernmental entity (nonprofit or private organizations) that expends \$500,000 or more under a state contract regardless of whether federal or state funds are involved, during that entity's fiscal year, is required to have an audit conducted and due no later than 9 months after the close of the entity's fiscal year. Please note, that if the federal funds expended (for the entire organization) is \$500,000 or more, the audit must be conducted in accordance with [OMB Circular A-133](#), and the audit cost is an allowable expenditure under the federal grant(s).

Any nongovernmental entity (nonprofit or private organizations) that expends less than \$500,000 under a state contract regardless of whether federal or state funds are involved during that entity's fiscal year, is required to submit an **annual report of the entity's financial activities (not required to be audited)** due no later than 9 months after the close of the entity's fiscal year.

Audit costs for audits not required or performed in accordance with [OMB Circular A-133](#) are unallowable. If the subrecipient did not expend \$500,000 or more in Federal funds in its fiscal year, but contracted with a certified public accountant to perform an audit; these costs may not be charged to the federal grant(s).

NOTE: All report due dates falling on a weekend day or holiday will be due no later than the following business day. Information on reporting requirements for specific grants can be located at the following links:

[JAG –Byrne Justice Assistance Grant](#)

[Coverdell – The Paul Coverdell Forensic Science Improvement Grants Program](#)

[FVPSA – Family Violence Prevention Services Act Programs](#)

[METH - Methamphetamine Initiative for Child Advocacy Centers](#)

[NCHIP – National Criminal History Improvement Program](#)

[SASP – Sexual Assault Services Programs](#)

[STOP – Violence Against Women](#)

[VOCA – Victims of Crime Assistance](#)

[RSAT – Residential Substance Abuse Treatment](#)

CHAPTER VIII

SUPPLIES AND OPERATION EXPENSES

A. PURCHASING PROCEDURES

Purchasing procedures establish the authority and mechanics required in purchasing for the subrecipient's operation. The purpose is to establish guidelines and regulations governing the purchase of supplies, equipment, contractual services, and other items, to ensure that funds are expended in accordance with an approved budget and management's wishes, with consideration of the availability of funds to pay for such purchases, and in compliance with contractual provisions and relevant laws and regulations.

Written purchasing policies and procedures must encompass, but are not limited to, the following items and policies.

1. **Initiation of Purchase:** Any staff member authorized by the Project Director or designee may initiate a purchase. When a purchase is initiated, a standard requisition, or a memorandum describing the type of item and quantity desired, is prepared and signed by the staff member initiating the purchase.
2. **Authorization of Purchase:** Staff members must make direct purchases of items when the total cost does not exceed a prescribed limit. When items may cost more than the prescribed limit, the Project Director or designee must give advance approval of the acquisition. All requisitions, regardless of amount, should be submitted to the Project Director or designee. Orders totaling less than the prescribed limit may be submitted after the order is placed.
3. **Qualification of Vendor:** All vendors providing supplies, equipment, or services should be reputable firms having demonstrated capacity to produce or provide supplies, equipment, services, and other items within a reasonable time or within specific time limits established by the purchaser. **Vendors should be subject to disqualification if they misrepresent quality, quantity, or price of what is being purchased. Vendors that exceed reasonable time limits should also be disqualified.**
4. **Selection of Vendors:** Whenever possible, select vendors on the basis of three price quotations or competitive bids. Secure competitive bids for all items exceeding a prescribed limit in unit cost and for aggregate orders exceeding a prescribed limit. Solicit price quotations from qualified vendors for items for which unit costs exceed a prescribed limit. Under certain circumstances supplies, equipment, services, or other items may be purchased without bids or quotations. Quotations may not be necessary if a qualified vendor is the sole source of the items to be purchased, or, in case of emergency, when immediate delivery is necessary for the entity's continued

provision of adequate services.

All sole-source purchases should be reviewed by the Project Director or designee. In any event, the Project Director should be apprised of any sole-source purchase as soon as possible. A written memorandum explaining all emergency purchases and all other sole-source purchases exceeding an amount determined by management should be attached to the file copy of the purchase order.

5. **Purchase Orders:** Make all purchase orders (except when specific exceptions are permitted) by submitting consecutively numbered purchase order forms to vendors. The exceptions include contracts for professional services where the contracts serve as detailed documentation), bills for utilities and office rental, and emergency telephone orders. Prepare requisitions or memorandums for emergency orders, travel claims, books, subscriptions, postage, proprietary fees and permits, and similar expenses. They should be approved in advance by the Project Director or designee. After approval, the telephone order or emergency purchase should be made by a person authorized by the Project Director to make emergency telephone orders or purchases.

Complete all purchase orders in triplicate. They must include the date, vendor name, type, quantity, price of supplies and equipment, and other items to be purchased. A staff member officially designated to sign purchase orders should sign each order and submit the original to the vendor. File the first copy numerically; it constitutes an official authorization for disbursement after the order has been satisfactorily filled.

- a. Receipt of supplies and equipment should be certified by a staff member who has been assigned responsibility for receipt of all purchased items. Deliveries should be compared against the second copy of the purchase order and packing slip or invoice and should be examined for conformance to specifications in the order. The packing slip or invoice and the second copy of the purchase order should be signed if the delivery conforms to the purchase order. (If the invoice does not accompany the delivery of goods, the signed packing slip should be compared to the invoice prior to the invoice being approved for payment.) The invoice, requisition, and second copy of the purchase order should be filed in invoice date order, alphabetically by vendor name.
- b. Match billings with the signed invoice, purchase order or requisition. Examine the billing to ensure that the amount requested for payment matches cost, types, and quantities shown on the signed invoice(s).
- c. The Project Director or designee should review the invoice, purchase order, requisition, and billing, and certify as to qualification for payment. No invoice or bill should be paid without such certification.
- d. Purchase orders are not required for utility services (telephone, gas, electricity) or for rental payments. Bills for these services should be reviewed by the appropriate official and paid in accordance with standard procedures for disbursement of funds. However, retain copies of all bills received for rent and utilities and file them

chronologically, by vendor, or by expense category for no less than three years.

6. **Disbursement of Funds:** Upon proper certification of invoices and bills, make disbursements in accordance with standard grant procedures for the issuance of checks and vouchers.

B. SUPPORTING DOCUMENTATION

Present supporting documentation to justify each journal entry. In most cases, staff members should use preprinted sequentially numbered forms, and written policies concerning the use of the forms should be established.

1. The following are examples of supporting documentation:
 - a. All journals and ledgers
 - b. Annual financial reports with working papers
 - c. Annual program reports, including statistics, with working papers
 - d. Bank reconciliation
 - e. Bank statements
 - f. Checks/Warrants
 - g. Contracts
 - h. Correspondence
 - i. Deposit slips
 - j. Fixed assets inventory listings
 - k. Inventory count sheets
 - l. Invoices
 - m. Journal vouchers
 - n. Leave requests
 - o. Petty cash count sheets
 - p. Petty cash receipts
 - q. Petty cash reimbursement receipts
 - r. Pre-numbered cash receipt
 - s. Purchase orders
 - t. Support for sole-source-decisions
 - u. Telephone logs
 - v. Time sheets
 - w. Travel claims
 - x. Written policies
2. Maintain a current roster of grant or contract agreements. Include the following information for each grant:
 - a. Grantor
 - b. Grant number
 - c. Title of grant
 - d. *Catalog of Federal Domestic Assistance* number
 - e. Period Covered
 - f. Approved budget (latest revision)
 - g. Grantor share

- h. [Matching share](#) if required
 - i. Purpose of grant
- 3. Maintain a file on each grant. The file should contain at least the following items:
 - a. Grant agreement, including grant budget
 - b. All grant agreement amendments
 - c. Copy of periodic financial reports
 - d. Other pertinent information (e.g., correspondence, monitoring reports)
- 4. Maintain information on in-kind contributions and matching requirements by grant in separate file folders, as necessary.

CHAPTER IX TRAVEL, CONFERENCES AND MEETINGS

A. TRAVEL VOUCHER

All expenditures for travel should be substantiated by travel vouchers which contain the following information:

- Name of employee
- Travel departure point(s) and destination(s)
- Method of travel with documentation
- Date and time of departure and return
- Signature of employee
- Approval signature of project director or supervisor
- Grant number

The subrecipient may use any form that provides the above information. All travel claims must be specifically authorized in the approved budget and must be related to project goals.

B. DOCUMENTATION OF TRAVEL EXPENDITURES

The travel expenditures should be properly documented and the following documentation should be attached to the travel voucher:

1. Paid motel/hotel receipts
2. Paid car rental bill and justification for renting rather than using public transportation
3. Airplane fare or other commercial transportation receipt

For agencies that already have written travel policies, procedures, and rates, personnel should follow those rates or the State rates whichever are lower. The Comprehensive Tennessee Travel Regulations Reimbursement Rate Schedule can be found in [OCJP Appendix D](#). Any requests for exceptions higher than these rates must be approved in writing by OCJP.

NOTE: Reimbursement for a single meal for employees on a one day travel status is not permitted.

Travel Reimbursement rate:

<http://www.tn.gov/assets/entities/finance/attachments/policy8.pdf> pgs. 11 & 12.

Federal Travel Regulations: [CONUS](#)

C. CONFERENCES AND MEETINGS NOTIFICATIONS OF SPEAKER EXPENDITURES

Subrecipients with conferences or meetings with speakers compensated with grant funds must complete a Notification of Speaker Agreement (See OCJP [Appendix N: Notification of Speaker Agreement](#)) submit this documentation to OCJP 15 days prior to the event.

See OCJP [Chapter 13 Procurement of Professional Services](#), [Chapter 14 Allowable Costs](#), and [Chapter 15 Unallowable Costs](#) for more information.

CHAPTER X PROPERTY AND EQUIPMENT

Grant subrecipients are required to be prudent in the acquisition and management of property purchased with state or federal funds. Expenditure of funds for the acquisition of new property, when suitable property required for the successful execution of projects is already available within the organization will be considered an unnecessary expenditure.

A. DEFINITION OF EQUIPMENT

Equipment is defined as 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.

“Sensitive Minor Equipment” defined as moveable, high-risk, sensitive property items purchased with a cost between **\$500.00** and \$5,000.00, such as computers (i.e., laptops, tablets), weapons, TVs, and cameras acquired, used and managed for criminal justice and victim services grant purposes.

B. SCREENING

Careful screening should take place before acquiring property in order to ensure that it is needed with particular consideration given to whether equipment already in the possession of the organization can meet identified needs. While there is no prescribed standard for such a review, the subrecipient may establish procedures for a level of review dependent on facts such as the cost of the proposed equipment and the size of the organization. The establishment of a screening committee may facilitate the process; however, a subrecipient may utilize other management techniques which it finds effective as a basis for determining that the property is needed and that it is not already available within the organization.

If the OCJP determines that the grant subrecipient does not employ an adequate property management system, project costs associated with the acquisition of the property may be disallowed.

C. DOCUMENTATION

Receipts or invoices with order dates are required on all equipment items purchased with grant funds. Receipts should be approved and initialed by the Project Director or other authorized individual prior to payment. Invoices should be marked paid and should have the date, check number, grant number and initials of the Project Director on them. Documentation of equipment purchased and supporting receipts should also be maintained to provide for easier documentation on the annual Project Equipment Summary Report ([OCJP Appendix K](#)), which requires a listing of all equipment purchased via grant funds during the year.

Subrecipients must retain records for equipment, nonexpendable personal property, and real property for a period of 3 years from the date of disposition, replacement, or transfer at the discretion of the awarding agency. If any litigation, claim, or audit is started before the expiration of the 3-year period, you must retain records until all litigations, claims, or audit findings involving the records have been resolved.

D. MANAGEMENT AND OVERSIGHT OF EQUIPMENT

Subrecipient procedures for managing equipment and “Sensitive Minor Equipment” (including replacement), whether acquired in whole or in part with project funds, shall, at a minimum, include the following requirements:

1. Property records or equipment inventory records must be maintained which include:
 - a. Purchasing grant award number
 - b. Description of the property
 - c. Serial number or other identification number
 - d. Identification of who holds the title
 - e. Acquisition date
 - f. Cost of the property
 - g. Percentage of Federal participation in the cost of the property
 - h. Location of property
 - i. Use and condition of property
 - j. Disposition data including the date of disposal and sale price
2. A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.
3. A control system must exist to ensure adequate safeguards to prevent:
 - a. Loss
 - b. Damage or
 - c. Theft of the property

NOTE: Subrecipients must notify their OCJP Program Manager within 10 days when there is loss, damage or theft of equipment or sensitive minor equipment.

Any loss, damage, or theft shall be investigated by the subrecipient, as appropriate. Subrecipients are responsible for replacing or repairing the property that is willfully or negligently lost, stolen, damaged, or destroyed. Any loss, damage, or theft of the property must be investigated and fully documented and made part of the official project records.

4. Adequate maintenance procedures must exist to keep the property in good condition.

5. If the subrecipient is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return. See Section E. Disposition below.

E. DISPOSITION

Whenever a subrecipient wishes to dispose of surplus equipment purchased with grant funds, or change its use, the equipment must be returned to the Office of Criminal Justice Programs or be disposed of within the guidelines of the Subrecipient agency. The current per unit fair market value price of the equipment or proceeds from the sale is then multiplied by the awarding agency's share of the equipment, with the remainder to be returned to the Office of Criminal Justice Programs. There is no time limit on this requirement. Contact your OCJP Program Manager for guidance when disposing of equipment purchased with grant funds.

In the event of the termination of an OCJP grant prior to the end of the grant term, OCJP subrecipients should contact OCJP for instructions regarding equipment disposition.

F. REPORTING PURCHASE

Grant subrecipients shall complete the Project Equipment Summary Report ([OCJP Appendix K](#)) for all OCJP grants. This form is a list of all equipment including "Sensitive Minor Equipment" purchased during each fiscal year and is completed on an annual basis only if equipment is purchased with OCJP grant funds.

G. EQUIPMENT ACQUIRED WITH SPECIFIC FEDERAL FORMULA FUNDS

Additional information and requirements for equipment acquired with some federal formula funds can be found in the federal 2011 Financial Guide. Information on specific federal formula funds can be found at the following links:

[Justice Assistance Grants \(JAG\)](#)

[Sexual Assault Services Grants \(SASP\)](#)

[STOP Violence Against Women Grants \(STOP\)](#)

[Victims of Crime Act Grants \(VOCA\)](#)

CHAPTER XI

PUBLICATIONS AND MEDIA

A. DEFINITION

Publication shall be construed as the initiation of the procurement of writing, editing, preparation of related illustration material, including videos from subrecipients, or the internal printing requirements of the subrecipient necessary for compliance with the terms of the project. However, individuals are authorized to make or have made by any means available to them, without regard to the copyright of the journal, and without royalty a single copy of any such article for their own use.

B. PUBLICATION OF DOCUMENTS AND POSTING OF ELECTRONIC MEDIA

Project directors are encouraged to make the results and accomplishments of their activities available to the public. A subrecipient who publicizes project activities and results shall adhere to the following:

1. Responsibility for the direction of the project should not be ascribed to the Department of Justice, Department of Health and Human Services, or the Tennessee Office of Criminal Justice Programs.
2. All reports, studies, notices, informational pamphlets, press releases, signs, billboards, DVDs, public awareness kits, training curricula, webinars, websites and similar public notices (written, visual or sound) prepared and released by the Grantee shall include the statement:

“This project is funded under an agreement with the State of Tennessee.” Any such notices by the Grantee shall be approved by the State.

NOTE: Agencies will only use the generic publication statement(s) if the grant fund section does not require a specific statement. Please refer to the grant fund source section, **Publication and Media** chapter (if included) for additional information.

Additionally, studies and research/report type publications expressing the direction of project activity must also contain the following federal funding statement:

“The opinions, findings, conclusions or recommendations contained within this document are those of the author and do not necessarily reflect the views of the Department of Justice”.

3. The subrecipient also agrees that one copy of any such publication will be submitted to the Office of Criminal Justice Programs of the Department of Finance and Administration to be placed on file and distributed as appropriate to other potential subrecipients or interested parties.
4. All publication and distribution agreements with a publisher will include provisions giving the Federal government a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use and to authorize others to use for Federal government purposes. (Refer to [Section III, Chapter 3.9 Allowable Costs- Publications; of the U.S. Department of Justice, Office of Justice Programs, 2014 Federal Financial Guide.](#))
5. Unless otherwise specified in the award, the subrecipient may copyright any books, publications, films, or other copyrightable material developed or purchased as a result of award activities. Copyrighted material shall be subject to the same provisions of the Federal government.
6. The subrecipient shall submit a publication and distribution plan to the OCJP before materials developed under an award are commercially published or distributed. The plan shall include a description of the materials, the rationale for commercial publication and distribution, the criteria to be used in the selection of a publisher, and, to assure reasonable competition, the identification of firms that will be approached. Prior OCJP approval of this plan is required for publishing project activities and results when Federal funds are used to pay for the publication.

CHAPTER XII

PROCUREMENT OF GOODS AND SERVICES

A. GENERAL INFORMATION

The subrecipient shall follow the same policies and procedures it uses for procurement from its non-Federal funds. The subrecipient shall ensure that every purchase order or other contract includes any clauses required by Federal statutes and executive orders, their implementing regulations, and the grant contract provisions.

B. PROCUREMENT STANDARDS

Subrecipients shall use their own procurement procedures and regulations, provided that the procurement conforms to applicable Federal law and the standards identified in the Procurement Standards Sections of 28 CFR Parts 66 and 70. Any subrecipient whose procurement system has been certified by a Federal agency is not subject to prior approval requirements of 28 CFR Parts 66 and 70. OCJP's prior approval will only be required for areas beyond limits of the subrecipient certification.

C. ADEQUATE COMPETITION

All procurement transactions, whether negotiated or competitively bid and without regard to dollar value shall be conducted in a manner so as to provide maximum open and free competition. Interagency agreements between units of local government are excluded from this provision.

D. NON-COMPETITIVE PRACTICES

The subrecipient shall be alert to organizational conflicts of interest or non-competitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. Contractors that develop or draft specifications, requirements, statements of work, and/or Requests for Proposals (RFP's) for a proposed procurement shall be excluded from bidding or submitting a proposal to compete for the award of such procurement. Any request for exemption must be submitted in writing to OCJP.

CHAPTER XIII

PROCUREMENT OF PROFESSIONAL SERVICES

A. PROFESSIONAL SERVICES CONTRACTS (SUBCONTRACTS)

Professional service subcontracts must be developed and implemented whenever the subrecipient uses professional fees from an Office of Criminal Justice Program (OCJP) grant award to pay for direct services to clients that the subrecipient's staff will not provide.

Types of Subcontracts:

Project Based Professional Service Subcontracts: OCJP requires subrecipients to use professional service subcontracts when a subrecipient is planning to subcontract with one provider to carry out multiple pieces of the OCJP funded project. For example, a City may subcontract with a local nonprofit agency to fulfill service expectations of their overall grant funded project. Project based professional service subcontracts require a detailed annual budget to be submitted for each year of the subcontract. **Project Based Professional Service Subcontracts require the use of the Subcontract Monitoring Form ([Appendix F](#)) for oversight purposes. See Section D of this chapter.**

Fee for Service Subcontracts: OCJP requires subrecipients to use professional fee for service subcontracts for direct services to clients such as counseling services, nursing services, etc. when these services are not provided by subrecipient staff. Professional fee for service subcontracts do not require a detailed annual budget to be submitted for each year of the subcontract; budget information is only required in the payment Terms and Conditions section of the subcontract. **Subrecipients are required to provide oversight of Fee for Service Subcontracts according to Section D of this chapter, however, the use of the Subcontract Monitoring Form ([Appendix F](#)) is not required.**

Subrecipients must secure professional services through competitive bidding or the use of competitive negotiation. All Requests for written Proposals (RFPs), Invitations to Bid, or other competitive bidding processes and documents are subject to prior written authorization of OCJP before being undertaken by the subrecipient. For more information concerning non-profit competitive bidding for professional services go to [Section 5 of the Accounting and Financial Reporting for Not-For-Profit Recipients of Grant Funds in Tennessee](#).

The subrecipient agency must submit a draft of the professional services subcontract to the agency's OCJP Program Manager, for prior written authorization. Additionally, a detailed description of the competitive bidding process, if required by the authorizing agency, used for that professional services subcontract is to be submitted to the agency's OCJP Program Manager. Subrecipients may draft subcontracts for multi-year service cycles but any changes to that subcontract during the life of the subcontract must be submitted to the agency's OCJP Program Manager for prior

authorization. Subrecipients using subcontracted professional services must be in compliance with all IRS requirements.

Subcontracts must be authorized by OCJP Program Manager before an agency may execute the subcontract; the prior authorization process must occur before the start date of the subcontract. After the OCJP Program Manager has reviewed and authorized the draft of the professional services subcontract, the subrecipient may acquire the appropriate signatures on the subcontract. OCJP may withhold reimbursement payment for professional services if the agency did not request authorization of the subcontract before the start date of the subcontract.

**** The subrecipient must submit a copy of the signed professional services subcontract to the agency's OCJP Program Manager. ****

Subrecipient agencies are accountable to OCJP for the work and performance of their Contractor as procured through a professional service subcontract. Professional service subcontracts must include annual budget information for each year that the subcontract is in effect. Project based professional service subcontracts require a detailed annual budget to be submitted for each year of the subcontract. Professional fee for service subcontracts do not require a detailed annual budget to be submitted for each year of the subcontract; budget information is only required in the payment Terms and Conditions section of the subcontract. Subrecipients must keep a file, on-site, that includes the original professional service subcontract and approved budget information.

OCJP does not review professional service subcontracts for agency services such as data entry, accounting services, cleaning services, lawn services, etc. If the OCJP grant fund source allows payment for these agency services, OCJP will not require a copy of the professional service subcontract the agency may have with its provider for these services.

Subrecipients should include professional service subcontract costs in the Professional Fees budget line.

B. PREPARING A PROFESSIONAL SERVICE CONTRACT (SUBCONTRACT)

See [Appendix E](#) OCJP Required Subcontract Language.

C. CONSULTANT RATES OF PAYMENT

Consultant rates of payment are to be reasonable and consistent with fees for similar services in the market place. Consideration will be given to compensation including fringe benefits for those individuals whose employers do not provide the same. In addition, when the rate exceeds the maximum daily rate allowed by the fund source (excluding travel and travel-related costs – see [Chapter IX - Travel](#) of the OCJP Administrative Manual for more information regarding travel regulations and travel-related costs), prior written authorization from OCJP is **required**.

Requests for prior approval of a consultant rate of payment that exceeds the maximum daily rate allowed by the federal fund source require the agency to provide

additional justification to OCJP. To determine the maximum daily rate, see the fund source specific chapters at the end of this manual. State funded grants should default to the \$450 maximum daily rate; any rate over that amount will be considered on a case-by-case basis by the agency's OCJP Program Manager.

The term daily rate refers to an eight-hour day. An eight-hour day may include preparation, evaluation, and travel time in addition to the time required for actual performance. Please note, however, that this does not mean that the rate can or should exceed the maximum daily rate allowed by the fund source for all consultants. Rates should be established on a case-by-case basis and must be reasonable and allowable in accordance with OMB cost principles. Consultant daily rates greater than the maximum daily rate allowed by the fund source which are part of the original application and that contain appropriate justification and supporting data will be approved on a case-by-case basis.

1. Consultants associated with Educational Institutions: The maximum rate of compensation that will be allowed is the consultant's academic salary projected for 12 months, divided by 260. These individuals normally receive fringe benefits which include sick leave for a full 12-month period even though they normally only work nine months per year in their academic positions.
2. Consultants Employed by Local Government: Compensation for these consultants will only be allowed when the unit of government will not provide these services without cost. If a local government employee is providing services under a Federal grant and is representing their agency without pay from their respective unit of government, the rate of compensation is not to exceed the daily salary rate for the employee paid by the unit of government. If the local government employee is providing services under a Federal grant and is not representing their respective agency, the rate of compensation is based on the necessary and reasonable cost principles.
3. Independent Consultants: The rate of compensation for these individuals must be reasonable and consistent with that paid for similar services in the market place. Compensation may include fringe benefits.

Subrecipients should include speaker fees in the Travel, Conferences and Meetings budget line. Subrecipients with conferences or meetings with speakers compensated with grant funds must complete a Notification of Speaker Agreement (See OCJP [Appendix N: Notification of Speaker Agreement](#)) submit this documentation to OCJP 15 days prior to the event. Refer to [Chapter IX Travel, Conferences and Meetings](#) for more information.

D. OVERSIGHT OF A PROFESSIONAL SERVICE CONTRACT (SUBCONTRACT)

Professional services subcontract oversight is a key priority for the distribution of federal funds. Subrecipients must have a process for approving, revising, and monitoring professional service subcontracts. Monitoring policies should clearly address both program and fiscal monitoring of professional services subcontracts.

The Subcontract Monitoring Form ([Appendix F](#)) should be used to record appropriate test work and conclusions and retained as evidence of monitoring grant funded **Project Based Professional Service Subcontracts**. Subcontract monitoring must be conducted by the agency within 6 months of the subcontract start date and then again periodically for multi-year **Project Based Professional Service Subcontracts**. The completed form should be retained in the grant file and available for inspection by OCJP staff.

State agencies should follow and use state and internal monitoring policies and forms.

1. Programmatic Monitoring – Determines if service delivery is consistent with subcontract provisions. Programmatic monitoring may include any or all of the following:
 - a. Reviewing the subcontract to determine what service the subcontract is to provide and if this service is being provided;
 - b. Reviewing the subcontractor's reports and other materials to determine if services are being provided;
 - c. Interviewing direct services delivery staff and others to determine if the services are being performed according to the contract, and/or
 - d. Conducting on-site reviews to check the nature and quality of the services being provided.

2. Fiscal Monitoring – Examines the subcontractor's financial records and procedures as they pertain to the subcontract. Fiscal monitoring may include any or all of the following:
 - a. Reviewing the subcontractor's invoices to the subrecipient agency;
 - b. Comparing the subcontract budget to the actual costs;
 - c. Obtaining reasonable documentation that services billed were actually delivered according to the contract; and/or Comparing invoices with supporting documentation to determine that costs were allowable.

CHAPTER XIV ALLOWABLE COST

Allowable costs are those costs principles identified in [OMB Circular A-87](#) for State and Local Government, [OMB Circular A-122 for Non-Profits](#) and in the grant program's authorizing legislation. In addition, costs must be reasonable, allocable, necessary to the project, and comply with the funding statute requirements. Discussions of certain elements of the following costs are listed below.

A. CONFERENCES, MEETINGS AND TRAINING ACTIVITIES

Cost thresholds and limitations are in place for the following items:

- Meeting room/audio visual services must be pre-approved by your OCJP Program Manager.
- Logistical Planners are RARELY ALLOWABLE.
- Programmatic Planners are RARELY ALLOWABLE.

All OCJP funded contracts for events that include lodging for 30 or more participants must not exceed the Federal per diem rate for lodging. In the event the lodging rate is not the Federal per diem rate or less, none of the lodging costs associated with the event would be allowable costs to the award. As a result, the recipient would be required to pay for all lodging costs for the event, not just the amount in excess of the Federal per diem. For example, if the Federal per diem for lodging is \$78 per night, and the event lodging rate is \$100 per night, the recipient must pay the full \$100 per night with non-grant funds, not just the difference of \$22 per night.

B. FOOD OR BEVERAGE RARELY ALLOWABLE

Food and beverage costs are rarely allowable. See specific Fund Source chapter for more information.

C. SPACE

The cost of space in privately - or publicly - owned buildings used for the benefit of the program is allowable subject to the conditions stated below:

The total cost of space may not exceed the rental cost of comparable space and facilities in a privately owned building in the same locality. The cost of space procured for program usage may not be charged to the program for periods of non-occupancy, without authorization of the Federal-awarding agency.

1. **Rental Cost:** The rental cost of space in a privately owned building is allowable. Rent cannot be paid if the building is owned by the grantee or if the grantee has a

- substantial financial interest in the property. However, the cost of ownership is an allowable expense. Similar costs for a publicly owned building are allowable where "rental rate" systems, or equivalent systems that adequately reflect actual costs, are employed. Such charges must be determined on the basis of actual cost (including depreciation-based on the useful life of the building, operation and maintenance, and other allowable costs). Where these costs are included in rental charges, they may not be charged elsewhere. No costs will be included for purchases or construction that were originally financed by the Federal government.
2. **Maintenance and Operation:** The cost of utilities, insurance, security, janitorial services, elevator services, upkeep of grounds, normal repairs and alterations, and the like are allowable to the extent they are not otherwise included in rental or other charges for space.
 3. **Occupancy of Space under Rental-Purchase or a Lease with Option-to-Purchase Agreement:** The cost of space procured under such arrangements is allowable when specifically approved by OCJP. This type of arrangement may require application of special matching share requirements under construction programs.
 4. **Depreciation and Use Allowances on Publicly-Owned Buildings:** Depreciation or a use allowance on idle or excess facilities is NOT ALLOWABLE.

D. SOFTWARE DEVELOPMENT

Software development is an allowable cost and may be expended in the period incurred.

E. POST-EMPLOYMENT

Post-employment benefits are allowable costs if funded in accordance with actuarial requirements. Funds must be paid within six months of recordation.

F. GENERAL SALARIES AND PERSONNEL COSTS

Payment of personnel costs are allowable if costs are a part of an approved project and are necessary and incidental to project implementation and operation. Overtime must receive prior OCJP approval and will only be approved on a case by case basis.

G. CONSULTANT FEES

Individual consultant fees for OCJP state funded grants are limited to \$450 per day or \$56.25 per hour; this includes legal, medical, psychological, training and accounting consultants. To determine other maximum daily rates, see the federal fund source specific chapters at the end of this manual. Any rate over that amount will be considered on a case-by-case basis by the agency's OCJP Program Manager.

H. EQUIPMENT, SOFTWARE AND HARDWARE

Equipment and hardware expenses which are part of an approved project, if necessary and incidental to that project, are allowable expenses. Equipment is defined as 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 or “Sensitive Minor Equipment” defined as moveable, high-risk, sensitive property items purchased with a cost between \$500.00 and \$5,000.00, such as computers (i.e., laptops, tablets), weapons, TVs, and cameras, acquired, used and managed for criminal justice and victim services grant purposes. See [Chapter X - Property and Equipment](#) of the OCJP Administrative Manual for further details.

I. TRAVEL

In cases of agencies that already have written travel policies, procedures, and rates subrecipients should follow those rates or the state rates, whichever are **lower**. **Any requests for exceptions higher to these rates must be approved in writing by OCJP.** (See [OCJP Appendix D](#)-Tennessee Travel Regulations)

J. PRIOR APPROVAL

Certain budget items require prior written approval from OCJP before adjusting the budget line-item amount(s). OCJP will review the requested changes and notify the subrecipient once a determination has been made. The following budget items must be pre-approved prior to being implemented by the subrecipient:

1. Salary adjustments – including grant funded staff percentages and salary changes
2. Overtime
3. Staffing Changes – if a position is added or deleted from the budget
4. Capital Purchases
5. Depreciation – must include a depreciation schedule
6. Sensitive Minor Equipment – see [Chapter X - Property and Equipment](#) of the OCJP Administrative Manual for further details
7. Furniture
8. Clothing and/or Uniforms (Exception: Emergency clothing for victims/clients does not require prior approval.)
9. Meeting room/audio visual services

NOTE: THIS LIST IS NOT ALL-INCLUSIVE. For further clarification, subrecipients should check the specific fund source chapter for additional unallowable costs.

Visit the [Federal Financial Guide-Allowable Cost Chapter](#) for additional information.

CHAPTER XV UNALLOWABLE COSTS

A. CONSTRUCTION

Use of OCJP grant funds for construction projects is prohibited.

B. LAND ACQUISITION

The funding legislation specifies that no Federal award involving the renting, leasing, or construction of buildings or other physical facilities shall be used for land acquisition. Accordingly, land acquisition costs are unallowable.

C. SUPPLANTING

Federal funds cannot be used to supplant state or local funds. Supplanting means that federal funds are used to replace state or local funds that would, in the absence of such federal aid, be made available for law enforcement, criminal justice, system improvement, victim compensation and assistance, and drug enforcement. All applicants must certify that formula grant money will be used to increase the amount of funds available for the applicable drug law enforcement, victim service activity or criminal justice system activity.

D. COMPENSATION OF FEDERAL EMPLOYEES

Salary payments, consulting fees, or other enumeration of full-time Federal employees are unallowable costs.

E. TRAVEL OF FEDERAL EMPLOYEES

Costs of transportation, lodging, subsistence, and related travel expenses of awarding agency employees are unallowable charges. Travel expenses of other federal employees for advisory committee or other program or project duties or assistance are allowable if they have been:

1. Approved by the federal employee's Department or Agency; and
2. Included as an identifiable item in the funds budgeted for the project or subsequently submitted for approval.

F. BONUSES OR COMMISSIONS

Bonuses to staff, officers or board members of profit or non-profit organizations are unallowable.

The recipient or subrecipient is prohibited from paying any bonus or commission to any individual or organization for the purpose of obtaining approval of an application for award assistance. Bonuses to officers or board members of profit or nonprofit

organizations are determined to be a profit or fee and are therefore unallowable.

G. MILITARY TYPE EQUIPMENT

NOTE: Item G is specific to JAG only.

Costs for such items as armored vehicles, explosive devices, and other items typically associated with the military arsenal, excluding automatic weapons, are unallowable.

Exceptions MAY be made by the awarding agency upon a written request and justification from the recipient.

H. LOBBYING

All subrecipients must comply with the provisions of the government-wide Common Rule on Restrictions on Lobbying, as appropriate.

The following lobbying cost prohibition is applicable to all subrecipients of funding:

1. Attempting to influence the outcome of any Federal, State, or local election, referendum, initiative, or similar procedure, through in-kind or cash contributions, endorsements, publicity, or similar activity; and
2. Establishing, administering, contributing to, or paying for the expenses of a political party, campaign, political action committee, or other organization established for the purpose of influencing the outcome of elections.
3. Attempting to influence: (a) the introduction of Federal or State legislation; or (b) the enactment or modification of any pending Federal or State legislation through communication with any member or employee of the Congress or State legislature (including efforts to influence State or local officials to engage in similar lobbying activity), or with any government official or employee in connection with a decision to sign or veto any legislation.
4. Publicity or propaganda purposes designed to support or defeat legislation pending before legislative bodies.
5. Paying, directly or indirectly, for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a member of Congress or a State legislature, to favor or oppose, by vote or otherwise, any legislation or appropriation by either Congress or a State legislature, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation.
6. Engaging in legislative liaison activities, including attendance at legislative sessions or committee hearings, gathering information regarding legislation, and analyzing the effect of legislation, when such activities are carried out in support of or in knowing preparation for an effort to engage in unallowable lobbying,
7. Paying a publicity expert,
8. The Anti-Lobbying Act, 18 U.S.C. § 1913, recently was amended to expand significantly the restriction on use of appropriated funding for lobbying. This expansion also makes the anti-lobbying restrictions enforceable via large civil penalties, with civil fines between \$10,000 and \$100,000 per each individual occurrence of lobbying activity. These restrictions are in addition to the anti-lobbying and lobbying disclosure restrictions imposed by 31 U.S. C. § 1352.

The Office of Management and Budget (OMB) is currently in the process of amending the OMB cost circulars and the common rule (codified at 28 C.F.R. Part 69 for DOJ

grantees) to reflect these modifications. However, in the interest of full disclosure, all subrecipients understand that no federally appropriated funding made available under this grant program may be used, either directly or indirectly, to support the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government, without the express approval of OCJP. Any violation of this prohibition is subject to a minimum \$10,000 fine for each occurrence. This prohibition applies to all activity, even if currently allowed within the parameters of the existing OMB circulars.

I. FUND RAISING

Costs of organized fund raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions, may not be charged either as direct or indirect costs against the award. Neither the salary of persons engaged in such activities nor indirect costs associated with those salaries may be charged to the award, except insofar as such persons perform other funding-related activities.

1. An organization may accept donations (i.e., goods, space, services) as long as the value of the donations is not charged as a direct or indirect cost to the grant.
2. A subgrantee may also expend funds, in accordance with approved award terms, to seek future funding sources to “institutionalize” the project, but not for the purpose of raising funds to finance related or complementary project activities.
3. Nothing in this section should be read to prohibit a subrecipient from engaging in fund raising activities as long as Federal or non-Federal award funds do not finance such activities.

J. CORPORATE FORMATION

The cost for corporate formation may not be charged either as direct or indirect costs against the award.

K. STATE AND LOCAL TAXES

State and local taxes are unallowable when the government assesses taxes upon itself or disproportionately to Federal programs. An example of an unallowable tax would be if the government levied taxes as a result of Federal funding. An example of an allowable sales tax would be user taxes, such as gasoline tax. These provisions become effective as of the government's fiscal year beginning on or after January 1, 1998.

L. CONFERENCES, MEETINGS AND TRAINING ACTIVITIES

Unallowable costs include:

1. Entertainment
2. Sports
3. Visas
4. Passport Charges
5. Tips
6. Bar Charges/Alcoholic Beverages
7. Laundry Charges

8. Lodging costs in excess of Federal per diem. For events of 30 or more participants that are funded with an OCJP award, if lodging costs exceed the Federal per diem, none of the lodging costs are allowable, effective January 1, 2001.
9. Food and beverage costs are rarely allowable. See specific Fund Source chapter for more information.
10. Gifts/Trinkets/Memorabilia/Commemorative Items

Trinkets (items such as hats, mugs, portfolios, t-shirts, coins, gift bags, etc., regardless of whether they include the conference name or OJP/DOJ or OCJP logo) must not be purchased with DOJ or OCJP funds as giveaways for conferences. Basic supplies that are necessary for use during the conference (e.g., folders, name tags) may be purchased.

M. OTHER UNALLOWABLE EXPENSES

1. Legal fees
2. Cost in applying for this grant
3. Any expenses prior to the grant award date
4. First Class Travel
5. Management or administrative training
6. Sole source contracts (without the prior written approval from the Office of Criminal Justice Programs)
7. Depreciation or a use allowance on idle or excess facilities.
8. Cost incurred outside the project period. Any costs that are incurred either before the start of the project period or after the expiration of the project period are not allowable.
9. Severance packages (the compensation that an employer provides to an employee who has been laid off, whose job has been eliminated, who through mutual agreement has decided to leave the company, or who has parted ways with the company for other reasons).
10. Interest

N. PRIOR APPROVAL

Certain budget items require prior, written approval from OCJP before adjusting the budget line-item amount(s). OCJP will review the requested changes and notify the subrecipient once a determination has been made. The following budget items must be pre-approved prior to being implemented by the subrecipient:

1. Salary adjustments – including grant funded staff percentages and salary changes
2. Overtime
3. Staffing Changes – if a position is added or deleted from the budget
4. Capital Purchases
5. Depreciation – must include a depreciation schedule
6. Sensitive Minor Equipment – see [Chapter X - Property and Equipment](#) of the OCJP Administrative Manual for further details
7. Furniture
8. Clothing and/or Uniforms (Exception: Emergency clothing for victims/clients does not require prior approval.)
9. Meeting room/audio visual services

NOTE: THIS LIST IS NOT ALL-INCLUSIVE. For further clarification, subrecipients should check the specific fund source chapter for additional unallowable costs.

