

DARYL FOX: Good afternoon, everyone, and welcome to today's webinar, "Planned Changes to FY 2023 DNA Capacity Enhancement for Backlog Reduction Program," hosted by the Bureau of Justice Assistance. At this time, it's my pleasure to introduce Andrea Borchardt, Senior Forensics Policy Advisor, with the Bureau of Justice Assistance for some welcoming remarks and to begin the presentation. Andrea?

ANDREA BORCHARDT: Thank you, Daryl. And before we get started, I just want to go over the Department of Justice disclaimer that these—any opinions or points of view expressed are those of the author, myself, do not necessarily reflect the official position or policies of the U.S. Department of Justice. Next slide, please.

My name is Andrea Borchardt, and I'm the Senior Forensics Policy Advisor overseeing the DNA Capacity Enhancement for Backlog Reduction, or DNA CEBR Program. Today, I'm planning to provide you the first of many webinars outlining the planned changes to the DNA CEBR Program. Next slide.

So keeping in mind that today is just an overview of the first of the webinars, today's agenda includes the brief history of DNA CEBR, the Debbie Smith DNA Backlog Grant Program, the planned changes for FY 2023, so next year, obviously not the one that you guys just submitted. And what's happening next. We'll finally conclude with a Q&A.

The board for testing was originally authorized through the DNA Analysis Backlog Elimination Act of 2000 and was reauthorized through the years as the Debbie Smith DNA Backlog Grant Program. Generally speaking, the funds are for public accredited crime labs with access to FBI's CODIS. And the funds are administered via Formula. You can see with the chart on the side the range of total funding and number of awards for the past 10 years in this DNA CEBR Program. Next slide.

Through the DNA CEBR Program, funds can be used to support the following purposes. One, to carry out, for inclusion in CODIS, DNA analyses of database samples collected under applicable legal authority. Two, to carry out, for inclusion in CODIS, DNA analyses of forensic case or crime scene samples. And three, to increase the capacity of publicly funded forensic DNA and DNA database laboratories to process these samples for CODIS.

Of note, the graphic on the side outlines some of the successes of the program, including supporting testing of over 1.3 million forensic cases, as well as over 500,000 crime scene samples uploaded to CODIS. Indeed, the program funds have been involved in nearly one half of all CODIS hits by the FBI's CODIS. Next slide.

34 USC 40701, The Debbie Smith DNA Backlog Grant Program. This is where Congress-authorized use of funds for what is now known as a DNA CEBR Program and

what the program is now being aligned with. So as you can see here, the authorization of grants, the Attorney General may make grants to eligible States or units of local government for use by the State or units of local government for the following purposes.

One, to carry out, for inclusion in CODIS, DNA analyses of samples collected under applicable legal authority, so database samples. Two, to carry out, for inclusion in CODIS, DNA analyses of samples from crime scenes, prioritizing, to the extent practicable consistent with public safety considerations samples from rape kits, samples from other sexual assault evidence, and samples taken in cases without an identified suspect. And three, to increase the capacity of laboratories owned by the state for units of local government to carry out DNA analyses of samples specified in the two previous paragraphs. So you can see really where we got the purposes of CEBR when you look at the authorizing legislation here. Next slide.

So what does this all mean for you? Well, the first will be a couple changes in eligibility, which I will go over in the next couple of slides. There will also be an alignment in how funds in the program can be used. Again, I'll go over that in the next couple of slides as well. We're also making efforts to streamline the application as well and to provide training for applicants so they can better understand the application and award-making process. We're streamlining the eligibility process or the eligibility certification. Instead of writing out your eligibility statement that you have in the past years, we'll include all the requirements in the certification form that will need to be signed by the chief executive officer of the State or unit of local government. And finally, the secondary allocation for the "Test All" legislation for sexual assault kit testing that we've offered the past couple years will instead—we'll offer that in a competitive manner to help interested applicants "maximize" the effective utilization of DNA technology to solve crimes and protect public safety. In this last topic, we'll discuss this more in later webinar. Today, we'll focus on the eligibility and streamlining efforts. Next slide.

