FY 2024 POSTCONVICTION TESTING OF DNA EVIDENCE SOLICITATION

Andrea Borchardt Senior Forensics Policy Advisor April 3, 2024





Presenters

 Andrea Borchardt – Senior Forensics Policy Advisor



Agenda

Welcome and Introduction to OJP and BJA

Important Dates and Information

Program Overview

Eligibility and Application Requirements

Federal Award Information

Application Submission & Application Checklist

Application Resources

Q&A

SECTION 1

WELCOME AND INTRODUCTION







What is the Office of Justice Programs?

- The Office of Justice
 Programs (OJP) provides
 grant funding, training,
 research, and statistics to the
 criminal justice community.
- OJP is one of three grantmaking components of the Department of Justice along with the Office on Violence Against Women (OVW) and the Office of Community Oriented Policing Services (COPS).

BJA – Bureau of Justice Assistance



BJS – Bureau of Justice Statistics



NIJ - National Institute of Justice



OVC – Office for Victims of Crime



OJJDP – Office of Juvenile Justice and Delinquency Prevention



SMART – Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking





U.S. Department of Justice Bureau of Justice Assistance

Mission: BJA's mission is to provide leadership and services in grant administration and criminal justice policy development to support state, local, and tribal justice strategies to achieve safer communities. BJA works with communities, governments, and nonprofit organizations to reduce crime, recidivism, and unnecessary confinement, and promote a safe and fair criminal justice system.



https://bja.ojp.gov/



Karhlton F. Moore, BJA Director



How BJA Supports the Field





Provide diverse funding to accomplish goals.



Sharing Knowledge

Research, develop, and deliver what works to build capacity and improve outcomes.



Engagement

Consult, connect, and convene.

SECTION 2

IMPORTANT DATES AND INFORMATION







Grants.gov and JustGrants

Two-step process

<u>Step 1</u>: The applicant must register for this opportunity in Grants.gov at https://grants.gov/register and submit by the Grants.gov deadline the required **Application for Federal Assistance standard form (SF-424)** and a **Disclosure of Lobbying Activities (SF-LLL)**. To register in Grants.gov, the applicant will need to ensure that its System for Award Management (SAM) registration is current.

Grants.gov DUE April 29, 2024; 8:59 pm ET

<u>Step 2</u>: The applicant must then submit the **full application** including attachments in JustGrants at <u>JustGrants.usdoj.gov</u>. To be considered timely, the full application must be submitted in JustGrants by the JustGrants application deadline. OJP encourages applicants to review, the "How to Apply" section in the <u>OJP Grant Application Resource Guide</u> and the JustGrants website for more information, resources, and training.

JustGrants DUE May 6, 2024; 8:59 pm ET

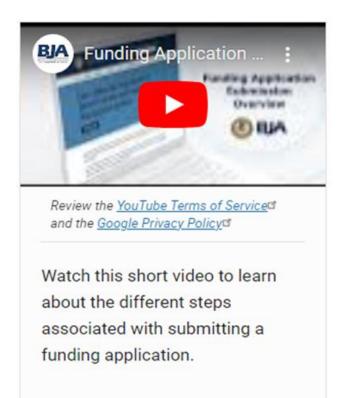


BJA Funding Webinars

Funding Resources §



BJA has started releasing FY24 solicitations. See the Available Funding page to learn about current funding opportunities.







JustGrants





Important Dates

FY 2024 Postconviction Testing of DNA Evidence

Opportunity ID
Closing Date
Posting Date
Grants.gov Deadline
Application JustGrants Deadline

O-BJA-2024-172014 May 6, 2024 March 6, 2024 April 29, 2024, 8:59 pm Eastern May 6, 2024, 8:59 pm Eastern **SECTION 3**

PROGRAM OVERVIEW







Program Overview - Page 6

Postconviction Testing of DNA Evidence provides funding to States, units of local government, and public institutions of higher education to assist in defraying the costs associated with postconviction case identification, case review, evidence location, and DNA testing in violent felony cases (as defined by state law) where the results of such testing might show actual innocence.

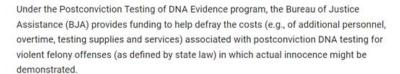
Additional information, including funded awards and current funding opportunities, can be found at: https://bja.ojp.gov/program/postconviction-testing-dna-evidence/overview

Postconviction Testing of DNA Evidence

FY24 Funding Available

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Overview &



Funds may be used to review suitable postconviction cases and to locate and analyze biological evidence. Only a limited portion of funds may be used for case identification activities.