Additional information regarding unallowable costs can also be found in the Department of Justice's Financial Guide in the [Department of Justice Federal Financial Guide- Unallowable Cost Chapter](#).

CHAPTER XVI

COST ALLOCATION

A. DEFINITIONS

Cost allocation is the process of identifying and assigning the costs of services necessary for the operation of an organization. Allocable-direct costs must be allocated to a particular cost objective, such as a grant, project, service, function, or other activity, in accordance with the relative benefits received. A cost is allocable to a grant (a) if it is treated consistently with other costs incurred for the same purpose in like circumstances and (b) if it is necessary to the overall operation of the organization.

Indirect costs are costs of an organization that are not readily assignable to a particular project, but are necessary to the operation of the organization and the performance of the project.

For further clarification, subrecipients should check the specific fund source chapter.

B. F&A POLICY 03 AND INDIRECT COST RATES

[OMB Circular A-122](#) (*Cost Principles for Non-Profit Organizations*) provides extensive guidance on the use of indirect cost rates. F&A Policy 03 differs significantly from Circular A-122 in that Policy 03 does not have provisions for the use of indirect cost rates. Policy 03 states that “[t]he periodic allocation of actual expenditures, rather than the use of a fixed or provisional indirect cost rate, is the most appropriate and equitable method of cost allocation” (No. 13). Under Policy 03, reimbursements are made on the basis of actual direct, allocable-direct, and administrative expenses. Policy 03 reimbursement procedures do not use indirect cost rates.

C. F&A POLICY 03 AND COST ALLOCATION METHODS FOR NOT FOR PROFIT AGENCIES

[OMB Circular A-122, Attachment A, Paragraph D](#), provides four methods for allocating indirect costs: (D.2.) Simplified allocation method, (D.3.) Multiple allocation base method, (D.4.) Direct allocation method, and (D.5.) Special indirect cost rates. Only the direct allocation method (Paragraph D.4., which is quoted in Section 4 of the [Accounting and Financial Reporting for Not-For-Profit Recipients of Grant Funds in Tennessee](#)) is compatible with the guidelines set forth in Policy 03 to be used in the allocation of costs for recipients of grants from state departments or agencies, and therefore is to be used by Not-For-Profit agencies. (Exceptions are allowed providing prior approval of the alternative method is granted from the Cognizant State Agency.)

D. APPROVED COST ALLOCATION PLANS

The subrecipient must submit to OCJP a copy of the cost allocation plan approved by the cognizant state agency in order to request reimbursement for allocated costs.

If a cost allocation plan for recovery of allocated costs is not submitted to OCJP within three months of the start of the award period, there is a possibility that allocated costs will be withheld from reimbursements until a cost allocation plan is received. This policy is effective for all contracts.

E. COST ALLOCATION PLANS--Central Support Services

State agencies and local units of government may not charge to an award the cost of central support services supplied by the state or local units of government except pursuant to a cost allocation plan approved by the cognizant Federal agency. The rate which is to be applied may be on a fixed, predetermined, or fixed-with-carry-forward provision.

NOTE: Links to the *Accounting and Financial Reporting for Not-For-Profit Recipients of Grant Funds in Tennessee* and applicable cost circulars can be found in the introduction of this manual in [Introduction, Section C. – OMB Circulars and Common Rules](#).

CHAPTER XVII

GRANT PROJECT REVISIONS & MODIFICATIONS

A. NARRATIVE / SCOPE OF SERVICES REVISIONS

Program revisions may be considered for minor changes in the program narrative. The subrecipient must obtain prior written approval from OCJP for any change in program narrative or scope of services. Program narrative revisions are not automatic.

B. BUDGET MODIFICATIONS

Agencies may make changes to their project budget through the use of the **20% Rule**. This rule allows for changes to **approved** budget lines as long as those changes are for no more than 20% of the line-item total. **Prior approval from OCJP is not needed to utilize the 20% Rule**. The agency may utilize the 20% Rule to move funds among approved budget categories providing that:

1. The cumulative amount that a budget line-item is **increased or decreased** within a fiscal year cannot exceed 20% of that budget line-item total.
2. Movement of dollars does not include line-items with zero dollar amounts.
3. Line-item changes include only items that are currently in the agency's approved budget.
4. Any increase made to a budget line-item must be off-set by an equal reduction of one or more approved budget line-item(s).
5. Movement of dollars does not change the project purpose/goals or intended outcomes.
6. Movement of funds using this process must adhere to all other OCJP grant requirements that may apply.

Example: There is \$200 in the budget's travel line-item and you want to move more money into the travel line-item. The maximum amount that can be moved into the travel line-item is \$40 for the entire fiscal year ($\$200 \times 20\% = \40). A separate approved line-item(s) must be reduced by the corresponding \$40 and the reduced amount cannot exceed 20% of that line item.

**** NOTE: Do not change column A of the OCJP Invoice for Reimbursement Form**

C. PRIOR APPROVAL

Certain budget items require prior, written approval from OCJP before adjusting the budget line-item amount(s). OCJP will review the requested changes and notify the subrecipient once a determination has been made. The following budget items must be pre-approved prior to being implemented by the subrecipient:

1. Salary adjustments – including grant funded staff percentages and salary changes
2. Overtime
3. Staffing Changes – if a position is added or deleted from the budget

4. Capital Purchases
5. Depreciation – must include a depreciation schedule
6. Sensitive Minor Equipment – see [Chapter X - Property and Equipment](#) of the OCJP Administrative Manual for further details
7. Furniture
8. Clothing and/or Uniforms (Exception: Emergency clothing for victims/clients does not require prior approval.)
9. Meeting room/audio visual services

CHAPTER XVIII CONTRACT AMENDMENTS

All proposed changes must be submitted in writing to OCJP for approval. OCJP will review the requested changes to determine if the changes are allowable, and if they warrant a contract amendment. If OCJP approves of the requested changes, and it is determined that an amendment is necessary, then OCJP will initiate the contract amendment process. The contract amendment document must be signed by the subrecipient and the Commissioner of the Department of Finance and Administration prior to it being implemented by the subrecipient.

A. PROGRAM NARRATIVE / SCOPE OF SERVICES AMENDMENTS

The subrecipient must obtain prior, written approval from OCJP for any change in program narrative or scope of services. In order to significantly modify the programmatic goals and/or objectives of an original contract, new Program Narrative Statements must be developed demonstrating any change in the following areas:

1. Target population,
2. Project goals,
3. Objectives,
4. Project activities,
5. Collaborative activities,
6. Performance measures,
7. Staffing, and/or
8. Multi-year goals and objectives.

B. BUDGET AMENDMENTS

A budget amendment is necessary anytime the total *federal* funding amount of a grant/contract is increased or decreased and/or if movement of funds between budget line-items is greater than 20 % of the line-item amount. The subrecipient must secure prior written approval from OCJP for all contract budget amendments. The written request must be accompanied by amended detail and summary budget pages and any related documentation supporting the change.

Amendments to the budget are not automatic and are not guaranteed. Budget amendments will be considered on a case-by-case basis.

C. AGENCY NAME CHANGE AMENDMENTS

A contract amendment is required to change the legal name of a subrecipient agency.

An agency name change request must be submitted in writing to OCJP along with copies of the official documentation supporting the legal action. This legal action generally involves non-profit agencies and results in approval of the Amendment to the Charter on file with the Secretary of State. OCJP will in turn review the documentation and amend existing OCJP contracts to reflect the legal change.

Revised Substitute W-9 ([OCJP Appendix H](#)) and ACH (Automated Clearing House) ([OCJP Appendix G](#)) forms must also be submitted to OCJP before the amendment can be processed.

The agency name change amendment must be approved by OCJP. The contract amendment document must be signed by the subrecipient and the Commissioner of the Department of Finance and Administration.

CHAPTER XIX SUBRECIPIENT MONITORING

A. DEFINITION OF MONITORING

Monitoring is the review process used to determine a subrecipient's compliance with the requirements of a state and/or federal program, applicable laws and regulations, and stated results and outcomes. Monitoring also includes the review of internal controls to determine if the financial management and the accounting system are adequate to account for program funds in accordance with state and/or federal requirements. Monitoring should result in the identification of areas of non-compliance with the expectation that corrective action will be taken to ensure compliance.

The Federal Office of Management and Budget (OMB) issued a revised publication of [Circular A-133](#), Audits of States, Local Governments, and Non-Profit Organizations June 2003. The revision raised the audit threshold of subrecipients expending Federal funds from \$300,000 to \$500,000 increasing the number of subrecipients exempt from audit when Federal expenditures are less than \$500,000 for fiscal years ending after December 31, 2003. The revision also prohibits charges to federal awards for the costs of a single audit for entities expending less than \$500,000 per year.

Grant oversight continues to remain a key priority for distribution of federal funds. Simply put, because the threshold for federal auditing requirements has increased (OMB) has built in the funds for contractual/agency monitoring including both the programmatic side of the grant as well as the fiscal components of the grant (the scope being less than that of a full audit).

The Department of General Services (DGS) was tasked with the oversight of grants and grant monitoring beginning in fiscal year 2012. In May 2013 DGS issued Policy 2013-007 to replace Policy 22. Policy 2013-007 revised the requirements for subrecipient contract monitoring for the State of Tennessee to “provide uniformity in the reporting of, and controls over, the expenditure of awards in connection with the delivery of services by subrecipients of federal and State awards.”

The OCJP monitoring unit is responsible for performing monitoring activities in accordance with [Policy 2013-007](#), to ensure that Federal and State awards are used for authorized purposes in compliance with laws, regulations, and the provisions of contracts or grant agreements and ensuring performance goals are achieved.

B. [POLICY 2013-007 Replaces POLICY 22](#)

1. [Issued by the Department of General Services, Central Procurement Office.](#)
2. Maintains a set of core areas common to most state and/or federal awards consistent with [OMB Circular A-110](#), Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, [OMB Circular A-87](#), Cost Principles for State, Local, and

Indian Tribal Governments, [OMB Circular A-122](#), Cost Principles For Non-Profit Organizations, and [OMB Circular A-133](#), Audits of States, Local Governments, and Non-Profit Organizations.

3. Changes criteria on the selection of subrecipient contracts to be monitored in any given fiscal year period.
4. Provides monitoring guidance.

C. OCJP MONITORING

1. The Office of Criminal Justice Programs Provides Monitoring to:

- a. Determine subrecipient compliance with the requirements of state and/or federal programs, applicable laws and regulations and stated results and outcomes.
- b. Ascertain if internal control over financial management and accounting systems are adequate to account for program funds in accordance with state and federal requirements.

2. Subrecipient Agency Preparation for a Monitoring Visit:

- a. OCJP subrecipients can expect at least one monitoring visit during any three-year grant contract period (some subrecipients will be monitored annually).
- b. Subrecipient agencies are selected for monitoring based on their level of risk as determined by OCJP. Examples of criteria used to determine risk are the number of grants received from OCJP, amount of funding received and previous areas of concern. Based on the level of risk a subrecipient may or may not be identified for a monitoring review in any given year of their contract period.
- c. Prior to an on-site monitoring visit, subrecipients will receive notification from OCJP detailing the date and time of the monitoring visit in addition to what information will be requested. **Beginning October 1, 2014 the information requested for the monitoring visit will include completed, printed year-to-date program fund source annual reports. These will be provided to the program monitor at the time of the review. It is OCJP's expectation that all agencies scheduled for a monitoring visit will be prepared and have available all the information requested when the visit is arranged.** Additional documentation may be requested at the time of the review. Failure to cooperate fully with the monitoring process will result in written documentation of the agency's lack of compliance.

3. On-site Monitoring Review Expectations:

- a. The on-site monitoring review will start with an entrance conference. It is expected that the project director and fiscal director will be present during this time. The chairperson of the governing board or designee, and authorizing official are also encouraged to attend this meeting. The monitor will explain

the review process and the monitoring schedule. The project director should make sure that all requested information is available before the review.

- b. The project director and fiscal director should be available during the entire review. The monitor will require explanation of supporting documents supplied by the agency. Additional information will be needed during most reviews. Equipment and other purchases through the grant should also be made available for inspection when possible by the agency. If needed, the agency should contact the program monitor before the review to arrange workable solutions concerning availability of equipment.
- c. All grant funded staff should also be available for interviews by the program monitor. The monitor has the prerogative to interview staff in private. This may include grant funded staff and other agency staff associated with the grant. The monitor may elect to do telephone interviews with staff in field offices. The agency should provide phone numbers and a list of staff locations.
- d. The exit conference will be held at the end of the review. Again, the project director and fiscal director should be available at the exit conference. The board chairperson or designee and authorizing official are encouraged to attend. The monitor will discuss any known findings and/or observations at this time and the corrective action plan submission procedure.

4. Disposition and Agency Response

At the conclusion of all monitoring review requirements, a monitoring report will be issued within thirty (30) business days. The report will be issued to the subrecipient, OCJP program and/or fiscal staff as well as to the Comptroller of the Treasury/Division of Audit. The monitoring report must be maintained on-site by the subrecipient as part of the subrecipient grant file.

Subrecipient Monitoring Reports may include four possible results:

- a. No findings of Noncompliance - OCJP does not identify any area(s), either programmatic or fiscal, that do not comply with specific criteria found in state or federal statutes, rules and/or regulations, OCJP subrecipient grant contract(s), state departmental policy for the subrecipient program, or good business practice.
- b. If the OCJP monitoring review results in no findings of noncompliance, no further action from the subrecipient is needed.
- c. Findings of Noncompliance - OCJP identifies an area(s), either programmatic or fiscal, that does not comply with specific criteria found in state or federal statutes, rules and/or regulations, OCJP subrecipient grant contract, state departmental policy for subrecipient programs, or good business practice.

(1) If the OCJP monitoring review identifies findings of noncompliance, the subrecipient will be allowed thirty (30) calendar days from the issued date of the report to submit a

corrective action plan to the Office of Criminal Justice Programs outlining how the agency plans to correct the finding(s). (See OCJP Appendix R for template)

(2) The Corrective Action Plan must include:

- A statement of whether the subrecipient agency agrees with the finding or not.
- A detailed plan of how the agency will correct each individual finding to prevent this or similar finding in the future or justification for the subrecipient's disagreement with the finding(s).
- Attachment of any subrecipient documents, forms, policy changes, reports, accounting tools, time sheets, data collection forms, etc. that ensures the subrecipient has corrected the finding(s).

(3) If the subrecipient disagrees with a finding(s) identified by OCJP, detailed documentation must also be submitted to refute the questioned finding(s).

(4) The CAP must be signed by the Authorized Official or their designee. (The designee is the person granted permission to sign the Authorizing Official's signature.)

NOTE: If the subrecipient has any questions regarding the report or their required written response to a noncompliant finding or observation report then they should contact their OCJP Program Manager for assistance.

- d. Findings of Noncompliance Resulting in Questioned Costs – In addition to all the requirements listed above in 3. (b). (Findings of Noncompliance) the subrecipient will need to repay all Questioned Costs listed in the Monitoring Report. To repay the Questioned Costs, a check (made payable to the **State of Tennessee**) must be submitted for the total of the Questioned Costs with the Corrective Action Plan within the allowed thirty (30) calendar days from the issuance date of the report to:

Office of Criminal Justice Programs
312 Rosa L. Parks Avenue, Suite 1800
Nashville, TN 37243-1102

Please list the contract number on the check or in the correspondence attached to the check in order for the repaid questioned costs to be applied to the proper fiscal year and the proper subrecipient contract number.

Any deviation from this questioned cost repayment policy **MUST** be approved **in writing** by the Director of the Office of Criminal Justice Programs prior to the thirty (30) calendar day deadline.

- e. Observations - An observation does not generally result from noncompliance

as a finding, but rather is a situation observed by a monitor that is deemed to be a potential problem or of interest to the grantor agency and therefore is reported.

- (1) If a monitoring review identifies an observation, the subrecipient will be allowed thirty (30) calendar days from the issued date of the report to submit a response explaining the observation and outlining how the agency plans to correct the observation.
- (2) The Corrective Action Plan for Observation(s) should include:
 - A statement of whether the subrecipient agency agrees with the observation or not.
 - A detailed statement of how the agency will address each individual observation to prevent a finding in the future, if needed.
 - Attachment of any subrecipient documents, forms, policy changes, reports, accounting tools, time sheets, data collection forms, etc. that ensures the subrecipient has corrected the observation, if needed.
 - If the subrecipient disagrees with an observation(s) identified by OCJP, detailed documentation must be submitted to refute the questioned observation(s).
 - The CAP must be signed by the Authorized Official or their designee. (The designee is the person granted permission to sign the Authorized Official's signature.)

Corrective Action Plans for Finding(s) of Noncompliance and Observation(s) can be combined and submitted as one document for either one or more contracts managed by the agency.

Corrective Action Plans for Finding(s) of Noncompliance and Observation(s) without questioned costs should be addressed to the OCJP Director and **emailed** to the OCJP Program Manager.

The Corrective Action Plan must be completed by either the Project Director or their designee, signed by the Authorized Official or their designee (The designee is the person granted permission to sign the Authorized Official's signature.) and be submitted no later than thirty (30) calendar days after the issue date of the OCJP Subrecipient Monitoring Report.

NOTE: A template for the Corrective Action Plan is at [OCJP Appendix R](#). Although the use of the template is not mandatory, information in your Corrective Action Plan must be consistent with that which is included in the template.

5. OCJP Response:

- a. Upon receipt of a Corrective Action Plan or Observation Report, OCJP will review and determine its adequacy. If OCJP finds the Corrective Action Plan or Observation Report is adequate, then OCJP will issue a letter of approval. In the event concerns remain, OCJP will determine what additional steps are needed and relate those requirements to the subrecipient in writing with an expected date of response by the subrecipient.
- b. As of October 1, 2010 all official correspondence regarding the monitoring report and subrecipient responses will be sent by email to the contract Authorized official, the project director, and other interested individuals as appropriate.
- c. All correspondence, including email, from OCJP to the subrecipient regarding the monitoring report and subrecipient responses must be maintained on site by the subrecipient as part of the subrecipient grant file.

D. CORRECTIVE ACTION PLAN (CAP) GUIDELINES

See [OCJP Appendix R](#) for template.

The Corrective Action Plan must include:

1. A statement of whether the subrecipient agency agrees with the finding or not.
2. A detailed plan of how the agency will correct each individual finding to prevent this or similar finding in the future or justification for the subrecipient's disagreement with the finding(s).
3. Repayment of all Questioned Costs listed in the Monitoring Report. See instructions in previous Section 3.c.
4. Attachment of any subrecipient documents, forms, policy changes, reports, accounting tools, time sheets, data collection forms, etc. that ensures the subrecipient has corrected the finding(s) and following the CAP.
5. If the subrecipient disagrees with a finding(s) identified by OCJP, detailed documentation must also be submitted to refute the questioned finding(s).
6. The CAP must be signed by the Authorized Official or their designee. (The designee is the person granted permission to sign the Authorized Official's signature.)

Address all observations in the same manner as findings.

CHAPTER XX

RETENTION OF AND ACCESS TO RECORDS

A. RETENTION OF RECORDS

In accordance with the requirements set forth in 28 CFR Parts 66 and 70, all financial records, supporting documents, statistical records, and all other records pertinent to the award shall be retained by each subrecipient organization for AT LEAST THREE YEARS following the closure of their most recent audit report. Retention is required for purposes of Federal and State examination and audit. Records may be retained in an automated format. State or local governments may impose record retention and maintenance requirements in addition to those prescribed.

1. **Coverage:** The retention requirement extends to books of original entry, source documents supporting accounting transactions, the general ledger, subsidiary ledgers, personnel and payroll records, cancelled checks, and related documents and records. Source documents include copies of all awards, applications, and required subrecipient financial and narrative reports. Personnel and payroll records shall include the time and attendance reports for all individuals reimbursed under the award, whether they are employed full-time or part-time. Time and effort reports are also required for consultants.
2. **Retention Period:** The three-year retention period starts from the date of the submission of the closure of the single audit report which covers the grant period. If any litigation, claim, negotiation, audit, or other action involving the records has been started before the expiration of the three-year period, the records must be retained until completion of the action and resolution of all issues which arise from it or until the end of the regular three-year period, whichever is later.

B. MAINTENANCE OF RECORDS

Subrecipients of funds are expected to see that records of different fiscal periods are separately identified and maintained so that information desired may be readily located. Subrecipients are also obligated to protect records adequately against fire or other damage. When records are stored away from the subrecipient's principal office, a written index of the location of records stored should be on hand and ready access should be assured.

C. ACCESS TO RECORDS

The awarding agency includes OCJP, the Federal Agency, the DHHS and the DOJ Office of the Inspector General, the Comptroller General of the United States, or any of their authorized representatives, who shall have the right of access to any pertinent books, documents, papers, or other records of sub recipients which are pertinent to the award, in order to make audits, examinations, excerpts, and transcripts. The right of **access must not** be limited to the required retention period but shall last as long as the records are retained.

CHAPTER XXI

SANCTIONS AND TERMINATION OF FUNDING

A. SANCTIONS

If a subrecipient materially fails to comply with the terms and conditions of a contract, including civil rights requirements, whether stated in a Federal statute, regulation, assurance, application, or notice of award, OCJP may take one or more of the following actions, as appropriate in the circumstances.

1. Temporarily withhold cash payments pending correction of the deficiency by the subrecipient.
2. Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
3. Wholly or partly suspend or terminate the current contract.
4. Withhold further contracts for the project or program.
5. Take other remedies that may be legally available.

Failure by a subrecipient to materially comply with the terms of the contract or of the requirements described in this OCJP Administrative Manual may be considered grounds for termination of subrecipient funding. The staff of the Department of Finance and Administration, OCJP, is committed to assisting subrecipient staff to realize contract success and will utilize all reasonable means to resolve problems or address potentially critical issues.

B. TERMINATION FOR CONVENIENCE

The State may terminate the grant by giving the subrecipient at least thirty (30) days written notice before the effective termination date. In that event, the subrecipient shall be entitled to receive equitable compensation for satisfactory, authorized services completed as of the termination date.

C. TERMINATION FOR CAUSE

If the subrecipient fails to fulfill its obligation under the Grant in a timely or proper manner, or if the subrecipient violates any terms of the grant, the State shall have the right to immediately terminate the Grant and withhold payments in excess of fair compensation for completed services. Notwithstanding the above, the subrecipient shall not be relieved of liability to the State for damages sustained by virtue of any breach of the grant by the subrecipient.

While termination of funding will not be exercised without prior written notice to the subrecipient, any consideration of future grant requests may be influenced by the gravity and extent of the irregularities causing termination as determined by F&A, OCJP.

CHAPTER XXII CIVIL RIGHTS COMPLIANCE

In the event of a formal allegation of Civil Rights discrimination, including those related to employment, or an adverse finding of discrimination against a subrecipient agency by a federal or state court or a federal or state administrative agency, OCJP subrecipients are required to immediately notify the OCJP Title VI coordinator in writing by completing the Civil Rights Complaint Notification form (See [Appendix P](#)) within 45 days.

A. LAWS THAT PROTECT CIVIL RIGHTS IN FEDERALLY ASSISTED PROGRAMS

1. **Title VI of the Civil Rights Act of 1964**, as amended, prohibits discrimination on the basis of race, color, or national origin in the delivery of services or benefits by recipients of federal financial assistance. [42 U.S.C. § 2000d](#); [28 C.F.R. pt. 42, subpt. D](#).
2. **Section 504 of the Rehabilitation Act of 1973**, as amended, prohibits discrimination on the basis of disability in both employment and the delivery of services or benefits by recipients of federal financial assistance. [29 U.S.C. § 794](#); [28 C.F.R. pt. 42, subpt. G](#).
3. **Title II of the Americans with Disabilities Act of 1990**, as amended, prohibits discrimination on the basis of disability in both employment and the delivery of services or benefits by public entities. [Statute](#); [42 U.S.C. § 12132](#); [28 C.F.R. pt. 35. Revised ADA Regulations Implementing Title II and Title III](#)
4. **The Age Discrimination Act of 1975**, as amended, prohibits discrimination on the basis of age in the delivery of services or benefits by recipients of federal financial assistance. [42 U.S.C. § 6102](#); [28 C.F.R. pt. 42, subpt. I](#).
5. **Title IX of the Education Amendments of 1972**, as amended, prohibits discrimination on the basis of sex in educational programs or activities receiving federal financial assistance. [20 U.S.C. § 1681](#); [34 C.F.R. pt. 106](#).
6. **The Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968**, as amended, prohibits discrimination on the basis of race, color, national origin, sex, or religion in both employment and the delivery of services or benefits by a recipient of federal financial assistance under the Safe Streets Act. [42 U.S.C. § 3789d](#); [28 C.F.R. pt. 42, subpt. D](#).
7. **The Juvenile Justice and Delinquency Prevention Act (JJDP A) of 1974**, as amended, adopts by reference the civil rights provisions of the Safe Streets Act. The JJDP A prohibits discrimination on the basis of race, color, national origin, sex, and religion in both employment and the delivery of services or benefits by recipients of federal financial assistance under the JJDP A. Recipients of funding

under the JJDPa must also comply with the Equal Employment Opportunity Plan (EEO) requirements of the Safe Streets Act. [42 U.S.C. § 3789\(d\)](#); *see also* [28 C.F.R. pt. 42, subpt. E](#).

8. **The Victims of Crime Act (VOCA) of 1984**, as amended, prohibits discrimination on the basis of race, color, national origin, sex, religion, or disability in both employment and the delivery of services or benefits by recipients of federal financial assistance under VOCA. [42 U.S.C. § 10604\(e\)](#)
9. **The Equal Treatment for Faith-Based Organizations Regulation** of the U.S. Department of Justice (DOJ) prohibits faith-based organizations that receive DOJ financial assistance from using federal resources to advance inherently (or explicitly) religious activities such as worship, religious instruction, or proselytization. [28 C.F.R. pt. 38](#); *see also* [Exec. Order No. 13,559, 75 Fed. Reg. 71,319 \(Nov. 17, 2010\)](#) (Fundamental Principles and Policymaking Criteria for Partnerships with Faith-Based and Other Neighborhood Organizations); [Exec. Order No. 13,279, 67 Fed. Reg. 77,141 \(Dec. 12, 2002\)](#) (Equal Protection of the Laws for Faith-Based and Community Organizations).

B. PROHIBITION AGAINST DISCRIMINATION FOR RECIPIENTS OF FEDERAL FINANCIAL ASSISTANCE

1. The federal civil rights laws that may apply to OCJP subrecipients collectively prohibit discrimination in both employment and the delivery of services or benefits based on race, color, national origin, sex, religion, or disability. In addition, the Age Discrimination Act of 1975 prohibits discrimination on the basis of age in the delivery of services or benefits.
2. All subrecipient agencies must identify a compliance coordinator and a procedure for responding to discrimination complaints. Each agency must submit the name and contact information of the person responsible for reporting all civil rights complaints and findings to OCJP by completing the Certification of Regulations Compliance form as an attachment to its grant contract.
3. In accordance with Section 504, Title VI, and Title IX requirements, all subrecipient agencies must make available to participants, beneficiaries, and other interested persons information regarding the provisions of these statutes and their applicability to the program(s) under which the recipient receives Federal financial assistance. To assist agencies in complying with the Title VI requirement OCJP is providing signage to be posted, along with other notices of Civil Rights, in an area accessible to the public. See [Appendix C](#). Agencies are required to post this or similar signage regarding Title VI compliance and procedures for filing a discrimination complaint.

C. DISCRIMINATION COMPLAINTS

1. All subrecipient agencies must have written procedures for responding to complaints alleging unlawful discrimination in the delivery of services or benefits on the basis of race, color, religion, national origin, age, sex or disability. The agency policy may provide for discrimination complaints to be forwarded to

OCJP.

2. Agencies may file complaints of discrimination in the delivery of services or benefits directly with the US Department of Justice, Office for Civil Rights (OCR). Instructions for filing a complaint may be found on the OCR website at <http://www.ojp.usdoj.gov/about/ocr/complaint.htm>.

D. OBLIGATION TO REPORT DISCRIMINATION COMPLAINT(S) AND FINDING(S) OF DISCRIMINATION

1. In the event of a formal allegation of civil rights discrimination, including those related to employment, OCJP subrecipients must immediately notify the OCJP Title VI Coordinator by completing the Civil Rights Complaint Notification form (*see Appendix P*) within forty-five (45) days. Subrecipients must report, in writing, the status of any on-going investigations to OCJP. A subrecipient may request exemption or modification of this requirement by submitting a written request to the OCJP Title VI Coordinator.
2. In the event a federal or state court or a federal or state administrative agency makes an adverse finding of discrimination against a subrecipient agency, after a due-process hearing, on the basis of race, color, national origin, religion, age, sex, or disability the subrecipient agency **must** send a copy of the finding to OCJP within forty-five (45) days.

E. MAINTAINANCE OF CIVIL RIGHTS INFORMATION

For OCJP monitors to determine whether the subrecipient agency is complying with applicable civil rights laws, the subrecipient must maintain statutorily required civil rights statistics on race, national origin, sex, age, and disability for all clients served. Agencies must permit the OCJP monitors reasonable access to the books, documents, papers, and records

F. LANGUAGE-ACCESS SERVICES FOR BENEFICIARIES WITH LIMITED ENGLISH PROFICIENCY (LEP)

Each subrecipient agency should have a plan to assist clients with limited English proficiency (LEP). LEP persons are individuals who do not speak English as their primary language and have a limited ability to read, speak, write, or understand English. Title VI of the Civil Rights Act of 1964, as well as DOJ program statues, requires subrecipients to take reasonable steps to ensure that LEP persons have meaningful access to their programs and activities. Providing meaningful access will generally involve some combination of oral interpretation services and written translation of vital documents. Meaningful access may entail providing language assistance services, including telephone interpreter lines, bilingual staff and volunteers, oral interpretation services, and written language services. Subrecipient agencies should evaluate their current practices in providing language-access services to LEP beneficiaries, including the following:

- Determine the size and linguistic demographics of the LEP service population;
- Collect data on the frequency of contacts with LEP beneficiaries;

- Identify the most significant services or benefits that will require language-access services;
- Assess the resources that are available both inside and outside the agency for providing language-access services;
- Make an inventory of existing written materials, especially vital documents, that need to be available to beneficiaries in translation;
- Establish quality-control measures to ensure the linguistic competency of interpreters and translators;
- Develop a language-access plan consistent with federal guidelines; and
- Train staff members in public-contact positions on the legal obligation to provide appropriate language-access services to LEP beneficiaries.

For information on providing services to LEP persons and for detailed agency-specific guidance on language-access services, see www.LEP.gov.

G. FAITH-BASED ORGANIZATIONS

As a condition for receiving financial assistance from DOJ, OCJP subrecipient agencies agree to comply with the DOJ regulation Equal Treatment for Faith-Based Organizations, [28 C.F.R. pt. 38](#). This regulation states that DOJ financial assistance may not support inherently religious activities, such as worship, religious instruction, or proselytization. Faith-based subrecipients may still engage in inherently religious activities, but the activities must be separate either in time or in place from the federally funded program *and* any participation in the inherently religious activities by program beneficiaries must be voluntary. Under federal law, all subrecipients, including faith-based organizations, must not discriminate in the provision of grant-funded services on the basis of a participant's religious practice or belief, or the lack of them. Contrary to the general rule under federal law that prohibits employment discrimination based on religion, funded faith-based organizations may, in some circumstances, take religion into account in making hiring decisions. Subrecipient faith-based organizations that have employment policies favoring co-religionists should contact their OCJP program manager for additional information. To qualify for an exemption from the prohibition against employment discrimination based on religion, faith-based subrecipients must complete a certification of exemption as provided by DOJ's Office of Justice Programs.

H. TITLE VI COMPLIANCE TRAINING

All recipients of federal financial assistance are subject to the provisions of Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin. Regulations governing Title VI compliance require that all OCJP subrecipients provide periodic civil rights training for all employees.

To improve compliance with Title VI, OCJP requires that all grant Project Directors provide evidence of having completed civil rights training. OCJP has provided a short presentation on its website outlining the provisions of Title VI. **All grant Project Directors must complete the Title VI Compliance Training and Quiz.** All new Project Directors must complete the online training program within ninety (90) days of their start date. At the end of the online quiz, Project Directors should print the certification of completion and retain it in their records.

To be in compliance with OCJP's training requirement on Title VI, subrecipient agencies

may train other staff members, including the Civil Rights Compliance Officer, by using the training program on OCJP's website or another training program that includes information on Title VI. Although staff members other than the Project Directors may complete the online quiz at the end of OCJP's Title VI training program, they are not required to do so. Project Directors are responsible for maintaining documentation showing that staff members completed the required Title VI training.

The Title VI Compliance PowerPoint Training Presentation and Quiz (required by all OCJP grant Project Directors), is available at <http://www.tn.gov/finance/article/fa-ocjp-titlevi>

Additional civil rights training is available on the Bureau of Justice Assistance [website](#), especially the webinar "[Civil Rights Responsibilities and Obligations of Recipients of DOJ Funding](#)," under News, Events, and Media and on the Office of Justice Programs, Office of Civil Rights training [website](#). The training program titled "[What is the Office for Civil Rights and What Laws does it Enforce?](#)" is especially helpful in understanding the obligations of DOJ subrecipients.

JAG GRANT TABLE OF CONTENTS

[JAG Introduction](#)

CHAPTERS

- I. [Eligible Subrecipients](#)
- II. [Program Purpose/Requirements](#)
- III. [Reporting Requirements](#)
- IV. [Use of Confidential Funds](#)
- V. [Publications](#)
- VI. [Important Restrictions](#)
- VII. [Drug Task Force \(DTF\)](#)

APPENDICES

- A. [Federal Legislative Authority](#)
- B. [JAG Reporting Form and Instructions](#)
- C. [Confidential Funds Informant Payee Receipt Sample](#)

JAG INTRODUCTION

This document is provided for use by all subrecipient staff receiving federal grant funds from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant (JAG) Program administered by the Tennessee Office of Criminal Justice Programs (OCJP). This Guide is to serve as reference for the financial and programmatic requirements/responsibilities of projects funded through the Edward Byrne Memorial Justice Assistance Grant Program.

This guide is not intended to replace more detailed technical assistance available from the OCJP Program Manager assigned to your project. Subrecipient staff are encouraged to address questions or concerns regarding the subject matter in this guide or other issues to your OCJP Program Manager.

Edward Byrne Memorial Justice Assistance Grant (CFDA # 16.579): The Edward Byrne Memorial Justice Assistance Grant (JAG) Program allows states, tribes, and local governments to support a broad range of activities to prevent and control crime based on their own local needs and conditions. JAG blends the previous Byrne Formula and Local Law Enforcement Block Grant (LLEBG) Programs to provide agencies with the flexibility to prioritize and place justice funds where they are needed most.

Formula

The JAG formula includes a *state allocation* consisting of a minimum base allocation with the remaining amount determined on population and Part 1 violent crime statistics, and a *direct allocation* to units of local government. Once the state allocation is calculated, 60% of the funding is awarded to the state and 40% to eligible units of local government. State allocations also have *variable pass through* requirements to locals, calculated by the Bureau of Justice Statistics (BJS) from each state's crime expenditures.

Purpose Areas

JAG funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support and information systems for criminal justice for any one or more of the following purpose areas:

- Law enforcement programs
- Prosecution and court programs
- Prevention and education programs
- Corrections and community corrections programs
- Re-entry and treatment programs
- Planning, evaluation and technology improvement programs

*Any law enforcement or justice initiative previously eligible for funding under Byrne or LLEBG is eligible for JAG funding.

CHAPTER I

JAG ELIGIBLE SUBRECIPIENTS

APPLICATION PROCESS: The JAG application announcement routinely occurs each State fiscal year usually in the spring (March, April). The intent of the JAG Formula Grant Program is to assist units of state and local government and non-profit organizations in carrying out specific programs that offer a high probability of improving the functioning of the criminal justice system. Special emphasis is placed on multi-jurisdictional programs and on programs that advance national drug control priorities. In accordance with Section 501 of the Act, the State may award JAG Formula Grant Program funds to state agencies, units of local government, and non-profit organizations for the following purposes:

1. Enforcing state and local laws that establish offenses similar to offenses established in the Controlled Substance Act (21 U.S.C. 801 *et seq.*).
2. Emphasizing prevention and control of violent crime and serious offenders.
3. Improving the functioning of the criminal justice system.

CHAPTER II

JAG GRANT PURPOSE/REQUIREMENTS

A. PROGRAM PURPOSE

The Edward JAG Formula Grant Program is a partnership among federal, state and local governments, and non-profit organizations to create safer communities and improve criminal justice systems. The JAG program, created by the Anti-Drug Abuse Act of 1988 (Public Law 100-690), emphasizes controlling violent and drug-related crime and serious offenders, and fosters multi-jurisdictional and multi-state efforts to support national drug-control policies. This grant program provides funding for projects which assist local and state government and non-profit agencies in their efforts to reduce violent crime and illegal drug activities, improve the criminal justice system and support local, state and national priorities. The projects funded should offer a high probability of improving the functioning of the criminal justice system as they relate to the specific state/local agency. Federal funding is available for up to forty-eight (48) consecutive months. The grant project should be created in such a manner that, if successful, can be replicated by other agencies. At the conclusion of the federal grant funding, the agency is expected to continue the project with regular budgeted funds.

Formula grant funds may be used to support projects that enforce state and local laws which establish offenses similar to offenses established in the Federal Controlled Substances Act, and to improve the functioning of the criminal justice system, with emphasis on violent crime and serious offenders. Funds may be used to provide personnel, equipment, training and technical assistance to support more widespread prevention, apprehension, prosecution, adjudication, detention, treatment and rehabilitation of offenders who violate state and local laws.

B. PROGRAM REQUIREMENTS

Under the JAG Grant Program, each state is encouraged to develop a statewide strategy for violent crime and drug control aimed at identifying available resources for activities, which are perceived to have the greatest impact on the violent crime and drug problem in the state.

In developing Tennessee's strategy, the Office of Criminal Justice Programs solicits input from the criminal justice community regarding program priorities. Additionally, judicial districts and state agencies provide input regarding their priorities for intervention. Participation in a local/state strategy process is a prerequisite for eligibility to receive funds under this grant.

At least 25 percent of the cost of the project funded must be paid in cash with nonfederal funds. These "match" funds must be in addition to funds that would otherwise be made available by the subrecipient for criminal justice.

