U.S. Department of Justice Office of Justice Programs Bureau of Justice Assistance



Prosecuting Cold Cases Using DNA

Assistance Listing Number # 16.036

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Overview

The <u>U.S. Department of Justice</u> (DOJ), <u>Office of Justice Programs</u> (OJP), <u>Bureau of Justice Assistance</u> (BJA) seeks applications for funding to increase the capacity of state and local prosecution offices to address/close violent crime cold cases. This program furthers the DOJ's mission by increasing the capacity of state and local prosecution offices to address violent crime cold cases which assists the criminal justice community to enforce the law, improve public safety, prevent and reduce crime, and ensure the fair and impartial administration of justice.

This solicitation incorporates the OJP Grant Application Resource Guide by reference. The OJP Grant Application Resource Guide provides guidance to applicants on how to prepare and submit applications for funding to OJP. If this solicitation expressly modifies any provision in the OJP Grant Application Resource Guide, the applicant is to follow the guidelines in this solicitation as to that provision.

Solicitation Categories

This solicitation does not include Solicitation Categories.

Eligible Applicants:

Other

Other

- · State governments
- Special district governments
- · County governments
- City or township governments
- Native American tribal organizations (other than federally recognized tribal governments
- Native American tribal governments (federally recognized)

Other: State and local prosecuting agencies, law enforcement, state agencies, or local crime laboratories may partner with the agency that serves as the lead applicant for the award to work toward achieving the program goal of seeking resolution in violent crime cold cases. However, a prosecuting entity must be fully engaged in the project, either by the prosecuting entity being the lead applicant OR by the prosecuting

entity providing a letter of support to demonstrate engagement in the project.

For purposes of this solicitation, "state" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

To advance Executive Order 13929 Safe Policing for Safe Communities, the Attorney General determined that all state, local, and university or college law enforcement agencies must be certified by an approved independent credentialing body or have started the certification process, to be eligible for FY 2022 DOJ discretionary grant funding. To become certified, the law enforcement agency must meet two mandatory conditions: (1) the agency's use-of-force policies adhere to all applicable federal, state, and local laws and (2) the agency's use-of-force policies prohibit chokeholds except in situations where use of deadly force is allowed by law. The certification requirement also applies to law enforcement agencies receiving DOJ discretionary grant funding through a subaward. For detailed information on this certification requirement, please visit https://cops.usdoj.gov/SafePolicingEO to access the Standards for Certification on Safe Policing for Safe Communities, the Implementation Fact Sheet, and the List of Designated Independent Credentialing Bodies.

All recipients and subrecipients (including any for-profit organization) must forgo any profit or management fee.

BJA will consider applications under which two or more entities would carry out the federal award; however, only one entity may be the applicant. Any others must be proposed as subrecipients (subgrantees). For additional information on subawards, see the OJP Grant Application Resource Guide.

Contact Information

For technical assistance with submitting the Application for Federal Assistance standard form (SF)-424 and a Disclosure of Lobbying Activities form (SF-LLL) in Grants.gov, contact the Grants.gov Customer Support Hotline at 800-518-4726, 606-545-5035, Grants.gov Customer Support, or support@grants.gov. The Grants.gov Support Hotline operates 24 hours a day, 7 days a week, except on federal holidays.

For technical assistance with submitting the **full application** in DOJ's Justice Grants System (JustGrants), contact the JustGrants Service Desk at <u>JustGrants.Support@usdoj.gov</u> or at 833-872-5175. The JustGrants Service Desk operates 5 a.m. to 9 p.m. eastern time (ET) Monday–Friday, and 9 a.m. to 5 p.m. Saturday, Sunday, and federal holidays.

For assistance with any other requirements of this solicitation, contact the OJP Response Center by telephone at 800–851–3420 or TTY: 301–240–6310 (hearing impaired only) or by email at grants@ncjrs.gov. The OJP Response Center hours of operation are 10 a.m. to 6 p.m. ET Monday–Friday, and 10 a.m. to 8 p.m. eastern time on the solicitation close date.

Submission Information

Applications will be submitted to DOJ in two steps:

<u>Step 1:</u> The applicant must submit by the Grants.gov deadline the required Application for Federal Assistance standard form (SF)-424 and a Disclosure of Lobbying Activities (SF-LLL) form when they register in Grants.gov at https://www.grants.gov/web/grants/register.html. To register in Grants.gov, the applicant will need to ensure that its System for Award Management (SAM) registration is current.

<u>Step 2</u>: The applicant must then submit the **full application**, including attachments, in JustGrants at <u>JustGrants.usdoj.gov</u>. To be considered timely, the full application must be submitted in JustGrants by the JustGrants application deadline. OJP encourages applicants to review the "How to Apply" section in the <u>OJP Grant Application Resource Guide</u> and the <u>JustGrants website</u> for more information, resources, and training.

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Program Description

Overview

OJP is committed to advancing work that promotes civil rights and racial equity, increases access to justice, supports crime victims and individuals impacted by the justice system, strengthens community safety and protects the public from crime and evolving threats and builds trust between law enforcement and the community.

Through this program, BJA will provide grant funding to support the prosecution of violent crime cold cases, where DNA from a suspect has been identified (suspect(s) may be known or unknown). Provided that DNA attributed to a known or unknown suspect has been identified, funding support includes investigative activities as well as crime and forensic analyses that could lead to prosecuting violent crime cold cases.

Statutory Authority

Any awards under this solicitation would be made under the statutory authority provided by the Department of Justice Appropriations Act, 2022 (Pub. L. No. 117-103, 136 Stat. 49, 126).

Specific Information

The Prosecuting Cold Cases Using DNA Program provides funding to support agencies in the resolution of violent crime cold cases by providing resources for agencies to prosecute cases where a suspect's DNA has been identified, decreasing the number of unresolved violent crime cold cases. DNA from a suspect is defined by BJA as a CODIS-eligible, or otherwise statistically relevant, short tandem repeat (STR or Y-STR) profile that has been generated from crime scene evidence and attributed to the suspect.

