

110TH CONGRESS
2D SESSION

S. _____

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

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

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 2008”.

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, and adults with developmental disabili-
6 ties are at risk of being physically or sexually as-
7 sailed at rates four to ten times greater than other
8 adults.

9 (2) Individuals with disabilities suffer from ad-
10 ditional “victimization” within the justice system,
11 due to lack of physical, programmatic, and commu-
12 nications accommodations needed for equal access.

13 (3) Women with disabilities are more likely to
14 be victimized, to experience more severe and pro-
15 longed violence, and to suffer more serious and
16 chronic effects from that violence, than women with-
17 out such disabilities.

18 (4) Sixty-eight to 83 percent of women with de-
19 velopmental disabilities will be sexually assaulted in
20 their lifetime.

21 (5) An estimated 5,000,000 crimes are com-
22 mitted against individuals with developmental dis-
23 abilities annually.

24 (6) Over 70 percent of crimes committed
25 against individuals with developmental disabilities
26 are not reported.

1 (7) Studies in the United States, Canada, Aus-
2 tralia, and Great Britain consistently show that vic-
3 tims with developmental disabilities suffer repeated
4 victimization because so few of the crimes against
5 them are reported.

6 (8) The National Crime Victims Survey con-
7 ducted annually by the Bureau of Justice Statistics
8 of the Department of Justice, does not specifically
9 collect data relating to crimes against individuals
10 with developmental disabilities, nor do they use dis-
11 ability as a demographic variable as they use other
12 important demographic variables, such as gender,
13 age, and racial and ethnic membership.

14 **SEC. 3. PURPOSE.**

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

23 (b) **NEED FOR COLLABORATION.**—Collaboration
24 among the criminal justice system and agencies and other

1 organizations that provide services to individuals with dis-
2 abilities is needed to—

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

8 (2) provide prosecutors and victim assistance
9 organizations with adequate training to ensure that
10 crimes against individuals with disabilities are ap-
11 propriately and effectively addressed in court;

12 (3) identify and ensure that appropriate reason-
13 able accommodations are provided to individuals
14 with disabilities in a safe and conducive environ-
15 ment, allowing crimes to be reported accurately to
16 law enforcement agencies; and

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

1 **SEC. 4. DEPARTMENT OF JUSTICE CRIME VICTIMS WITH**
2 **DISABILITIES COLLABORATION PROGRAM.**

3 The Omnibus Crime Control and Safe Streets Act of
4 1968 (42 U.S.C. 3711 et seq.) is amended by adding at
5 the end the following:

6 **“PART JJ—GRANTS TO RESPOND TO CRIMES**
7 **AGAINST INDIVIDUALS WITH DISABILITIES**
8 **“SEC. 3001. CRIME VICTIMS WITH DISABILITIES COLLABO-**
9 **RATION PROGRAM GRANTS.**

10 “(a) DEFINITIONS.—In this section:

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

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

1 “(3) CRIMINAL JUSTICE AGENCY.—The term
2 ‘criminal justice agency’ means an agency of a
3 State, unit of local government, Indian tribe, or trib-
4 al organization that is responsible for detection, in-
5 vestigation, arrest, enforcement, adjudication, or in-
6 carceration relating to the violation of the criminal
7 laws of that State, unit of local government, Indian
8 tribe, or tribal organization, or an agency contracted
9 to provide such services.

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

14 “(A) receiving reports of abuse, neglect, or
15 exploitation;

16 “(B) investigating the reports described in
17 subparagraph (A);

18 “(C) case planning, monitoring, evaluation,
19 and other casework and services; and

20 “(D) providing, arranging for, or facili-
21 tating the provision of medical, social service,
22 economic, legal, housing, law enforcement, or
23 other protective, emergency, or support services
24 for adults with disabilities.

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

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

8 “(7) INDIVIDUALS WITH DISABILITIES.—The
9 term ‘individuals with disabilities’ means individ-
10 uals—

11 “(A) 18 years of age or older; and

12 “(B) who have a developmental, cognitive,
13 physical, or other disability that results in sub-
14 stantial functional limitations in 1 or more of
15 the following areas of major life activity:

16 “(i) Self-care.

17 “(ii) Receptive and expressive lan-
18 guage.

19 “(iii) Learning.

20 “(iv) Mobility.

21 “(v) Self-direction.

22 “(vi) Capacity for independent living.

23 “(vii) Economic self-sufficiency.

24 “(viii) Cognitive functioning.

25 “(ix) Emotional adjustment.

