

Using Your TVSSA Funds to Address Issues Related to Missing and Murdered Indigenous People (MMIP) : What You Need to Know Right Now

May 4, 2022

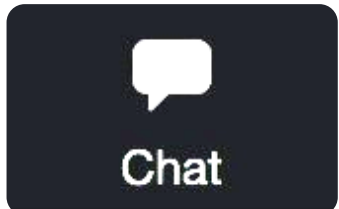
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Zoom Webinar Technical Overview



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Presenters



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Webinar Outline



1. Overview of MMIP Issues

- When Can TVSSA Funds be Used to Address MMIP?
- Examples of Allowable MMIP Activities
- Unallowable Costs

2. Other Helpful Resources

3. How to Add MMIP Activities to Your Existing Award

4. Questions & Answers

Overview of MMIP Issues



MMIP: Victims of Homicide

- OVC has *always* allowed grantees to use TVSSA funds to assist survivors of homicide, including paying for:
 - The cost of repatriation (transport) of the body of the victim for burial*
 - Burial costs that are not otherwise covered by the relevant state crime victims' compensation program*
 - Mental health counseling (individual, group & family)
 - Civil legal assistance (custody, enforcing crime victims' rights, etc.)
 - Court accompaniment & related travel expenses
- *Providers should make reasonable efforts (time permitting) to use other existing resources (e.g., insurance, victim compensation) before using grant funds to cover gaps in services.**



MMIP: What's New?

- TVSSA grantees can now use their funds to aid families of missing persons
 - Limited to 4 specific factual circumstances
 - Family members of missing person able to receive direct assistance
 - Can support private search efforts in certain circumstances
 - Can generate awareness for individual missing persons cases

MMIP: Youth vs. Adult Missing Persons



Youth (Under age 18) & Young Adults (Age 18-21)

- **National Child Search Assistance Act of 1990(P.L. 101-647)** : law enforcement must submit information about a missing child under the age of 18 to NCIC within 2 hours of receiving the report.
- **Suzanne's Law (PROTECT Act, P.L. 108-21)**: law enforcement must submit information about a missing adult aged 18-21 to NCIC within 2 hours of receiving the report.

Adults (Over age 21)

- There may be relevant state & local missing persons laws that might influence law enforcement response to MMIP cases
- Adults, unlike children, have the legal right to go missing

MMIP: Safety & Confidentiality for Adults



TVSSA grantees should keep in mind:

1. Adult victims of certain crimes (e.g., domestic violence, sexual assault) may disappear as part of safety plan
2. There are special conditions on TVSSA awards that:
 - Require TVSSA grantees to create written confidentiality policies & procedures that protect the personally identifiable information (PII) of crime victims
 - Prohibit the unauthorized disclosure of a crime victim's PII & require timely reports of unauthorized disclosures to OVC
3. Law enforcement may also be required to maintain the confidentiality of the whereabouts of a missing person that they locate

MMIP Confidentiality Reminder



- **DO NOT** reveal the PII of a crime victim without a signed, written, time-limited authorization for release of information.
- **DO** make sure that your program's confidentiality policies & procedures addresses what to do if someone requests information about a victim your program has served/interacted with.

MMIP: When Can TVSSA Funds be Used?



1. The missing person is known to have been kidnapped or to be a victim of human trafficking. Including instances when:
 - The missing person was being groomed by a trafficker
 - Adolescents in foster care who are lured away/coerced into leaving with a trafficker
2. The missing person's disappearance is the subject of a law enforcement investigation
3. Family/loved ones fear missing person is the victim of crime

MMIP: When Can TVSSA Funds be Used? (Cont'd.)



4. The missing person has a known history of crime victimization & the victimization is directly/indirectly related to their disappearance, including instances when:

- The missing person has been a victim of domestic violence, sexual assault, human trafficking, etc.
- The missing person's history of victimization explains the person's participation in high-risk activities (gang involvement, substance abuse, etc.) that might be related to their disappearance.



MMIP Allowable Costs: Private Search Efforts

Both circumstances below must be present:

- 1) Exigent circumstances (when immediate action is required)
 - **Examples:** missing person is a child, or an adult who has dementia or a cognitive/ intellectual disability
- 2) Law enforcement resources are not reasonably available (e.g., delayed by weather or geographic distance)

MMIP Allowable Costs: Private Search Efforts (Cont'd.)



Allowable Costs: Expenses incidental to a physical search.

- Recruiting/training volunteers
- Purchasing search supplies (sunscreen, bug spray)
- Providing fuel assistance (gas cards) or light refreshments (water, protein bars) for volunteer searchers

Notice to OVC: Grantees are not required to obtain prior approval before spending on these costs but should notify their OVC grant manager by email as soon as it is possible to do so.

