



The [U.S. Department of Justice \(DOJ\)](#), [Office of Justice Programs \(OJP\)](#), [Bureau of Justice Assistance \(BJA\)](#) is pleased to announce that it is seeking applications for funding for the Wrongful Conviction 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 Conviction Review Program FY 2011 Competitive Grant Announcement

Eligibility

Applicants are limited to non-profit organizations dedicated to exonerating the innocent and to state or local public defender offices.

Deadline

Registration with [Grants.gov](#) is required prior to application submission. (See "How to Apply," page 6, for more details.) All applications are due by 11:59 p.m. eastern time on February 3, 2011. (See "Deadlines: Registration and Application," page 3.)

Contact Information

For technical assistance with submitting the application, contact Grants.gov Customer Support Hotline at 1-800-518-4726 or via e-mail to support@grants.gov.

Note: The [Grants.gov](#) Support Hotline hours of operation are 24 hours a day, seven days a week, except federal holidays.

For assistance with any other requirement of this solicitation, contact the BJA Justice Information Center at 1-877-927-5657. The BJA Justice Information Center hours of operation are 8:30 a.m. to 5:00 p.m. eastern time, Monday through Friday, and 8:30 a.m. to 8:00 p.m. eastern time on the solicitation close date.

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Wrongful Conviction Review Program (CFDA #16.746)

Overview

The purpose of the Wrongful Conviction Review Program is to provide high quality and efficient representation for potentially wrongfully convicted defendants in cases of post-conviction claims of innocence. Funding is anticipated through the FY 2011 general appropriation.

Deadlines: Registration and Application

Registration is required prior to submission. OJP strongly encourages registering with Grants.gov several weeks before the deadline for application submission. The deadline for applying for funding under this announcement is 11:59 p.m. eastern time on February 3, 2011. Please note that while the deadline for submission is 11:59 p.m. eastern time on February 3, 2011, staff assistance through the BJA Justice Information Center is only available until 8:00 p.m. eastern time (see "Contact Information" on the title page for more information about BJA's Justice Information Center). Please see the "How to Apply" section, page 6 for more details.

Eligibility

Please refer to the title page for eligibility under this program.

Wrongful Conviction Review Program—Specific Information

The purpose of the Wrongful Conviction 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 that fall mainly into three categories: 1) eyewitness identification evidence; 2) confession evidence; and 3) forensic evidence. In some cases, post-conviction DNA testing alone can establish innocence, but the majority of cases will rely on other forms of evidence, and many will involve DNA testing together with additional sources of proof and/or expert testimony, which may be extremely costly.

Goals, Objectives, and Deliverables

The goals of this initiative are to: provide quality representation to those who may be factually innocent and wrongfully convicted; alleviate burdens placed on the criminal justice system through costly and prolonged post-conviction litigation; and identify, whenever possible, the actual perpetrator of the crime.

Successful applicants will be non-profit organizations dedicated to exonerating the innocent, and state and local public defender offices. Applicants should have in-house post-conviction programs with demonstrable experience and competence in litigating post-conviction claims of innocence and devote at least one full-time employee to the screening and/or representation of post-conviction claims of innocence. In the event that the above employees are not currently on staff, grant funds may be used to hire attorneys experienced in post-conviction claims of

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innocence. (Note: in the case of state/local public defender offices, funds still must be used in accordance with the OJP Financial Guide prohibitions against supplanting). Grant funds may also be used to evaluate and litigate claims of innocence in cases in which potentially flawed eyewitness identification evidence may have affected a verdict ; cases in which confession evidence, which appears to be unreliable or false, may have affected a verdict ; cases in which forensic evidence involving (but not limited to) composite bullet lead analysis, fingerprints, tool marks, bite marks, hair microscopy, shaken baby, arson, time or cause of death may have affected a verdict; 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 the hiring qualified attorneys (subject to rules against supplanting).

Amount and Length of Awards

BJA anticipates making multiple awards for up to \$250,000. The length of awards must be no less than 12 months and no greater than 24 months.

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

Budget Information

Limitation on Use of Award Funds for Employee Compensation; Waiver: With respect to any award of more than \$250,000 made under this solicitation, federal funds may not be used to pay total cash compensation (salary plus bonuses) to any employee of the award recipient at a rate that exceeds 110 percent of the maximum annual salary payable to a member of the Federal Government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. (The 2010 salary table for SES employees is available at www.opm.gov/oca/10tables/indexSES.asp.) Note: A recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds. (Any such additional compensation will not be considered matching funds where match requirements apply.)

