

BUREAU OF JUSTICE ASSISTANCE

# FY23 POSTCONVICTION TESTING OF DNA EVIDENCE PROGRAM GRANTEE ORIENTATION WEBINAR

December 5, 2023



**BJA**  
Bureau of Justice Assistance  
U.S. Department of Justice

# Presenters

- Andrea Borchardt – Senior Forensics Policy Advisor, BJA Policy Office
- Kathy Manning – State Policy Advisor, BJA Programs Office
- Nichole Norvesh – Research Associate, BJA Operations Office
- Jason Chute – Senior Forensic Social Scientist, RTI – BJA Forensics TTA
- Adina Thompson – Quattrone Center – BJA Wrongful Convictions TTA

# Agenda

- Office of Justice Programs (OJP) and Bureau of Justice Assistance (BJA) Overview
- BJA Postconviction Testing of DNA Evidence (PC) Program Team Introduction
- Program Overview
- Performance Measurement Overview
- Grant Management Overview
- TTA Overview
- Questions



SECTION 1

# OJP/BJA OVERVIEW



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# 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



**BJS** – Bureau of Justice Statistics



**NIJ** – National Institute of Justice



**OVC** – Office for Victims of Crime



**OJJDP** – Office of Juvenile Justice  
and Delinquency Prevention



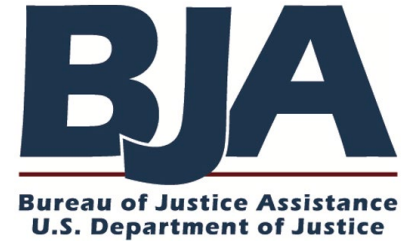
**SMART** – Office of Sex Offender  
Sentencing, Monitoring, Apprehending,  
Registering, and Tracking



# U.S. Department of Justice Bureau of Justice Assistance

**Mission:** BJA's mission is to provide leadership and services in grant administration and criminal justice policy development to support state, local, and tribal justice strategies to achieve safer communities. BJA works with communities, governments, and nonprofit organizations to reduce crime, recidivism, and unnecessary confinement, and promote a safe and fair criminal justice system.

**Karhlton F. Moore, BJA Director**



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



# How BJA Supports the Field



## Fund

Invest diverse funding streams to accomplish goals.



## Educate

Research, develop, and deliver what works.



## Equip

Create tools and products to build capacity and improve outcomes.



## Partner

Consult, connect, and convene.

## SECTION 2

# BJA POSTCONVICTION TESTING OF DNA EVIDENCE (PC) TEAM



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# BJA Award Management Structure



# BJA PC Team



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## SECTION 3

# PC PROGRAM OVERVIEW

BJA Policy Office



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# PC Program Overview

The FY 2023 Postconviction Testing of DNA Evidence (PC) Program is a competitive grant program designed to defray the costs associated with postconviction DNA testing in cases of violent felony offenses (as defined by state law) in which actual innocence might be demonstrated.

# Main Objectives

1. Identify potential postconviction DNA testing cases. A maximum of 15 percent of the proposed budget may be dedicated to case identification activities.
2. Review appropriate postconviction cases to identify those in which DNA testing could prove the actual innocence of a person convicted of a violent felony offense as defined by state law.
3. Locate biological evidence associated with such postconviction cases.
4. Perform DNA analysis of appropriate biological evidence and report and review the DNA test results.



# FY 2023 PC Solicitation Highlights

## Case Identification (up to 15 percent of the budget) (page 6)

Performing outreach or initial screening activities, other than “case review” as defined below, designed to identify postconviction cases of violent felony offenses (as defined by state law) where DNA analysis might demonstrate actual innocence.



# FY 2023 PC Solicitation Highlights

## Case Review (page 6)

Review of files or documentation of postconviction cases of violent felony offenses (as defined by state law) by appropriate persons (e.g., prosecutors, public defenders, law enforcement personnel, and medical examiners) to determine whether biological evidence exists that might, through DNA analysis, demonstrate the actual innocence of the person previously convicted.