So an outline of the major eligibility changes are as follows. So on that form that I said we will provide to you that you'll have signed by your chief executive officer of the State or unit of local government, you'll have to estimate how much of your award, with a minimum of 40% of the award, shall be used to carry out DNA analyses of samples from crime scenes for inclusion in CODIS. Second, you must estimate the portion of funding. There is no minimum required for this. So you must estimate the portion of funding that shall be used to carry out DNA analyses of samples collected under applicable legal authority, such as Convicted Offender and Arrestee Sample, and for inclusion in CODIS. Next slide.

Oh, I'm sorry. Can you go back there? I have one more bullet point on there. And similarly, you must estimate the portion of funding, no minimum required, but shall be

used to increase the capacity of the laboratory to carry out DNA analyses of database and crime scene samples for inclusion in CODIS. Now the next slide.

Two other changes for the eligibility. On that certification form, again, that gets signed by the chief executive officer of the State or unit of local government, you must provide assurances that the state or unit of local government has implemented or will implement no later than 120 days after the date of such application to the program, a comprehensive plan for the expeditious DNA analyses of samples and accordance with the purposes of this solicitation. Note, you do not need to send us your plan. Instead, you must have the eligibility certification form signed, indicating that you do meet this requirement. It is up to each laboratory to determine what might meet this requirement for your agency. While BJA cannot suggest one method over another, things that have been brought up to me by other laboratories when I've discussed this include efforts made to improve efficiency, such as a Lean Six Sigma style evaluation, batching samples, shift work, implementation of automation and robotics. Again, it's up to each laboratory to determine what would qualify as their comprehensive plan for the expeditious DNA analyses of samples in accordance with the purposes of the DNA CEBR Program.

Finally, for the last eligibility change, you'll need to provide assurances that the DNA section of the laboratory to be used to conduct DNA analyses as a written policy that prioritizes the analysis of, to the extent practicable and consistent with public safety considerations, samples from homicides and sexual assault. And I know that most labs do likely follow this with some sort of policy, either formal or informal, but now you must provide us with assurances that you do, in fact, have a written policy that prioritizes the analysis of, to the extent practicable and consistent with public safety considerations, samples from homicides and sexual assault. Next slide, please.

Okay. I know that's a lot to absorb. And again, we will be posting this. We'll be recording this and posting this and I will provide more webinars to go over this training. The next thing I want to go over is the alignment in uses of funds and give some examples. So when I saw the program would formally align the uses of the funds with the purposes of this program, what will likely help you is to always remember that the uses of your funding must be tied back to the processing of samples for CODIS and increasing the capacity of the laboratory to process samples for CODIS. And remember, while some of the types of tests may be incredibly valuable, they just might not be eligible under this specific program. It does not mean you could not seek other sources of federal funding to achieve some of those goals. So, let's run through some of the examples here.

So Kinship, this is a little bit tricky, because some uses of Kinship would be okay so long as they're supporting CODIS eligible samples, such as human remain testing. And while incredibly valuable to assist with certain cases, Kinship for non-CODIS samples

would not be accessible. If you're not sure, please just reach out to me and ask. Again, we have nine or ten months to go over this before the changes occur in FY23.

Similarly, Y-STRs and mito. This is also tricky as of Kinship, but if you're using these technologies for CODIS eligible purposes, then yes, it would be totally acceptable. And, again, what are incredibly valuable to assist with certain cases using Y-STRs and mito in ways that are not for CODIS would not be acceptable under this program. Again, if you're not sure, because there can be some gray area and it would be case-by-case basis potentially for certain agencies, please ask. My contact information will be at the end of this webinar. Next, for Genetic Genealogy. Since testing for Genetic Genealogy is not currently CODIS eligible, there are no permitted uses under this program. Next slide.

Accreditation. Again, yes. Expenses relating to maintaining the scope of accreditation for NDIS approved technologies is acceptable, but expanding a scope for a non-NDIS approved technology would not be acceptable. Again, think about everything that has to align with this program has to be related to processing samples for CODIS and increasing the capacity to process samples for CODIS. So things like bringing your team in. Bringing in a team for an annual audit would be totally acceptable.

Conferences and trainings. Most of this would still be completely acceptable. But remember, it really needs to relate to the processing of samples for CODIS or increasing the lab's capacity to process samples for CODIS. So things like a staff retention or master's degree or PhD, funding any of those would not be permitted under the program, but attending a training to learn how to operate a new instrument or a new robot would be accessible, as would trainings to support QAS, continuing education requirement.

