

Supporting Statement for Paperwork Reduction Act Submission

Certification of Compliance with the Statutory Eligibility Requirements of the Violence Against Women Act

A. Justification

1. Statutorily-Mandated Need for Information

The STOP (Services*Training*Officers*Prosecutors) Violence Against Women Formula Grant Program was authorized through the Violence Against Women Act (VAWA) of 1994 and reauthorized and amended by the VAWA 2000 and by the VAWA of 2005. 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.

Eligible applicants for the STOP Program include any state within the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, hereafter referred to as states. To be eligible for funds, applicants **must** certify that they are in compliance with the statutory eligibility requirements of the Violence Against Women Act which include that:

- (A) the funds will be used only for the statutory purposes described in 42 U.S.C. § 3796gg;
- (B) grantees and subgrantees will develop plans for implementation and will consult and coordinate with nonprofit, nongovernmental victim services programs, including sexual assault and domestic violence victim services programs and describe how the state will address the needs of underserved populations;
- (C) the amount granted will be allocated, without duplication, as follows: not less than 25 percent to law enforcement, not less than 25 percent to prosecutors, not less than 30 percent to nonprofit, nongovernmental victim services programs (of which at least 10 percent will be distributed to culturally specific community-based organizations), and not less than 5 percent for state and local courts;
- (D) any federal funds received under this subchapter will be used to supplement, not supplant, nonfederal funds that would otherwise be available for activities funded;
- (E) the state, Indian tribal government, unit of local government, or another governmental entity incurs the full out-of-pocket costs of forensic medical exams for victims of sexual assault;
- (F) the state, Indian tribal government, or territorial government's 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;

(G) the State or unit of local government's 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;

(F) the State, Indian tribal government, territorial government, or unit of local government's laws, policies, or 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.

2. Use of Information

OVW will use the information as a material representation of fact that the applicant to the grant program has complied with the statutory eligibility requirements.

3. Use of Information Technology

The collection of information may involve the use of automated, electronic, mechanical or other technological collection techniques or other forms of information technology. Grantees will submit this certification as part of their application which will be sent to the OVW electronically through the Office of Justice Programs= Grants Management System (GMS).

4. Duplication of Information Request

There is no other mechanism by which OVW collects this information.

5. Impact on Small Businesses

Because the respondents to the information request are applicants under the STOP Formula Grant Program - states, territories and the District of Columbia-- there is no impact on small businesses.

6. Consequences to Federal Programs or Policy

The STOP Formula Grant Program is enabling communities to treat violent crimes against women as serious offenses and to develop programs that make victim safety, offender accountability, and the prevention of domestic violence, sexual assault, and stalking crimes a high priority. If OVW was not able to collect the information from applicants, OVW would not be able to determine whether states grantees meet certification requirements mandated by VAWA, VAWA 2000 and VAWA 2005.

7. Special Circumstances

There are no special circumstances as identified in the specific instructions for a supporting statement for Paperwork Reduction Act Submissions.

8. Federal Register Publication

OVW has used this form in its grant solicitation packages. No applicant has complained that the data to be collected is not available, the annual collection of such data is burdensome, or the form is unclear. OVW will solicit comments via 60 day and 30 day notices that will be published in the Federal Register.

9. Payment or Gift to Respondents

There will no payment or gift to respondents.

10. Confidentiality

This form will not include any personal information about victims that could identify them as specific individuals. It is strictly a certification of compliance with certain statutory requirements.

11. Specific Questions

The form will not contain any questions of a personal, sensitive nature such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

12. Hour Burden of the Collection of Information

This certification form is not overly burdensome. It will be distributed to all prospective applicants in the solicitation package. It will be completed once during the application process.

OVW is seeking certification that potential grantees are complying with the statutory requirements concerning grant purpose areas, implementation plans, grant fund distribution percentages, supplanting, forensic medical examination payment for victims of sexual assault, filing costs for criminal charges, judicial notification and polygraph testing prohibition. OVW estimates that it will take approximately 30 minutes for prospective STOP state administrators to

determine that they are in compliance with the relevant statutory requirements and then complete the certification. Because OVW anticipates approximately 56 potential applicants, (potential STOP state administrators who will be completing the certification form) and it will take each applicant approximately 30 minutes to determine that they are in compliance and sign the certification, the total annual hours requested for the annual reporting and recordkeeping hour burden is approximately 28 hours.

13. Cost Burden of the Collection of Information

OVW does not believe that there is any annual cost burden on respondents or recordkeepers resulting from the completion of this form.

14. Annualized Costs to the Federal Government

OVW does not believe that there are any annualized costs to the Federal Government resulting from the completion of this form.

15. Program Changes or Adjustments

There are no program changes or adjustments for the estimates identified in Section 13 and in Section 14.

16. Publication of Information

The information will not be published. It will be used to determine whether an applicant is eligible for the STOP Formula Grant Program.

17. Display of Expiration Date for OMB Approval

OVW will include the OMB approval expiration date on the form.

18. Certification Statement

OVW is not seeking any exception to the certification statement identified in Item 19, Certification for Paperwork Reduction Act Submissions, of OMB Form 83-I.