The limitation on compensation rates allowable under an award may be waived on an individual basis at the discretion of the Assistant Attorney General (AAG) for OJP. An applicant that wishes to request a waiver must include a detailed justification in the budget narrative of its application. Unless the applicant submits a waiver request and justification with the application, the applicant should anticipate that OJP will request that the applicant adjust and resubmit its budget.

The justification should include: the particular qualifications and expertise of the individual, the uniqueness of the service being provided, the individual's specific knowledge of the program or project being undertaken with award funds, and a statement explaining that the individual's salary is commensurate with the regular and customary rate for an individual with his/her qualifications and expertise, and for the work that is to be done.

Match Requirement:

This solicitation does not require a match.

Performance Measures

To assist in fulfilling the Department’s responsibilities under the Government Performance and Results Act (GPRA), Public Law 103-62, applicants that receive funding under this solicitation must provide data that measure the results of their work. Any award recipient will be required, post award, to provide the data requested in the “Data Grantee Provides” column so that OJP can calculate values for the “Performance Measures” column. Performance measures for this solicitation are as follows:

Objective	Performance Measure(s)	Data Grantee Provides
Provide representation to defendants in post-conviction claims of innocence cases.	Number of subject matter experts consulted. Number of hours of forensic re-analysis services provided. Number of hours of screening, evaluation, and litigation services provided. Percent increase in number of cases evaluated for potential wrongful convictions. Number of actual perpetrators identified through re-examination of evidence in handling post-conviction innocence claims. Percent of cases in which actual perpetrators are identified through re-examination of evidence in post-conviction innocence claims.	Number of forensic experts consulted. Number of hours of forensic re-analysis services provided. Number of hours of screening, evaluation, and litigation services provided. Number of post-conviction claims of innocence obtained during reporting period. Number of actual perpetrators identified through re-examination of evidence in handling post-conviction innocence claims. Number of cases in which actual perpetrators are identified through re-examination of evidence in post-conviction innocence claims. Total number of cases in which evidence is re-examined as a result of post-conviction innocence claims.

Submission of performance measures data is not required for the application. Instead, applicants should discuss in their application their proposed methods for collecting data for performance measures. Please refer to the section “What a Successful Application Should Include” (below) for additional information.

Note on collection of supplemental performance data and evaluations: Applicants should be aware that if an application proposes to use federal funds to collect supplemental performance data beyond that required for OJP’s performance measures, or proposes to conduct a project evaluation, these activities may constitute “research.” Research is subject to applicable Department of Justice (DOJ) human subjects protections. Applicants should provide sufficient information for OJP to determine whether the regulatory definition of research is met.

Research is defined by DOJ’s regulations as “a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge” 28 C.F.R. § 46.102(d). For further guidance regarding federal regulations concerning research, including a decision tree to assist applicants in determining whether a

proposed activity would constitute research, see the “Research and the Protection of Human Subjects” section of the OJP Web site (www.ojp.usdoj.gov/funding/other_requirements.htm).

How to Apply

Applications will be submitted through Grants.gov. Grants.gov is a “one-stop storefront” that provides a unified process for all customers of federal awards to find funding opportunities and apply for funding. Complete instructions on how to register and submit an application can be found at www.grants.gov. If the applicant experiences technical difficulties at any point during this process, please call the Grants.gov Customer Support Hotline at **1-800-518-4726**, 24 hours a day, seven days a week, except Federal holidays. Registering with Grants.gov is a one-time process; however, **processing delays may occur and it can take up to several weeks** for first-time registrants to receive confirmation and a user password. OJP highly recommends that applicants start the registration process as early as possible to prevent delays in submitting an application package by the specified application deadline.

All applicants are required to complete the following steps.

