

BUREAU OF JUSTICE ASSISTANCE

Welcome Webinar for Grantees of the Postconviction Testing of DNA Evidence Program

January 21, 2022



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

Agenda

- Background
- Management of Postconviction Testing of DNA Evidence Program
- Expenses
- Special Conditions
- FGGS
- GAMs
- Progress Reports
- Performance Management
- Contact Information and Resources

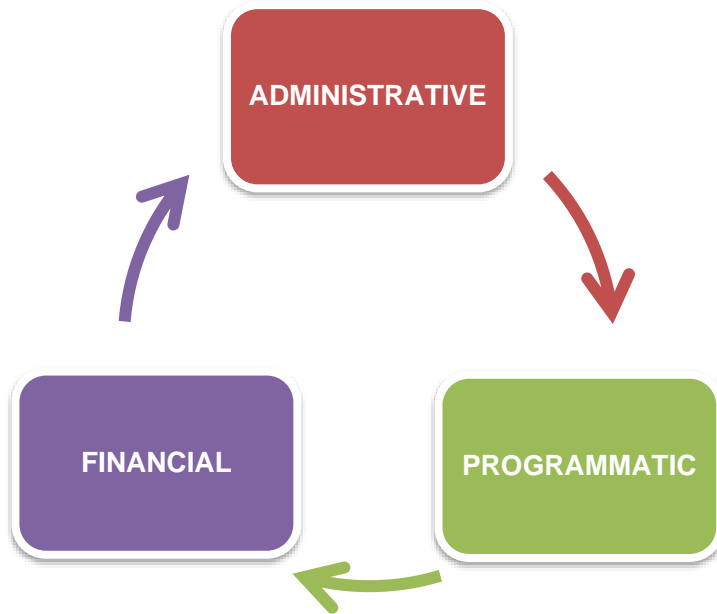


- Solicitation in response to the Justice for All Act in FY05
 - Justice for All Act was reauthorized in FY17
- “Directs the Attorney General to establish the Kirk Bloodsworth Post-Conviction DNA Testing Grant Program to award grants to States to help defray the costs of post-conviction DNA testing.”
- The grant program assists in defraying the costs associated with postconviction case review, evidence location, and DNA testing in violent felony cases (as defined by state law) where the results of such testing might show actual innocence.

Background



- Program was first completed FY07 with funds finally awarded in FY08
- To date, 94 awards totaling over \$71,000,000 have been made
- Congratulations to the FY21 grantees!
 - City of Philadelphia (PA)
 - County of Cook (IL)
 - County of Sacramento (CA)
 - County of Travis (TX)
 - Office of Emergency Services (CA)
 - Kentucky Department of Public Advocacy
 - Boise State University (ID)
 - Franklin County Board of Commissioners (OH)
 - The Regents of the University of Colorado
 - University of Missouri System
 - University of Hawaii Systems
 - Orleans Parish District Attorney (LA)
 - University of Illinois



- **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

State Policy Advisor Role

- The **State Policy Advisor (SPA)** is in the Programs Office and is the first line of direct communication with grantees within BJA; is responsible for reviewing and approving grantee reports and grant award modifications; and processes grant closeouts.
- SPA will address all questions regarding programmatic, financial administrative elements of your grant.
- SPA will communicate about the release of all special conditions, including the special conditions related to BJA Forensics policy requirements.



Kathy Manning
State Policy
Advisor

Support Roles

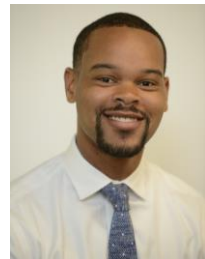
- The **Forensics Policy Advisors** steer the overall grant program and peer review process; are responsible for providing subject matter expertise to the SPA on progress reports and any requested programmatic changes to awards by grantees.
- The **Planning, Performance, and Impact (PPI) Analyst Team** provide performance measure development, solicitation reviews, analytical support, visualization and graphical support, and data quality assurance.



