

DARYL FOX: Good afternoon, everyone, and welcome to today's webinar, FY 2022 Postconviction Testing of DNA Evidence Solicitation hosted by the Bureau of Justice Assistance. At this time, I'd like to introduce Andrea Borchardt, Senior Forensics Policy Advisor with the Bureau of Justice Assistance for some welcoming remarks and to begin the presentation. Andrea?

ANDREA BORCHARDT: Thank you, Daryl. Welcome, everyone, to the release webinar for the FY 22 Postconviction Testing of DNA Evidence solicitation. My name is Andrea Borchardt, and I am the Senior Forensics Policy Advisor overseeing this competitive program. Today's agenda will focus on aspects of the FY 22 postconviction solicitation. While I present today, I will be referencing page numbers. So I encourage you to open the current solicitation, which can be found at bja.gov under the Funding and Awards tab, then access the available funding dropdown. I will discuss the program goals and objectives today, changes to the solicitation, the eligibility, and application submission requirements.

There are two major steps when applying for funding opportunities in JustGrants. Step 1: The applicant must submit by the grants.gov deadline the required Application for Federal Assistance standard form, SF-424, and a Disclosure of Lobbying Activities, SF-LLL form when they register in grants.gov. This is due on June 22, 2022, at 8:59 p.m. eastern. Step 2: The applicant must then submit the full application, including attachments, in JustGrants at justgrants.usdoj.gov. This is due June 27, 2022, at 8:59 p.m. eastern time. This presentation today is not a tutorial of how to navigate grants.gov or JustGrants. This is specifically an informational webinar about the FY 22 Postconviction Testing of DNA Evidence solicitation. Should you need tutorials on grants.gov or JustGrants, there are many resources available on the BJA website as well as the BJA YouTube channel. The one displayed on this slide can be found on our website, which links you to our YouTube channel and is a very helpful tutorial on the first steps for applying for grants. I also encourage you to access the JustGrants website, where you can find a wealth of tutorials on navigating the system. In order to be timely with your application, you'll want to make sure you are familiar with the application system and have enough time to complete all of the necessary steps.

For the program overview, the postconviction testing of DNA evidence provides funding to states, units of local government, and public institutions of higher education to assist and defray in 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. Please note that we have launched websites for our forensics program, and the link to the postconviction program is displayed on this page. Please take note of these important dates for

application to the postconviction program. The grants.gov deadline, again, is June 22, 2022 at 8:59 p.m. eastern time. If you miss this deadline, you cannot proceed to the JustGrants step. Those that successfully complete the grants.gov step in time, then the JustGrants deadline is June 27, 2022 at 8:59 p.m. eastern time. 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. This is accomplished from the objectives to identify potential postconviction DNA testing cases, to review appropriate postconviction cases to identify those where DNA testing could prove the actual innocence of a person convicted of a violent felony offense as defined by state law, to locate biological evidence associated with such postconviction cases, and perform DNA analysis of appropriate biological evidence and report and review DNA test results.

Important federal award information includes the anticipated amount of funding of just over \$10 million, which allows us to award approximately 22 awards. The period of performance start date is October 1, 2022, and I want to draw your attention to this date. Those who are familiar with this program when it was administered by NIJ, the National Institute of Justice, may have been familiar with different period of performance start date. But now that the program is administered by BJA, the period of performance will begin on October 1, 2022. The period of performance duration is 36 months, and the anticipated maximum award amount per award is \$500,000.

If you turn to page 1 on the solicitation, the cover page, the eligibility for this program is city or township governments, county governments, public and state-controlled institutions of higher education, and state governments. And for the purposes of this solicitation, the word "state" means any state in 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.

As can be found on the solicitation, starting on page 9, here's a summary of the permissible expenses for this program. Salary and benefits of additional employees; overtime; limited travel to be used directly for expenses directly associated with case identification, case review, location of evidence, or DNA analysis; computer equipment to be used exclusively for case identification, case review, location of evidence, or DNA analysis; to engage temporary personnel; procurement from private labs with DNA testing; and limited training only for training directly related to case identification, case review, location of evidence, and DNA analysis.

