# FY2025 Postconviction Testing of DNA Evidence Notice of Funding Opportunity





## Webinar Housekeeping

- If you encounter any technical difficulties, please inform us through the meeting chat.
- For any questions during the presentation, post them in the Q&A pod and we will respond during the Q&A session at the conclusion.
- This webinar is being recorded and will be accessible on the BJA website within a few days.



### **Captions**

- Navigate to the meeting controls, which are usually at the top of your screen.
- Click the **More** button, represented by three dots ••••
- Go to Language and speech.
- Select Turn on live captions or Show live captions.
- The captions will appear in real-time at the bottom of the webinar window.





## Presenter

Andrea Borchardt
Policy Chief
Forensics Unit

## Agenda

- OJP Overview
- Program Overview
- Notice of Funding Opportunity (NOFO) Information
- OJP Funding Process Overview
- Application Resources
- Q&A





## **OJP Overview**

## 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 grant-making 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





## Office of Justice Programs Bureau of Justice Assistance

BJA strengthens the Nation's criminal justice system and helps America's state, local, and tribal jurisdictions reduce and prevent crime, reduce recidivism, and promote a fair and safe criminal justice system.



https://bja.ojp.gov/

Tammie M. Gregg Acting Director

### **How BJA Supports the Field**







#### **Investments**

Provide funding to accomplish goals.

#### **Sharing Knowledge**

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

#### **Engagement**

Connect with the field.





## **Poll Question**Has your organization applied for OJP grants before?

My organization has applied for and received OJP grants.

My organization has applied for but not been awarded an OJP grant.

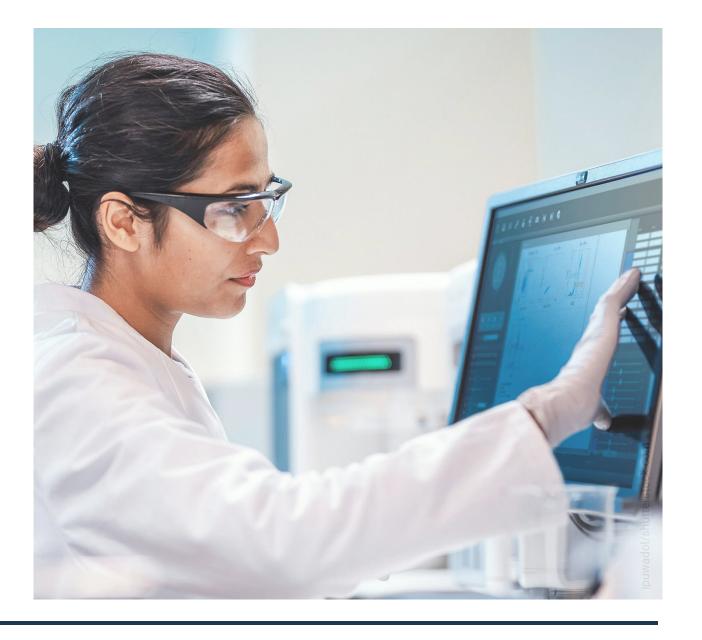
My organization has not applied for an OJP grant, but we've had other federal grants.

My organization is new to OJP grants and looking to learn more!



## **Program Overview**

Provides funding to assist in defraying the costs associated with postconviction 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.





- Launched in 2008
- Contributed to the review of over 55,000 cases
- 65 exonerations have occurred, in part, due to funding from this program