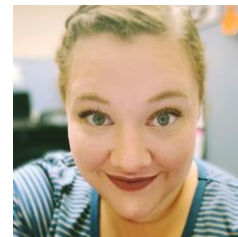
Vanessa Castellanos
Forensics Policy Advisor



Andrea Borchardt
Forensics Policy Advisor



Michael Adams
Senior Research
Associate



Nichole Norvesh
Research Associate

Grant Management Cycle



Addressing Award Special Conditions

- Special conditions are terms and conditions of the grant award covering areas such as programmatic and financial reporting, prohibited uses of federal funds, consultant rates, and proper disposition of program income.
- Most common withholding is for missing documents:
 - Disclosure of Pending Applications (DOPA)
 - Disclosure of Lobbying activities (SF-LLL)
 - Application attachments
- Grant Award Administrator and Financial Manager must complete grants financial management training within 120 days of grant acceptance.

Special Conditions

- Read entire award document to be familiar with OJP conditions and requirements on your award.
- **Take note of any conditions withholding funds; grantees may not obligate, expend, or draw down funds until withholding conditions are resolved.**
- Emails regarding items needed to resolve holds were sent 12/2/2021.



Special Conditions



Examples

The recipient shall transmit to the BJA grant manager copies of all official award-related press releases at least ten (10) working days prior to public release. Advance notice permits time for coordination of release of information by BJA where appropriate and to respond to press or public inquiries

The recipient agrees to submit to BJA for review and approval any curricula, training materials, proposed publications, reports, or any other written materials that will be published, including web-based materials and web site content, through funds from this grant at least thirty (30) working days prior to the targeted dissemination date.

The recipient shall ensure that each DNA analysis conducted under this award will be performed either (1) by accredited government-owned laboratories, or (2) through an accredited fee-for-service vendor.

The recipient shall ensure that all eligible forensic DNA profiles obtained with funding under this award will be entered into the Combined DNA Index System (CODIS), and, where applicable, uploaded to the National DNA Index System (NDIS). No DNA profile generated with funding from this award may be entered into any non-governmental database without prior express written approval from BJA.

The recipient shall ensure that none of the funds provided under this award are used for research or statistical projects or activities as defined by 28 CFR Part 22 or for research as defined by 28 CFR Part 46.

Forensic Genetic Genealogy



If you plan to conduct Forensic Genetic Genealogical DNA Analysis and Searching (FGGS) using funds from your federal award, you must make note of the following:

- Per a condition on your award, no DNA profiles (including SNP profiles generated for FGG testing) generated with funding from this award may be entered into any non-governmental database (e.g. GEDmatch) without prior express written approval from BJA. Each profile tested must receive such written approval from BJA and we will supply you with a form to fill out to help assess the profile for approval.
- Program activity involving FGGS is subject to the DOJ [Interim Policy on Forensic Genetic Genealogical DNA Analysis and Searching](#) or to the final policy, when issued.
- Please refer to the [performance measures](#) link for additional required grantee reporting on FGGS activities.

If you intend to use Forensic Genetic Genealogy (FGG), the process for approval is:

- 1. Submit an appropriate GAM requesting approval to conduct process and enter profile in non-governmental database (per the Special Condition)**
- 2. We will send you a form to fill out form for each sample**
- 3. Wait for GAM to be approved**
- 4. Once approved, you may continue with FGG**

Once the first use is approved, any subsequent uses:

- 1. Must be requested via email and using the same form**
- 2. Must wait for email approval prior to conducting any subsequent testing/searching**

Expenses - Permitted

- **Salary and benefits of additional employees**
- **Overtime**
- **Travel (limited) – Funds may be used for expenses directly associated with case ID, case review, location of evidence or DNA analysis.**
- **Computer equipment – to be used exclusively for case ID, case review, location of evidence or DNA analysis.**
- **Lab supplies – for DNA analysis of biological evidence.**
- **Engage additional (temporary personnel)**
- **Procurement from private labs of DNA analyses**
- **Training (limited) – only for directly related to case ID, case review, location of evidence and DNA analysis.**

Among other things, funds may not be used for:

