

Funding Webinar Transcript

On May 15, 2019, BJA hosted a webinar that provided an overview of this solicitation. Following is the transcript from that webinar.

MARY JO GIOVACCHINI: Good afternoon, everybody, and welcome to today's webinar. Upholding the Rule of Law and Preventing Wrongful Convictions Program FY 2019 Competitive Grant Announcement, hosted by the Bureau of Justice Assistance. At this time, I would like to turn over the webinar to today's presenter, Maureen McGough, Senior Policy Adviser.

MAUREEN MCGOUGH: All right. Thank you so much, Mary Jo. And thank you to all of you for taking the time to join this webinar and thank you for your interest in partnering with us on this critical program. So, as Mary Jo mentioned, we unfortunately won't be able to have any time for discussion about your design for any applications, but we wanted—we did want to take the time to just sort of get everybody on the same page about what it is that we're seeking through this solicitation opportunity.

So, today, I'll give you a brief overview of the program as it exists and then we'll go into the two different categories that we're seeking through this year's solicitation. I will note that we're approaching this program a bit differently than we have in years past, so we will take a little bit of time with each of—with each of those categories to make sure that everybody understands where we're coming from and what we're looking for. We'll do an overview of general application materials and guidance, and we will leave some time for questions and answers at the end.

So, the Upholding the Rule of Law and Preventing Wrongful Convictions Program protects the integrity of the criminal justice system and improves the administration of justice through the consistent application of due process for all. Specifically, we've designed the program to achieve these goals in several different ways. One is by supporting the advancement of methodologies and policies that address underlying causes of wrongful convictions—so, really coming at that with a prevention focus. We're also seeking to support entities that review convictions for possible miscarriages of justice, with a particular focus on claims that involve known risk of error—so, for example, in cases where there was a critical reliance on an eyewitness identification for a conviction—again, with an eye toward preventing future errors of a similar nature. We, of course, also seek to provide high-quality and efficient representation for defendants in post-conviction claims of innocence and, wherever possible, support the identification of true perpetrators of these crimes in these cases.

I wanted to take a quick second to go over eligibility for this solicitation and if you've taken a look at the solicitation already, you'll see that eligibility is outlined very specifically, right at the outset. So, for this particular opportunity, eligible applicants are limited to state and local governments with authority over offices that work to prevent, identify, and correct false or wrongful convictions; state and local public defender offices; nonprofit organizations, including tribal nonprofit organizations that are dedicated to judicial verdicts that comport to the rule of law; and institutions of higher education, including tribal institutions of higher education. All applicants, or their partners conducting the work, must have demonstrable experience and competence in litigating post-conviction claims of innocence. And all recipients and subrecipients of these awards, including any for-profit organizations, must forgo any profit or management fee.

BJA welcomes applications that involve two or more entities under this solicitation and, in fact, when we get into the categories, you'll see that one of the categories actually requires a partnership, but it's important to note that only one entity can serve as the applicant. Any other partners on this project must be proposed as subrecipients. The applicant must be the entity that would have primary responsibility for carrying out the award, including the administration of funding. And, under this solicitation, only one application by a particular lead-applicant entity will be considered. An entity may, however, be proposed as a subrecipient in more than one application.

Now, I'd like to spend a little bit of time focusing specifically on the two categories for which we're seeking applications under this opportunity. So, Category 1 will be a Prosecutor Office or a Conviction Integrity Unit-Led Partnership With a Wrongful Conviction Review Entity. It's important to note here that the partnership between the prosecutor's office or the CIU-led entity must be with a WCR entity. That is absolutely required in Category 1. Wrongful conviction review entity is an eligible entity; so, considering those eligibility requirements we just reviewed, that represents individuals with post-conviction claims of innocence. And we'll go into a little bit more detail about that category in a second. The second category is a Wrongful Conviction Review Entity-Led Strategy. So, there, a partnership is not required and, again, we'll go into detail about that in just a bit.

So, for Category 1, our focus here is preventing wrongful convictions and reviewing post-conviction claims of innocence. For lead applicants, we are encouraging established or new conviction integrity units and prosecutors' offices to apply. The applicants must propose to assess the risk of and prevent wrongful convictions, and review, investigate, and adjudicate individual cases of post-conviction and appeals claims of innocence.

I'd like to highlight the following because it is a new addition to the solicitation this year. We are requiring a description of conflict-of-interest mitigation strategies in these units. For example, if you have a situation where you have a CIU and the original prosecutor from the case is involved in the review, what are the conflict-of-interest mitigation strategies that you would employ in that situation? We also ask for detailed information about how an entity would handle an instance wherein the review of a case of prosecutorial misconduct is discovered. And we'll note that, while it is not required in that instance, we do have a strong preference for referral to an outside entity. You'll see all of this outlined fully on page 5 of the solicitation.