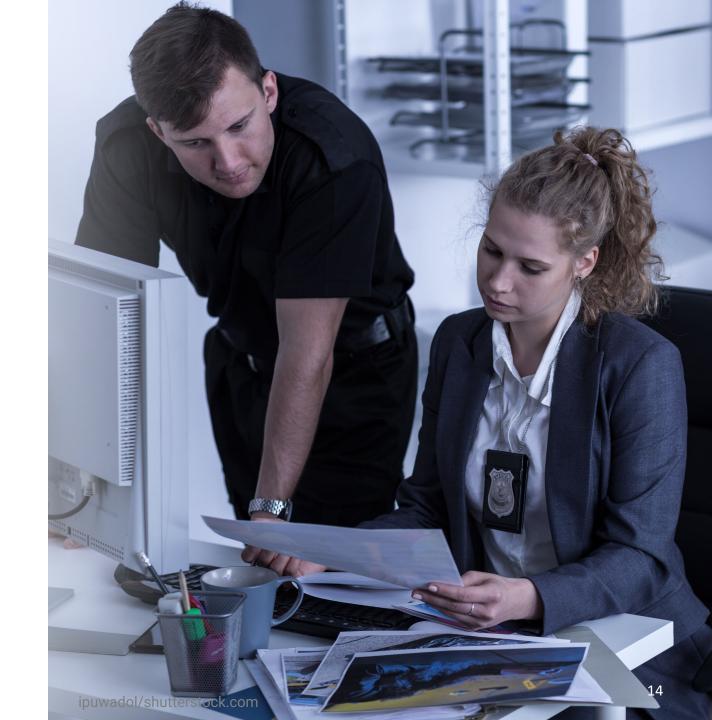




## **Funding Purpose**

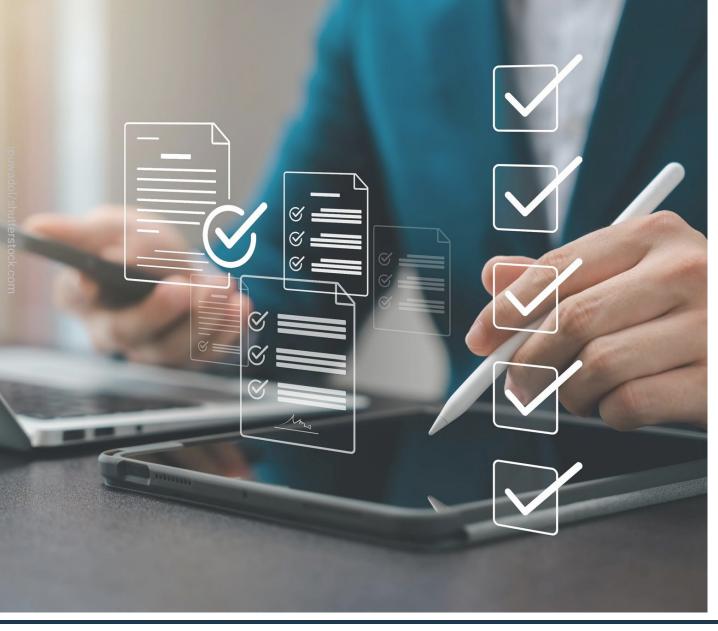
- Conduct review of cases involving violent felony offenses (as defined by state law) where actual innocence might be demonstrated through the use of DNA testing.
- Improve practices involving preservation of biological evidence and/or modernization of record retention in adjudicated cases.







## **NOFO Information**



## **Eligibility**

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

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**

#### **Category 1**

- 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**

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 through the use of DNA testing.



## **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 as well as report and review DNA test results.



## **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.



### **Federal Award Information**

#### Anticipated amount of funding

• \$8,832,940

#### Anticipated number of awards to be funded

- 10 in Category 1
- 2 in Category 2

#### Period of performance start date

• October 1, 2025

#### Period of performance duration

36 months

#### Anticipated maximum dollar amount per award

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





#### **Definition: Case Review**



Review of files or documentation of postconviction cases of violent felony offenses (as defined by state law) by appropriate persons to determine whether biological evidence exists that might, through DNA analysis, demonstrate the actual innocence of the person previously convicted.

#### Includes:

- document review
- filing of petitions/ motions with the court
- litigation following receipt of DNA results and up to the point of exoneration, dismissal of charges, and acceptance of Alford plea

## **Forensic Genetic Genealogy**

No DNA profiles (including SNP profiles generated for FGG testing) generated with funding from this award may be entered into any non-governmental database (e.g., GEDmatch) without prior express written approval from BJA.

