



The [U.S. Department of Justice's Office of Justice Programs' Bureau of Justice Assistance](#) is pleased to announce that it is seeking applications for funding under the Capital Case Litigation Initiative. This program furthers the Department's mission by providing capital litigation training to improve the quality of representation and reliability of verdicts in state court capital cases.

## Capital Case Litigation Initiative FY 2009 Competitive Grant Announcement

### Eligibility

Applicants are limited to state agencies in states that authorize capital punishment and that conduct, or will conduct, prosecutions in which capital punishment is sought and meet one of three statutory criteria.  
(See "Eligibility," page 1)

### Deadline

Registration with OJP's [Grants Management System \(GMS\)](#) is required prior to application submission.  
All applications are due by 8:00 p.m. eastern time on June 11, 2009.  
(See "Deadline: Applications," page 1)

### Contact Information

For assistance with the requirements of this solicitation, contact: Danica Szarvas-Kidd, BJA Policy Advisor for Adjudication, at 202-305-7418 or [danica.szarvas-kidd@usdoj.gov](mailto:danica.szarvas-kidd@usdoj.gov).

This application must be submitted through OJP's [Grants Management System \(GMS\)](#). For technical assistance with submitting the application, call the Grants Management System Support Hotline at 1-888-549-9901, option 3.

**Note:** The GMS Support Hotline hours of operation are Monday-Friday from 7:00 a.m. to 9:00 p.m. Eastern Time.

**Release date: April 13, 2009**

# CONTENTS

Overview of the Capital Case Litigation Initiative	1
Deadline: Registration	1
Deadline: Applications	1
Eligibility	1
CCLI-Specific Information	2
Performance Measures	3
How To Apply	3
What An Application Must Include:	4
Standard Form 424	
Program Narrative	
Budget and Budget Narrative	
Selection Criteria	5
Reporting Requirements	6
Review Process	6
Additional Requirements	7

# Capital Case Litigation Initiative

## CDFA #16.746

### Overview of the Capital Case Litigation Initiative

The purpose of the Capital Case Litigation Initiative (CCLI) (42 U.S.C. §§14163 and 14163a) is to provide high-quality training on death penalty issues to improve legal representation provided to indigent defendants and to enhance the ability of prosecutors to effectively represent the public in state capital cases.

### Deadline: Registration

Applicants must register with GMS prior to applying. The deadline to register is 8:00 p.m. eastern time on April 23, 2009.

### Deadline: Applications

The due date for applying for funding under this announcement is 8:00 p.m. eastern time on June 11, 2009.

### Eligibility

Applicants are limited to state agencies in states that authorize capital punishment and that conduct, or will conduct, prosecutions in which capital punishment is sought. For the state agency to be eligible, it must have an “effective system” for providing competent legal representation for indigent defendants in capital cases. An “effective system” is defined in 42 U.S.C. § 14163(e) as a system that invests the responsibility for appointing qualified attorneys to represent indigent defendants in capital cases:

- (A) In a public defender program that relies on staff attorneys, members of the private bar, or both, to provide representation in capital cases;
- (B) In an entity established by statute or by the highest state court with jurisdiction in criminal cases, which is composed of individuals with demonstrated knowledge and expertise in capital cases, except for individuals employed as prosecutors; or
- (C) Pursuant to a statutory procedure enacted before the date of the enactment of this Act [October 30, 2002] under which the trial judge is required to appoint qualified attorneys from a roster maintained by a state or regional selection committee or similar entity.

Applicants must identify in the program abstract (see page 5) which “effective system” their state uses. Applications that do not identify an “effective system” in their abstract will NOT be eligible. Grants awarded under this solicitation may not be used to fund, directly or indirectly, representation or prosecution of specific cases.

## **CCLI-Specific Information**

*All awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law.*

The purpose of CCLI is to provide training on death penalty issues to attorneys who litigate death penalty cases. Because capital case litigation is governed by unique evidentiary rules and processes, this training is essential to improve the quality of legal representation provided to indigent defendants, enhance the ability of prosecutors to effectively represent the public, and to ensure reliable jury verdicts in state capital cases.

The goals of this initiative are to: 1) increase the number of capital litigation attorneys trained in capital case procedures and strategies; and 2) improve the quality of legal representation provided to indigent defendants in state capital cases through a state-based training program that serves to improve an “effective system.”