# FY 2023 PC Solicitation Highlights

## **Mandatory Training (page 12)**

Award recipients must attend the annual 2-day forensics workshop for all award recipients that will take place in the Washington, D.C., area. Key personnel (up to three representatives per award recipient) will be expected to attend each annual meeting during the course of the grant period (starting in 2024), and applicants should budget accordingly. The workshops will focus on the elements of a successful project and key issues surrounding postconviction DNA testing.





# Allowable Uses of Funds

- Federal funds must be used to supplement existing state and local funds for program activities and must not supplant those funds that have been appropriated for the same purpose.
- All expenditures under this program must relate directly to defraying the costs associated with postconviction DNA testing.
- This may include (page 12–13):
  - Salary and benefits of additional employees, temporary personnel, or OT for individuals directly engaged in the four objectives of the program.
  - Travel.
  - Computer equipment.
  - Laboratory supplies.
  - Contracts with accredited DNA laboratories for DNA analysis.
  - Training directly related to the four objectives of the program.



# Unallowable Uses of Funds (page 13)

Costs for postconviction relief litigation following, for example, exoneration, dismissal of charges, or entry of an Alford plea

**Salaries and benefits for victim advocacy services**

Salaries, benefits, or overtime for staff who are not directly engaged in case identification, case review, location of biological evidence, or DNA analysis of biological evidence

Laboratory equipment, instrumentation, and software such as, but not limited to, genetic analyzers, DNA extraction robotics, probabilistic genotyping software, and Laboratory Information Management Systems (LIMS)

**Construction/  
Renovation**

Prohibited and controlled equipment, consistent with Executive Order (EO) 14074, per OJP policy

**Witness travel**

**Office furnishings**



General litigation training or training that is not relevant to postconviction work involving DNA

Direct administrative expenses that exceed 5 percent of the federal portion of the award

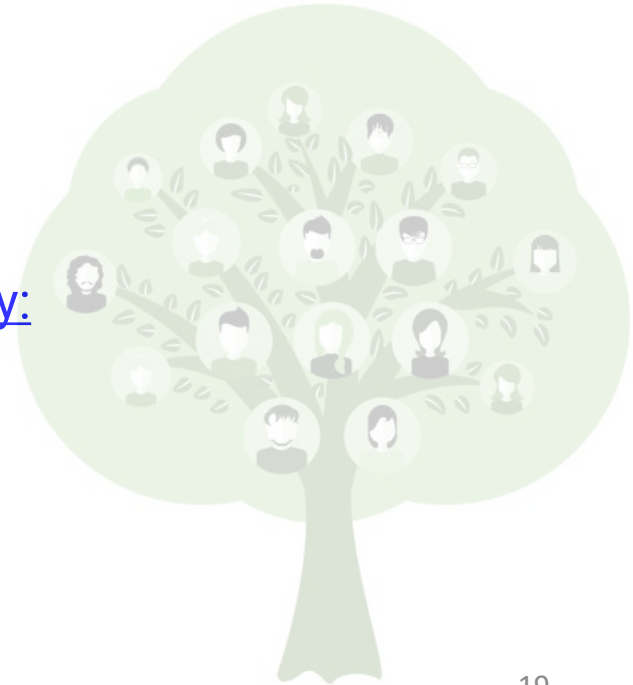
Unmanned aircraft systems (UAS), including unmanned aircraft vehicles (UAV), and all accompanying accessories to support UAS or UAV



# Forensic Genetic Genealogical (FGG) DNA Analysis and Searching

Award recipients utilizing funds for forensic genealogy testing must adhere to the United States Department of Justice Interim Policy Forensic Genealogical DNA Analysis and Searching, available at: [United States Department of Justice Interim Policy: Forensic Genetic Genealogical DNA Analysis and Searching](#).

In accordance with Section IX, grantees must collect and report specific performance metrics to BJA.