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

### **Expenses – Permitted**

#### Funds may be used for:

- Salary and benefits of additional employees
- Overtime
- Victim Advocates or victim treatment providers
- Lab supplies for DNA analysis of biological evidence

- Evidence management/preservation/tr acking software, supplies and equipment
- Procurement for DNA analyses from vendor labs







## **Expenses – Not Permitted**

- Costs associated with civil litigation related to the original criminal conviction
- Laboratory equipment
- Construction
- Renovation
- Office furnishings
- Witness travel

- General litigation training or nonpostconviction training
- Direct administrative expenses exceeding 5% of the award
- Salaries, benefits, or overtime for staff who are not directly engaged in the project



#### **Unallowable Uses of Funds**

Any program or activity, at any tier that, directly or indirectly, violates (or promotes or facilitates the violation of):

- Federal immigration law (including 8 U.S.C. § 1373) or impedes or hinders the enforcement of federal immigration law—including by failing to comply with 8 U.S.C. § 1373, give access to DHS agents, or honor DHS requests and provide requested notice to DHS agents.
- Any applicable Federal civil rights or nondiscrimination law.

As specified in the DOJ Grants Financial Guide, in Chapter 3.13 "Unallowable Costs" ("Legal Services for Aliens").



### **Unallowable Uses of Funds**

#### **NOFO**

**Note:** Addressing these priority areas is one of many factors that OJP considers in making funding decisions. Receiving priority consideration for one or more priority areas does not guarantee a funding award.

#### Unallowable Uses of Funds

The following are certain unallowable costs and certain activities that are out of the program scope and will not be funded.

- Out of program scope is any program or activity, at any tier that, directly or indirectly, violates (or promotes or facilitates the violation of) federal immigration law (including 8 U.S.C. § 1373) or impedes or hinders the enforcement of federal immigration law including by failing to comply with 8 U.S.C. § 1373, give access to DHS agents, or honor DHS requests and provide requested notice to DHS agents.
- Out of program scope is any program or activity, at any tier that violates any applicable Federal civil rights or nondiscrimination law. This includes violations that— (1) indirectly violate the law, including by promoting or facilitating violations; or (2) unlawfully favor individuals in any race or protected group, including on a majority or minority, or privileged or unprivileged, basis, within a given area, population, or sector.
- 3. As specified in the <u>DOJ Grants Financial Guide</u>, in Chapter 3.13 "Unallowable Costs" ("Legal Services for Aliens"), any obligations of funds, at any tier, under this award to provide (or to support the provision of) legal services to any removable alien or any alien otherwise unlawfully present in the United States shall be unallowable costs for purposes any award made under this notice, but the foregoing shall not be understood to apply— (1) to legal services to obtain protection orders for victims of crime; or (2) to immigration-related legal services that may be expressly authorized or required by any law, or any judicial ruling, governing or applicable to the award.

**Program Goals and Objectives** 

#### **DOJ Grants Financial Guide**

#### Legal Services for Aliens

Except as indicated in the following sentence, costs of providing legal services (that is, professional services of the kind lawfully provided only by individuals licensed to practice law) to any removable alien (see 8 U.S.C. § 1229a(e)(2)) or any alien otherwise unlawfully present in the United States are disallowed and may not be charged against the award.

Costs for legal services disallowed under the preceding sentence do not include costs for legal services— (1) to obtain protection orders for victims of crime (including associated or related orders (e.g., custody orders), arising from the victimization); (2) that are associated with or relate to actions under 18 U.S.C. ch. 77 (peonage, slavery, and trafficking in persons); (3) to obtain T-visas, U-visas, or "continued presence" immigration status (see, e.g., 8 U.S.C. § 1101(a)(15)(T) & (U); 22 U.S.C. § 7105(c)(3)(A)); or (4) as to which such disallowance would contravene any express requirement of any law, or of any judicial ruling, governing or applicable to the award.

https://www.ojp.gov/funding/financialguidedoj





## **Application Review Process**

- Must be submitted by an eligible type of applicant.
- Must request funding within programmatic funding constraints (if applicable).
- Must be **responsive to the scope** of the solicitation.
- Must include all items necessary to meet the basic minimum requirements.