Validations. Again, yes, most validations would be acceptable. Again, so long as they're related to processing samples for CODIS or increasing the capacity to process samples for CODIS. Again, if you're unsure about any of these, my contact information will be posted at the end of the slide deck. And I'm happy to talk with you about your specific questions if it relates just specifically to your agency. And we have many, many months to go over this to make sure you have a clear understanding of what's happening in FY23. Next slide, please.

Streamlining. We'll be making efforts to streamline the application narrative. This does not mean we're streamlining the whole application process because many of the components that are included in the application such as the SF-424, the SF-LLL, NEPA, et cetera, are mandatory for all relevant programs such as CEBR. However, the application narrative and the eligibility statement will be streamlined in FY 2023. Next slide.

What's coming next? Well, first I made an announcement about the changes at the scientific working group on DNA analysis methods in July. And today is the first public webinar outlining the planned changes for the FY23 CEBR solicitation. Find the launch and FAQ document on our CEBR microsite. The link is there. Also, if you have not accessed that microsite yet, it does have information about the program.

BJA staff will also be speaking at FBI's CODIS conference later this year in November as well, so two more webinars to properly communicate these changes to the field. What I do ask of all of you to please ensure that all points of contact are updated in JustGrants for your CEBR awards to ensure you're on the distribution list for future notifications about the program. We'll also post contents at that BJA microsite. Note, that these planned changes will take place in FY23, solicitations pursuant to Congressional appropriations and will not impact awards that have already been made. Next slide.

And with that, that closes the informational portion of the webinar. And we'll open up the floor to questions. Remember, I know this is a lot of content to digest, but this is just the first of many webinars from the topic. If you have plans to observe the information and figure out if you have questions in the future, you're welcome to reach out to me directly, contact information here. If you have specific questions that may only impact your entity, again, my contact information is on the slide and many of you already know that I'm more than happy to talk with you about the program and about your specific awards. Daryl?

DARYL FOX: Thanks so much, Andrea. So just a couple of housekeeping items, I did enter the link in the chat. You can access and link directly to the FAQ document that Andrea mentioned on the previous slide for your reference. And also there's a question about how to get a copy the presentation. Once everything is concluded and we get things finalized and 508-ed, you'll be sent an email to the email you're registered with today where one of those will reside on the BJA website, so know that data will be coming within about seven or ten business day or so. And so if you do need to go back and reference this PowerPoint presentation, you can do so then. So if you do have a question, our bottom right, there's three dots, click that, hit Q&A and then enter, send to all panelists. And we have plenty of time today to get through those as we need to.

So, the first one, Andrea, is, "For CEBR, who's considered to be the appropriate chief executive officer of the local government?"

ANDREA BORCHARDT: That's a very good question. Thank you, Morgan, for asking that. That will actually depend on the unit of the local government itself. Oftentimes like a county—and it will depend on your specific agency, but oftentimes the county will

have somebody in the title of chief executive officer, you can usually find out through your county's website or it might be an elected official. If you're in a city, it could potentially be the mayor. In a state, it would likely be the governor. So it really depends on which area you're serving or your agency serves and the specifics about your entity.

DARYL FOX: "There was mention of the secondary allocation being competitive in nature. It wasn't elaborated in today's presentation. Will that be forthcoming or do you have information to provide on that?"

ANDREA BORCHARDT: Yeah. So I did mention that we'll go into that a little bit more on a subsequent webinar, but it seems like most people are interested in that. It would again be a very small portion held back from the main appropriation. So right now, we hold back this year. There was about \$100 million available for funding under the program and \$10 million was held back for the Sexual Assault Kit "Test All" legislation funding. The plan right now, and it's definitely the amount is TBD, but if it were appropriate in that same range, the idea is to hold back a similar amount, about the \$10 million, to make sure that can be awarded competitively to interested applicants that could meet the requirements. Again, we'll go over more specifics in a later webinar, but that—I see the next question about “how could this potentially impact formulary funds” that remainder of the appropriation for this year was \$90 million would then be distributed similarly as a formula to everybody else, so it should not impact a large impact on most of the applicants under the formula.

DARYL FOX: Okay. Thanks for that.

ANDREA BORCHARDT: It looks like there's one more question around that secondary allocation. So, in essence, again, I will have a webinar that will specifically outline that, but the idea is a very small portion of the appropriation would be held back to be awarded competitively to any interested applicants to meet the requirements calendar. And I think—let me go back to the slide a bit, Daryl. That might help. Well, it looks like it's slide eight if that helps.

