



STATE OF ARKANSAS
**Department of Finance
and Administration**

Office of Intergovernmental Services

1515 West Seventh Street, Suite 400

Post Office Box 8031

Little Rock, Arkansas, 72203-8031

Phone: (501) 682-1074

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<https://www.dfa.arkansas.gov/intergovernmental-services>

June 3, 2024

Rosie Hidalgo, Director
Office on Violence Against Women (OVW)
U.S. Department of Justice
145 N Street, NE
Washington, D.C. 20530

Subject: No Amendments Letter for FY2024 STOP Formula Grant Program

Dear Director Hidalgo:

On behalf of the Arkansas Department of Finance & Administration, I am writing to confirm that there have been no amendments or changes to our four-year implementation plan for the STOP Formula Grant Program, as originally submitted in FY2022. The goals, priority areas, strategies, and members of our planning committee remain the same, and no additional revisions are necessary at this time.

We affirm that our plan continues to reflect the input and coordination with the required entities, including domestic violence and sexual assault coalitions, law enforcement, prosecution, state and local courts, representatives from underserved populations, and other victim service providers.

Thank you for your continued support and partnership. Should you require any additional information or have any questions, please do not hesitate to contact me at doris.smith@dfa.arkansas.gov or (501) 682-5242.

Sincerely,

A handwritten signature in black ink, appearing to read 'Doris Smith', is written over a horizontal line.

Doris Smith
Administrator

Cc: Debbie Bousquet, Assistant Administrator
Brian Lawson, Grants Manager



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INDIRECT COST RATE AGREEMENT

The Arkansas Department of Finance and Administration (DFA) does not have a federally approved indirect cost rate agreement. As such, DFA does not intend to use the de minimis indirect cost rate for this application.



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June 4, 2024

Director Rosie Hidalgo
Office on Violence Against Women
U.S. Department of Justice
145 N Street, NE
Suite 10 W
Washington, D.C. 20530

Dear Director Hidalgo:

The Arkansas Department of Finance and Administration certifies that any funds received through the STOP Formula Grant Program will be used to supplement, not supplant, existing non-federal funds that otherwise would be available for activities under the award. The Arkansas Department of Finance and Administration understands that supplanting violations can result in a range of penalties, including suspension of future funds under this program, suspension or debarment from federal grants, recoupment of monies provided under this grant, and civil and/or criminal penalties.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Doris Smith'.

Doris Smith
Administrator

Cc: Debbie Bousquet, Assistant Administrator
Brian Lawson, Grants Manager



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 (34 U.S.C. 12291(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 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.

(H) Death of the party whose privacy had been protected

In the event of the death of any victim whose confidentiality and privacy is required to be protected under this subsection, grantees and subgrantees may share personally identifying

information or individual information that is collected about deceased victims being sought for a fatality review to the extent permitted by their jurisdiction's law and only if the following conditions are met:

(i) The underlying objectives of the fatality review are to prevent future deaths, enhance victim safety, and increase offender accountability.

(ii) The fatality review includes policies and protocols to protect identifying information, including identifying information about the victim's children, from further release outside the fatality review team.

(iii) The grantee or subgrantee makes a reasonable effort to get a release from the victim's personal representative (if one has been appointed) and from any surviving minor children or the guardian of such children (but not if the guardian is the abuser of the deceased parent), if the children are not capable of knowingly consenting.

(iv) The information released is limited to that which is necessary for the purposes of the fatality review.

As the duly authorized representative of the applicant, I hereby acknowledge that the applicant has received notice that if awarded funding they will comply with the above statutory requirements. This acknowledgement shall be treated as a material representation of fact upon which the Department of Justice will rely if it determines to award the covered transaction, grant, or cooperative agreement.

Doris Smith

Typed Name of Authorized Representative

Administrator

Title

Telephone Number (501) 682-5242



Signature of Authorized Representative

6/4/24

Date Signed

Arkansas Department of Finance & Administration

Agency Name



Certification of Compliance with the Statutory Eligibility Requirements of the Violence Against Women Act as Amended, STOP Formula Grant Program

Applicants should refer to the laws cited below for further information regarding the certifications to which they are required to attest. Signature on this form certifies that the applicant is qualified to receive the STOP Formula Grant Program funds and is in compliance with relevant requirements under 34 U.S.C §§ 10441, 10446 through 10451, 10454 and 28 C.F.R. Part 90. These certifications will be treated as a material representation of fact upon which the Department of Justice will rely if it determines to award the covered transaction, grant, or cooperative agreement.