### **Application Submission**

Application must include:

- SF-424
- SF-LLL (now incorporated into JustGrants)
- Proposal abstract
- Proposal narrative
- Budget web-based form
  - budget details
  - budget narrative



## Mandatory Certification by the Chief Executive Officer (or senior official)



#### Required for State and Local Government Applicants

- All state and local government applicants <u>must</u> submit using the <u>Appendix 1</u> template.
- In the Additional Application Components section under Disclosures and Assurances.
- Applications missing this certification will not proceed to peer review.

#### What Is the Certification

- The applicant entity including its officials and personnel certifies compliance with 8 U.S.C. §§ 1373 and 1644 in any "program or activity" receiving federal financial assistance under any award made by OJP pursuant to this application.
- Subrecipients must also comply with 8 U.S.C. §§ 1373 and 1644.

## **Certification Submission Steps**







## Print and Sign Certification

- Print Certification Form
- Fill in required information
- Signed by the Chief Executive Officer

Blank certification form located at end of NOFO (Appendix 1)

Basic nformation	Eligibility	Program Description	Application Submission	Application Review	Award Notices	Post-Award Requirements	Other Information	Application Checklist
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(02)



## Funding Priority Inventory 2

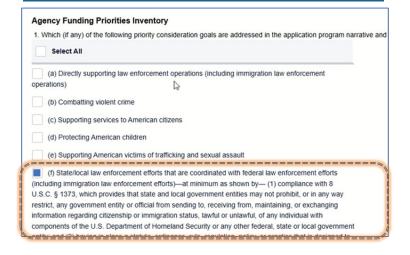
- Go to the Data Requested with Application screen
- Click on Funding Priority Inventory 2



03



- Select option (f)
- Select all other applicable priority consideration goals that apply

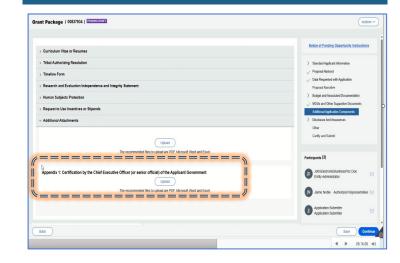


04



## **Upload Certification Form**

Click the "Upload" button from the "Additional Application Components" screen



## Provision of Postconviction DNA Testing and Preservation of Biological Evidence Certification

Must be executed by the chief legal officer of the state (typically the Attorney General)

The certification must be provided on the form linked in the NOFO

Not required at the time of application, but must be submitted for funds to be released



#### **Merit Review Criteria**

- Statement of the Problem/Description of the Issue (20%)
- Project Design and Implementation (50%)
- Capabilities and Competencies (15%)
- Plan for Collecting the Data Required for this Solicitation's Performance Measures (5%)
- Budget (10%)



Each criteria is divided by Category 1 and Category 2



## **Project Goals and Objectives**

Project goals: broad, visionary statements on what the applicant hopes to accomplish.

Project objectives: specific outcomes the applicant plans to achieve through project activities.

How goals and objectives relate to the goals and objectives of the NOFO.



## **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.

#### **Category 2**

- Describe the implementation approach, including specific timeframes of focus for relevant impacted cases (e.g., cases from 1970 to 1990).
- Discuss how funding under this initiative will improve the review of postconviction cases involving DNA evidence.



## **Agency Funding Priorities**

- (a) Directly supporting law enforcement operations (including immigration law enforcement operations)
- (b) Combatting violent crime
- (c) Supporting services to American citizens
- (d) Protecting American children
- (e) Supporting American victims of trafficking and sexual assault



BJA

Nurse of Justice Assistance
U.S. Department of Justice

Basic Eligibility Program Application Application Award Post-Award Other Application formation Description Submission Review Notices Requirements Information Checklist



#### BJA FY25 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.

#### SAM.gov Registration/Renewal

 Confirm that your entity's registration in the System for Award Management (SAM.gov) is active through the NOFO period. Submit a new or renewal registration in SAM.gov, if needed (see Application Resource Guide).

