

BJA FY26 POST – Forensic Appendix

Definitions

For the purposes of this NOFO, the following are defined:

- **Case Identification:** Performing outreach or initial screening activities, other than “case review” as defined below, designed to identify postconviction cases of violent felony offenses (as defined by state law) where DNA analysis might demonstrate actual innocence.
- **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.
- **Combined DNA Index System (CODIS):** The generic term used to describe the Federal Bureau of Investigation’s program of support for criminal justice DNA databases, as well as the software used to run these databases. CODIS contains profiles from forensic evidence and Offenders/Arrestees and can provide investigative information that may assist with identifications. There are three levels of CODIS: the Local DNA Index System (LDIS), used by individual laboratories; the State DNA Index System (SDIS), used at the state level to serve as a state’s DNA database containing DNA profiles from LDIS laboratories; and the National DNA Index System (NDIS), managed by the FBI as the nation’s DNA database containing all DNA profiles uploaded by participating states.
- **DNA Analysis:** Includes the handling, screening, DNA collection, laboratory testing, profile interpretation, and reporting of samples containing DNA. DNA analysis may be conducted on crime scene evidence or known samples.
- **DNA Profile:** Genetic sequence related to an individual contributor. One case may generate one or more profiles.
- **Evidence:** Material collected from the crime scene. This does not include known samples (e.g., buccal swabs) from the victim and/or postconviction claimant.
- **Evidence Item:** Original item recovered from the crime scene. Swabbings/cuttings taken from the evidence item are considered subsets of that evidence item.
- **Evidence Location:** Seeking to locate physical biological evidence that, through DNA analysis, might demonstrate actual innocence. It includes activities such as the searching of files, storage facilities, and evidence rooms.

- **Familial DNA Searching:** An intentional or deliberate search of the DNA database conducted after a routine search for the purpose of potentially identifying close biological relatives of the unknown forensic sample associated with the crime scene profile.
- **Forensic Genetic Genealogy:** The combination of genetic analysis using single nucleotide polymorphism (SNP) testing with traditional historical and genealogical research to study family history. For forensic investigations, it can be used to connect unidentified DNA from forensic evidence or unidentified human remains to potential relatives in genealogical databases. This information can help point to the possible identity of the perpetrator or unidentified remains.
- **National DNA Index System (NDIS):** One part of CODIS, that contains the DNA profiles contributed by federal, state, and local participating forensic laboratories. All 50 states, the District of Columbia, the federal government, the U.S. Army Criminal Investigation Laboratory, and Puerto Rico participate in NDIS.
- **Postconviction DNA Cases in Which an Evidence Search Was Conducted:** Any activity intended to identify the location of evidence pertaining to a particular case. It includes physical searches or paperwork reviews.
- **Postconviction DNA Cases in Which Biological Evidence Was Found:** Cases for which physical evidence was located that could reasonably be submitted for DNA testing. This includes evidence not previously tested and evidence that may have been previously tested with methods not advanced enough to provide conclusive results.
- **Postconviction DNA Cases in Which Biological Evidence Was Determined to Have Been Destroyed:** Cases for which a final determination has been made that the evidence was destroyed and that no further attempts will be made to locate this evidence under this award. Generally, records may show that the evidence was destroyed.
- **Postconviction DNA Cases in Which Biological Evidence Was Determined to Be Missing:** Cases for which a final determination has been made that the evidence was lost and that no further attempts will be made to locate this evidence under this award. "Missing" evidence is declared after thorough searches in several possible locations and without finding the evidence at the last recorded location.
- **Viable DNA Profile:** A full or partial DNA profile, or mitochondrial DNA sequence taken from an evidence item that can be uploaded to CODIS or is otherwise statistically relevant and could be used to compare against other DNA profiles such as the postconviction claimant's profile. One case may generate one or more profiles.

Program Specific Requirements

Notice Regarding DNA Testing

All traditional (e.g., nongenetic genealogy) DNA analyses conducted using program funds must be performed by a laboratory (government-owned or fee-for-service) that is accredited,

undergoes external audits at least once every 2 years, and demonstrates compliance with the applicable DNA Quality Assurance Standards established by the Director of the Federal Bureau of Investigation. All DNA analyses conducted and profiles generated under this program must be maintained pursuant to any applicable federal privacy requirements. Please note: No profiles generated with funding from this program may be entered into any nongovernmental DNA database without prior express written approval from BJA. This includes DNA databases used for forensic genetic genealogy.