1. **Acquire a DUNS Number.** A DUNS number is required for [Grants.gov](http://www.grants.gov) registration. The Office of Management and Budget requires that all businesses and non-profit applicants for Federal funds include a DUNS (Data Universal Numbering System) number in their applications for a new award or renewal of an existing award. 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 for federal assistance applicants, recipients, and subrecipients. The DUNS number will be used throughout the grant life cycle. Obtaining a DUNS number is a free, one-time activity. Obtain a DUNS number by calling Dun and Bradstreet at 1-866-705-5711 or by applying online at www.dnb.com. A DUNS number is usually received within 1-2 business days.
2. **Acquire or Renew Registration with the Central Contractor Registration (CCR) Database.** OJP requires that all applicants (other than individuals) for federal financial assistance maintain current registrations in the Central Contractor Registration (CCR) database. An applicant must be registered in the CCR to successfully register in Grants.gov. 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 registration **at least once per year** to maintain an active status. Information about CCR registration procedures can be accessed at www.ccr.gov.
3. **Acquire an Authorized Organization Representative (AOR) and a Grants.gov Username and Password.** Complete the AOR profile on Grants.gov and create a username and password. The applicant organization’s DUNS Number must be used to complete this step. For more information about the registration process, go to www.grants.gov/applicants/get_registered.jsp.
4. **Acquire Authorization for the AOR from the E-Business Point of Contact (E-Biz POC).** The E-Biz POC at the applicant organization must log in to Grants.gov to confirm the

applicant organization's AOR. Please note that there can be more than one AOR for the organization.

5. **Search for the Funding Opportunity on Grants.gov.** Please use the following identifying information when searching for the funding opportunity on Grants.gov. The Catalog of Federal Domestic Assistance (CFDA) number for this solicitation is 16.746, titled "Capital Case Litigation Initiative," and the funding opportunity number is BJA-2011-2867.
6. **Submit an Application Consistent with this Solicitation by Following the Directions in Grants.gov.** Within 24–48 hours after submitting the electronic application, the applicant should receive an e-mail validation message from Grants.gov. The validation message will state whether the application has been received and validated, or rejected, with an explanation. **Important:** Applicants are urged to submit applications **at least 72 hours prior** to the due date of the application to allow time to receive the validation message and to correct any problems that may have caused a rejection notification.

Note: Grants.gov will forward the application to OJP's Grants Management System (GMS). GMS does not accept executable file types as application attachments. 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."

Experiencing Unforeseen Grants.gov Technical Issues

If an applicant experiences unforeseen Grants.gov technical issues beyond the applicant's control that prevent submission of its application by the deadline, the applicant must contact BJA staff **within 24 hours after the deadline** and request approval to submit its application. At that time, BJA staff will instruct the applicant to submit specific information detailing the technical difficulties. The applicant must e-mail: a description of the technical difficulties, a timeline of submission efforts, the complete grant application, the applicant DUNS number, and Grants.gov Help Desk tracking number(s) received. After the program office reviews all of the information submitted, and contacts the Grants.gov Help Desk to validate the technical issues the applicant reported, OJP will contact the applicant to either approve or deny the request to submit a late application. If the technical issues the applicant reported cannot be validated, the application will be rejected as untimely.

To ensure a fair competition for limited discretionary funds, the following conditions are not valid reasons to permit late submissions: (1) failure to begin the registration process in sufficient time; (2) failure to follow Grants.gov instructions on how to register and apply as posted on its Web site; (3) failure to follow all of the instructions in the OJP solicitation; and (4) technical issues experienced with the applicant's computer or information technology (IT) environment.

Notifications regarding known technical problems with Grants.gov, if any, are posted at the top of the OJP funding Web page, www.ojp.usdoj.gov/funding/solicitations.htm.

What an Application Should Include

This section describes what an application should include and sets out a number of elements. Applicants should anticipate that failure to submit an application that contains all of the specified elements may negatively affect the review of the application and, should a decision

nevertheless be made to make an award, may result in the inclusion of special conditions that preclude access to or use of award funds pending satisfaction of the conditions.

Moreover, applicants should anticipate that some application elements are so critical that applications unresponsive to the scope of the solicitation or that do not include a program narrative and budget detail worksheet including a budget narrative will not proceed to peer review and will not receive further consideration.

OJP strongly recommends use of appropriately descriptive file names (e.g., "Program Narrative," "Budget Detail Worksheet and Budget Narrative," "Timelines," "Memoranda of Understanding," "Resumes") for all attachments. OJP recommends that resumes be included in a single file.

For examples of successful FY 2010 applications, go to:
www.ojp.usdoj.gov/BJA/funding/Example_Applications_2010.html.

