

VICTIMS' RIGHTS ENFORCEMENT PROJECT SUBGRANT SOLICITATION

A Project of the National Crime Victim Law Institute Through a Cooperative Agreement from the Office for Victims of Crime

I. INTRODUCTION

The National Crime Victim Law Institute (NCVLI), through a cooperative agreement with the U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime (OVC), award number 2018-V3-GX-K018, is soliciting proposals for the Victims' Rights Enforcement Project—also known as the Rights In Systems Enforced Project (“Project” or “RISE Project”). The RISE Project is intended to provide crime victims with access to legal representation to assert and seek enforcement of their rights throughout criminal justice processes. Specifically, the Project anticipates funding up to six sites that will increase awareness of victims' rights and increase victim access to no cost legal services through an expanded body of attorneys knowledgeable about rights assertion and enforcement in criminal trial and appellate courts. NCVLI anticipates awarding up to six subawards up to \$1,000,000 each for programs starting in spring 2019 and ending August 31, 2021.

II. BACKGROUND

In 2004, President George W. Bush signed into law the Justice for All Act of 2004, which authorized for the first time the Crime Victims' Rights Act (CVRA). The CVRA sets forth specific courses of action to help enforce victims' rights in criminal matters on a federal level. States across the country have laws (found in the constitutions and/or statutes) with rights similar to the CVRA. In 2007, OVC issued a Crime Victims' Rights Enforcement Project solicitation and awarded funding to establish crime victims' rights clinics, and a training and technical assistance provider, which worked to ensure that victims were accorded their rights at the state and federal levels.

Over the last several years, OVC has supported various civil legal assistance initiatives to help address myriad civil legal needs of victims in the aftermath of a criminal act. While these efforts have encouraged, and in some instances required, the provision of legal services to aid victims' rights enforcement, many victims remain unaware of their rights and are without support to

NON-BINDING LETTER OF INTENT

If you plan to apply, please submit a non-binding letter of intent no later than **February 11, 2019** using [this online form](#). Please have the following information regarding the anticipated lead applicant organization available: contact person name, postal address, email address, telephone number and the jurisdiction in which the proposed program would operate.

OPTIONAL PRE-APPLICATION INFORMATION WEBINAR

NCVLI will conduct a pre-application information webinar on **February 8, 2019** at 12:00pm (Pacific). Participation is optional.

APPLICATION DEADLINE

5pm (Pacific) on **March 5, 2019**.

STAY UP-TO-DATE

Sign up to receive updates on this Project at www.ncvli.org. Awards anticipated by **April 2019**.

assert and seek enforcement of those rights. Moreover, many civil legal attorneys who are experienced with providing services to victims have not yet incorporated victims' rights enforcement into their practice. Notably, crime victims frequently need assistance with both the enforcement of their rights in criminal proceedings and advocacy on the collateral civil matters that result from their victimization. Prosecutors, criminal justice professionals, attorneys, advocates, and other professionals working with victims also need training and support to better understand crime victims' rights, the significance of those rights, and how to secure enforcement of those rights. This Project is intended to expand on federal, state, local, and tribal efforts to enforce crime victims' rights.

III. PROJECT PURPOSE

The purpose of the RISE Project is to: (1) provide victims with legal representation to assert and seek enforcement of their rights in criminal cases, and, as necessary during and in support of such representation, provide those victims representation on collateral civil legal matters arising from the victimization; (2) raise awareness about victims' rights among prosecutors, criminal justice professionals, attorneys, local bar associations, law students, advocates, and other allied professionals working with victims; and (3) expand the body of professionals who will advocate for the enforcement of crime victims' rights. To achieve this, with OVC funding, NCVLI seeks to fund up to six (6) legal clinics. Applications will be accepted under two distinct purpose areas; any Applicant can only apply under a single purpose area.

Purpose Area 1 – Expansion of existing victims' rights enforcement legal services. Eligible organizations will have an established legal practice that has as a primary goal provision of direct legal representation services to victims of crime to aid them in asserting and seeking enforcement of their rights in criminal trial and appellate courts. Applicants in Purpose Area 1 must demonstrate how their proposed program will expand existing direct representation services (*e.g.*, services will reach new victim populations, crime types, geographic regions, courts) or ensure Applicants can provide services to victim groups currently underserved by the Applicants.

Purpose Area 2 – Establishment of new rights' enforcement legal services. Eligible organizations will have an existing practice of providing legal services the primary goal of which is civil legal assistance for crime victims. Applicants in Purpose Area 2 must demonstrate how their proposed program will result in a new program to provide legal services to crime victims to aid them in asserting and seeking enforcement of victims' rights in criminal courts.

IV. ELIGIBLE APPLICANTS

Eligible applicants are limited to nonprofit organizations (including tribal nonprofit organizations), faith-based organizations, community-based organizations, colleges or universities (including tribal institutions of higher education), public agencies, federally recognized Indian tribal governments (as determined by the Secretary of the Interior), or tribal organizations. Applicants should be able to demonstrate: (1) capacity to provide effective rights

enforcement legal services to crime victims in trial and appellate courts, and civil legal assistance to victims in collateral legal matters; (2) knowledge and understanding of the enforcement of crime victims' rights; (3) sufficient staff resources and the capability to fulfill the objectives required by this Project; (4) adequate case intake and management capacities to successfully execute a program serving victims at no cost to the victim and with no eligibility criteria beyond victim status; and (6) capacity to carry out the objectives of their proposed program as a stand-alone program.