The intent of the JAG Formula Grant Program is to provide criminal justice assistance to state agencies, local units of government, and non-profit organizations. The Department of Justice has defined a unit of local government as a general-purpose political subdivision of a state, such as a judicial district, city or county.

Grants from this program can only be awarded to such entities.

In order for law enforcement agencies to qualify for grant funds, the agency must comply with the following:

Fingerprint Reporting Requirement. The Agency shall ensure that they will comply with Tennessee Code Annotated (TCA) 38-3-122 and will submit all fingerprints taken to the Tennessee Bureau of Investigation (TBI).

TIBRS Reporting Requirement. The Agency shall ensure that they comply with the rules and regulations of the Tennessee Bureau of Investigations (TBI) as empowered by Tennessee Code Annotated (TCA) 38-10-101 et seq. with regard to the Tennessee Incident Based Reporting System (TIBRS). The agency will at all times maintain TBI certification of their compliance with those rules and regulations.

Multi-Jurisdictional Drug Task Forces. Agencies applying for Multi-jurisdictional Drug and Violent Crime Task Force grant funds must submit a Memorandum of Understanding to the Office of Criminal Justice Programs along with this application. The Memorandum of Understanding, as well as the Board of Directors, must include the participation of at least two law enforcement agencies. The Memorandum of Understanding must include:

- A list of the Drug Task Force Board of Directors along with a description of their duties.
- A detailed description of the contributions from and expectations of each of the participating Drug Task Force agencies.
- The number and type of law enforcement officer(s) from each agency participating in the Drug Task Force and the individual duties of each officer.

Agencies must also provide a separate list of all the law enforcement agencies within their respective judicial districts whether or not they are a party to the Memorandum of Understanding. These requirements are in addition to any requirements set forth in Tennessee Code Annotated, Sections 12-9-101 et seq., 6-54-307, 58-8-103 and 8-7-110. The agency shall ensure year 2000 compliance with any contractual provisions related to computer hardware and software.

Agencies must comply with Tennessee Code Annotated, Section 37-1-403 and 37-1-605 by reporting suspected cases of child abuse to the Department of Children's Services and with Tennessee Code Annotated 71-6-103 by reporting cases of adult abuse to the Department of Human Services as required by law.

C. PROGRAM PRIORITIES

JAG Grant Funds may be used to implement projects that carry out at least one of seven federal legislatively authorized purpose areas. In order to most efficiently utilize resources available and address the most serious gaps and service needs in Tennessee's criminal justice system, the Office of Criminal Justice Programs focuses on the most critical purpose areas and gives priority consideration to programs that fall into these federal purpose areas.

D. PROGRAM EVALUATION

The Anti-Drug Abuse Act of 1988 mandates that all programs funded under the JAG

Program be evaluated. The goal is to identify and disseminate information about programs of proven effectiveness so that jurisdictions throughout the country can replicate them. In addition, evaluation results guide the formulation of policy and programs within federal, state and local criminal justice agencies.

Formula grant program applicants must include an evaluation component that meets the BJA/NIJ evaluation guidelines. OCJP will determine the program areas that may be evaluated each year. The Director of BJA may waive this requirement under certain circumstances. Each state is required to provide BJA with an annual report that includes a summary of its grant activities and an assessment of the impact of these programs on the needs identified in its statewide strategy. Formula grant funds may be used to pay for evaluation activities.

E. SUBCONTRACTS / RESEARCH AND EVALUATION

Any subcontract which involves the research or evaluation of a project or project data must be reviewed by an OCJP Program Manager to assure that the subcontract contains language which would prohibit researchers and evaluators from possessing a personal or financial interest to the project they are reviewing.

In all circumstances program staff will attempt to mitigate any potential bias related to the research or evaluation components of any JAG funded projects so that a reasonable person, understanding all the facts related to a project, will have confidence that the results of any research or evaluation will be objective and reliable

[Circulars and Common Rules](#)

CHAPTER III JAG REQUIRED REPORT TIMELINES

REQUIREMENT: A copy of each report submitted must be saved in the corresponding grant file.

REPORT	PERIOD COVERED	SUBMIT TO OCJP
F&A Invoice For Reimbursement (PLEASE CONTACT YOUR OCJP PROGRAM MANAGER FOR THE PROPER INVOICE FOR REIMBURSEMENT FORM.)	Monthly	Maher.M.Wasef@tn.gov Office of Business and Finance Monthly
Quarterly Program Income Summary (See OCJP Appendix L)	July through September October through December January through March April through June	Completed online : October 15th January 15th April 15th July 15th
Quarterly Performance Measures Report(s)	July through September October through December January through March April through June	Completed online and copy emailed to Assigned Program Manager : October 15th January 15th April 15th July 15th
Equipment Summary (See OCJP Appendix K)	July 1 st through June 30 th	July 31 st
JAG Annual Report	July 1 st through June 30 th	July 31 st
Policy 03 Quarterly Expense and Revenue Report (Non-Profit Agencies Only) (See OCJP Appendix J)	Quarterly for Period Ending September December March June	OCJP.P3@tn.gov October 30th January 30th April 30th July 31st

***NOTE: State and Local Government as well as Educational sub-recipients who do not generate program income may submit this report form annually 15 days after the end of the fiscal year or end of the grant period.**

CHAPTER IV JAG USE OF CONFIDENTIAL FUNDS

These provisions apply to all subrecipients involved in the administration of grants containing confidential funds.

Confidential funds are those monies allocated to:

- A. PURCHASE OF SERVICES (P/S):** This category includes travel or transportation of a non-Federal officer or an informant; the lease of an apartment, business front, luxury-type automobiles, aircraft or boat, or similar effects to create or establish the appearance of affluence; and/or meals, beverages, entertainment, and similar expenses (including buy money and flash rolls, etc.) for undercover purposes, within reasonable limits.
- B. PURCHASE OF EVIDENCE (P/E):** This category is for the purchase of evidence and/or contraband, such as narcotics and dangerous drugs, firearms, stolen property, counterfeit tax stamps, etc., required to determine the existence of a crime or to establish the identity of a participant in a crime.
- C. PURCHASE OF SPECIFIC INFORMATION (P/I):** This category includes the payment of monies to an informant for specific information. All other informant expenses would be classified as Purchase of Service (P/S) and charged accordingly.

These funds should only be allocated when:

- The particular merits of a program/investigation warrant the expenditure of these funds.
 - Requesting agencies are unable to obtain these funds from other sources.
 - Confidential funds are subject to prior approval. Such approval will be based on a finding that they are a reasonable and necessary element of project operations. In this regard, OCJP must also ensure that the controls over disbursement of confidential funds are adequate to safeguard against the misuse of such funds.
- D. CONFIDENTIAL FUNDS CERTIFICATION:** A signed certification that the project director has read, understands, and agrees to abide by these provisions is required from all projects that are involved with confidential funds from either Federal or matching funds. The signed certification must be submitted at the time of grant application.
 - E. WRITTEN PROCEDURES:** Each project agency authorized to disburse confidential funds must develop and follow internal procedures that incorporate the following elements. Deviations from these elements must receive prior approval of OCJP.

1. **Imprest Fund:** The funds authorized will be established in an imprest fund that is controlled by a bonded cashier.
2. **Advance of Funds:** The supervision of the unit to which the imprest fund is assigned must authorize all advances of funds for the purchase of information. Such authorization must specify the information to be received, the amount of expenditure, and the assumed name of informant.
3. **Informant Files:** Information files are confidential files of the true names, assumed names, and signature of all informants to whom payments of confidential expenditures have been made. To the extent possible, pictures and/or fingerprints of the information payee should also be maintained. Project Headquarters may maintain case files.
4. **Cash Receipts:**
 - a. The cashier shall receive from the agent or officer authorized to make a confidential payment a receipt for cash advancement to him/her for such purposes.
 - b. The agent or officer shall receive from the information payee a receipt for cash paid to him/her.
5. **RECEIPT FOR PURCHASE OF INFORMATION:** An information payee receipt (Sample: [Appendix C](#)) shall identify the exact amount paid to and received by the information payee on the date of the transaction. Cumulative or anticipatory receipts are not permitted. Once the receipt has been completed, no alteration is allowed. The agent shall prepare an information payee receipt containing the following information:
 - a. The jurisdiction initiating the payment
 - b. A description of the information/evidence received
 - c. The amount of payment, both in numerical and word form
 - d. The date on which the payment was made
 - e. The signature of the informant payee
 - f. The signature of the case agent or officer making payment
 - g. The signature of at least one other officer witnessing the payment
 - h. The signature of the first line supervisor authorizing and certifying the payment
6. **REVIEW OF CERTIFICATION:** The signed receipt from the informant payee with a memorandum detailing the information received shall be forwarded to the agent or officer in charge. The agent or officer in charge shall compare the signatures. He/she shall also evaluate the information received in relation to the expenses incurred and his/her evaluation remarks in the report of the agency or officer who made the expenditure from the imprest fund. The certification will be witnessed by the agent or officer in charge on the basis of the report and information payee's receipt.
7. **REPORTING OF FUNDS:** Each project director shall prepare a reconciliation report on the imprest fund on a quarterly basis. Information to be included in the reconciliation report will be the assumed name of the informant given and to what extent this information contributed to the investigation. Subrecipients shall retain the reconciliation report in their files

and have available for review by OCJP or representatives of the State or OCJP upon request.

8. **RECORD AND AUDIT PROVISION:** Each project director and member agency must maintain specific records of each confidential fund transaction. At a minimum, these records must consist of all documentation concerning the request for funds, processing (should include the review and approval/disapproval), modifications, closure or impact material, and receipts and/or other documentation necessary to justify and track all expenditures. Refer to the documentation under Information Files for a list of documents, which should be in the informant files. In projects where grant funds are used for confidential expenditures, it will be understood that all of the above records, except the true name of the informant, are subject to the record and audit provisions of OCJP and appropriate T.C.A. Statute.

F. INFORMATION FILES:

Security: A separate file should be established for each informant for accounting purposes. Informant files should be kept in a separate and secure storage facility, segregated from any other files, and under the exclusive control of the project director or an employee designated by him/her. The facility should be locked at all times when unattended. Access to these files should be limited to those employees who have a necessary legitimate need. An informant file should not leave the immediate area, except for review by a management official or the handling agent, and should be returned prior to the close of business hours. Sign-out logs should be kept indicating the date, information number, time in and out, and the signature of the person reviewing the file.

G. DOCUMENTATION: Each file should include the following information:

1. Informant Payment Record kept on top of the file. This record provides a summary of informant payments. (See [Appendix C](#) for Informant Payee Receipt Form).
2. Informant Establishment Record, including complete identifying and locating data, plus any other documents connected with the informant's establishment.
3. Current photograph and fingerprint card (or FBI/State Criminal Identification Number).
4. Agreement with Cooperating Individual.
5. Receipt for Purchase of Information.
6. Copies of all debriefing reports (except for the Task Force case file).
7. Copies of case initiation reports bearing on the utilization of the informant except for the Task Force case file.
8. Copies of statements signed by the informant (unsigned copies will be placed in appropriate investigative files).
9. Any administrative correspondence pertaining to the informant, including documentation of any representations made on his behalf or any other non-monetary considerations furnished.

10. Any deactivation report or declaration of an unsatisfactory informant.

H. ACCOUNTING AND CONTROL PROCEDURES: Special accounting and control procedures should govern the use and handling of confidential expenditures, as described below:

1. It is important that expenditures which conceptually should be charged to Purchase of Evidence (PE), Purchase of Specific Information (PI), or Purchase of Service (PS) are in fact so charged. It is only in this manner that these funds may be properly managed at all levels and accurate forecasts of projected needs can be made.
2. Each law enforcement entity should apportion its PE/PI/PS allowances throughout its jurisdiction and delegate authority to approve PE/PI/PS expenditures to those offices, as it deems appropriate.
3. Task Force management should establish guidelines authorizing offices to spend up to a predetermined limit of their total allowance on any one investigation.
4. In excising his/her authority to approve these expenditures, the Task Force Director or designee should consider:
 - a. The significance of the investigation;
 - b. The need for this expenditure to further that investigation; and anticipated expenditures in other investigations. Funds for PE/PI/PS expenditures should be advanced to the officer for a specific purpose. If they are not expended for that purpose, they should be returned to the cashier. They should not be used for another purpose without first returning them and repeating the authorization and advance process based on the new purpose.
5. Funds for PE/PI/PS expenditure should be advanced to the officer on a suitable receipt form. A receipt for purchase of information or a voucher for purchase of evidence should be completed to document funds used in the purchase of evidence or funds paid or advanced to an informant.

For security purposes, there should be a 48-hour limit on the amount of time funds advanced for PE/PI/PS expenditure may be held outstanding. If it becomes apparent at any point within the 48-hour period that the expenditure will not materialize, then the funds should be returned to the advancing cashier as soon as possible. The level of management that approved the advance may grant an extension to the 48-hour limit. Factors to consider in granting such an extension are the amount of funds involved, the degree of security under which the funds are being held, how long an extension is required, and the significance of the expenditure. Such extensions should be limited to 48 hours. Beyond this, the funds should be returned and re-advanced, if necessary. Regardless of circumstances, within 48 hours of the advance, the fund cashier should be presented with either the unexpended funds, an executed voucher for payment for information or purchase of evidence, or written notification by management that an extension has been granted. Purchase of Services (P/S) expenditures, when not endangering the safety of the officer or informant, need to be supported by canceled tickets,

receipts, lease agreements, etc. If not available, the Task Force Director, or his/her immediate subordinate, must certify that the expenditures were necessary and justify why supporting documents were not obtained.

For confidential funds sample receipt see JAG [Appendix C](#)

CHAPTER V JAG PUBLICATIONS AND MEDIA

PUBLICATION OF DOCUMENTS AND POSTING OF ELECTRONIC MEDIA

Project directors are encouraged to make the results and accomplishments of their activities available to the public. A subrecipient who publicizes project activities and results shall adhere to the following:

1. Responsibility for the direction of the project should not be ascribed to the Department of Justice or the Tennessee Office of Criminal Justice Programs.
2. All reports, studies, notices, informational pamphlets, press releases, signs, billboards, DVDs, public awareness kits, training curricula, webinars, websites, and similar public notices (written, visual or sound) prepared and released by the Grantee shall include the statement:

“This project is funded under an agreement with the State of Tennessee, Department of Finance and Administration, Office of Criminal Justice Programs and is supported by Award # _____ awarded by the Bureau of Justice Assistance, Office of Justice Programs, USDOJ.”

The Award # may be obtained from your OCJP Grant Manager.

Additionally, studies and research/report type publications expressing the direction of project activity must also contain the following federal funding statement:

“The opinions, findings, conclusions or recommendations contained within this document are those of the author and do not necessarily reflect the views of the Department of Justice”.

The above information is specific to JAG funds. For additional requirements regarding Publications, see generic [Chapter XI – Publications](#).

CHAPTER VI IMPORTANT RESTRICTIONS ON THE USE OF JAG FUNDS

Food and Beverages

JAG subrecipients cannot use grant funds or match to purchase food, snacks, and/or beverages.

Consulting Fees

Individual consultant fees are limited to **\$650** per day or **\$81.25** per hour; this includes legal, medical, psychological, training, and accounting consultants. Consulting fees must be pre-approved by OCJP.

Computer Networks

The recipient understands and agrees that: (a) No award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, and (b) Nothing in subsection (a) limits the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

Global Standards Practice (GSP) Compliance

In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, OJP requires the grantee to comply with DOJ's Global Justice Information Sharing Initiative (DOJ's Global) guidelines and recommendations for this particular grant. Grantee shall conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at http://www.it.ojp.gov/gsp_grantcondition.

Grantee shall document planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

Unmanned Aerial Vehicles

No JAG funds may be expended on unmanned aircraft, unmanned aircraft systems, or aerial vehicles (US, UAS, or UAV) unless the BJA Director certifies that extraordinary and exigent circumstances exist, making them essential to the maintenance of public safety and good order. Additionally, any JAG funding

approved for this purpose would be subject to additional reporting, which would be stipulated by BJA post-award. All requests for approval must be initiated through OCJP program manager.

CHAPTER VII

DTFs FUNDED WITH BYRNE JAG GRANTS

Drug Task Forces (DTFs) funded with Byrne JAG must comply with the following:

- A. LOCAL JURISDICTION PARTICIPATION:** Per TCA 12-9-104, the DTF maintains documentation (memoranda of understanding, inter-agency agreements, inter-local agreements etc.) that reflects local jurisdiction participation in the DTF. The agreement(s) specify:
1. Duration
 2. The DTF's clearly-stated purpose(s)
 3. The DTF's clearly-stated organization, composition, and nature
 4. The clearly-stated manner of financing the DTF and of establishing and maintaining a budget; and
 5. The clearly-stated permissible method(s) to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination
- B. BOARD OF DIRECTORS ACTIVITIES AND DECISIONS:** The DTF maintains documentation (minutes) indicating that the Board of Directors meets per TCA 12-9-104 and Chapter 0620-3-5.
1. The Board of Directors must meet at least quarterly and reviews and approves:
 - DTF financials
 - Significant DTF personnel decisions
 - Supplements paid to employees of other agencies
 2. The Board of Directors must review all MOUs, inter-agency agreements and inter-local agreements annually.
 3. The Board of Directors must review OCJP-funded grant progress.
- C. POLICIES AND PROCEDURES MANUAL:** The DTF maintains a policy and procedures manual that addresses the following:
1. **Proper Management of Funds.** DTF staff properly manage cash and drugs as required in the Comptroller's Office "[Procedures For Handling Cash Transactions Related To Undercover Investigative Operations of County and Municipal Drug Enforcement Programs](#)".
The following information is documented:
 - a. Documentation of each transaction involving the custodian.
 - b. Documentation of every transaction an agent makes in paying informants, buying drugs, and incurring miscellaneous confidential expenses.
 - c. A receipt each time an agent pays an informant for information or for services performed, including the purchase of drugs. It must be signed by the informant, using a pre-assigned code name. The receipt also must be witnessed and signed by another officer.

- d. Summary documentation of all transactions with a single informant who is identified by code name.
 - e. Quarterly reports to the county trustee on the use of confidential funds, certified by the DTF Director.
 - f. Any confidential funds which are unaccounted must be immediately reported in writing to the District Attorney General by the DTF Director. A copy of the report should also be filed with the Comptroller of the Treasury, Division of Local Government Audit. The DTF Director is responsible for initiating action to collect any unaccounted funds.
2. **Confidential Funds.** Confidential funds are used only for undercover expenses such as:
- Payments made to an informant for information
 - Payments made to an undercover agent
 - Money spent to actually purchase drugs as part of an investigation
 - Gasoline or minor maintenance for an undercover vehicle or an informant's vehicle when used in undercover operations
3. **Proper management of confidential informants.** The DTF establishes and maintains a separate file for each informant, which includes the summary documentation of all transactions. Other information regarding the informant file normally is confidential.

There are clear policies governing agents and informants in terms of:

- Meeting with the informant
 - Fraternalization with the informant
 - Business relationships with the informant
 - Having a witness signature for informant payment
 - Documentation requirements
 - Regular audits/review of informant history and activity
 - Secured informant files
4. **Evidence, Property and Seizures.** DTF staff properly log evidence, property and seizures such that items are clearly marked with an identifier and can be easily located; and
- The agency has written procedures for the collection, identification, preservation, and transmittal of evidentiary items.
 - The agency has established and maintains a property system for the secure and proper recording, storage, classification, retrieval, and disposition of all evidentiary, recovered, and found property under the protective custody of the agency.
 - Personnel not charged with the custody of property shall perform a complete inventory and records audit of both property owned and used by the agency and property placed within the protective custody of the agency at least once every three years.
 - The property system of the agency incorporates special security and control measures to safeguard all money, firearms, controlled substances, and high value items within the protective custody of the agency.

- The agency policies follow the TCA time restraints concerning the disposal of weapons and drugs.

D. BJA-REQUIRED CENTER FOR TASK FORCE LEADERSHIP AND INTEGRITY (CTFLI) TRAINING: The DTF maintains documentation (certificates of completion) that each task force commander and agent has completed required online task force training provided through BJA's Center for Task Force Integrity and Leadership (www.ctfli.org). Completing this web-based training curriculum is required **once every four years**. New agents hired or reassigned to the DTF should complete this training in its entirety within their **first 6 months** with the DTF.

E. METHAMPHETAMINE LAB CLEAN UP: The Tennessee Bureau of Investigation's Tennessee Methamphetamine and Pharmaceutical Task Force (TMPTF) currently has a Memorandum of Understanding with the U. S. Department of Justice Drug Enforcement Agency (DEA) for the clean-up, removal, and disposal of hazardous wastes found and seized at clandestine drug laboratories.

All Drug Task Forces receiving Byrne JAG funding must utilize the TMPTF for the clean-up, removal and disposal of hazardous wastes found and seized at clandestine drug laboratories in order to be covered by the TMPTF federally approved Mitigation Plan.

Note: Agencies failing to comply with Section E are not eligible for JAG funding.

F. ADDITIONAL BEST PRACTICES POLICIES AND PROCEDURES (RECOMMENDED NOT REQUIRED)

1. OCJP strongly encourages all DTFs to work toward adding best practices policies and procedures (if not already in place) for the additional issues listed below, as recommended by the BJA-funded Center For Task Force Training:

Critical Task Force Policies and Procedures:

- Use of force
- Vehicle pursuits
- Enforcement actions
- Office security
- Professional standards
- Profiling

Other Task Force Policies and Procedures

- Case selection
- Media contacts
- Reporting procedures
- Equipment
- Firearms
- Investigative techniques
- Chain of command
- Use of government vehicles

- Use of alcohol
- Secondary employment

G. ADDITIONAL RESOURCES FOR DTFS: Additional information on the topics above can be found on the web sites listed below:

State of TN Comptroller of the Treasury *Procedures for Handling Cash Transactions Related to Undercover Investigative Operations of County and Municipal Drug Enforcement Programs* (Confidential Funds)

<https://www.comptroller.tn.gov/la/pdf/2012ProceduresForCashTransactions.pdf>

University of Tennessee, Institute of Public Service, Municipal Technical Advisory Service *Drug Fund Manual*

[http://www.ctas.tennessee.edu/public/web/ctas.nsf/0/6A4E3E496656E6768625725700672B43/\\$FILE/Drug%20Fund%20Manual.pdf](http://www.ctas.tennessee.edu/public/web/ctas.nsf/0/6A4E3E496656E6768625725700672B43/$FILE/Drug%20Fund%20Manual.pdf)

COVERDELL TABLE OF CONTENTS

[Coverdell Introduction](#)

CHAPTERS

- I. [Eligible Subrecipients](#)
- II. [Program Purpose/Requirements](#)
- III. [Reporting Requirements](#)
- IV. [Publications](#)
- V. [Important Restrictions](#)

APPENDICES

- A. [Required Performance Measures](#)
- B. [Reporting Timelines](#)
- C. [Federal Legislative Authority](#)
- D. [Coverdell Investigation Policy](#)
- E. [Negligence Misconduct Report](#)
- F. [Certifications – External Investigations](#)

COVERDELL GRANT INTRODUCTION

This document is provided for use by all subrecipient staff receiving federal grant funds from the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), National Institute of Justice (NIJ), Paul Coverdell Forensic Sciences Improvement Grants Program (Coverdell) administered by the Tennessee Office of Criminal Justice Programs (OCJP). This Guide is to serve as reference for the financial and programmatic requirements/responsibilities of projects funded through the Coverdell Program.

This guide is not intended to replace more detailed technical assistance available from the OCJP Program Manager assigned to your project. Subrecipient staff are encouraged to address questions or concerns regarding the subject matter in this guide or other issues to your OCJP Program Manager.

Paul Coverdell Forensic Sciences Improvement Grants (CFDA # 16.742): The Paul Coverdell Forensic Science Improvement Grants Program (Coverdell) awards grants to States and units of local government to help improve the quality and timeliness of forensic science and medical examiner services. Among other things, funds may be used to eliminate a backlog in the analysis of forensic evidence and to train and employ forensic laboratory personnel, as needed, to eliminate such a backlog.

This program furthers the mission of the Department of Justice by providing States and units of local government with tools needed to meet the challenges of crime and justice. Specifically, this program seeks to improve the quality and timeliness of forensic science and medical examiner services, including services provided by laboratories operated by States and units of local government.

CHAPTER I COVERDELL ELIGIBLE SUBRECIPIENT

ELIGIBLE SUBRECIPIENTS: The intent of the Paul Coverdell Forensic Sciences Improvement Grants Program (Coverdell) is to assist units of State and local government in improving the quality and timeliness of forensic science and medical examiner service. In accordance with Title I of the Omnibus Safe Streets and Crime Control Act of 1968, Part BB, codified at 42 U.S.C. § 3797j-3797o (the Coverdell law), the State may award Coverdell Formula Grant Program funds to State agencies and units of local government for the following purposes:

1. To carry out all or a substantial part of a program intended to improve the quality and timeliness of forensic science or medical examiner services in the State, including those services provided by laboratories operated by the State and those operated by units of local government within the State.
2. To eliminate a backlog in the analysis of forensic science evidence including, among other things, a backlog with respect to firearms examination, latent prints, toxicology, controlled substances, forensic pathology, questioned documents, and trace evidence
3. To train, assist, and employ forensic laboratory personnel as needed to eliminate such a backlog

CHAPTER II COVERDELL PROGRAM PURPOSE/REQUIREMENTS

A. PROGRAM PURPOSE

The Paul Coverdell Forensic Science Improvement Grants Program (Coverdell) awards grants to States and units of local government to help improve the quality and timeliness of forensic science and medical examiner services. Among other things, funds may be used to eliminate a backlog in the analysis of forensic evidence and to train and employ forensic laboratory personnel, as needed, to eliminate such a backlog.

The Paul Coverdell Forensic Science Improvement Grants Program is administered by the National Institute of Justice (NIJ) in the Office of Justice Programs (OJP), U.S. Department of Justice (DOJ).

B. PROGRAM REQUIREMENTS

The intent of the Paul Coverdell Forensic Science Improvement Formula Grant Program is to meet the challenges of crime and justice by providing the tools needed to improve the quality and timeliness of forensic science and medical examiner services.

The Coverdell law (at 42 U.S.C. § 3797k) requires that, to request a grant, an applicant (the agency applying directly to NIJ) for the Coverdell funds must submit:

1. *A certification and description regarding a plan for forensic science laboratories.*
2. *A certification regarding use of generally accepted laboratory practices.*
3. *A certification and description regarding costs of new facilities.*
4. *A certification regarding external investigations into allegations of serious negligence or misconduct. [See Coverdell Appendix F](#)*

Any certification that is submitted must be executed by an official who is both familiar with the requirements of the certification and authorized to make the certification on behalf of the applicant agency (that is, the agency applying directly to NIJ).

Important Note on Referrals in Connection With Allegations of Serious Negligence or Serious Misconduct:

The highest standards of integrity in the practice of forensic science are critical to the enhancement of the administration of justice. OCJP requires all subrecipients of Coverdell funds to make use of the process referenced in their certification as to external investigations and to refer allegations of serious negligence or misconduct substantially affecting the integrity of forensic results to OCJP and other government entities with an appropriate process in place to conduct independent external investigations, such as the government entities identified in the grant application.

Each agency receiving funding from the Coverdell Program through NIJ as a sub-grantee of OCJP must have a written, OCJP approved policy(s) in place to address and refer any allegations of serious negligence and/or misconduct from internal or external sources. In addition, each subrecipient must follow OCJP's established guidelines for reporting allegations of serious neglect and/or misconduct. These guidelines are provided to each subrecipient agency annually and are available, by request, from the OCJP Program Manager who oversees the Coverdell fund source and/or from the Assistant Director of OCJP's Criminal Justice Unit.

For each fiscal year of an award made, recipients will be required to report the following information to OCJP who will subsequently report this information to NIJ on an annual basis:

1. The number and nature of any such allegations;
2. Information on the referrals of such allegations (e.g., the government entity or entities to which referred, the date of referral);
3. The outcome of such referrals (if known as of the date of the report); and
4. If any such allegations were not referred, the reason(s) for the non-referral.

C. EXPECTED RESULTS AND OUTCOME

The result of Coverdell grants to applicant States should be a demonstrated improvement over current operations in the quality and/or timeliness of forensic science or medical examiner services provided in the State, including services provided by laboratories operated by the State and services provided by laboratories operated by units of local government within the State. Reduction of forensic analysis backlogs is considered an improvement in timeliness of services. The result of Coverdell grants directly to units of local government should be a demonstrated improvement over current operations in the quality and/or timeliness of forensic science or medical examiner services provided by the local jurisdiction.

D. GRANT PERIOD

Coverdell grants generally are limited to a 12-month period. Applicants are asked to establish a project period of October 1st through September 30th.

CHAPTER III COVERDELL REPORTING REQUIREMENTS

COVERDELL REPORTING REQUIREMENTS

All subrecipients are responsible for periodic reporting on their projects to OCJP. Reporting requirements include:

1. **Semi-Annual Progress Report**

This report form is completed by the subrecipient, and it is due, by email submission, to the OCJP Program Manager **within 15 calendar** days of the close of the **reporting period**. This report provides a narrative description of the project progress for the reporting period and is program and subrecipient specific.

2. **Semi-Annual Performance Measures Report**

This report provides the required Coverdell Performance Measures and any additional measures required by OCJP on the subrecipient's specific project. It is due, by email submission, to the OCJP Program Manager **within 15 calendar** days of the close of the **reporting period**. See [Coverdell Appendix A](#) for a list of required performance measures.

3. **F & A Invoice For Reimbursement (PLEASE CONTACT YOUR OCJP PROGRAM MANAGER FOR THE PROPER INVOICE FOR REIMBURSEMENT FORM.)**

Invoice forms must be submitted, at a minimum, on a quarterly basis and should reflect actual expenditures for the period.

E-MAIL invoice to the Office of Business and Finance:

Maher.M.Wasef@tn.gov

NOTE: This is an embedded email. Once clicked a window may open giving you a ready email for which to attach your invoice. If not, copy and paste to your email.

4. **Program Income Report**

This report form is completed by the subrecipient, and it is due, by email submission, to the OCJP Program Manager **within 15 calendar days** of the close of the **grant period** (usually October 15th). This report is program and subrecipient specific, and it will be provided to the subrecipient(s) by OCJP.

5. **Project Equipment Summary Report**

This report form is completed by the subrecipient, and it is due, by email submission, to the OCJP Program Manager **within 15 calendar days** of the close of the **grant period** (usually October 15th). This report is program and subrecipient specific, and it will be provided to the subrecipient(s) by OCJP.

6. **Allegations of Serious Negligence or Serious Misconduct:**

If no allegations were received by the subrecipient during the Federal Fiscal Year,

then a statement is included in the final semi-annual progress report stating such. However, if allegations of serious neglect and/or misconduct were received by the subrecipient, the subrecipient must document and report the allegation(s) in accordance with OCJP guidelines and its own policies and procedures regarding this matter in a timely manner. See [Coverdell Appendix E](#).

These reports are used to monitor projects, fulfill federal grant reporting requirements, provide information for state strategies and implementation plans, and to assist OCJP in determining project success and funding allocations. Examples of forms are provided via the referenced links above, or via the links in the [Coverdell Appendix B- Reporting Timelines](#), of this manual.

Forms may be reproduced locally, but must maintain the original format and content and must be submitted electronically. The Project Director is responsible for timely submission of completed reports.

REQUIREMENT: A copy of each report submitted must be saved in the corresponding grant file.

CHAPTER VI COVERDELL PUBLICATIONS REQUIREMENTS

PUBLICATION OF DOCUMENTS

Project directors are encouraged to make the results and accomplishments of their activities available to the public. To assist in information sharing, the award recipient shall provide the NIJ program manager with a copy of all interim and final reports and proposed publications (including those prepared for conferences and other presentations) resulting from this award. Submission of such materials, prior to or simultaneous with their public release, aids NIJ in responding to any inquiries that may arise.

A subrecipient who publicizes project activities and results shall adhere to the following:

1. Responsibility for the direction of the project should not be ascribed to the Department of Justice or the Tennessee Office of Criminal Justice Programs.
2. All reports, studies, notices, informational pamphlets, press releases, signs, and similar public notices (written, visual or sound) prepared and released by the Grantee (whether published at the recipient's or government's expense) shall include the following statement:

“This project is funded under an agreement with the State of Tennessee, Department of Finance and Administration, Office of Criminal Justice Programs and is supported by Award No. _____, awarded by the National Institute of Justice, Office of Justice Programs, US Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect those of the Department of Justice”

The NIJ defines publications as any planned, written, visual, or sound materials substantively based on the project, formally prepared by the award recipient for dissemination to the public.

The Award Number may be obtained from your OCJP Grant Manager.

CHAPTER VII IMPORTANT RESTRICTIONS ON THE USE OF COVERDELL FUNDS

Food & Beverages:

Coverdell subrecipients may not use grant funds to purchase food, snacks, and/or beverages.

Consulting Fees

Individual consultant fees are limited to **\$650** per day or **\$81.25** per hour; this includes legal, medical, psychological, training, and accounting consultants. Consulting fees must be pre-approved by OCJP.

TABLE OF CONTENTS

[ICAC Introduction](#)

CHAPTERS

- A. [ICAC Eligible Subrecipients, Expected Project Outcomes and Grant Period](#)
- B. [Reporting Requirements](#)

APPENDICES

- A. [Reporting Timelines](#)

ICAC INTRODUCTION

This document is provided for use by all subrecipient staff receiving state Internet Crimes Against Children (ICAC) grant funds from the State of Tennessee administered by the Tennessee Department of Finance and Administration, Office of Criminal Justice Programs (OCJP). This Guide is to serve as reference for the financial and programmatic requirements/responsibilities of projects funded through the ICAC Program.

This guide is not intended to replace more detailed technical assistance available from the OCJP Program Manager assigned to your project. Subrecipient staff are encouraged to address questions or concerns regarding the subject matter in this guide or other issues to your OCJP Program Manager.

Internet Crimes Against Children Program (ICAC): The State of Tennessee Internet Crimes Against Children program awards grants to three Metropolitan Police Departments to establish, implement, and operate a statewide network of regional Internet Crimes Against Children (ICAC) task forces.

This state funding program is intended to support the national mission of the Department of Justice to help state and local law enforcement agencies develop an effective response to cyber enticement and child pornography cases. This assistance encompasses forensic and investigative components, training and technical assistance, victim services, and community education.

The Federal ICAC Task Force program was developed in response to the increasing number of children and teenagers using the Internet, the proliferation of child pornography, and heightened online activity by predators seeking unsupervised contact with potential underage victims. The FY 1998 Justice Appropriations Act (Pub. L. No. 105–119) directed OJJDP to create a national network of state and local law enforcement cyber units to investigate cases of child sexual exploitation. The Providing Resources, Officers, and Technology to Eradicate Cyber Threats to Our Children Act ("the PROTECT Act") of 2008, (P.L. 110-401, codified at 42 USC 17601, et seq.), authorized the ICAC program through FY 2013.

The Federal ICAC program is a national network of 61 coordinated task forces representing over 2,000 federal, state, and local law enforcement and prosecutorial agencies. These agencies are engaged in proactive investigations, forensic investigations, and criminal prosecutions. By helping state and local agencies to develop effective, sustainable responses to online child victimization and child pornography, OJJDP has increased their capacity to address Internet crimes against children.

- Since the ICAC program's inception in 1998, more than 338,000 law enforcement officers, prosecutors, and other professionals have been trained in the United

States and in 17 countries on techniques to investigate and prosecute ICAC related cases.

- Since 1998, ICAC Task Forces have reviewed more than 280,000 complaints of alleged child sexual victimization resulting in the arrest of more than 30,000 individuals.
- In fiscal year (FY) 2011, the ICAC program trained over 31,000 law enforcement personnel, over 2,800 prosecutors, and more than 11,000 other professional working in the ICAC field.
- In FY 2011, ICAC investigations led to more than 5,700 arrests and over 45,000 forensic examinations.
- In FY 2011 ICAC investigations contributed to the arrests of nearly 5,700 individuals, with nearly 40 percent of those arrests (2,248) resulting in the acceptance of a plea agreement by the defendant in lieu of trial.

CHAPTER I

ICAC ELIGIBLE SUBRECIPIENTS, EXPECTED PROJECT OUTCOMES, AND GRANT PERIOD

A. ELIGIBLE SUBRECIPIENTS:

Eligibility for State of Tennessee ICAC funding is limited to those Metropolitan Police Departments identified in State of Tennessee Public Acts 2007, Public Chapter No.603. This Act designated the State of Tennessee Department of Finance and Administration, Office of Criminal Justice Programs as the administrator of State allocated funds to each of the following Police Departments: (a) Knoxville Police Department; (b) Memphis Police Department; and (c) Metropolitan Nashville and Davidson County Police Department.

Each of the three Police Departments is expected to establish and operate an ICAC task force in a manner consistent with the established guidelines under [Federal ICAC task force criteria and guidelines](#) from the United States Department of Justice, Office of Juvenile Justice and Delinquency Programs. Funds received pursuant to this item shall be used exclusively by the regional ICAC task forces to:

1. Conduct law enforcement investigations into child pornography and online enticement of children.
2. Recruit, train, coordinate and support a network of cooperating law enforcement agencies within their region, with an emphasis on assisting them with training, forensic computer analysis and ensuring established national protocols are followed; and
3. Serve as a law enforcement liaison bringing together local, state, national and international police agencies and prosecutors.

It is the intent of the Tennessee General Assembly that the ICAC task force currently operated by the Knoxville Police Department be the coordinating agency for the statewide ICAC network and that such department annually report to the General Assembly as to the statewide networks activities.

B. EXPECTED RESULTS AND OUTCOMES

The result of ICAC grants to applicant agencies should be a continued operation and expansion of ICAC regional task force operations as demonstrated both through quarterly program progress reports due to the Office of Criminal Justice Programs, and through annual reporting by the Knoxville Police Department on behalf of other task forces in the state to the Tennessee General Assembly.

C. GRANT PERIOD

ICAC grants are limited to a 12-month period. Applicants are asked to establish a project

period of July 1st through June 30th for each fiscal year in which the program is operational.

CHAPTER II

ICAC REPORTING REQUIREMENTS

ICAC REPORTING REQUIREMENTS

All subrecipients are responsible for periodic reporting on their projects to OCJP. Reporting requirements include:

1. **Quarterly Regional Progress Report**

This report form is completed by the subrecipient, and it is due, by email submission, to the OCJP Program Manager **within 30 calendar** days of the close of the **reporting period**. This report provides a narrative description of the project progress for the reporting period and is program and subrecipient specific. The Quarterly Report includes annual reporting section to be completed in the 4th quarter of the fiscal year (April – June reporting period). The annual report section requires a description of the following:

- Describe how equipment purchased with State ICAC funds for your agency or for your sub-contract ICAC agencies has impacted cases.
- Summarize project goals identified in the “Project Goals” section of your grant application narrative and briefly state, as of the date of this report, your progress in meeting each goal.