1. Information to Complete the Application for Federal Assistance (SF-424)

The SF-424 is a standard form required for use as a cover sheet for submission of pre-applications, applications, and related information. Grants.gov and GMS take information from the applicant's profile to populate the fields on this form. When selecting "type of applicant," if the applicant is a for-profit entity, please select "For-Profit Organization" or "Small Business" (as applicable).

2. Program Narrative

The Program Narrative should respond to the solicitation and Selection Criteria (1-5) listed below in the order given. The Program Narrative should 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.

If the Program Narrative fails to comply with these length-related restrictions, noncompliance may be considered in peer review and in final award decisions.

The following sections should be included as part of the Program Narrative:

- a. Statement of the Problem
- b. Project Design and Implementation
- c. Capabilities and Competencies
- d. Plan for Collecting the Data Required for this Solicitation's Performance Measures
Submission of performance measures data is not required for the application.
Performance measures are included as an alert that successful applicants will be required to submit specific data to BJA as part of their reporting requirements. For the application, the applicant should indicate an understanding of these requirements and discuss how the applicant will gather the required data, should the applicant receive funding.
- e. Sustainability Plan

Further information is available under the Selection Criteria section, page 10.

3. Budget Detail Worksheet and Budget Narrative

a. Budget Detail Worksheet

Provide a proposed budget that is complete, allowable, cost-effective, and clearly tied to the program strategy. See pages 3-4 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 www.esi-bethesda.com/OJPtraining/locations.html.

Applicants must also budget funding to travel to one two-day national training sponsored by BJA's national training and technical assistance provider for the Wrongful Conviction Review Program, the National Association of Criminal Defense Lawyers (NACDL). A location for the FY 2011 national training event is to be determined, so applicants may provide a reasonable best estimate of travel costs.

A sample budget detail worksheet can be found at www.ojp.gov/funding/forms/budget_detail.pdf. If the budget is submitted in a different format, the budget categories listed in the sample budget worksheet should be included. If the grant period is longer than one year, the applicant should ensure that the budget reflects the entire grant period, not just one year. For questions pertaining to budget and examples of allowable and unallowable costs, please see the OJP Financial Guide at www.ojp.usdoj.gov/financialguide/index.htm.

b. Budget Narrative

The Budget Narrative should thoroughly and clearly describe every category of expense listed in the Budget Detail Worksheet. The narrative should be mathematically sound and correspond with the information and figures provided in the Budget Detail Worksheet. The narrative should explain how all costs were estimated and calculated and how they are relevant to the completion of the proposed project. The narrative may include tables for clarification purposes but need not be in a spreadsheet format. As with the Budget Detail Worksheet, the Budget Narrative should be broken down by year to reflect the entire grant period; however, the budget summary page totals should reflect the entire grant period.

4. Indirect Cost Rate Agreement (if applicable)

Indirect costs are allowed only if the applicant has a federally-approved indirect cost rate. (This requirement does not apply to units of local government.) A copy of the rate approval should be attached. If the applicant does not have an approved rate, one can be requested by contacting the applicant's cognizant federal agency, which will review all documentation and approve a rate for the applicant organization or, if the applicant's accounting system permits, costs may be allocated in the direct cost categories. If DOJ is the cognizant federal agency, obtain information needed to submit an indirect cost rate proposal at www.ojp.usdoj.gov/financialguide/part3/part3chap17.htm.

5. Additional Attachments: Project Timeline and Position Descriptions/Resumes

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 resumes for current staff.

6. Other Standard Forms

Additional forms that may be required in connection with an award are available on OJP's funding page at www.ojp.usdoj.gov/funding/forms.htm. Please note in particular the following forms. For successful applicants, receipt of funds may be contingent upon submission of all necessary forms.

- a. [Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements](#) (required to be submitted in GMS prior to the receipt of any award funds).
- b. [Disclosure of Lobbying Activities](#) (required for any applicant that expends any funds for lobbying activities; this form must be downloaded, completed, and then uploaded).
- c. [Accounting System and Financial Capability Questionnaire](#) (required for any applicant other than an individual that is a non-governmental entity and that has not received any award from OJP within the past 3 years; this form must be downloaded, completed, and then uploaded).
- d. [Standard Assurances](#) (required to be submitted in GMS prior to the receipt of any award funds).

