



The [U.S. Department of Justice's Office of Justice Programs' \(OJP\) Bureau of Justice \(BJA\) Assistance](#) is pleased to announce that it is seeking applications for funding under the Wrongful Prosecution Review Program. This program furthers the Department's mission by providing assistance to public and non-profit entities that seek justice for those who have been wrongfully convicted.

## Wrongful Prosecution Review Program FY 2009 Competitive Grant Announcement

### Eligibility

For Category I, applicants are limited to public and non-profit entities that work to exonerate people who have been wrongfully convicted. For Category II, applicants are limited to public and nonprofit organizations and for-profit entities that agree to waive all profits and fees who have experience and expertise in providing representation to wrongfully convicted defendants in post-conviction claims of innocence cases.

**Note: Applications that do not respond to the identified categories will not be peer reviewed or considered for funding under this solicitation. Applications for Category II must also be national in scope.**

(See "Eligibility," page 1)

### Deadline

Registration with OJP's [Grants Management System](#) is required prior to application submission. All applications are due by 8:00 p.m. Eastern Time on June 25, 2009.  
(See "Deadline: Applications," page 1)

### Contact Information

For assistance with the requirements of this solicitation, contact: Danica Szarvas-Kidd, BJA Policy Advisor for Adjudication, at 202-305-7418 or [danica.szarvas-kidd@usdoj.gov](mailto:danica.szarvas-kidd@usdoj.gov).

This application must be submitted through OJP's [Grants Management System \(GMS\)](#). For technical assistance relating to the online application system, call the Grants Management System Support Hotline at 1-888-549-9901, option 3. The GMS Support Hotline hours of operation are Monday-Friday from 7:00 a.m. to 9:00 p.m. Eastern Time. For step-by-step GMS guidance, please utilize OJP's online Grants Management System training tool: [www.ojp.usdoj.gov/gmscbt/](http://www.ojp.usdoj.gov/gmscbt/).

**Release date: June 4, 2009**

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# Wrongful Prosecution Review Program CFDA #16.746

## Overview of the Wrongful Prosecution Review Program

The purpose of the Wrongful Prosecution Review Program is to provide high quality and efficient representation for potentially wrongfully convicted defendants in post-conviction claims of innocence. This program is funded under the Omnibus Appropriations Act, 2009 (Pub. L. 111-8).

### Deadline: Registration

Applications must be submitted through OJP's online [Grants Management System \(GMS\)](#). Applicants should begin the process immediately to meet the GMS registration deadline, especially if this is the first time they have used the system. Each application requires a separate GMS registration. The registration process for organizations includes: (1) obtaining a Data Universal Numbering System (DUNS) number; (2) registering your organization with the Central Contractor Registration (CCR) database; and (3) registering with GMS prior to applying. See How To Apply (page 5) for further information on DUNS numbers and the CCR.

The deadline to register is **8:00 p.m. Eastern Time on June 25, 2009.**

### Deadline: Applications

The due date for applying for funding under this announcement is **8:00 p.m. Eastern Time on June 25, 2009.**

### Eligibility

For Category I, applicants are limited to public and non-profit entities that work to exonerate people who have been wrongfully convicted. For Category II, applicants are limited to national public and nonprofit organizations and for-profit entities that agree to waive all profits and fees who have experience and expertise in providing representation to wrongfully convicted defendants in post-conviction claims of innocence cases.

**Faith-Based and Other Community Organizations:** Consistent with Executive Order 13279, dated December 12, 2002, and 28 C.F.R. Part 38, faith-based and other community organizations that statutorily qualify as eligible applicants under DOJ programs are invited and encouraged to apply for assistance awards to fund eligible grant activities. Faith-based and other community organizations will be considered for awards on the same basis as other eligible applicants and, if they receive assistance awards, will be treated on an equal basis with all other grantees in the administration of such awards. No eligible applicant or grantee will be discriminated for or against on the basis of its religious character or affiliation, religious name, or the religious composition of its board of directors or persons working in the organization.

Faith-based organizations receiving DOJ assistance awards retain their independence and do not lose or have to modify their religious identity (e.g., remove religious symbols) to receive assistance awards. DOJ grant funds, however, may not be used to fund any inherently religious

activity, such as prayer or worship. Inherently religious activity is permissible, although it cannot occur during an activity funded with DOJ grant funds; rather, such religious activity must be separate in time or place from the DOJ-funded program. Further, participation in such activity by individuals receiving services must be voluntary. Programs funded by DOJ are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion.