While BJA generally defines a "violent crime cold case" as a case, such as a UCR Part 1 violent crime, missing persons, or unidentified persons, that has remained unsolved for at least 3 years and has (1) the potential to be solved and/or prosecuted through the application of forensic techniques and/or technologies or (2) newly acquired information, or advanced technologies, to analyze evidence. Cases where all investigative leads have been exhausted prior to application deadline submission may also be considered by BJA.

For the purposes of this solicitation, "prosecute" includes all activities necessary to adjudicate violent crime cold cases, including, but not limited to, case review, investigation, crime analysis, and evidence analyses.

IMPORTANT: Prosecuting Cold Cases Using DNA Program funding may not be utilized for investigations in which a suspect DNA profile does not already exist, nor can it be utilized to establish cold case units; however, there are other BJA programs that support these activities.

Please see https://bja.ojp.gov/topics/forensic-sciences for further information. Applicants that need additional resources for cold case sexual assaults and/or cold case sexually motivated homicides should consider the Sexual Assault Kit Initiative Program.

Definitions:

For purposes of this solicitation, the following are defined:

- 1. DNA from a Suspect: A CODIS-eligible, or otherwise statistically relevant, short tandem repeat (STR or Y-STR) profile that has been generated from crime scene evidence and attributed to the suspect.
- CODIS: The Combined DNA Index System and the generic term used to describe the Federal Bureau of Investigation's (FBI's) program of support for criminal justice DNA databases, as well as the software used to run these databases.
- 3. NDIS: The National DNA Index System, and one part of CODIS, containing the DNA profiles contributed by federal, state, and local participating forensic laboratories. All 50 states, the District of Columbia, the Federal government, the U.S. Army Criminal Investigation Laboratory, and Puerto Rico participate in NDIS.

- 4. ViCAP: The Violent Criminal Apprehension Program, a unit of the FBI responsible for the analysis of serial violent and sexual crimes, situated within the Critical Incident Response Group's (CIRG) National Center for the Analysis of Violent Crime (NCAVC).
- 5. Familial DNA Searching: An intentional or deliberate search of the DNA database conducted after a routine search for the purpose of potentially identifying close biological relatives of the unknown forensic sample associated with the crime scene profile.
- 6. Forensic Genealogy: The combination of genetic analysis with traditional historical and genealogical research to study family history. For forensic investigations, it can be used to identify remains by tying the DNA to a family with a missing person or to point to the likely identity of a perpetrator.
- 7. Prosecution: The processes used to bring a suspect to justice and punishment by course of law, which includes, but is not limited to, investigation, convening a grand jury, indictment, arrest, arraignment, pretrial hearings, trial, and sentencing.

Goals, Objectives, Deliverables, and Timeline

Goals:

- 1. Increase the number of prosecutions of violent crime cold cases.
- 2. Decrease the number of awaiting/pending prosecution(s) of unresolved violent crime cold cases.

Objectives:

The primary objectives of all proposals submitted under this solicitation are:

- Prosecution of violent crime cold cases where suspects have been identified through DNA evidence. DNA
 from a suspect is defined by BJA as a CODIS-eligible, or otherwise statistically relevant, short tandem
 repeat (STR or Y-STR) profile that has been generated from crime scene evidence and attributed to the
 suspect.
 - Decrease the number of unresolved violent crime cold cases where suspect DNA has been identified (suspect(s) may be known or unknown).

The following activities are permissible as secondary objectives. All secondary objective activities must directly relate to cases where DNA from a suspect has been identified (suspect(s) may be known or unknown). The applicant's proposal should demonstrate clearly that these activities can be successfully performed:

- Increase the capacity for state and local prosecution agencies to address/close violent crime cold cases.
- Identify, locate, collect, process, and analyze evidence, including non-DNA evidence, to assist prosecutors with the litigation of violent crime cold cases where DNA from a suspect has been identified (suspect(s) may be known or unknown).

Funds may be used for investigative activities related to the prosecution of a case, such as:

- · Crime and forensic analysis
- Interviewing victims, witnesses, and suspects.

Program objectives with respect to the target number of cases to be reviewed, analyzed using forensic analyses, and prosecuted must be outlined in the proposal.

Deliverables:

To increase the prosecution of unresolved violent crime cold cases, the following requirements apply to all DNA analyses conducted under this program:

All nongenetic genealogy DNA analyses conducted as a result of this program must be performed by a laboratory (government-owned or fee-for-service) that is accredited and currently undergoes external audits not less than once every 2 years. These audits must demonstrate that the laboratory maintains compliance with the DNA Quality Assurance Standards established by the Director of the FBI. Sites must use laboratories that can test evidence in an expeditious manner so as to meet the goals of the program within the grant period. All eligible DNA profiles obtained with funding under this program must be entered into CODIS and, where applicable, uploaded to the National DNA Index System (NDIS). BJA suggests that no profiles generated during the testing portion of this program be entered into any nongovernmental DNA database (with the exception of forensic genealogy testing).

Forensic/Investigative Genetic Genealogy:

Forensic genealogy searches of DNA profiles attributed to unknown suspects: The profile of the unknown offender must have previously been uploaded to CODIS, but has yet to generate a hit associated with a known suspect in the database. Familial DNA searches (if legally allowed in the applicant's state) must also be performed to try to identify a suspect before pursuing forensic genealogy searches. Funds can be used to outsource forensic genealogy searches, for laboratory personnel overtime, Y-STR testing to evaluate potential familial matches, or investigative activities associated with the location, collection, and analysis of suspect DNA samples for comparison/identification of the actual perpetrator.

Program activity involving forensic genetic genealogical DNA analysis and searching (FGGS) must adhere to the DOJ Interim Policy on Forensic Genetic Genealogical DNA Analysis and Searching or the final policy, when issued. See the Performance Measures for additional required grantee reporting on FGGS activities. The DOJ Interim Policy on Forensic Genealogical DNA Analysis and Searching can be found at: https://www.justice.gov/olp/page/file/1204386/download.

<u>Please Note</u>: No profiles generated with funding from this program may be entered into any nongovernmental DNA database without prior express written approval from BJA (with the exception of FGG). All DNA analyses conducted and profiles generated during the testing portion of this program must be maintained pursuant to all applicable federal privacy requirements, including those described in 34 U.S.C. § 12592(b)(3).