So this secondary allocation, it would not be a secondary allocation, it would be a whole separate, like, purpose area where applicants can apply and get awarded competitively, where they can maximize the effective utilization of DNA technology to solve crimes and protect public safety. The remainder of the appropriation or funds available for the program would be something around \$90 million, then would then be applied to the States in the similar manner as it has been now to in a formula for the States.

DARYL FOX: Okay. "And to be clear, the competitive would only apply to currently eligible applicants, at NDIS eligible labs, correct?"

ANDREA BORCHARDT: That is correct, Matthew. That question is good. So it would be only the current eligible applicants. It would not—the eligibility for that secondary portion, that competitive portion would be the same applicant pool that's currently eligible for CEBR. So it would be, again, following what is outlined in the Debbie Smith legislation.

DARYL FOX: Sorry if you got into this, Andrea. "Is there any, you know, reasoning or background on why this particular change is being made?"

ANDREA BORCHARDT: Yeah. I mean, the whole idea is that this program was authorized by Congress and the authorizing legislation, the Debbie Smith Backlog Elimination Act or DNA Backlog Grant Program, does authorize what the program states. So in order to be compliant with what Congress is asking us to do with that legislation, we wanted to make sure the funding supports exactly what they outlined in that legislation. So the legislation has been around and it's just because of the questions we've had and because of the possibility that we would have other changes down the line, or not have enough time to communicate those to you, we want to make sure we're getting ahead of that to make sure we're following exactly what Congress wants to do with the authorizing legislation.

DARYL FOX: "Can the minimum 40% be overtime funds to work cases for CODIS entry and reviews, a limitation on how it's spent?"

ANDREA BORCHARDT: So that minimum 40% would have to be for DNA analysis related to processing crime scene samples across country so if that 40% was for overtime funds to work crime scene cases for CODIS entry and reviews of that, then, yes, that would meet that requirement.

DARYL FOX: "Are there any changes proposed or being considered for the \$250,000 recommendation for the minimum amount for a laboratory?"

ANDREA BORCHARDT: Yes, there are considerations for that. Within the legislation, there is actually a minimum requirement per state so that minimum recommendation for a local laboratory is being considered to be changed. That has not been fully determined. So if you have feedback for us on that, I definitely welcome you to reach out.

DARYL FOX: And this next one coming in is, "In Coverdale, if you apply for competitive funds, it actually decreases the formulary amount. That has not been the case with the additional amount for 'Test All' and the CEBR Grant. Do you anticipate that continuing the—to be the case for CEBR so essentially labs would not be punished in the formulary if they choose to apply for these competitive funds?"

ANDREA BORCHARDT: That is a fantastic question, and I will want to confirm with General Counsel. But the way that I understand it right now, and I can clarify that in a future webinar, is that, no, you would not be—I don't want to use the word punished. No, your state funding would not decrease if you applied for that secondary competitive portion of the fund, so it would be two separate awards.

DARYL FOX: "Do you need a plan and policy for case prioritization or just a policy? Can submission guideline suffice?"

ANDREA BORCHARDT: You need a written policy. That's very clear in the legislation, so written policy would be required for the prioritization.

DARYL FOX: "Are changes to the performance measures expected?"

ANDREA BORCHARDT: As of right now, there's no expected changes to the performance measures for what I'll call the base funds. However, because there would be a potentially new purpose area/program for that competitive aspect, there would be different performance measures outlining that because we would need to change how we are measuring the success of that program.

DARYL FOX: "Do service contracts for instruments used in DNA analysis qualify for the 40%?"

ANDREA BORCHARDT: I'm sorry, Daryl, can you say that again?

DARYL FOX: "Do service contracts for instruments used in DNA analysis qualify for that 40%?"

ANDREA BORCHARDT: That will be one I'll have to check with the General Counsel's Office, and I think it would really depend on how you're using those instruments or are they used for anything else or are they only used for casework processing, et cetera. But that's one I will definitely make sure I clarify in future webinars.