V. APPLICATION CONTENT

The following items must be submitted in the application:

A. PROGRAM ABSTRACT

Each application must include a Program Abstract that highlights the purposes, goals, and objectives of the proposed program. The Abstract should not exceed one side of one double-spaced, 8½ x 11-inch page with 1 inch margins and a type no smaller than standard 12-point Times New Roman font.

B. PROGRAM NARRATIVE

The Program Narrative may not exceed 20 pages and must be submitted on one side only of 8½ x 11-inch paper using double spacing, a minimum of 1-inch margins on all four sides, and a type no smaller than standard 12-point Times New Roman font. Single-spaced and 1½-spaced narratives will not be accepted. Applications that do not conform to these requirements will not be reviewed. The narrative page limit does not include the Program Abstract, Logic Model, Time-Task Plan, Program Budget or any Appendices.

The Program Narrative must include the following sections in the sequence listed below.

1. Description of Issue & Need. The narrative should clearly indicate the Purpose Area for which lead applicant is applying. This section must discuss the issue to which the program is responding and articulate the need for the program, focusing on how the program will create and/or increase access to rights enforcement legal services for crime victims in the community in a manner responsive to the need. Specifically, Applicants should consider including:
 - A demonstrated need for rights enforcement legal services in the targeted area. Such need may be demonstrated in various ways (*e.g.*, formal or informal legal needs and/or legal services capacity assessment); and
 - Identification of who will be served by the program and explain how the program will provide new or expanded rights enforcement legal services.
2. Program Design & Implementation. The program design & implementation must include a detailed description of program goals, objectives, activities, and deliverables, together with an identification of who will be responsible for each item. Topics to be covered in the goals, objectives, activities and deliverables include those identified below.

- **Legal Services to Be Provided.** Explain how the program will establish new direct representation legal services, or expand existing direct representation legal services, for victim of crime that are primarily focused on rights enforcement in criminal trial and appellate courts, and, as necessary during and in support of such representation, secondarily focused on ensuring legal representation in the victim-client's collateral civil legal matters through either in-house services or referral to partners. Identify how the existing or proposed model of legal services will include the use of an in-house trauma advocate (*e.g.*, social worker, counselor, mental health professional) who works with victims under the attorney-client privilege umbrella; and identify existing partnerships that will aid referrals and provision of legal services (*e.g.*, relationships with local prosecutors, law enforcement, victim advocates, and community legal service organizations).
 - **Jurisdictions/Venues to be Covered.** Applicants should identify the courts in which rights enforcement efforts will be undertaken (*e.g.*, state, federal, military, tribal).
 - **Law Strength.** All states and the District of Columbia have enacted state constitutional amendments and/or statutes establishing victims' rights. The nature of these rights differs from jurisdiction to jurisdiction, with the strongest laws being those that are substantially similar to the federal crime victims' rights act, 18 U.S.C. § 3771. Identify and describe the strength of the targeted jurisdiction(s)'s laws with regard to victims' rights enforcement in trial and appellate courts. Specifically include a discussion of the processes for seeking appellate review of a denial of a victims' right.
 - **Policies & Procedures.** Describe existing or proposed policies, procedures, and tools for intake, referrals, case selection and case management. Demonstrate that the policies, procedures or tools allow for: (1) representation of crime victims in criminal cases; (2) representation without client eligibility criteria beyond status as a crime victim (*e.g.*, no income eligibility criteria); and (3) protection of client-privacy, confidentiality and privilege. Describe organizational governance and how this influences and impacts timelines to adopt, rescind or amend policies, procedures or tools.
 - **Outreach & Education to Increase Knowledge of Victims' Rights and Enforcement to be Undertaken.** Include plan for outreach to local state and federal prosecutors, system and community based victim advocates, and other legal service providers to increase knowledge of victims' rights and the program's services, increase referrals to the program, and increase holistic responses to crime victims. Applicants should also include plan for collaborating nationally on rights enforcement efforts with other clinics through participation in regular distance meetings hosted by NCVLI, and consider including plan for attending/presenting at national victim law trainings such as [NCVLI's Crime Victim Law Conference](#).
3. **Capabilities & Competencies**
 The Application should detail the lead applicant's capacity and capability to implement the program. The capabilities and competencies of any proposed partners should also be included. Capabilities and competencies should clearly describe how

and who will provide direct legal services at a level of at least 1.0 FTE of dedicated attorney time. The lead applicant need not be the entity providing the direct legal representation to aid victims with enforcement of their rights in criminal proceedings and advocacy on the collateral civil matters that result from their victimization so long as funded partner(s) will provide such services.