This program is one of the forensic science programs that moved from the National Institute of Justice to BJA in FY 2020.

See the <u>Forensic Sciences</u> page for additional resources and to learn more about how BJA supports this topical area.

Overview	
About the Program	
FAQ	
Funding	
Grantees	
Archives	

SECTION 4

ELIGIBILITY AND APPLICATION REQUIREMENTS

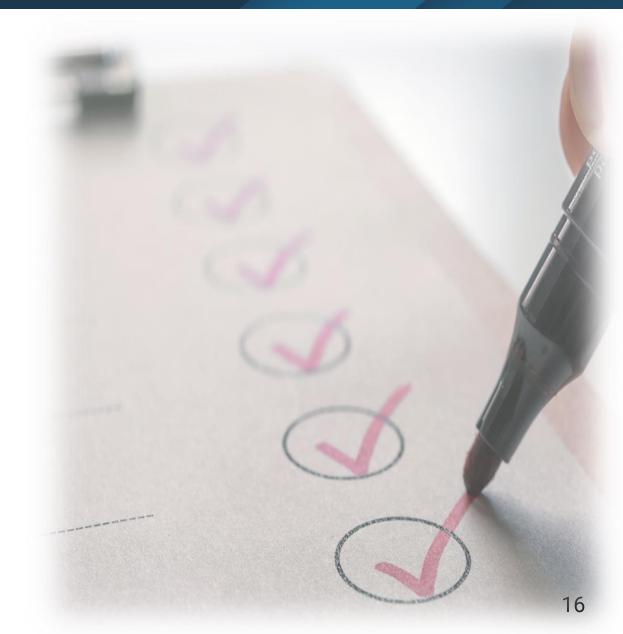




Eligibility – Page 4

- State governments
- City or townships governments
- Public- and State-controlled institutions of higher education
- County governments

For purposes of this solicitation, "state" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.





Funding Categories – Page 4

Funding Category

Competition ID	Competition Title (Category Name)	Expected Number of Awards	Dollar Amount for Award	Performance Start Date	Performance Duration (Months)
C-BJA-2024- 00018- PROD	Category 1: Case reviews and DNA testing	10	\$1,000,000	10/01/2024	36
C-BJA-2024- 00019- PROD	Category 2: Improve preservation of biological evidence and/or modernization of record storage systems	2	\$500,000	10/01/2024	36



Funding Categories – Page 6

Category 1: BJA seeks to help defray the costs (e.g., additional personnel, overtime, testing supplies, and services) associated with postconviction DNA testing for violent felony offenses (as defined by state law) in which actual innocence might be demonstrated. Funds may be used to review suitable postconviction cases and locate and analyze biological evidence.

Category 2: BJA provides funding to assist entities to improve the preservation of biological evidence and/or modernize record retention for postconviction violent felony offenses (as defined by state law) in which actual innocence might be demonstrated.

BJA will prioritize applications for Category 1 over those in Category 2 for funding. Once funding decisions for Category 1 are complete, remaining funding will be distributed to the relevant applications in Category 2, as appropriate.



Definitions – Page 6-8



Case Review

Review of files or documentation of postconviction cases of violent felony offenses (as defined by state law) by appropriate persons (e.g., prosecutors, public defenders, law enforcement personnel, and medical examiners) to determine whether biological evidence exists that might, through DNA analysis, demonstrate the actual innocence of the person previously convicted. This includes actions such as, but not limited to, document review, filing of petitions/motions with the court, and litigation following receipt of DNA results and up to the point of exoneration, dismissal of charges, and acceptance of Alford plea.



Goals and Objectives

The goal of this program is to assist states and units of local government with postconviction DNA testing in cases of violent felony offenses where actual innocence might be demonstrated.





Goals and Objectives: Category 1



Identify potential postconviction DNA testing cases.



Review appropriate postconviction cases to identify those in which DNA testing could prove the actual innocence of a person convicted of a violent felony offense as defined by state law.



Locate biological evidence associated with such postconviction cases.



Perform DNA analysis of appropriate biological evidence and report and review DNA test results.



Goals and Objective: Category 2



Locate, record, store, and retain biological evidence in adjudicated cases in accordance with best practices.



Modernize evidence retention practices for biological evidence in accordance with best practices.



Modernize and digitize the storage of existing files and records in adjudicated cases.



Implement modern, digitized files and record retention systems.