Continuing on page 9 of the solicitation, here's a summary of the expenses that are not permitted. Among other things, funds may not be used for the cost of postconviction

relief litigation after the DNA testing of the biological evidence has been completed. This does not mean that you cannot conduct hearings or evidentiary hearings with the court or continue to file legal briefs. This is specific for relief. Funds may not be used for salary and benefits for victim advocacy services; salaries and benefits for overtime for staff who are not directly engaged in case identification, case review, location of biological evidence, or DNA analysis of biological evidence; laboratory equipment; construction; renovation; office furnishings; witness travel; and general litigation training or nonpostconviction DNA training. For any projects proposing to use funds for Forensic Genetic Genealogical DNA Analysis and Searching, or FGGS, you must make note of the following: No DNA profiles (including the SNP profiles generated for FGGS testing) generated with funding from this award may be entered into any nongovernmental database such as GEDmatch without prior express written approval from BJA. Each profile tested must receive such written approval from BJA. Once you contact us, we will guide you through the process. Also, any program activity involving FGGS is subject to the DOJ Interim Policy on Forensic Genetic Genealogical DNA Analysis and Searching or the final policy, when issued.

Next, let's talk about what's needed for your application submission. If you can turn to page 10 of the solicitation. The following application elements must be included in the application to meet the basic minimum requirements, or BMR, to advance to peer review and receive consideration for funding. You need to have the proposal abstract, the proposal narrative, the budget worksheet, and budget narrative, which is a web-based form. Once the application is submitted into JustGrants, OJP screens the applications to ensure they meet the basic minimum requirements, or that BMR list, prior to conducting peer review. The applications that do meet BMR will be evaluated for technical merit by a peer review panel. 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 the programmatic funding constraints. The application must be responsive to the scope of the solicitation. And the application must include all necessary items to meet BMR. And if the application has met all of these requirements, it will proceed to the peer review panel. During peer review, BJA selects subject matter experts to review the applications according to the merit review criteria. These can be found on pages 15 to 16 of the solicitation. The reviewers will score the application according to the statement of the problem or description of the issue, the project design and implementation, the capabilities and competencies, the plan for collecting the data required for the solicitation's performance measures, and the budget. More details can be found on pages 11 to 12 of the solicitation for what to include in your application.

For example, if you turn to page 11 under the Project Design and Implementation, the applicant will be scored according to this whole list of bullets. I'll read the first few. The applicant will be scored on how well they describe the strategy to address the needs identified in the description of the issue, particularly any areas of special concern and their relevance to the goals and objectives of the program. The applicant will also be scored how well they describe the implementation approach, including case review selection criteria and the target number of cases to be reviewed with the award funds. So I encourage you to pay special close attention to these sections when developing your project and writing your proposal. Again, these can be found on pages 11 to 12 of the solicitation.

We do receive a lot of questions about this section, the certification as to provision of postconviction DNA testing and preservation of biological evidence. This can be found on pages 13 to 14 of the solicitation. So this whole section is taken from the authorizing legislation for this program and must be followed in order to access funds from this program. I'm actually gonna read these sections which are taken from pages 13 and 14 of the solicitation. An applicant 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 rule, regulations, or processes 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. And (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.

To continue, again, found on pages 13 and 14, the certification must be executed by the chief legal officer of the appropriate state for each state in which postconviction cases are sought to be funded consistent with the solicitation. Funds will not be made available to applicants (if awarded) that fail to submit a properly executed certification or certifications. And the certification must be made on the BJA-provided template. The link is in the solicitation, and the link can also be found on the slide below. I believe it's also posted in the chat.

