



OVW

Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program

Fiscal Year 2006 Solicitation

LETTER OF INTENT DEADLINE:
December 7, 2005

GRANTS.GOV REGISTRATION
DEADLINE:
December 20, 2005

APPLICATION DEADLINE:
January 11, 2006

Please note: If your program was impacted by the recent hurricanes in a way that hinders your ability to submit your application for this grant program, you may be eligible for an extension of the application deadline. If you wish to apply for such an extension, please contact the Office on Violence Against Women at 202-307-6026.

U.S. Department of Justice
Office on Violence Against Women
800 K Street, NW, Suite 920
Washington, DC 20531

Alberto Gonzales
Attorney General
U.S. Department of Justice

Diane M. Stuart
Director
Office on Violence Against Women

Department of Justice Response Center
1-800-421-6770

TTY
202-307-2277

Office on Violence Against Women
www.usdoj.gov/ovw

Grants to Encourage Arrest Policies and Enforcement of Protection
Orders Program
www.ojp.usdoj.gov/fundopps.htm

Grants.gov Customer Support Hotline
1-800-518-4726

About the Office on Violence Against Women

The Office on Violence Against Women (OVW) is a component of the U.S. Department of Justice. Created in 1995, OVW implements the Violence Against Women Act (VAWA) and subsequent legislation and provides national leadership against domestic violence, sexual assault, and stalking. Since its inception, the Office has launched a multifaceted approach to responding to these crimes. By forging state, local and tribal partnerships among police, prosecutors, the judiciary, victim advocates, health care providers, faith leaders, and others, OVW grants help provide victims with the protection and services they need to pursue safe and healthy lives and enable communities to hold offenders accountable.

About the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program

The Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program (hereinafter referred to as the Arrest Program) recognizes that domestic violence¹ is a crime that requires the criminal justice system to hold offenders accountable for their actions through investigation, arrest, and prosecution of violent offenders, and through close judicial scrutiny and management of offender behavior.

At each juncture in the criminal justice process, concerns for victim safety should guide the actions of all partners in the system. Criminal justice agencies must collaborate among themselves and in meaningful partnership with nonprofit, nongovernmental sexual assault and domestic violence programs, including local shelters, victim service organizations and domestic violence coalitions, to ensure that victim safety is a paramount consideration in the development of any strategy to address domestic violence. Additionally, representatives from criminal justice agencies working to prevent and reduce domestic violence must have a clear understanding of the roles of governmental and nongovernmental victim assistance programs.

The primary purpose of the Arrest program is to encourage communities to adopt a coordinated community response (CCR) in the treatment of domestic violence as a serious violation of criminal law. This program challenges the entire community to listen, communicate, identify problems, and share ideas that will result in new responses to ensure victim safety and offender accountability.

The Arrest Program challenges victim advocates, police officers, pre-trial service personnel, prosecutors, judges and other court personnel, probation and parole officers, and community leaders to work together to craft solutions to overcome the problem of domestic violence. All entities must collaborate to ensure that victim safety is a paramount consideration in developing their strategy to address domestic violence.

¹ As defined in section (42 U.S.C. § 3796hh-4 (1)) the term domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other adult person against a victim who is protected from that person's acts under the domestic or family violence laws of the eligible State, Indian tribal government, or unit of local government that receives a grant under the Program.

Please read the Arrest Program Solicitation in its entirety before beginning your application. It is the responsibility of the applicant to ensure that the application is complete and that all eligibility requirements have been met at the time of application submission. OVW will remove an application from consideration, prior to peer review, if the application is incomplete. Final award decisions are not appealable.

Program Eligibility

It is very important that you review this information carefully. Applications that are submitted by non-eligible entities will be screened out of the review process during an internal review process. In addition, applications that do not meet the statutory certification requirements, as demonstrated through the Letter of Certification of Eligibility which must be signed by the applicant's chief executive officer, will not be considered for funding.