SECTION 5

FEDERAL AWARD INFORMATION







Federal Award Information – Page 9

Anticipated amount of funding:

\$12,000,000

Anticipated number of awards to be funded:

- 10 in Category 1
- 2 in Category 2

Period of performance start date:

October 1, 2024

Period of performance duration:

• 36 months

Anticipated maximum dollar amount per award:

- Up to \$1,000,000 in Category 1
- Up to \$500,000 in Category 2





Previous Year Application Data

Postconviction Testing of DNA Evidence Application Breakdown										
FY 2020		FY 2021		FY 2022		FY 2023				
Apps	Awds	Apps	Awds	Apps	Awds	Apps	Awds			
20	13	13	13	11	10	4	4			
65%		100%		91%		100%				

SECTION 6

APPLICATION SUBMISSION & APPLICATION CHECKLIST





Application Submission – Page 13

The following application elements must be included in the application to meet the basic minimum requirements to advance to peer review and receive consideration for funding:

- SF-424 and SF-LLL
- Proposal Abstract
- Proposal Narrative
- Budget Web-based Form which includes the budget details and the budget narrative



Review Process – Page 25

OJP screens applications to ensure they meet the **basic minimum requirements** prior to conducting the peer review.

Applications that meet the basic minimum requirements, will be evaluated for technical merit by a peer review panel(s).

Although specific requirements may vary, the following are common requirements applicable to all OJP solicitations:

 The application must be submitted by an eligible type of applicant.

 The application must request funding within programmatic funding constraints (if applicable).

• The application must be **responsive to the scope** of the solicitation.

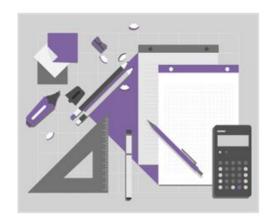
• The application must include all items necessary to meet the basic minimum requirements.





Merit Review Criteria – Pages 15-18

- 1. Statement of the Problem/Description of the Issue (20%) evaluate the applicant's understanding of the program/issue to be addressed.
- 2. Project Design and Implementation (50%)- evaluate the adequacy of the proposal, including the goals, objectives, timelines, milestones, and deliverables.
- **3. Capabilities and Competencies (15%)** evaluate the administrative and technical capacity of the applicant to successfully accomplish the goals and objectives.
- 4. Plan for Collecting the Data Required for this Solicitation's Performance Measures (5%) evaluate the applicant's understanding of the performance data reporting requirements and the plan for collecting the required data.
- **5. Budget (10%)** evaluate for completeness, cost effectiveness, and allowability (e.g., reasonable, allocable, and necessary for project activities).



Merit Review Criteria – Example – Page 15-16



Project Design and Implementation - Category 1

• Describe the implementation approach, including case review selection criteria and the target number of cases to be reviewed with award funds.

Discuss how funding under this initiative will help to identify and test
postconviction DNA cases and demonstrates an awareness of current methods
for DNA analysis of forensic evidence. Past performance successes may be
noted but must not be a predominant part of the project design and
implementation.

• Provide awareness of potential pitfalls and describe the mitigation strategies should pitfalls be encountered.

Merit Review Criteria – Example – Page 16



Project Design and Implementation - Category 2

 Describe the implementation approach, including specific timeframes of focus for relevant impacted cases (e.g., cases from 1970 to 1990). Provide a good faith estimate of the number of cases to be targeted for improved preservation of biological evidence and/or digitization of case records in adjudicated cases.

 Discuss how funding under this initiative will improve the review of postconviction cases involving DNA evidence.

 Discuss any policies or procedures that will be implemented to improve the preservation of biological evidence and/or digitization of case records in adjudicated cases.



Forensic Genetic Genealogy - Page 18

If you plan to conduct Forensic Genetic Genealogical DNA Analysis and Searching (FGGS) using funds from your federal award, you must make note of the following:

No DNA profiles (including SNP profiles generated for FGG testing) generated with funding from this award may be entered into any nongovernmental database (e.g. GEDmatch) without prior express written approval from BJA. Each profile tested must receive such written approval from BJA.

Program activity involving FGGS is subject to the DOJ <u>Interim Policy on Forensic Genetic Genealogical DNA Analysis and Searching</u> or to the final policy, when issued.