Non-DNA evidence analyses should be performed by a facility that complies with generally accepted practices for the discipline, such as applicable accreditation and quality assurance standards. All non-DNA evidence analyses must involve cases where a suspect has been identified by DNA. The results of non-DNA analyses should be uploaded to the appropriate forensic databases, such as the National Integrated Ballistics Information Network (NIBIN), the Next Generation Identification System (NGI), or an Integrated Automated Fingerprint Identification System (IAFIS), as appropriate. This list of forensic databases is not intended to be an exhaustive list. BJA recognizes the value of using databases to assist in criminal investigations. Additional examples of forensic databases are provided in the *National Institute of Justice (NIJ) Journal* article "Forensic Databases: Paint, Shoe Prints, and Beyond" (https://www.nij.gov/journals/258/pages/forensic-databases.aspx) and the National Institute of Standards and Technology's (NIST's) Forensic Database web page (https://www.nist.gov/oles/forensic-database). Agencies must also use federal resources such as the FBI's Violent Criminal Apprehension Program (ViCAP) and NIJ's National Unidentified and Missing Persons System (NamUs), when applicable.

ViCAP and NamUs:

Award recipients must also enter all "criteria cases" into ViCAP (before the end of the grant period) to increase the chances of identifying and apprehending violent offenders who pose a serious threat to public safety. Award recipients should budget for 60 minutes per ViCAP entry, plus additional time for personnel to conduct searches for matches, follow up on leads, etc. Funding for this activity can come from the grant, but must not exceed more than 10 percent of the total budget. Applicants with high volumes of cases that estimate requiring more than 10 percent of their award amount to meet this requirement may be permitted by BJA to prioritize entry of cases into ViCAP based on the nature of the offender.

Cases submitted into the ViCAP database must meet the ViCAP criteria requirements. ViCAP cases include:

• Homicides (and attempts) that are known or suspected to be part of a series and/or are apparently random, motiveless, or sexually oriented.

- Sexual assaults that are known or suspected to be part of a series and/or are committed by a stranger.
- Missing persons where the circumstances indicate a strong possibility of foul play and the victim is still
 missing. Unidentified human remains where the manner of death is known or suspected to be homicide.

Only one case incident can be submitted per case entry. As an example, if an offender has committed three separate sexual assaults, each assault will be a separate entry into ViCAP.

Award recipients must ensure all ViCAP questions are appropriately answered and, when available, provide additional detail.

Information in ViCAP must be comprehensive. The narrative section should be detailed but succinct. Narrative information can be copied and pasted directly from an agency's incident report.

Award recipients should enter all solved and unsolved ViCAP criteria cases. A solved case could very well link to another agency's unsolved case.

BJA has partnered with the FBI and its ViCAP team to support violent crime grant programs. FBI ViCAP staff are available to assist sites in gaining entry into the system, provide training on optimal use of the database, and conduct crime analysis on specific offenders/cases upon request. For more information about ViCAP, please refer to: https://www2.fbi.gov/hg/isd/cirg/ncavc.htm#vicap.

Award recipients must also enter all applicable cases into NamUs. NamUs, which is funded by NIJ, is a national clearinghouse and resource center for missing, unidentified, and unclaimed person cases throughout the United States. Over 600,000 individuals go missing in the United States every year. Fortunately, many missing children and adults are quickly found, alive and well. However, tens of thousands of individuals remain missing for more than 1 year — what many agencies consider "cold cases." It is estimated that 4,400 unidentified bodies are recovered each year, with approximately 1,000 of those bodies remaining unidentified after 1 year. For more information on NamUs, please refer to https://www.namus.gov/.

The Goals, Objectives, and Deliverables are directly related to the performance measures that show the completed work's results, as discussed in the Application and Submission Information section.

Evidence-Based Programs or Practices

OJP strongly encourages the use of data and evidence in policymaking and program development for criminal justice, juvenile justice, and crime victim services. For additional information and resources on evidence-based programs or practices, see the OJP Grant Application Resource Guide.

Information Regarding Potential Evaluation of Programs and Activities

OJP may conduct or support an evaluation of the programs and activities funded under this solicitation. For additional information, see the OJP Grant Application Resource Guide section entitled "Information Regarding Potential Evaluation of Programs and Activities."

OJP Priority Areas

The Department of Justice is committed to advancing work that promotes civil rights and racial equity, increases access to justice, supports crime victims and individuals impacted by the justice system, strengthens community safety and protects the public from crime and evolving threats, and builds trust between law enforcement and the community.

1. Priority Considerations Supporting Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government

Consistent with this Executive Order, the term "underserved community" refers to a population sharing a particular characteristic, as well as a geographic community, that has been systematically denied a full opportunity to participate in aspects of economic, social, and civic life or whose members have been historically

underserved, marginalized, and adversely affected by inequality. Such communities include, among others, Black people, Hispanics and Latino/a/e people, Native American and other Indigenous peoples of North America (including Alaska Natives, Eskimos, and Aleuts), Asian Americans, Native Hawaiians, and Pacific Islanders.

In support of Executive Order 13985, OJP will:

A. Give priority consideration to applications that include project(s) that will promote racial equity and the removal of barriers to access and opportunity for communities that have been historically underserved, marginalized, and adversely affected by inequality, when making award decisions.

To receive this consideration, the applicant must describe how the proposed project(s) will address potential inequities and barriers to equal opportunity, and/or contribute to greater access to services for underserved and historically marginalized populations.

B. Give priority consideration to applicants that can demonstrate that their capabilities and competencies for implementing their proposed project(s) are enhanced because the applicant (or at least one proposed subrecipient that will receive at least 30% of the requested award funding, as demonstrated in the Budget Worksheet and Budget Narrative) identifies as a culturally specific organization. To receive this additional priority consideration, applicants must describe how being a culturally specific organization (or funding the culturally specific subrecipient organization(s)) will enhance their ability to implement the proposed project(s) and should also specify which culturally specific populations are intended or expected to be served or to have their needs addressed under the proposed project(s).

Culturally specific organizations are defined for purposes of this solicitation as private nonprofit or tribal organizations whose primary purpose as a whole is to provide culturally specific services to, among others, Black people, Hispanics and Latino/a/e people, Native American and other Indigenous peoples of North America (including Alaska Natives, Eskimos, and Aleuts), Asian Americans, Native Hawaiians, and/or Pacific Islanders

Note: Addressing these priority areas is one of many factors that OJP considers in making funding decisions. Receiving priority consideration for one or more priority areas is not a guarantee of an award.