2. **F & A Invoice For Reimbursement (PLEASE CONTACT YOUR OCJP PROGRAM MANAGER FOR THE PROPER INVOICE FOR REIMBURSEMENT FORM.)**

Invoice forms must be submitted, at a minimum, on a quarterly basis and should reflect actual expenditures for the period.

E-MAIL invoice to the Office of Business and Finance: Maher.M.Wasef@tn.gov

3. **Program Income Report**

This report form is completed by the subrecipient, and it is due, by email submission, to the OCJP Program Manager **within 15 calendar** days of the close of the **grant period** (usually October 15th). This report is program and subrecipient specific, and it will be provided to the subrecipient(s) by OCJP.

4. **Project Equipment Summary Report**

This report form is completed by the subrecipient, and it is due, by email submission, to the OCJP Program Manager **within 15 calendar** days of the close

of the **grant period** (usually October 15th). This report is program and subrecipient specific, and it will be provided to the subrecipient(s) by OCJP.

These reports are used to monitor projects, provide information for state strategies and implementation plans, and to assist OCJP in determining project success and funding allocations. Examples of forms are provided via the referenced links above, or via the links in the [ICAC Appendix A- Reporting Timelines](#), of this manual.

Forms may be reproduced locally, but must maintain the original format and content and must be submitted electronically. The Project Director is responsible for timely submission of completed reports.

REQUIREMENT: A copy of each report submitted must be saved in the corresponding grant file.

TABLE OF CONTENTS

[NCHIP Introduction](#)

CHAPTERS

- I. [Eligible Subrecipients](#)
- II. [Program Purpose/Requirements](#)
- III. [Reporting Requirements](#)
- IV. [Important Restrictions](#)

APPENDICES

- A. [Reporting Timelines](#)
- B. [Federal Legislative Authority](#)

INTRODUCTION

This document is provided for use by all subrecipient staff receiving federal grant funds from the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Statistics (BJS), National Criminal History Improvement Program (NCHIP) administered by the Tennessee Office of Criminal Justice Programs (OCJP). This Guide is to serve as reference for the financial and programmatic requirements/responsibilities of projects funded through the NCHIP Program.

This guide is not intended to replace more detailed technical assistance available from the OCJP Program Manager assigned to your project. Subrecipient staff are encouraged to address questions or concerns regarding the subject matter in this guide or other issues to your OCJP Program Manager.

National Criminal History Improvement Program (CFDA # 16.554): The National Criminal History Improvement Program (NCHIP) awards grants to States to help improve the Nation's safety and security by enhancing the quality, completeness, and accessibility of criminal history record information and by insuring the nationwide implementation of criminal justice and noncriminal justice background check systems.

This program furthers the mission of the Department of Justice to enhance the crime fighting and criminal justice capabilities of state governments by improving the accuracy, utility, and interstate accessibility of criminal history records and enhancing records of protective orders involving domestic violence and stalking, sex offender records, automated identification systems and other state systems supporting national records systems and their use for criminal history background checks.

The NCHIP program was initiated in 1995 and has encompassed evolving efforts to support state activities for the establishment of records systems and the collection and use of criminal history and related records. Since 1995 direct awards under the basic NCHIP (including awards to "priority" states and awards under the Advanced State Award Program (ASAP) have totaled over \$533 million. In addition, \$6 million was transferred to the FBI for implementation of the National Instant Criminal Background Check System (NICS) and over \$19 million was awarded to provide direct technical assistance to states, to evaluate the program, and to collect statistics and research data on presale firearm checks.

The National Sex Offender Registry Assistance Program (NSOR-AP) was added to NCHIP in FY 1998, with a \$25 million appropriation having the goal of assisting states in upgrading sex offender registries consistent with federal and state standards and providing data to the FBI's National Sex Offender Registry. Starting in FY 1999, funding for state sex offender registries has been covered under the general NCHIP.

As part of the Violent Crime Control Act, the Violence Against Women Act of 1994 authorized a total of \$6 million for fiscal years 1996 through 1998 to improve processes

for entering data on stalking and domestic violence into local, state, and national databases. The funds were incorporated into and awarded under the NCHIP program during those years. This program was re-authorized by the Violence Against Women Act of 2000 (Pub. L. No. 106-386, Section 8) at \$3 million per year for fiscal years 2001 through 2006, and funding was re-instituted in FY 2002. The Violence Against Women and Department of Justice Reauthorization Act of 2005 (Pub. L. No. 109-162, Section 109) authorizes appropriations for the program at \$3 million for each of fiscal years 2007 through 2011.

To date, all states, the District of Columbia, and five U.S. territories have received funds under NCHIP. Detailed information about the history of the NCHIP program and its accomplishments are available at <http://bjs.ojp.usdoj.gov/index.cfm?ty=tp&tid=47>. NCHIP has provided support to states in the following areas:

- Record improvement and support for courts
- Participation in the Interstate Identification Index (III)
- Automation of records and fingerprint data
- National Instant Criminal Background Check System
- Sex offender registries
- Domestic violence records/protection orders.

CHAPTER I

NCHIP ELIGIBLE SUBRECIPIENTS

ELIGIBLE SUBRECIPIENTS:

The goal of the National Criminal History Improvement Program (NCHIP) is to improve the Nation's safety and security by enhancing the quality, completeness, and accessibility of criminal history record information and by insuring the nationwide implementation of criminal justice and noncriminal justice background check. The NCHIP application must be submitted by the agency designated by the Governor to administer the NCHIP program.

Also, as required by Crime Identification Technology Act of 1998 (CITA) under 42 USC 14601(c), to be eligible to receive a NCHIP grant, the application must specifically assure that the state or territory:

1. Has the capability to contribute pertinent information to the National Instant Criminal Background Check System (NICS) established under section 103(b) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note).
2. Is or will be following a comprehensive strategy for information sharing systems to improve the functioning of the criminal justice system with an emphasis on integration of all criminal justice components, law enforcement, courts, prosecution, corrections, and probation and parole. Further, the strategy must be developed in consultation with state and local officials with emphasis on the recommendation of officials whose duty it is to oversee, plan, and implement integrated information technology systems, and contain:
 - a. A definition and analysis of "integration" in the state and localities developing integrated information sharing systems;
 - b. An assessment of the criminal justice resources being devoted to information technology;
 - c. State and local resource needs;
 - d. Federal, state, regional, and local information technology coordination requirements; and
 - e. Statewide priorities for planning and implementation of information technology systems.
3. Coordinates the programs funded by NCHIP with other federally funded information technology programs, including directly funded local programs; and,
4. Assures that the individuals who developed the grant application took into consideration the needs of all branches of the state government and specifically sought the advice of the chief of the highest court of the state with respect to the application.

CHAPTER II

NCHIP PROGRAM PURPOSE AND REQUIREMENTS

A. PROGRAM PURPOSE

The National Criminal History Improvement Program (NCHIP) awards grants to States to help improve the Nation's safety and security by enhancing the quality, completeness, and accessibility of criminal history record information and by insuring the nationwide implementation of criminal justice and noncriminal justice background check systems.

The National Criminal History Improvement Program is administered by the Bureau of Justice Statistics (BJS) in the Office of Justice Programs (OJP), U.S. Department of Justice (DOJ).

B. PROGRAM GOALS

The NCHIP program serves as an umbrella for various record improvement activities and funding streams, each of which has unique goals and objectives. The goal of the National Criminal History Improvement Program (NCHIP) is to improve the Nation's safety and security by enhancing the quality, completeness, and accessibility of criminal history record information and by insuring the nationwide implementation of criminal justice and noncriminal justice background check. Achieving this goal is contingent upon accomplishing four objectives:

1. Providing direct financial and technical assistance to states to improve their criminal records systems and other related systems in an effort to support background checks;
2. Ensuring the infrastructure is developed to connect each state's records systems to Federal Bureau of Investigation (FBI) records systems and, in turn, to connect each state's background check databases to one another;
3. Providing the training and technical assistance needed to insure that records systems are developed and managed to conform to FBI standards, as well as the most appropriate technologies and that states adhere to the highest standards of practice with respect to privacy and confidentiality; and
4. Assessing and measuring through systematic evaluation and standardized performance measurement and statistics, progress made implementing improvements in state and national records holdings and background check systems.

In the past, appropriations for the NCHIP program have been made pursuant to the Crime Identification Technology Act of 1998, and the procedures for applying for NCHIP grants generally reflect the provisions of that Act. The NCHIP program implements the grant provisions of:

1. The Crime Identification Technology Act of 1998 (CITA), Pub. L. No. 105-251, 112 Stat.1871 (1998), codified at 42 USC Section 14601 et seq.;

1. The Brady Handgun Violence Prevention Act (Brady Act), Pub. L. No. 103-159, 107 Stat.1536 (1993), codified as amended at 18 U.S.C. Section 921 et seq.;
3. The National Child Protection Act of 1993 (NCPA), Pub. L. No. 103-209, 107 Stat. 2490 (1993), codified as amended at 42 U.S.C. Sections 3759, 5101 note, 5119, 5119a, 5119b, 5119c;
4. Those provisions of the Omnibus Crime Control and Safe Streets Act of 1968 (Omnibus Act), Pub. L. No. 90 351, 82 Stat. 197 (1968), codified as amended at 42 U.S.C. Section 3711 et seq., as amended; and the Violent Crime Control and Law Enforcement Act of 1994 (Violent Crime Control Act), Pub. L. No.103 322, 108 Stat. 1796 (1994), codified as amended at 42 U.S.C. Section 13701 et seq., which pertain to the establishment, maintenance, analysis, or use of criminal history records and criminal record systems;
5. Relevant requirements of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, Pub. L. No. 103-322, 108 Stat. 2038, Megan's Law, Pub.L. No. 104-145, 110 Stat. 1345, and the Pam Lychner Sexual Offender Tracking and Identification Act of 1996, Pub. L. No. 104-236, 110 Stat. 3093; and Title 1 of the Adam Walsh Child Protection and Safety Act of 2006, Pub L. 109-248;
6. The Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464 (2000) and related laws pertaining to the identification, collection, analysis and interstate exchange of records relating to domestic violence and stalking (including protection orders);
7. The Violence Against Women Act of 1994, codified as amended at 42 U.S.C. Section 14031 et seq; and
8. The Violence Against Women and Department of Justice Reauthorization Act of 2005, Pub. L. No. 109-162, 119 Stat 2960 (2006).

C. EXPECTED RESULTS AND OUTCOMES

The result of NCHIP grants to applicant States should be a demonstrated improvement over current operations in the quality and/or timeliness of state criminal history record systems and in the infrastructure developed to connect the States records systems to national records, and in turn, to connect each state's background check databases to each other.

D. GRANT PERIOD

NCHIP grants generally are limited to a 12-month period. Applicants are asked to establish a project period of October 1st through September 30th.

CHAPTER III

NCHIP REPORTING REQUIREMENTS

NCHIP REPORTING REQUIREMENTS

All subrecipients are responsible for periodic reporting on their projects to OCJP. Reporting requirements include:

1. **Semi-Annual Progress Report**

This report form is completed by the subrecipient, and it is due, by email submission, to the OCJP Program Manager **within 15 calendar** days of the close of the **reporting period**. This report provides a narrative description of the project progress for the reporting period and is program and subrecipient specific.

2. **F & A Invoice For Reimbursement (PLEASE CONTACT YOUR OCJP PROGRAM MANAGER FOR THE PROPER INVOICE FOR REIMBURSEMENT FORM.)**

Invoice forms must be submitted, at a minimum, on a quarterly basis and should reflect actual expenditures for the period.

E-MAIL invoice to the Office of Business and Finance: Maher.M.Wasef@tn.gov

NOTE: This is an embedded email. Once clicked a window opens giving you a ready email for which to attach your invoice.

3. **Program Income Report**

This report form is completed by the subrecipient, and it is due, by email submission, to the OCJP Program Manager **within 15 calendar** days of the close of the **grant period** (usually October 15th). This report is program and subrecipient specific, and it will be provided to the subrecipient(s) by OCJP.

4. **Project Equipment Summary Report**

This report form is completed by the subrecipient, and it is due, by email submission, to the OCJP Program Manager **within 15 calendar** days of the close of the **grant period** (usually October 15th). This report is program and subrecipient specific, and it will be provided to the subrecipient(s) by OCJP.

These reports are used to monitor projects, fulfill federal grant reporting requirements, provide information for state strategies and implementation plans, and to assist OCJP in determining project success and funding allocations. Examples of forms are provided via the referenced links above, or via the links in the [NCHIP Appendix A- Reporting Timelines](#), of this manual.

Forms may be reproduced locally, but must maintain the original format and content and must be submitted electronically. The Project Director is responsible for timely submission of completed reports.

REQUIREMENT: A copy of each report submitted must be saved in the corresponding grant file.

CHAPTER IV IMPORTANT RESTRICTIONS ON THE USE OF NCHIP FUNDS

Food and Beverages:

NCHIP subrecipients may not use grant funds to purchase food, snacks, and/or beverages.

Consulting Fees

Individual consultant fees are limited to \$650 per day or \$81.25 per hour; this includes legal, medical, psychological, training, and accounting consultants.

Consulting fees must be pre-approved by OCJP.

RESIDENTIAL SERVICES ABUSE TREATMENT GRANT TABLE OF CONTENTS

[RSAT Introduction](#)

CHAPTERS

- I. [Eligible Subrecipients](#)
- II. [Program Purpose/Requirements](#)
- III. [Allowable and Unallowable Costs](#)
- IV. [Publication Requirements](#)
- V. [Reporting Requirements](#)
- VI. [Direct Service Personnel Requirement](#)
- VII. [Important Restrictions](#)

APPENDICES

- A. [Federal Legislative Authority](#)
- B. [Report Forms and Instructions](#)
- C. [Report Timetable](#)
- D. [Title VI Report](#)
- E. [Annual RSAT Recidivism Data Report](#)

RSAT INTRODUCTION

This document is provided for use by all subrecipient staff receiving federal grant funds from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Residential Substance Abuse Treatment Program for State Prisoners (RSAT) administered by the Tennessee Office of Criminal Justice Programs (OCJP). This Guide is to serve as reference for the financial and programmatic requirements/responsibilities of projects funded through the RSAT Program.

This guide is not intended to replace more detailed technical assistance available from the OCJP Program Manager assigned to your project. Subrecipient staff are encouraged to address questions or concerns regarding the subject matter in this guide or other issues to your OCJP Program Manager.

Residential Substance Abuse Treatment for State Offenders Grants (CFDA # 16.593): The Violent Crime Control and Law Enforcement Act of 1994 establishes a program of federal grants administered by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. This program, known as Residential Substance Abuse Treatment for State Prisoners (RSAT), assists states and units of local government in developing and implementing residential substance abuse treatment programs within State and local correctional and detention facilities.

The RSAT Program assists states and local governments in developing and implementing substance abuse treatment programs in state and local correctional and detention facilities. The RSAT Program also assists states and local governments in creating and maintaining community-based aftercare services for offenders. The goal of the RSAT Program is to break the cycle of drugs and violence by reducing the demand for, use, and trafficking of illegal drugs.

The objectives of the RSAT Program are to:

- Enhance the capability of states and units of local government to provide residential substance abuse treatment for incarcerated inmates.
- Prepare offenders for their reintegration into the communities from which they came by incorporating reentry planning activities into treatment programs.
- Assist both the offenders and their communities through the reentry process through the delivery of both community-based treatment and other broad-based aftercare services.

CHAPTER I

RSAT ELIGIBLE SUBRECIPIENTS

ELIGIBLE SUBRECIPIENTS:

The intent of the Residential Substance Abuse Treatment Formula Grant Program is to assist units of State and local government in carrying out specific programs that offer treatment programs in correctional settings that offer a high probability of offenders not returning to the criminal justice system. Special emphasis is placed on programs that implement an aftercare component once the offender has successfully completed treatment. In accordance with Section 507 of the Act, the State may award RSAT Formula Grant Program funds to State agencies and units of local government for the following purposes:

1. Developing and implementing residential substance abuse treatment programs within state and local correctional and detention facilities in which prisoners are incarcerated for a period of time sufficient to permit substance abuse treatment.
2. Emphasizing treatment for underserved populations (i.e. women).
3. Improving the coordination between state and local correctional representatives and alcohol and drug abuse agencies at the state and local levels.

CHAPTER II

RSAT PROGRAM PURPOSE/REQUIREMENTS

A. PROGRAM PURPOSE:

The Residential Substance Abuse Treatment Formula Grant Program assists states and units of local government in developing and implementing residential substance abuse treatment programs within state and local correctional and detention facilities in which prisoners are incarcerated for a period of time sufficient to permit substance abuse treatment.

The goal of this program is to provide for a provision in the statewide strategy to address the need to develop or enhance substance abuse treatment programs for offenders. In implementing the programs, the grantees are encouraged to adopt comprehensive approaches to substance abuse testing and treatment for offenders, including relapse prevention and aftercare services.

The Residential Substance Abuse Treatment Program is administered by the Bureau of Justice Assistance (BJA) in the Office of Justice Programs (OJP), U.S. Department of Justice (DOJ).

B. PROGRAM REQUIREMENTS:

The Residential Substance Abuse Treatment Formula Grant funds may be used to implement residential substance abuse programs that provide individual and group treatment programs for offenders in residential facilities operated by state and local correctional agencies. These programs must:

1. Last between 6 and 12 months. Each offender must participate in the program for not less than 6 or more than 12 months, unless he or she drops out or is terminated.
2. Be provided in residential treatment facilities set apart from the general correctional population. Set apart means a totally separate facility or a dedicated housing unit within a facility exclusively for use by program participants.
3. Focus on the substance abuse problems of the inmate.
4. Develop the inmate's cognitive, behavioral, social, vocational, and other skills to solve the substance abuse and related problems.
5. Implement or continue to require urinalysis and/or other proven reliable forms of drug and alcohol testing.
6. Provide an operational aftercare plan for each participant upon termination or successful completion of the RSAT program. The plans should be provided in writing to the participant and a copy of the plan must be placed in the participant's record. The plan must be individualized and identify the ongoing needs for the specific participant and the community based resources (names, location and contact information) which address those needs. The Aftercare plan

must be specific to the community to which the participant intends to return.

7. Program design should be based on effective, scientific practices. Programs are strongly encouraged to implement evidenced based programs and techniques.

Preferably, participation in the residential program should be limited to inmates who have 6 to 12 months left in their term of confinement so that they can be released from prison after completing the treatment program, rather than being returned to the general prison population.

The federal share of a grant funded project may not exceed 75 percent of the total cost of the project. The 25 percent matching funds must be in the form of a cash match. These “match” funds must be paid with nonfederal funds. These funds must also be in addition to funds that would otherwise be made available by the subrecipient for treatment.

C. DRUG TESTING:

Applicant must agree to implement or continue to require urinalysis and/or other proven reliable forms of drug and alcohol testing of individuals assigned to residential substance abuse treatment programs in correctional facilities. Such testing must include individuals released from residential substance abuse treatment programs who remain in the custody of the state. Applicants are also encouraged to implement drug testing and treatment programs for offenders throughout their criminal justice systems. As part of its application for funds, the applicant must describe its current drug testing programs, the number of offenders tested, and plans to expand or continue these programs. Grant funds may be used to pay the cost of testing offenders while in a grant-supported program.

D. AFTERCARE:

The State is required to give preference to subgrant applicants who will provide aftercare services to program participants. Aftercare services should involve coordination between the correctional treatment program and other human service and rehabilitation programs, such as education and job training, parole supervision, halfway houses, and self-help and peer group programs that may aid in rehabilitation. Currently, under the governing statute, 10% of grant funds may be used for non-residential treatment provided during the aftercare component of the program.

The Office of Criminal Justice Programs requires that each funded RSAT Program in Tennessee have in place an operational aftercare plan for each participant upon termination or successful completion of the RSAT program. Research has demonstrated the effectiveness of thoughtful re-entry and aftercare planning for offenders when they are leaving incarceration. The plans must be provided in writing to the participant and a copy of the plan must be placed in the participant’s record. The plan must be individualized and identify the ongoing needs for the specific participant and the community based resources (names, location and contact information) which address those needs. The Aftercare plan must be specific to the community to which the participant intends to return. Furthermore, researcher indicates that when initial contact with community based aftercare resources occurs within the jail/prison based institution, there is greater propensity to follow thru with referrals and better outcomes are achieved

for the offenders. Whenever possible, the RSAT program should provide their offenders with this opportunity.

E. COORDINATION:

Corrections treatment programs and state and/or local substance abuse treatment programs are required to work together to place program participants in appropriate community substance abuse treatment when these individuals leave the correctional facility at the end of their sentence or time on parole. Both agencies should work together in developing an individualized plan for community substance abuse treatment for each offender. This plan should begin when an offender enters the residential treatment program. Applicants are encouraged to develop written agreements and procedures to facilitate this cooperation.

In designing and implementing the Residential Substance Abuse Treatment Formula Grant Program, states are required to ensure coordination between correctional representatives and alcohol and drug abuse agencies at the state and if appropriate, local levels. This should include coordination under the Residential Substance Abuse Treatment Program and the Substance Abuse Prevention and Treatment Block Grant Program administered by the Department of Health and Human Services' Substance Abuse and Mental Health Services Administration.

CHAPTER III ALLOWABLE AND UNALLOWABLE COSTS

See OCJP Administrative Manual, [Chapter XIV-Allowable Costs](#)

See OCJP Administrative Manual, [Chapter XV-Unallowable Costs](#)

CHAPTER IV RSAT PUBLICATION REQUIREMENTS

A. DEFINITION

Publication shall be construed as the initiation of the procurement of writing, editing, preparation of related illustration material, including videos from subrecipients, or the internal printing requirements of the subrecipient necessary for compliance with the terms of the project. However, individuals are authorized to make or have made by any means available to them, without regard to the copyright of the journal, and without royalty a single copy of any such article for their own use.

B. PUBLICATION OF DOCUMENTS

Project directors are encouraged to make the results and accomplishments of their activities available to the public. A subrecipient who publicizes project activities and results shall adhere to the following:

1. Responsibility for the direction of the project should not be ascribed to the Department of Justice, Bureau of Justice Assistance, or the Tennessee Office of Criminal Justice Programs.
2. All reports, studies, notices, informational pamphlets, press releases, signs, and similar public notices (written, visual or sound) prepared and released by the Grantee shall include the statement:

“This project is funded under an agreement with the State of Tennessee, Department of Finance and Administration, Office of Criminal Justice Programs and is supported by Award # _____ awarded by the Bureau of Justice Assistance, Office of Justice Programs, USDOJ.”

The Award # may be obtained from your OCJP Grant Manager.

Additionally, studies and research/report type publications expressing the direction of project activity must also contain the following federal funding statement:

“The opinions, findings, conclusions or recommendations contained within this document are those of the author and do not necessarily reflect the views of the Department of Justice”.

3. A recipient/subrecipient is expected to publish or otherwise make widely available to the public, as requested by OCJP, the results of work conducted or produced under an award

4. The subrecipient also agrees that one copy of any such publication will be submitted to the Office of Criminal Justice Programs of the Department of Finance and Administration to be placed on file and distributed as appropriate to other potential subrecipients or interested parties.
5. All publication and distribution agreements with a publisher will include provisions giving the Federal government a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use and to authorize others to use for Federal government purposes. (Refer to [Section III, Chapter 3.9 Allowable Costs- Publications; of the U.S. Department of Justice, Office of Justice Programs, 2014 Federal Financial Guide.](#))
6. Unless otherwise specified in the award, the subrecipient may copyright any books, publications, films, or other copyrightable material developed or purchased as a result of award activities. Copyrighted material shall be subject to the same provisions of the Federal government.
7. The subrecipient shall submit a publication and distribution plan to the OCJP before materials developed under an award are commercially published or distributed. The plan shall include a description of the materials, the rationale for commercial publication and distribution, the criteria to be used in the selection of a publisher, and, to assure reasonable competition, the identification of firms that will be approached. Prior OCJP approval of this plan is required for publishing project activities and results when Federal funds are used to pay for the publication.

CHAPTER V

RSAT REPORTING REQUIREMENTS

All subrecipients are responsible for periodic reporting on their projects to the OCJP. Reporting requirements include:

- **Quarterly RSAT Data Report** (See [RSAT Appendix B](#))
- **Semi-Annual RSAT Narrative Report** (See [RSAT Appendix B](#))
- **Title VI Annual Report** (See [RSAT Appendix D](#))
- **Annual RSAT Recidivism Data Report** (See [RSAT Appendix E](#))
- **F & A Invoice For Reimbursement** (PLEASE CONTACT YOUR OCJP PROGRAM MANAGER FOR THE PROPER INVOICE FOR REIMBURSEMENT FORM.)
- **OCJP Quarterly Program Income Report** (See [OCJP Appendix L](#))
- **OCJP Project Equipment Summary Report** (See [OCJP Appendix K](#))

These reports are used to monitor projects, fulfill federal grant reporting requirements, provide information for state strategies and implementation plans, and to assist OCJP in determining project success and funding allocations. Examples of each form are provided via the referenced links above, or via the links in the [RSAT Appendix C - Required Report Timelines](#), of this manual.

Forms may be reproduced locally, but must maintain the original format and content and must be submitted electronically. The Project Director is responsible for timely submission of completed reports.

Note: Inability to submit required reports in a timely fashion is considered failure of a required contract obligation.

1. **Quarterly RSAT Data Report:**
This report form is completed on a quarterly basis. It is due to the OCJP **within 10 days of the close of the quarter**. This report provides a quantitative overview of the success of the program and is based on the federal reporting requirements for RSAT funds. Over time, these reports can provide valuable trend information when combined with other regional and statewide data.
2. **Semi-Annual RSAT Narrative Report:**
This report provides the Project Director an opportunity to describe in narrative fashion the success of the program. It is due to the OCJP **within 10 days of the close of the semi-annual quarter**.
3. **Title VI Annual Report:**
This report provides all necessary Title VI information about the RSAT program for

the fiscal year and must be submitted no later than July 31 following the end of the fiscal year.

If possible, all the aforementioned program reports should be emailed to the OCJP Program Manager. All program reports submitted via the U. S. Postal Service should be addressed to the following:

OCJP Program Manager
Office of Criminal Justice Programs
William R. Snodgrass Tennessee Tower
312 Rosa L. Parks Avenue, Suite 1800
Nashville, TN 37243-1102

4. Annual RSAT Recidivism Data Report :

This report provides annual recidivism data on RSAT program participants. This report must be submitted to OCJP within 10 days of the close of the fiscal year – June 30th.

5. Finance and Administration Invoice for Reimbursement:

Invoice forms must be sent, at a minimum, on a quarterly basis and should reflect actual expenditures for the period.

Invoices should be emailed to: Office of Business and Finance OCJP
maher.m.wasef@tn.gov

(NOTE: This is an embedded email. Once clicked a window may open giving you a ready email to attach your invoice to. If not, you may copy and paste to your email.)

REQUIREMENT: A copy of each report submitted must be saved in the corresponding grant file.

CHAPTER VI RSAT DIRECT SERVICE PERSONNEL REQUIREMENTS

LICENSURE:

Accurate documentation is required that all personnel providing individual and group counseling are licensed Alcohol and Drug Abuse (LADAC) Counselors by the State of Tennessee Department of Health. For further information please refer to the Rules Governing Licensure of Alcohol and Drug Abuse Counselors, Chapter 1200-30-1 on the State Department of Health website.

1. All non-licensed personnel must actively be working on their LADAC. Clear documentation that all requirements are being followed is required. Clinical supervision of these personnel must clearly be defined in your policies and procedures manual. Verification that the procedure is being followed must also be documented in the personnel file. Personnel who are not licensed alcohol and drug abuse counselors and actively working on licensure may only be utilized with prior approval from OCJP.
2. Other appropriate certification or licensure may be substituted upon prior written approval from the Office of Criminal Justice Programs.

RSAT REQUIRED REPORT TIMELINES

REQUIREMENT: A copy of each report submitted must be saved in the corresponding grant file.

REPORT	PERIOD COVERED	SUBMIT TO OCJP
F&A Invoice For Reimbursement (PLEASE CONTACT YOUR OCJP PROGRAM MANAGER FOR THE PROPER INVOICE FOR REIMBURSEMENT FORM.)	Monthly (minimum quarterly)	maher.m.wasef@tn.gov Office of Budget and Finance Monthly
Quarterly RSAT Data Report (RSAT Appendix B)	July – September October – December January – March April - June	Assigned OCJP Program Manager October 10th January 10th April 10th July 10th
Semi-Annual RSAT Narrative Report (RSAT Appendix B)	July - December January - June	Assigned OCJP Program Manager January 10 th July 10th
Annual RSAT Recidivism Data Report (RSAT Appendix E)	July – June	Assigned OCJP Program Manager July 10th
Quarterly Program Income Report* (See OCJP Appendix L)	July through September October through December January through March April through June	Submit report online: October 30 th January 30 th April 30 th July 15 th
Title VI Report (See RSAT Appendix D)	July 1 st through June 30 th	Assigned OCJP Program Manager July 31st
Equipment Summary (See OCJP Appendix K)	July 1 st through June 30 th	Assigned OCJP Program Manager July 31st

***NOTE: State and Local Government as well as Educational sub-recipients who do not generate program income may submit this report form annually 15 days after the end of the fiscal year or end of the grant period.**

CHAPTER VII IMPORTANT RESTRICTIONS ON THE USE OF RSAT FUNDS

Food and Beverages:

RSAT subrecipients cannot use grant funds or match to purchase food, snacks, and/or beverages.

Consulting Fees

Individual consultant fees are limited to **\$650** per day or **\$81.25** per hour; this includes legal, medical, psychological, training, and accounting consultants.

Consulting fees must be pre-approved by OCJP.

FAMILY VIOLENCE PREVENTION AND SERVICES ACT TABLE OF CONTENTS

[Introduction](#)

CHAPTERS

- I. [Eligibility Requirements](#)
- II. [Program Purpose & Requirements](#)
- III. [Reporting Requirements](#)
- IV. [Allowable Costs](#)
- V. [Unallowable Costs](#)
- VI. [Publications and Media](#)
- VII. [Performance Measurement and Decision Making](#)
- VIII. [Confidentiality Policy](#)

APPENDICES

- A. [Federal Legislative Authority and Reauthorizing Legislation, 2010](#)
- B. [FVPSA Annual Output Report](#)
- C. [Sample Outcome Surveys](#)
- D. [Family Violence Shelter Performance Standards](#)
- E. [Life Safety Codes, 2006 Edition](#)
- F. [Data Collection Guidelines](#)
- G. [Release of Information/Confidentiality Form](#)
- H. [FVPSA Annual Narrative Performance Report](#)
- I. [LGBTQ Accessibility Guides](#)

INTRODUCTION

The purpose of this guide is to give Family Violence Prevention and Services Act (FVPSA) subrecipients a brief outline of the program and financial requirements/responsibilities involved with receiving Federal Health and Human Services Grant funds and State Family Violence Shelter and Services allocations. This guide is not intended to replace more detailed technical assistance available from the OCJP Program Manager assigned to your project. Subrecipient staffs are encouraged to address questions or concerns regarding the subject matter in this guide or other issues to your OCJP Program Manager.

Authorized through Public Chapter 930, the Family Violence Shelter and Shelter Services Program became effective July 1, 1984. This law allowed the Tennessee Department of Human Services to establish a program providing shelter and shelter services to victims of family violence and their dependents. In 1986, the Tennessee Department of Human Services also received funds from the US Department of Health and Human Services, Family Violence Prevention and Services Act (FVPSA). Both funding sources were originally used to fund Family Violence Prevention Services Act Programs.

In July 1998 the Family Violence Shelter and Shelter Services Program was transferred to the Department of Finance and Administration, in the Office of Criminal Justice Programs, and was designated as the state agency responsible for administering this grant program. This consolidation was made to provide a more coordinated approach in planning and allocation of federal and state funds and to more efficiently manage services to victims in Tennessee.

In 2011, the Office of Criminal Justice Programs (OCJP) began referring to the Family Violence Shelter and Shelter Service Program as the Family Violence Prevention and Services Act (FVPSA) Programs. This change reflects the OCJP office-wide practice of referring to grant specific programs by the federal funds' title.

OCJP grants awarded under FVPSA are governed by the provisions of the Office of Management and Budget (OMB) circulars applicable to financial assistance.

[Circulars and Common Rules](#)

CHAPTER I

ELIGIBILITY REQUIREMENTS

Eligible subrecipients for federal and state FVPSA Programs include:

1. Local Public Agencies
2. Non-profit Organizations
3. Faith-based Organizations
4. Community Organizations
5. Tribal Organizations
6. Voluntary Associations
7. Partnership of two or more agencies or organizations that include one of the above listed types of organizations and an agency or organization that has a demonstrated history of serving populations in their communities, especially those providing culturally appropriate services.

Tennessee's Public Chapter 930 and the Family Violence Prevention and Services Act (Reauthorization 2010) require that all programs applying for funding meet the following criteria:

1. Agencies must provide documentation that they have provided shelter or **non-residential domestic violence services for at least six (6) months prior to application for funding, and that the** funds provided will enable them to establish or maintain a shelter (or other domestic violence program) exclusively for victims of family violence, domestic violence or dating violence and their dependents within a defined timetable.
2. Agencies must have established policies and procedures for maintaining the safety and confidentiality of the victims and their dependents that they are serving.
3. Programs must comply with Family Violence Shelter Performance Standards, FVPSA [Appendix D](#).
4. Programs must comply with all Civil Rights Laws and Regulations (see [Chapter XXII Civil Rights Compliance](#), OCPJ Administrative Manual) as well the non-discrimination policy referenced in the Family Violence Shelter Performance Standards, 0620-3-6-.07 Program Administration (1) "The Program must have a written non-discrimination policy with regard to sex, race, religion, sexual preference, national origin, disability, age or marital status in administering the program and in determining eligibility for the provision of service." The State Standards go beyond Federal Law in so far as sexual preference is an added category for non-discrimination. The sexual preference language of the Tennessee

State Standards is inclusive of the LGBT Community (Lesbian, Gay, Bi-sexual and Transgender Community)

5. Programs must comply with Chapters 32 and 33 of the Life Safety Code (NFPA Life Safety Code 2006 Editions) FVPSA [Appendix E](#) and with all other applicable health and safety codes. Visit the NFPA web site to setup an account and view the [NFPA Life Safety Codes](#) for the full listing of standards and guides.
6. Agencies must comply with Tennessee Code Annotated, Section 31-1-403 and 37-1-605 by reporting suspected cases of child abuse to the Department of Children's Services and with Tennessee Code Annotated 71-6-103 by reporting cases of adult abuse to the Department of Human Services as required by law.
7. **The Family Violence Prevention Fund (FVPSA) requires all funded programs to adhere to an LGBTQ Accessibility Policy.** The intent of this policy is to ensure that the needs of lesbian, gay, bisexual, transgender, and questioning shelter program participants are taken into consideration in the subrecipients' program design. Furthermore, the policy is intended to ensure that programs are safe, inclusive and non-stigmatizing by design and function for the LGBTQ Community. **During FY2015, all FVPSA funded programs must have or will put in place within 12 months of the award, the following four conditions of the LGBTQ Accessibility Policy.**
 - a. Have in place policies prohibiting harassment based on race, sexual orientation, gender, gender identity (or expression), religion and national origin
 - b. Will enforce these policies
 - c. Will ensure that all staff will be trained during the award period on how to prevent and respond to harassment or bullying in all forms
 - d. Have a plan in place to monitor claims, address them seriously and document their corrective action(s)

See [Appendix I: LGBTQ Accessibility Guides](#) for helpful resources for developing appropriate policies and procedures.

CHAPTER II

PROGRAM PURPOSE & REQUIREMENTS

A. PROGRAM PURPOSE

The purpose of FVPSA Programs is: (1) to assist nonprofit organizations, local public agencies, approved partnerships, and faith-based organizations in supporting the establishment, maintenance, and expansion of programs and projects to prevent incidents of family violence, domestic violence, and dating violence; (2) to provide immediate shelter, supportive services, and access to community-based programs for adult and youth victims of family violence, domestic violence, or dating violence, and their dependents; and (3) to provide specialized services for children exposed to family violence, domestic violence or dating violence, underserved populations, and victims who are members of racial and ethnic minority populations.

B. PROGRAM REQUIREMENTS

1. Shelter Programs receiving FVPSA funds must protect the confidentiality and privacy of persons receiving services to ensure their safety and their family's safety. FVPSA funded programs are prohibited from disclosing personally identifying information collected in connection with services requested, utilized, or denied through the grantee's program, to any third party or third party database without informed, written, reasonably time-limited, consent to the person, unless compelled by statutory or court mandate. Shelter Programs intending to share aggregate information with other organizations must ensure that such information does not identify specific individuals. (Please see Chapter VIII of the FVPSA Section of the Administrative Manual for more detail.)
2. The address or location of any shelter facility receiving FVPSA funds that otherwise maintains a confidential location shall not be made public, except with written authorization of the person or persons responsible for the operation of the shelter program. (FVPSA Reauthorizing Legislation, 2010, [Appendix A](#))
3. Client Record Documentation: Case records must reflect the range of services. The address or location of any shelter facility receiving FVPSA funds that otherwise maintains a confidential location shall not be made public, except with written authorization of the person or persons responsible for the operation of the shelter program. (FVPSA Reauthorizing Legislation, 2010, [Appendix A](#))
4. Client Record Documentation: Case records must reflect the range of services provided to the client including services provided to children, other dependents and the perpetrator. Client case record documentation is defined in the Family Violence Performance Standards. Performance Standards for Family Violence Prevention Services Act Programs are included in FVPSA [Appendix D](#).

5. Shelter Support Services must never be presented to residents as being mandatory nor should shelter residency be contingent upon residents and their dependents participating in shelter support services. This includes support group, court advocacy, counseling, case management or any other support service offered by the shelter. (FVPSA Reauthorizing Legislation, 2010, [Appendix A](#))
6. FVPSA funded shelter programs, in their effort to promote social and emotional well-being for victims and their dependents are strongly encouraged to address the impact of trauma on those they serve. The Department of Health and Human Services, Administration for Children, Youth, and Families, under which FVPSA functions, promotes a trauma-informed approach which “involves understanding and responding to the symptoms of chronic interpersonal trauma and traumatic stress...as well as the behavioral and mental health sequelae of trauma.” (Department of Health and Human Services, Administration for Children and Families, FY2014 RFP, HHS-2014-ACF-FVPSA-0564, page 5.) OCJP strongly encourages shelter programs to implement a Trauma Informed Care approach which is now widely recognized across the field as an established best practice for Domestic Violence residential and nonresidential programming.
7. Parents Medical Release Form for children is required when applicable. The signed medical release form must be kept in the parent or child’s case file.
8. Client Grievance Procedure is required for all clients receiving direct services. The grievance procedure must be explained to the client and the client must sign as an indication that it has been explained and they understand the process.
9. Documentation of victim eligibility must be maintained in each client file.
10. Agency Documentation: Performance Standards for FVPSA Programs (FVPSA [Appendix D](#)) requires agencies to provide twenty-four hour access to telephone crisis hotline and community education, as core components. Documentation for these services may be maintained in a central record following these guidelines.
 - a. Twenty-Four Hour Telephone Hotline: Agencies should have a written plan showing how hotlines will be covered, describe the period of coverage for each responsible person and provide for backup coverage in the case of an emergency. In addition to the plan for telephone coverage, the agency must keep statistical records on the number of calls received. For confidentiality purposes the names of victims calling the hotline must not be identifiable to non-staff who may come into the office. Agencies should establish their own system to be able to track how many times a victim contacts the hotline.
 - b. Community Education: The central record should include documentation that explains how the educational activities were delivered. Documentation must identify date(s) and person(s) conducting training activities, topics discussed, number of participants, and persons referred for direct services.