Mandatory Training

Attendance at BJA's Forensics Programs Grantees Meeting (Virtual Event):

- Award recipients must register for and attend BJA's annual "virtual" 2-day forensics workshop for all recipients.
- Key personnel (up to three representatives per award recipient) will be expected to attend each annual meeting during the course of the grant period (starting in 2025).
- The workshops will focus on the elements of a successful project and key issues surrounding postconviction DNA testing.



Expenses – Permitted – Page 19

- Salary and benefits of additional employees
- Engage additional (temporary personnel)
- Overtime
- Victim Advocates or victim treatment providers
- Travel (limited) Funds may be used for expenses directly associated with case ID, case review, location of evidence or DNA analysis; modernization of evidence retention practices, modernization of the storage of files/records
- Computer equipment to be used exclusively for case ID, case review, location of evidence, DNA analysis or modernizing and digitizing the storage of existing files and records
- Lab supplies for DNA analysis of biological evidence
- Evidence management/preservation/tracking

software, supplies and equipment

- Procurement from private labs of DNA analyses
- Training (limited) only for directly related to case ID, case review, location of evidence and DNA analysis OR modernization of evidence retention practices for biological evidence or modernization of the storage of existing files/records in adjudicated cases







Expenses – Not Permitted – Page 21

Among other things, funds may not be used for:

- Costs associated with civil litigation related to the original criminal conviction
- Salaries, benefits, or overtime for staff who are not directly engaged in case identification, case review, location of biological evidence, or DNA analysis of biological evidence or directly engaged in modernization of evidence retention practices for biological evidence or modernization of the storage of existing files/records in adjudicated cases.

- Laboratory equipment
- Construction
- Renovation
- Office furnishings
- Witness travel
- General litigation training or non-postconviction training
- Direct administrative expenses exceeding 5% of the award.



Certification – Pages 23-24

Certification as to Provision of Postconviction DNA Testing and Preservation of Biological Evidence

An applicant **must** submit an express certification from the chief legal officer of the state (typically the Attorney General) that the state:

- Provides postconviction DNA testing of specified biological evidence under a state statute, or under state
 rules, regulations, or practices, for persons convicted after trial and under a sentence of imprisonment or death
 for a state offense of murder or forcible rape, in a manner intended to ensure a reasonable process for
 resolving claims of actual innocence.
- 2. Preserves biological evidence secured in relation to the investigation or prosecution of a state offense of murder or forcible rape, under a state statute, local ordinances, or state or local rules, regulations, or practices, in a manner intended to ensure that reasonable measures are taken by all jurisdictions within the state to preserve such evidence.



Certification – Pages 23-24

Certification as to Provision of Postconviction DNA Testing and Preservation of Biological Evidence

Note: The certification must be executed by the chief legal officer of the appropriate state for each state for which postconviction cases are sought to be funded consistent with this solicitation. Funds will not be made available to applicants (if awarded) that fail to submit a properly executed certification(s).

Certification must be made on BJA-provided template (link in solicitation): https://bja.ojp.gov/funding/fy24-postconviction-cert.pdf



Certification – Pages 23-24

Certification as to Provision of Postconviction DNA Testing and Preservation of Biological Evidence

While it may be submitted with the application package, submission of this certification is not required at the time of application. If an award is made, access to award funds will be withheld until this certification is received and approved by BJA.

Note to all applicants, in particular, applicants proposing postconviction DNA testing projects involving cases outside of the applicant's state: The certification must be executed by the chief legal officer of the appropriate state for each state for which postconviction cases are sought to be funded consistent with this solicitation. Funds will not be made available to applicants (if awarded) that fail to submit a properly executed certification(s).



Application Checklist – Pages 29-32

BJA FY24 Postconviction Testing of DNA Evidence

This application checklist has been created as an aid in developing an application. For more information, reference The OJP Application Submission Steps in the OJP Grant Application Resource Guide and the DOJ Application Submission Checklist.

Pre-Application

Before Registering in Grants.gov

 Confirm your entity's registration in the <u>System Award Management (SAM.gov)</u> is active through the solicitation period; submit a new or renewal registration in SAM.gov if needed (see <u>Application Resource Guide</u>)

Register in Grants.gov

- Acquire an Authorized Organization Representative (AOR) and a Grants.gov username and password (see <u>Application Resource Guide</u>)
- Acquire AOR confirmation from the E-Business Point of Contact (E-Biz POC) (see <u>Application Resource Guide</u>)

SECTION 7

APPLICATION RESOURCES







Application Assistance

Grants.gov

- Provides technical assistance with submitting the <u>SF-424</u> and <u>SF-LLL</u>.
 - Customer Support Hotline
 - 800-518-4726 or 606-545-5035
 - Operates 24 hours a day, 7 days a week, except on federal holidays.
 - Web and Email
 - https://www.grants.gov/web/grants/support.html
 - support@grants.gov
- Provides information on available federal funding opportunities for various federal agencies.