As I mentioned—and it certainly bears repeating because it's pretty darn important—for Category 1, a partnership with a wrongful conviction review entity is required, and at least 30% of the funds requested must be directed to a WCR entity through a subaward. That part is particularly important as well. It can't be just that part of your work might support the work that the WCR entity does. They must directly receive at least 30% of the funds through a formal subaward, and that needs to be detailed in the application and in the budget information. And this partnership must be in support of the entity's efforts to provide high-quality and efficient post-conviction representation in post-conviction claims of innocence. In order to demonstrate this partnership, we're requiring either a signed Memorandum of Understanding or a signed Letter of Intent to enter into the formal partnership through an MOU from the WCR entity.

Moving on to Category 2, this goes to support strategies that are led by a wrongful conviction review entity, and the focus here is, of course, reviewing post-conviction claims of innocence. Established or new entities are encouraged to apply, and funds will support the review, investigation, and adjudication of individual claims of innocence and appeals, and any assessments of the risk of wrongful conviction among reviewed cases, supporting the prevention of wrongful convictions in the future. Partnerships are not required in Category 2. However, a partnership with a prosecutor's office or CIU is encouraged, if appropriate in your particular jurisdiction. Just a note, if your application in Category 2 does include that type of partnership, it will also need to include a description of your conflict of interest mitigation strategies and how defendants' rights will be protected through that partnership.

I just wanted to highlight a couple of things to consider in your applications, both under Category 1 and Category 2. I think a lot of this will go without saying, but it is worth sort of reviewing at this stage. Each application organization must demonstrate its capacity and commitment, and that of each of its key partners proposed to conduct this work,

including demonstrable experience and competence with legal representation of post-conviction claims of innocence and appeals.

All applicants must describe how they will devote resources to coordinate intake screening, investigation, and representation in these claims. And, as with all OJP-funded activities, applicants are encouraged, wherever possible and practical, to use data and scientific evidence to inform their proposals and program development. You'll see, on the slide there, we've included a couple of resources for you to get a better handle on the existing evidence base that supports a lot of these approaches, so we suggest looking at [CrimeSolutions.gov](https://www.crimesolutions.gov) as well as our BJA program page to get a better sense of what is out there.

One thing that's important to note is that recipients of funding under this opportunity will also have access to training and technical assistance. We have a national training and technical assistance provider who is available to assist sites with such activities as building the sustainable partnerships necessary, developing and implementing risk and review assessment processes, reviewing high-risk cases, providing quality post-conviction appeals and legal representation, and documenting the efficacy of grantees in seeking to overturn challenged convictions and identify appropriate suspects when convictions are overturned, whenever possible. This assistance will be administered in a number of ways, depending on the need and the site. Historically, that's been provided through such things as regional training, ongoing direct TA, online orientation tools, and the dissemination of promising practices, sample motions, et cetera.

This note, on the deliverables expected under this project, we will expect the identification and report on the number of post-conviction appeals claims of innocence cases reviewed, and the stage of review during presentation of this project; the documentation of a systematic review of areas at risk for wrongful conviction in the jurisdiction; the production of a plan to mitigate the identified risks; and the development of policies and procedures for the identification of training needs that will help prevent wrongful convictions based on the identified risks in that jurisdiction. Just a note that these deliverables do tie in to the broader performance measures requirements that BJA has. And if you look at Section D of the solicitation, you'll see a bit more about performance measures.

So, performance measures for this particular solicitation, you would not be required at this stage in the game to submit performance data with your application. However, we just want to make sure that you're aware that, throughout the project, you will be required to report on certain measures. Performance measures information is included as an alert that you will be required to submit regular data. And your application should

demonstrate your understanding of this requirement and your plan for how you will gather and regularly report on the data, should you receive funding. If you look at Appendix A in your solicitation, you'll also see a detailed outline of some of the performance measures expected through the solicitation opportunity.

If you're unfamiliar with our program, or if you'd like to see a little bit more information about what this has looked like historically, I highly encourage you to check out our BJA website, which has recently gotten facelift, for just a better sense of the types of assistance we've provided and the jurisdictions that have participated in this program before.

Just a few tips for applying and, again, a lot of this information is available in the solicitation, but if you're—particularly if you're new to applying for federal funding, I highly recommend you review this part of the solicitation in detail. All applicants must register and submit applications through grants.gov. Registering is a one-time process, but it can take several weeks if you're a first-time applicant, and given, sort of, the shorter window for this particular opportunity. I would suggest that's something you explore sooner rather than later. Applicants must comply with all applicable system for award management and unique identifier requirements. And OJP encourages applicants to submit at least 72 hours prior to the application due date to allow time to correct any technical problems that might occur at the late stage of the game. Our application due date for this solicitation is July 2nd, 2019 at 11:59 p.m. eastern standard time.

