

109TH CONGRESS
2D SESSION

S. 3956

To create a grant program for collaboration programs that ensure coordination among criminal justice agencies, adult protective services agencies, victim assistance programs, and other agencies or organizations providing services to individuals with disabilities in the investigation and response to abuse of or crimes committed against such individuals.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27, 2006

Mr. DEWINE introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To create a grant program for collaboration programs that ensure coordination among criminal justice agencies, adult protective services agencies, victim assistance programs, and other agencies or organizations providing services to individuals with disabilities in the investigation and response to abuse of or crimes committed against such individuals.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Crime Victims with
5 Disabilities Act of 2006”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Adults with disabilities experience violence
4 or abuse at least twice as often as people without
5 disabilities.

6 (2) Women with disabilities are more likely to
7 be victimized, to experience more severe and pro-
8 longed violence, and to suffer more serious and
9 chronic effects from that violence, than women with-
10 out such disabilities.

11 (3) An estimated 5,000,000 crimes are com-
12 mitted against individuals with developmental dis-
13 abilities annually.

14 (4) Over 70 percent of crimes committed
15 against individuals with developmental disabilities
16 are not reported.

17 **SEC. 3. PURPOSE.**

18 (a) IN GENERAL.—The purpose of this Act is to in-
19 crease the awareness, investigation, prosecution, and pre-
20 vention of crimes against individuals with a disability, in-
21 cluding developmental disabilities, and improve services to
22 those who are victimized, by facilitating collaboration
23 among the criminal justice system and a range of agencies
24 and other organizations that provide services to individ-
25 uals with disabilities.

1 (b) NEED FOR COLLABORATION.—Collaboration
2 among the criminal justice system and agencies and other
3 organizations that provide services to individuals with dis-
4 abilities is needed to—

5 (1) protect individuals with disabilities by en-
6 suring that crimes are reported, and that reported
7 crimes are actively investigated by both law enforce-
8 ment agencies and agencies and other organizations
9 that provide services to individuals with disabilities;

10 (2) provide prosecutors with adequate training
11 to ensure that crimes against individuals with dis-
12 abilities are appropriately and effectively addressed
13 in court; and

14 (3) promote communication among criminal
15 justice agencies, and agencies and other organiza-
16 tions that provide services to individuals with dis-
17 abilities, including Victim Assistance Organizations,
18 to ensure that the needs of crime victims with dis-
19 abilities are met.

20 **SEC. 4. DEPARTMENT OF JUSTICE CRIME VICTIMS WITH**
21 **DISABILITIES COLLABORATION PROGRAM.**

22 The Omnibus Crime Control and Safe Streets Act of
23 1968 (42 U.S.C. 3711 et seq.) is amended by adding at
24 the end the following:

1 **“PART JJ—GRANTS TO RESPOND TO CRIMES**
2 **AGAINST INDIVIDUALS WITH DISABILITIES**
3 **“SEC. 3001. CRIME VICTIMS WITH DISABILITIES COLLABO-**
4 **RATION PROGRAM GRANTS.**

5 “(a) DEFINITIONS.—In this section:

6 “(1) APPLICANT.—The term ‘applicant’ means
7 a State, unit of local government, Indian tribe, or
8 tribal organization that applies for a grant under
9 this section.

10 “(2) COLLABORATION PROGRAM.—The term
11 ‘collaboration program’ means a program to ensure
12 coordination between or among a criminal justice
13 agency, an adult protective services agency, a victim
14 assistance organization, and an agency or other or-
15 ganization that provides services to individuals with
16 disabilities, including but not limited to individuals
17 with developmental disabilities, to address crimes
18 committed against individuals with disabilities and
19 to provide services to individuals with disabilities
20 who are victims of crimes.