Federal Award Information

Solicitation Categories

This solicitation does not include Solicitation Categories.

Awards, Amounts and Durations

Anticipated Number of Awards 15

Period of Performance Start Date 10/1/22 12:00 AM

Anticipated Total Amount to be Awarded Under Solicitation \$7,500,000.00

Anticipated Maximum Dollar Amount of Awards \$500.000.00

Period of Performance Duration (Months)

Continuation Funding Intent

BJA may, in certain cases, provide additional funding in future years to awards made under this solicitation through continuation awards. OJP will consider, among other factors, OJP's strategic priorities, a recipient's overall management of the award, and the award-funded work's progress, when making continuation award decisions.

Availability of Funds

This solicitation, and awards (if any are made) under this solicitation, are subject to the availability of appropriated funds and to any modifications or additional requirements that may be imposed by the agency or by law. In addition, nothing in this solicitation is intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Types of Awards

BJA expects to make awards under this solicitation as grants. See the "Administrative, National Policy, and Other Legal Requirements" section of the OJP Grant Application Resource Guide for a brief discussion of important statutes, regulations, and award conditions that apply to many (or in some cases, all) OJP grants.

Financial Management and System of Internal Controls

Award recipients and subrecipients (including recipients or subrecipients that are pass-through entities) must, as described in the Part 200 Uniform Requirements as set out at 2 C.F.R. 200.303, comply with standards for financial and program management. See OJP Grant Application Resource Guide for additional information.

Budget Information

All expenditures under this program must relate directly to violent crime cold cases where DNA from a suspect has been identified (suspect(s) may be known or unknown), and for activities that may lead to the prosecution of such violent crime cold cases. 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.

Required Training:

Award recipients must attend an annual 2-day forensics workshop that will take place in the Washington, D.C., area. Up to three representatives will be allowed to attend each annual meeting during the course of the grant period (starting in 2023), and applicants should budget accordingly. The workshops will focus on the elements of a successful project and key issues around the prosecution of violent crime cold cases where suspect DNA has been identified.

Permissible Expenses:

All expenditures under this program must relate directly to violent crime cold cases where DNA from a suspect has been identified (suspect(s) may be known or unknown), and for activities that may lead to the prosecution of such violent crime cold cases. Federal funds must be used to supplement existing state and local funds for program activities and must not supplant (replace) those funds that have been appropriated for the same purpose.

- Salary and benefits of additional employees: Funds may be used for salaries and benefits of additional full-time or part-time employees to engage in activities related to the prosecution of eligible violent crime cold cases, including case review, investigation, location of evidence, forensic analysis of evidence, and prosecution as described above. Applicants should demonstrate that additional full-time/part-time employee (s) would be directly engaged in these activities.
- Overtime: Funds may be used for overtime for existing employees for the purposes of adjudication, case
 review, investigation, location of evidence, crime analysis, and forensic analysis of evidence, including postdatabase hit case investigation necessary for retrieval of confirmatory evidence samples. Project activities
 must be related to violent crime cold cases where DNA from a suspect has been identified (suspect(s) may
 be known or unknown), with a goal of prosecuting such cases and reducing the number of violent crime
 cold cases. All overtime payments must be made in accordance with the applicable provisions of the DOJ
 Grants Financial Guide, available at https://ojp.gov/financialguide/doj/index.htm.
- Travel (limited): Funds may be used for reasonable travel expenses related to investigative purposes, evidence collection, and necessary prosecutorial activities within the scope of the program. These costs must be in accordance with federal policy or an organizationally approved travel policy. The Office of the Chief Financial Officer reserves the right to determine the reasonableness of the recipient's own established travel rates. The current travel policy and per diem rate information is available at the Per Diem Rates General Services Administration website: https://www.gsa.gov/travel/plan-book/per-diem-rates.
 Computer equipment (limited): In limited circumstances, funds may be used to upgrade, replace, lease, or

purchase computer hardware or software that will be used exclusively for activities related to the prosecution of violent crime cold cases, within the scope of this program, including case review, investigation, location of evidence, forensic analysis, and prosecution of cases where a suspect has been identified by DNA. Equipment will be limited to desktop computers, monitors, keyboards, mouse, laptops, external CD writers, portable memory storage devices, printers, and scanners.

 Consultant and contractor services: Funds may be used to hire consultants or temporary contract staff, or both, to conduct case reviews, investigations, locate evidence, or conduct forensic analyses of evidence in violent crime cold cases where DNA from a suspect has been identified (suspect(s) may be known or unknown). Funds may also be used for contracts with accredited fee-for-service laboratories to conduct forensic analysis of evidence for these cases.

What Will Not Be Funded:

Among other things, funds may not be used for:

- 1. Salaries, benefits, or overtime for staff who are not directly engaged in prosecution, case review, investigation, location of evidence, and forensic analysis of evidence for violent crime cold cases where DNA from a suspect has been identified (suspect(s) may be known or unknown).
- 2. Laboratory equipment
- 3. Portable investigative equipment
- 4. Vehicles
- 5. Construction
- 6. Renovation
- 7. Rental costs for space
- 8. Office furnishings
- 9. Costs for general cold case investigations those that do not involve UCR, Part 1 violent crimes, and do not have suspect DNA identified.
- 10. General laboratory capacity enhancement or general casework backlog reduction.
- 11. Unmanned aircraft systems (UAS), including unmanned aircraft vehicles (UAV), and all accompanying accessories to support UAS or UAV

If the applicant is seeking priority consideration under Priority 1(B) based on the identification of at least one proposed subrecipient as a culturally specific organization, the proposed funding for the subrecipient in the webbased budget form **must be a minimum of 30% of award funding.**

The budget narrative must also describe how the activities that will be funded with the (minimum) 30% of award funding provided to the subrecipient **specifically relate to the priority consideration requested under Priority 1(B)** and described in the Capabilities and Competencies section of the application.

Cost Sharing or Matching Requirement

This solicitation does not require a match.