- c. Community Awareness Activities: Documentation must be maintained on the number of informational forums where domestic violence information is distributed or discussed (e.g. press conferences, public speaking events, health fairs, domestic violence awareness month activities, community events).
11. Record Keeping: See [FVPSA Chapter III, Reporting Requirements](#)
 12. Income Eligibility: No income eligibility standard may be imposed upon individuals with respect to eligibility for assistance or services supported with FVPSA Funding. No fees may be charged to clients for shelter or supportive services. (FVPSA Reauthorizing Legislation, 2010, [Appendix A](#))
 13. Accessibility: To be in compliance with the federal FVPSA Reauthorizing Legislation, 2010 (42 U.S.C. §10406), programs that receive FVPSA funding must be accessible. The coordination of accessible services will ensure that effective interventions are in place to build skills and capacities that contribute to the healthy, positive, and productive functioning of victims, children, youth, and families. This means services have to be delivered without discrimination on the basis of age, disability, gender, race, color, national origin, or religion. Barriers to accessing shelter, such as requiring participation in supportive services and rigid program rules, are not allowed. Accessibility is a broad requirement that warrants consideration in many situations, including, but not limited to, sheltering adolescents with their abused parent or guardian and offering all core services; offering shelter and all core services to victims irrespective of citizenship or limited English; accommodating victims with disabilities whether mental or physical, and creating a welcoming environment for LGBTQ victims. (42U.S.C. §10406) FVPSA Reauthorizing Legislation, 2010, [Appendix A](#))

C. PROGRAM PRIORITIES

FVPSA funded programs are to provide shelter, supportive services, and prevention services to adult and youth victims of family violence, domestic violence or dating violence and their dependents. Program service priorities include:

1. Operating and administering shelter facilities
2. Assistance in developing safety plans and supporting the efforts of victims to make decisions related to their ongoing safety and well-being
3. Offering individual and group counseling, peer support groups, and referral to community-based services to assist victims and their dependents in recovering from the effects of violence. (Referrals to entities using a Trauma Informed Care Model are preferred.)
4. Offering services, training, technical assistance and outreach to increase awareness of family violence, domestic violence and dating violence, and increasing the accessibility of these services

5. Offering culturally and linguistically appropriate services such as using interpreters, having documents translated into other languages used in the service area, etc.
6. Offering services for children exposed to family violence, domestic violence or dating violence, including age appropriate counseling, supportive services and services for the non-abusing parent. Additionally, services that include working with the non-abusing parent and the child together, **in a Trauma Informed Care venue, are highly recommended.**
7. Offering advocacy, case management services, and information and referral to victims, concerning issues related to family violence, domestic violence, or dating violence. **Offering these services in the context of Trauma Informed Care best practices is preferred.**
8. Assisting victims and their dependents in accessing related Federal and State financial assistance programs
9. Offering legal and medical advocacy, including referrals for health care services (mental health, substance abuse, etc.) which would not include reimbursement for any health care services
10. Assistance in locating and securing safe and affordable permanent housing and homelessness prevention services.
11. Offering transportation, child care, respite care, job training, and employment services, financial literacy services and education, financial planning and related economic empowerment services, and parenting or other educational services for victims and their dependents
12. Providing prevention services to underserved populations, including populations underserved because of geographic location (such as rural isolation), underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alien status, or age)

Note: Program Priorities are from the 2010 FVPSA Reauthorizing Legislation

CHAPTER III REPORTING REQUIREMENTS

Reporting requirements for FVPSA subrecipients include an Annual Progress Report for Outputs, Annual Outcome Reporting, Policy 03 Quarterly Expense and Revenue Report, Project Equipment Report (if equipment was purchased) and a monthly Invoice for Reimbursement form. These reports are used to monitor projects, fulfill federal Reporting requirements for FVPSA subrecipients include an Annual Progress Report for Outputs, Annual Outcome Reporting, Policy 03 Quarterly Expense and Revenue Report, Project Equipment Report (if equipment was purchased) and a monthly Invoice for Reimbursement form. These reports are used to monitor projects, fulfill federal grant reporting requirements, provide information for state strategies and implementation plans and assist OCJP in determining project success and funding allocations. Examples of each form are provided in the Appendices of this manual.

The Project Director is responsible for timely submission of completed program and fiscal reports. Inability to submit required reports in a timely fashion is considered a failure of required contract obligations. Unless otherwise stated, FVPSA subrecipients are expected to participate in all report training events.

NOTE: The subrecipient is required to gather and maintain statistical data relating to grant project activities as required by the Office of Criminal Justice Programs. The data collected should support the information submitted on the annual reports. OCJP may periodically request to see the back-up data that supports the information submitted on your annual output and outcome reports.

A. OCJP FVPSA Shelter Programs Annual Output Report:

The Client Output Report is due no later than July 31. This report is submitted online. The FVPSA Shelter Programs Annual reporting form will be available on OCJP's website at <http://www.tn.gov/finance/article/fa-ocjp-victimservrep> on July 15 or the next business day. A new Output Report must be completed each fiscal year for which grant dollars are received by an agency.

NOTE: THE FVPSA OUTPUT REPORT ASKS FOR ALL ADULT AND YOUTH DOMESTIC VIOLENCE, FAMILY VIOLENCE AND DATING VIOLENCE CLIENT SERVICE NUMBERS WITHIN YOUR AGENCY NO MATTER THE FUNDING SOURCE. (The exception to this is for any output data covering FVPSA funding supporting Batterer Intervention Programs. Batterer's Program output data should only cover those served and paid for by FVPSA Dollars.)

B. FVPSA Domestic Violence Shelter Programs Outcomes Report:

The Domestic Violence Shelter Programs Outcome Report is due no later than July 31. This report is submitted online. This Annual Outcome Report is required at the end of

each contract year and covers the period of July 1 through June 30 of the fiscal year for which the report is submitted. The Annual Outcome Report will be available on OCJP's website at <http://www.tn.gov/finance/article/fa-ocjp-victimservrep> on July 15 or the next business day.

C. Training Participant Survey Outcome Report:

The Training Participant Survey Outcome Report is required when FVPSA funds are used to provide training to allied professionals. This does not include community education. The report is due no later than July 31. This report is submitted online. Community education and community outreach are not considered training events. Do not submit a Training Outcome Report for community education or community outreach events.

NOTE: All FVPSA projects that use FVPSA grant funds for training event(s) for professionals or allied professionals will need to distribute training surveys to participants and report the results on a Training Survey Outcome Report. Community education and community outreach are not considered training events. Do not submit a Training Outcome Report for community education or community outreach events. The Annual Training Participant Survey Outcome Report will be available on OCJP's website at <http://www.tn.gov/finance/article/fa-ocjp-victimservrep> on July 15 or the next business day.

D. Family Violence Prevention and Services Act Annual Narrative Performance Report:

The FVPSA Annual Narrative Performance Report is due no later than October 31, covering the most recently completed fiscal year. This report also requests county of origin for each shelter resident for the fiscal year. This report is to be returned via email to the OCJP Program Manager. A copy of this report can be found in [Appendix H - FVPSA Annual Narrative Performance Report](#).

E. Project Equipment Summary:

The Project Equipment Summary Report is due no later than July 31 if equipment or "Sensitive Minor Equipment" was purchased with FVPSA grant funds. This report is submitted online. More information about this report can be found in the OCJP Administrative Manual, [Chapter VII – Reporting Requirements](#).

F. Policy 03 Quarterly Expense and Revenue Report (Non-profit Agencies Only):

The Policy 03 Report is due quarterly no later than thirty (30) calendar days following the end of the quarter for which the report is completed. The report is emailed to the OCJP Fiscal Manager at OCJP.P3@tn.gov. More information about this report can be found in the OCJP Administrative Manual, [Chapter VII – Reporting Requirements](#).

G. Invoice for Reimbursement:

The invoice is used to request monthly reimbursement. Funds can only be distributed to

Subrecipients upon receipt of a properly prepared and signed invoice. The invoices are emailed to the Office of Business and Finance of the Department of Finance and Administration. More information about this report can be found in the OCJP Administrative Manual, [Chapter VII – Reporting Requirements](#).

NOTE: Subrecipient agencies must request reimbursement at least once per quarter based on expenditures incurred. However, it is recommended that agencies invoice monthly, when monthly expenditures are incurred. It is important that Column A on the invoice reflect the OCJP contracted budget.

H. Annual Fiscal Audit or Annual Fiscal Report

Nongovernmental (nonprofit or private organizations only)

Any nongovernmental entity (nonprofit or private organizations) that expends \$500,000 or more under a state contract regardless of whether federal or state funds are involved, during that entity's fiscal year, is required to have an audit conducted and due no later than 9 months after the close of the entity's fiscal year to Janet.Stewart@tn.gov. Please note, that if the federal funds expended (for the entire organization) is \$500,000 or more, the audit must be conducted in accordance with [OMB Circular A-133](#), and the audit cost is an allowable expenditure under the federal grant(s).

Any nongovernmental entity (nonprofit or private organizations) that expends less than \$500,000 under a state contract regardless of whether federal or state funds are involved during that entity's fiscal year, is required to submit an annual report of the entity's financial activities (not required to be audited) due no later than 9 months after the close of the entity's fiscal year to Janet.Stewart@tn.gov. More information about this report can be found in

[Chapter VII-Reporting Requirements](#).

FVPSA REPORTING TABLE

REQUIREMENT: A copy of each report submitted must be saved in the corresponding grant file.

Name of Report	Dates Covered	Date Due	Person Sent To
Annual Outcome Reporting	July 1 – June 30	July 31	Submitted as on-line report
Annual Output Reporting	July 1 – June 30	July 31	Submitted as on-line report
Family Violence Prevention & Services Act Narrative Performance Report		October 31	<i>Email to your OCJP Program Manager</i>
Tennessee Dept of F & A Invoice for Reimbursement (PLEASE CONTACT PROGRAM MANAGER FOR THE PROPER INVOICE FOR REIMBURSEMENT FORM.)	Prior Month	Monthly	<i>Email to:</i> Maher.M.Wasef@tn.gov
Project Equipment Summary Report –if applicable	Current fiscal year	30 days past the end of the State fiscal year (July 31)	Submitted as on-line report
Policy 03 Quarterly Expense and Revenue Report (Non-profit Agencies Only)	1st Quarter 2 nd Quarter 3 rd Quarter 4 th Quarter	October 30 January 30 April 30 July 30	<i>Email to:</i> OCJP.P3@tn.gov
Annual Fiscal Audit <i>or</i> Annual Fiscal Report (<i>nonprofit agencies only</i>)	The most recent fiscal year.	Due no later than 9 months after the close of the agency fiscal year	OCJP Fiscal Director Janet.Stewart@tn.gov

PLEASE READ THE FAR RIGHT COLUMN AND SEND REPORTS TO THE PERSON LISTED.

CHAPTER IV ALLOWABLE COSTS

Funds allocated through Family Violence Prevention Services Act Programs will be used to provide services to adult and youth victims of domestic violence, family violence and dating violence and their dependents. Services may be provided for residential victims as well as non-residential. In addition, costs must be reasonable, allocable, necessary to the project, and comply with the funding statute requirements. See also OCJP Administrative Manual, [Chapter XIV – Allowable Costs](#).

The following are allowable costs:

1. Operating and administering shelter facilities
2. Assistance in developing safety plans and supporting the efforts of victims to make decisions related to their ongoing safety and well-being
3. Offering individual and group counseling, peer support groups, and referral to community-based services to assist victims and their dependents in recovering from the effects of violence
4. Offering services, training, technical assistance and outreach to increase awareness of family violence, domestic violence and dating violence, and increasing the accessibility of these services
5. Offering culturally and linguistically appropriate services
6. Offering services for children exposed to family violence, domestic violence or dating violence, including age appropriate counseling, supportive services and services for the non-abusing parent. Additionally, services that include working with the non-abusing parent and the child together are highly recommended
7. Offering advocacy, case management services, and information and referral to victims, concerning issues related to family violence, domestic violence, or dating violence.
8. Assisting victims and their dependents in accessing related Federal and State financial assistance programs.
9. Providing Specific Assistance to individuals that may include making payments on behalf of shelter residents for needed emergency items while they are in shelter.
10. Providing Specific Assistance to individuals that may also include the payment of rent, utilities or other expenses on behalf of shelter residents who are in process of moving out of the shelter facility.

11. Offering legal and medical advocacy, including referrals for health care services (mental health, substance abuse, etc.) which would not include reimbursement for any health care services
12. Assistance in locating and securing safe and affordable permanent housing and homelessness prevention services.
13. Offering transportation, child care, respite care, job training, and employment services, financial literacy services and education, financial planning and related economic empowerment services, and parenting or other educational services for victims and their dependents.
14. Providing prevention services to underserved populations, including populations underserved because of geographic location (such as rural isolation), underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alien status, or age)
15. FVPSA funds may be used to support consultant rates up to **\$650 for an 8-hour day or \$81.25 per hour (excluding travel and subsistence)**. An 8-hour day may include preparation, evaluation and travel time in addition to the time required for actual presentation/training. **Please note, however, that this does not mean that the rate can or should be \$650 for all consultants.** Compensation for individual consultant services is to be reasonable and consistent with that paid for similar services in the marketplace and consistent with the individual's experience and expertise. Rates should be developed and reviewed on a case-by-case basis and must be reasonable and allowable.

Allowable costs are those cost principles identified in the [OMB Circular A-87](#) for State and Local Governments and [OMB Circular A-122](#) for Non-Profit Organizations and in the grant program's authorizing legislation. In addition, costs must be reasonable, allocable, necessary to the project, and comply with the funding statute requirements.

See **OCJP Administrative Manual**, [Chapter XIV-Allowable Costs](#)

CHAPTER V UNALLOWABLE COSTS

The following are Unallowable costs:

- Direct monetary funds given to the client (cash, gift cards or checks written to the client). (However, providing Specific Assistance to individuals that may include making payments on behalf of shelter residents for needed emergency items while they are in shelter, is allowable.)
- If a client moves from the shelter into an apartment or house, but later requests direct assistance with rent, utilities or other expenses, FVPSA funds may not be used for this purpose. (However, providing Specific Assistance to individuals who are in the process of moving out of the shelter facility, including the payment of rent, utilities or other expenses on behalf of the shelter resident, is allowable.)
- FVPSA funds may not be used to pay for food and beverages with the exception of food and beverages used within the shelter and for shelter residents.
- FVPSA funds may not be used for fundraising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions

See OCJP Administrative Manual, [Chapter XV- Unallowable Cost](#)

CHAPTER VI PUBLICATIONS AND MEDIA

PUBLICATION OF DOCUMENTS AND POSTING OF ELECTRONIC MEDIA

All reports, studies, notices, informational pamphlets, press releases, signs, billboards, DVDs, public awareness kits, training curricula, webinars, websites and similar public notices (written, visual or sound) prepared and released by the subrecipient shall include the statement:

"This publication (or project) was made possible by the Administration on Children, Youth and Families, Family and Youth Services Bureau, U.S. Department of Health and Human Services. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the State or the Department of Health and Human Services."

The above information is specific to FVPSA funds used to create and produce publications. For additional required information regarding Publications, see OCJP Administrative Manual generic section, [Chapter XI – Publications](#)

CHAPTER VII PERFORMANCE MEASUREMENT & DECISION MAKING

PERFORMANCE MEASUREMENT

The Office of Criminal Justice Programs, like all funders, wants to be a responsible steward of limited federal and state grant money. To accomplish this goal, OCJP works to ensure that grants are awarded to agencies that can demonstrate they make a difference for clients. We have continually worked with our subrecipient agencies to provide them with the tools and experience they need to manage their operations and to demonstrate their accountability. We recognize that the combination of output, outcome and satisfaction data comprise the best picture possible of an agency's performance.

The data collected and reported by Tennessee subrecipients answer three questions:

1. OUTPUTS - What are we doing?
2. SATISFACTION -How well are we doing it?
3. OUTCOMES - How is the client doing?

Together, this reporting data is used to monitor projects, fulfill federal grant reporting requirements, provide information for state strategies, and assist OCJP in determining project success and funding allocations.

OCJP conducts Performance Management Reviews (PMR) of each subrecipient **as needed for funding decisions**. The performance review process consists of a weighted system that provides a historical perspective of past and **present subrecipient** performance including output data, outcome data, **meeting reporting deadlines, monitoring findings, etc.**

OCJP will make funding/allocation decisions based on:

- A. Performance Management Review Ratings
- B. The funding priorities and requirements of the funding source
- C. Ensuring that funds are allocated across the state in a defensible and equitable manner

CHAPTER VIII CONFIDENTIALITY POLICY

CONFIDENTIALITY POLICY

Each agency that receives a grant from the Office of Criminal Justice Programs (OCJP) to provide direct services to victims of domestic violence, sexual assault, dating violence or stalking should have a confidentiality policy in place. Confidentiality statements should be signed by all staff, volunteers, interns, board members, etc. and should state, at a minimum, that s/he will protect the personally identifying information of all persons contacting the agency for service, regardless of whether these persons actually receive services from the agency.

Personally identifying information includes any information that could reveal the identity or disclose the location of a victim of domestic violence, sexual assault, dating violence or stalking but would commonly include the following information:

- First and last name;
- Home or other physical address;
- Contact information (including email address, telephone number, web address or postal address);
- Social security number, Driver's license number, Passport number, Student ID number;
- Any other information including date of birth, racial or ethnic background, or religious affiliation that in combination with other information such as part of a name or address, etc. would serve to identify an individual.

Agencies should ensure that all client information that contains personally identifying information is kept out of view from clients, visitors, volunteers and others who do not provide direct services to clients.

Client information should be stored in a locked file when not in use by a service provider. Clients receiving non-residential services, including crisis callers, should also be included under the agency's confidentiality policy. Agencies should not use a log-in sheet to collect the names and other personally identifying information of crisis callers if this log will be in the view of clients, visitors, volunteers or others who do not provide direct services to clients. If an agency chooses to use a log-in sheet for crisis-callers that includes personally identifying information, then the log must be kept in a locked drawer, file cabinet, etc. when not in use by a service provider.

Agencies should never ask support group participants to sign a log-in sheet with their first and last name or any other personally identifying information. Agencies should tell a support group participant that signing in is optional.

Agencies may share non-personal identifying data **in the aggregate** regarding services to their clients and non-personal identifying demographic information in order to comply with Federal or State reporting, evaluation, or data collection requirements.

Agencies may share court-generated information and law enforcement generated information contained in secure, governmental registries for protection order enforcement purposes. Agencies may share law enforcement and prosecution generated information necessary for law enforcement and prosecution purposes.

RELEASE OF INFORMATION

The agency must have in place procedures regarding the disclosure of personally identifying information. Information should never be released or shared with another individual or agency without the signed release by the client.

A Release of Information must be written, informed, and reasonably time-limited, depending on the situation. As a rule, the Release of Information should not exceed a 15 to 30 day time period. Agencies must write a specific date of expiration on the signed release of information form. **At a minimum**, the client should understand what information will be shared, why the information will be shared, and who will have access to the information. **A separate Release of Information should be signed by the client for each agency to which communication will be made on behalf of the client. A signed Release of Information must not be a condition of services.** A sample Release of Information form can be found in [Appendix G](#).

The agency's confidentiality policy should prohibit the release of client's personally identifying information unless:

- Client has signed a written release of information
- Court order has been issued
- Statutory requirement (e.g. mandatory reporting of child abuse)

Staff, board members, and agency volunteers must understand that they cannot reveal personally identifying information about a client when communicating with another individual/agency unless the client has given written permission by signing a Release of Information

The client should sign the release unless s/he is an unemancipated minor or a disabled adult, defined as "any person eighteen (18) years of age or older, determined by the court to be in need of partial or full supervision, protection and assistance by reason of mental illness, physical illness or injury, developmental disability or other mental or physical incapacity." (See Tennessee Annotated Title 34, Guardianships, Chapter 1, and Section 101(7).) Minors who are permitted to receive services without parent or guardian consent are allowed to authorize their release of information without parent or guardian consent. In the case of a minor, the minor and a parent or guardian should sign the release; in the

case of a disabled adult, a legally appointed guardian should sign it. The abuser of the minor or person with disabilities, or the abuser of the other parent of the minor, may not give consent.

If a release is compelled by statutory requirement or court order, then the agency must make reasonable attempts to notify affected victims and take steps necessary to protect the privacy and safety of such victims.

NOTE: Agencies may be requested to submit client stories to OCJP, federal funders for reporting to Congress, to board members, newspapers or other media outlets. Due to the details shared in a client's story, the client should sign a Release of Information pertaining to the content of their personal story, as well as to the ways in which the personal story will be used. Clients must be made aware that their stories are being shared publicly and that their name will remain confidential. Notation should be made at the end of all client stories that the names are fictitious. Finally, care must be taken never to inadvertently make a victim feel as though s/he is obliged to "help" the organization by sharing her/his personal story.

ACCESS TO CLIENT RECORDS

The Office of Criminal Justice Programs generally conducts at least one monitoring visit to a subrecipient agency during any three-year grant contract period. In addition, from time to time, federal granting agencies may monitor the Office of Criminal Justice Programs and as part of this monitoring process may wish to visit and review files from some of OCJP's subrecipients. Federal agencies may include the Office on Violence Against Women, the Office for Victims of Crime, and the Department of Health and Human Services.

When client case files are reviewed by OCJP or a federal agency¹, appropriate steps must be taken by the agency to protect the identity of the client. OCJP has committed to strengthening its victim confidentiality policy; effective May 1, 2010 OCJP required that victim service agencies black-out (redact) all personally identifying information from client files that will be reviewed by OCJP monitors. (The only exceptions to this new policy are law enforcement, prosecutors and victim-witness programs.)

Personally identifying information includes:

- First and last name;
- Home or other physical address;
- Contact information (including email address, telephone number, web address or postal address);
- Social security number; and

¹ May include one or more of the federal agencies with whom OCJP contracts.

- Any other information including date of birth, racial or ethnic background, or religious affiliation that in combination with other information such as part of a name or address, etc. would serve to identify an individual.

Agencies will no longer have an option to use the Release of Information for OCJP Monitors. Instead, all files chosen for review by the OCJP monitor must have personally identifying information blacked out before the monitor reviews the file.

Monitoring not only includes Programmatic Monitoring covering client services but also covers Fiscal Monitoring. There may be documents that will be reviewed by the Fiscal Monitor which would reveal client information. Subrecipients should be cautious when providing the Fiscal Monitor such things as cancelled checks or general ledgers with victims' names who have received special assistance. The same process of covering the names should be followed for both Programmatic and Fiscal Monitoring as described in the paragraph below.

OCJP recommends the following process when preparing client files for an OCJP monitor's visit. Copy the file that has been designated for review or print a copy of the client data from an electronic file. Use a black Sharpie pen to black-out all personally identifying information from the file. Make a copy of the blacked-out paperwork to ensure that the personally identifying information cannot be read. If the personally identifying information is visible to the OCJP monitor, this may be cause for a finding.

OCJP Program Managers are available for any clarification about preparing confidential documents for monitoring or any other concerns about confidentiality. For more information on Victim Services and Confidentiality please see:

<http://www.nnedv.org/policy/issues/vawaconfidentiality.html>

<http://www.nnedv.org/policy/issues/confidentiality.html>

http://nnedv.org/docs/SafetyNet/OVW/NNEDV_ConfidentialityReleasesFAQ_2011.pdf

CHILD ADVOCACY CENTERS TABLE OF CONTENTS

[Methamphetamine Initiative \(METH\) Grant Introduction](#)

CHAPTERS

- I. [Eligible Subrecipients](#)
- II. [Program Purpose and Requirements](#)
- III. [Reporting Requirements](#)
- IV. [Allowable Costs](#)
- V. [Unallowable Costs](#)
- VI. [Performance Measurement and Decision Making](#)
- VII. [Confidentiality Policy](#)

APPENDICES

- A. [METH Annual Output Report](#)
- B. [Sample Outcome Surveys](#)
- C. [Data Collection Guidelines](#)
- D. [Sample Release of Information Form](#)

INTRODUCTION

Methamphetamine use and production have placed a great strain on social services agencies and have created major problems for families throughout Tennessee. The use and production of methamphetamines is an ongoing problem. Methamphetamine is an addictive stimulant affecting the central nervous system. Tennessee accounts for a high number of the methamphetamine lab seizures in the Southeast.

Methamphetamine manufacturing has added a new casualty to the long list of victims caught in the chaos of drug abuse. In increasing numbers, children of methamphetamine producers have become victimized by their parents' illegal manufacture and use of this substance. These parents neglect their children's development and place them in hazardous living conditions that can cause serious health problems, even death. They are exposed to immediate dangers and to the ongoing effects of chemical contamination. In addition, the child may be subjected to fires and explosions, abuse and neglect, a hazardous lifestyle, social problems, and other risks.

The Tennessee Department of Children's Services states that hundreds of children are placed in state custody each year as a result of methamphetamine lab seizures and incidents. Particularly at risk are infants and toddlers living in homes where toxic emissions and residue settle on floors and furniture. Children living in these conditions are at increased risk for severe neglect and are more likely to be abused by family members and others at the site. They may experience the added trauma of witnessing violence or watching the police arrests their parent. Without effective intervention, many will imitate their parents and caretakers when they become adults, engaging in criminal or violent behavior.

CHAPTER I ELIGIBLE SUBRECIPIENTS

ELIGIBLE PROGRAMS

Priority will be given to Child Advocacy Centers. Child Advocacy Centers are child friendly multidisciplinary programs that allow professionals from child protective services, law enforcement, criminal justice, victim advocacy agencies, and the medical and mental health communities to work in a collaborative way to better serve children who have been victimized. The goal of a Child Advocacy Center is to ensure that children are not re-victimized by the very system designed to protect them.

CHAPTER II PROGRAM PURPOSE AND REQUIREMENTS

A. PROGRAM PURPOSE

The Meth-Free Tennessee Initiative for Child Advocacy Centers shall be used to fund contracts to Child Advocacy Centers to support their services to drug exposed children. Child Advocacy Centers will provide services to drug endangered children and their non-offending family members in a child friendly environment. This initiative will put services in place to respond to the methamphetamine epidemic in Tennessee.

B. PROGRAM REQUIREMENTS

The Meth-Free Tennessee Child Advocacy Center Grant Initiative shall be used to support the cost of personnel, operational, travel and training expenses relating to the client services provided to drug endangered children in Tennessee and their families. Child Advocacy Centers receiving funds to provide these client services must be able to demonstrate a record of providing effective services to child victims and non-offending parents.

CHAPTER III REPORTING REQUIREMENTS

Reporting requirements for METH subrecipients include an Annual Progress Report for Outputs, Annual Outcome Report, Policy 03 Quarterly Expense and Revenue Report, Project Equipment Report (if equipment was purchased) and a monthly Invoice for Reimbursement form. These reports are used to monitor projects, fulfill federal grant reporting requirements, provide information for state strategies and implementation plans and assist OCJP in determining project success and funding allocations. Examples of each form are provided in the Appendices of this manual.

The Project Director is responsible for timely submission of completed program and fiscal reports. Inability to submit required reports in a timely fashion is considered a failure of required contract obligations. Unless otherwise stated, METH subrecipients are expected to participate in all report training events.

NOTE: The subrecipient is required to gather and maintain statistical data relating to grant project activities as required by the Office of Criminal Justice Programs. The data collected should support the information submitted on the annual reports. OCJP may periodically request to see the back-up data that supports the information submitted on your annual output and outcome reports.

- A. METH Annual Output Report:** The Annual Output Report is required at the end of each contract year and covers the period of July 1 through June 30 of the fiscal year for which the report is submitted. The Annual Output Report should be submitted online to OCJP by July 31. It will be available on OCJP's website on July 15 or the next following business day. See [Appendix A](#) - METH Annual Output Report.
- B. Annual Client Outcome Reporting:** The annual Client Survey Outcome Report is required at the end of each contract year and covers the period of July 1 through June 30 of the fiscal year for which the report is submitted. Sample surveys can be found in [Appendix B, Sample Outcome Surveys](#). The Client Survey Outcome Report should be submitted online to OCJP by July 31. It will be available on OCJP's website on July 15 or the next following business day.
- C. Annual Training Participant Survey Outcome Report:** The Training Participant is required at the end of each contract year and covers the period of July 1 through June 30 of the fiscal year for which the report is submitted. It is required if you use grant funds to provide training to allied professionals. **This does not include community education.** The Annual Training Participant Survey Outcome Report should be submitted online to OCJP by July 31. It will be available on OCJP's website on July 15 or the next following business day.

NOTE: Starting with the 2010-2011 grant year, all OCJP victim service grants that use grant funds to put on a training event(s) for professionals or allied professionals will

need to distribute training surveys to participants and report the results on a Training Survey Outcome Report.

Community education and community outreach are not considered training events. Do not submit a Training Outcome Report for community education or community outreach events.

D. Project Equipment Summary Report: This report is completed on an annual basis, if equipment or “**Sensitive Minor Equipment**” (see [Chapter X-Property and Equipment](#) for definition) is purchased with grant funds during the current fiscal year. It is due to OCJP no later than thirty (30) calendar days past the end of the State fiscal year or July 31st. This report is available for online submission at the OCJP website. More information about this report can be found in [Chapter VII-Reporting Requirements](#).

E. Policy 03 Quarterly Expense and Revenue Report (Non-profit Agencies Only): This report consists of the Program Expense Report (Schedule A), the Program Revenue Report (Schedule B), and the Final Program Expense Summary Page (Schedule C). Policy 03 Quarterly Expense and Revenue Reports are due no later than thirty (30) calendar days following the end of the quarter for which the report is completed. These reports are sent to the OCJP Fiscal Manager at OCJP.P3@tn.gov. More information about this report can be found in [Chapter VII-Reporting Requirements](#).

F. Invoice for Reimbursement: The invoice is used to request monthly reimbursement. Funds can only be distributed to subrecipients upon receipt of a properly prepared and signed invoice. The invoices are emailed to the Office of Business and Finance of the Department of Finance and Administration.

NOTE: Subrecipient agencies must request reimbursement at least once per quarter based on expenditures incurred. However, it is recommended that agencies invoice monthly, when monthly expenditures are incurred. It is important that Column A on the invoice reflect the most current OCJP approved budget. Failure to reflect the most current budget amounts on your invoice forms may result in your invoice being held for OCJP clarification and payment may be delayed.

More information about this report can be found in [Chapter VII-Reporting Requirements](#).

G. Annual Fiscal Audit or Annual Fiscal Report (Nongovernmental (nonprofit or private organizations only): Any nongovernmental entity (nonprofit or private organizations) that expends \$500,000 or more under a state contract regardless of whether federal or state funds are involved, during that entity’s fiscal year, is required to have an audit conducted and due no later than 9 months after the close of the entity’s fiscal year to Janet.Stewart@tn.gov. Please note, that if the federal funds expended (for the entire organization) is \$500,000 or more, the audit must be conducted in accordance with [OMB Circular A-133](#), and the audit cost is an allowable expenditure under the federal grant(s).

Any nongovernmental entity (nonprofit or private organizations) that expends less than \$500,000 under a state contract regardless of whether federal or state funds are

involved during that entity's fiscal year, is required to submit an **annual report of the entity's financial activities (not required to be audited)** due no later than 9 months after the close of the entity's fiscal year to Janet.Stewart@tn.gov.

More information about this report can be found in [Chapter VII-Reporting Requirements](#).

NOTE: All report due dates falling on a weekend day or holiday will be due no later than the following business day.

METH REPORTING TABLE

REQUIREMENT: A copy of each report submitted must be saved in the corresponding grant file.

Name of Report	Dates Covered	Date Due	Person Sent To
<u>OCJP METH Annual Report</u>	July 1 – June 30	July 31	ONLINE REPORT
<u>Annual Client Outcome Reporting</u>	July 1 -June 30	July 31	ONLINE REPORT
<u>Policy 03 Quarterly Expense and Revenue Report (Non Profit Agencies Only)</u>	1 st Quarter 2 nd Quarter 3 rd Quarter 4 th Quarter	1 st Quarter/10-30 2 nd Quarter/1-30 3 rd Quarter/4-30 4 th Quarter/7-30	<u>OCJP.P3@tn.gov</u>
<u>Tennessee Dept of F & A Invoice for Reimbursement</u> (PLEASE CONTACT YOUR OCJP PROGRAM MANAGER FOR THE PROPER INVOICE FOR REIMBURSEMENT FORM.)	Prior Month	Monthly	<u>Maher.M.Wasef@tn.gov</u> .
<u>Project Equipment Summary Report</u> (If applicable)	Current Fiscal Year	July 31	ONLINE REPORT
Annual Fiscal Audit <i>or</i> Annual Fiscal Report (<i>nonprofit agencies only</i>)	The most recent fiscal year.	Due no later than 9 months after the close of the agency fiscal year	OCJP Fiscal Director <u>Janet.Stewart@tn.gov</u>

PLEASE PAY CLOSE ATTENTION TO THE LAST COLUMN AND SEND REPORTS TO THE PERSON LISTED.

CHAPTER IV ALLOWABLE COSTS

Allowable costs are those cost principles identified in [OMB Circular A-87](#) for State and local Government, [OMB Circular A-122](#) for Non-Profit Organizations and in the grant program's authorizing legislation. In addition, costs must be reasonable, allocable, necessary to the project, and comply with the funding statute requirements.

Funds allocated through the Meth-Free Tennessee Grant Initiative for Child Advocacy Centers will be used to provide services to drug exposed children and their non-offending family members. Allowable services include:

- Crisis Counseling
- Therapy
- Group Treatment
- Client Meetings
- Personal Advocacy
- Follow-up Contact
- Criminal Justice Support/Advocacy
- Providing Victims Compensation Information
- Telephone Contact Information/Referral
- Attending CPIT Meetings
- Financial Assistance
- Transportation
- Safety Planning
- Education
- Drug Education

See [Appendix A METH Annual Output Report](#) for a definition of each of these allowable services.

METH funds may be used to purchase gift cards for children and non-offending parents/caregivers, but are only allowable to the extent that they are used for allowable costs under METH such as the purchase of emergency food for METH clients or gas for victims to attend court, appointments etc. related to the victimization. **However, agencies must acquire a receipt from the client which documents only allowable items (food or gas-in the example) were purchased.** Without copies of these receipts, these costs will be deemed unallowable by OCJP and repayment of these funds will be required.

METH funds may be used to support consultant rates up to \$450 for an 8-hour day or \$56.25 per hour (excluding travel and subsistence). An 8-hour day may include preparation, evaluation and travel time in addition to the time required for actual presentation/training. Please note, however, that this does not mean that the rate can or should be \$450 for all consultants. Compensation for individual consultant services is to be reasonable and consistent with that paid for similar services in the marketplace and

consistent with the individual's experience and expertise. Rates should be developed and reviewed on a case-by-case basis and must be reasonable and allowable.

See OCJP Administrative Manual, [Chapter XIV-Allowable Costs](#)

CHAPTER V UNALLOWABLE COSTS

The Meth-Free Tennessee Initiative for Child Advocacy Centers funds cannot be used to provide services for the offending parent/caregiver.

The Meth-Free Tennessee Initiative for Child Advocacy Centers funds may not be used for fundraising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions.

Unallowable costs are those cost principles identified in the [OMB Circular A-87](#) for State and Local Governments and [OMB Circular A-122](#) for Non-Profit Organizations and in the grant program's authorizing legislation.

See OCJP Administrative Manual, [Chapter XV-Unallowable Costs for a listing of additional unallowable costs.](#)

CHAPTER VI PERFORMANCE MEASUREMENT & DECISION MAKING

PERFORMANCE MEASUREMENT

The Office of Criminal Justice Programs, like all funders, wants to be a responsible steward of limited federal and state grant money. To accomplish this goal, OCJP works to assure that grants are awarded to agencies that can demonstrate they make a difference for clients. We have continually worked with our subrecipient agencies to provide them with the tools and experience they need to manage their operations and to demonstrate their accountability. We recognize that the combination of output, outcome and satisfaction data comprise a best picture possible of an agency's performance.

The data collected and reported by Tennessee subrecipients answer three questions:

1. **OUTPUTS** - What are we doing
2. **SATISFACTION** - How well are we doing it?
3. **OUTCOMES** - How is the client doing?

Together, this reporting data is used to monitor projects, fulfill federal grant reporting requirements, provide information for state agencies, and assist OCJP in determining project success and funding allocations.

OCJP conducts Performance Management Reviews (PMR) of each subrecipient as needed for funding decisions. The performance review process consists of a weighted system that provides a historical perspective of past and present subrecipient performance including output data, outcome data, meeting reporting deadlines, monitoring findings, etc.

OCJP will make funding/allocation decisions based on:

- a. Performance Management Review Ratings.
- b. The funding priorities and requirements of the funding source.
- c. Ensuring that funds are allocated across the state in a defensible and equitable manner.

CHAPTER VII CONFIDENTIALITY POLICY

CONFIDENTIALITY POLICY

Each agency that receives a grant from the Office of Criminal Justice Programs (OCJP) to provide direct services to victims of domestic violence, sexual assault, dating violence or stalking should have a confidentiality policy in place. Confidentiality statements should be signed by all staff, volunteers, interns, board members, etc. and should state, at a minimum, that s/he will protect the personally identifying information of all persons contacting the agency for service, regardless of whether these persons actually receive services from the agency.

Personally identifying information includes any information that could reveal the identity or disclose the location of a victim of domestic violence, sexual assault, dating violence or stalking but would commonly include the following information:

- First and last name;
- Home or other physical address;
- Contact information (including email address, telephone/fax number, web address or postal address);
- Social security number; Driver's license number, Passport number, Student ID number and
- Any other information including date of birth, racial or ethnic background, or religious affiliation that in combination with other information such as part of a name or address, etc. would serve to identify an individual.

Agencies should ensure that all client information that contains personally identifying information is kept out of view from clients, visitors, volunteers and others who do not provide direct services to clients.