- **Costs for postconviction relief litigation after DNA testing of biological evidence has been completed**
- **Salaries and benefits for victim advocacy services**
- **Salaries, benefits, or overtime for staff who are not directly engaged in case ID, case review, location of biological evidence, or DNA analysis of biological evidence**
- **Laboratory equipment**
- **Construction**
- **Renovation**
- **Office furnishings**
- **Witness travel**
- **General litigation training or non-postconviction training**

- Monitoring activities can be conducted by Programs and/or OCFO Staff on-site or remote through an EPDR (Enhanced Programmatic Desk Review).
- Monitoring allows Grant Managers to:
 - Observe compliance with requirements and progress against project goals,
 - Identify opportunities to provide technical assistance, and
 - Ensure that adequate controls are in place to improve accountability of federal funds.

- Used to update or change award details and are not used to confirm compliance with requirements or deliverables.
- GAMs cannot be approved if there are delinquent financial or programmatic reports.
- Three types of GAMs:
 - Programmatic
 - Financial
 - Project Period Extensions



Grant Award Modifications (GAMs)

Programmatic

- Programmatic Costs GAM
- Scope Change GAMs alter programmatic activities, change the purpose of the project, change the project site, or change key staff

Financial

- Budget Clearance GAM
- Budget Modification GAM
- Sole Source GAMs require substantial justification, must receive prior approval for any sole source procurement in excess of simplified acquisition threshold (currently \$250,000).

Project Period Extension

- Must be submitted at least 30 days before the end of the award, require robust justification, and typically limited to one 12-month extension.

Submit GAMs with sufficient lead time for any needed clarification. Review and approval can take a few weeks.

Important Reporting Reminders

Federal Financial Reports (SF-425)	Progress Reports
<ul style="list-style-type: none">• 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	<ul style="list-style-type: none">• Answers performance measure questions specifically written in the solicitation• Provides BJA Grant Manager accurate snapshot of implementation• Report must be submitted even if no activities

Federal Financial Reports (SF-425)



Reporting Period

Due Date

January 1–March 31

April 30

April 1–June 30

July 30

July 1–September 30

October 30

October 1–December 31

January 30

- Submitted in JustGrants: <https://justicegrants.usdoj.gov>
- No activity? Enter 0
- For help with Federal Financial Reports, please contact Office of the Chief Financial Officer (OCFO) Customer Service by phone at 1-800-458-0786 (option 2), or by email at ask.ocfo@usdoj.gov

- **Semiannual performance reports shall be submitted within 30 days after the end of the reporting periods, which are June 30 and December 31, for the life of the award. These reports will be submitted to the Office of Justice Programs, on-line through the Internet at <https://justgrants.usdoj.gov>.**
 - **Your first progress report for reporting period (Oct 1st, 2021 to Dec 31st, 2021) is due Jan 30th, 2022. Please note that if no activities were performed during this period, the report still needs to be submitted and notifying “no activities performed”.**
- **The narrative section of the progress report should include:**
 - **Goals and objectives of the award - If there is a change made in the goals and objectives at any time – contact your Grant Manager (Kathy Manning) to assess if a GAM is needed. Record approved changes in the narrative for the period in which the change occurred and update the Goals and Objectives section.**

- **Progress and accomplishments during each reporting period.**
- **Explain any challenges incurred.**
- **The narrative for each reporting period should provide a clear picture of how funds were utilized over the course of that reporting period in order to accomplish the project goals and objectives.**
- **If there have been any exonerations resulting from DNA testing, please provide a description of the case(s).**
- **Activities planned for the following 6 months.**

What is Performance Management?



- **Performance management** is the 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** are the data that are collected using a questionnaire established by the BJA for each individual program.
- Each program's questionnaire can be found on the **BJA Performance Measures Webpage**: <https://bja.ojp.gov/funding/performance-measures>.

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

Performance Measures

Some program accomplishments recorded by performance measures submitted by the Postconviction grantees:

- Though exonerations are not the sole measure of program success, 56 exonerations have resulted from this program.
- More than 150,000 cases reviewed.
- More than 300 profiles uploaded into CODIS.
- More than 80 CODIS hits.