## SECTION 4

# PC PERFORMANCE MEASUREMENT

BJA Operations Office

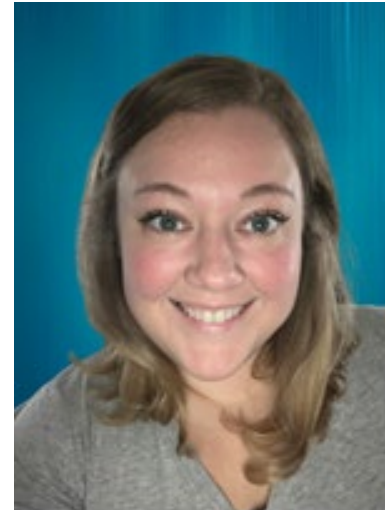


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# PC Operations Office Team



**Michael Adams**  
Senior Research Associate  
(Contractor)



**Nichole Norvesh**  
Research Associate  
(Contractor)

# What is Performance Management?

- **Performance management** - process by which grantees regularly collect data on their grant activities to determine whether they are implementing activities as intended and achieving their desired goals and objectives.
- **Performance measures** - data that are collected using a questionnaire established by the BJA for each individual program.
- **BJA Performance Measures Webpage**  
<https://bja.ojp.gov/funding/performance-measures>

# Overview of Performance Metrics and Progress Reports

- Metric questions will be emailed to you at the end of this webinar
- **Due: Semi-annually**
- Include:
  - **Successes**
  - **Challenges**
  - **Any links** to publications/media coverage of cases
- Ensure your narrative matches your numeric metric.
- **Metric question:** *As of the date of award acceptance, how many “violent crime cold cases” where suspect DNA was identified (whether the suspect is known or unknown) does your agency expect to be able to work with this grant funding?* – This # will be the same for every report.
- Your **FINAL** report will be cumulative of the entire award.
  - You will submit your last 6 month (semi annual) regular report plus a FINAL report.

# Why Performance Measures?

## Purpose for BJA:



To identify areas of success and potential areas of improvement.



To track grant activity and progress toward program goals.



To understand how funds are being distributed.



To comply with the law.

## Benefit to Grantees:



Identifies areas for improvement to focus internal efforts.



Promotes the ability to proactively request Training and Technical Assistance to address challenges.



Generates evidence of progress toward program goals, which can enhance resource advocacy for sustainability.



# What are the Postconviction Performance Measures?

## General Award Administration

- Questions regarding grant activity and goals and objectives.

## Case Identification

- Five performance metrics regarding the identification of new postconviction DNA cases.
- Question type: integer, checklist, and narrative.

## Case Review

- Nine performance metrics regarding activities related to case review and decisions on moving cases forward.
- Mixture of yes/no, narrative, option selection, and integer questions.

## Evidence Searches

- Five performance metrics regarding activities related to evidence searches and locating items of evidence.
- Mixture of yes/no, narrative, option selection, and integer questions.

# What are the Postconviction Performance Measures?

## DNA Analysis

- Seven questions regarding samples undergoing DNA analysis, results of DNA analysis, CODIS activities.
- Mixture of yes/no, narrative, option selection, and integer questions.

## Training

- Three performance metrics regarding training activities with integer and checklist questions.

## Forensic Genealogy

- Nine performance metrics regarding activities related samples submitted for Forensic Genetic Genealogy.
- Mixture of yes/no, narrative, option, and integer questions.

## Questionnaire Structure (Static)

- BJA Award Administration questions remain consistent.
- BJA Narrative questions remain consistent.

**Link:** <https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/Post-Conviction-Measures.pdf>

# Frequently Asked Questions

## What constitutes “Evidence Search”?

Any activity intended to identify the location of evidence pertaining to a particular case. An evidence search includes physical searches or paperwork reviews performed.

## Should non-funded staff also report the training received in the performance measures?

No. Training reported should only be included for funded staff. Any other information related to non-funded training/activities can be included in the narrative section.

# Frequently Asked Questions

## **Do Case ID, Case Review, and Evidence Search hours reported also include non-funded staff performing these activities?**

- No. All activity hours reported should be only for funded staff. Activities including case ID, case review, and evidence search can be included in the narrative section for BJA team awareness to understand the scope of work performed by non-funded staff as well.

## **Can projects be completed prior to the 36 months period of performance?**

- Yes. The period of performance (POP) of a Postconviction award can last up to 36 months. The 36 months POP is not a requirement, and applicants/grantees can finish the award early if all goals and objectives are completed before this time.

