

April 21, 2022

Board of County Commissioners
Clackamas County

Members of the Board:

Approval to Apply for U.S. Department of Justice, Office of Violence Against Women (OVW) Grant to Improve Criminal Justice Response (ICJR) to Domestic Violence, Dating Violence, Stalking and Sexual Assault in Clackamas County. Award would allow continuation of current program services provided by local organizations to improve criminal justice responses to domestic violence.
Amount requested is \$750,000 funded through U.S. Department of Labor.
No County General Funds are involved.

Purpose/Outcome	The Children, Family and Community Connections (CFCC) Division of Clackamas County requests approval to apply for an ICJR Grant funded through OVW. ICJR is a three-year grant to enhance victim safety and offender accountability in cases of sexual assault, domestic violence, and stalking by encouraging jurisdictions to work collaboratively with community partners to identify problems and share ideas that will result in effective responses to these crimes.
Dollar Amount and Fiscal Impact	Grant Application requesting \$750,000 No County General Funds are involved.
Funding Source	U.S. Department of Labor through the Office of Violence Against Women Catalog of Federal Domestic Assistance (CFDA) 16.590 Funding Opportunity: O-OVW-2022-171037
Duration	October 1, 2022 – September 30, 2025
Previous Board Action/Review	BCC Issues: 4/26/2022
Strategic Plan Alignment	1. Individuals and families in need are healthy and safe 2. Ensure safe, healthy and secure communities
Counsel Review	This Financial Assistance Application Lifecycle Form has been reviewed and approved by County Finance on 3/30/22, EC County Counsel approved County Certification Letters and Confidentiality Acknowledgement for signature on 4/12/2022, KR
Procurement Review	Was the item processed through Procurement? No. Revenue Grant Application
Contact Person	Adam Freer 971-533-4929
Contract No.	H3S10623

BACKGROUND:

The Children, Family & Community Connections Division of the Health, Housing and Human Services Department requests approval to apply for a U.S. Department of Justice, Office of Violence Against Women Grant for Improving Criminal Justice Responses Program (ICJR). This program encourages state, local, and tribal governments, and courts to treat domestic violence, dating violence, sexual assault, and stalking as serious violations of criminal law requiring the coordinated involvement of the entire criminal justice system. If awarded,

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www.clackamas.us

this grant would continue to build on the successes and partnerships currently in place with an existing ICJR Grant that ends 9/30/2022.

Grant Application is a Federal Solicitation (CFDA #16-590) with a maximum value of \$750,000 from October 1, 2022 through September 30, 2025. The Financial Assistance Application Lifecycle form has been reviewed and approved by County Finance. County Counsel has reviewed and approved the supplemental Certifications and Acknowledgements that are part of the Grant submission documents and require County signature:

- ICJR 2022 Certification of Eligibility
- ICJR 2022 HIV Certification Letter
- ICJR 2022 Nonsupplanting Certification Letter
- ICJR Form 42015 Confidentiality Acknowledgement

RECOMMENDATION:

Staff recommends the Board approval of this Agreement and authorization for Tootie Smith, Board Chair, to sign on behalf of Clackamas County.

Respectfully submitted,

Rodney A. Cook

Rodney A. Cook, Director
Health, Housing & Human Services

Financial Assistance Application Lifecycle Form

Use this form to track your potential award from conception to submission.

Sections of this form are designed to be completed in collaboration between department program and fiscal staff.

**** CONCEPTION ****

Section I: Funding Opportunity Information - To be completed by Requester

Award type: Direct Appropriation (no application)
 Subrecipient Award Direct Award
Award Renewal? Yes No

Lead Department & Fund #: H3S Children, Family & Community Connections - Fund 240

If renewal, complete sections 1, 2, & 4 only. If Direct Appropriation, complete page 1 and Dept/Finance signatures only.

If Disaster or Emergency Relief Funding, EOC will need to approve prior to being sent to the BCC

Name of Funding Opportunity: OVW FY 2022 Improving Criminal Justice Responses to Domestic Violence, Dating Violence, Sexual Assault, and Stalking Program

Funding Source: Federal State Local

Requestor Information (Name of staff person initiating form): Adam Freer

Requestor Contact Information: afreer@clackamas.us

Department Fiscal Representative: Scott Vandecoevering

Program Name and prior project # (please specify): OVW Improving Criminal Justice Responses - prior project # 2019-WE-AX-0017

Brief Description of Project:

The intent of the project is to build upon successes of current project activities while adding additional outcomes. The current project focuses on the restraining order process at the Family Justice Center as well as training for prosecution and others. COVID dramatically impacted this project so many adjustments had to be made during the past two years. This new project continues some of the activities related to access to protective orders while adding a new component that fills a gap defined by a recent report by the Clackamas County Domestic Violence Fatality Review Team. The grant partners remain the same.