Pre-agreement Costs (also known as Pre-award Costs)

See the OJP Grant Application Resource Guide information on Pre-agreement Costs (also known as Pre-award Costs).

Limitation on Use of Award Funds for Employee Compensation: Waiver

See the OJP Grant Application Resource Guide information on the Limitation on Use of Award Funds for Employee Compensation; Waiver.

Prior Approval, Planning, and Reporting of Conference/Meeting/Training Costs

See the <u>OJP Grant Application Resource Guide</u> for information on Prior Approval, Planning, and Reporting of Conference/Meeting/Training Costs.

Costs Associated with Language Assistance (if applicable)

See the OJP Grant Application Resource Guide for information on Costs Associated with Language Assistance.

Eligibility Information

For eligibility information, see the solicitation cover page.

For information on cost sharing or match requirements, see the "Federal Award Information" section.

Application and Submission Information

The following application elements **must** be included in the application to meet the basic minimum requirements to advance to peer review and receive consideration for funding:

- · Proposal Abstract
- · Proposal Narrative
- Budget Worksheet and Budget Narrative (Web-based Form) (The web-based form includes the budget details and the budget narrative.)

See the "Application Elements and Formatting Instructions" section of the OJP Grant Application Resource Guide for information on what happens to an application that does not contain all the specified elements or is nonresponsive to the scope of the solicitation.

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

The SF-424 must be submitted in Grants.gov. It is a required standard form used as a cover sheet for submission of pre-applications, applications, and related information. See the OJP Grant Application Resource Guide for additional information on completing the SF-424.

In Section 8F of the SF-424, please include the name and contact information of the individual **who will complete the application in JustGrants**. JustGrants will use this information *(email address)* to assign the application to this user in JustGrants.

Intergovernmental Review: This solicitation ("funding opportunity") **is not** subject to <u>Executive Order 12372</u>. (In completing the SF-424, an applicant is to answer question 19 by selecting the response that the "Program is not covered by E.O. 12372.")

Standard Applicant Information (JustGrants 424 and General Agency Information)

The Standard Applicant Information section of the JustGrants application is pre-populated with the SF-424 data submitted in Grants.gov. The applicant will need to review the Standard Applicant Information in JustGrants and make edits as needed. Within this section, the applicant will need to: add zip codes for areas affected by the project; confirm its Authorized Representative; and verify and confirm the organization's unique entity identifier, legal name, and address.

Proposal Abstract

A proposal abstract (no more than 400 words) summarizing the proposed project, including the purpose of the project, primary activities, expected outcomes, the service area, intended beneficiaries and subrecipients (if known), will be completed in the JustGrants web-based form. This abstract should be written in the third person and will be made publicly available on the OJP website if the project is awarded.

If the applicant is seeking priority consideration, the applicant **must** provide the following information:

- Which priority consideration is being sought: 1(A), 1(B), or both.
- What page(s) in the program narrative provide documentation of the applicant's plan to respond to the priority consideration.
- For applicants seeking priority consideration 1(B), who is the proposed subawardee to receive the funding and the amount of funds proposed.

Proposal Narrative

The proposal narrative should be submitted as an attachment in JustGrants. The attached document should be double- spaced, using a standard 12-point font; have no less than 1-inch margins; and should not exceed 15 pages. Pages should be numbered and submitted as an attachment. If the proposal narrative fails to comply with these length restrictions, BJA may consider such noncompliance in peer review and in final award decision.

The following sections must be included as part of the proposal narrative:

Description of the Issue:

- Describe the challenges faced in conducting cold case prosecutions in violent crime cases where DNA from a suspect has been identified.
- Demonstrate understanding of the problem and the expected impact of the funding in closing/prosecuting violent crime cold cases where suspect DNA has been identified. Applicants should include appropriate citations and other information where relevant.

Program Design and Implementation:

- 1. Describe the strategy to address the needs identified in the Description of the Issue, particularly any areas of specific concern and the relevance to the goals and objectives of the program.
- 2. Provide specific examples and approximate numbers of qualifying cases that the applicant intends to work on using funds from this program.
- 3. Demonstrate awareness of the state of current DNA technologies, as well as other forensic technologies, DOJ policies, and the applications to solving/prosecuting cold cases.
- 4. Describe the soundness of methods and analytic and technical approach.
- 5. Demonstrate the feasibility of the proposed project, including likelihood of completion within the proposed period of performance.
- 6. Demonstrate awareness of potential pitfalls and mitigation strategies should pitfalls be encountered.
- 7. Describe the potential for prosecuting violent crime cold cases where a suspect has been identified using DNA (suspect(s) may be known or unknown).
- 8. Demonstrate innovation and creativity (when appropriate).

If the applicant is seeking priority consideration for Priority 1(A), it should address in this section how the proposed project(s) will promote racial equity and/or the removal of barriers to access and opportunity, and/or contribute to greater access to services, for communities that have been historically underserved, marginalized.

and adversely affected by inequality.

Capabilities and Competencies:

- 1. Describe the management structure for implementation of the strategy, including staffing and key partners. Describe how the partners, if any, will work together to implement the key project elements. Provide information, if any, on past efforts and/or outcomes as a result of this partnership, and why it will enhance efforts in this area.
- 2. Describe the qualifications and experience of proposed staff.
- 3. Describe the demonstrated ability of proposed staff to manage the effort.
- 4. Describe the adequacy of the plan to manage the project, including how various tasks are subdivided and resources are used.

If the applicant is seeking priority consideration under Priority 1(B), it should describe within this section how being a culturally specific organization (or funding a culturally specific subrecipient organization at a minimum of 30% of the project budget) will enhance its ability to implement the proposed project(s) and should also specify which culturally specific populations are intended or expected to be served or have their needs addressed under the proposed project(s).

Plan for Collecting the Data:

- 1. Demonstrate understanding of all performance measures as outlined in this solicitation.
- 2. Describe the plan to collect accurate performance measure data.

Note: Applicants are **not** required to submit performance data with the application. Rather, performance measure information is included as an alert that successful applicants will be required to submit performance data as part of each award's reporting requirements.

OJP will require each successful applicant to submit regular performance data that show the completed work's results. The performance data directly relate to the goals, objectives, and deliverables identified in the "Goals, Objectives, and Deliverables" discussion. Applicants can visit OJP's performance measurement page at www.ojp.gov/performance for an overview of performance measurement activities at OJP.