JustGrants Technical Support

Provides technical assistance with submitting the full application in DOJ's Justice Grants System (JustGrants).

- Customer Support Hotline:
 - o 833-872-5175
 - o Monday Friday between 7:00 a.m. and 9:00 p.m. ET
 - Saturday, Sunday, and federal holidays from 9:00
 a.m. 5:00 p.m. ET
- Web and Email
 - https://justicegrants.usdoj.gov/user-support
 - JustGrants.Support@usdoj.gov



Application Assistance and Support (cont.)

OJP Response Center

- Provides solicitation support and general assistance
- Email grants@ncjrs.gov
- Toll free at 800-851-3420
- **TTY** at 301–240–6310 (hearing impaired only)

The OJP Response Center operates from 10:00 a.m. to 6:00 p.m. Eastern Time (ET) Monday-Friday and from 10:00 a.m. to 8:00 p.m. ET on the solicitation closing date.

Subscribe

- Subscribe to receive email notifications of new funding opportunities and other resources
 - Sign-up to receive the twice monthly JUSTINFO newsletter as well as the weekly Funding News email
 - Subscribe at https://www.ojp.gov/subscribe and be sure to select "Grants/funding" as an area of interest



About v Training v Resources v User Support v Library v News & Updates

Learn About the Department of Justice's Grants and Payment Management Systems

JustGrants Login

The Justice Grants System (JustGrants) is the Department of Justice's grants management system for the Office of Community Oriented Policing Services (COPS Office), the Office of Justice Programs (OJP) and the Office on Violence Against Women (OVW).

The JustGrants Resources website is an entryway into information about JustGrants and the system itself. Through this portal both award recipients and applicants can access <u>training resources</u> and <u>user support options</u>, find answers to <u>frequently asked</u> questions and sign up for the JusticeGrants Update e-newsletter#.

Users can also log in to JustGrants through the site.

News Flash ∅

Feb 21: Register Now! March Dates Added for Virtual Q&A Sessions ∅

Aug 10: Review New and Updated JustGrants FAOs *∅*



JustGrants Login

Select the access graphic above to log in to the Justice Grants System (JustGrants).



Training

Learn to navigate JustGrants effectively and complete various essential grants management tasks.



FAQs

Find answers to frequently asked questions regarding the Justice Grants System (JustGrants) and the Automated Standard Application for Payments (ASAP).



User Support

Access self-service, topic-specific, and technical support options for assistance in using the JustGrants System.



Resources

Links to resource guides, financial and administrative resources for grant management, funding opportunities, and ASAP training and resources.



News & Updates

View the latest information and updates on DOJ's grants management and payment management systems and sign up for JusticeGrants Updates emails from the COPS Office, OJP, and OVW.



OJP Grant Application Resource Guide



▲ SAM.gov Entity Validation Update ℰ

GSA implemented a new process to validate an entity's legal business name and physical address when requesting a Unique Entity Identifier (UEI) and for completing a SAM.gov entity registration. Due to a high volume of requests, entity validations are taking longer than expected to process. This validation process is now taking 7-10 business days, and in some cases longer.

OJP strongly recommends starting your SAM.gov registration process as soon as possible to allow the time necessary to process entity validations well in advance of the Grants.gov due date posted in the solicitation. Read this FAQ for more information.

The Office of Justice Programs (OJP) Grant Application Resource Guide ("Guide") provides guidance to assist OJP grant applicants in preparing and submitting applications for OJP funding. It addresses a variety of policies, statutes, and regulations that apply to many (or in some cases, all) OJP program applicants, or to grants and cooperative agreements awarded in fiscal year (FY) 2023. Some OJP programs may have program solicitations that expressly modify a provision of this Guide; in such cases, the applicant is to follow the guidelines in the solicitation as to any such expressly modified provision.