Areas to consider discussing:

- Experience providing trauma- and culturally-informed victim legal assistance;
- Experience and expertise in victims' rights enforcement through direct victim representation at federal, state and tribal levels;
- Litigation experience at trial and appellate levels, separately explaining civil and criminal court experience;
- Experience leveraging pro bono or low bono attorneys, law or social work students, community partners, and other legal service organizations to achieve goals;
- Experience with outreach and education to increase knowledge of victims' rights enforcement;
- Experience collaborating on strategic litigation or advancement of rights; and
- Experience managing large, multi-year federal grants or subgrants.

4. Evaluation Methods.

The Application should identify policies, procedures and methodologies for evaluating program effectiveness and for obtaining feedback about the program's value to the crime victim community. Anticipated data to be collected:

- Number, nature, scope and court level of victim representations on rights enforcement
- Number, nature, scope and court level of victim representations on collateral legal matters substantially related to the victimization
- Types of victimization and demographics of victims receiving legal services
- Number of hours provided by the program and any pro or low bono attorneys conducting each type of program activity (*e.g.*, direct representation, education, outreach)
- Impacts of representation (*e.g.*, client satisfaction, client well-being)
- Number of outreach/education events, knowledge gained from such events, and satisfaction with such events
- Number of prosecutors, criminal justice professionals, law students, attorneys, local bar associations and other professionals educated/trained on victims' rights
- Cost of the program and services
- New capacities, collaborations or improved responses to victims
- New policies, protocols or collaborations for serving victims in the community

C. TIME-TASK PLAN

The Application must include a Time-Task Plan that clearly identifies goals, objectives, major activities and products, and the time line for accomplishing each. The plan should follow the same formatting requirements as the Program Narrative and provide for the submission of written progress reports which will be required quarterly and

semi-annually.

D. LOGIC MODEL

The Application must include a Logic Model. A sample [Logic Model](#) is available online.

E. PROGRAM BUDGET

The subaward funds are to be used to provide legal services to crime victims; specifically, legal services to aid with assertion and enforcement of victims' rights and collateral civil legal needs. The Application's budget must show an efficient use of these subaward funds. Greater weight will be given to Applications that dedicate the largest portion of their budget to ensure evidence-based, direct programmatic activities, and evaluation of those same efforts.

For each year of the Project, the lead applicant will enter the budgeted items and their costs on the Budget Detail Workbook with a thorough justification for all costs, including the basis for computing the costs. The budget must be complete, reasonable, and directly related to the activities proposed in the Application. A [Budget Detail Workbook](#) (Workbook) template is available online to complete the budget. This Workbook is the *required* method for submitting a program budget. Applicants must justify the costs of individual items, such as personnel and travel, showing how the costs were computed. Costs must comply with the federal government regulations, including the [DOJ Grants Financial Guide](#) and [OMB's Uniform Guidance - OJP's Uniform Guidelines](#). In addition, Applications containing contracts must include detailed budgets for each organization's proposed expenditures. (Whether a particular agreement between a subaward recipient is considered a procurement "contract" as opposed to a "subaward" is determined by federal rules and applicable OJP guidance. For more information, visit the [OJP Part 200 Uniform Requirements](#) web page and the [OJP Subaward/Contract Toolkit](#).)

A budget narrative that justifies all costs must also be included, explaining why the costs are vital and clearly relating the items to identified tasks described in the narrative. Applicants must show cost effective and efficient use of subaward resources, demonstrating that all subaward-related expenses are necessary for Project completion. Tasks and activities described in the narrative should parallel the budget.

Applicants with a federally negotiated indirect cost rate that will be used for this Project must include supporting documentation as an Appendix.

F. APPENDICES

Required appendices:

- Key staff resumes
- Applicable Federally Negotiated Indirect Cost Rate documentation, if applicable

Optional appendices:

- Organizational resumes

- Letters of support
- Memoranda of understanding
- Written organizational policies and procedures for intake, referrals, case selection and management, and governance relevant to the program

V. SELECTION PROCEDURE

A. GENERAL

NCVLI staff will review Applications for completeness and basic responsiveness to the individual solicitation. Responsive Applications will then be reviewed by NCVLI and its external subject matter experts. Recommendations will then be made to OVC who retains final selection authority.

A. SELECTION CRITERIA

- Program Abstract (5%)
- Program Narrative (80%) divided as follows:
 - Description of Issue & Need (5%)
 - Program Design & Implementation (40%)
 - Capabilities & Competencies (30%)
 - Evaluation Methods (5%)
- Program Budget (15%)

VI. HOW TO APPLY

Completed Applications must be received by 5pm (Pacific) on March 5, 2019. [Online submissions are accepted and preferred.](#) Details at www.ncvli.org. Alternatively, please submit Application by email to: ncvli@lclark.edu with a re: line of “Application for Rights Enforcement Clinic Project”. You may also mail a completed Application to National Crime Victim Law Institute, Attn: Rights Enforcement Grant, at 1130 SW Morrison St., Suite 200, Portland, Oregon 97205. Regardless of method of delivery, all applications must be received by 5pm (Pacific) on **March 5, 2019**.

VII. GRANT SUBAWARD NOTIFICATION

NCVLI plans to make the subaward selections by April 2019. The selected Applicants will enter into a subaward contract with NCVLI.

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