If your organization is a faith-based organization that makes hiring decisions on the basis of religious belief, it may be entitled, under the Religious Freedom Restoration Act, 42 U.S.C. § 2000bb, to receive federal funds and yet maintain that hiring practice, even if the law creating the funding program contains a general ban on religious discrimination in employment. For the circumstances under which this may occur, and the certifications that may be required, please go to [www.usdoj.gov/fbci/effect-rfra.pdf](http://www.usdoj.gov/fbci/effect-rfra.pdf).

**American Indian Tribes and Alaska Native Tribes and/or Tribal Organizations:** All tribal applications must be accompanied by a current authorizing resolution of the governing body of the tribal entity or other enactment of the tribal council or comparable government body. If the grant will benefit more than one tribal entity, a current authorizing resolution or other enactment of the tribal council or comparable government body from each tribal entity must be included. If the grant application is being submitted on behalf of a tribal entity, a letter or similar document authorizing the inclusion of the tribal entity named in the application must be included.

## **Wrongful Prosecution Review Program—Specific Information**

*All awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law.*

The purpose of the Wrongful Prosecution Review Program is to provide high quality and efficient representation for defendants in post-conviction claims of innocence. Post-conviction innocence claims are likely to include complex challenges to the reliability or accuracy of evidence presented at trial which mainly fall into three categories: 1) eyewitness identification evidence; 2) confession evidence; and 3) forensic evidence. In some cases, post-conviction DNA testing alone can prove innocence, but the majority of cases will rely on other forms of proof, and many will involve DNA testing together with additional proof and/or expert testimony, which may be extremely costly.

The goals of this initiative are to: 1) provide quality representation to the wrongfully convicted; 2) alleviate burdens placed on the criminal justice system through costly and prolonged post-conviction litigation; and 3) identify, when possible, the actual perpetrator of the crime.

### **Award Categories**

There are two categories of funding under this solicitation.

**Note: Applications that do not respond to the identified categories will not be peer reviewed or considered for funding under this solicitation. Applications for Category II must also be national in scope.**

### **CATEGORY I: REPRESENTATION OF WRONGFULLY CONVICTED DEFENDANTS IN POST-CONVICTION CLAIMS OF INNOCENCE**

The amount of awards is dependent on the availability of funds. The length of awards must be no less than 12 months and no greater than 24 months, and the project start date should be on or after October 1, 2009.

Applications are solicited to provide representation to wrongfully convicted defendants in settling post-conviction claims of innocence. Successful applicants will be non-profit organizations dedicated to exonerating the innocent and public defender offices, both of which should have in-house post-conviction programs with demonstrable experience and competence in litigating post-conviction claims of innocence and that devote at least one full-time employee to the screening and/or representation of post-conviction innocence claims. Grant funds may be used to evaluate and litigate claims of innocence in cases in which potentially flawed eyewitness identification evidence was offered at trial; cases in which confession evidence, which appears to be unreliable or false, was offered at trial; cases in which forensic evidence was offered at trial involving (but not limited to): composite bullet lead analysis, fingerprints, tool marks, bite marks, hair microscopy, shaken baby, arson, time or cause of death; and/or cases involving any other potentially probative evidence of innocence. Funds may be used to help defray the costs of forensic re-analysis, expert consultation and testimony, screening/evaluation, and litigation services, including hiring of qualified defenders.

### **CATEGORY II: TRAINING AND TECHNICAL ASSISTANCE**

BJA will fund one national training and technical assistance provider up to \$100,000 for a period of no less than 12 months and no greater than 24 months. The project start date should be on or after October 1, 2009.

Applications are solicited for a national organization to work collaboratively with the public and non-profit entities to support their ability to competently and efficiently litigate post-conviction claims of innocence. This will include providing up to two trainings (based on the total number of grantees) on such topics as evaluation/screening of cases during intake, forensic re-analysis, expert consultation and testimony, and general litigation issues. Technical assistance will also be provided to grantees, which may include onsite consultations and evaluations.

### **Non-Supplanting**

For purposes of this Wrongful Prosecution Review Program solicitation, the general non-supplanting requirement of the [OJP Financial Guide](#) does not apply.