# Frequently Asked Questions

**Please note that question #40 only refers to Forensic Genealogy testing performed:**

40. Please enter the number investigations initiated since the beginning of the grant program for each type of crime.
- A. Homicide \_\_\_\_\_
  - B. Sexual assault \_\_\_\_\_
  - C. Unidentified human remains \_\_\_\_\_
  - D. Other \_\_\_\_\_
    - If Other, please explain \_\_\_\_\_

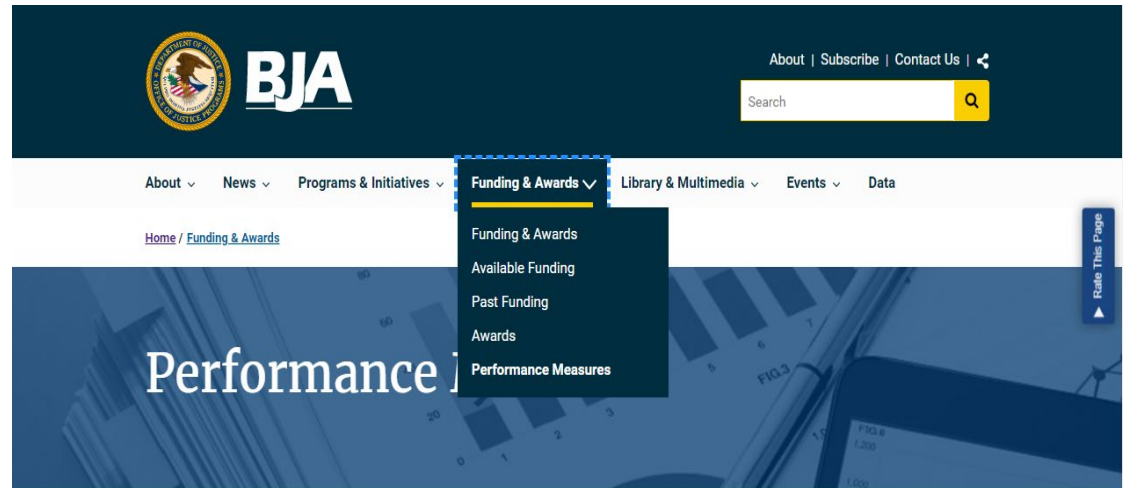
For additional Postconviction FAQs, please go to:

<https://bj.a.ojp.gov/program/postconviction-testing-dna-evidence/faq>

# BJA Performance Measures Webpage

## Resources Available to BJA Grantees

- Specific performance measure reporting guidance
- Training videos
- Data collection best practices
- Managing subrecipient reporting tip sheet
- And more!



- <https://bja.ojp.gov/funding/performance-measures>
- <https://www.youtube.com/dojbja> – YouTube Channel

# Contact Information and Resources

## JustGrants Helpdesk

Monday–Friday 5:00 a.m. – 9:00 p.m. Eastern Time (ET)

Saturday–Sunday and Federal Holidays 9:00 a.m. – 5:00 p.m. ET

1–833–872–5175 | *JustGrants.Support@usdoj.gov*

## JustGrants Training and Resources

<https://justicegrants.usdoj.gov/>

SECTION 5

# PC GRANT MANAGEMENT

BJA Programs Office



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# PC Programs Office Team



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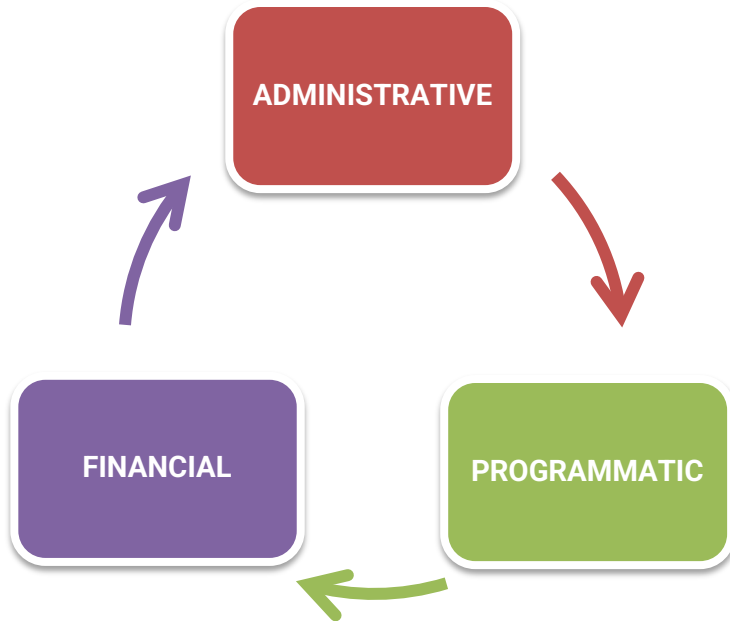
# State Policy Advisor/Grant Manager Role