Client information should be stored in a locked file when not in use by a service provider. Clients receiving non-residential services, including crisis callers, should also be included under the agency's confidentiality policy. Agencies should not use a log-in sheet to collect the names and other personally identifying information of crisis callers if this log will be in the view of clients, visitors, volunteers or others who do not provide direct services to clients. If an agency chooses to use a log-in sheet for crisis-callers that includes personally identifying information, then the log must be kept in a locked drawer, file cabinet, etc. when not in use by a service provider.

Agencies should never ask support group participants to sign a log-in sheet with their first and last name or any other personally identifying information. Agencies should tell a support group participant that signing in is optional.

Agencies may share non-personal identifying data **in the aggregate** regarding services to their clients and non-personal identifying demographic information in order to comply with Federal or State reporting, evaluation, or data collection requirements.

Agencies may share court-generated information and law enforcement generated information contained in secure, governmental registries for protection order enforcement purposes.

Agencies may share law enforcement and prosecution generated information necessary for law enforcement and prosecution purposes.

RELEASE OF INFORMATION

The agency must have in place procedures regarding the disclosure of personally identifying information. Information should never be released or shared with another individual or agency without the signed release by the client.

A Release of Information must be written, informed, and reasonably time-limited, depending on the situation. Agencies must write a specific date of expiration on the signed release of information form. As a rule, the Release of Information should not exceed a 15 to 30 day time period. At a minimum, **the client should understand what information will be shared, why the information will be shared, and who will have access to the information.** A separate Release of Information should be signed by the client for each agency to which communication will be made on behalf of the client. A signed Release of Information must not be a condition of services. A sample Release of Information Form can be found in [Appendix D](#).

The agency's confidentiality policy should prohibit the release of client's personally identifying information unless:

- Client has signed a written release of information
- Court order has been issued
- Statutory requirement (e.g. mandatory reporting of child abuse)

Staff, board members, and agency volunteers must understand that they cannot reveal personally identifying information about a client when communicating with another individual/agency unless the client has given written permission by signing a Release of Information

The client should sign the release unless s/he is an unemancipated minor or a disabled adult, defined as "any person eighteen (18) years of age or older, determined by the court to be in need of partial or full supervision, protection and assistance by reason of mental illness, physical illness or injury, developmental disability or other mental or physical incapacity." (See Tennessee Annotated Title 34, Guardianships, Chapter 1, and Section 101(7).) Minors who are permitted to receive services without parent or guardian consent are allowed to authorize their release of information without parent or guardian consent. In the case of a minor, the minor and a parent or guardian should sign the release; in the case of a disabled adult, a legally appointed guardian should sign it. The abuser of the minor or person with disabilities, or the abuser of the other parent of the minor, may not give consent.

If a release is compelled by statutory requirement or court order, then the agency must make reasonable attempts to notify affected victims and take steps necessary to protect the privacy and safety of such victims.

NOTE: Agencies may be requested to submit client stories to OCJP, federal funders for reporting to Congress, to board members, newspapers or other media outlets. Due to the details shared in a client's story, the client should sign a Release of Information pertaining to the content of their personal story, as well as to the ways in which the personal story will be used. Clients must be made aware that their stories are being shared publicly and that their name will remain confidential. Notation should be made at the end of all client stories that the names are fictitious. Finally, care must be taken never to inadvertently make a victim feel as though s/he is obliged to "help" the organization by sharing her/his personal story.

ACCESS TO CLIENT RECORDS

The Office of Criminal Justice Programs generally conducts at least one monitoring visit to a subrecipient agency during any three-year grant contract period. In addition, from time to time, federal granting agencies may monitor the Office of Criminal Justice Programs and as part of this monitoring process may wish to visit and review files from some of OCJP's subrecipients. Federal agencies may include the Office on Violence Against Women, the Office for Victims of Crime, and the Department of Health and Human Services.

When client case files are reviewed by OCJP or a federal agency¹, appropriate steps must be taken by the agency to protect the identity of the client. OCJP has committed to strengthening its victim confidentiality policy; effective May 1, 2010 OCJP required that victim service agencies black-out (redact) all personally identifying information from client files that will be reviewed by OCJP monitors. (The only exceptions to this new policy are law enforcement, prosecutors and victim-witness programs.)

Personally identifying information includes:

- First and last name;
- Home or other physical address;
- Contact information (including email address, telephone/fax number, web address or postal address);
- Social security number; and
- Any other information including date of birth, racial or ethnic background, or religious affiliation that in combination with other information such as part of a name or address, etc. would serve to identify an individual.

Agencies will no longer have an option to use the Release of Information for OCJP Monitors. Instead, all files chosen for review by the OCJP monitor must have personally identifying information blacked out before the monitor reviews the file.

¹ May include one or more of the federal agencies with whom OCJP contracts.

Monitoring not only includes Programmatic Monitoring covering client services but also covers Fiscal Monitoring. There may be documents that will be reviewed by the Fiscal Monitor which would reveal client information. Subrecipients should be cautious when providing the Fiscal Monitor such things as cancelled checks or general ledgers with victims' names who have received special assistance. The same process of covering the names should be followed for both Programmatic and Fiscal Monitoring as described in the paragraph below.

OCJP recommends the following process when preparing client files for an OCJP monitor's visit. Copy the file that has been designated for review or print a copy of the client data from an electronic file. Use a black Sharpie pen to black-out all personally identifying information from the file. Make a copy of the blacked-out paperwork to ensure that the personally identifying information cannot be read. If the personally identifying information is visible to the OCJP monitor, this may be cause for a finding.

OCJP Program Managers are available for any clarification about preparing confidential documents for monitoring or any other concerns about confidentiality. For more information on Victim Services and Confidentiality please see:

<http://www.nnedv.org/policy/issues/vawaconfidentiality.html>

<http://www.nnedv.org/policy/issues/confidentiality.html>

http://nnedv.org/docs/SafetyNet/OVW/NNEDV_ConfidentialityReleasesFAQ_2011.pdf

TABLE OF CONTENTS

CHAPTERS

- [Introduction](#)
- A. [Eligible Subrecipients](#)
- B. [Purpose and Priorities](#)
- C. [Reporting Requirements](#)
- D. [Allowable Costs](#)
- E. [Unallowable Costs](#)
- F. [Publications and Media](#)
- G. [Performance Measurement and Decision-Making](#)
- H. [Confidentiality Policy](#)

APPENDICES

- A. [Best Practices for Sexual Assault Agencies in Tennessee](#)
- B. SASP Output Reporting Form and Instructions
 - B.1. [SASP Annual Progress Report Form](#)
 - B.2. [SASP Annual Report Form Instructions](#)
- C. [Sample Outcome Surveys](#)
- D. [Data Collection Guidelines](#)
- E. [SASP Federal Legislative Authority](#)
- F. [Sample Release of Information](#)
- G. [TN Best Practice Guidelines for Sexual Assault Response Services \(*Adult Victims*\)](#)

INTRODUCTION

The Sexual Assault Services Program (SASP) was created by the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005), 42 U.S.C. §14043g, and is the first Federal funding stream solely dedicated to the provision of direct intervention and related assistance for victims of sexual assault. Overall, the purpose of SASP is to provide intervention, advocacy, accompaniment (e.g., accompanying victims to court, medical facilities, police departments, etc.), support services, and related assistance for adult, youth, and child victims of sexual assault, family and household members of victims and those collaterally affected by the sexual assault.

Congress, OVW, and victim advocates recognized the need to place increased focus on sexual assault in order to address the lack of available direct intervention and related assistance services and the unique aspects of sexual assault trauma from which victims must heal. Women and men of all ages, as well as children, can be victims of sexual assault. The perpetrator can be a relative, acquaintance (e.g., boyfriend/girlfriend, friend, coworker, neighbor), or a stranger. Nationally, one in six women and one in thirty-three men will be sexually assaulted in their lifetime.

For many victims, it may take years to recover from the physical and psychological trauma caused by rape and other forms of sexual violence. In order to heal from the trauma, survivors often need support from family and friends, as well as critical direct intervention and related assistance from victim-centered social service organizations such as rape crisis centers, through 24-hour sexual assault hotlines, crisis intervention, and medical and criminal justice accompaniment. SASP will support these services by assisting the establishment, maintenance, and expansion of rape crisis centers and other relevant programs dedicated to assisting those victimized by sexual assault.

CHAPTER I

ELIGIBLE SUBRECIPIENTS

A. ELIGIBLE SUBRECIPIENTS FOR FEDERAL SASP FUNDING INCLUDE:

1. Nonprofit, nongovernmental rape crisis centers; and
2. Nonprofit, nongovernmental dual programs that provide sexual assault and domestic violence services; and
3. **Governmental entity rape crisis centers. In the case of a governmental entity, the entity may not be part of the criminal justice system (such as a law enforcement agency) and must be able to offer a comparable level of confidentiality as a nonprofit entity that provides similar victim services. 42 U.S.C. § 13925 (a)(25).**

B. OTHER ELIGIBILITY REQUIREMENTS:

1. All applicant agencies must show that sexual assault services have been provided for at least six months prior to an application for SASP funding;
2. **All applicant agencies must provide intervention and related assistance to victims of sexual assault without regard to their age.**
3. All applicant agencies must demonstrate adherence to [Best Practices for Sexual Assault Agencies in Tennessee](#); and
4. All applicant agencies must comply with §37-1-403 and §37-1-605 by reporting cases of suspected child abuse and neglect or child sexual abuse to the Department of Children's Services and comply with §71-6-103 by reporting suspected cases of adult abuse, sexual abuse, neglect, or exploitation to the Department of Human Services.
5. All nonprofit applicants must be recognized by the Tennessee Coalition to End Domestic and Sexual Violence as either a rape crisis center or a dual agency (serving both sexual assault and domestic violence victims).

CHAPTER II PURPOSE AND PRIORITIES

A. PROGRAM PURPOSE

Overall, the purpose of the SASP Formula Grant Program is to provide intervention, advocacy, accompaniment (e.g., accompanying victims to court, medical facilities, police departments, etc.), support services, and related assistance to:

- Adult, youth, and child victims of sexual assault;
- Family and household members of such victims; and
- Those collaterally affected by the victimization (e.g., friends, coworkers, classmates), except for the perpetrator of such victimization.

Rape crisis centers and other nonprofit organizations such as dual programs providing both domestic violence and sexual violence intervention services play a vital role in assisting sexual assault victims through the healing process, as well as assisting victims through the medical, criminal justice, and other support systems.

SASP funds may be used to address intimate partner; stranger and non-stranger sexual assault; as well as adult, adolescent, and child sexual violence. Both male and female victims may be served.

B. PROGRAM PRIORITIES

1. Support rape crisis centers in providing direct intervention and related assistance services; and
2. Support dual programs that provide sexual assault and domestic violence services to enhance the provision of sexual assault-related direct intervention and related assistance services.

CHAPTER III REPORTING REQUIREMENTS

REPORTING REQUIREMENTS

Reporting requirements for SASP subrecipients include an Annual Progress Report for Outputs, Annual Outcome Reporting, Policy 03 Quarterly Expense and Revenue Report, Project Equipment Report (if equipment was purchased), **Income Summary Report** and a monthly Invoice for Reimbursement form. These reports are used to monitor projects, fulfill federal grant reporting requirements, provide information for state strategies and implementation plans and assist OCJP in determining project success and funding allocations. Examples of each form are provided in the Appendices of this manual.

The Project Director is responsible for timely submission of completed program and fiscal reports. Inability to submit required reports in a timely fashion is considered a failure of required contract obligations. Unless otherwise stated, SASP subrecipients are expected to participate in all report training events.

NOTE: The subrecipient is required to gather and maintain statistical data relating to grant project activities as required by the Office of Criminal Justice Programs. The data collected should support the information submitted on the annual reports. OCJP may periodically request to see the back-up data that supports the information submitted on your annual output and outcome reports.

A. SASP Annual Progress Report for Outputs

The SASP Annual Progress Report covering the calendar year is due no later than January 31. This report is emailed to the SASP Administrator at OCJP.

The Annual Output Report covers the period **January 1st through December 31st**. Outputs are counts of activities and a measure of work accomplished by the program. A copy of the Annual Output Report can be found in [Appendix B1](#). The Annual Output Report will be emailed to you in mid-December and must be emailed back to OCJP by **January 31st** of each grant year.

B. Client Survey Outcome Report

The Client Survey Outcome Report is due no later than July 31. This report is submitted online. Outcome reporting is required of all subrecipients once a year. The Annual Outcome Report covers the period **July 1st through June 30th**. A sample Client Outcome Survey is included in SASP [Appendix C](#). The Annual Outcome report will be available through our website at <http://www.tn.gov/finance/article/fa-ocjp-victimservrep> on July 15th or the following business day and should be **submitted online by July 31st**

C. Project Equipment Summary Report

The Project Equipment Summary Report is **due no later than July 31** if equipment or “Sensitive Minor Equipment” was purchased with SASP grant funds. This report is

submitted online. More information about this report can be found in [Chapter VII-Reporting Requirements](#).

D. Policy 03 Quarterly Expense and Revenue Report (Non-profit Agencies Only)

The Policy 03 Report is due quarterly no later than thirty (30) calendar days following the end of the quarter for which the report is completed. The report is emailed to the OCJP Fiscal Manager at OCJP.P3@tn.gov. More information about this report can be found in [Chapter VII-Reporting Requirements](#).

E. Quarterly Program Income Summary Report (State and Local Governments Only):

This report form is completed on a quarterly basis if program income is generated as a direct result of an agency-funded activity. It is due fifteen (15) calendar days after the close of each year quarter. All income generated as a direct result of an agency funded project shall be deemed program income and reported via the use of this form. If the STOP project does not earn income, then the agency may submit an annual report due no later than July 15th. This report is available at the OCJP website and is to be submitted as an online report. More information about this report can be found in the OCJP Administrative Manual, [Chapter VII – Reporting Requirements](#).

F. Invoice for Reimbursement

The invoice is used to request monthly reimbursement. Funds can only be distributed to subrecipients upon receipt of a properly prepared and signed invoice. The invoices are emailed to the Office of Business and Finance of the Department of Finance and Administration. Subrecipient agencies must request reimbursement at least once per quarter based on expenditures incurred. However, it is recommended that agencies invoice monthly, when monthly expenditures are incurred. It is important that Column A on the invoice reflect the most current OCJP approved budget. Failure to reflect the most current budget amounts on your invoice forms may result in your invoice being held for OCJP clarification and payment may be delayed. More information about this report can be found in [Chapter VII-Reporting Requirements](#).

G. Annual Fiscal Audit or Annual Fiscal Report

Nongovernmental (nonprofit or private organizations only)

Any nongovernmental entity (nonprofit or private organizations) that expends \$500,000 or more under a state contract regardless of whether federal or state funds are involved, during that entity's fiscal year, is required to have an audit conducted and due no later than 9 months after the close of the entity's fiscal year to Janet.Stewart@tn.gov. Please note, that if the federal funds expended (for the entire organization) is \$500,000 or more, the audit must be conducted in accordance with [OMB Circular A-133](#), and the audit cost is an allowable expenditure under the federal grant(s).

Any nongovernmental entity (nonprofit or private organizations) that expends less than \$500,000 under a state contract regardless of whether federal or state funds are involved during that entity's fiscal year, is required to submit an **annual report of the entity's financial activities (not required to be audited)** due no later than 9 months after the close of the entity's fiscal year to Janet.Stewart@tn.gov.

More information about this report can be found in [Chapter VII-Reporting Requirements](#).

SASP REPORTING TABLE

REQUIREMENT: A copy of each report submitted must be saved in the corresponding grant file.

REPORT	REPORTING PERIOD	SUBMIT TO OCJP
Annual Progress Report for Outputs	January 1 st – December 31 st	Email to OCJP by January 31st
Client Outcome Report	July 1 st – June 30th	Submit Online by July 31st
Policy 03 Quarterly Expense and Revenue Report	Quarterly for Period Ending September December March June	OCJP Fiscal Manager OCJP.P3@tn.gov October 30 th January 30 th April 30 th July 30 th
OCJP Quarterly Program Income Summary Report <i>(State and local government only)</i>	Quarterly for Period Ending: September December March June	Submit Online : October 15th January 15th April 15th July 15 th
Project Equipment Summary Report <i>(if equipment was purchased)</i>	Contract Period (July to June)	Online by July 31st
F & A Invoice for Reimbursement (PLEASE CONTACT YOUR OCJP PROGRAM MANAGER FOR THE PROPER INVOICE FOR REIMBURSEMENT FORM.)	Monthly	Office of Business and Finance e-mail: Maher.M.Wasef@tn.gov
Annual Fiscal Audit <i>or</i> Annual Fiscal Report <i>(nonprofit agencies only)</i>	Due no later than 9 months after the close of the agency fiscal year	OCJP Fiscal Director Janet.Stewart@tn.gov

CHAPTER IV ALLOWABLE COSTS

ALLOWABLE COSTS

The SASP Formula Grant Program emphasizes the establishment, maintenance, and expansion of rape crisis centers and other nonprofit, nongovernmental organizations, such as dual programs addressing domestic violence and sexual assault, for the provision of direct intervention, core services, and related assistance to adult, youth, and child victims of sexual assault.

The term “rape crisis center” means a nonprofit, nongovernmental, or tribal organization, or governmental entity in a state other than a territory that provides intervention and related assistance to victims of sexual assault without regard to their age. In the case of a governmental entity, the entity may not be part of the criminal justice system (such as a law enforcement agency) and must be able to offer a comparable level of confidentiality as a nonprofit entity that provides similar victim services. 42 U.S.C. § 13925(a)(25).

Allowable services for SASP include:

1. 24-hour hotline services providing crisis intervention services and referral;
2. Accompaniment and advocacy through medical, criminal justice, and social support systems, including medical facilities, police, and court proceedings;
3. Crisis intervention, short-term individual and group support services, and comprehensive service coordination and supervision to assist sexual assault victims and family or household members; (*Note: short-term counseling is allowable up to one year*)
4. Information and referral to assist the sexual assault victim and **non-offending** family or household members, including outreach activities;
5. Community-based, linguistically and culturally specific services and support mechanisms, including outreach activities for underserved communities; and
6. The development and distribution of materials on issues related to the services described in the previous bullets. For example, a program could use pamphlets, brochures, or community presentations to announce the services available under the grant.

Other Allowable uses of SASP funds include:

1. SASP funds may be used to support projects that focus on direct services for children who are victims of sexual assault. Services rendered to children do not have to be in connection to serving an adult parent and there is no age restriction on providing services to children.
2. SASP funds may be used to support a hotline to the extent the hotline is for sexual assault victims. If the hotline covers a broader array of issues, the costs should be pro-rated according to the percentage of calls that are for sexual

- assault. In order for a multi-issue hotline to receive SASP funds, the people who answer the hotline would need to have sexual assault specific training.
3. SASP funds may be used to support volunteer related expenses as they relate to the SASP project. Examples would include training and supervision of volunteers.
 4. SASP funds may be used to train advocates (volunteer or employee) that will provide specific grant-funded services. Note: Funds may not be used to provide a generalized statewide training nor may funds be used to develop training curriculums.
 5. SASP funds may be used to support consultant rates up to \$650 for an 8-hour day or \$81.25 per hour (excluding travel and subsistence). However, due to limitations of SASP funding, agencies should contact their OCJP Program Manager before budgeting any costs for consultants with SASP funds.
 6. Gift cards to clients are only allowable to the extent that they are used for allowable costs under SASP such as the purchase of emergency food for SASP clients or gas for victims to attend court, appointments etc. related to the victimization. **However, agencies must acquire a receipt from the client which documents only allowable items (food or gas-in the example) were purchased.** Without copies of these receipts, these costs will be deemed unallowable by OCJP and repayment of these funds will be required.
 7. Applicants are encouraged to allocate grant funds to support activities that help to ensure individuals with disabilities and Deaf individuals and persons with limited English proficiency have meaningful and full access to their programs. For example, grant funds can be used to support American Sign Language (ASL) interpreter services, language interpretation and translation services, or the purchase of adaptive equipment. Applicants proposing to use grant funds to create websites, videos and other materials must ensure that they are accessible to persons with disabilities and grant funds must be allocated for these purposes.

Allowable costs are those cost principles identified in the [OMB Circular A-87](#) for State and Local Governments and [OMB Circular A-122](#) for Non-Profit Organizations and in the grant program's authorizing legislation. In addition, costs must be reasonable, allocable, necessary to the project, and comply with the funding statute requirements.

See OCJP Administrative Manual, [Chapter XIV-Allowable Costs](#)

CHAPTER V UNALLOWABLE COSTS

A. UNALLOWABLE COSTS

1. SASP grant funds may not be used for education programs or training for allied professionals or the general public.
2. SASP funds may not be used for activities focused on prevention efforts (e.g. bystander intervention, social norm campaigns, presentations on healthy relationships, etc.). However funds may be used for outreach to inform persons about the services provided by a specific program. For example, a program could use pamphlets, brochures, or community presentations to announce the services available under the grant.
3. SASP funding may not be used for lobbying.
4. SASP funding may not be used for research projects.
5. SASP funding may not be used for physical modifications to buildings, including minor renovations and vehicle purchases.
6. SASP funds may not be used for Sexual Assault Forensic Examiner (SANE) projects.
7. SASP funds may not be used for criminal justice-related projects including law enforcement, prosecution, courts and forensic interviews.
8. SASP funds may not be used to support Sexual Assault Response Teams (SART). However, if an advocate position is funded under the SASP grant, the advocate's time in attending SART meetings may be covered as part of the advocacy he or she provides.
9. SASP funds may not be used for providing domestic violence services that do not relate to sexual violence.
10. SASP funds may not be used to purchase food and beverage
11. SASP funds may not be used for fundraising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions.

B. UNALLOWABLE COSTS RELATING TO ACTIVITIES THAT COMPROMISE VICTIM SAFETY AND RECOVERY

The following activities have been found to jeopardize victim safety, deter or prevent physical or emotional healing for victims, or allow offenders to escape responsibility for their actions:

1. Procedures or policies that exclude victims from receiving safe shelter, advocacy services, counseling, and other assistance based on their actual or perceived age, immigration status, race, religion, sexual orientation, gender identity, mental health condition, physical health condition, criminal record, work in the sex industry, or the age and/or gender of their children;
2. Crafting policies that deny individuals access to services based on their relationship to the perpetrator;

3. Developing materials that are not tailored to the dynamics of sexual assault or the culturally specific population to be served;
4. Crafting policies or engaging in practices that impose restrictive conditions to be met by the victim in order to receive services (e.g., counseling, seeking an order for protection);
5. Sharing confidential victim information with outside organizations and/or individuals without the documented consent of the victim; and
6. Crafting policies that require the victim to report the sexual assault to law enforcement.

SASP projects that engage in activities that compromise victim safety and recovery may be eliminated from further funding consideration.

See OCJP Administrative Manual, [Chapter XV- Unallowable Costs](#)

CHAPTER VI PUBLICATIONS AND MEDIA

A. PUBLICATION OF DOCUMENTS AND POSTING OF ELECTRONIC MEDIA

All reports, studies, notices, informational pamphlets, press releases, signs, billboards, DVDs, public awareness kits, training curricula, webinars, websites and similar public notices (written, visual or sound) prepared and released by the subrecipient shall include the statement:

"This project was supported by subgrant No. _____ awarded by the State of Tennessee, Department of Finance and Administration, Office of Criminal Justice Programs for the SASP Formula Grant Program. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the state or the U.S. Department of Justice, Office on Violence Against Women."

Note: The "subgrant No." is the SASP contract number and should be confirmed with the agency's OCJP program manager before publication completion.

B. PRODUCTION/PUBLICATION OF COPYRIGHTED WORKS

The subrecipient must obtain advance written approval from their OCJP program manager, and must comply with all conditions specified by the program manager in connection with that approval before:

1. Using award funds to purchase ownership of, or a license to use, a copyrighted work; or
2. Incorporating any copyrighted work, or portion thereof, into a new work developed under this award:

Pursuant to 28 CFR §66.34, the Office on Violence Against Women reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, in whole or in part (including in the creation of derivative works), for Federal Government purposes:

- a. any work that is subject to copyright and was developed under this award, subaward, contract or subcontract pursuant to this award; and

- b. any work that is subject to copyright for which ownership was purchased by a recipient, subrecipient or a contractor with support under this award

The above information is specific to SASP funds used to create and produce publications. For additional required information regarding Publications, see generic [Chapter XI – Publications](#).

CHAPTER VII PERFORMANCE MEASUREMENT & DECISION-MAKING

PERFORMANCE MEASUREMENT

The Office of Criminal Justice Programs, like all funders, wants to be a responsible steward of limited federal and state grant money. To accomplish this goal, OCJP works to assure that grants are awarded to agencies that can demonstrate they make a difference for clients. We have continually worked with our subrecipient agencies to provide them with the tools and experience they need to manage their operations and to demonstrate their accountability. We recognize that the combination of output, outcome and satisfaction data comprise a best picture possible of an agency's performance.

The data collected and reported by Tennessee subrecipients answer three questions:

1. **OUTPUTS** - What are we doing
2. **SATISFACTION** -How well are we doing it?
3. **OUTCOMES** - How is the client doing?

Together, this reporting data is used to monitor projects, fulfill federal grant reporting requirements, provide information for state strategies, and assist OCJP in determining project success and funding allocations.

OCJP conducts Performance Management Reviews (PMR) of each subrecipient as needed for funding decisions. The performance review process consists of a weighted system that provides a historical perspective of past and present subrecipient performance including output data, outcome data, meeting reporting deadlines, monitoring findings, etc.

OCJP will make funding/allocation decisions based on:

- (a) Performance Management Review Ratings.
- (b) The funding priorities and requirements of the funding source.
- (c) Ensuring that funds are allocated across the state in a defensible and equitable manner.

CHAPTER VIII

CONFIDENTIALITY POLICY

CONFIDENTIALITY POLICY

Each agency that receives a grant from the Office of Criminal Justice Programs (OCJP) to provide direct services to victims of domestic violence, sexual assault, dating violence or stalking should have a confidentiality policy in place. Confidentiality statements should be signed by all staff, volunteers, interns, board members, etc. and should state, at a minimum, that s/he will protect the personally identifying information of all persons contacting the agency for service, regardless of whether these persons actually receive services from the agency.

Personally identifying information includes any information that could reveal the identity or disclose the location of a victim of domestic violence, sexual assault, dating violence or stalking but would commonly include the following information:

- First and last name;
- Home or other physical address;
- Contact information (including email address, telephone/fax number, web address or postal address);
- Social security number, Driver's license number, Passport number, Student ID number; and
- Any other information including date of birth, racial or ethnic background, or religious affiliation that in combination with other information such as part of a name or address, etc. would serve to identify an individual.

Agencies should ensure that all client information that contains personally identifying information is kept out of view from clients, visitors, volunteers and others who do not provide direct services to clients.

Client information should be stored in a locked file when not in use by a service provider. Clients receiving non-residential services, including crisis callers, should also be included under the agency's confidentiality policy. Agencies should not use a log-in sheet to collect the names and other personally identifying information of crisis callers if this log will be in the view of clients, visitors, volunteers or others who do not provide direct services to clients. If an agency chooses to use a log-in sheet for crisis-callers that includes personally identifying information, then the log must be kept in a locked drawer, file cabinet, etc. when not in use by a service provider.

Agencies should never ask support group participants to sign a log-in sheet with their first and last name or any other personally identifying information. Agencies should tell a support group participant that signing in is optional.

Agencies may share non-personal identifying data **in the aggregate** regarding services to their clients and non-personal identifying demographic information in order to comply with Federal or State reporting, evaluation, or data collection requirements.

Agencies may share court-generated information and law enforcement generated information contained in secure, governmental registries for protection order enforcement purposes. **Agencies may share law enforcement and prosecution generated information necessary for law enforcement and prosecution purposes.**

RELEASE OF INFORMATION

The agency must have in place procedures regarding the disclosure of personally identifying information. Information should never be released or shared with another individual or agency without the signed release by the client.

A Release of Information must be written, informed, and reasonably time-limited, depending on the situation. As a rule, the Release of Information should not exceed a 15 to 30 day time period. Agencies must write a specific date of expiration on the signed release of information form. At a minimum, **the client should understand what information will be shared, why the information will be shared, and who will have access to the information.** A separate Release of Information should be signed by the client for each agency to which communication will be made on behalf of the client. A signed Release of Information must not be a condition of services. A sample Release of Information can be found in [Appendix F](#).

The agency's confidentiality policy should prohibit the release of client's personally identifying information unless:

- Client has signed a written release of information
- Court order has been issued
- Statutory requirement (e.g. mandatory reporting of child abuse)

Staff, board members, and agency volunteers must understand that they cannot reveal personally identifying information about a client when communicating with another individual/agency unless the client has given written permission by signing a Release of Information

The client should sign the release unless s/he is an unemancipated minor or a disabled adult, defined as "any person eighteen (18) years of age or older, determined by the court to be in need of partial or full supervision, protection and assistance by reason of mental illness, physical illness or injury, developmental disability or other mental or physical incapacity." (See Tennessee Annotated Title 34, Guardianships, Chapter 1, and Section 101(7).) Minors who are permitted to receive services without parent or guardian consent are allowed to authorize their release of information without parent or guardian consent. In the case of a minor, the minor and a parent or guardian should sign the release; in the case of a disabled adult, a legally appointed guardian should sign it. The abuser of the minor or person with disabilities, or the abuser of the other parent of the minor, may not give consent.

If a release is compelled by statutory requirement or court order, then the agency must make reasonable attempts to notify affected victims and take steps necessary to protect the privacy and safety of such victims.

NOTE: Agencies may be requested to submit client stories to OCJP, federal funders for reporting to Congress, to board members, newspapers or other media outlets. Due to the details shared in a client's story, the client should sign a Release of Information pertaining to the content of their personal story, as well as to the ways in which the personal story will be used. Clients must be made aware that their stories are being shared publicly and that their name will remain confidential. Notation should be made at the end of all client stories that the names are fictitious. Finally, care must be taken never to inadvertently make a victim feel as though s/he is obliged to "help" the organization by sharing her/his personal story.

ACCESS TO CLIENT RECORDS

The Office of Criminal Justice Programs generally conducts at least one monitoring visit to a subrecipient agency during any three-year grant contract period. In addition, from time to time, federal granting agencies may monitor the Office of Criminal Justice Programs and as part of this monitoring process may wish to visit and review files from some of OCJP's subrecipients. Federal agencies may include the Office on Violence Against Women, the Office for Victims of Crime, and the Department of Health and Human Services.

When client case files are reviewed by OCJP or a federal agency¹, appropriate steps must be taken by the agency to protect the identity of the client. OCJP has committed to strengthening its victim confidentiality policy; effective May 1, 2010 OCJP required that victim service agencies black-out (redact) all personally identifying information from client files that will be reviewed by OCJP monitors. (The only exceptions to this new policy are law enforcement, prosecutors and victim-witness programs.)

Personally identifying information includes:

- First and last name;
- Home or other physical address;
- Contact information (including email address, telephone/fax number, web address or postal address);
- Social security number; and
- Any other information including date of birth, racial or ethnic background, or religious affiliation that in combination with other information such as part of a name or address, etc. would serve to identify an individual.

Agencies will no longer have an option to use the Release of Information for OCJP Monitors. Instead, all files chosen for review by the OCJP monitor must have personally identifying information blacked out before the monitor reviews the file.

¹ May include one or more of the federal agencies with whom OCJP contracts.

Monitoring not only includes Programmatic Monitoring covering client services but also covers Fiscal Monitoring. There may be documents that will be reviewed by the Fiscal Monitor which would reveal client information. Subrecipients should be cautious when providing the Fiscal Monitor such things as cancelled checks or general ledgers with victims' names who have received special assistance. The same process of covering the names should be followed for both Programmatic and Fiscal Monitoring as described in the paragraph below.

OCJP recommends the following process when preparing client files for an OCJP monitor's visit. Copy the file that has been designated for review or print a copy of the client data from an electronic file. Use a black Sharpie pen to black-out all personally identifying information from the file. Make a copy of the blacked-out paperwork to ensure that the personally identifying information cannot be read. If the personally identifying information is visible to the OCJP monitor, this may be cause for a finding.

OCJP Program Managers are available for any clarification about preparing confidential documents for monitoring or any other concerns about confidentiality. For more information on Victim Services and Confidentiality please see:

<http://www.nnedv.org/policy/issues/vawaconfidentiality.html>

<http://www.nnedv.org/policy/issues/confidentiality.html>

http://nnedv.org/docs/SafetyNet/OVW/NNEDV_ConfidentialityReleasesFAQ_2011.pdf

TABLE OF CONTENTS

[Introduction](#)

CHAPTERS

- I. [Eligible Subrecipients](#)
- II. [Program Purpose and Requirements](#)
 - Program Purpose
 - [Program Requirements and Certifications](#)
 - Program Purpose Areas
 - Program Priorities
- III. [Reporting Requirements](#)
- IV. [Allowable Costs](#)
- V. [Unallowable Costs](#)
- VI. [Publications and Media](#)
- VII. [Performance Measurement and Decision Making](#)
- VIII. [Confidentiality Policy](#)

APPENDICES

- A. [STOP Federal Legislative Authority](#)
- B. STOP Output Reporting Form and Instructions
 - B.1. [STOP Annual Progress Report Form](#)
 - B.2. [STOP Annual Progress Report Form Instructions](#)
- C. [Sample Outcome Survey](#)
- D. [Data Collection Guidelines](#)
- E. [Certification of Compliance with VAWA](#)
- F. [Certification of Consultation \(Court, Law Enforcement & Prosecution\)](#)
- G. [Sample Release of Information Form](#)
- H. [VAWA Legislation, 2013](#)

INTRODUCTION

INTRODUCTION

This guide is provided for use by all subrecipient staff receiving federal grant funds from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, STOP Violence Against Women Formula Grant Program administered by the Tennessee Office of Criminal Justice Programs. This guide is to serve as a reference for the financial and programmatic requirements/responsibilities of projects funded through the STOP Violence Against Women Grant Program.

The STOP Violence Against Women Formula Grant Program was authorized through the Violence Against Women Act (VAWA) of 1994 and reauthorized and amended by the Violence Against Women Act of 2000 and the Reauthorization Act of 2005, Pub. L. No. 109-162. This Act reauthorizes the VAWA grant programs already administered by OVW for Fiscal Years 2007 through Fiscal year 2011.

The STOP Program is administered by the Office on Violence Against Women (OVW), U.S. Department of Justice. Its purpose is to promote a coordinated, multi-disciplinary approach to improving the criminal justice system's response to violence against women. It envisions a partnership among law enforcement, prosecution, courts and victim advocacy organizations to enhance victim safety and hold offenders accountable for their crimes of violence against women. The Office of Criminal Justice Programs in the Tennessee Department of Finance and Administration has been designated as the state agency responsible for administering this grant program in Tennessee.

CHAPTER I

ELIGIBLE SUBRECIPIENTS

Eligible subrecipients for federal STOP Violence Against Women funding include:

1. State Agencies
2. Units of Local Government
3. Non-profit Organizations
4. Faith-based Organizations
5. Community Organizations

Tennessee, as all states, must allocate STOP Violence Against Women funding within the parameters of the Act as follows:

1. 5% to support court programs
2. 25% to support law enforcement programs
3. 25% to support prosecution programs
4. 30% to support nonprofit, nongovernmental victim services programs (of which 10% must go to culturally specific community based organizations)
5. 15% to further support law enforcement, prosecution, court or victim services programs, at the state's discretion.

Statutory Definitions Under 42 U.S. C –3796gg-1-(c)(3):

Law Enforcement – a public agency charged with policing functions, including any of its component bureaus (such as governmental victim services programs).

Prosecution – any public agency charged with direct responsibility for prosecuting criminal offenders, including such agency's component bureaus (such as governmental victim services programs).

Victim Services – a nonprofit, nongovernmental organization that assists domestic violence, dating violence, sexual assault, or stalking victims, including rape crisis centers, domestic violence shelters, faith-based organizations, and other organizations, with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.

Courts – any civil or criminal, tribal, and Alaskan Village, Federal, State, local or territorial court having jurisdiction to address domestic violence, dating violence, sexual assault or stalking, including immigration, family, juvenile, and dependency courts, and the judicial officers serving in those courts, including judges, magistrate judges, commissioners, justices of the peace, or any other person with decision-making authority.

Community Based Organization – an organization that:

- a. focuses primarily on domestic violence, dating violence, sexual assault or stalking;
- b. has established a specialized culturally specific program that addresses domestic violence, dating violence, sexual assault or stalking;
- c. has a primary focus on underserved populations (and includes representatives of these populations) and domestic violence, dating violence, sexual assault or stalking; or
- d. obtains expertise, or shows demonstrated capacity to work effectively on domestic violence, dating violence, sexual assault or stalking through collaboration.

Funding to Faith-based and Community organizations

Consistent with Executive Order 13279, December 12, 2002 and 28 CFR Part 38, it is OVW's policy that faith-based and community organizations that statutorily qualify as eligible applicants under OVW programs are invited and encouraged to apply for assistance awards to fund eligible grant activities. Faith-based and community organizations will be considered for awards on the same basis as other eligible applicants and, if they receive assistance awards, will be treated on an equal basis with all other grantees in the administration of such awards. No eligible applicant or grantee will be discriminated against on the basis of its religious character or affiliation, religious name, or the religious composition of its board of directors or persons working in the organization. Faith-based and community organizations are required to abide by the same regulations and requirements specifically associated with the program under which you were awarded a grant as any other agency awarded funding.

CHAPTER II

PROGRAM PURPOSE AND REQUIREMENTS

A. PROGRAM PURPOSE

The purpose of the STOP Violence Against Women Grant Program is to assist state agencies, units of local government, nonprofit, faith-based and community organizations in carrying out specific projects which offer a high probability of improving the functioning of the criminal justice system. This grant program provides funding for projects which assist organizations in their efforts to reduce violence against women focused on domestic violence, sexual assault and stalking.

The overriding objective of this funding continues to be the implementation of comprehensive strategies that are sensitive to the needs and safety of victims and hold offenders accountable for their crimes.

B. PROGRAM REQUIREMENTS AND CERTIFICATIONS

Programs receiving STOP funding must be aware of the following state assurances to the federal government the following requirements are being implemented at the local level:

1. With respect to the VAWA requirement concerning costs for criminal charges and protection orders, a State must certify:

Its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony domestic violence, dating violence, sexual assault, or stalking offense, or in connection with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal or service of a protection order, or a petition for a protection order, to protect a victim of domestic violence, dating violence, sexual assault, or stalking, that the victim bear the costs associated with the filing of criminal charges against the offender, or the costs associated with the filing, issuance, registration, modification, enforcement, dismissal, withdrawal or service of a warrant, protection order, petition for a protection order, or witness subpoena, whether issued inside or outside the state, tribal, or local jurisdiction.