Best Practices: MMIP Search Activities



When supporting a private search:

1. Maintain open communication with law enforcement throughout the search process
2. Support the family in identifying someone who can:
 - Coordinate with law enforcement
 - Manage communication with volunteers
 - Work with victim services providers
 - Arrange for elders to provide spiritual guidance

When A Loved One Goes Missing (2021)



MMIP Allowable Search Costs: Generating Awareness About Individual Missing Person

TVSSA funds can be used to generate awareness about an individual who is missing.

- **Prerequisite:** 1 of the 4 factual circumstances that trigger use of TVSSA funds must be present
- **Allowable Costs:** Printing (flyers, placards) & renting billboard; hosting awareness walks or other commemorative events

Generating Awareness About Individual MMIP Cases



Respect Victim Privacy & Protect Their PII

- **DO** ask family members for permission before using the name/likeness of a missing or murdered person in an awareness campaign, or effort to generate awareness about the case.
- **DO** remember that your obligation to protect the PII of a victim who accessed OVC-funded services continues after their death or disappearance.

Limit on Using TVSSA Funds for Search Efforts



TVSSA grantees can spend no more than a ***combined total*** of **3%** of their federal award amount on costs incidental to searching for a missing person & generating awareness about individual missing persons cases



MMIP Allowable Costs: Services for Family Members

TVSSA grantees can use their funds to provide victim services to the family members of a missing person, so long as 1 of the 4 factual circumstances that trigger the use of TVSSA funds is present.

Examples

- Mental health counseling (individual, group, or family)
- Civil legal assistance (custody, guardianship, etc.)
- Direct services (financial assistance with rent, utilities, food, transportation, etc.)
- Advocacy, accompaniment to meetings with law enforcement, etc.

MMIP Allowable Costs: Response Protocols



TVSSA grantees can use their funds to create response protocols for a multi-disciplinary, inter-jurisdictional group of agencies responsible for responding to MMIP cases.

Examples

- Hiring a Coordinator to facilitate the creation of the response protocols
- Working with an existing MDT (SANE-SART, CCR, etc.) to create MMIP protocols

MMIP Allowable Costs: Community Education



TVSSA funds can be used to educate the community to be served about MMIP issues to increase their awareness and understanding of the issue.

Examples

- Educating the community about what to do when a loved one goes missing (printing & distributing brochures and posters, renting a billboard)
- Incorporating general MMIP awareness into other victim awareness activities (National DV, SA, ST, or HT, Awareness Month activities; staffing tables at a community fairs, pow-wow, or potlatch)
- Generating awareness of grant-funded services (flyers, brochures, ads, etc.)



MMIP Allowable Costs: Reunification

If the remains of a missing person have been identified, TVSSA funds can be used to pay for:

- Exhumation (remove the remains from a grave/tomb) if necessary
- Transportation of the remains for burial*
- Burial costs*

*Providers should make reasonable efforts (time permitting) to use other existing resources (e.g., insurance, victim compensation) before using grant funds to cover gaps in services.

Limits on Using TVSSA Funds for Reunification



- Funds **can** be used for reunification costs if an autopsy of the missing person's remains concludes that the cause of death is homicide, or if the cause of death cannot be determined.
- Funds **cannot** be used for reunification if the autopsy of the remains concludes that the cause of death was an accident or a suicide.

MMIP Unallowable Costs: Investigation



TVSSA funds cannot be used to pay for a missing person's investigation by law enforcement or a private investigator, including:

- Overtime compensation for law enforcement officers involved in a missing person's search
- Equipment/supplies & volunteer costs for a law enforcement- led search
- Compensating, or paying other expenses for a private investigator
- Biometric testing & analysis (DNA & fingerprint analysis, forensic anthropology, examination/analysis of dental records)

MMIP Unallowable Costs: Fundraising



The costs of organized fundraising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions may not be charged as direct or indirect costs against awards. (2 C.F.R. § 200.442)

Impact on MMIP Activities

Grant-funded personnel/ other grant-funded resources cannot be used to:

- Organize/manage fundraising activities for family members of a missing person or for a reward in a missing person's case
- Intended beneficiary of fund-raising does not change prohibition
- Prohibition applies to **ALL** federal funds

Other Resources



NamUs 2.0 Database



[Access NamUS](#)

- Free national information clearinghouse and resource center for missing, unidentified & unclaimed person cases across the United States
- Allows tribes to collect better data on their missing persons
- Provides a tool for sharing and comparing case information across jurisdictional boundaries
- Offers free forensic services, to include forensic odontology, fingerprint examination, forensic anthropology, and DNA analyses
- Free consult on cases & support for criminal justice efforts to drive resolution
- Accessible to law enforcement medical examiners/coroners & family members

National Center for Missing & Exploited Children (NCMEC)



