

BUREAU OF JUSTICE ASSISTANCE

**FY25 Capital Case Litigation Initiative:
Improving the Quality of Legal
Representation in State Capital Cases
Notice of Funding Opportunity**



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Presenter

Gregory D. Torain
Senior Policy Advisor

Agenda

- OJP Overview
- Program Overview
- NOFO Information
- OJP Funding Process Overview
- Application Resources
- Q&A



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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

The logo for the Bureau of Justice Assistance (BJA) features the letters "BJA" in a bold, white, sans-serif font. The letters are slightly shadowed, giving them a three-dimensional appearance as if they are floating above a dark blue background.

BJS – Bureau of Justice Statistics

The logo for the Bureau of Justice Statistics (BJS) consists of the letters "BJS" in a bold, white, sans-serif font. To the right of "BJS" is the text "Bureau of Justice Statistics" in a smaller, white, sans-serif font. A stylized orange and yellow arc is positioned behind the letters "BJS".

NIJ – National Institute of Justice

The logo for the National Institute of Justice (NIJ) features the letters "NIJ" in a large, bold, white, sans-serif font. To the right of "NIJ" is the text "NATIONAL INSTITUTE OF JUSTICE" in a smaller, white, sans-serif font, with "NATIONAL INSTITUTE OF" stacked above "JUSTICE". Below the text is the tagline "ADVANCING JUSTICE THROUGH SCIENCE" in a very small, white, sans-serif font.

OVC – Office for Victims of Crime

The logo for the Office for Victims of Crime (OVC) features the text "Office for Victims of Crime" in a small, white, sans-serif font above the letters "OVC" in a large, bold, white, sans-serif font.

OJJDP – Office of Juvenile Justice and Delinquency Prevention

The logo for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) features the letters "OJJDP" in a large, bold, white, sans-serif font. To the right of "OJJDP" is the text "Office of Juvenile Justice and Delinquency Prevention" in a smaller, white, sans-serif font.

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

The logo for the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) features the letters "SMART" in a large, bold, white, sans-serif font. Below the letters is the text "Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking" in a smaller, white, sans-serif font.The logo for the Bureau of Justice Assistance (BJA) features the letters "BJA" in a bold, blue, sans-serif font. The letters are slightly shadowed, giving them a three-dimensional appearance as if they are floating above a dark blue background.

U.S. Department of Justice 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.

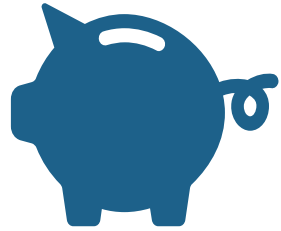


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<https://bja.ojp.gov/>

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.



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Program Overview

Funding Purpose

**Capital
Prosecution**

Enhancing the ability of prosecutors to effectively represent the public in state capital cases.

**Capital
Representation**

Improving the quality of legal representation for defense attorneys.



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Capital Prosecution

Enhancing the ability of prosecutors to effectively represent the public by accomplishing one or more of the following:

- Designing and implementing specialized training, support, and resources for state and local prosecutors to ensure effective representation.
- Developing and implementing appropriate standards and qualifications for state and local prosecutors who litigate state capital cases.
- Assessing the performance of state and local prosecutors who litigate state capital cases.

Capital Prosecution

- Identifying and implementing any potential legal reforms that may be appropriate to minimize the potential for error in the trial of capital cases.
- Establishing a program under which state and local prosecutors conduct a systematic review of cases in which a death sentence was imposed in order to identify cases in which post-conviction DNA testing may be appropriate.
- Providing support and assistance to the families of murder victims.

Capital Representation

Establishing, implementing, or improving an “effective system” for providing competent “legal representation” to:

- People who are indigent charged with an offense subject to capital punishment.
- People who are indigent who have been sentenced to death and who seek appellate or collateral relief in state court.
- People who are indigent who have been sentenced to death and who seek review in the Supreme Court of the United States.