2. With respect to the VAWA requirement concerning forensic medical examination payment for victims of sexual assault, a State must certify:

The State or another governmental entity "incurs the full out-of-pocket cost of forensic medical exams . . . for victims of sexual assault" and "coordinates with health care providers in the region to notify victims of sexual assault of the availability of rape exams at no costs to the victims." In addition, a state must comply with this requirement without regard to whether the victim cooperates in the criminal justice system or

cooperates with law enforcement.

3. With respect to the VAWA requirement concerning judicial notification, a State must certify:

Its judicial administrative policies and practices include notification to domestic violence offenders of the requirements delineated in section 922(g)(8) and (g)(9) of title 18 of the United States Code, and any applicable related Federal, State, or local laws.

4. With respect to the VAWA requirement prohibiting polygraph testing, a State must certify:

Its laws, policies, or practices ensure that no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of an alleged sex offense as defined under Federal, Tribal, State, Territorial, or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of such an offense, and

Refusal of a victim to submit to a polygraph examination or other truth telling device shall not prevent the investigation, charging, or prosecution of an alleged sex offense.

C. PROGRAM PURPOSE AREAS

1. The Department of Justice has identified fourteen (14) purpose areas under which sub-grants may be funded. Programs must address one or more of the following eleven purpose areas:
 - a. Training law enforcement officers, judges, other court personnel, and prosecutors to more effectively identify and respond to violent crimes against women, including the crimes of sexual assault, domestic violence, and dating violence;
 - b. Developing, training, or expanding units of law enforcement officers, judges, other court personnel, and prosecutors specifically targeting violent crimes against women, including the crimes of sexual assault and domestic violence;
 - c. Developing and implementing more effective police, court and prosecution policies, protocols, orders, and services specifically devoted to preventing, identifying and responding to violent crimes against women including the crimes of sexual assault and domestic violence;
 - d. Developing, installing, or expanding data collection and communication systems including computerized systems, linking police, prosecutors, and courts or for the purpose of identifying and tracking arrests, protection orders, violations of protection orders, prosecutions, and convictions for violent crimes against women, including the crimes of sexual assault and domestic violence;
 - e. Developing, enlarging, or strengthening victim services programs including domestic violence, dating violence, sexual assault, developing or improving delivery of victim services to underserved populations, providing specialized domestic violence court advocates in courts where a significant number of

protection orders are granted, and increasing reporting and reducing attrition rates for cases involving violent crimes against women, including crimes of sexual assault and domestic violence;

- f. Developing, enlarging, or strengthening programs addressing stalking;
- g. Developing, enlarging, or strengthening programs addressing the needs and circumstances of Indian tribes in dealing with violent crimes against women, including the crimes of sexual assault and domestic violence;
- h. Supporting formal and informal Statewide, multidisciplinary efforts (to the extent not supported by State funds), to coordinate the response of State law enforcement agencies, prosecution, courts, victim service agencies, and other State agencies and departments, to violent crimes against women, including the crimes of sexual assault, domestic violence, and dating violence;
- i. Training of sexual assault forensic medical personnel examiners in the collection and preservation of evidence, analysis, prevention, and providing expert testimony and treatment of trauma related to sexual assault;
- j. Developing, enlarging, or strengthening programs to assist law enforcement, prosecutors, courts, and others to address the needs and circumstances of older and disabled women who are victims of domestic violence or sexual assault, including recognizing, investigating, and prosecuting instances of such violence or assault and targeting outreach and support, counseling, and other victim services to such older and disabled individuals;
- k. Providing assistance to victims of domestic violence and sexual assault in immigration matters;
- l. Maintaining core victim services and criminal justice initiatives, while supporting complementary new initiatives and emergency services for victims and their families;
- m. 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 the expertise in domestic violence, dating violence, sexual assault, or stalking and may undertake the following activities:
 - (1) developing in collaboration with prosecutors, courts and victim service providers, standardized response policies for local law enforcement agencies, including triage protocols to ensure that dangerous or potentially lethal cases are identified and prioritized;
 - (2) notifying persons seeking enforcement of protection orders as to what responses will be provided by the relevant law enforcement agency;
 - (3) referring persons seeking enforcement of protection orders to supplementary services (such as emergency shelter programs, hotlines, or legal assistance services); and
 - (4) taking other appropriate action to assist or secure the safety of the person seeking enforcement of a protection order;
- n. Providing funding to law enforcement agencies, non-profit nongovernmental 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:

- (1) the development and implementation of training of 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;
- (2) the implementation of protocols within law enforcement agencies to ensure consistent and effective responses to the commission of domestic violence by personnel within such agencies (such as the model policy promulgated by the International Association of Chiefs of Police (“Domestic Violence by Police Officers: A Policy of the IACP, Police Response to Violence Against Women Project” July 2003);
- (3) the development of such protocols in collaboration with State, tribal, territorial and local victim services providers and domestic violence coalitions.

Note: Any law enforcement, State, Tribal, Territorial, or local government agency receiving funding under the Crystal Judson Domestic Violence Protocol Program shall on an annual 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 Office of Criminal Justice Programs, including a summary of progress in implementing such protocol.

1. Agencies must comply with Tennessee Code Annotated, Section 31-1-403 and 37-1-605 by reporting suspected cases of child abuse to the Department of Children’s Services and with Tennessee Code Annotated 71-6-103 by reporting cases of adult abuse to the Department of Human Services as required by law.
2. In order for law enforcement agencies to qualify for grant funds, the agency must comply with the following:
 - a. Fingerprint Reporting Requirement. The Agency shall ensure that they will comply with Tennessee Code Annotated (TCA) 38-3-122 and will submit all fingerprints taken to the Tennessee Bureau of Investigation (TBI).
 - b. TIBRS Reporting Requirement. **The Agency shall ensure that they comply with the rules and regulations of the Tennessee Bureau of Investigations (TBI) as empowered by Tennessee Code Annotated (TCA) 38-10-101 et seq. with regard to the Tennessee Incident Based Reporting System (TIBRS). The agency will at all times maintain TBI certification of their compliance with those rules and regulations.**
3. Law Enforcement, Prosecution and Court program applicants must demonstrate that they have consulted and coordinated in a meaningful way with sexual assault and domestic violence victim services programs or coalitions. The Certification of

Consultation must be completed prior to an application being approved for funding.
[\(STOP Appendix F\)](#)

CHAPTER III REPORTING REQUIREMENTS

REPORTING REQUIREMENTS

Reporting requirements for STOP subrecipients include an Annual Progress Report for Outputs, Annual Outcome Reporting, Policy 03 Quarterly Expense and Revenue Report, Project Equipment Report (if equipment was purchased), Income Summary Report and a monthly Invoice for Reimbursement form. These reports are used to monitor projects, fulfill federal grant reporting requirements, provide information for state strategies and implementation plans and assist OCJP in determining project success and funding allocations. Examples of each form are provided in the Appendices of this manual.

The Project Director is responsible for timely submission of completed program and fiscal reports. Inability to submit required reports in a timely fashion is considered a failure of required contract obligations. Unless otherwise stated, STOP subrecipients are expected to participate in all report training events.

NOTE: The subrecipient is required to gather and maintain statistical data relating to grant project activities as required by the Office of Criminal Justice Programs. The data collected should support the information submitted on the annual reports. OCJP may periodically request to see the back-up data that supports the information submitted on your annual output and outcome reports.

Reporting requirements for STOP subrecipients include:

A. STOP Annual Progress Report:

The STOP Annual Progress Report is due no later than July 31. This report is emailed to the agency around July 1.

B. Client Survey Outcome Report:

The Client Survey Outcome Report is due no later than July 31. This report is submitted online. *Only projects that serve clients will submit this report.*

C. Training Participant Survey Outcome Report:

The Training Participant Survey Outcome Report is required if you will use STOP funds to provide training to allied professionals. This does not include community education. The report is due no later than July 31. This report is submitted online. *Only projects that conduct training for allied professionals will submit this report.*

NOTE: Starting with the 2010-2011 grant year, all STOP projects that use STOP grant funds to put on a training event(s) for professionals or allied professionals will need to distribute training surveys to participants and report the results on a Training Survey Outcome Report. Community education and community outreach are not considered training events. Do not submit a Training Outcome Report for community education or

community outreach events.

D. Project Equipment Summary Report:

The Project Equipment Summary Report is due no later than July 31 if equipment or “Sensitive Minor Equipment” was purchased with STOP grant funds. This report is submitted online.

E. Quarterly Program Income Summary Report (State and Local Governments Only):

This report form is completed on a quarterly basis if program income is generated as a direct result of an agency-funded activity. It is due fifteen (15) calendar days after the close of each year quarter. All income generated as a direct result of an agency funded project shall be deemed program income and reported via the use of this form. If the STOP project does not earn income, then the agency may submit an annual report due no later than July 15th. This report is available at the OCJP website and is to be submitted as an online report. More information about this report can be found in the OCJP Administrative Manual, [Chapter VII – Reporting Requirements](#).

F. Policy 03 Quarterly Expense and Revenue Report (Non-profit Agencies Only)

The Policy 03 Report is due quarterly no later than thirty (30) calendar days following the end of the quarter for which the report is completed. The report is emailed to the OCJP Fiscal Manager at OCJP.P3@tn.gov .

G. Invoice for Reimbursement:

The invoice is used to request monthly reimbursement. Funds can only be distributed to subrecipients upon receipt of a properly prepared and signed invoice. The invoices are emailed to the Office of Business and Finance of the Department of Finance and Administration.

Subrecipient agencies must request reimbursement at least once per quarter based on expenditures incurred. However, it is recommended that agencies invoice monthly, when monthly expenditures are incurred.

NOTE: Subrecipient agencies must request reimbursement at least once per quarter based on expenditures incurred. However, it is recommended that agencies invoice monthly, when monthly expenditures are incurred. It is important that Column A on the invoice reflect the most current OCJP approved budget. Failure to reflect the most current budget amounts on your invoice forms may result in your invoice being held for OCJP clarification and payment may be delayed.

H. Inter/Unit Journals (State Agencies Only)

The Department of Finance and Administration Policy Statement Number 18 establishes the timeline for the submission of Inter/Unit Journals. Refer to <http://www.tn.gov/assets/entities/finance/attachments/policy18.pdf> for additional information.

The necessary reporting forms are included in the OCJP Administrative Manual at <http://www.tn.gov/finance/article/fa-ocjp-submanual> . It is the subrecipient's responsibility to obtain and submit reports to OCJP.

I. Annual Fiscal Audit or Annual Fiscal Report

Nongovernmental (nonprofit or private organizations only)

Any nongovernmental entity (nonprofit or private organizations) that expends \$500,000 or more under a state contract regardless of whether federal or state funds are involved, during that entity's fiscal year, is required to have an audit conducted and due no later than 9 months after the close of the entity's fiscal year to Janet.Stewart@tn.gov. Please note, that if the federal funds expended (for the entire organization) is \$500,000 or more, the audit must be conducted in accordance with [OMB Circular A-133](#), and the audit cost is an allowable expenditure under the federal grant(s).

Any nongovernmental entity (nonprofit or private organizations) that expends less than \$500,000 under a state contract regardless of whether federal or state funds are involved during that entity's fiscal year, is required to submit an annual report of the entity's financial activities (not required to be audited) due no later than 9 months after the close of the entity's fiscal year to Janet.Stewart@tn.gov.

More information about this report can be found in [Chapter VII-Reporting Requirements](#).

STOP REPORTING TABLE

REQUIREMENT: A copy of each report submitted must be saved in the corresponding grant file.

REPORT	REPORTING PERIOD	SUBMIT TO OCJP
Annual Output Progress Report	July 1st – June 30th	Emailed to OCJP by July 31st
Annual Outcome Report (s): Client Survey Outcome Report Training Participant Survey Outcome Report	July 1st – June 30th	Submit Online by July 31st
Policy 03 Quarterly Expense and Revenue Report (Non Profit Agencies only)	Quarterly for Period Ending: September December March June	OCJP Fiscal Manager OCJP.P3@tn.gov October 30th January 30th April 30th July 30 th
OCJP Quarterly Program Income Summary Report (State and local government only)	Quarterly for Period Ending: September December March June	Submit Online : October 15th January 15th April 15th July 15 th
Project Equipment Summary Report if applicable	July 1st – June 30th	Submit Online by July 31st
F & A Invoice for Reimbursement (PLEASE CONTACT YOUR OCJP PROGRAM MANAGER FOR THE PROPER INVOICE FOR REIMBURSEMENT FORM.)	Monthly	Office of Business and Finance e-mail: Maher.M.Wasef@tn.gov
Annual Fiscal Audit <i>or</i> Annual Fiscal Report(<i>nonprofit agencies only</i>)	Due no later than 9 months after the close of the agency fiscal year	OCJP Fiscal Director Janet.Stewart@tn.gov

CHAPTER IV ALLOWABLE COSTS

ALLOWABLE COSTS

1. STOP funding may be used by the subrecipient for personnel, training, technical assistance, evaluation, data collection and equipment costs to enhance the apprehension, prosecution and adjudication of persons committing violent crimes against women. Children's services must be inextricably linked to providing services to victims of domestic violence. For example, STOP funds may support the expansion of shelter services for battered women to include programs for their children.
2. STOP funds may be used, in limited circumstances, to cover reasonable transportation costs that would enhance a woman's safety, including transportation out-of-state.
3. It is acceptable for STOP funding to support the operational costs of a facility, such as a shelter, however if the project is supported with funds from other sources as well, i.e. VOCA or 6 funding, the rent and operational expenses must be prorated among the different funding sources. If the shelter owns its own facility, rent for use of that facility may not be charged to the grant at all; however, related expenses such as utilities and building security may be charged to the grant.
4. Grant funds may be used to support, inform, and provide outreach to victims about available services. For example, a shelter could distribute brochures listing the signs of domestic violence, describing the services available, and providing a hotline number to access the services. Initiatives designed to reach victims, rather than raise awareness generally, may be supported with STOP funds.
5. Pro-rated share of food for emergency client needs and the pro-rated share of food purchases for domestic violence shelter resident's use.
6. Clothing and furniture costs must be pre-approved by OCJP before a purchase can be made.
7. STOP funds can be used to support consultant rates up to \$650 for an 8-hour day or \$81.25 per hour (excluding travel and subsistence). An 8-hour day may include preparation, evaluation and travel time in addition to the time required for actual performance. Please note, however, that this does not mean that the rate can or should be \$650 for all consultants. Compensation for individual consultant services is to be reasonable and consistent with that paid for similar services in the marketplace and consistent with the individual's experience and expertise. Rates should be developed and reviewed on a case-by-case basis and must be reasonable and allowable in accordance with OMB cost principles.
8. Allowable costs are those cost principles identified in the OMB Circular A-87 for State and Local Governments and OMB Circular A-122 for Non-Profit Organizations and in

- the grant program's authorizing legislation. In addition, costs must be reasonable, allocable, necessary to the project, and comply with the funding statute requirements.
9. STOP funds can be used to provide services to incarcerated victims but only to address the domestic violence, dating violence, sexual assault, or stalking victimization experienced by the incarcerated individual, including both crimes experienced while incarcerated and crimes experienced at other points in their youths and adult lives.
 10. Gift cards to clients are only allowable to the extent that they are used for allowable costs under STOP such as the purchase of emergency food for STOP clients or gas for victims to attend court, appointments etc. related to the victimization. However, agencies must acquire a receipt from the client which documents only allowable items (food or gas-in the example) were purchased. Without copies of these receipts, these costs will be deemed unallowable by OCJP and repayment of these funds will be required.
 11. STOP funds may be used to cover a victim's first month's rent. Deposits are also allowable if the subrecipient has an agreement with the landlord that the full/remaining deposit will be returned to the subrecipient and not the victim at the end of the lease.
 12. Applicants are encouraged to allocate grant funds to support activities that help to ensure individuals with disabilities and Deaf individuals and persons with limited English proficiency have meaningful and full access to their programs. For example, grant funds can be used to support American Sign Language (ASL) interpreter services, language interpretation and translation services, or the purchase of adaptive equipment. Applicants proposing to use grant funds to create websites, videos and other materials must ensure that they are accessible to persons with disabilities and grant funds must be allocated for these purposes.
 13. STOP funds can be used to provide services to lesbian, gay, bisexual, or transgender (LGBT) victims of domestic violence, dating violence, sexual assault, and stalking. Gay, bisexual, and transgender male victims who request services should not be refused such services based on their sex.
 14. STOP funds may be used to support programs in schools to the extent that they fit within one or more of the STOP program's statutory program purpose areas. For example, STOP funds could be used to provide support groups that meet at school for dating violence victims or to provide information to students about services available to help victims of dating violence. However, STOP funds may not support general prevention programs in schools.

See OCJP Administrative Manual, [Chapter XIV-Allowable Costs](#).

CHAPTER V

UNALLOWABLE COSTS

A. UNALLOWABLE COSTS

1. STOP grant funds may not be used to support services for obtaining divorces. Divorces and legal separations are civil proceedings that fall outside the scope of the seven broad purposes for which STOP funds may be used.
2. STOP funds may not be used to support services that focus exclusively on children.
3. STOP funds may not be used to support the development or presentation of a domestic violence, sexual assault, dating violence and/or stalking curriculum for primary or secondary schools. Funds may not be used to teach primary or secondary school students from an already existing curriculum
4. STOP funding may not support legal or defense services for perpetrators of violence against women. But they may support batterers' intervention programs, if the intervention is part of a graduated range of sanctions that use the coercive power of the criminal justice system to hold abusers accountable for their criminal actions and for changing their behavior.
5. STOP funds may not be used to conduct public awareness, media campaigns or community education campaigns or related activities. Grant funds may be used to support, inform, and conduct outreach to victims about available services.
6. STOP funding may not be used to support inherently religious activities
7. STOP funding cannot be used to lease and/or purchase vehicles.
8. STOP funds cannot be used for renovations, including minor renovations such as painting or replacing carpeting.
9. STOP funds may not be used to pay for moving household goods to a new location or acquiring furniture or housing in a new location when a survivor is leaving a shelter.
10. STOP funds may not be used to pay for immigration fees for battered immigrant women.
11. STOP funds may not be used to pay for law enforcement equipment including uniforms, safety vests, shields, weapons, bullets, and/or armory.
12. STOP funds may not be used to pay for chemical dependency or alcohol abuse programs that are not an integral part of a STOP supported court-mandated batterer intervention program.
13. STOP funds may not be used to conduct research.
14. The use of STOP funds for construction projects is prohibited.

15. Acquisition of land or real property with grant funds is prohibited.
16. STOP funds may not be used for fundraising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions.
17. **STOP funding may not be used for substance abuse counseling.**
18. **STOP funding may not be used to fund any criminal defense work, including defending women who assault, kill, or otherwise injure their abusers.**

B. UNALLOWABLE COSTS RELATING TO ACTIVITIES THAT COMPROMISE VICTIM SAFETY AND RECOVERY

The following activities have been found to jeopardize victim safety, deter or prevent physical or emotional healing for victims, or allow offenders to escape responsibility for their actions and cannot be supported with STOP funds:

1. Procedures or policies that exclude victims from receiving safe shelter, advocacy services, counseling, and other assistance based on their actual or perceived age, immigration status, race, religion, sexual orientation, gender identity, mental health condition, physical health condition, criminal record, work in the sex industry, or the age and/or gender of their children.
2. Offering perpetrators the option of entering pre-trial diversion programs.
3. Requiring mediation or counseling for couples as a systemic response to domestic violence or sexual assault, or in situations in which child sexual abuse is alleged.
4. Requiring victims to report sexual assault, stalking, or domestic violence crimes to law enforcement or forcing victims to participate in criminal proceedings.
5. Relying on court-mandated batterer intervention programs that do not use the coercive power of the criminal justice system to hold batterers accountable for their behavior.
6. Supporting policies that deny individuals access to services based on their relationship to the perpetrator.
7. Supporting policies or engaging in practices that impose restrictive conditions to be met by the victim in order to receive services (e.g., attending counseling, seeking an order of protection).
8. Sharing confidential victim information with outside organizations and/or individuals without the documented consent of the victim.

9. Placing of batterers in anger management programs.
10. Procedures that would penalize or impose sanctions on victims of domestic violence or sexual assault for failure to testify against the abuser and/or the perpetrator.

Also see OCJP Administrative Manual, [Chapter XV- Unallowable Cost](#)

CHAPTER VI PUBLICATIONS AND MEDIA

A. PUBLICATION OF DOCUMENTS AND POSTING OF ELECTRONIC MEDIA

All reports, studies, notices, informational pamphlets, press releases, signs, billboards, DVDs, public awareness kits, training curricula, webinars, websites and similar public notices (written, visual or sound) prepared and released by the subrecipient shall include the statement:

“This project was supported by subgrant No. _____ awarded by the State of Tennessee, Department of Finance and Administration, Office of Criminal Justice Programs for the STOP Formula Grant Program. The opinions, findings, conclusions and recommendations expressed in this publication/program/exhibition are those of the author (s) and do not necessarily reflect the views of the state or the U.S. Department of Justice, Office on Violence Against Women.”

Note: The “subgrant No.” is the STOP contract number and should be confirmed with the agency’s OCJP program manager before publication completion.

B. PRODUCTION/PUBLICATION OF COPYRIGHTED WORKS

Pursuant to 28 CFR §66.34, the Office on Violence Against Women reserves a royalty-free, nonexclusive, par irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, in whole or in part (including in the creation of derivative works), for Federal Government purposes:

- (a) any work that is subject to copyright and was developed under this award, subaward, contract or subcontract pursuant to this award; and
- (b) any work that is subject to copyright for which ownership was purchased by a recipient, subrecipient or a contractor with support under this award.

In addition, the recipient, subrecipient, contractor or subcontractor must obtain advance written approval from the Office on Violence Against Women program manager assigned to this award, and must comply with all conditions specified by the program manager in connection with that approval before: 1) using award funds to purchase ownership of, or a license to use, a copyrighted work; or 2) incorporating any copyrighted work, or portion thereof, into a new work developed under this award.

It is the responsibility of the recipient and of each subrecipient, contractor, or subcontractor, as applicable, to ensure that this condition is included in any subaward, contract or subcontract under this award.

The above information is specific to STOP funds. For additional requirements regarding Publications, see generic [Chapter XI – Publications](#)

CHAPTER VII

PERFORMANCE MEASUREMENT & DECISION-MAKING

PERFORMANCE MEASUREMENT

The Office of Criminal Justice Programs, like all funders, wants to be a responsible steward of limited federal and state grant money. To accomplish this goal, OCJP works to assure that grants are awarded to agencies that can demonstrate they make a difference for clients. We have continually worked with our subrecipient agencies to provide them with the tools and experience they need to manage their operations and to demonstrate their accountability. We recognize that the combination of output, outcome and satisfaction data comprise a best picture possible of an agency's performance.

The data collected and reported by Tennessee subrecipients answer three questions:

1. **OUTPUTS** - What are we doing?
2. **SATISFACTION** -How well are we doing it?
3. **OUTCOMES** - How is the client doing?

Together, this reporting data is used to monitor projects, fulfill federal grant reporting requirements, provide information for state strategies, and assist OCJP in determining project success and funding allocations.

OCJP conducts Performance Management Reviews (PMR) of each subrecipient as needed for funding decisions. The performance review process consists of a weighted system that provides a historical perspective of past and present subrecipient performance including output data, outcome data, meeting reporting deadlines, monitoring findings, etc.

OCJP will make funding/allocation decisions based on:

- (a) Performance Management Review Ratings.
- (b) The funding priorities and requirements of the funding source.
- (c) Ensuring that funds are allocated across the state in a defensible and equitable manner.

CHAPTER VIII CONFIDENTIALITY POLICY

CONFIDENTIALITY POLICY

Each agency that receives a grant from the Office of Criminal Justice Programs (OCJP) to provide direct services to victims of domestic violence, sexual assault, dating violence or stalking should have a confidentiality policy in place. Confidentiality statements should be signed by all staff, volunteers, interns, board members, etc. and should state, at a minimum, that s/he will protect the personally identifying information of all persons contacting the agency for service, regardless of whether these persons actually receive services from the agency.

Personally identifying information includes any information that could reveal the identity or disclose the location of a victim of domestic violence, sexual assault, dating violence or stalking but would commonly include the following information:

- First and last name;
- Home or other physical address;
- Contact information (including email address, telephone/fax number, web address or postal address);
- Social security number, driver's license number, passport number, or student id number; and
- Any other information including date of birth, racial or ethnic background, or religious affiliation that in combination with other information such as part of a name or address, etc. would serve to identify an individual.

Agencies should ensure that all client information that contains personally identifying information is kept out of view from clients, visitors, volunteers and others who do not provide direct services to clients.

Client information should be stored in a locked file when not in use by a service provider. Clients receiving non-residential services, including crisis callers, should also be included under the agency's confidentiality policy. Agencies should not use a log-in sheet to collect the names and other personally identifying information of crisis callers if this log will be in the view of clients, visitors, volunteers or others who do not provide direct services to clients. If an agency chooses to use a log-in sheet for crisis-callers that includes personally identifying information, then the log must be kept in a locked drawer, file cabinet, etc. when not in use by a service provider.

Agencies should never ask support group participants to sign a log-in sheet with their first and last name or any other personally identifying information. Agencies should tell a support group participant that signing in is optional.

Agencies may share non-personal identifying data **in the aggregate** regarding services to their clients and non-personal identifying demographic information in order to comply with Federal or State reporting, evaluation, or data collection requirements.

Agencies may share court-generated information and law enforcement generated information contained in secure, governmental registries for protection order enforcement purposes.

Agencies may share law enforcement and prosecution generated information necessary for law enforcement and prosecution purposes.

RELEASE OF INFORMATION

The agency must have in place procedures regarding the disclosure of personally identifying information. Information should never be released or shared with another individual or agency without the signed release by the client.

A Release of Information must be written, informed, and reasonably time-limited, depending on the situation. As a rule, the Release of Information should not exceed a 15 to 30 day time period. Agencies must write a specific date of expiration on the signed release of information form. At a minimum, **the client should understand what information will be shared, why the information will be shared, and who will have access to the information.** A separate Release of Information should be signed by the client for each agency to which communication will be made on behalf of the client. A signed Release of Information must not be a condition of services. A sample Release of Information can be found in [Appendix G](#).

The agency's confidentiality policy should prohibit the release of client's personally identifying information unless:

- Client has signed a written release of information
- Court order has been issued
- Statutory requirement (e.g. mandatory reporting of child abuse)

Staff, board members, and agency volunteers must understand that they cannot reveal personally identifying information about a client when communicating with another individual/agency unless the client has given written permission by signing a Release of Information

The client should sign the release unless s/he is an unemancipated minor or a disabled adult, defined as "any person eighteen (18) years of age or older, determined by the court to be in need of partial or full supervision, protection and assistance by reason of mental illness, physical illness or injury, developmental disability or other mental or physical incapacity." (See Tennessee Annotated Title 34, Guardianships, Chapter 1, and Section 101(7).) Minors who are permitted to receive services without parent or guardian consent

are allowed to authorize their release of information without parent or guardian consent. In the case of a minor, the minor and a parent or guardian should sign the release; in the case of a disabled adult, a legally appointed guardian should sign it. The abuser of the minor or person with disabilities, or the abuser of the other parent of the minor, may not give consent.

If a release is compelled by statutory requirement or court order, then the agency must make reasonable attempts to notify affected victims and take steps necessary to protect the privacy and safety of such victims.

NOTE: Agencies may be requested to submit client stories to OCJP, federal funders for reporting to Congress, to board members, newspapers or other media outlets. Due to the details shared in a client's story, the client should sign a Release of Information pertaining to the content of their personal story, as well as to the ways in which the personal story will be used. Clients must be made aware that their stories are being shared publicly and that their name will remain confidential. Notation should be made at the end of all client stories that the names are fictitious. Finally, care must be taken never to inadvertently make a victim feel as though s/he is obliged to "help" the organization by sharing her/his personal story.

ACCESS TO CLIENT RECORDS

The Office of Criminal Justice Programs generally conducts at least one monitoring visit to a subrecipient agency during any three-year grant contract period. In addition, from time to time, federal granting agencies may monitor the Office of Criminal Justice Programs and as part of this monitoring process may wish to visit and review files from some of OCJP's subrecipients. Federal agencies may include the Office on Violence Against Women, the Office for Victims of Crime, and the Department of Health and Human Services.

When client case files are reviewed by OCJP or a federal agency¹, appropriate steps must be taken by the agency to protect the identity of the client. OCJP has committed to strengthening its victim confidentiality policy; effective May 1, 2010 OCJP required that victim service agencies black-out (redact) all personally identifying information from client files that will be reviewed by OCJP monitors. (The only exceptions to this new policy are law enforcement, prosecutors and victim-witness programs.)

Personally identifying information includes:

- First and last name;
- Home or other physical address;
- Contact information (including email address, telephone/fax number, web address or postal address);

¹ May include one or more of the federal agencies with whom OCJP contracts.

- Social security number; and
- Any other information including date of birth, racial or ethnic background, or religious affiliation that in combination with other information such as part of a name or address, etc. would serve to identify an individual.

Agencies will no longer have an option to use the Release of Information for OCJP Monitors. Instead, all files chosen for review by the OCJP monitor must have personally identifying information blacked out before the monitor reviews the file.

Monitoring not only includes Programmatic Monitoring covering client services but also covers Fiscal Monitoring. There may be documents that will be reviewed by the Fiscal Monitor which would reveal client information. Subrecipients should be cautious when providing the Fiscal Monitor such things as cancelled checks or general ledgers with victims' names who have received special assistance. The same process of covering the names should be followed for both Programmatic and Fiscal Monitoring as described in the paragraph below.

OCJP recommends the following process when preparing client files for an OCJP monitor's visit. Copy the file that has been designated for review or print a copy of the client data from an electronic file. Use a black Sharpie pen to black-out all personally identifying information from the file. Make a copy of the blacked-out paperwork to ensure that the personally identifying information cannot be read. If the personally identifying information is visible to the OCJP monitor, this may be cause for a finding.

OCJP Program Managers are available for any clarification about preparing confidential documents for monitoring or any other concerns about confidentiality. For more information on Victim Services and Confidentiality please see:

<http://www.nnedv.org/policy/issues/vawaconfidentiality.html>

<http://www.nnedv.org/policy/issues/confidentiality.html>

http://nnedv.org/docs/SafetyNet/OVW/NNEDV_ConfidentialityReleasesFAQ_2011.pdf

VOCA GRANT TABLE OF CONTENTS

[Introduction](#)

CHAPTERS

- I. [Agency Eligibility](#)
- II. [Agency Requirements](#)
- III. [Reporting Requirements](#)
- IV. [Allowable Costs](#)
- V. [Unallowable Costs](#)
- VI. [Publications and Media](#)
- VII. [Performance Measurement & Decision Making](#)
- VIII. [Confidentiality Policy](#)

APPENDICES

- A. [VOCA Federal Legislative Authority](#)
- B. [VOCA Subgrant Award Projection Report \(SAR\)](#)
- C. [VOCA Annual Output Report Form](#)
- D. [VOCA Annual Performance Report Form](#)
- E. [Sample Outcome Surveys](#)
- F. [Data Collection Guidelines](#)
- G. [Tennessee Criminal Injury Compensation Program](#)
- H. [Sample Release of Information Form](#)

INTRODUCTION

This portion of the OCJP Administrative Manual is provided for use by all subrecipient staff receiving federal grant funds from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Victims of Crime Act Formula Grant program. It is intended to serve as reference for the programmatic requirements/responsibilities of projects funded through the Victims of Crime Act Grant Program.

This information is not intended to replace more detailed technical assistance available from the OCJP Program Manager assigned to your project. Subrecipient staff is encouraged to address questions or concerns regarding the subject matter in this manual and/or other issues with your OCJP Program Manager.

A. VICTIMS OF CRIME ACT (VOCA) (CFDA#16.575)

In 1984, VOCA established the Crime Victims Fund in the U.S. Treasury and authorized the Fund to receive deposits of fines and penalties levied against criminals convicted of federal crimes. The Department of Justice is responsible for the distribution of the funds, which are collected by U.S. Attorney's Offices, U.S. Courts, and the U.S. Bureau of Prisons. This Fund provides the source of funding for all activities authorized by VOCA.

The purpose of the Victims of Crime Act (VOCA) is to provide high quality services that directly improve the health and well being of victims of crime with priority given to victims of child abuse, domestic violence, sexual assault and services for previously underserved victims.

The Office for Crime Victims (OVC) makes annual VOCA crime victim assistance grants from the Fund to states. The primary purpose of these grants is to support the provision of services to victims of crime throughout the nation. For the purpose of these Programs Guidelines, services are defined as those efforts that:

1. Respond to the emotional and physical needs of crime victims;
2. Assist primary and secondary victims of crime to stabilize their lives after victimization;
3. Assist victims to understand and participate in the criminal justice system, provide victims of crime with a measure of safety and security such as boarding up broken windows and replacing or repairing locks.

The governor of each state designates the state agency that will administer the VOCA victim assistance grant program. In Tennessee, the Department of Finance and Administration, Office of Criminal Justice Programs is the administering agency. The designated agency establishes policies and procedures. VOCA funds granted to the states are to be used by eligible public and private nonprofit organizations to provide direct services to crime victims. **States have sole discretion for determining which organizations will receive funds, and in what amounts, as long as the subrecipients meet the requirements of VOCA.**

This Guide incorporates by reference the provisions of the Office of Management and Budget (OMB) circulars and government-wide common rules applicable to grants and cooperative agreements: [Circulars and Common Rules](#).

B. PROGRAM PURPOSE

The primary purpose of the Victims of Crime Act (VOCA) Grant Program is to support the provision of services to victims of crime throughout the state. The Victims of Crime Act (VOCA) assists public agencies and nonprofit organizations in carrying out specific projects related to direct victim services. Services, for the purpose of this grant, are defined as follows: those efforts that respond to the emotional and physical needs of crime victims, efforts that assist primary and secondary victims of crime to stabilize their lives after victimization, and those efforts that assist victims to understand and participate in the criminal justice system, provide victims of crime with a measure of safety and security such as boarding up broken windows and replacing or repairing locks.

C. PROGRAM REQUIREMENTS

The intent of the Victims of Crime Act (VOCA) Grant Program is to provide direct services to victims of crime. The Department of Justice has defined a unit of local government as a general purpose political subdivision of a state, such as a city or county. Grants from this program can only be awarded to organizations that are operated by public or nonprofit organizations, or a combination of such organizations, and provide direct services to crime victims. Programs must have the support and approval of its services by the community, a history of providing direct services in a cost-effective manner, and financial support from other sources.

CHAPTER I AGENCY ELIGIBILITY

VOCA specifies that an organization must provide services to crime victims and be operated by a public agency or nonprofit organization, or a combination of such agencies or organizations in order to be eligible to receive VOCA funding. Eligible organizations include victim services organizations whose sole mission is to provide services to crime victims. In addition to victim service organizations whose sole purpose is to serve crime victims, there are many other public and nonprofit organizations with components that offer services to crime victims. These organizations are eligible to receive VOCA funds, if the funds are used to expand or enhance the delivery of crime victims' services. Organizations such as this include, but are not limited to the following:

- A. Criminal Justice Agencies** such as law enforcement organizations, prosecutors' offices, courts, corrections departments, and probation and paroling authorities are eligible to receive VOCA funding to help pay for victims' services. For example, prosecutor-based victim services may include victim-witness, victim notification and victim impact statements, including statements of pecuniary damages for restitution. Corrections-based victim services may include victim notification, restitution advocacy, victim-offender mediation programs, and victim impact panels. Police-based victim services may include victim crisis units or victim advocates, victim registration and notification, and cellular phone and alarm services for domestic abuse victims. In general, VOCA funds may be used to provide crime victim services that exceed a law enforcement official's normal duties. Regular law enforcement duties such as crime scene intervention, questioning of victims and witnesses, investigation of the crime, and follow-up activities may not be paid for with VOCA funds.
- B. Religiously-Affiliated Organizations** receiving VOCA funds must ensure that services are offered to all crime victims without regard to religious affiliation and that the receipt of services is not contingent upon participation in a religious activity or event. Faith based and community organizations are required to abide by the same regulations and requirements specifically associated with the program under which you were awarded a grant as any other agency awarded funding.
- C. State Crime Victim Compensation.** Compensation programs, including both centralized and decentralized programs, may receive VOCA assistance funds if they offer direct services to crime victims that extend beyond the essential duties of compensation staff such as claims investigations, distribution of information about compensation and referral to other sources of public and private assistance. Such services would include assisting victims in identifying and accessing needed services and resources.
- D. Hospital and Emergency Medical Facilities** must offer crisis counseling, support groups, and/or other types of victim service. VOCA funds may be awarded to a medical facility for the purpose of performing forensic examinations on sexual assault victims if (1) the examination meets the standards established by the state, local

prosecutor's office, or statewide sexual assault coalition, and (2) appropriate crisis counseling and/or other types of victim services are offered to the victim in conjunction with the examination.

E. Other state and local public agencies such as mental health service organizations, state/local public child and adult protective services, state grantees, legal services agencies and programs with a demonstrated history of advocacy on behalf of domestic violence victims, and public housing authorities that have components specifically trained to serve crime victims.

CHAPTER II AGENCY REQUIREMENTS

VOCA establishes eligibility criteria that must be met by all organizations that receive VOCA funds. These funds are to be awarded to subrecipients only for providing services to victims of crime through their staff. Each subrecipient organization shall meet the following requirements:

- A. Public or Nonprofit Organizations.** Organizations must be operated by public or nonprofit organizations, or a combination of such organizations, and provide services to crime victims in order to receive VOCA funds.

- B. Record of Effective Services.** Programs must demonstrate a record of providing effective services to crime victims. This includes having the support and approval of its services by the community, a history of providing direct services in a cost-effective manner, and financial support from other sources.

- C. New Programs.** Those programs that have not yet demonstrated a record of providing effective services may be eligible to receive VOCA funding, if they can demonstrate that 25-50 percent of their financial support comes from non-federal sources. It is important that organizations have a variety of funding sources besides federal funding in order to ensure their financial stability. States are responsible for establishing the base level of nonfederal support required within the 25-50 percent range.

- D. Program Match Requirements.** The purpose of matching contributions is to increase the amount of resources available to the projects supported by grant funds. Matching contributions of 20% (cash or in-kind) of the total cost of each VOCA project (VOCA grant plus match) are required for each VOCA-funded project and must be derived from non-federal sources. All funds designated as match are restricted to the same uses as the VOCA victim assistance funds and must be expended within the grant period.

- E. Volunteers.** Subrecipient organizations must have volunteers unless the state determines there is a compelling reason to waive this requirement. A “compelling reason” may be a statutory or contractual provision concerning liability or confidentiality of counselor/victim information, which bars using volunteers for certain positions, or the inability to recruit and maintain volunteers after a sustained and aggressive effort. All requests for waivers must be made in writing to OCJP providing specific details.

Volunteers are not required to work in the VOCA program unless the time is used as in-kind match.

All supervision, background checks, training requirements, file documentation, etc. for volunteers providing direct services to victims must be consistent with the agency policy for paid staff providing the same or similar direct service(s).