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

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

5 “(10) UNIT OF LOCAL GOVERNMENT.—The
6 term ‘unit of local government’ means any city,
7 county, township, town, borough, parish, village, or
8 other general purpose political subdivision of a
9 State.

10 “(b) AUTHORIZATION.—In consultation with the Sec-
11 retary, the Attorney General may make grants to appli-
12 cants to prepare a comprehensive plan for or to implement
13 a collaboration program that provides for—

14 “(1) the investigation and remediation of in-
15 stances of abuse of or crimes committed against in-
16 dividuals with disabilities; or

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

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

21 “(1) receives reports of abuse of individuals
22 with disabilities or crimes committed against such
23 individuals;

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

4 “(3) visits the homes or other locations of
5 abuse, and, if applicable, the day programs of indi-
6 viduals with disabilities who have been victims of
7 abuse or a crime for purposes of, among other
8 things, assessing the scene of the abuse and evalu-
9 ating the condition and needs of the victim;

10 “(4) identifies the individuals responsible for
11 the abuse of or crimes committed against individuals
12 with disabilities;

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

15 “(6) prosecutes the perpetrator, where appro-
16 priate, of any crime identified during an investiga-
17 tion described in paragraph (2);

18 “(7) provides services to and enforces statutory
19 rights of individuals with disabilities who are the vic-
20 tims of a crime; and

21 “(8) develops curricula and provides inter-
22 disciplinary training for prosecutors, criminal justice
23 agencies, protective service agencies, victims assist-
24 ance agencies, educators, community based providers
25 and health, mental health, and allied health profes-

1 sionals in the area of disabilities, including develop-
2 mental disabilities.

3 “(d) APPLICATIONS.—

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

12 “(2) COMBINED PLANNING AND IMPLEMENTA-
13 TION GRANT APPLICATION.—

14 “(A) IN GENERAL.—The Attorney General,
15 in consultation with the Secretary, shall develop
16 a procedure allowing an applicant to submit a
17 single application requesting both a planning
18 grant and an implementation grant.

19 “(B) CONDITIONAL GRANT.—The award of
20 an implementation grant to an applicant sub-
21 mitting an application under subparagraph (A)
22 shall be conditioned on successful completion of
23 the activities funded under the planning grant,
24 if applicable.

25 “(e) PLANNING GRANTS.—

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

3 “(A) a budget;

4 “(B) a budget justification;

5 “(C) a description of the outcome meas-
6 ures that will be used to measure the effective-
7 ness of the program;

8 “(D) a schedule for completing the activi-
9 ties proposed in the application;

10 “(E) a description of the personnel nec-
11 essary to complete activities proposed in the ap-
12 plication; and

13 “(F) provide assurances that program ac-
14 tivities and locations are and will be in compli-
15 ance with section 504 of the Rehabilitation Act
16 of 1973 throughout the grant period.

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

21 “(3) AMOUNT.—The amount of planning grant
22 shall not exceed \$50,000, except that the Attorney
23 General may, for good cause, approve a grant in a
24 higher amount.

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

6 “(f) IMPLEMENTATION GRANTS.—

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

10 “(A) COLLABORATION.—An application for
11 an implementation grant shall—

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

20 “(ii) describe the responsibilities of
21 each participating agency or organization,
22 including how each agency or organization
23 will use grant funds to facilitate improved
24 responses to reports of abuse and crimes

1 committed against individuals with disabil-
2 ities.

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

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

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

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

23 “(iii) outline plans for obtaining nec-
24 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;

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

16 “(IV) the number of cases result-
17 ing in criminal prosecution, and the
18 result of each such prosecution; and

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

23 “(E) FORM OF DATA.—The Attorney Gen-
24 eral, in consultation with the Secretary, shall
25 promulgate and supply a common electronic re-

1 porting form or other standardized mechanism
2 for reporting of data required under this sec-
3 tion.

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

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

24 “(2) PERIOD OF GRANT.—

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

5 “(B) RENEWAL.—An implementation
6 grant may be renewed for 1 additional period of
7 2 years, if the applicant submits to the Attor-
8 ney General and the Secretary a detailed expla-
9 nation of why additional funds are necessary.

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

12 “(g) EVALUATION OF PROGRAM EFFICACY.—

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

18 “(2) RESPONSIBILITIES.—The national center
19 established under paragraph (1) shall—

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

22 “(B) submit an annual report to the Attor-
23 ney General and the Secretary that evaluates
24 the number and rate of change of reporting, in-
25 vestigation, and prosecution of charges of a

1 crime or abuse against individuals with disabil-
2 ities.