Program activity involving Forensic Genetic Genealogical DNA Analysis and Searching (FGGS) is subject to the [DOJ Interim Policy on Forensic Genetic Genealogical DNA Analysis and Searching](#) or the final policy, when issued. See the “Performance Measures” section for additional required grantee reporting on FGGS activities.

Budget Information

Generally Allowable Costs

- **Salary and benefits of additional employees**—Funds may be used for salaries and benefits of additional full- or part-time employees to the extent that such employees are directly engaged in case identification, case review, location of 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.
- **Engage additional (temporary) personnel**—Funds may be used to obtain the temporary services of individuals (other than employees of the recipient) to perform case identification and case reviews, locate evidence, or perform DNA analyses of biological evidence in the crime laboratory OR modernization of evidence retention practices for biological evidence or modernization of the storage of existing files/records in adjudicated cases.
- **Overtime**—Funds may be used for employee overtime for the purpose of case identification, case review, location of evidence, or DNA analysis of biological evidence OR the modernization of evidence retention practices for biological evidence or modernization of the storage of existing files/records in adjudicated cases.
- **Victim Advocates**—Funds may be used for victim advocates or victim treatment providers to engage in victim-centered notification, communication and support related activities to offer victims information about the criminal justice process. This is not for direct therapeutic services or victim compensation. The term “victim”, in this sense, may be applied to the original crime victim and their direct family but also more generally to anyone impacted by the original case, including the person convicted of the offense, their direct family, and witnesses. A limit of no more than 10% of award funds may be used for this purpose and must be specifically outlined in the budget narrative.

- Travel (limited) – Funds may be used for reasonable travel expenses directly associated with case identification, case review, location of evidence, or DNA analysis of biological evidence; the modernization of evidence retention practices for biological evidence; or the modernization of the storage of existing files/records in adjudicated cases. Travel funds may also support attendance at allowable training activities. Current federal travel policy and per diem rate information are available at <https://www.gsa.gov/perdiem>.
- Computer equipment—Funds may be used to upgrade, replace, lease, or purchase computer hardware or software (including on-premises and/or cloud-based servers) that will be used exclusively for case identification, case review, location of evidence, or DNA analysis of biological evidence. This includes equipment, such as document scanners, used for modernizing and digitizing the storage of existing files and records.
- Laboratory supplies—Funds may be used to acquire laboratory supplies for DNA analysis of biological evidence. The proposal must clearly demonstrate that the types and number of supplies requested are appropriate for the proposed caseload.
- Evidence Management/Preservation/Tracking Software, Supplies and Equipment—Funds may be used to acquire software and/or supplies (e.g., evidence packaging) and/or equipment (e.g., storage shelves, freezers) to improve the tracking and preservation of biological evidence. The proposal must clearly demonstrate the necessity of the proposed software/supplies/equipment to improve preservation of biological evidence. Note that BJA recognizes that this implementation may also positively impact the tracking and preservation of non-adjudicated cases and cases without biological evidence; however, the primary focus must be for the preservation of biological evidence in adjudicated violent criminal offenses.
- Training (limited)—In limited circumstances, funds may be used for postconviction training directly related to case identification, case review, location of biological evidence, and DNA analysis of biological evidence. Funds for this purpose must be used only for topics directly associated with case identification, case review, location of biological evidence, or DNA analysis of biological evidence OR modernization of evidence retention practices for biological evidence or modernization of the storage of existing files/records in adjudicated cases. The proposal must clearly demonstrate that the proposed training directly supports the program's purpose areas and is related directly to the job position and duties of the individual(s) receiving the training.

Expenses That Are Not Permitted

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, instrumentation, and software such as, but not limited to, genetic analyzers, DNA extraction robotics and probabilistic genotyping software, except as described in “Expenses That Are Permitted” above.
- Construction.
- Renovation.
- Office furnishings.
- Witness travel.
- General litigation training or training that is not relevant to postconviction work involving DNA.
- Direct administrative expenses that exceed 5% of the federal portion of the award.

Additional Application Components

Attach these in JustGrants:

Certification as to Provision of Postconviction DNA Testing and Preservation of Biological Evidence: If an award is made, prior to receiving award funds, the recipient must submit an express [certification](#) from the chief legal officer of the state (typically the attorney general) that the state:

1. 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.

Any certification that is submitted must be personally executed by the chief legal officer of the state after a determination that the certification may properly be made. Certification must be provided on the BJA-provided template found [here](#). Although 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 NOFO. Funds will not be made available to applicants (if awarded) that fail to submit a properly executed certification(s).

Curriculum Vitae or Resumes (if applicable): Provide resumes of key personnel who will work on the proposed project or a description of the experience and skills of key personnel necessary to implement the project.