F. Promote Community Efforts to Aid Crime Victims. Promote, within the community, coordinated public and private efforts to aid crime victims. Coordination may include, but is not limited to, serving on state, federal, local, or Native American task forces, commissions, working groups, coalitions, and/or multi-disciplinary teams. Coordination efforts also include developing written agreements that contribute to better and more comprehensive services to crime victims. Coordination efforts qualify an organization to receive VOCA victim assistance funds, but are not activities that can be supported with VOCA funds.

G. Help Victims Apply for Compensation Benefits. Such assistance may include identifying and notifying crime victims of the availability of compensation, assisting them with documentation, and/or with application forms and procedures, obtaining necessary checking on claim status.

All victims who appear to be eligible must be notified of their right to apply for compensation from Criminal Injury Compensation. Documentation must be made in each case file indicating that the victim has or has not been informed of his/her right to file for compensation. If a client is not informed of his/her rights for compensation a valid reason must be documented in the case file. If a client is clearly not eligible for compensation, it must be documented in the case file along with a valid reason for non-eligibility. If there is any question relating to eligibility the client must be informed of his/her right to file for compensation.

All VOCA staff and volunteers providing direct services to victims must receive training on Criminal Injury Compensation once during each fiscal year. Training related to Criminal Injury Compensation must be documented in the grant file. Training may be provided by the Criminal Injury Compensation Program staff, staff within a subrecipient agency, or any other qualified entity. In-house training should be based on the Tennessee Criminal Injury Compensation Program website at <http://www.tn.gov/treasury/injury/index.html> and/or current pamphlets /information received from the Tennessee Criminal Injury Compensation Program, etc.

H. Comply with Federal Rules Regulating Grants. Subrecipients must comply with the applicable provisions of VOCA and the OCJP Administrative Manual which includes maintaining appropriate programmatic and financial records that fully disclose the amount and disposition of VOCA funds received. This includes: financial documentation for disbursements, daily time and attendance records specifying time devoted to allowable VOCA 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.

I. Maintain Civil Rights Information. Subrecipients must maintain statutorily required civil rights statistics on victims served by race, national origin, sex, age, and disability, within the timetable established by OCJP. Reasonable access to the books,

documents, paper, and records to determine whether the subrecipient is complying with applicable civil rights laws must be permitted. This requirement is waived when providing a service, such as telephone counseling, where soliciting the information may be inappropriate.

J. Comply with State Criteria. Subrecipients must abide by any additional eligibility or service criteria as established by OCJP including submitting statistical and programmatic information on the use and impact of VOCA funds, as requested by OCJP.

K. Services to Victims of Federal Crimes. Victims of federal crimes must be provided services on the same basis as victims of state and local crimes.

L. No Charge to Victims for VOCA Funded Services. Services are provided to victims at no charge through any VOCA funded program. Any deviation from this requires prior approval by OCJP.

The purpose of the VOCA victim assistance grant program is to provide services to all crime victims regardless of their ability to pay for services rendered or availability of insurance or other third-party payment resources. Crime victims suffer tremendous emotional, physical, and financial losses. It was never the intent of VOCA to exacerbate the impact of the crime by asking the victim to pay for services.

Subrecipients must ensure that they have the capability to track program income in accordance with federal financial accounting requirements. All VOCA funded program and match income, no matter how large or small, is restricted to the same uses as the VOCA grant.

Program income can be problematic because of the required tracking systems needed to monitor VOCA funded income and ensure that it is used only to make additional services available to crime victims. For example: VOCA often funds only a portion of a counselor's time. Accounting for VOCA program income generated by this counselor is complicated, involving careful record keeping by the counselor, the subrecipient program, and OCJP.

M. Client-Counselor and Research Information Confidentiality. Subrecipients are to maintain confidentiality of client-counselor information as required by state and federal law.

N. Confidentiality of Research Information. Except as otherwise provided by federal law, no subrecipient of VOCA funds shall use or reveal any research or statistical information furnished under this program by any person to any specific private person for any purpose other than the purpose for which such information was obtained in accordance with VOCA. Such information shall be immune from legal process and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administration proceeding. These provisions are intended, among other things, to

ensure the confidentiality of information provided by crime victims to counselors working for victim services programs receiving VOCA funds.

Whatever the scope of application given this provision, it is clear that there is nothing in VOCA or its legislative history to indicate that Congress intended to override or repeal, a state's existing law governing the disclosure of information which is supportive of VOCA's fundamental goal of helping crime victims. For example, this provision would not act to override or repeal, in effect, a state's existing law pertaining to the mandatory reporting of suspected child abuse.

Furthermore, this confidentiality provision should not be interpreted to thwart the legitimate informational needs of public agencies. For example, this provision does not prohibit a domestic violence shelter from acknowledging, in response to an inquiry by a law enforcement agency conducting a missing person investigation, that the person is safe in the shelter. Similarly, this provision does not prohibit access to a victim service project by a federal or state agency seeking to determine whether federal and state funds are being utilized in accordance with funding agreements.

O. Comply With State Laws. In order for law enforcement agencies to qualify for grant funds, the agency must comply with the following:

1. Fingerprints/UCR Reporting Requirement. The agency shall ensure that they will comply with Tennessee Code Annotated (TCA) 38-3-122, and will submit all fingerprints taken to the Tennessee Bureau of Investigation (TBI).
2. TIBRS Reporting Requirement. **The Agency shall ensure that they comply with the rules and regulations of the Tennessee Bureau of Investigations (TBI) as empowered by Tennessee Code Annotated (TCA) 38-10-101 et seq. with regard to the Tennessee Incident Based Reporting System (TIBRS). The agency will at all times maintain TBI certification of their compliance with those rules and regulations.**

P. Record Keeping. The subrecipient must establish and maintain program records that assure project activities are in compliance with the approved project narrative. Such records must be readily available for review.

Q. Statutory Reporting. Agencies must comply with Tennessee Code Annotated, *Section 37-1-403* and *37-1-605* by reporting suspected cases of child abuse to the Department of Children's Services and with Tennessee Code Annotated *71-6-103* by reporting cases of adult abuse to the Department of Human Services as required by law.

CHAPTER III

REPORTING REQUIREMENTS

Reporting requirements for VOCA subrecipients include an OCJP Subgrant Award Projection Report (SAR), applicable Annual Client Outcome Report, Annual Output Report, Annual Narrative Performance Report, Policy 03 Quarterly Expense and Revenue Report, Project Equipment Report (if equipment was purchased), Income Summary Report and a monthly Invoice for Reimbursement form. These reports are used to monitor projects, fulfill federal grant reporting requirements, provide information for state strategies and implementation plans and assist OCJP in determining project success and funding allocations. Examples of each form are provided in the Appendices of this manual.

The Project Director is responsible for timely submission of completed program and fiscal reports. Inability to submit required reports in a timely fashion is considered a failure of required contract obligations. Unless otherwise stated, VOCA subrecipients are expected to participate in all report training events.

NOTE: The subrecipient is required to gather and maintain statistical data relating to grant project activities as required by the Office of Criminal Justice Programs. The data collected should support the information submitted on the annual reports. OCJP may periodically request to see the back-up data that supports the information submitted on your annual output and outcome reports.

- A. **OCJP Subgrant Award Projection Report (SAR)**: This report is required for each organization that receives VOCA funds. The SAR must be completed online no later than July 31 of the fiscal year for which the contract is awarded. The information in the report is a projection of how funding will be allocated to victim services throughout the grant period. A new SAR must be completed for each upcoming fiscal year for which grant dollars are received by an agency. Therefore, it is due July 31, immediately after the grant begins. This report should be submitted online and will be available on OCJP's website on July 15th or the next business day.

- B. **Annual Client Outcome Report**: The Annual Client Outcome Report is required at the end of each contract year and covers the period of July 1 through June 30 of the fiscal year for which the report is submitted. This report should be submitted online to OCJP by July 31. The Annual Client Outcome Report will be available on OCJP's website on July 15th or the next business day.

- C. **Annual Domestic Violence Shelter Programs Client Outcome Report**: If the VOCA project funds shelter services, then one Domestic Violence Shelter Programs Outcome Report will be submitted for all funding sources. The Annual Domestic Violence Shelter Programs Client Outcome Report is required at the end of each contract year and covers the period of July 1 through June 30 of the fiscal year for which the report is submitted. This report should be submitted online to OCJP by July 31. The Annual Client Outcome Report will be available on OCJP's website on July 15th or the next business day.

NOTE: Starting with the 2010-2011 grant year, all OCJP victim service grants that use grant funds to put on a training event(s) for professionals or allied professionals will need to distribute training surveys to participants and report the results on a Training Survey Outcome Report.

Community education and community outreach are not considered training events. Do not submit a Training Outcome Report for community education or community outreach events.

- D. Annual Output Report:** The Annual Output Report is required at the end of each contract year and covers the period of July 1 through June 30 of the fiscal year for which the report is submitted. This report should be submitted online to OCJP by July 31. The Annual Output Report will be available on OCJP's website on July 15 or the next business day.
- E. Annual Narrative Performance Report:** The [Annual Narrative Performance Report](#) is required at the end of each contract year and covers the period of July 1 through June 30 of the fiscal year for which the report is submitted. The report is due October 31 and is emailed to the Program Manager.
- F. Project Equipment Summary Report:** This report is completed on an annual basis, **if equipment or "Sensitive Minor Equipment"** (see [Chapter X-Property and Equipment](#) of the OCJP Administrative Manual for definition) is purchased with grant funds during the current fiscal year. It is due to OCJP no later than thirty (30) calendar days past the end of the State fiscal year or July 31st. This report is available for online submission. More information about this report can be found in the OCJP Administrative Manual, [Chapter VII – Reporting Requirements](#).
- G. Policy 03 Quarterly Expense and Revenue Report (Non-profit Agencies Only):** This report consists of the Program Expense Report (Schedule A), the Program Revenue Report (Schedule B), and the Final Program Expense Summary Page (Schedule C). Policy 03 Quarterly Expense and Revenue Reports are due no later than thirty (30) calendar days following the end of the quarter for which the report is completed. These reports are sent to the OCJP Fiscal Manager at OCJP.P3@tn.gov. More information about this report can be found in the OCJP Administrative Manual, [Chapter VII – Reporting Requirements](#).
- H. Quarterly Program Income Summary Report (State and Local Governments Only):** This report form is completed on a quarterly basis if program income is generated as a direct result of an agency-funded activity. It is due fifteen (15) calendar days after the close of each year quarter. All income generated as a direct result of an agency funded project shall be deemed program income and reported via the use of this form. If no program income is generated, this form may be submitted annually 15 days after the end of the fiscal year. This report is available at the OCJP website and is to be submitted as an online report. More information about this report can be found in the OCJP Administrative Manual, [Chapter VII – Reporting Requirements](#).
- I. Invoice for Reimbursement:** The invoice is used to request monthly reimbursement. Funds can only be distributed to subrecipients upon receipt of a properly prepared and signed invoice. The invoices are emailed to the Office of Business and Finance of the

Department of Finance and Administration.

*NOTE: Subrecipient agencies **must** request reimbursement at least once per quarter based on expenditures incurred. However, it is recommended that agencies invoice monthly, when monthly expenditures are incurred. It is important that Column A on the invoice reflect the most current OCJP approved budget. Failure to reflect the most current budget amounts on your invoice forms may result in your invoice being held for OCJP clarification and payment may be delayed.*

More information about this report can be found in [Chapter VII-Reporting Requirements](#).

J. Inter/Unit Journals (State Agencies Only): The Department of Finance and Administration Policy Statement Number 18 establishes the timeline for the submission of Inter/Unit Journals. Refer to <http://www.tn.gov/assets/entities/finance/attachments/policy18.pdf> for additional information.

K. Annual Fiscal Audit or Annual Fiscal Report - Nongovernmental (nonprofit or private organizations only): Any nongovernmental entity (nonprofit or private organizations) that expends \$500,000 or more under a state contract regardless of whether federal or state funds are involved, during that entity's fiscal year, is required to have an audit conducted and due no later than 9 months after the close of the entity's fiscal year to Janet.Stewart@tn.gov. Please note, that if the federal funds expended (for the entire organization) is \$500,000 or more, the audit must be conducted in accordance with [OMB Circular A-133](#), and the audit cost is an allowable expenditure under the federal grant(s).

Any nongovernmental entity (nonprofit or private organizations) that expends less than \$500,000 under a state contract regardless of whether federal or state funds are involved during that entity's fiscal year, is required to submit an **annual report of the entity's financial activities (not required to be audited)** due no later than 9 months after the close of the entity's fiscal year to Janet.Stewart@tn.gov.

More information about this report can be found in [Chapter VII-Reporting Requirements](#).

NOTE: All report due dates falling on a weekend day or holiday will be due no later than the following business day.

VOCA REPORTING TABLE

REQUIREMENT: A copy of each report submitted must be saved in the corresponding grant file.

Name of Report	Dates Covered	Date Due	Person Sent To
<u>U.S. Department of Justice Sub-grant Award Report (SAR)</u>	Current fiscal year	July 31 st	SUBMITTED AS AN ONLINE REPORT
<u>Annual Outcome Report</u>	July 1 – June 30	July 31 st	SUBMITTED AS AN ONLINE REPORT
<u>Annual Output Report</u>	July 1 – June 30	July 31 st	SUBMITTED AS AN ONLINE REPORT
<u>Annual Narrative Performance Report</u>	July 1 - June 30	October 31 st	Email to Program Manager
<u>Policy 03 Quarterly Expense and Revenue Report (Non Profit Agencies Only)</u>	1 st Quarter 2 nd Quarter 3 rd Quarter 4 th Quarter	1 st Quarter/10-30 2 nd Quarter/1-30 3 rd Quarter/4-30 4 th Quarter/7-30	<u>OCJP.P3@tn.gov</u>
<u>Tennessee Dept of F & A Invoice for Reimbursement</u> (PLEASE CONTACT YOUR OCJP PROGRAM MANAGER FOR THE PROPER INVOICE FOR REIMBURSEMENT FORM.)	Prior Month	Monthly	<u>Maher.M.Wasef@tn.gov</u>
<u>Project Equipment Summary Report</u> (If applicable)	Current Fiscal Year	30 days past the end of the State fiscal year (July 31)	SUBMITTED AS AN ONLINE REPORT
<u>OCJP Quarterly Program Income Summary Report (Government Agencies only)(If applicable)</u>	1 st Quarter 2 nd Quarter 3 rd Quarter 4 th Quarter	1 st Quarter/10-15 2 nd Quarter/1-15 3 rd Quarter/4-15 4 th Quarter/7-15	SUBMITTED AS AN ONLINE REPORT
Annual Fiscal Audit <i>or</i> Annual Fiscal Report (<i>nonprofit agencies only</i>)	The most recent fiscal year.	Due no later than 9 months after the close of the agency fiscal year	OCJP Fiscal Director <u>Janet.Stewart@tn.gov</u>

PLEASE PAY CLOSE ATTENTION TO THE LAST COLUMN AND SEND REPORTS TO THE PERSON LISTED.

CHAPTER IV ALLOWABLE COSTS

Allowable costs are those cost principles identified in [OMB Circular A-87](#) for State and local Government, [OMB Circular A-122](#) for Non-Profit Organizations and in the grant program's authorizing legislation. In addition costs must be reasonable, allocable, necessary to the project, and comply with the funding statute requirements. The following is a listing of services, activities, and costs that are eligible for support with VOCA victim assistance grant funds within a subrecipient's organization.

- A. Immediate Health and Safety** - Those services which respond to the immediate 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 (with prior approval), transportation, and shelter (including emergency, short term nursing home shelter for elder abuse victims for whom no other safe, short term residence is available), and other emergency services that are intended to restore the victim's sense of security. This includes services that offer an immediate measure of safety to crime victims such as boarding up broken windows and replacing or repairing locks. Also allowable is emergency legal assistance such as filing restraining orders and obtaining emergency custody/visitation rights when such actions are directly connected to family violence cases and are taken to ensure the health and safety of the victim.

- B. Mental Health Assistance** consists of those services and activities that assist the primary and secondary victims of crime in understanding the dynamics of victimization and in stabilizing their lives after victimization such as counseling, group treatment, and therapy.

- C. Assistance with Participation in Criminal Justice Proceedings** may include advocacy on behalf of crime victims, accompaniment to criminal justice offices and court, transportation to court, child care or respite care to enable a victim to attend court, notification of victims regarding trial dates, case disposition information, parole consideration procedures, and assistance with victim impact statements. VOCA funds cannot be used to pay for non-emergency legal representation such as for divorces or civil restitution recovery efforts.

- D. Forensic Examinations** are allowable costs for sexual assault only to the extent that other funding sources (such as state compensation, private insurance, or public benefits) are unavailable or insufficient and, such exams conform to state evidentiary collection requirements.

- E. Costs Necessary and Essential to Providing Direct Services** includes **pro-rated** costs in the line item of rent, telephone services, transportation costs for victims to receive services, emergency transportation costs that enable a victim to participate in the criminal justice system, and local travel expenses for service providers.
- F. Special Services** assist victims with managing practical problems created by the victimization such as acting on behalf of the victim with other service providers, creditors, or employers, assisting the victim to recover property that is retained as evidence, assisting in filing for compensation benefits, and helping to apply for public assistance.
- G. Personnel Costs** that are directly related to providing direct services, such as staff salaries and fringe benefits, including malpractice insurance, the cost of advertising to recruit VOCA funded personnel, and the cost of training paid and volunteer staff.
- H. Restorative Justice** includes opportunities for crime victims to meet with perpetrators, if such meetings are requested or voluntarily agreed to by the victim and have possible beneficial or therapeutic value to crime victims. At a minimum the following should be considered when conducting these meetings:
1. the safety and security to the victim,
 2. the benefit or therapeutic value to the victim,
 3. the procedures for ensuring that participation of the victim and the offender are voluntary and that everyone understands the nature of the meeting,
 4. the provision of appropriate support and accompaniment for the victim,
 5. appropriate “debriefing” opportunities for the victim after the meeting or panel,
 6. the credentials of the facilitators, and
 7. the opportunity for a crime victim to withdraw from the process at any time.

VOCA assistance funds cannot be used for victim-offender meetings, which serve to replace criminal justice proceedings.

OTHER ALLOWABLE COSTS AND SERVICE

The services, activities, and costs listed below are not generally considered direct crime victim services, but are often a necessary and essential activity to ensure that quality direct services are provided. Before these costs can be supported with VOCA funds, OCJP and the subrecipient must agree that direct services to crime victims cannot be offered without support for these expenses, that the subrecipient has no other source of support for them and that only limited amounts of VOCA funds will be used for these purposes. This must be agreed to at the time of grant application and

funding.

- I. Skills Training for Staff:** VOCA funds designated for training are to be used exclusively for developing the skills of direct service providers so that they are better able to offer quality services to crime victims. VOCA funds can be used for training both VOCA funded and non-VOCA funded service providers who work within a VOCA subrecipient organization. Volunteers can be included in VOCA supported training with prior approval from OCJP. All training supported with VOCA funds must relate directly to the purpose statement of the VOCA funded grant. VOCA funds cannot be used for management and administrative training for executive directors, board members, and other individuals that do not provide direct services.

- J. Training Materials:** VOCA funds can be used to purchase material such as books, training manuals, and videos for direct service providers, within the VOCA funded organization, and can support the costs of a trainer for in-service staff development. Staff from other organizations can attend in-service training activities that are held for the subrecipient's staff.

- K. Training Related Travel:** VOCA funds can support costs such as travel, meals, lodging, and registration fees to attend training within the state or a similar geographical area. Subrecipients are encouraged to first look for available training within their immediate geographical area. However, when needed training is unavailable within the immediate area, OCJP must be contacted for prior approval for travel outside the state. Expenses and reimbursements for all in state and out of state travel must follow the State of Tennessee Comprehensive Travel Regulations or the subrecipient travel regulations/rates, if lower.

- L. Equipment and Furniture:** VOCA funds may be used to purchase furniture and equipment that provides or enhances direct services to crime victims. Costs must be **pro-rated** if the equipment is not used exclusively for victim-related activities. Clothing, furniture and appliance costs must be pre-approved by OCJP before a purchase is made. Subrecipients cannot use VOCA funds to purchase equipment for another organization or individual to perform a victim-related service.

Equipment is defined as 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.

“Sensitive Minor Equipment” defined as moveable, high-risk, sensitive property items purchased with a cost between \$500.00 and \$5,000.00, such as computers (i.e., laptops, tablets), weapons, TVs, and cameras, acquired, used and managed for criminal justice and victim services grant purposes.

Examples of allowable costs may include computers, cameras, voice recorders, video tape cameras and players for interviewing children, two-way mirrors, equipment and furniture for shelters, work spaces, victim waiting rooms, and children's play areas.

The costs of furniture, equipment such as Braille equipment or TTY/TTD machines for the deaf or minor building alterations/improvements that make victim's services more accessible to persons with disabilities are allowable.

M. Purchasing or Leasing Vehicles: Subrecipients may use VOCA funds to purchase or lease vehicles if they can demonstrate to OCJP that such expenditure is essential to delivering services to crime victims. OCJP must give PRIOR approval for all such purchases.

N. Advanced Technologies: At times, computers may increase a subrecipient's ability to reach and serve crime victims. In making such expenditures, VOCA subrecipients must describe to OCJP how the computer equipment will enhance services to crime victims, how it will be integrated into and/or enhance the subrecipient's current system, the cost of installation, the cost of training staff to use the computer equipment, the ongoing operational costs, such as maintenance agreements, supplies, and how these additional costs will be supported.

Property insurance is an allowable expense as long as VOCA funds support a **prorated** share of the cost of the insurance payments. Property records must be maintained with the following: a description of the property and a serial number or other identifying number, identification of title holder, the acquisition date, the cost and the percentage of VOCA funds supporting the purchase, the location, use, and condition of the property, and any disposition data, including the date of disposal and sale price.

O. Contracts for Professional Services: VOCA funds generally should not be used to support contract services. At times, however, it may be necessary for VOCA subrecipients to use a portion of the VOCA grant to contract for specialized services. Examples of these include assistance in filing restraining orders or establishing emergency custody/visitation rights (the provider must have a demonstrated history of advocacy on behalf of domestic violence victims), forensic examinations on a sexual assault victims to the extent that other funding sources are unavailable or insufficient, emergency psychological or psychiatric services, or sign and/or interpretation for the deaf or for crime victims whose primary language is not English. Subrecipients are prohibited from using a majority of VOCA funds for contracted services which contain administrative, overhead, and other indirect costs included in the hourly or daily rate.

P. Operating Costs: Examples of allowable operating costs include supplies, equipment use fees, when supported by usage logs, printing, photocopying, and postage, brochures which describe available services, and books and other victim related materials. VOCA funds may support administrative time to complete VOCA required time and attendance sheets and programmatic documentation, reports, and statistics, administrative time to maintain crime victim's records, and the pro-rated

share of audit costs.

Note: A maximum of 5% of VOCA Total Project Costs (Federal Funds + Match) can be designated for administrative costs.

- Q. Supervision of Direct Service Providers:** OCJP may provide VOCA funds for supervision of direct service providers when they determine that such supervision is necessary and essential to providing direct services to crime victims. For example, OCJP may allow a subrecipient to use VOCA funds to support a coordinator of volunteers or interns is a cost-effective way of serving more crime victims.
- R. Repair and/or Replacement of Essential Items:** VOCA funds may be used for repair or replacement of items that contribute to maintaining a healthy and/or safe environment for crime victims, such as a furnace in a shelter. In the event that a vehicle is purchased with VOCA funds, related items, such as routine maintenance and repair costs, and automobile insurance are allowable. Requests for expending VOCA funds will be scrutinized to ensure the following:
1. that the building or vehicle is owned by the subrecipient organization and not rented or leased
 2. all other sources of funding have been exhausted
 3. there is no available option for providing the service in another location
 4. that the cost of the repair or replacement is reasonable considering the value of the building or vehicle
 5. the cost of the repair or replacement is **pro-rated** among all sources of income.
- S. Public Presentations:** VOCA funds may be used to support presentations that are made in schools, community centers, or other public forums, and that are designed to identify crime victims and provide or refer them to needed services. Specifically, activities and costs related to such programs including presentation materials, brochures, and newspaper notices can be supported by VOCA funds.
- T. Consultant Fees:** VOCA funds may be used to support consultant rates up to \$650 for an 8-hour day or \$81.25 per hour (excluding travel and subsistence). An 8-hour day may include preparation, evaluation and travel time in addition to the time required for actual performance. Please note, however, that this does not mean that the rate can or should be \$650 for all consultants. Compensation for individual consultant services is to be reasonable and consistent with that paid for similar services in the marketplace and consistent with the individual's experience and expertise. Rates should be developed and reviewed on a case-by-case basis and must be reasonable and allowable in accordance with OMB cost principles.

Consultants that are paid using VOCA dollars must provide direct services to crime victims.

- U. Transportation:** VOCA funds may be used for victim transportation services for victims to receive services or participate in criminal justice proceedings.
- V. VOCA Administrative Time:** VOCA funds may support administrative time to complete VOCA-required time and attendance sheets and programmatic documentation, reports, and statistics; administrative time to collect and maintain crime victim's satisfaction surveys and needs assessments used to improve victim services delivery in the VOCA funded project; and the **prorated** share of audit costs.
- W. Food Expenses:** VOCA funds may support a pro-rated share of food for emergency client needs and the pro-rated share of food purchases for domestic violence shelter residents' use.
- X. Gift cards** to clients are only allowable to the extent that they are used for allowable costs under VOCA such as the purchase of emergency food for VOCA clients or gas for victims to attend court, appointments etc. related to the victimization. **However, agencies must acquire a receipt from the client which documents only allowable items (food or gas-in the example) were purchased.** Without copies of these receipts, these costs will be deemed unallowable by OCJP and repayment of these funds will be required.

See the [Chapter XIV- Allowable Costs](#) of the generic Administrative Manual for more information.

CHAPTER V UNALLOWABLE COSTS

Unallowable costs are those cost principles identified in the [OMB Circular A-87](#) for State and Local Governments and [OMB Circular A-122](#) for Non-Profit Organizations and in the grant program's authorizing legislation.

The following services, activities, and costs, although not exhaustive, *CANNOT* be supported with VOCA victim assistance grant funds at the subrecipient level.

- A. Lobbying and Administrative Advocacy:** VOCA funds cannot support victim legislation or administrative reform, whether conducted directly or indirectly.
- B. Perpetrator Rehabilitation and Counseling:** Subrecipients cannot knowingly use VOCA funds to offer rehabilitative services to offenders. Likewise, VOCA funds cannot support services to incarcerated individuals, even when the service pertains to the victimization of that individual.
- C. Needs Assessments, Surveys, Evaluations, and Studies:** VOCA program funds may not be used to pay for efforts conducted by individuals, organizations, task forces, or special commissions to study and/or research particular crime victim issues.
- D. Prosecution Activities:** VOCA funds cannot be used to pay for activities that are directed at prosecuting an offender and/or improving the criminal justice system's effectiveness and efficiency, such as witness notification and management activities and expert testimony at a trial. In addition, victim witness protection costs and subsequent lodging and meal expenses are considered part of the criminal justice agency's responsibility and cannot be supported with VOCA funds.
- E. Fundraising Activities:** Costs of organized fund raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions, may not be charged either as direct or indirect costs against the award.

Nothing in this section should be read to prohibit a subrecipient from engaging in fund raising activities as long as Federal funds do not finance such activities.

- F. Indirect Organizational Costs:** The costs of liability insurance on buildings, capital improvements, security guards and body guards, property losses and expenses, real estate purchases, mortgage payments, and construction may not be supported with VOCA funds.
- G. Property Loss:** Reimbursing crime victims for expenses incurred as a result of a crime such as insurance deductibles, replacement of stolen property, funeral expenses, lost wages, and medical bills is not allowed.

- H. Most Medical Costs:** VOCA funds cannot pay for nursing home care (emergency short-term care previously described is allowable), home health-care costs, inpatient treatment costs, hospital care, and other types of emergency and non-emergency medical and/or dental treatment. VOCA victim assistance grant funds cannot support medical costs resulting from victimization, except for forensic medical examinations for sexual assault victims.
- I. Relocation Expenses:** VOCA funds cannot support relocation expenses for crime victims such as moving expenses, security deposits on housing, ongoing rent, and mortgage payments. However, VOCA funds may be used to support staff time in locating resources to assist victims with these expenses.
- J. Administrative Staff Expenses:** Salaries, fees and reimbursable expenses associated with administrators, board members, executive directors, consultants, coordinators, and other individuals, are not allowed, unless these expenses are incurred while providing direct services to crime victims.
- K. Development of Protocols, Interagency Agreements, and Other Working Agreements:** These activities benefit crime victims, but they are considered examples of the types of activities that subrecipients undertake as part of their role as a victim services organization, which in turn qualifies them as an eligible VOCA subrecipient.
- L. Costs of Sending Individual Crime Victims to Conferences**
- M. Activities Exclusively Related to Crime Prevention Coordination:** Activities such as serving on state, federal, local, or Native American task forces, commissions, working groups, coalitions, and/or multi-disciplinary teams are examples of efforts promoting coordination within the community. It may also include efforts in developing written agreements that contribute to better and more comprehensive services to crime victims. These efforts qualify an organization to receive VOCA victim assistance funds, but are not activities that can be supported with VOCA funds.
- N. Criminal Justice System:** VOCA funds cannot be used to pay for non-emergency legal representation such as for divorces or civil restitution recovery efforts.
- O. Training:** VOCA funds cannot be used for management and administrative training for executive directors, board members, and other individuals that do not provide direct services.
- P. Equipment:** Subrecipients cannot use VOCA funds to purchase equipment for another organization or individual to perform a victim-related service.
- Q. Contracts for Professional Services:** Subrecipients are prohibited from using a majority of VOCA funds for contracted services which contain administrative, overhead, and other indirect costs included in the hourly or daily rate.

- R. **VOCA funds** cannot be used for victim-offender meetings, which serve to replace criminal justice proceedings.
- S. **Consultants:** Fees that are paid using VOCA dollars must provide direct services to crime victims.

The following (not all-inclusive) services list is often mistaken for allowable costs under VOCA Grants, but each is considered an unallowable cost:

- Forensic Interviews**
- Child Protective Investigative Teams or anything relating to Child Protective Investigative Teams**
- Building Insurance**

Please note: THIS LIST IS NOT ALL-INCLUSIVE. For further clarification contact your OCJP Program Manager.

See the [Chapter XV- Unallowable Costs](#) of the generic Administrative Manual for more information

CHAPTER VI PUBLICATIONS AND MEDIA

See generic [Chapter XI – Publications and Media](#) of the OCJP Administrative Manual.

CHAPTER VII PERFORMANCE MEASUREMENT & DECISION MAKING

PERFORMANCE MEASUREMENT

The Office of Criminal Justice Programs, like all funders, wants to be a responsible steward of limited federal and state grant money. To accomplish this goal, OCJP works to assure that grants are awarded to agencies that can demonstrate they make a difference for clients. We have continually worked with our subrecipient agencies to provide them with the tools and experience they need to manage their operations and to demonstrate their accountability. We recognize that the combination of output, outcome and satisfaction data comprise a best picture possible of an agency's performance.

The data collected and reported by Tennessee subrecipients answer three questions:

1. **OUTPUTS** - What are we doing?
2. **SATISFACTION** - How well are we doing it?
3. **OUTCOMES** - How is the client doing?

Together, this reporting data is used to monitor projects, fulfill federal grant reporting requirements, provide information for state strategies, and assist OCJP in determining project success and funding allocations.

OCJP conducts Performance Management Reviews (PMR) of each subrecipient as needed for funding decisions. The performance review process consists of a weighted system that provides a historical perspective of past and present subrecipient performance including output data, outcome data, meeting reporting deadlines, monitoring findings, etc.

OCJP will make funding/allocation decisions based on:

- (a) Performance Management Review Ratings.
- (b) The funding priorities and requirements of the funding source.
- (c) Ensuring that funds are allocated across the state in a defensible and equitable manner.

CHAPTER VIII

CONFIDENTIALITY POLICY

CONFIDENTIALITY POLICY

Each agency that receives a grant from the Office of Criminal Justice Programs (OCJP) to provide direct services to victims of domestic violence, sexual assault, dating violence or stalking should have a confidentiality policy in place. Confidentiality statements should be signed by all staff, volunteers, interns, board members, etc. and should state, at a minimum, that s/he will protect the personally identifying information of all persons contacting the agency for service, regardless of whether these persons actually receive services from the agency.

Personally identifying information includes any information that could reveal the identity or disclose the location of a victim of domestic violence, sexual assault, dating violence or stalking but would commonly include the following information:

- First and last name;
- Home or other physical address;
- Contact information (including email address, telephone/fax number, web address or postal address);
- Social security number; Driver's license number, Passport number, Student ID number and
- Any other information including date of birth, racial or ethnic background, or religious affiliation that in combination with other information such as part of a name or address, etc. would serve to identify an individual.

Agencies should ensure that all client information that contains personally identifying information is kept out of view from clients, visitors, volunteers and others who do not provide direct services to clients.

Client information should be stored in a locked file when not in use by a service provider. Clients receiving non-residential services, including crisis callers, should also be included under the agency's confidentiality policy. Agencies should not use a log-in sheet to collect the names and other personally identifying information of crisis callers if this log will be in the view of clients, visitors, volunteers or others who do not provide direct services to clients. If an agency chooses to use a log-in sheet for crisis-callers that includes personally identifying information, then the log must be kept in a locked drawer, file cabinet, etc. when not in use by a service provider.

Agencies should never ask support group participants to sign a log-in sheet with their first and last name or any other personally identifying information. Agencies should tell a support group participant that signing in is optional.

Agencies may share non-personal identifying data **in the aggregate** regarding services to their clients and non-personal identifying demographic information in order to comply with Federal or State reporting, evaluation, or data collection requirements.

Agencies may share court-generated information and law enforcement generated information contained in secure, governmental registries for protection order enforcement purposes.

Agencies may share law enforcement and prosecution generated information necessary for law enforcement and prosecution purposes.

RELEASE OF INFORMATION

The agency must have in place procedures regarding the disclosure of personally identifying information. Information should never be released or shared with another individual or agency without the signed release by the client.

A Release of Information must be written, informed, and reasonably time-limited, depending on the situation. Agencies must write a specific date of expiration on the signed release of information form. As a rule, the Release of Information should not exceed a 15 to 30 day time period. At a minimum, **the client should understand what information will be shared, why the information will be shared, and who will have access to the information.** A separate Release of Information should be signed by the client for each agency to which communication will be made on behalf of the client. A signed Release of Information must not be a condition of services. A sample Release of Information form can be found in [Appendix H](#).

The agency's confidentiality policy should prohibit the release of client's personally identifying information unless:

- Client has signed a written release of information
- Court order has been issued
- Statutory requirement (e.g. mandatory reporting of child abuse)

Staff, board members, and agency volunteers must understand that they cannot reveal personally identifying information about a client when communicating with another individual/agency unless the client has given written permission by signing a Release of Information

The client should sign the release unless s/he is an unemancipated minor or a disabled adult, defined as "any person eighteen (18) years of age or older, determined by the court to be in need of partial or full supervision, protection and assistance by reason of mental illness, physical illness or injury, developmental disability or other mental or physical incapacity." (See Tennessee Annotated Title 34, Guardianships, Chapter 1, and Section 101(7).) Minors who are permitted to receive services without parent or guardian consent are allowed to authorize their release of information without parent or guardian consent. In the case of a minor, the minor and a parent or guardian should sign the release; in the case of a disabled adult, a legally appointed guardian should sign it. The abuser of the minor or person with disabilities, or the abuser of the other parent of the minor, may not give consent.

If a release is compelled by statutory requirement or court order, then the agency must make reasonable attempts to notify affected victims and take steps necessary to protect the privacy and safety of such victims.

NOTE: Agencies may be requested to submit client stories to OCJP, federal funders for reporting to Congress, to board members, newspapers or other media outlets. Due to the details shared in a client's story, the client should sign a Release of Information pertaining to the content of their personal story, as well as to the ways in which the personal story will be used. Clients must be made aware that their stories are being shared publicly and that their name will remain confidential. Notation should be made at the end of all client stories that the names are fictitious. Finally, care must be taken never to inadvertently make a victim feel as though s/he is obliged to "help" the organization by sharing her/his personal story.

ACCESS TO CLIENT RECORDS

The Office of Criminal Justice Programs generally conducts at least one monitoring visit to a subrecipient agency during any three-year grant contract period. In addition, from time to time, federal granting agencies may monitor the Office of Criminal Justice Programs and as part of this monitoring process may wish to visit and review files from some of OCJP's subrecipients. Federal agencies may include the Office on Violence Against Women, the Office for Victims of Crime, and the Department of Health and Human Services.

When client case files are reviewed by OCJP or a federal agency¹, appropriate steps must be taken by the agency to protect the identity of the client. OCJP has committed to strengthening its victim confidentiality policy; effective May 1, 2010 OCJP required that victim service agencies black-out (redact) all personally identifying information from client files that will be reviewed by OCJP monitors. (The only exceptions to this new policy are law enforcement, prosecutors and victim-witness programs.)

Personally identifying information includes:

- First and last name;
- Home or other physical address;
- Contact information (including email address, telephone/fax number, web address or postal address);
- Social security number; and
- Any other information including date of birth, racial or ethnic background, or religious affiliation that in combination with other information such as part of a name or address, etc. would serve to identify an individual.

¹ May include one or more of the federal agencies with whom OCJP contracts.

Agencies will no longer have an option to use the Release of Information for OCJP Monitors. Instead, all files chosen for review by the OCJP monitor must have personally identifying information blacked out before the monitor reviews the file.

Monitoring not only includes Programmatic Monitoring covering client services but also covers Fiscal Monitoring. There may be documents that will be reviewed by the Fiscal Monitor which would reveal client information. Subrecipients should be cautious when providing the Fiscal Monitor such things as cancelled checks or general ledgers with victims' names who have received special assistance. The same process of covering the names should be followed for both Programmatic and Fiscal Monitoring as described in the paragraph below.

OCJP recommends the following process when preparing client files for an OCJP monitor's visit. Copy the file that has been designated for review or print a copy of the client data from an electronic file. Use a black Sharpie pen to black-out all personally identifying information from the file. Make a copy of the blacked-out paperwork to ensure that the personally identifying information cannot be read. If the personally identifying information is visible to the OCJP monitor, this may be cause for a finding.

OCJP Program Managers are available for any clarification about preparing confidential documents for monitoring or any other concerns about confidentiality. For more information on Victim Services and Confidentiality please see:

<http://www.nnedv.org/policy/issues/vawaconfidentiality.html>

<http://www.nnedv.org/policy/issues/confidentiality.html>

http://nnedv.org/docs/SafetyNet/OVW/NNEDV_ConfidentialityReleasesFAQ_2011.pdf