A list of performance measure questions for this program can be found at <u>Prosecuting Cold Case using DNA</u> Performance Measures (ojp.gov).

BJA will require award recipients to submit semi-annual performance measure data and performance reports in JustGrants. BJA will provide further guidance on the post-award submission process, if selected for award.

Note on Project Evaluations

An applicant that proposes to use award funds through this solicitation to conduct project evaluations must follow the guidance in the "Note on Project Evaluations" section in the OJP Grant Application Resource Guide.

Goals, Objectives, Deliverables, and Timeline

The applicant will submit the project goals, objectives, and deliverables in the JustGrants Web-based form.

Budget and Associated Documentation

Budget Worksheet and Budget Narrative (Web-based Form)

The applicant will complete the JustGrants web-based budget form. See the OJP Grant Application Resource Guide for additional information.

If the applicant is seeking priority consideration under Priority 1(B) based on the identification of at least one

proposed subrecipient as a culturally specific organization, the proposed funding for the subrecipient in the webbased budget form **must be a minimum of 30% of award funding.**

The budget narrative must also describe how the activities that will be funded with the (minimum) 30% of award funding provided to the subrecipient **specifically relate to the priority consideration requested under Priority 1(B)** and described in the Capabilities and Competencies section of the application.

Indirect Cost Rate Agreement (if applicable)

The applicant will submit its indirect cost rate agreement by uploading it as an attachment in JustGrants. See the OJP Grant Application Resource Guide for additional information.

Financial Management Questionnaire (including applicant disclosure of high-risk status)

The applicant will download the questionnaire, complete it, and submit it by uploading it as an attachment in JustGrants. See the OJP Grant Application Resource Guide for the link to the questionnaire and additional information.

Disclosure of Process Related to Executive Compensation

If applicable, the applicant will submit a description of the process used to determine compensation by uploading the document as an attachment in JustGrants. See the "Application Attachments" section of the OJP Grant Application Resource Guide for additional information.

Additional Application Components

Applicants will attach the additional requested documentation in JustGrants.

Curriculum Vitae or Resumes

Position descriptions, résumés, curricula vitae, or biographical sketches for key personnel. Attach this as a separate PDF file titled "Curricula Vitae or Résumés."

Tribal Authorizing Resolution

An application in response to this solicitation may require inclusion of tribal authorizing documentation as an attachment. If applicable, the applicant will submit the tribal authorizing documentation by uploading it as an attachment in JustGrants. See the OJP Grant Application Resource Guide for information on tribal authorizing resolutions.

Timeline Form

Proposed project timeline and expected milestones, to include staff hiring, if applicable. Attach this as a separate PDF file titled "Project Timeline."

Letters of Support

Letters of commitment or cooperation/support or administrative agreements from organizations collaborating in the project (if applicable). Attach this as a separate PDF file titled "Letters of Support." Prosecuting agencies, law enforcement, state agencies, or local crime laboratories may partner with the agency that serves as the lead applicant for the award to work toward achieving the program goal of seeking resolution in violent crime cold cases. However, a prosecuting entity must be fully engaged in the project, either by the prosecuting entity being the lead applicant OR by the prosecuting entity providing a letter of support/commitment to demonstrate engagement in the project.

Research and Evaluation Independence and Integrity Statement

If an application proposes research (including research and development) and/or evaluation, the applicant must demonstrate research/evaluation independence and integrity, including appropriate safeguards, before it may receive award funds. The applicant will submit documentation of its research and evaluation independence and integrity by uploading it as an attachment in JustGrants. For additional information, see the OJP Grant

Application Resource Guide.

Potential Environmental Impact Coversheet and Checklist - National Environmental Policy Act (NEPA)

Each applicant is to submit a BJA Programmatic Cover Sheet and Checklist with its application to assist BJA in assessing the potential environmental impacts of the activities proposed for funding by the applicant. Specifically, the applicant is expected to:

- Carefully read the Programmatic Environmental Assessment.
- Complete the Cover Sheet and the attached Programmatic Checklist.
- Attach the completed documents to the grant application.

The applicant should also submit a Cover Sheet and BJA Programmatic Checklist for any organization identified in the Budget Worksheet that will receive grant funds through a subaward or procurement contract to perform any of the following activities: new construction or renovations that change the basic prior use of a facility or significantly change the size, research and/or technology development that could be expected to have an effect on the environment, or implementation of programs involving the use of chemicals. For more information about NEPA and BJA's NEPA Process, please go to https://bja.ojp.gov/national-environmental-policy-act-nepa-quidance.

Disclosures and Assurances

The applicant will address the following disclosures and assurances.

Disclosure of Lobbying Activities

Complete and submit the SF-LLL in Grants.gov. See the OJP Grant Application Resource Guide for additional information.

DOJ Certified Standard Assurances

Review and accept the DOJ Certified Standard Assurances in JustGrants. See the OJP Grant Application Resource Guide for additional information.

Applicant Disclosure of Duplication in Cost Items

Complete the JustGrants web-based Applicant Disclosure of Duplication in Cost Items form. See the OJP Grant Application Resource Guide for additional information.

DOJ Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements

Review and accept the DOJ Certified Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements; Law Enforcement and Community Policing in JustGrants. See the OJP Grant Application Resource Guide for additional information.

Applicant Disclosure and Justification - DOJ High Risk Grantees (if applicable)

If applicable, submit the DOJ High Risk Disclosure and Justification as an attachment as an attachment in JustGrants A DOJ High Risk Grantee is an award recipient that has received a DOJ High Risk designation based on a documented history of unsatisfactory performance, financial instability, management system or other internal control deficiencies, or noncompliance with award terms and conditions on prior awards, or that is otherwise not responsible. See the OJP Grant Application Resource Guide for additional information.

How to Apply

Step 1: The applicant must submit the **SF-424** and **SF-LLL** in Grants.gov at https://www.grants.gov/web/grants/register.html.

Step 2: The applicant must then submit the **full application**, including attachments, in JustGrants in JustGrants.usdoj.gov.

For additional information, see the "How to Apply" section in the OJP Grant Application Resource Guide and the DOJ Application Submission Checklist.