### **Performance Measures**

To assist in fulfilling the Department's responsibilities under the Government Performance and Results Act (GPRA), P.L. 103-62, applicants who receive funding under this solicitation must provide data that measure the results of their work. In addition, applicants must discuss their data collection methods in the application. Performance measures for this solicitation are as follows:

<b>Objective</b>	<b>Performance Measures</b>	<b>Data Grantee Provides</b>
<p><b>Category I:</b> Provide representation to defendants in post-conviction claims of innocence cases.</p>	<p>Number of people/experts consulted.</p> <p>Number of hours of forensic re-analysis services provided.</p> <p>Number of hours of screening, evaluation, and litigation services provided.</p> <p>Percent increase in number of cases evaluated for potential wrongful convictions.</p> <p>Number of actual perpetrators identified through re-examination of evidence in handling post-conviction innocence claims.</p>	<p>Number of people or experts consulted.</p> <p>Number of hours of forensic re-analysis services provided.</p> <p>Number of hours of screening, evaluation, and litigation services provided.</p> <p>Number of post-conviction claims of innocence obtained during reporting period.</p> <p>Number of actual perpetrators identified through re-examination of evidence in handling post-conviction innocence claims.</p>
<p><b>Category II:</b> Increase the knowledge of criminal justice practitioners through in-person training.</p>	<p>Percentage of trainees who successfully completed the training.</p> <p>Percentage of trainees who completed the training who rated the training as satisfactory or better.</p> <p>Percentage of trainees who completed the training whose post-test indicated an improved score over their pre-test.</p>	<p>Number of individuals who completed the training.</p> <p>Number of individuals who attended each training.</p> <p>Number of trainees who completed the training who rated the training as satisfactory or better.</p> <p>Number of individuals who completed an evaluation at the conclusion of the training.</p> <p>Number of individuals who completed the training whose post-test indicated an improved score over their pre-test.</p> <p>Number of individuals who completed a pre and post-test.</p>
<p><b>Category II:</b> Increase a criminal justice agency's ability to solve problems and/or modify policies or practices.</p>	<p>Percentage of requesting agencies who rated services as satisfactory or better in terms of timeliness and quality following completion of an onsite visit.</p>	<p>Number of requesting agencies who completed an evaluation of onsite services.</p> <p>Number of requesting agencies who rated services as satisfactory or better in terms of timeliness and quality following completion of a onsite visit.</p> <p>Number of onsite visits completed.</p>

## How To Apply

**Grants Management System Instructions.** Applications must be submitted through OJP's online Grants Management System (GMS). To access the system, go to <https://grants.ojp.usdoj.gov>. Applicants should begin the process a few weeks prior to the GMS registration deadline, especially if this is the first time they have used the system. Each application requires a separate GMS registration. For a step-by-step guide, visit <http://www.ojp.usdoj.gov/gmscbt/> and refer to the section entitled "External Overview: Locating & Applying for Funding Opportunities." For additional assistance, call the GMS Help Desk at 1-888-549-9901 from 7:00 a.m. to 9:00 p.m. Eastern Time Monday to Friday.

**Funding Opportunities with Multiple Categories:** Some OJP solicitations posted on GMS contain categories, denoted by the individual solicitation title referencing the category area. If you are applying to a solicitation with multiple categories, you must select the appropriate solicitation title for the intended category of your application. The application will be peer reviewed according to the requirements of the category under which it is submitted.

**Note: OJP will not review any application with attachments in Microsoft Vista or Microsoft 2007 format.** Applications submitted via GMS must be in the following formats: Microsoft Word (\*.doc), Work Perfect (\*.wpd), Microsoft Excel (\*.xls), PDF files (\*.pdf) or Text Documents (\*.txt). GMS is not yet compatible with Vista and cannot yet process Microsoft Word 2007 documents saved in the new default format with the extension ".docx." Please ensure the documents you are submitting are saved using "Word 97-2003 Document (\*.doc)" format.

**Please also note: OJP's Grants Management System (GMS) does not accept executable file types as application attachments.** OJP's Grants Management System (GMS) downloads applications from Grants.gov and is the system in which OJP reviews applications and manages awarded grants. These disallowed file types include, but are not limited to, the following extensions: ".com," ".bat," ".exe," ".vbs," ".cfg," ".dat," ".db," ".dbf," ".dll," ".ini," ".log," ".ora," ".sys," and ".zip."

**CFDA Number:** The Catalog of Federal Domestic Assistance (CFDA) number for this solicitation is 16.746, titled "Capital Case Litigation."