Upon complying with the application requirements set forth in the solicitation, any state (or territory) will be qualified for funds provided under the STOP Formula Grant Program upon certification that:

- (1)** the funds will be used only for the statutory purposes described in 34 U.S.C. § 10441(a) and (b);
- (2)** grantees and subgrantees will develop plans for implementation, consistent with the requirements of 34 U.S.C. 10446(i), and will consult and coordinate with:
 - (A)** the state sexual assault coalition;
 - (B)** the state domestic violence coalition;
 - (C)** the law enforcement entities within the state;
 - (D)** prosecution offices;
 - (E)** state and local courts;
 - (F)** tribal governments in those states with state or federally recognized Indian tribes;
 - (G)** representatives from underserved populations, including culturally specific populations;
 - (H)** victim service providers;
 - (I)** population specific organizations; and
 - (J)** other entities that the state or the Attorney General identifies as needed for the planning process;
- (3)** grantees will coordinate the state implementation plan with the state plans described in section 307 of the Family Violence Prevention and Services Act (42 U.S.C. 10407) and the programs described in section 1404 of the Victims of Crime Act of 1984 (34 U.S.C. 20103) and section 393A of the Public Health Service Act (42 U.S.C. 280b-1b).
- (4)** the amount granted will be allocated, without duplication, as follows: not less than 25 percent for law enforcement, not less than 25 percent for prosecutors, not less than 30 percent for victim services (of which at least 10 percent will be distributed to culturally specific community-based organizations), and not less than 5 percent to state and local courts;
- (5)** not less than 20 percent of the total amount granted to a state under the STOP Formula Grant Program will be allocated for programs or projects in 2 or more allocations listed in paragraph (4) that meaningfully address sexual assault, including stranger rape, acquaintance



rape, alcohol or drug-facilitated rape, and rape within the context of an intimate partner relationship; and

(6) any federal funds received under the STOP Formula Grant Program will be used to supplement, not supplant, nonfederal funds that would otherwise be available for activities funded under this Program.

In addition, to be eligible for funding under the STOP Formula Grant Program, applicants must also certify compliance with the requirements in 34 U.S.C. §§ 10449, 10450, 10451, and 10454 (including the implementing provisions of 28 C.F.R. Part 90), and the applicable grant conditions at 34 U.S.C. § 12291(b), as follows:

(1) Forensic Medical Examination Payment Requirement for Victims of Sexual Assault

- a) A state, Indian tribal government, or unit of local government will not be entitled to funds under the STOP Formula Grant Program unless the state, Indian tribal government, unit of local government, or another governmental entity—
 - 1. incurs the full out-of-pocket cost of forensic medical exams for victims of sexual assault; and
 - 2. coordinates with health care providers in the region to notify victims of sexual assault of the availability of rape exams at no cost to the victims.
- b) A state, Indian tribal government, or unit of local government will be deemed to incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault if any government entity—
 - 1. provides such exams to victims free of charge to the victim; or
 - 2. arranges for victims to obtain such exams free of charge to the victims.
- c) A state or Indian tribal government may use STOP Formula Grant Program funds to pay for forensic medical exams performed by trained examiners for victims of sexual assault, except that such funds may not be used to pay for forensic medical exams by any state, Indian tribal government, or territorial government that requires victims of sexual assault to seek reimbursement for such exams from their insurance carriers.
- d) To be in compliance with this forensic medical examination payment certification, a state, Indian tribal government, or unit of local government must comply with subsection (b) above without regard to whether the victim participates in the criminal justice system or cooperates with law enforcement.

(2) Filing Costs for Criminal Charges and Protection Orders

A state, Indian tribal government, or unit of local government will not be entitled to funds under the STOP Formula Grant Program unless it certifies that its laws, policies, and practices do not require, in connection with the prosecution of any misdemeanor or felony sexual assault, domestic violence, dating violence, 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.

(3) Judicial Notification

A state or unit of local government will not be entitled to funds under the STOP Formula Grant Program unless the state or unit of local government 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.

(4) Polygraph Testing Prohibition

- a) In order to be eligible for grants under the STOP Formula Grant Program, a state, Indian tribal government, territorial government, or unit of local government will certify that their laws, policies, or practices ensure that no law enforcement officer, prosecuting officer or other government official will 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.
- b) The refusal of a victim to submit to a polygraph or other truth telling examination will not prevent the investigation, charging, or prosecution of an alleged sex offense by a state, Indian tribal government, territorial government, or unit of local government.