DARYL FOX: That's all the questions in the queue at this time. If you do have one, please go ahead and enter that in the Q&A box. We'd be glad to get to it today. I'll go ahead and leave this "What's Next?" slide up as we go through the rest of today as well with that link. "In Fiscal Year 22 CEBR, there is a requirement for a two-day forensic grant workshop. Will this information be covered in detail in that workshop? Do you have a tentative date for that workshop with this?"

ANDREA BORCHARDT: Yes, we can talk about this information in that workshop. However, the workshop will likely happen after the FY23 CEBR solicitation post. So the workshop will be hosted through our new Forensics Training and Technical Assistance partner, which we computed that solicitation this year. So once they're awarded, that will be one of their first topics to bring on. And my best guess is that will be in the fall to winter of 2023.

DARYL FOX: "Do you anticipate the CAP for staff training remaining the same as the '22 solicitation?"

ANDREA BORCHARDT: Yes.

DARYL FOX: "May funds be used for forensic paternity testing for sexual assault cases?"

ANDREA BORCHARDT: If the paternity sample would go into CODIS, so if it would be a CODIS type testing, then that could be CEBR funded. But otherwise, again, that's a type of testing that's incredibly valuable to a case. However, if it's not going into CODIS, then it would not be authorized under the program.

DARYL FOX: "And you've anticipated post-date for FY23s at around the same time again next year, June-ish?"

ANDREA BORCHARDT: Oh, that would be fantastic if we could tell that far an advance. But it depends on so many factors, such as if and when the appropriation is made by Congress, some other budget requirements we have to go through to get things posted and reviewed. So, we always are hoping that it's posted to sooner. But if you're not already on the alerts on the BJA website, there's a funding alert any time we post a solicitation that you can get alerted to the posting of it. So our hope is that it will be launched earlier than, you know, May/June, but it all is TBD until we actually get around to that time of the year.

DARYL FOX: And this person wanted to understand correctly that you cannot get funding for mito testing or Y-STR unless your legislation allows for such CODIS entry.

ANDREA BORCHARDT: So, not specifically about the legislation. So, I won't be able to answer necessarily each state by state or local by local. But if you're not putting Y-S or mito into CODIS for your state or local jurisdiction, then you—correct, that you could not fund Y-S or mito. So if you had, say, a hair in a case, then you wanted to do mito and it was not going to go to CODIS. Again, that could be incredibly valuable to your case, it's just it would not be appropriate for testing under this specific program.

DARYL FOX: "Staffing remains an allowable use of funds for this program?"

ANDREA BORCHARDT: I'm sorry. You said staff training like in—did I hear that?

DARYL FOX: Well, staff. It just—actually, it just says will staffing remain per—keep on staff?

ANDREA BORCHARDT: Personnel expenses would still be authorized under this program. Again, you just have to remember about the minimum 40% required to go towards the analysis of crime scene samples for CODIS. So as long as that's what this personnel is doing with their time, then that would count towards that 40%.

DARYL FOX: "If some sample is analyzed, they only qualify for entry into DIS. Is that still considered CODIS eligible?"

ANDREA BORCHARDT: Yes.

DARYL FOX: "If we put Y-STR profiles into local database, then we can continue to purchase Y amplification kits with grant funds? Is that acceptable?"

ANDREA BORCHARDT: Yes. So long as that—the Y amplification kits are used for the purpose of getting things into the local database. You can purchase the kits and do, you know, like one sample for the database and then do everything else for non-CODIS eligible-type samples. So you'd have to make sure you're very clear on how you're using it and documenting that clearly.

DARYL FOX: "If you're processing a homicide and some samples are CODIS eligible, some are not, do you have to use funding from a separate source to cover the non-CODIS eligible samples?"

ANDREA BORCHARDT: I think you're getting a little too far into the weeds there. It would again, depend, but again, the case of CODIS eligible, so you're working the case, so that would be okay. But you don't want to get cute with the legislation. So, if you're trying to use that to justify being able to test 10 samples when you only have one that's really going to go to CODIS, that's going to be where you run into issues. So, you know, use your best judgment on that, and if you're not clear on the specific case, please reach out to me.

DARYL FOX: "Regarding Kinship, if the sample is compared to a direct reference, say, a toothbrush, the UHR is not entered in NDIS. Can one assume this is no longer admissible in CBR23?"

ANDREA BORCHARDT: So, when we're getting into case-by-case specifics, so I'm seeing a couple of scenarios and a couple asking specific questions, please put those to me. Actually, Daryl, if you can go on to the last slide of my contact. We'll go over case specifics with you individually, not do that on a webinar.