Eligible applicants are entities that meet the following criteria:

- Statutorily approved governmental agencies as described below;
- Jurisdictions that meet the statutory certification requirements as described on page 5; and
- Jurisdictions that meet the funding parameters as described on page 6.

By statute, eligible grantees for the Arrest Program are **States², Indian tribal governments, State and local courts (including juvenile courts), and units of local government.** For the purpose of this Program, **a unit of local government³** is any city, county, township, town, borough, parish, village, or other general-purpose political subdivision of a State; an Indian tribe that performs law enforcement functions as determined by the Secretary of Interior; or, for the purpose of assistance eligibility, any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia, and any Trust Territory of the United States.

Non-eligible entities include, but are not limited to:

- **Police Departments**
- **Pre-trial Service Agencies**
- **District or City Attorneys' Offices**
- **Sheriff Departments**
- **Probation and Parole Departments**

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As defined in 42 U.S.C. § 3791, "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

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As defined in 42 U.S.C. § 3791, "unit of local government" also includes any law enforcement district or judicial enforcement district that is established under applicable State law and has the authority to, in a manner independent of other State entities, establish a budget and impose taxes.

- **Shelters**
- **Nonprofit, Nongovernmental Victim Service Agencies**
- **Universities**

The above entities are not units of local government for the purposes of this grant. These agencies or organizations may assume responsibility for the development and implementation of the project, but they must apply through a State, State or local court, Indian tribal government, or a unit of local government. Nonprofit, nongovernmental victim service agencies may include faith-based or community-based organizations.

Certification of Eligibility

According to 42 U.S.C. § 3796hh(c) to be eligible to receive funding through this Program, applicants must:

- (1) certify that their laws or official policies—
 - (a) encourage or mandate arrests of domestic violence offenders based on probable cause that an offense has been committed; and
 - (b) encourage or mandate arrest of domestic violence offenders who violate the terms of a valid and outstanding protection order;
- (2) demonstrate that their laws, policies, **or** practices **and** their training programs discourage dual arrests of offender and victim;
- (3) certify that their laws, policies, **or** practices prohibit issuance of mutual restraining orders of protection except in cases where both spouses file a claim and the court makes detailed findings of fact indicating that both spouses acted primarily as aggressors and that neither spouse acted primarily in self-defense; and
- (4) certify that their 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 a protection order, or witness subpoena, whether issued inside or outside the State, tribal or local jurisdiction.

By statute, 42 U.S.C. § 3796hh-1(a)(1), all applications must include a certification by the **chief executive officer** of the State, Indian tribal government, State or local courts, or unit of local government that conditions listed above are met or will be met by the statutory deadline. **Current grantees which do not meet all eligibility requirements at the time of application will not be considered for funding. All other applicants have until the end of their next legislative session to fulfill the certification provisions.**

Submission of State and/or local statutes, laws and policies in lieu of a letter with proper certifications signed by the chief executive officer will not satisfy this statutory requirement. Applicants will not be contacted by OVW to correct certification letters.

Sample Letters of Certification of Eligibility and quick tips for completing the Certification of Eligibility are included in Appendix B. Please review carefully the letter to be included prior to the completion and submission of the application.

Grantees that received an award through the Arrest Program in FY 2004 or earlier are eligible to apply. Past recipients of Arrest Program awards who applied for, but did not receive continuation funding in FY 2005 are also eligible to apply.

Current grantees who received new or supplemental funding for 24 months in FY 2005 are not eligible to apply.

Types of Applicants

In FY 2006, OVW will accept applications for the Arrest Program from both current grantees and new applicants.

New applicants are applicants who are not currently receiving funds through the Arrest Program, and current grantees whose projects will expire on or before the FY 2006 Arrest Program application due date of January 11, 2006.