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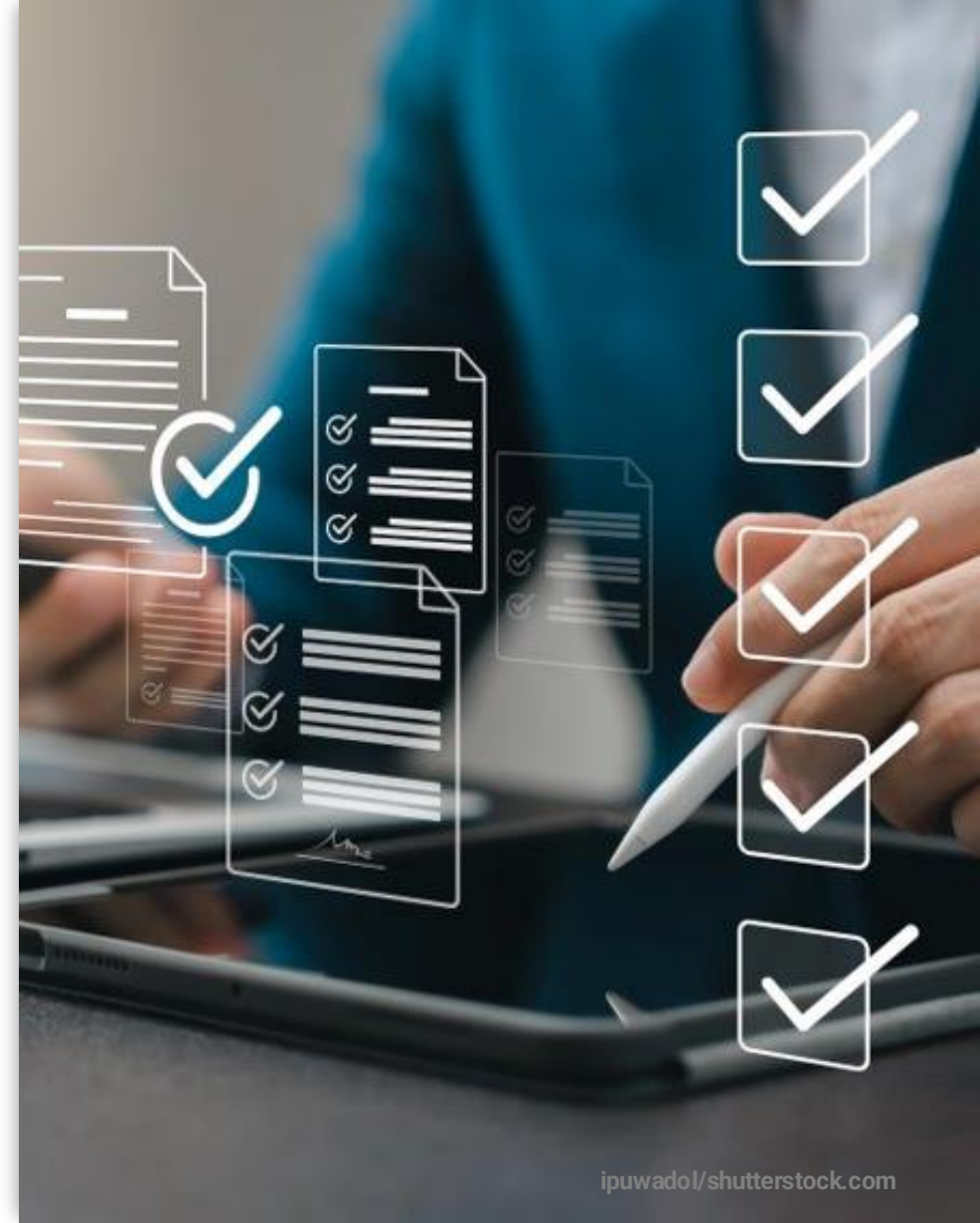
NOFO Information

Eligibility

Government Entities

- state governments

For the purposes of this NOFO, “state” means any state agency in states that authorize capital punishment and that conduct or will conduct prosecutions in which capital punishment is sought.



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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



Goals and Objectives

Goal 1: Enhance the effectiveness of prosecutors in state capital cases.

Objective 1.1: Set baseline standards, qualifications, and training for prosecutors that are aligned with state and local needs.

Objective 1.2: Support strategies which may include legal reforms, case review, forensic testing, victim services, and are aligned with state and local priorities.

Goal 2: Strengthen defense representation in state capital cases for defendants who are indigent.

Objective 2.1: Establish a qualification framework for defense counsel that is consistent with state requirements, which may include maintaining a roster of attorneys who meet these standards.

Objective 2.2: Expand training, support, and resources for defense counsel consistent with state needs and available resources.