DARYL FOX: "Are the performance reports to be in PMT for FY23 as well?"

ANDREA BORCHARDT: So far, that is the plan. Yes. We are working to update JustGrants to potentially get PMT basically and PMT and have everything in JustGrants, but the functionality in JustGrants is not there yet to support the type of information we gather through the PMT.

DARYL FOX: "How is analysis defined for this solicitation? The main question is, if analysis includes report writing and review personnel for those purposes."

ANDREA BORCHARDT: We—if it's not currently defined in FY22, I know I put in a new definition section this year. And if I didn't specifically define that, I will make sure it's in for FY23. But, yes, that would include report writing and review. So if you are processing a crime scene case, let's say it's a no suspect homicide, you're processing your sample through no suspect homicide, and that would include the examination, the laboratory work, including the capillary electrophoresis, the analysis interpretation or report writing review, and the CODIS entry. So it would all be allowable.

DARYL FOX: "For a comprehensive plan for expeditious analysis, does this also have to be a written plan?"

ANDREA BORCHARDT: The legislation does not define that it needs to be a written plan. That is up for you to determine whether or not you feel like that's important. I do think that because this is a—you could have a desk on it that needs to describe what your plan is, that you're meeting the eligibility requirements, it might help you in the future, but that is not defined in the legislation, too, that it must be a written plan.

DARYL FOX: And this has been answered several ways, but just another angle at it. "Would salary support for lab technicians fall under the 40% minimum?"

ANDREA BORCHARDT: It would depend on what their laboratory technicians are doing, if they're supporting database operations or casework operations. And, again, it would be similar to those service contracts for equipment, like if you're doing that fee for contracts. And it would depend on what they're supporting. But I can make sure I have that more clarified for you guys in the next webinar.

And Daryl, I'm going to take that last question. I know it's a little bit of a specific question from Elaine. "So, it's for a homicide with the suspect. The crime scene sample (source ID known) will still be entered into CODIS to solve other cases, is this acceptable?" Yes, that is acceptable. Again, it's a CODIS. It's a DNA analysis of the case for CODIS entry. So, yes, that would be completely acceptable.

DARYL FOX: Andrea, there is one scenario based on—and we're—these are being safe for personal outreach to you. I don't know if you wanted to get into that one.

ANDREA BORCHARDT: That one, I'm going to need more information about the Sexual Assault Kit and Grant Funded Analyst and why so if that's you who asked the question and haven't answered and that's scenario-based, definitely, please send me an email. Give me a call after the webinar. I'm definitely here to help you. I don't want to make this hard, which is why I'm trying to give you guys enough time to go over this and think about all your questions. Hit me up with all the questions you have. I'm going to have multiple webinars. I'll be speaking at FBI's CODIS conference. I want to make sure everybody has time to evaluate what their plans are, know what they're doing in FY23, move their budgets around as they need to, so that you will not have a disruption in service.

DARYL FOX: "And generally, do you know when the next webinar can be held, at least for the end of fall?"

ANDREA BORCHARDT: So likely, we're targeting February because FBI's CODIS conference is in November. So the next public speaking or some public speaking engagement will be at FBI's CODIS conference. But again, all of the CODIS participating laboratories who are the eligible applicants for this program should be in attendance. So I'll be there. It will be very difficult likely to do a Q&A there, but I will be speaking about this again to reiterate the information and hopefully to provide updates on some of the questions I got here. But the next webinar like this will likely occur in February. And so if you need questions answered before that, please, please, please email me, call me, anything you need to do to get a hold of me, I'm happy to help.

DARYL FOX: Okay. Another question's come in. "Can you provide an example of what might be included in the plan for expeditious processing of samples?"

ANDREA BORCHARDT: I cannot because I can't be—at DOJ we can't be the gatekeeper of what would work for your agency or what you would define as expeditious processing of DNA samples for cross country. That would be something to you. But I did bring this up when I talked to—did a listening session with a couple of entities prior to going down this hole of changing—or this rabbit hole of aligning the program with the authorizing legislation. And a couple of things that those people brought up to me

included efficiency evaluations like Lean Six Sigma, the—and instrumentation or robotics, the application and validation, implementation of the—of robotics in the laboratory to free up some of the analysts to spend more time on the bottlenecks like tech reviews, process mapping, somebody said that they were considering batching. So that's actually up to you to decide. And again, you don't send me your plan. I will not be approving your plan. That is for your agency to assure us that you have implemented or will implement that plan within 120 days of the application.