#### Grants.gov Registration

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

#### Grants.gov Opportunity Search

- Search for the funding opportunity in Grants.gov using the opportunity number, assistance listing number, or keyword(s).
- Select the correct Competition ID.
- Access the funding opportunity and application package (see Step 7 under "OJP Application Submission Steps" in the Application Resource Guide).
- . Sign up for Grants.gov email notifications (optional) (see Application Resource Guide).

#### Funding Opportunity Review and Project Planning

- Review all sections of the NOFO.
- Confirm your entity is eligible to receive funding (see Eligibility: Eligible Applicants).
- Confirm your proposed budget is within the allowable limits (see <u>Basic Information: Funding Details</u>), includes only allowable costs (see <u>Application Contents, Submission Requirements, and Deadlines: Budget Detail Form</u>), and includes cost sharing if applicable (see Eligibility: Cost Sharing/Match Requirements).
- Review the performance measures for this funding opportunity and confirm you will be prepared to collect and report on this data (see <u>Program Description: Performance</u> <u>Measures</u>).
- Review the "<u>Legal Overview</u>—<u>FY 2025 Awards</u>" in the <u>OJP Funding Resource Center</u> and confirm you are prepared to follow the requirements.
- Read OJP policy and guidance on conference approval, planning, and reporting under "Listing of Costs Requiring Prior Approval" in the <u>DOJ Grants Financial Guide</u> or see the Application Resource Guide.

#### Submission Step 1: Grants.gov

After registering with SAM.gov, submit the SF-424 in Grants.gov.

Complete and submit the SF-424 by the deadline.



# **OJP Funding Process Overview**

## **Before You Apply For Funding**

**SAM.gov Registration** – recommend beginning at least 30 days before the first application deadline

- Register/confirm "active" registration status
  - First-time registration may take several weeks
  - Existing registration annual renewal required
- Obtain/confirm Unique Entity Identifier (UEI)
- Identify current SAM.gov points of contact

# **Apply For OJP Funding: Overview**

**Step 1: Grants.gov** – complete *at least* 48 hours before deadline in NOFO

- Register/confirm registration
- Submit Application for Federal Assistance (SF-424)

Step 2: JustGrants – complete at least 48 hours before deadline in NOFO

- Register/confirm access
- Submit full application, including required attachments

# **Apply For OJP Funding: Step 1**

### Step 1: Grants.gov

- Register/confirm registration
- Add/confirm users and their roles
- Complete the Application for Federal Assistance (SF-424)

You can complete the first two actions at any time. Check the <u>Grants.gov</u> <u>Quick Start Guide</u> for more tips.

# **Apply For OJP Funding: Step 2**

# Step 2: JustGrants Complete the full application in JustGrants

- Standard Applicant Information
- Proposal Abstract
- Proposal Narrative
- Budget and Associated Documentation

- Memorandum of Understanding (MOU) and Other Supportive Documents
- Additional Application Components
- Disclosures and Assurances

### **What Happens Next?**

After the JustGrants application deadline, OJP starts its review process:

- Basic Minimum Requirements
- Peer Review
- Programmatic and Financial Review
- Risk Review

### **Award Notices**

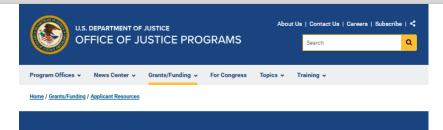
Visit the OJP Grant Awards public website: ojp.gov/funding/ojpgrantawards

### Successful applicants notified by JustGrants:

- Accept or decline award within 45 days
- Follow steps in <u>DOJ Award Acceptance Checklist</u>