Is the first line of direct communication with grantees within BJA. Is responsible for reviewing and approving grantee reports and grant adjustment modifications, and processing grant closeouts.

Addresses all questions regarding programmatic, financial, and administrative elements of your grant.

Communicates about all the award conditions, including the award release conditions related to PC program requirements.

# Three Areas of Grant Management



- **Administrative**
  - Award acceptance
  - Award condition compliance
  - Semi-annual progress reports
  - Grant award modifications
- **Programmatic**
  - Implementation of project
  - Goals, objectives, and activities
- **Financial**
  - Federal financial reports
  - Budget clearance, modifications, and reallocations
  - Draw-downs

# Award Acceptance

- The grant award agreement is a legally binding contract with the federal government.
- **The Authorized Representative accepts the award electronically in JustGrants.**
- **TIP:** Before the award can be accepted, the Entity Administrator must assign key roles in JustGrants.



# JustGrants Roles

## Entity Administrator



Confirms Entity profile information is current. Manages users and user assignments. Confirms Authorized Representative has proper legal authority to accept or decline an award.



## Grant Award Administrator

Submits programmatic-related award requirements, including Performance Reports, Grant Award Modifications (GAMs), and Closeouts.



## Financial Manager

Certifies and submits financial information and all Federal Financial Reports on behalf of an Entity.

### ALTERNATE



## Grant Award Administrator

Supports the Grant Award Administrator. Can initiate and submit programmatic-related award requirements, including Performance Reports and GAMs.

JustGrants roles have specific functions, so make sure you have the right person assigned to the role.

# Award Acceptance

Award conditions may be attached to an award for financial and/or programmatic issues requiring resolution, referred to as withholding conditions.

Applicants have 45 days to accept the award through JustGrants from the date of award notification. The following training video regarding acceptance/denial may be helpful:

<https://justicegrants.usdoj.gov/training/training-grant-award-acceptance>.

Program-specific award conditions may be applied based on the individual needs, goals, and objectives of each grantee.

Please contact your Grant Manager for any questions regarding the award acceptance process, or for any programmatic, financial, or administrative questions.

# Award Conditions

- **You are responsible for adhering to all award conditions.**
- The award conditions numbered 1 through 29 are the OJP standard conditions.
- Information on the standard OJP conditions is available at the following link:  
<https://www.ojp.gov/funding/explore/legal-overview-fy-2022-awards>
- BJA-specific award conditions begin at number 30 in the award agreement.



# Award Conditions

The most common award withholding conditions

- **Uncleared budget**  
Conditional Clearance
- **Missing documents**
  - Disclosure of Duplication
  - Disclosure of Lobbying Activities (SF-LLL)
  - Application Attachments

Withholding conditions must be removed/resolved before funds can be obligated, expended, or drawn down.

The “Congratulations” email your entity was sent on 10/3/23 listed items needed to lift holds.

Regular communication with your assigned Grant Manager is critical. You cannot begin activities until these holds have been cleared.



# Grants Financial Management Training

- The Grant Award Administrator and Financial Manager assigned to your award must complete training within 120 days of grant acceptance.
  - If the Grant Award Administrator and/or Financial Manager change, they will have 120 days to complete their training from the day they are added within the JustGrants system.
- **For certain recipients, this will be a withholding condition.**
- Must be completed every 3 years.
- Available online at: <https://onlinegfmt.training.ojp.gov/>
- Submit Grants Financial Management Training certificates to your BJA Grant Manager.