Unallowable Uses of Funds

NOFO

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.

1. 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.
2. 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 [DOJ Grants Financial Guide](#), 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.

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>

Note: Grant awards shall not be used to fund, directly or indirectly, representation in specific capital cases.



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Federal Award Information

Anticipated amount of funding

- \$4,100,000

Anticipated number of awards to be funded

- Up to 9

Period of performance duration

- 36 months

Anticipated maximum dollar amount per award

- Up to \$450,000



Basic Minimum Requirements

The NOFO identifies **Basic Minimum Requirements (BMR)** that an application must meet to move forward to peer review.

The **critical elements** of the NOFO includes:

- SF-424
- Proposal Abstract
- Proposal Narrative
- Budget Detailed Form
- Timeline Web-based Form
- State Certification of Capital Punishment Authorization

Important Note

Applications that do not contain ALL elements designated by BJA as critical in the NOFO will not move forward to peer review.



Proposal Abstract

- Project name
- Purpose
- Service area
- Population to be served
- Primary activities
- Partner organizations
- Subrecipients, if known
- Research partners, if applicable
- Deliverables and expected outcomes

Important Note

- No more than 2,000 characters
- Do not include any personal identifiable information
- Paragraph form (no bullets or tables)
- Written in third person (e.g., they, the community, etc.)



Proposal Narrative

Proposal Narrative **must** be:

- double-spaced
- standard 12-point font
- 1-inch margins
- not more than 15 pages
- number pages “1 of 15,” etc.

Note: If the proposal narrative fails to comply with these restrictions, OJP may consider such noncompliance in peer review and in final award decision.

Helpful Tip

Tables and charts such as project timelines and resumes may be submitted as separate attachments and will not count toward the 15-page limit.



Merit Review Criteria

Section	
1. Statement of the Problem/Description of the Issue	15%
2. Project Goals and Objectives	15%
3. Project Design and Implementation	40%
4. Capabilities and Competencies	20%
5. Budget	10%



Budget Detail Form

Complete the JustGrants web-based budget form, which includes both detailed calculations and budget narrative sections.

For more information, please visit

<https://www.ojp.gov/funding/apply/ojp-grant-application-resource-guide#budget-prep>

Note: Budget proposals should reflect equal allocation of funds between Capital Prosecution and Capital Representation uses as set out in 34 U.S.C. § 60306(b) *Restriction on the use of funds to ensure equal allocation.*



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Timeline Web-based Form

Attach the additional requested documentation in JustGrants – including:

- Summary of the goals, objectives, deliverables, and timeline that relate to the proposal narrative.
- Projected fiscal year and quarter that each objective and deliverable will be completed.



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State Certification of Capital Punishment Authorization

Required for all applicants

- All state applicants **must** submit in JustGrants using the template linked in the NOFO.
- **Applications missing this certification will not proceed to peer review.**

Certification

- The applicant entity, including its officials and personnel, confirms that the state authorizes capital punishment under its laws and conducts, or will conduct, prosecutions in which capital punishment is sought.

Certification Submission



Sign Certification

- Print/download Certification Form
- Fill in required information
- Sign

Blank certification form
linked in the NOFO

FY 2025 Capital Case Litigation Initiative (CCLI)

State Certification of Capital Punishment Authorization

U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Assistance

Certification

On behalf of the applicant agency named below, this certifies to the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance in accordance with 60303(b)(2)(A)(B)(C) that the applicant State

- (A) authorizes capital punishment under its laws and conducts, or will conduct, prosecutions in which capital punishment is sought;
- (B) has provided a description of the communities to be served by the grant, including the nature of existing capital defender services and capital prosecution programs within such communities; and
- (C) has provided a long-term statewide strategy and detailed implementation plan that:
 1. reflects consultation with the judiciary, the organized bar, and State and local prosecutor and defender organizations; and
 2. establishes as a priority improvement in the quality of trial-level representation of indigents charged with capital crimes and trial-level prosecution of capital crimes.

Acknowledgment

I acknowledge that a false statement in this certification or in the grant application that it supports may be the subject of criminal prosecution, including under 18 U.S.C. § 1001 and/or 1621 and/or 34 U.S.C. §§ 10271-10273.

I further acknowledge that Office of Justice Programs (OJP) grants, including certifications provided in connection with such grants, are subject to review by OJP and/or by the U.S. Department of Justice's Office of the Inspector General.