21 “(3) CRIMINAL JUSTICE AGENCY.—The term
22 ‘criminal justice agency’ means an agency of a
23 State, unit of local government, Indian tribe, or trib-
24 al organization that is responsible for detection, in-
25 vestigation, arrest, enforcement, adjudication, or in-
26 carceration relating to the violation of the criminal

1 laws of that State, unit of local government, Indian
2 tribe, or tribal organization, or an agency contracted
3 to provide such services.

4 “(4) ADULT PROTECTIVE SERVICES AGENCY.—
5 The term ‘adult protective services agency’ means an
6 agency that provides adult protective services to
7 adults with disabilities, including—

8 “(A) receiving reports of abuse, neglect, or
9 exploitation;

10 “(B) investigating the reports described in
11 subparagraph (A);

12 “(C) case planning, monitoring, evaluation,
13 and other casework and services; and

14 “(D) providing, arranging for, or facili-
15 tating the provision of medical, social service,
16 economic, legal, housing, law enforcement, or
17 other protective, emergency, or support services
18 for adults with disabilities.

19 “(5) DAY PROGRAM.—The term ‘day program’
20 means a government or privately funded program
21 that provides care, supervision, social opportunities,
22 or jobs to individuals with disabilities.

23 “(6) IMPLEMENTATION GRANT.—The term ‘im-
24 plementation grant’ means a grant under subsection
25 (e).

1 “(7) INDIVIDUALS WITH DISABILITIES.—The
 2 term ‘individuals with disabilities’ means individ-
 3 uals—

4 “(A) 18 years of age or older; and

5 “(B) whose ability to provide for their own
 6 health, safety, or welfare is compromised be-
 7 cause of—

8 “(i) a developmental, cognitive, phys-
 9 ical, or other disability; or

10 “(ii) a lack of sufficient under-
 11 standing or capacity to make or commu-
 12 nicate responsible decisions concerning
 13 their person or affairs.

14 “(8) PLANNING GRANT.—The term ‘planning
 15 grant’ means a grant under subsection (f).

16 “(9) SECRETARY.—The term ‘Secretary’ means
 17 the Secretary of Health and Human Services.

18 “(10) UNIT OF LOCAL GOVERNMENT.—The
 19 term ‘unit of local government’ means any city,
 20 county, township, town, borough, parish, village, or
 21 other general purpose political subdivision of a
 22 State.

23 “(b) AUTHORIZATION.—In consultation with the Sec-
 24 retary, the Attorney General may make grants to appli-

1 cants to prepare a comprehensive plan for or to implement
2 a collaboration program that provides for—

3 “(1) the investigation and remediation of in-
4 stances of abuse of or crimes committed against in-
5 dividuals with disabilities; or

6 “(2) the provision of services to individuals with
7 disabilities who are the victims of a crime or abuse.

8 “(c) USE OF FUNDS.—A grant under this section
9 shall be used for a collaborative program that—

10 “(1) receives reports of abuse of individuals
11 with disabilities or crimes committed against such
12 individuals;

13 “(2) investigates and evaluates reports of abuse
14 of or crimes committed against individuals with dis-
15 abilities;

16 “(3) visits the homes or other locations of
17 abuse, and, if applicable, the day programs of indi-
18 viduals with disabilities who have been victims of
19 abuse or a crime for purposes of, among other
20 things, assessing the scene of the abuse and evalu-
21 ating the condition and needs of the victim;

22 “(4) identifies the individuals responsible for
23 the abuse of or crimes committed against individuals
24 with disabilities;

1 “(5) remedies issues identified during an inves-
2 tigation described in paragraph (2);

3 “(6) prosecutes the perpetrator, where appro-
4 priate, of any crime identified during an investiga-
5 tion described in paragraph (2); and

6 “(7) provides services to and enforces statutory
7 rights of individuals with disabilities who are the vic-
8 tims of a crime.