3 “(3) AUTHORIZATION.—The Attorney General
4 may use not more than \$500,000 of amounts made
5 available under subsection (h) to carry out this sub-
6 section.

7 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to the Department of
9 Justice to carry out this section—

10 “(1) \$10,000,000 for fiscal year 2009; and

11 “(2) such sums as are necessary for each of fis-
12 cal years 2010 through 2015.”.

13 **SEC. 5. RESEARCH GRANT AND REPORT.**

14 (a) IN GENERAL.—The purpose of this section is to
15 provide for research to assist the Attorney General in col-
16 lecting valid, reliable national data relating to crimes
17 against individuals with developmental and related disabil-
18 ities for the National Crime Victims Survey conducted by
19 the Bureau of Justice Statistics of the Department of Jus-
20 tice as required by the Crime Victims with Disabilities
21 Awareness Act.

22 (b) NATIONAL INTERDISCIPLINARY ADVISORY COUN-
23 CIL.—

24 (1) IN GENERAL.—Not later than 90 days after
25 the date of enactment of this Act, the Secretary of

1 Health and Human Services shall establish a na-
2 tional interdisciplinary advisory council (referred to
3 in this section as the “advisory council”), that in-
4 cludes individuals with disabilities, which shall pro-
5 vide input into the methodologies used to collect
6 valid, reliable national data on crime victims with
7 developmental and related disabilities, participate in
8 reviewing the data collected through the research
9 grant program, and assist in writing the final report.

10 (2) RECOMMENDED METHODOLOGY.—Not later
11 than 6 months after the establishment of the advi-
12 sory council, the advisory council shall provide to the
13 Secretary of Health and Human Services its rec-
14 ommended methodology for collecting incidence data
15 on violence against people with developmental and
16 related disabilities.

17 (c) RESEARCH GRANT PROGRAM.—Not later than 12
18 months after the date of the enactment of this Act, the
19 Secretary of Health and Human Services shall—

20 (1) review the methodology developed by the ad-
21 visory council related to collecting incidence data on
22 violence against people with developmental and re-
23 lated disabilities; and

24 (2) based on such review, shall award grants in
25 accordance with this section to eligible recipients, to

1 collect valid, reliable national data on crime victims
2 with developmental and related disabilities that can
3 be validly compared to data from the National Crime
4 Victims Survey.

5 (d) REPORT.—Not later than 12 months after the
6 Secretary of Health and Human Services awards the re-
7 search grants under subsection (c), the advisory council
8 shall review the data eligible recipients of the grants col-
9 lected and write a report to be presented to the Secretary
10 of Health and Human Services, the Attorney General, and
11 the Bureau of Justice Statistics.

12 (e) DEFINITIONS.—

13 (1) ELIGIBLE RECIPIENT.—The term “eligible
14 recipient” means—

15 (A) a State agency;

16 (B) a private, nonprofit organization;

17 (C) a University Center for Excellence in
18 Developmental Disabilities; or

19 (D) any public entity that has a dem-
20 onstrated ability to—

21 (i) collaborate with criminal justice,
22 child welfare, and other agencies and orga-
23 nizations that provide services to individ-
24 uals with disabilities, including victim as-
25 sistance and violence prevention organiza-

1 tions, to ensure that incidence data can be
2 aggregated to accurately show the inci-
3 dence of abuse of individuals with disabil-
4 ities nationally; and

5 (ii) conduct research and collect data
6 to measure the extent of the problem of
7 crimes against individuals with develop-
8 mental and related disabilities, including—

9 (I) understanding the nature and
10 extent of crimes against individuals
11 with developmental and related dis-
12 abilities, including domestic violence
13 and all types of abuse;

14 (II) describing the manner in
15 which the justice system responds to
16 crimes against individuals with devel-
17 opmental and related disabilities; and

18 (III) identifying programs, poli-
19 cies, or laws that hold promises for
20 making the justice system more re-
21 sponsive to crimes against individuals
22 with developmental and related dis-
23 abilities.

24 (2) DEVELOPMENTAL DISABILITIES.—The term
25 “developmental disabilities” has the meaning given

1 that term in section 102(8) of the Developmental
2 Disabilities Assistance and Bill of Rights Act of
3 2000 (42 U.S.C. 15002(8)).

4 (3) RELATED DISABILITIES.—The term “re-
5 lated disabilities” means autism spectrum disorders,
6 cerebral palsy, spina bifida, epilepsy, traumatic brain
7 injury, or other lifelong disabilities that are acquired
8 prior to the age of 21.

9 (f) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to carry out this section
11 \$1,000,000 for each of fiscal years 2009 through 2012.