(5) Grant Eligibility Regarding Compelling Victim Testimony

In order for a prosecutor's office to be eligible to receive subgrant funds under the STOP Formula Grant Program, the head of the office will certify, to the state, Indian tribal government, or territorial government receiving the STOP funding, that the office will, during the 3-year period beginning on the date on which the subgrant is awarded, engage in planning, developing and implementing—

- 1) training developed by experts in the field regarding victim-centered approaches in domestic violence, sexual assault, dating violence, and stalking cases;
- 2) policies that support a victim-centered approach, informed by such training; and
- 3) a protocol outlining alternative practices and procedures for material witness petitions and bench warrants, consistent with best practices, that will be exhausted before employing material witness petitions and bench warrants to obtain victim-witness testimony in the investigation, prosecution, and trial of a crime related to domestic violence, sexual assault, dating violence, and stalking of the victim in order to prevent further victimization and trauma to the victim.



(6) Compliance with Grant Conditions

A state or territory will not be eligible for grant funds under the STOP Formula Grant Program unless it certifies compliance with the grant conditions under 34 U.S.C. § 12291(b), as applicable.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with above certifications.

Doris Smith	Administrator	doris.smith@dfa.arkansas.gov
<i>Typed Name of Authorized Representative</i>	<i>Title</i>	<i>Email Address</i>
Department of Finance & Administration	Arkansas	
<i>Agency Name</i>	<i>State</i>	
		5/20/24
<i>Signature of Authorized Representative</i>		<i>Date Signed</i>

STATUS OF COMPLIANCE WITH STATUTORY ELIGIBILITY REQUIREMENTS

Medical Forensic Examinations Payment

1. What government entity in the state/territory pays for sexual assault medical forensic examinations?

Payments for sexual assault medical forensic examinations are made by the Arkansas Crime Victims Reparations Board. The Arkansas Crime Victims Reparations Board is a part of the Arkansas Department of Public Safety.

2. Are victims ever required to submit claims to private health insurance?

Victims are not required to submit claims to their private health insurance for a sexual assault medical forensic examination. Medical facilities cannot collect any expense above what is paid out by the Arkansas Crime Victims Reparations Board from the victim according to A.C.A. § 12-12-403 (c) (3).

3. What sources of funding does the state/territory use to pay for sexual assault medical forensic exams?

Sexual assault medical forensic examinations are paid from the state's allocation from the VOCA Victim Compensation Fund.

4. What aspects of the sexual assault medical forensic examination are covered by the state/territory's payment (e.g., collection of evidence, STI prophylaxis, etc.)?

The following are covered by the State of Arkansas's payment for a sexual assault medical forensic examination:

- Emergency room or facility fee

- Physician or SANE fee
- Ambulance fee
- Lab fees
- Colposcopy fee
- Medications for preventative measures

5. Do the answers to the above questions change if the victim does not report to law enforcement and if so, how?

No, the answers to the above questions do not change if the victim does not report the assault to law enforcement according to A.C.A. § 12-12-403 (b)(2)(A).

6. Are there any special procedures for processing payments for sexual assault medical forensic exams in unique situations, such as anonymous reporting where the victim does not report to law enforcement? If yes, please describe.

No, there are not any special procedures for processing payments for sexual assault medical forensic exams in situations of anonymous reporting or the victim does not report to law enforcement.

Judicial Notification

1. Describe how the state/territory notifies respondents in protection order cases, whether civil or criminal, of the requirements of 18 U.S.C. 922(g)(8) and any applicable related state or local laws.

The documents served to each respondent include a Notice to Respondent which outlines the provisions of federal law involving guns and ammunition.

- 2. Describe how the state/territory provides notice to criminal defendants of the requirements of 18 U.S.C. 922(g)(8) and any applicable related state or local laws.**

Similar to respondents in protection order cases, criminal defendants are served documents that include the provisions of federal law involving guns and ammunition.

Cost for Criminal Charges and Protection Orders

- 1. What type of protection orders are available to victims of domestic violence, dating violence, sexual assault, and stalking in the state/territory?**

The State of Arkansas has two types of protection orders – temporary and permanent (final).

- 2. How does the state/territory ensure that victims of domestic violence, dating violence, sexual assault, and stalking are not charged filing, issuance, registration, modification, enforcement, dismissal, or withdrawal fees in connection with the prosecution of these crimes and for each type of protection order?**

A.C.A. § 9-15-202(c)(1) states “The abused in a domestic violence petition for relief for a protection order sought under this subchapter shall not bear the cost associated with its filing or the costs associated with the issuance or service of as warrant and witness subpoena.”

- 3. How does the state/territory ensure that victims are not charged service fees in connection with the issuance of protection orders or the prosecution of any**

misdemeanor or felony domestic violence, dating violence, sexual assault, and stalking?

A.C.A. § 9-15-202(c)(1) states “The abused in a domestic violence petition for relief for a protection order sought under this subchapter shall not bear the cost associated with its filing or the costs associated with the issuance or service of as warrant and witness subpoena.”