# Accessing Funds

In order to access funds, the following actions must be completed:

- Valid award acceptance in JustGrants.
- Removal of all withholding award conditions, if applicable.
- Entity registration in the U.S. Treasury's Automated Standard Application for Payments (ASAP) system.
- Submission of any delinquent reports, if applicable.



# Grant Award Modifications (GAM) Overview

- A GAM is used to request project changes that require prior approval.
- The assigned GAA must submit GAMs in JustGrants.
- GAM types include:
  - Budget Modification
  - Change Project Scope
  - Project Period Extension
  - Sole Source Approval
  - Programmatic Costs



***BEST PRACTICE: Contact your Grant Manager if you have questions prior to submitting a GAM.***

# GAM: Project Period Extension

- Must be requested through JustGrants at least 30 days prior to the current end date.
- Must include narrative justification and a revised timeline. **Extensions should not be requested solely to expend remaining funds.**
- Generally, no more than one extension not to exceed 12 months is approved.
- See Financial Guide for all requirements.
- OJP will consider exceptions on a case-by-case basis.



# Reporting Requirements: Overview

Report Type	Reporting Period	Due	JustGrants Role
<b>Federal Financial Report (SF-425) – Submitted in JustGrants</b>	<ul style="list-style-type: none"> <li>• Jan 1 – Mar 31</li> <li>• Apr 1 – Jun 30</li> <li>• Jul 1 – Sep 30</li> <li>• Oct 1 – Dec 31</li> </ul>	<ul style="list-style-type: none"> <li>• April 30</li> <li>• July 30</li> <li>• October 30</li> <li>• January 30</li> </ul>	Financial Manager
<b>Semi-Annual Performance Report – Submitted in JustGrants</b>	<ul style="list-style-type: none"> <li>• Jan 1 – Jun 30</li> <li>• Jul 1 – Dec 31</li> </ul>	<ul style="list-style-type: none"> <li>• July 30</li> <li>• January 30</li> </ul>	Grant Award Administrator

**The Final FFR and Final Performance Reports will be due 120 days from the project end date.**

# Important Reporting Reminders

## Federal Financial Reports (SF-425)

- Report funds obligated and/or expended, NOT draw-down amounts.
- Ensure funds that have been obligated align with approved budget.
- Report for every quarter regardless of whether or not expenses were incurred.
- Report CUMULATIVE amounts each quarter.

## Performance Reports

- Answer performance measure questions specifically written in the solicitation.
- Provide BJA accurate snapshot of implementation.
- Report must be submitted even if no activities occurred in report period.

JustGrants automatically freezes grant funds for delinquent reports. It is important to submit reports on time. Late reports also influence how your award risk is assessed by OJP and may affect subsequent applications.

# Semi-annual Performance Reports

Two-step process: PMT and JustGrants

You must submit a report even if there was no activity. Indicate reason for no activity.

Upload the PDF of the PMT report to the JustGrants “PR”.

If you have questions, please reach out to your Grant Manager prior to submitting your report.



# Grant Monitoring

- Monitoring activities can be conducted by Program and/or OCFO staff either in person or remotely.
- Monitoring allows Grant Managers to:
  - Observe compliance with requirements and progress against project goals.
  - Identify opportunities to provide technical assistance.
  - Ensure that adequate controls are in place to improve accountability of federal funds.
- Per the Uniform Guidance, recipients are required to monitor subrecipients.



# Subrecipient Monitoring and FFATA Reporting Requirements

**Recipients must have written policies and procedures for subrecipient award process per 2 C.F.R. § 200.303 and 200.331. Post-award procedures must contain:**

- A risk-based approach for selecting subrecipients to monitor.
- A process for monitoring.
- A monitoring checklist that satisfies administrative, financial, and programmatic elements.
- A process for documenting findings in a report.
- Procedures for follow-up on issues for resolution.

The grantee's subrecipient policies and procedures should include a process for closing out subawards.