I affirm that I have authority to make this certification on behalf of the applicant agency (i.e., the agency applying directly to the Bureau of Justice Assistance).

Program Requirements

Awardees shall submit an annual report with an accounting of all amounts expended and for funds provided for:

Capital Prosecution: details how the state qualifies and assesses capital prosecutors, identifies and implements potential legal reform to minimize error in capital cases, systemically reviews capital cases where post-conviction DNA testing may be appropriate, and provides support and assistance for victims (review complete reporting requirements under [34 U.S.C. § 60304\(c\)](#));

Capital Representation: details how a state appoints, maintains, trains, and monitors qualified representation for indigent defendants in a capital case (review complete reporting requirements under [34 U.S.C. § 60304\(b\)](#)).



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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 [Grants.gov Quick Start Guide](#) 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 [DOJ Award Acceptance Checklist](#)





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Application Resources

OJP Grant Application Resource Guide

February 6, 2025

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 [Application Submission Resources](#). 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](#) and [Google Privacy Policy](#).

Initiate an application

Initiate an application in Grants.gov and submit required documents

Note: Complete and submit the required documents in Grants.gov at least 48–72 hours prior to the Grants.gov deadline.

Watch on YouTube

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.

Contents

- [Finding Funding Opportunities](#)
 - [Funding Opportunity Review and Project Planning](#)
- [How To Apply: Application Contents, Submission Requirements, and Deadlines](#)
 - [Unique Entity Identifier \(UEI\) and SAM.gov Registration/Renewal](#)
 - [First-Time Registration](#)
 - [Renewing an Existing Registration](#)
 - [Applying as an Individual](#)
 - [Applying as a Small Business](#)
 - [Submission Step 1: SF-424 in Grants.gov](#)
 - [First-Time Registration](#)
 - [Renewing an Existing Registration](#)
 - [Guidance for Specific SF-424 Fields](#)
 - [SF-424 Submission](#)
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 - [Preparing for Submission](#)
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 - [Proposal Narrative/Project Description](#)
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 - [Award Acceptance](#)
- [Post-Award Requirements and Administration](#)
 - [General Information About Post-Federal Award Reporting Requirements](#)
 - [Administrative, National Policy, and Other Legal Requirements](#)
 - [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

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](#).



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](#)

See the [YouTube Terms of Service](#) and [Google Privacy Policy](#)

LOGIN



JustGrants Login

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

TRAINING



Training

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

FREQUENTLY ASKED QUESTIONS



FAQs

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

USER SUPPORT



User Support

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

RESOURCES



Resources

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

NEWS & UPDATES



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).

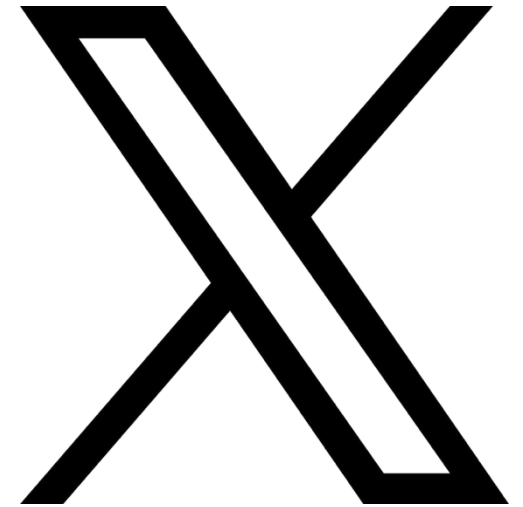
- **Customer Support Hotline**
 - 833-872-5175
 - Monday – Friday between 7am and 9pm ET
 - Saturday, Sunday, and federal holidays from 9am – 5pm ET
- **Web and Email**
 - <https://justicegrants.usdoj.gov/user-support>
 - JustGrants.Support@usdoj.gov



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- **Facebook:** <https://www.facebook.com/DOJBJA>
- **X:** <https://x.com/DOJBJA>
- **YouTube:** <https://www.youtube.com/dojbja>
- 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** <https://www.ojp.gov/news/justice-programs-news-funding>.



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OJP Response Center

10am to 6pm ET, Monday - Friday



Email: OJP.ResponseCenter@usdoj.gov



Toll free: 800-851-3420



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

Questions?



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