Polygraph Testing of Sexual Assault Victims

- 1. Describe how the state’s/territory’s laws, policies, or practices ensure that no law enforcement officer, prosecutor, or other government official ask or require an adult, youth, or child victims of sex offenses to submit to a polygraph examination or truth telling devices as a condition of proceeding with the investigation of the offense.**

A.C.A. § 12-12-106 states “(a) A law enforcement officer, prosecuting attorney, or other government official shall not ask or require an adult victim of an alleged sex offense, a youth victim of an alleged sex offense, or a child victim of an alleged sex offense to submit to a polygraph examination or an examination of any other truth-telling device as a condition of proceeding with the investigation of an alleged sex offense. (b) The refusal of a victim of an alleged sex offense to submit to an examination described in subsection (a) of this section shall not prevent the investigation, charging, or prosecution of the alleged sex offense.”

Prosecution Certification

1. Describe how the state will require any subgrantees that are prosecutor's offices to meet the certification requirements within three years of the date of the subgrant.

Prosecuting Attorney Offices funded with STOP funds will certify with DFA-IGS that they are aware of the requirements of developing victim-centered policies and provide a timeline in which the policies will be developed within three years. Within the same period, the Prosecuting Attorney's Offices will also certify to DFA-IGS that they are developing protocols that outline alternative practices for material witness petitions and bench warrants. These certifications will also include benchmarks to show when each office plans to have certain policies in place and begin following those policies. DFA-IGS will review the certifications and monitor each agency to ensure the benchmarks are being met.

2. Describe how the state will ensure that the training, policies, and protocols utilized in response to the requirement support victim-centered approaches including alternative practices and procedures for material witness petitions and bench warrants.

Funded Prosecuting Attorney's Offices will be required to certify to DFA-IGS each year that training, policies, and protocols utilized in response to the STOP requirement support victim-centered approaches. DFA-IGS will also review the policies and protocols to ensure that each is meeting the requirements. As a part of its on-site monitoring, DFA-IGS will monitor to ensure the training is being provided and that the policies and protocols are being followed by the office.

DFA-IGS will also work with the Prosecutor Coordinator's Office to ensure that training around the requirement supports victim-centered approaches. The Prosecutor Coordinator's Office will be a source of training development for Prosecutor's Offices across the state. Working with the Prosecutor Coordinator's Office in the development of any training will ensure that a consistent message is being delivered to all Prosecutor's Offices across the state.



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June 4, 2024

Director Rosie Hidalgo
Office on Violence Against Women
U.S. Department of Justice
145 N Street, NE
Suite 10 W
Washington, DC 20530

Dear Director Hidalgo:

This letter serves to certify that the Arkansas Department of Finance and Administration is in compliance with the following statutory requirements:

- (1) Any person providing legal assistance through a program funded under the State of Arkansas' STOP Program
 - (A) (i) is a licensed attorney or is working under the direct supervision of a licensed attorney; (ii) in immigration proceedings, is a Board of Immigration Appeals accredited representative; (iii) in Veterans' Administration claims, is an accredited representative; or (iv) is any person who functions as an attorney or lay advocate in Tribal court; and
 - (B) (i) has demonstrated expertise in providing legal assistance to victims of domestic violence, dating violence, sexual assault, or stalking in the targeted population; or (ii)(I) is partnered with an entity or person that has demonstrated expertise described in clause (i); and (II) has completed, or will complete, training in connection with domestic violence, dating violence, stalking, or sexual assault and related legal issues, including training on evidence-based risk factors for domestic and dating violence homicide.
- (2) Any training program conducted in satisfaction of the requirement of paragraph (1) has been or will be developed with input from and in collaboration with a tribal, state, territorial, local, or culturally specific domestic violence, dating violence, sexual assault, or stalking victim service provider or coalition, as well as appropriate tribal, state, territorial, and local law enforcement officials.
- (3) Any person or organization providing legal assistance through a program funded under the State of Arkansas' STOP Program has informed and will continue to inform state, local, or tribal domestic violence, dating violence, or sexual assault programs and coalitions, as well as appropriate state and local law enforcement officials of their work.

- (4) The applicant's organizational policies do not require mediation or counseling involving offenders and victims physically together, in cases where sexual assault, domestic violence, dating violence, stalking, or child sexual abuse is an issue.

Sincerely,

A handwritten signature in cursive script, appearing to read "Doris Smith".

Doris Smith, Administrator
Office of Intergovernmental Services

Cc: Debbie Bousquet, Assistant Administrator
Brian Lawson, Grants Manager