Again, continuing on pages 13 and 14. While it may be submitted with the application package, submission of the certification is not required at the time of application. If an award is made, access to award funds will be withheld until the certification is received and approved by BJA. Note to all applicants, in particular, applicants proposing

postconviction DNA testing projects involving cases outside 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 the solicitation. Again, funds will not be made available to applicants (if awarded) that fail to submit a properly executed certification.

OK, once you have finalized all of the documents you believe you needed to pull together for your application, you can turn to your application checklist, found on pages 17 to 19, to make sure you followed all of the required steps for a successful application. This here on the screen is a screen grab presented here and--but the full checklist is on the solicitation starting on page 17 and ending on page 19. And for your reference, I've broken down the past 4 years of applications and awards for this program. Most recently in FY 21, we received 13 applications, and we were able to make all 13 awards. So, 100% of applications received were funded. This is very rare and actually had to do with the number of applications, the availability of funding, and the strength of the applications we received.

As we wrap up this informational session, I want to, again, draw your attention to important dates for the solicitation. The grants.gov deadline is June 22, 2022 at 8:59 p.m. eastern time, while the JustGrants deadline is June 27, 2022 at 8:59 p.m. eastern time. If you fail to meet the grants.gov deadline, you cannot proceed to the JustGrants portion of the process. If you run into any problems with the application, there are various resources available to assist you, depending on where you encounter the issues.

You may reach out, for example, to the grants.gov email or hotline, as listed in this slide. If you encounter issues with JustGrants, this slide outlines JustGrants resources to assist you. Please take note of the hotline number and email addresses, as well as the hours of operation. And if you have questions about the solicitation or need general assistance, you may also reach out to the OJP Response Center. Again, please take note of the ways to connect--with phone, chat, or email--as well as the hours of operation.

Thank you all for your hard work and dedication! And thank you for tuning in to this webinar. We'll now take questions in the Q&A.

DARYL FOX: Thanks so much, Andrea. Just a reminder for everybody on today's call, the PowerPoint recording and transcript for today will be posted to the BJA website. So, keep an eye out in your email box with--you registered today, and once those are posted, you'll get a notification there. If you do have a question, the far bottom-right

Q&A box and all panelists, would be happy to get through those with the time we have remaining today. The first question was a question about the PowerPoint. So, yes, that will be available within the coming week or so once it gets posted. And it will be posted within this solicitation section of the BJA website, but then it'll hyperlink you there as well. Or wait, and I'll just go ahead and put this slide up as well, just describing that two-step process that Andrea did mention, as far as the grants.gov Step 1 and then JustGrants Step 2 and those deadlines.

And as was mentioned, those are a little earlier than past years at 11:59 eastern. So, now it's 8:59 eastern, so note, but obviously it's mentioned to please get these in 48 hours or more in advance, so in case you require any technical assistance on submitting.

Nothing in the queue at this time, but we'll go ahead and wait a few more moments. If you have a question, please enter that in. Like to get to it today. So a question did come in, Andrea, as far as eligibility. "Is a county prosecutor's office eligible under the solicitation?"

ANDREA BORCHARDT: I think I unmuted myself. Can you confirm you can hear me?

DARYL FOX: Yes.

ANDREA BORCHARDT: All right, if you can go back to the eligibility slide, which I believe is slide 11. So you can just read back through those.

So, a city or township government, county government, public and state-controlled institutions of higher education, and state government. So if the prosecutor's office sits within the county government, the county government is an eligible applicant.

DARYL FOX: Another question did ask if the recordings will be available to those if not registered in JustGrants. And yeah, that's separate entities. So this will be made public just on the BJA website. So it's not affiliated with JustGrants. And as mentioned, it will go to the email that you joined in with today or registered for today. OK? So, Andrea, is there anything in closing you wanted to mention?

ANDREA BORCHARDT: We really look forward to all the applications coming in for the program. We really appreciate you attending the webinar. Thank you.

DARYL FOX: Wonderful. So, on behalf of the Bureau of Justice Assistance and our panelist, thank you for joining today's webinar. This will end today's presentation.