Submission Dates and Time

The SF-424 and the SF-LLL must be submitted in Grants.gov by 8:59 PM ET on June 22, 2022.

The full application must be submitted in JustGrants by 8:59 PM ET on June 27, 2022.

OJP urges applicants to submit their Grants.gov and JustGrants submissions prior to the due dates to allow sufficient time to correct errors and resubmit by the submission deadlines if a rejection notification is received. To be considered timely, the **full application** must be submitted in JustGrants by the JustGrants application deadline.

Experiencing Unforeseen Technical Issues

An applicant that experiences unforeseen SAM.gov, Grants.gov, or JustGrants technical issues beyond its control that prevents application submission by the deadline, must demonstrate all efforts in requesting technical support in order to submit an application by the deadline. Technical support is available via phone and email to the applicable SAM.gov, Grants.gov, or JustGrants support centers or service desks in which an applicant received a ticket number for resolution. If an applicant misses a deadline due to unforeseen technical difficulties, the applicant may request a waiver to submit an application after the deadline. *Note: If an applicant does not submit all the required Grants.gov forms by the Grants.gov deadline, the applicant will not be able to proceed to the JustGrants portion of the application process.*

An applicant experiencing technical difficulties with the following systems must contact the associated support desk indicated below to report the technical issue and receive a tracking number:

- Grants.gov contact the Grants.gov Customer Support Hotline
- SAM.gov contact the SAM Help Desk (Federal Service Desk)
- JustGrants contact the JustGrants Support Desk at JustGrants.Support@usdoj.gov or 833–872–5175

An applicant requesting a waiver to submit a late application must document their request for technical assistance in an email to the OJP Response Center at grants@ncjrs.gov within 24 hours after the application deadline to request approval to submit its application after the deadline. If an applicant has technical issues with Grants.gov, the applicant must contact the OJP Response Center within 24 hours of the Grants.gov deadline to request approval to submit after the deadline. However, waiver requests will not be reviewed until after the JustGrants deadline to allow time for all waivers to be submitted. Waiver requests to submit after the submission deadline must:

- Describe the technical difficulties experienced:
- Include a timeline of the applicant's submission efforts (e.g., what date and time did the error occur, what
 date and time was action taken to resolve the issue and resubmit; and what date and time did support
 representatives respond);
- Include an attachment(s) of the complete grant application and all required documentation and material;
- Include the applicant's Unique Entity Identifier (UEI), any applicable SAM.gov tracking number(s), Grants.gov Help Desk, and JustGrants Support Desk Ticket Numbers.

OJP will review each request for late submission and required supporting documentation and notify the applicant whether the request has been approved or denied. For more details on the waiver process, OJP encourages applicants to review the "Experiencing Unforeseen Technical Issues" section in the OJP Grant Application Resource Guide.

Application Review Information

Review Criteria

Applications that meet the basic minimum requirements will be evaluated by peer reviewers on how the proposed project/program addresses the following criteria:

- Description of the Issue (15 percent) Evaluate the applicant's understanding of the program/issue to be addressed.
- 2. Project Design and Implementation (40 percent) Evaluate the adequacy of the proposal, including the goals, objectives, timelines, milestones, and deliverables.
- 3. Capabilities and Competencies (20 percent) Evaluate the administrative and technical capacity of the applicant to successfully accomplish the goals and objectives.
- 4. Plan for Collecting the Data Required for this Solicitation's Performance Measures (10 percent) Evaluate the applicant's understanding of the performance data reporting requirements and the plan for collecting the required data.
- 5. Budget (15 percent) Evaluate for completeness, cost effectiveness, and allowability (e.g., reasonable, allocable, and necessary for project activities). Budget narratives should demonstrate generally how applicants will maximize cost effectiveness of grant expenditures.
 - a. Total cost of the project relative to the perceived benefit (cost effectiveness).
 - b. Appropriateness of the budget relative to the level of effort.
 - c. Use of existing resources to conserve costs.
 - d. Alignment with program goals/objectives and with proposed project activities.

Other Review Criteria/Factors

Other important considerations for BJA include geographic diversity, strategic priorities (specifically including, but not limited to, those mentioned above relating to priority areas), available funding, past performance, and the extent to which the Budget Worksheet and Budget Narrative (Web-based Form) accurately explain project costs that are reasonable, necessary, and otherwise allowable under federal law and applicable federal cost principles.

Review Process

Applications submitted under this solicitation that meet the basic minimum requirements, will be evaluated for technical merit by a peer review panel(s) in accordance with OJP peer review policy and procedures using the review criteria listed above.

OJP screens applications to ensure they meet the basic minimum requirements prior to conducting the peer review. Although specific requirements may vary, the following are common requirements applicable to all OJP solicitations:

- The application must be submitted by an eligible type of applicant.
- The application must request funding within programmatic funding constraints (if applicable).
- The application must be responsive to the scope of the solicitation.
- The application must include all items necessary to meet the basic minimum requirements.

Pursuant to the Part 200 Uniform Requirements, before award decisions are made, OJP also reviews information

related to the degree of risk posed by the applicant. Among other things to help assess whether an applicant with one or more prior federal awards has a satisfactory record with respect to performance, integrity, and business ethics, OJP checks whether the applicant is listed in SAM as excluded from receiving a federal award.

In addition, if OJP anticipates that an award will exceed \$250,000 in federal funds, OJP also must review and consider any information about the applicant that appears in the non-public segment of the integrity and performance system accessible through SAM (currently, the Federal Awardee Performance and Integrity Information System, FAPIIS).

Important note on FAPIIS: An applicant, may review and comment on any information about itself that currently appears in FAPIIS and was entered by a federal awarding agency. OJP will consider any such comments by the applicant, in addition to the other information in FAPIIS, in its assessment of the risk posed by the applicant.

Absent explicit statutory authorization or written delegation of authority to the contrary, all final award decisions will be made by the Assistant Attorney General, who may take into account not only peer review ratings and BJA's recommendations, but also other factors as indicated in this section.

Federal Award Administration Information

Federal Award Notices

See the OJP Grant Application Resource Guide for information on award notifications and instructions.