Name of Funding Agency: US Department of Justice - Office on Violence Against Women

Notification of Funding Opportunity Web Address:

https://www.justice.gov/ovw

OR

Application Packet Attached: Yes No

Completed By: Sarah Van Dyke

3/21/2022

Date

**** NOW READY FOR SUBMISSION TO DEPARTMENT FISCAL REPRESENTATIVE ****

Section II: Funding Opportunity Information - To be completed by Department Fiscal Rep

Competitive Application

Non-Competing Application

Other

CFDA(s), if applicable: 16.590

Funding Agency Award Notification Date: 10/1/2022

Announcement Date: 3/16/22

Announcement/Opportunity #: O-OVW-2022-171037

Grant Category/Title: Improving Criminal Justice Response

Funding Amount Requested: \$750,000

Allows Indirect/Rate: Yes

Match Requirement: None required

Application Deadline: 4/28/22

Other Deadlines: Grants.gov (4/26/22), JustGrants (4/28/22)

Award Start Date: 10/1/22

Other Deadline Description: Dual submission process

Award End Date: 9/30/2025

Completed By: Sarah Van Dyke

Program Income Requirement: No

Pre-Application Meeting Schedule: Online April 5, 2022

Additional funding sources available to fund this program? Please describe: No

How much General Fund will be used to cover costs in this program, including indirect expenses? None

How much Fund Balance will be used to cover costs in this program, including indirect expenses? None

Section III: Funding Opportunity Information - To be completed at Pre-Application Meeting by Dept Program and Fiscal Staff

Mission/Purpose:

1. How does the grant/funding opportunity support the Department and/or Division's Mission/Purpose/Goals?

2. What, if any, are the community partners who might be better suited to perform this work?

3. What are the objectives of this funding opportunity? How will we meet these objectives?

4. Does the grant/financial assistance fund an existing program? If yes, which program? If no, what is the purpose of the program?

Organizational Capacity:

1. Does the organization have adequate and qualified staff? If no, can staff be hired within the grant/financial assistance funding opportunity timeframe?

2. Are there partnership efforts required? If yes, who are we partnering with and what are their roles and responsibilities?

3. If this is a pilot project, what is the plan for sunseting the project and/or staff if it does not continue (e.g. making staff positions temporary or limited duration, etc.)?

4. If funded, would this grant/financial assistance create a new program, does the department intend for the program to continue after initial funding is exhausted? If yes, how will the department ensure funding (e.g. request new funding during the budget process, supplanted by a different program, etc.)?

Collaboration

1. List County departments that will collaborate on this award, if any.

Reporting Requirements

1. What are the program reporting requirements for this grant/funding opportunity?

2. How will performance be evaluated? Are we using existing data sources? If yes, what are they and where are they housed? If not, is it feasible to develop a data source within the grant timeframe?

3. What are the fiscal reporting requirements for this funding?

Fiscal

1. Will we realize more benefit than this financial assistance will cost to administer?

2. Are other revenue sources required, available or will be used to fund the program? Have they already been secured? Please name other sources, including General Fund or Fund Balance and amounts.

3. For applications with a match requirement, how much is required (in dollars) and what type of funding will be used to meet it (CGF, In-kind, Local Grant, etc.)?

4. Does this grant/financial assistance cover indirect costs? If yes, is there a rate cap? If no, can additional funds be obtained to support indirect expenses and what are those sources?

Program Approval:

Sarah Van Dyke

3/22/2022

Sarah Van Dyke

Name (Typed/Printed)

Date

Signature

**** NOW READY FOR PROGRAM MANAGER SUBMISSION TO DIVISION DIRECTOR ****

****ATTACH ANY CERTIFICATIONS REQUIRED BY THE FUNDING AGENCY. COUNTY FINANCE OR ADMIN WILL SIGN.****

Section IV: Approvals

DIVISION DIRECTOR (or designee, if applicable)		
Adam Freer	3.22.22	
Name (Typed/Printed)	Date	Signature

DEPARTMENT DIRECTOR (or designee, if applicable)		
Rodney A. Cook	3/30/22	
Name (Typed/Printed)	Date	Signature

FINANCE ADMINISTRATION		
Elizabeth Comfort	3.31.2022	
Name (Typed/Printed)	Date	Signature

EOC COMMAND APPROVAL (DISASTER OR EMERGENCY RELIEF APPLICATIONS ONLY)		
Name (Typed/Printed)	Date	Signature

Section V: Board of County Commissioners/County Administration

*(Required for all grant applications. If your grant is awarded, all grant **awards** must be approved by the Board on their weekly consent agenda regardless of amount per local budget law 294.338.)*

For applications less than \$150,000:

COUNTY ADMINISTRATOR	Approved: <input type="checkbox"/>	Denied: <input type="checkbox"/>
Name (Typed/Printed)	Date	Signature

For applications greater than \$150,000 or which otherwise require BCC approval:

BCC Agenda item #: Date:

OR

Policy Session Date:

County Administration Attestation

County Administration: re-route to department contact when fully approved.
Department: keep original with your grant file.



Acknowledgement of Notice of Statutory Requirement to Comply with the Confidentiality and Privacy Provisions of the Violence Against Women Act, as Amended

Under section 40002(b)(2) of the Violence Against Women Act, as amended (42 U.S.C. 13925(b)(2)), grantees and subgrantees with funding from the Office on Violence Against Women (OVW) are required to meet the following terms with regard to nondisclosure of confidential or private information and to document their compliance. By signature on this form, applicants for grants from OVW are acknowledging that that they have notice that, if awarded funds, they will be required to comply with this provision, and will mandate that subgrantees, if any, comply with this provision, and will create and maintain documentation of compliance, such as policies and procedures for release of victim information, and will mandate that subgrantees, if any, will do so as well.