**A DUNS number is required:** The Office of Management and Budget requires that all businesses and nonprofit applicants for federal funds include a DUNS (Data Universal Numeric System) number in their application for a new award or renewal of an award. Applications without a DUNS number are incomplete. A DUNS number is a unique nine-digit sequence recognized as the universal standard for identifying and keeping track of entities receiving federal funds. The identifier is used for tracking purposes and to validate address and point of contact information. The DUNS number will be used throughout the grant life cycle. Obtaining a DUNS number is a free, simple, one-time activity. Obtain one by calling 1-866-705-5711 or by applying online at [www.dunandbradstreet.com](http://www.dunandbradstreet.com). Individuals are exempt from this requirement.

**Central Contractor Registration (CCR) is required:** In addition to the DUNS number requirement, OJP requires that all applicants (other than individuals) for federal financial assistance maintain current registrations in the Central Contractor Registration (CCR) database. The CCR database is the repository for standard information about federal financial assistance applicants, recipients, and subrecipients. Organizations that have previously submitted applications via Grants.gov are already registered with CCR, as it is a requirement for

Grants.gov registration. Please note, however, that applicants must update or renew their CCR at least once per year to maintain an active status. Information about registration procedures can be accessed at [www.ccr.gov](http://www.ccr.gov).

## What an Application Must Include

### Standard Form 424

#### Program Abstract (Attachment 1)

Applicants must provide an abstract identifying the applicant's name, title of the project, dollar amount requested, and category for which the applicant is applying (e.g., Category I: Representation of Wrongfully Convicted Defendants in Post-Conviction Claims of Innocence). The abstract must include goals of the project, a description of the strategies to be used, a numerical listing of key/major deliverables, and coordination plans. The abstract must be double-spaced, using a standard 12-point font (Times New Roman is preferred) with 1-inch margins, and must not exceed 1 page.

#### Program Narrative (Attachment 2)

The program narrative must respond to the solicitation and the Selection Criteria (1–3, 5) listed below in the order given. The program narrative must be double-spaced, using a standard 12-point font (Times New Roman is preferred) with 1-inch margins, and must not exceed 10 pages. Please number pages "1 of 10," "2 of 10," etc. Submissions that do not adhere to the format will be deemed ineligible.

#### Budget and Budget Narrative (Attachment 3)

Applicants must provide a budget that is allowable and reasonable (Selection Criteria 4). Applicants must submit a budget detail worksheet and budget narrative. A budget detail worksheet form is available on OJP's web site at [www.ojp.usdoj.gov/funding/forms/budget\\_detail.pdf](http://www.ojp.usdoj.gov/funding/forms/budget_detail.pdf). When using this form, applicants must also include a budget narrative, in MS Word or PDF format, as a separate attachment. Both the budget detail worksheet and narrative explanation of costs can be provided in a single document using this acceptable MS Word Budget template, available at [www.ojp.usdoj.gov/BJA/funding/Budget\\_Worksheet\\_Narrative\\_Template.doc](http://www.ojp.usdoj.gov/BJA/funding/Budget_Worksheet_Narrative_Template.doc). Applicants may submit the budget and budget narrative in a different format (i.e., Excel spreadsheet), but it must contain all categories listed within the budget detail worksheet. Applicants must budget funding to travel to one Department of Justice-sponsored financial management training, offered regionally.

#### Project Timeline and Position Descriptions/Résumés (Attachment 4)

Attach a *Project Timeline* with each project goal, related objective, activity, expected completion date, and responsible person or organization; and *Position Descriptions* for key positions and résumés for current staff. Do not include materials not requested in this attachment; additional material will not be reviewed.

## Selection Criteria

### 1. Statement of the Problem (20 percent of 100)

Identify the problem in handling post-conviction claims of innocence, including how many cases your office has processed in the last two calendar years (2007 and 2008), if any, and the case outcomes. Describe the problem around the ability to screen, evaluate, and

process claims, including any problems or shortfalls in providing litigation services and quality representation to wrongfully convicted defendants.

**2. Program Design and Implementation (40 percent of 100)**

Describe your strategy to address the needs identified in the Statement of the Problem. Describe how you plan to alleviate burdens (financial and operational) that result from handling post-conviction claims of innocence. Discuss how funding under this initiative will improve the quality of representation and how it will contribute to improvements in the speed and efficiency with which claims are handled, and the overall administration of justice.