The application, of course, must be submitted by an eligible type of applicant, which we've already gone over. The application must request funding within the programmatic funding constraints that are inherent in this solicitation. And, of course, you'll see that as you review the requirements and the scope. Again, it must be responsive to the scope of the solicitation, and it must include all items designated as critical elements. And you'll find all of that information in Section D of your solicitation. I should note that the critical elements appear on page 11 in the solicitation and not page 13 as listed on that slide, so our apologies there. I'd now like to turn things over to Mary Jo, just to go over a little bit more about the process and questions and answers.

MARY JO GIOVACCHINI: So, we will go into questions and answers here in just a bit. Before we do that, looking at the screen right now, there is a link to the solicitation as well as BJA's funding page, where you can locate other funding opportunities.

In addition, the next slide here is—has information about the National Criminal Justice Reference Service. NCJRS is listed on page 2 of the solicitation. If you have any

questions about the solicitation after the webinar has ended, you can submit your questions to grants@ncjrs.gov and they will work with Maureen to get an answer to that question. They also have a toll free number, 1-800-851-3420, as well as a web chat feature. Additionally, if you would like, you can sign up to receive their JUSTINFO newsletter as well as their funding newsletter that comes out every Friday. The funding newsletter will announce new opportunities from BJA as well as the other agencies within the Office of Justice Programs. We'll let you know if there [are] webinars for those solicitations and then alert you to when artifacts from the webinar, such as the recording and transcripts, have been posted. They are open 10:00 to 6:00, Monday through Friday. And they are open additional hours the day the solicitation closes. However, as Maureen already stated, you're going to submit that solicitation or your application at least 72 hours—so you're not going to need that extra time.

If you are having technical problems uploading your document or application, or anything with grants.gov, you can reach them through their customer service support hotline. There are two numbers. One of them is 800-518-4726. They are open 24 hours a day, 7 days a week, except on federal holidays. And you can also reach them via email at support@grants.gov. A couple more things and we'll get into the questions, I promise.

Please follow BJA on social media. You can reach them on Facebook, Twitter, and they also have an RSS feed, and their website is www.bja.gov.

Earlier this year, BJA held a series of four webinars associated with the funding process. One of them was dedicated to what was available in 2019. The other three were more geared toward the tools and what was needed in order to apply for funding. They are located and posted to www.bja.gov/funding/webinars.html. You can also reach that page by going to the BJA funding page and then scrolling down and you'll see links to past webinars. Their recordings, transcripts, and the PowerPoints for all four of these webinars are posted there.

The last slide here—that you can refer to after the webinar—are some related resources. OJP has a Funding Resource Center; this is a great place to start. From there, you can go to the Grant Application Resource Guide. They also have links to the DOJ Financial Guide, which would be a great reference and source—resource for you as you're building your budget and if you have any questions about what is eligible for funding and what is allowed or not allowed. There's also another link here, again, to the Crime Solutions website that Maureen had mentioned earlier.

So, at this time then, we can go back and we can address any of the questions that you might have. Let me look and see if anything was submitted in the chat box. Again, please submit your questions to the Q&A box and address it to all panelists. Right. I am not seeing any questions at this time. We will give you a moment and see if there's anything. It's a great opportunity. You have Maureen here, right now, [who] can answer these questions for you, so take advantage of that. Otherwise, you would have to submit your questions through NCJRS and wait for a response.

All right, I don't want you guys to sit here and have to listen to silence, so I am going to flip to the NCJRS slide to give you an opportunity to maybe write some of that information down. I just know that you have a question here for Maureen that you're dying to ask. We're not going to say your name or anything, so go ahead and feel comfortable. But you can have the opportunity to write some of this information down as we wait. [Participant asks a question, inaudible.]

So, there is a question here. Are the grants awarded divided between Category 1 and Category 2?

MAUREEN MCGOUGH: Thank you for that question. Yes, they are. So, we don't have a specific requirement that we will fund X amount of dollars in Category 1 or X amount of dollars in Category 2. We'll be reviewing the applications together and finding the sites that are most promising for success. I did want to mention though, too, just for everybody's awareness that, last year, the funding for this program did increase significantly, so we are working with a fair amount of funding to support you.

MARY JO GIOVACCHINI: All right. We'll give you a few more minutes. And if nothing else comes in, then we will end this webinar a little early.

All right. So, we do not have any further questions that have been submitted, so at this point then, we will end the webinar. Maureen, do you want to say anything in closing?

MAUREEN MCGOUGH: No, just thank you so much for taking the time to learn a little bit more about this opportunity, and we're really looking forward to reviewing your applications.

MARY JO GIOVACCHINI: Have a great day.