Current grantees include States, State and local courts, Indian tribal governments or units of local government that are currently implementing awards under the Arrest Program and whose grant award period ends after the FY 06 Arrest Program application due date of January 11, 2006. Current grantees are eligible to apply for continuation or supplemental funding to support on-going activities or to enhance those activities for an extended period of time. OVW has the discretion to make a supplemental or new award to a current grantee based on the project end date of the current award. For instance, funding under this solicitation may not be available before August 1, 2006. If selected for funding, a current grantee whose grant funds will be fully expended by April 1, 2006 may receive a new rather than a supplemental award. Applicants who may fall into this category should mention this in their application under the "status of the current project" section of the application.

Funding to Faith-Based and Community Organizations

Consistent with President George W. Bush's Executive Order 13279, dated December 12, 2002, and 28 CFR Part 38, it is OVW 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. 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 for or 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 organizations receiving OVW assistance awards retain their independence and do not lose or have to modify their religious identity (e.g., removing religious symbols) to receive assistance awards. OVW grant funds, however, may not be used to fund any inherently religious activity, such as prayer or worship. Inherently religious activity is permissible, although it cannot occur during an activity

funded with OVW grant funds; rather, such religious activity must be separate in time or place from the OVW funded program. Further, participation in such activity by individuals receiving services must be voluntary. Programs funded by OVW are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion.

Availability of Funds

The ability of OVW to make awards under the Arrest Program in Fiscal Year 2006 is contingent upon Congressional appropriation of funds for that purpose.

Award Period

The award period for these grants will be 24 months. **Budgets must reflect 24 months of project activity.**

Award Amounts

Applicants should carefully consider the resources needed to successfully implement the project proposed and present a realistic budget that accurately reflects project costs. Budget caps will be considered based on the following service area population formula:

<u>Service Area Population*</u>	<u>Budget Cap</u>
Up to 500,000	\$400,000
500,001 to 900,000	\$750,000
Over 900,000	\$1,500,000

***Applications should include a service area map identifying the area to be served.**

Notwithstanding the aforementioned budgetary caps, OVW may negotiate the scope of work with applicants and adjust budgets accordingly prior to granting an award. Additionally, OVW may remove from further consideration applications which exceed the solicitation's budgetary caps. **Current grantees should note that continuation or supplemental funding is not guaranteed.** All applications will be subject to internal review by OVW staff and peer review and will be scored according to the criteria set forth in this solicitation. Applications with the highest composite scores will be eligible to be considered for funding.

Letter of Intent

All applicants who intend to apply for FY 2006 funding under this program are **strongly encouraged to submit a non-binding letter of intent**, (please see Appendix A) to OVW by **December 7, 2005**. You may send the letter by facsimile to OVW at 202/514-5818. OVW will use these letters to forecast the number of peer review panels needed to review competitive applications.

Application Due Date – Read Carefully – New Information

Please note that final applications are due **by 5:30 pm (EST) January 11, 2006, and will be accepted only through Grants.gov, an e-Government initiative that is included in the President's Management Agenda and through submission of a**

hard copy original. Please note that Grants.gov is not the Grants Management System (GMS) through which OVW applicants have submitted applications in previous years. Applicants should register with Grants.gov by December 20, 2005. First-time registering can take several weeks.

You will be unable to submit your application if you do not first register.

In addition, applicants must send via overnight delivery a complete hard-copy original of the application, postmarked by January 11, 2006 to: OVW c/o Aspen Systems Corporation.

We strongly recommend that you use a trackable shipping method which will allow you to confirm the delivery of your application. Applicants should retain proof of timely submission.

Please refer to the "How to Apply" section on page 24 of this solicitation for further instructions.

Program Scope

The scope of the Arrest Program is defined by the following statutory program purpose areas and program priority areas. Proposed projects must implement activities consistent with the statutory program purpose areas. Proposed projects **must** address at least one purpose area, but do not need to address multiple purpose or priority areas in order to receive funding.