## **FFATA Reporting**

- Prime recipients of awards \$30,000 or more must report on any first-tier subawards and subcontracts of \$30,000 within one month following the subaward.
- To help navigate the submission process, user guides, FAQs, and online demos are available at [www.fsrs.gov/resources](http://www.fsrs.gov/resources).

# Closeout

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- All obligations must be incurred on or before the last day of the period of performance.
- Liquidation period of up to 120 days after to make any remaining payments.
- After submitting the Final Performance Report, Final FFR, and last draw-down in ASAP, the GAA submits the closeout.
- **Note:** the ASAP account will be suspended automatically upon submission of the closeout or 120 days after the project end date.





# Working Effectively Together

Share updates about your project—we appreciate those emails!

We are available to troubleshoot or talk through issues you encounter.

Programs Office Grant Managers talk to Policy and the TTA provider all the time. The more we know, the better we can support you.

If a request is a little unusual, it's okay to email or call and talk through it before you spend time submitting it.

SECTION 6

# TRAINING AND TECHNICAL ASSISTANCE (TTA)



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# PC Training and Technical Assistance

- Establish **intake and screening** protocols.
- Understand and evaluate results of **prior rounds of DNA testing**.
- Acquire **records** and interact with records custodians.
- Locate **physical evidence** and search for hard-to-find evidence.
- Connect with forensic **experts**.
- **Network** with fellow grant recipients.
- **And more.**



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Project Manager, PC TTA  
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# Forensics Training and Technical Assistance (Forensics TTA) Program



## The Who:

- Led by RTI International
- Cadre of Subject Matter Experts (SMEs)

## The What:

- Provide TTA in support of grantees' strategic goals and objectives across forensic disciplines
- Proactively engage grantees to develop materials based upon agency needs
- Support sustainability through TTA surrounding the implementation of new policies/practices and enhancement of existing policies/practices

## The How:

- National Grantees Meeting
- Virtual TTA engagements
- Peer-to-peer connections
- Online learning (webinars, written briefs, working groups)
- Social media

# Contact Us!



[forensicstta@rti.org](mailto:forensicstta@rti.org)



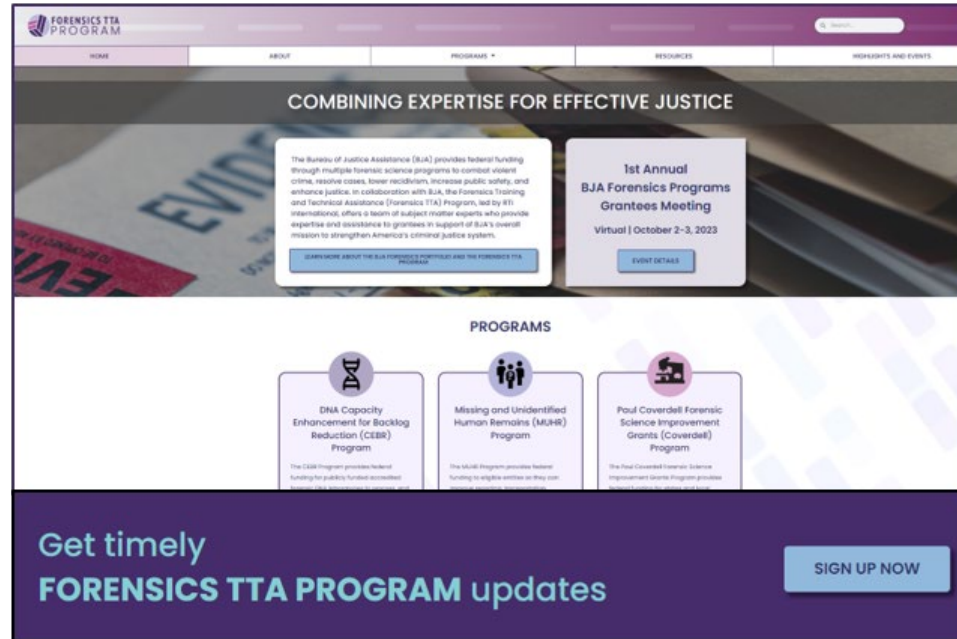
[Forensics TTA](#)



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[www.forensicstta.org](http://www.forensicstta.org)



# Questions?