(A) In general

In order to ensure the safety of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking, and their families, grantees and subgrantees under this subchapter shall protect the confidentiality and privacy of persons receiving services.

(B) Nondisclosure

Subject to subparagraphs (C) and (D), grantees and subgrantees shall not—

- (i) disclose, reveal, or release any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs, regardless of whether the information has been encoded, encrypted, hashed, or otherwise protected; or
- (ii) disclose, reveal, or release individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of legal incapacity, a court-appointed guardian) about whom information is sought, whether for this program or any other Federal, State, tribal, or territorial grant program, except that consent for release may not be given by the abuser of the minor, incapacitated person, or the abuser of the other parent of the minor.

If a minor or a person with a legally appointed guardian is permitted by law to receive services without the parent's or guardian's consent, the minor or person with a guardian may release information without additional consent.

(C) Release

If release of information described in subparagraph (B) is compelled by statutory or court mandate—

- (i) grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information; and
- (ii) grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

(D) Information sharing

(i) Grantees and subgrantees may share—

- (I) nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements;
- (II) court-generated information and law enforcement-generated information contained in secure, governmental registries for protection order enforcement purposes; and
- (III) law enforcement-generated and prosecution-generated information necessary for law enforcement and prosecution purposes.

(ii) In no circumstances may—

- (I) an adult, youth, or child victim of domestic violence, dating violence, sexual assault, or stalking be required to provide a consent to release his or her personally identifying information as a condition of eligibility for the services provided by the grantee or subgrantee;
- (II) any personally identifying information be shared in order to comply with Federal, tribal, or State reporting, evaluation, or data collection requirements, whether for this program or any other Federal, tribal, or State grant program.

(E) Statutorily mandated reports of abuse or neglect

Nothing in this section prohibits a grantee or subgrantee from reporting suspected abuse or neglect, as those terms are defined and specifically mandated by the State or tribe involved.

(F) Oversight

Nothing in this paragraph shall prevent the Attorney General from disclosing grant activities authorized in this Act to the chairman and ranking members of the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate exercising Congressional oversight authority. All disclosures shall protect confidentiality and omit personally identifying information, including location information about individuals.

(G) Confidentiality assessment and assurances

Grantees and subgrantees must document their compliance with the confidentiality and privacy provisions required under this section.

April 21, 2022

Director
Office on Violence Against Women
145 N Street, NE Suite 10 W.121
Washington, DC 20530

Re: HIV Certification

Dear Director:

I certify that Clackamas County's laws, regulations, or policies are in compliance with the requirements of 34 U.S.C. § 10461(d). Specifically, ORS 135.139 requires:

- (A) The state or unit of local government at the request of a victim to administer to a defendant, against whom an information or indictment is presented for a crime in which by force or threat of force the perpetrator compels the victim to engage in sexual activity, testing for the immunodeficiency virus (HIV) not later than 48 hours after the date on which the information or indictment is presented and defendant is in custody or has been served with the information or indictment:
- (B) as soon as practicable notification to the victim, or parent and guardian of the victim, and defendant of the testing results; and
- (C) follow-up tests for HIV as may be medically appropriate, and that as soon as practicable after each such test the results be made available in accordance with subparagraph (B).

I have attached documentation that supports our certification.

Sincerely,

Tootie Smith

Chair of Clackamas County Board of County Commissioners

April 21, 2022

Office on Violence Against Women
145 N Street, NE Suite 10 W.121
Washington, DC 20530

Re: Improving Criminal Justice Responses Program Certification of Eligibility

Dear Director:

As Chief Executive Officer of Clackamas County, I submit this letter to certify to the following:

1. the laws or official policies of Clackamas County:
 - a. encourage or mandate arrests of domestic violence offenders based on probable cause that an offense has been committed;
 - b. encourage or mandate arrests of domestic violence offenders who violate the terms of a valid and outstanding protection order;
2. the laws, policies, or practices and the training programs of Clackamas County discourage dual arrests of offender and victim;
3. the laws, policies, or practices of Clackamas County prohibit issuance of mutual restraining orders of protection except in cases where both parties file a claim and the court makes detailed findings of fact indicating that both parties acted primarily as aggressors and that neither party acted primarily in self-defense;
4. the laws, policies, and practices of Clackamas County 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, or service of a protection order, or a petition for a protection order, to protect a victim of sexual assault, domestic violence, dating violence, 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 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; and
5. the laws, policies or practices of Clackamas County ensure that
 - a. no law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth, or child victim of a 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, trial of, or sentencing for such an offense; and
 - b. the refusal of a victim to submit to an examination described in clause (i) shall not prevent the investigation of, trial of, or sentencing for the offense.

Sincerely,

Tootie Smith
Chair of Clackamas County Board of County Commissioners