During the OVW internal review, applications that are partially out of scope will receive up to a 25-point deduction. **Applications that propose projects that are substantially outside the scope of the Arrest Program statutory purpose areas will be disqualified from further funding consideration.**

Statutory Purpose Areas

According to 42 U.S.C. § 3796hh (b) the Arrest Program will support projects that:

- Implement mandatory arrest or pro-arrest programs and policies in police departments, including mandatory arrest programs and policies for protection order violations;
- Develop policies, educational programs, and training in police departments to improve tracking of cases involving domestic violence and dating violence;⁴
- Centralize and coordinate police enforcement, prosecution, or judicial responsibility for domestic violence cases in groups or units of police officers, prosecutors, probation and parole officers, or judges;

⁴ As defined by section 42 U.S.C. § 3796hh-4(3) the term dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

- Coordinate computer tracking systems to ensure communication between police, prosecutors, parole and probation officers, and both criminal and family courts;
- Strengthen legal advocacy service programs for victims of domestic violence and dating violence, including strengthening assistance to such victims in immigration matters;
- Educate judges in criminal and other courts (including juvenile courts) about domestic violence and improve judicial handling of such cases;
- Provide technical assistance and computer and other equipment to police departments, prosecutors, courts, and tribal jurisdictions to facilitate the widespread enforcement of protection orders, including interstate enforcement, enforcement between States and tribal jurisdiction, and enforcement between tribal jurisdictions; and
- Develop or strengthen policies and training for police, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of domestic violence and sexual assault against older individuals⁵ and individuals with disabilities.⁶

Arrest Program Guidelines as it relates to:

Sexual Assault

Applications may address non-intimate partner sexual assault only for the purpose area that focuses on older individuals and individuals with disabilities (See Statutory Purpose Areas listed above). Otherwise, applications can address only those incidents of rape, sexual assault or stalking that occur within the context of dating and domestic violence.

Direct Legal Representation

Grant funds may not be used to provide legal representation in civil and criminal matters, such as family law cases (divorce, custody, visitation and child support), housing cases, consumer law cases and others. Grant funds may be used to provide legal representation to victims of domestic violence or dating violence **only** in the limited context of protection order proceedings.

Dating Violence

Dating violence can only be addressed through the appropriate statutory purpose areas described above.

Prevention Activities

All applications addressing prevention activities (i.e., outreach to elementary and secondary schools, implementation of educational programs regarding domestic or dating violence intervention and public awareness campaigns) **will be considered out of scope**.

Family Violence

5 As defined in section 102 of the Older Americans Act of 1965 (42.U.S.C. 3002).

6 As defined in section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)).

Grant funds may not be used to directly address child abuse, or other family violence issues such as violence perpetrated by a child against a parent, or violence perpetrated by a sibling against another sibling. Grant funds may be used to address sexual assault and stalking only within the context of domestic violence or dating violence, as defined by 42 USC 3796hh-4.

Children

Applicants may not provide direct services to children, children who witness domestic violence and/or services addressing child maltreatment, except where such services are an ancillary part of providing services to victims of domestic violence such as providing child care services while the victim receives services. Additionally, funds may be not be used to investigate or prosecute child abuse cases.

Program Priority Areas

By statute, 42 U.S.C. Section §3796(hh-1)(b) priority will be given to applications that:

- Illustrate that the jurisdiction does not currently provide for centralized handling of cases involving domestic violence by police, prosecutors, and courts;
- Demonstrate a commitment to strong enforcement of laws, and prosecution of cases, involving domestic violence, including the enforcement of protection orders from other States and jurisdictions (including tribal jurisdictions);
- Have established cooperative agreements or can demonstrate effective ongoing collaborative arrangements with neighboring jurisdictions to facilitate the enforcement of protection orders from other States and jurisdictions; and
- Intend to utilize grant funds to develop and install data collection and communication systems, including computerized systems, and training on how to use these systems effectively to link police, prosecutors, courts and tribal jurisdictions for the purpose of identifying and tracking protection orders and violations of protection orders, in those jurisdictions where such systems do not exist or are not fully effective.

Also, OVW has an interest in projects that:

- Involve faith-based and/or community-driven initiatives to address violence against women among diverse and traditionally underserved populations.