9 “(d) APPLICATIONS.—

10 “(1) IN GENERAL.—To receive a planning grant
11 or an implementation grant, an applicant shall sub-
12 mit an application to the Attorney General at such
13 time, in such manner, and containing such informa-
14 tion as the Attorney General, in consultation with
15 the Secretary, may reasonably require, in addition to
16 the information required by subsection (e)(1) or
17 (f)(1), respectively.

18 “(2) COMBINED PLANNING AND IMPLEMENTA-
19 TION GRANT APPLICATION.—

20 “(A) IN GENERAL.—The Attorney General,
21 in consultation with the Secretary, shall develop
22 a procedure allowing an applicant to submit a
23 single application requesting both a planning
24 grant and an implementation grant.

1 “(B) CONDITIONAL GRANT.—The award of
 2 an implementation grant to an applicant sub-
 3 mitting an application under subparagraph (A)
 4 shall be conditioned on successful completion of
 5 the activities funded under the planning grant,
 6 if applicable.

7 “(e) PLANNING GRANTS.—

8 “(1) APPLICATIONS.—An application for a
 9 planning grant shall include, at a minimum—

10 “(A) a budget;

11 “(B) a budget justification;

12 “(C) a description of the outcome meas-
 13 ures that will be used to measure the effective-
 14 ness of the program;

15 “(D) a schedule for completing the activi-
 16 ties proposed in the application; and

17 “(E) a description of the personnel nec-
 18 essary to complete activities proposed in the ap-
 19 plication.

20 “(2) PERIOD OF GRANT.—A planning grant
 21 shall be made for a period of 1 year, beginning on
 22 the first day of the month in which the planning
 23 grant is made.

24 “(3) AMOUNT.—The amount of planning grant
 25 shall not exceed \$50,000, except that the Attorney

1 General may, for good cause, approve a grant in a
2 higher amount.

3 “(4) LIMIT ON NUMBER.—The Attorney Gen-
4 eral, in consultation with the Secretary, shall not
5 make more than 1 such planning grant to any State,
6 unit of local government, Indian tribe, or tribal orga-
7 nization.

8 “(f) IMPLEMENTATION GRANTS.—

9 “(1) IMPLEMENTATION GRANT APPLICA-
10 TIONS.—An application for an implementation grant
11 shall include the following:

12 “(A) COLLABORATION.—An application for
13 an implementation grant shall—

14 “(i) identify not fewer than 1 criminal
15 justice enforcement agency or adult protec-
16 tive services organization and not fewer
17 than 1 agency, crime victim assistance pro-
18 gram, or other organization that provides
19 services to individuals with disabilities that
20 will participate in the collaborative pro-
21 gram; and

22 “(ii) describe the responsibilities of
23 each participating agency or organization,
24 including how each agency or organization
25 will use grant funds to facilitate improved

1 responses to reports of abuse and crimes
2 committed against individuals with disabili-
3 ties.

4 “(B) GUIDELINES.—An application for an
5 implementation grant shall describe the guide-
6 lines that will be developed for personnel of a
7 criminal justice agency, adult protective services
8 organization, crime victim assistance program,
9 and agencies or other organizations responsible
10 for services provided to individuals with disabili-
11 ties to carry out the goals of the collaborative
12 program.

13 “(C) FINANCIAL.—An application for an
14 implementation grant shall—

15 “(i) explain why the applicant is un-
16 able to fund the collaboration program
17 adequately without Federal funds;

18 “(ii) specify how the Federal funds
19 provided will be used to supplement, and
20 not supplant, the funding that would oth-
21 erwise be available from the State, unit of
22 local government, Indian tribe, or tribal or-
23 ganization; and

24 “(iii) outline plans for obtaining nec-
25 essary support and continuing the pro-

1 posed collaboration program following the
2 conclusion of the grant under this section.