Selection Criteria

The following six selection criteria will be used to evaluate each application, with the different weight given to each based on the percentage value listed after each individual criteria. For example, the first criteria, "Statement of the Problem," is worth 20 percent of the entire score in the application review process.

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

Identify the problem or challenge your office faces in handling post-conviction claims of innocence, including how many cases your office has processed in the last two calendar years (2009 and 2010), if any, and the case outcomes. Describe any regional, state, or local issues pertaining to the lack of adequate representation in these cases in relation to the number of potential cases. 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. You will be required in the next section, "Project Design and Implementation" to provide details of how the project design and implementation directly relates to the Statement of the Problem.

2. Project 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. Describe how your program differs, complements, or builds upon the efforts of other offices in your region/state/locality that are also representing potentially innocent clients in post-conviction proceedings.

3. Capabilities and Competencies (15 percent of 100)

Describe the management structure for implementation of the strategy, including staffing. 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. 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 resumes for current staff (as an attachment).

4. Plan for Collecting the Data Required for this Solicitation's Performance Measures (10 percent of 100)

Explain how the use of funds to defray costs associated with handling post-conviction claims of innocence will be tracked, and how the applicant will assess the impact of the program's efforts. Explain how the progression of claims, including case outcomes, will be tracked. Also identify who will be responsible for performance measures and how the information will be used.

5. Sustainability Plan (5 percent of 100)

Outline a strategy for sustaining the project when the federal grant ends.

6. Budget (10 percent of 100)

Provide a proposed budget for the entire project period that is complete, allowable, cost effective, and tied to the proposed activities. See the additional budget and budget narrative requirements on page 9.

Review Process

OJP is committed to ensuring a fair and open process for awarding grants. The Bureau of Justice Assistance reviews the application to make sure that the information presented is reasonable, understandable, measurable, and achievable, as well as consistent with the solicitation.

Peer reviewers will be reviewing the applications submitted under this solicitation that meet basic minimum requirements. BJA may use either internal peer reviewers, external peer reviewers, or a combination 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 a current U.S. Department of Justice employee who is well-versed or has expertise in the subject matter of this solicitation. Eligible applications 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 for award recommendations and decisions may include, but are not limited to, underserved populations, geographic diversity, strategic priorities, past performance, and available funding.

The Office of the Chief Financial Officer (OCFO), in consultation with BJA, conducts a financial review of applications for potential discretionary awards to evaluate the fiscal integrity and financial capability of applicants; examines proposed costs to determine if the budget detail worksheet and budget narrative accurately explain project costs; and determines whether costs

are reasonable, necessary, and allowable under applicable federal cost principles and agency regulations.

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

Additional Requirements

Applicants selected for awards must agree to comply with additional legal requirements upon acceptance of an award. OJP strongly encourages applicants to review the information pertaining to these additional requirements prior to submitting an application. Additional information for each requirement can be found at www.ojp.usdoj.gov/funding/other_requirements.htm.

- Civil Rights Compliance
- Faith-Based and Other Community Organizations
- Confidentiality
- Research and the Protection of Human Subjects
- Anti-Lobbying Act
- Financial and Government Audit Requirements
- National Environmental Policy Act (NEPA)
- DOJ Information Technology Standards (if applicable)
- Single Point of Contact Review
- Non-Supplanting of State or 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
- Awards in Excess of \$5,000,000 – Federal Taxes Certification Requirement

Application Checklist

FY 2011 Wrongful Conviction Review Program

The application checklist has been created to assist in developing an application.

Eligibility Requirement:

- Public or non-profit entity
- The federal amount requested is within the allowable limit of \$250,000

What an Application Should Include:

- Application for Federal Assistance (SF-424) (see page 8)
- Program Narrative* (see page 8)
- Budget Detail Worksheet* (see page 9)
- Budget Narrative* (see page 9)
- Indirect Cost Rate Agreement (if applicable) (see page 9)
- Project Timeline (see page 9)
- Position Descriptions/Resumes (see page 9)
- Other Standard Forms as applicable, including (see page 10):
 - Disclosure of Lobbying Activities (if applicable)
 - Accounting System and Financial Capability Questionnaire (if applicable)

*These elements are the basic minimum requirements for applications. Applications that do not include these elements shall neither proceed to peer review nor receive further consideration by BJA.