DARYL FOX: It seems to be the end of the questions at this time. So I have a few more moments. If you do have anything, please go and enter that in. "Can nonviolent cases be processed with the minimum 40% as long as the priority is given to the violent crimes?"

ANDREA BORCHARDT: Yeah. That section doesn't have any specification of violence or nonviolence. It's about the CODIS eligible crime scene sample. So you need to spend 40% of your funds in and assure that you're using 40% of the funds, a minimum of that to process crime scene samples for CODIS. So it doesn't specify violent or nonviolent, but you might get into that violent, nonviolent aspect in your case prioritization policy, which is a separate issue.

DARYL FOX: "Do solicitation requirements change each fiscal year or is this a regular change in '23 and beyond or is this just something specific to '23?"

ANDREA BORCHARDT: So the plan right now is this will be 20—this would continue after FY23, but this would depend on Congress if there were changes to the authorizing legislation, or if there was anything of that nature that would require us to change the program to align with something different. But right now, the appropriation is for—mostly for the Debbie Smith DNA Backlog Reduction Program. And if that legislation does not change, then there are no plans to change this portion of the—or the CEBR Program outside of what the changes are in FY 2023. That being said, if the competitive aspect does not work out well, if that doesn't meet our intended needs to really make improvements in the laboratories who are really struggling with their turnaround times and their backlogs, I mean, I know some labs are fantastic and have, you know, backlog of one, average turnaround time of fifteen days or five days, but there's also laboratories who need a lot more help that maybe don't have them yet, that we really need to implement them. And so that would be really critical for them. So if we don't see those impacts from that competitive aspect [INDISTINCT] as well.

DARYL FOX: "If you have implemented efficiencies already, do you need a policy to show these efficiencies or are validations and procedures sufficient?"

ANDREA BORCHARDT: So the legislation says that you must—let me go back to this slide—provide assurances that the state or unit of local government has implemented or will implement no later than 120 days after the date of such application a comprehensive plan for the expeditious DNA analyses of samples in accordance with the purposes of the solicitation. So, no, that's really up to you to decide. If you did this 10 years ago, is that sufficient? If you did that five years ago, is that sufficient? If you've never done that, obviously that would be a different story. So that is—again, we at DOJ can't get into approving your plan or what was appropriate, what is not appropriate. That's for your agency to decide and provide a few assurances that you have done so.

DARYL FOX: There's been a couple of questions on this material. Go ahead and reiterate that the PowerPoint recording and transcript will be posted to the BJA website. So just keep an eye on your email. Once those items are posted, you'll be sent a direct message with a link to those. So you'll be able to go back and access this approximately seven to ten business days.

"Would lab technicians and analysts be eligible under contract services if they are hired, but require months of training before they're able to process casework, and be eligible to use CEFR funding to pay their salary?"

ANDREA BORCHARDT: So the way I'm understanding this is analysts in training, if they're destined to be casework analysts but they're being trained using CEFR funds, are they eligible to use funding to pay their salary? Yes. There's no limitations on that. They can still be funded.

DARYL FOX: Regarding the posting, it would not be limited to those who registered and participated today. It will be a public posting on BJA's main website that you could forward out and access as you need to. So it is not anything you would need to register or have a password for. It's going to be publicly made available. So let's see. Anything else at this time, Andrea?

ANDREA BORCHARDT: Okay. Thank you, Daryl. Again, everybody, thank you for your attention during the webinar and thank you for all the questions. Again, we do plan to make these changes for the FY23 CEFR Solicitation, which typically posts in the spring-ish time of 2023. I will be holding at least two other webinars and I will be speaking at FBI's CODIS conference and I'm available to talk about your specific questions, anything specific for your agency that you're not sure of. I want to make sure we're being fully transparent and that you guys understand the changes and how that may or may not impact your agency. So please reach out to me if I was unable to answer your specific questions during this webinar. And, again, thank you for your attention.

DARYL FOX: Okay. So on behalf of the Bureau of Justice Assistance and our panelists, we want to thank you for joining today's webinar. This will end today's presentation.