Administrative, National Policy, and Other Legal Requirements

If selected for funding, in addition to implementing the funded project consistent with the OJP-approved application, the recipient must comply with all award conditions and all applicable requirements of federal statutes and regulations, including the applicable requirements referred to in the assurances and certifications executed in connection with award acceptance. For additional information on these legal requirements, see the "Administrative, National Policy, and Other Legal Requirements" section in the OJP Grant Application Resource Guide.

Information Technology (IT) Security Clauses

An application in response to this solicitation may require inclusion of information related to information technology security. See the OJP Grant Application Resource Guide for information on information technology security.

General Information about Post-Federal Award Reporting Requirements

In addition to the deliverables described in the Program Description section, any recipient of an award under this solicitation will be required to submit certain reports and data.

<u>Required reports</u>. Recipients typically must submit quarterly financial reports, semi-annual progress reports, final financial and progress reports, and, if applicable, an annual audit report in accordance with the Part 200 Uniform Requirements or specific award conditions. Future awards and fund drawdowns may be withheld if reports are delinquent. (In appropriate cases, OJP may require additional reports.)

See the OJP Grant Application Resource Guide for additional information on specific post-award reporting requirements, including performance measures data.

Federal Awarding Agency Contact(s)

For OJP contact(s), see the solicitation cover page.

For contact information for Grants.gov, see the solicitation cover page.

For contact information for JustGrants, see the solicitation cover page.

Other Information

Freedom of Information and Privacy Act (5 U.S.C. 552 and 5 U.S.C. 552a)

See the OJP Grant Application Resource Guide for information on the Freedom of Information and Privacy Act (5 U.S.C. 552 and 5 U.S.C. 552a).

Provide Feedback to OJP

See the OJP Grant Application Resource Guide for information on how to provide feedback to OJP.

Application Checklist

Prosecuting Cold Cases Using DNA

This application checklist has been created as an aid in developing an application. The <u>DOJ Application</u> Submission Checklist is another resource.

What an Applicant Must Do:

Prior to registering in Grants.gov:

Confirm your Entity's <u>System Award Management (SAM)</u> Registration Information (see <u>OJP Grant Application Resource Guide</u>)

To register in Grants.gov:

- Acquire an Authorized Organization Representative (AOR) and a Grants.gov username and password (see OJP Grant Application Resource Guide)
- Acquire AOR confirmation from the E-Business Point of Contact (E-Biz POC) (see OJP Grant Application Resource Guide)

To find the funding opportunity:

- Search for the funding opportunity in Grants.gov using the opportunity number, Assistance Listing or keyword(s)
- Select the correct Competition ID
- Access the funding opportunity and application package (see Step 7 in the OJP Grant Application Resource Guide)
- Sign up for Grants.gov email notifications (optional) (see OJP Grant Application Resource Guide)
- Read <u>Important Notice</u>: Applying for Grants in Grants.gov
- Read OJP policy and guidance on conference approval, planning, and reporting available at https://www.ojp.gov/funding/financialguidedoj/iii-postaward-requirements#6g3y8 (see OJP Grant Application Resource Guide

Overview of Post-Award Legal Requirements:

• Review the "Overview of Legal Requirements Generally Applicable to OJP Grants and Cooperative Agreements - FY 2022 Awards" in the OJP Funding Resource Center.

Review Scope Requirement:

• The federal amount requested is within the allowable limit(s) of \$500,000.

Review Eligibility Requirement:

See solicitation cover page.

Prepare to submit the Application for Federal Assistance standard form (SF)-424 and Disclosure of Lobbying Activities form (SF-LLL)

- Review Information to complete the Application for Federal Assistance (SF-424) in Grants.gov
- Complete Standard Applicant Information (SF-424 information from Grants.gov)
- . Submit the SF-424 and SF-LLL in Grants.gov

After the SF-424 and SF-LLL submission in Grants.gov, receive Grants.gov email notifications that:

- · Submission has been received in Grants.gov
- Submission has either been successfully validated or rejected with errors (see <u>OJP Grant</u> Application Resource Guide)

If no Grants.gov receipt and validation, or if error notifications are received:

Contact the Grants.gov Customer Support Hotline at 800-518-4726, 606-545-5035, at Grants.gov customer support webpage, or email at support@grants.gov regarding technical difficulties (see OJP Grant Application Resource Guide)

Receive email notification to complete application in JustGrants:

· Proceed to complete application in JustGrants

Content of Application Submission: Critical Application Elements

The following items are critical application elements required to pass the basic minimum requirements review. If OJP determines that an application does not include the following elements, it will neither proceed to peer review, nor receive further consideration.

- Proposal Abstract
- · Proposal Narrative
- Budget Worksheet and Budget Narrative (web-based form)

Budget and Associated Documentation:

- Indirect Cost Rate Agreement (if applicable) (see OJP Grant Application Resource Guide)
- Financial Management and System of Internal Controls Questionnaire (see OJP Grant Application Resource Guide)
- Disclosure of Process related to Executive Compensation (see OJP Grant Application Resource Guide)

Additional Application Components:

- Tribal Authorizing Resolution (if applicable) (see OJP Grant Application Resource Guide)
- Research and Evaluation Independence and Integrity (see OJP Grant Application Resource Guide)
- Request and Justification for Employee Compensation; Waiver (if applicable) (see OJP Grant Application Resource Guide)
- Curriculum Vitae or Résumés
- · Timeline Form
- · Letters of Support
- Potential Environmental Impact Coversheet and Checklist (NEPA)

Disclosures and Assurances:

- Disclosure of Lobbying Activities (SF-LLL) (see OJP Grant Application Resource Guide)
- Applicant Disclosure of Duplication in Cost Items (see OJP Grant Application Resource Guide)
- DOJ Certified Standard Assurances (see OJP Grant Application Resource Guide)
- DOJ Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements (see <u>OJP Grant Application Resource Guide</u>)
- Applicant Disclosure and Justification DOJ High Risk Grantees (if applicable) (see <u>OJP Grant Application Resource Guide</u>)

Submit application in JustGrants:

• Application has been successfully submitted in JustGrants

If no JustGrants application submission, validation, or if error notifications are received:

• Contact the JustGrants Service Desk at 833-872-5175 or JustGrants.Support@usdoj.gov regarding technical difficulties.