Contents &

- How To Apply
- Application Elements and Formatting Instructions
 - Complete the Application for Federal Assistance(Standard Form (SF)-424)
 - Disclosure of Lobbving Activities
 - Unique Entity Identifier and System for Award Management (SAM)
 - Proposal Abstract
 - Budget Preparation and Submission Information
 - Detailed Computations and Allowable Costs
 - · Narrative Justification for Every Cost
 - Consolidated Budget Summary
 - Information on Proposed Subawards (if any) and Proposed Procurement Contracts (if any)
 - Indirect Cost Rate Agreement (if applicable)
 - Tribal Authorizing Resolution (if applicable)
- Application Attachments
 - Applicant Disclosure of Pending Applications (Duplication in Cost Items)
 - Applicant Disclosure and Justification DOJ High Risk Grantees
 - Research and Evaluation Independence and Integrity
- Disclosure of Process Related to Executive Compensation
- · Financial Information
 - Financial Management and System of Internal Controls
 - Financial Management and System of Internal Controls Questionnaire (including Applicant Disclosure of High-Risk
 - Cost Sharing or Matching Requirement
 - Pre-agreement Costs (also known as Pre-award Costs)
 - Limitation on Use of Award Funds for Employee Compensation; Waiver
 - Prior Approval, Planning, and Reporting of Conference/Meeting/Training Costs
 - Costs Associated with Language Assistance (if applicable)
- Application Review Information
- Federal Award Administration Information
 - Federal Award Notices
 - · Administrative, National Policy, and Other Legal Requirements
 - Information Technology (IT) Security Clauses
 - General Information about Post-Federal Award Reporting Requirements
- · Programmatic Information
 - Evidence-Based Programs or Practices
 - Information Regarding Potential Evaluation of Programs and Activities
 - Note on Project Evaluations
- Other Information
 - Freedom of Information and Privacy Act (5 U.S.C. § 552 and 5 U.S.C. § 552a)
 - Provide Feedback to OJP
 - To Become an OJP Peer Reviewer

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(Message and data rates may apply.)



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 - JusticeGrants Update e-newsletter for the latest information and updates on JustGrants, DOJ's grants management system
 - OJP email newsletters
 and topical messages available from OJP program offices (BJA, BJS, NIJ, OJJDP, OVC, and SMART)
- . Sign up for U.S. Department of Justice Email Updates

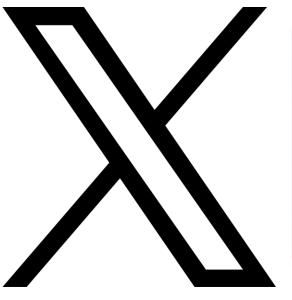
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- For information on funding opportunities, publications, and initiatives, visit BJA's website: www.bja.ojp.gov.













Additional Questions?

Contact the OJP Response Center:

- Email: grants@ncjrs.gov
- Toll free: 800-851-3420
- TTY: 301-240-6310 (hearing impaired only)

The Response Center hours of operation are 10:00 a.m. to 6:00 p.m., ET, Monday through Friday.



Reminder: Dual Deadlines

Applications must be submitted in a two-step process, each with its own deadline:

- Step 1: Submit an SF-424 and an SF-LLL at Grants.gov.
- Step 2: Submit the full application, with attachments, at <u>JusticeGrants.usdoj.gov</u>.

NOTE: Submission deadline times for both Grants.gov and JustGrants are now 8:59 p.m. ET, not 11:59 p.m. ET as in past years.

Read the solicitation carefully for further guidance.





Important Dates and Information

Solicitation Title: BJA FY24 Postconviction Testing of DNA Evidence

Assistance Listing Number: 16.820

Grants.gov Opportunity Number: O-BJA-2024-172014

Solicitation Release Date: March 6, 2024

Step 1: Application Grants.gov Deadline: 8:59 p.m. Eastern Time on April 29, 2024

Step 2: Application JustGrants Deadline: 8:59 p.m. Eastern Time on May 6, 2024



Quick Reference: Important Contacts



For technical assistance submitting the <u>SF-424</u> and <u>SF-LLL</u> into Grants.Gov, **call**: 800–518–4726 or 606–545–5035, 24 hours a day, or **email**: <u>support@grants.gov</u>.



For technical assistance submitting the **full application** into JustGrants, **call**: 833–872–5175, 7–9 ET, M–F, and 9–5 ET, weekends and holidays, or **email**: JustGrants.Support@usdoj.gov.



For technical assistance with the programmatic requirements, **call the OJP Response Center**: 800–851–3420, 10–6 ET, M–F, or **email**: grants@ncjrs.gov.





Questions?

Enter in the **Q&A** box and send to **All Panelists**.



Contact Information



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