**3. Capabilities/Competencies (15 percent of 100)**

Describe the management structure for implementation of the strategy, including staffing. For Category I applicants, specifically identify who will serve as attorneys involved in screening, evaluation, and litigation of post-conviction claims of innocence and their specific qualifications to do so. For Category II applicants, specifically identify experience and capability in working to exonerate wrongfully convicted defendants, specifically in post-conviction claims of innocence cases. Demonstrate the capability to implement the project successfully. Describe how this structure will be tied to the strategy identified in the Program Design and Implementation section. Provide position descriptions outlining the roles and responsibilities of key positions and résumés for current staff (as Attachment 4).

**4. Budget (10 percent of 100)**

Provide a proposed budget that is complete, allowable, cost-effective, and clearly tied to the program strategy (as Attachment 3). See page 2 for examples of what can be funded under this initiative. Applicants must budget funding to travel to one Department of Justice-sponsored financial management training, offered regionally. For locations and dates of the trainings, see <https://www.circlesolutions.com/ocfo-rfmts/>.

**5. Impact/Outcomes, Evaluation, Sustainment, and Description of the Applicant's Plan for the Collection of the Data Required for Performance Measure (15 percent of 100)**

For Category I applicants, explain how the use of funds to defray costs associated with handling post-conviction claims of innocence will be tracked, and assess the impact of the program's efforts. Explain how the progression of claims, including case outcomes, will be tracked. For Category II applicants, explain how the applicant will evaluate the effectiveness of training and technical assistance provided. For both categories, identify who will be responsible for performance measures (see page 3), and how the information will be used. Outline a strategy for sustaining the project when the federal grant ends.

## **Review Process**

The Office of Justice Programs is committed to ensuring a standardized process for awarding grants. The Bureau of Justice Assistance will review the application to make sure that the information presented is reasonable, understandable, measurable, and achievable, as well as consistent with program or legislative requirements as stated in the solicitation.

Peer reviewers will be reviewing the applications submitted under this solicitation as well. BJA may use either internal peer reviewers, external peer reviewers, or a combination of both to review the applications under this solicitation. An external peer reviewer is an expert in the field of the subject matter of a given solicitation who is NOT a current U.S. Department of Justice employee. An internal reviewer is an expert in the field of the subject matter of a given

solicitation who is a current U.S. Department of Justice employee. Applications will be screened initially to determine whether the applicant meets all eligibility requirements. Only applications submitted by eligible applicants that meet all other requirements will be evaluated, scored, and rated by a peer review panel. Peer reviewers' ratings and any resulting recommendations are advisory only. In addition to peer review ratings, considerations may include, but are not limited to, underserved populations, strategic priorities, past performance, and available funding.

After the peer review is finalized, the Office of the Chief Financial Officer (OCFO), in consultation with BJA, will conduct a financial review of all potential discretionary awards and cooperative agreements to evaluate the fiscal integrity and financial capability of applicants; examine proposed costs to determine if the budget and budget narrative accurately explain project costs; and determine whether costs are reasonable, necessary, and allowable under applicable federal cost principles and agency regulations. OCFO also reviews the award document and verifies the OJP Vendor Number.

Absent explicit statutory authorization or written delegation of authority to the contrary, all final grant award decisions will be made by the Assistant Attorney General (AAG), who may also give consideration to factors including, but not limited to, underserved populations, strategic priorities, past performance, and available funding when making awards.

## **Additional Requirements**

Successful applicants selected for award must agree to comply with additional applicable requirements prior to receiving grant funding. We strongly encourage you to review the list below pertaining to these additional requirements prior to submitting your application. Additional information for each can be found at [www.ojp.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm).

- Civil Rights Compliance
- Funding to Faith-Based Organizations
- Confidentiality and Human Subjects Protection
- Anti-Lobbying Act
- Financial and Government Audit Requirements
- National Environmental Policy Act (NEPA) Compliance
- DOJ Information Technology Standards
- Single Point of Contact Review
- Non-Supplanting of State and Local Funds
- Criminal Penalty for False Statements
- Compliance with Office of Justice Programs [Financial Guide](#)

- Suspension or Termination of Funding
- Non-Profit Organizations
- For-Profit Organizations
- Government Performance and Results Act (GPRA)
- Rights in Intellectual Property
- Federal Funding Accountability and Transparency Act (FFATA) of 2006