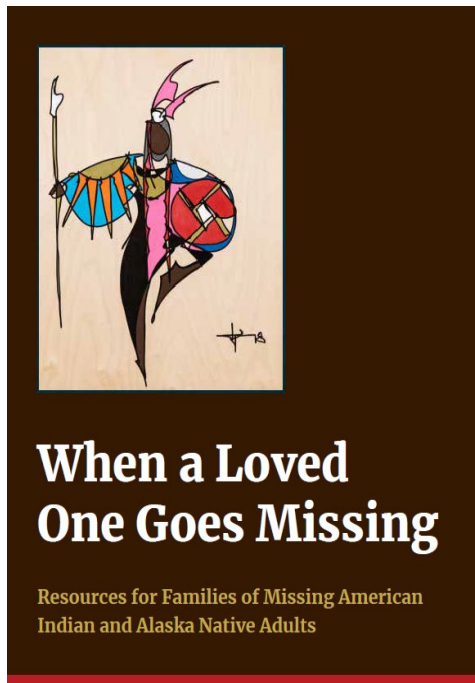
Communities and Indian Country



www.missingkids.org

- **Reunification Assistance:** Preparing family for return of missing child
- **Team HOPE:** Peer support to families of missing children
- **Case Analysis, Forensic & Biometric Resources:** Aid in search for & identification of deceased children
- **Team Adam:** rapid, on-site response & support for families and law enforcement
- **Child Victim Identification Program:** Aid identifying children who appear in pornographic images
- **Media Assistance:** Support with using traditional media outlets & social media to raise awareness

When a Loved One Goes Missing



[Download a Free Copy for Reproduction](#)

- Published by Presidential Task Force on Missing and Murdered American Indians and Alaska Natives (a.k.a., “Operation Lady Justice”)
- Straightforward, easy to read, practical resource for family & friends of a missing person.
- Step-by-step guidance on making report to law enforcement, coping with grief & trauma, and preparing for return of missing person.

State Crime Victims Compensation Programs



May reimburse primary & secondary victims of crime for expenses, including the cost of: medical care; mental health counseling; lost wages, funerals, etc.

General Eligibility Requirements: Victim must

- Make timely report to law enforcement & cooperates with investigation and prosecution of crime
- Submit timely application for compensation
- Have expense not covered by insurance or a government benefit
- Not have committed a crime or wrongful act that contributed to or caused the crime

State Links

[The Directory below these links provides contact information for each state. Click to go there.](#)

[Find your State Program](#)



How to Add MMIP Costs & Activities to Your Existing Award

Poll Question



Do you plan to add Missing and Murdered Indigenous Persons (MMIP) activities to your TVSSA program?

- Yes
- No
- Unsure

Required Grant Award Modification(s)



Programmatic Scope Change: used to update changes in project scope or to gain prior approval for changes with programmatic costs and activities

- Choose the “Altering programmatic activities” option in JustGrants
- Enter information regarding the scope change into the Justification text field in JustGrants
- If you are reprogramming <10% of the total award amount, attach an itemized list of costs that will be added to your budget, organized by OJP budget category.



Required GAM(s) Cont'd.

Budget Modification (GAM)

Award recipients must initiate a GAM for budget modification if:

- *The proposed cumulative change is greater than 10% of the total award amount. The 10% rule does not apply to an award of less than \$250,000. See 2 C.F.R. § 200.308(f).*
- *A proposed budget change affects a cost category that was not included in the original budget. For example, if the direct cost category “Travel” did not exist in the original budget, the adjustment to transfer funds from Equipment to Travel requires a GAM. (2022 USDOJ Financial Guide)*

Budget Modification GAM Reminders



- The 10% rule is cumulative over the life of the award
- OJP approval of a budget modification GAM **does not** offer the approval needed to change the scope of the project
- Update the most recently approved USDOJ itemized budget for the award & attach it to the budget modification GAM



Adding Search Costs to Your Award

Costs related to searching: (a) generating awareness of individual missing persons; and (b) costs incidental to a privately-led search:

- Limited to a combined total of no more than 3% of your total award amount
- Line items must be identified as “Search Costs” in your revised, itemized budget (Budget Modification GAM) or itemized list of expenses (Change in Programmatic Scope GAM)



Which GAM Should You Submit?



- If you are adding MMIP activities & costs to your existing award, reprogramming $\leq 10\%$ of the total award amount, and will not be adding funds to a previously unapproved budget category- **submit only** a Change in Program Scope GAM
- If you are adding MMIP activities & costs + reprogramming $> 10\%$ of the total award amount, or adding funds to a new category- **submit both** a budget modification GAM **AND** a Change in Program Scope GAM

Questions?



To submit a question, use the [Q&A Feature](#)

A recording of this webinar will be posted at:

<https://ovc.ojp.gov/program/tribal/tribal-victim-services-set-aside>