Data submitted by grantees is reviewed and reported publicly to help show the success of the program

What are the FY21 PC Performance



The PostConviction program has undergone substantial changes in its performance measures questionnaire since last year when the FY20 awards began reporting.

Narrative Section Updates

- Five Formerly NIJ narrative questions were removed from the questionnaire.
- In addendum, Seven Standardized Narrative Questions were added into the question set

New Questionnaire Sections

- Nine Forensic Genetic Genealogy Questions
- Three Training Questions
- Three Final Report Questions

What are the FY21 PC Performance



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Semi-Annual Section Updates

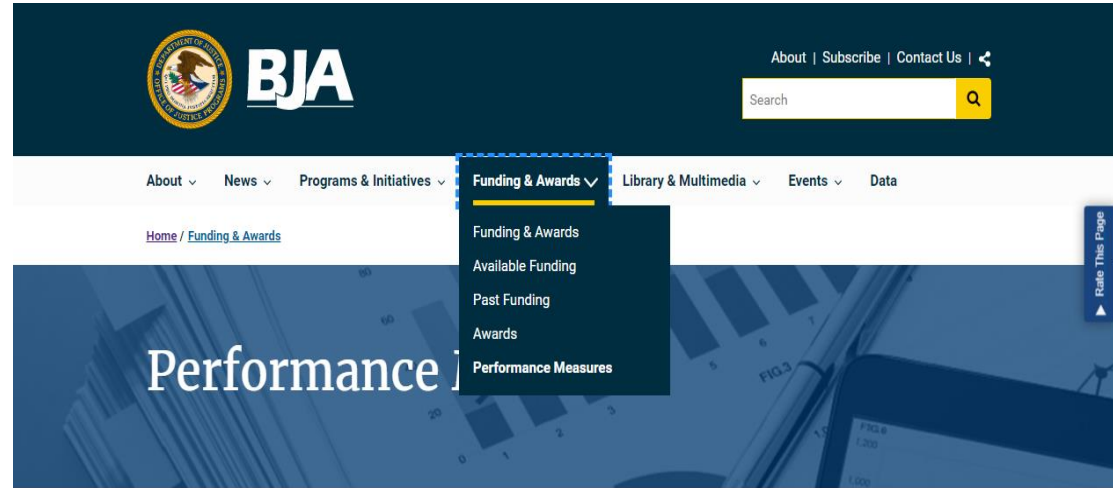
- Four measures were updated with new language into unique performance questions
- In addition, fourteen standalone new performance measures were added to the performance measure questionnaire.

New Performance Measure Examples

- (Semi-Annual Performance Measures) Of the postconviction DNA cases with biological evidence found, how many cases were sent for DNA analysis?
- (FGG) Please enter the amount of federal funding used to conduct FGG/FGGS since the beginning of the grant program.
- (Training) How many hours of relevant training have been completed?
- (Final Report Question) Please describe any innovative approaches to postconviction case identification, case review, evidence location, or postconviction DNA testing that this BJA award helped make possible.

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/dojbj> - YouTube Channel

JustGrants Helpdesk

Monday–Friday 5:00am–9:00pm Eastern Time (ET)

Saturday–Sunday and Federal Holidays 9:00am-5:00pm ET

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

JustGrants Training and Resources

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



BJA PMT HELPDESK

Monday–Friday
8:30 a.m.–5:00 p.m. ET
Closed on Federal Holidays
bjapmt@ojp.usdoj.gov

Contact Information and Resources (cont.)



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Kathryn Manning	Programs	Kathryn.Manning@ojp.usdoj.gov	202-598-6489
Michael Adams	Performance	Michael.Adams@ojp.usdoj.gov	240-463-0092
Nichole Norvesh	Performance	Nichole.R.Norvesh@ojp.usdoj.gov	678-231-3438

Thank you for your hard work and dedication!

Please enter questions in the Q&A, selecting “All Panelists”