# **Application Resources**



### OJP Grant Application Resource Guide

#### February 6, 202

The Office of Justice Programs (OJP) Grant Application Resource Guide provides guidance to assist OJP grant applicants in applying for OJP funding. It complements notices of funding opportunities (NOFOs) by providing more detail about policies, statutes, and regulations that apply to many (or in some cases, all) OJP funding applicants or to grants and cooperative agreements awarded in fiscal year (FY) 2025. For detailed instructions on using the JustGrants system to submit applications, review the <u>Application Submission Resources</u>. Some OJP NOFOs expressly modify a provision of this guide; in such cases, the applicant should follow the guidelines in the NOFO.

#### DOJ Grant Application Process Overview &

See the YouTube Terms of Service of and Google Privacy Policy of



#### Contents &

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    - Renewing an Existing Registration
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  - Applying as a Small Business
  - Submission Step 1: SF-424 in Grants.gov
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  - Renewing an Existing Registration
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- Financial Management and System of Internal Controls
- Information Technology (IT) Security Clauses
- Other Information
- Information Regarding Potential Evaluation of Programs and Activities
- Note on Project Evaluations
- Freedom of Information and Privacy Act (5 U.S.C. § 552 and § 552a)
- Provide Feedback to OJP
- OJP Peer Reviewers



### JustGrants Resources Website

**Share Your Feedback** 



#### ▲ SAM.gov Entity Registration and Renewal Requirement ℰ

All entities seeking Department of Justice (DOJ) grant funding must have an "active" registration in SAM.gov. Begin the SAM.gov registration or renewal process 30 days prior to any deadlines to allow time to complete the full process.

For additional support, visit SAM.gov Help.



See the YouTube Terms of Service I and Google Privacy Policy I

#### Video: DOJ Grant Application Process Overview

Want to apply for Department of Justice (DOJ) funding? This video offers a quick look at the systems you'll use to complete your grant application-SAM.gov, Grants.gov, and JustGrants-and shows you where to find assistance with any step in the grant application process.

Watch the Video



#### **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



#### **User Support**

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



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.

### **Application Assistance**

### **Grants.gov**

Assistance with submitting the **SF-424**.

- 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/support
  - support@grants.gov

### **JustGrants**

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

- Customer Support Hotline
  - o 833-872-5175
  - Monday Friday between 7am and 9pm ET
  - Saturday, Sunday, and federal holidays from
     9am 5pm ET
- · Web and Email
  - https://justicegrants.usdoj.gov/user-support
  - <u>JustGrants.Support@usdoj.gov</u>



### **OJP Response Center**

10am to 6pm ET, Monday - Friday

# Additional Questions?



Email: <u>OJP.ResponseCenter@usdoj.gov</u>



Toll free: 800-851-3420

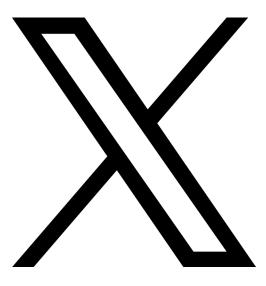


TTY: 202-353-5556 (hearing impaired only)

### **Stay Connected!**

- Facebook: <a href="https://www.facebook.com/DOJBJA">https://www.facebook.com/DOJBJA</a>
- X: <a href="https://x.com/DOJBJA">https://x.com/DOJBJA</a>
- YouTube: <a href="https://www.youtube.com/dojbja">https://www.youtube.com/dojbja</a>
- Use the QR code to subscribe to "Justice Matters" and "News From BJA" to receive the latest information from BJA and the field.
- For information on funding opportunities, publications, and initiatives, visit BJA's website: www.bja.ojp.gov
- Subscribe to Justice Programs News & Funding <a href="https://www.ojp.gov/news/justice-programs-news-funding">https://www.ojp.gov/news/justice-programs-news-funding</a>.











Q&A



Please send your questions via the Q&A pod. If you would rather ask verbally, use the raise hand feature to be unmuted and speak. Wait to unmute until you have been acknowledged.