3 “(D) OUTCOMES.—An application for an
4 implementation grant shall—

5 “(i) identify the methodology and out-
6 come measures, as required by the Attor-
7 ney General, in consultation with the Sec-
8 retary, for evaluating the effectiveness of
9 the collaboration program, which may in-
10 clude—

11 “(I) the number and type of
12 agencies participating in the collabo-
13 ration;

14 “(II) any trends in the number
15 and type of cases referred for multi-
16 disciplinary case review;

17 “(III) any trends in the timeli-
18 ness of law enforcement review of re-
19 ported cases of violence against indi-
20 viduals with a disability; and

21 “(IV) the number of persons re-
22 ceiving training by type of agency;

23 “(ii) describe the mechanisms of any
24 existing system to capture data necessary
25 to evaluate the effectiveness of the collabo-

1 ration program, consistent with the meth-
2 odology and outcome measures described
3 in clause (i) and including, where possible,
4 data regarding—

5 “(I) the number of cases referred
6 by the adult protective services agen-
7 cy, or other relevant agency, to law
8 enforcement for review;

9 “(II) the number of charges filed
10 and percentage of cases with charges
11 filed as a result of such referrals; and

12 “(III) the period of time between
13 reports of violence against individuals
14 with disabilities and law enforcement
15 review; and

16 “(iii) include an agreement from any
17 participating or affected agency or organi-
18 zation to provide the data described in
19 clause (ii).

20 “(E) FORM OF DATA.—The Attorney Gen-
21 eral, in consultation with the Secretary, shall
22 promulgate and supply a common electronic re-
23 porting form or other standardized mechanism
24 for reporting of data required under this sec-
25 tion.

1 “(F) COLLABORATION SET ASIDE.—Not
2 less than 5 percent and not more than 10 per-
3 cent of the funds provided under an implemen-
4 tation grant shall be set aside to procure tech-
5 nical assistance from any recognized State
6 model program or from a recognized national
7 organization, as determined by the Attorney
8 General (in consultation with the Secretary), in-
9 cluding the National District Attorneys Associa-
10 tion and the National Adult Protective Services
11 Association.

12 “(G) OTHER PROGRAMS.—An applicant for
13 an implementation grant shall describe the rela-
14 tionship of the collaboration program to any
15 other program of a criminal justice agency or
16 other agencies or organizations providing serv-
17 ices to individuals with disabilities of the State,
18 unit of local government, Indian tribe, or tribal
19 organization applying for an implementation
20 grant.

21 “(2) PERIOD OF GRANT.—

22 “(A) IN GENERAL.—An implementation
23 grant shall be made for a period of 2 years, be-
24 ginning on the first day of the month in which
25 the implementation grant is made.

1 “(B) RENEWAL.—An implementation
2 grant may be renewed for 1 additional period of
3 2 years, if the applicant submits to the Attor-
4 ney General and the Secretary a detailed expla-
5 nation of why additional funds are necessary.

6 “(3) AMOUNT.—An implementation grant shall
7 not exceed \$300,000.

8 “(g) EVALUATION OF PROGRAM EFFICACY.—

9 “(1) ESTABLISHMENT.—The Attorney General,
10 in consultation with the Secretary, shall establish a
11 national center to evaluate the overall effectiveness
12 of the collaboration programs funded under this sec-
13 tion.

14 “(2) RESPONSIBILITIES.—The national center
15 established under paragraph (1) shall—

16 “(A) analyze information and data sup-
17 plied by grantees under this section; and

18 “(B) submit an annual report to the Attor-
19 ney General and the Secretary that evaluates
20 the number and rate of change of reporting, in-
21 vestigation, and prosecution of charges of a
22 crime or abuse against individuals with disabil-
23 ities.

24 “(3) AUTHORIZATION.—The Attorney General
25 may use not more than \$500,000 of amounts made

1 available under subsection (h) to carry out this sub-
2 section.

3 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to the Department of
5 Justice to carry out this section—

6 “(1) \$10,000,000 for fiscal year 2007; and

7 “(2) such sums as are necessary for each of fis-
8 cal years 2008 through 2013.”.

○