BJA is seeking applications from state agencies to implement a training program for capital case litigants. Funds awarded must be allocated equally between trainings for the improvement of the quality of legal representation provided by capital case defense counsel and prosecutors. CCLI grants will serve as seed money to help create opportunities for states to begin or enhance a training program that will be sustained with state funding after grant funds are expended. Funds used to train defense counsel must be used only for the purpose of training in the effective representation of indigents charged with an offense subject to capital punishment and not for training in appellate or collateral relief issues.

Previous year funding for CCLI was used to develop curricula for training for the defense by the National Association of Criminal Defense Lawyers and for the prosecution by the National District Attorneys Association; applicants are required to use these curricula (agendas can be found at [www.ojp.usdoj.gov/BJA/pdf/CCLltraining.pdf](http://www.ojp.usdoj.gov/BJA/pdf/CCLltraining.pdf)).

In FY 2009, BJA is focusing CCLI funding on making available high-quality training to capital case litigators in all death penalty states. This decision is based on multiple factors, including but not limited to a desire to have immediate impact upon improving capital case litigation and having comparatively limited available funds. Beginning in FY 2010, BJA will expand the scope of the initiative to address all of the authorized grant purposes of the Justice For All Act, contingent upon and relative to availability of funds. In preparation for this expansion, BJA has begun the process of coordination and collaboration with key partners and experts at the national and state levels to inform the definition of objectives for future support as well as to identify the most effective and efficient manner of reaching those objectives. BJA's goal is to ensure that the limited funds available are used in the most productive ways possible to improve justice for all and to move forward in close coordination with key partners that represent both sides of the issue.

### **Amount and Length of Awards**

CCLI applicants may request up to \$250,000 in funding, and the project period may be up to 24 months, but not less than 12 months. Up to \$100,000 may be requested for each prosecution and defense (both must receive equal amounts) and up to \$50,000 may be requested by the state to cover administrative costs related to the administration of the grants, including compliance with reporting requirements. Any state agency receiving a grant under this

solicitation **must allocate the funds equally between training for capital case defense counsel and capital prosecutors.**

## Performance Measures

To assist in fulfilling the Department’s responsibilities under the Government Performance and Results Act (GPRA), P.L. 103-62, applicants who receive funding under this solicitation must provide data that measure the results of their work. In addition, applicants must discuss their data collection methods in the application. Performance measures for this solicitation are as follows:

Objective	Performance Measures	Data Grantee Provides
Provide training on death penalty issues to attorneys who litigate death penalty cases.	<p>Number of attorneys trained.</p> <p>Percent increase in the number of capital litigation attorneys trained in capital case procedures and strategies.</p> <p>Percentage of trainees who demonstrate improvement in post-test scores.</p> <p>Overall percentage increase in post-test scores over pre-test scores.</p>	<ul style="list-style-type: none"> <li>• Number of prosecutors trained during the reporting period.</li> <li>• Number of defense attorneys trained, identifying those defense attorneys who represent indigent defendants, during the reporting period.</li> <li>• Number of trainees given both pre-test and post-test.</li> <li>• Number of trainees with increase in post-test score over pre-test score.</li> </ul>

## How To Apply

**Grants Management System Instructions.** Applications must be submitted through OJP’s online Grants Management System (GMS). To access the system, go to <https://grants.ojp.usdoj.gov>. Applicants should begin the process a few weeks prior to the GMS registration deadline, especially if this is the first time they have used the system. Each application requires a separate GMS registration. For a step-by-step guide, visit <http://www.ojp.gov/gmscbt/> and refer to the section entitled “External Overview: Locating & Applying for Funding Opportunities.” For additional assistance, call the GMS Help Desk at 1–888–549–9901 from 7:00 a.m. to 9:00 p.m. Eastern Time Monday to Friday.

**Note: OJP will not review any application with attachments in Microsoft Vista or Microsoft 2007 format.** Applications submitted via GMS must be in the following formats: Microsoft Word (\*.doc), Word Perfect (\*.wpd), Microsoft Excel (\*.xls), PDF files (\*.pdf), or Text Documents (\*.txt). GMS is not yet compatible with Vista and cannot yet process Microsoft Word 2007 documents saved in the new default format with the extension “.docx.” Please ensure the documents you are submitting are saved using “Word 97-2003 Document (\*.doc)” format. Additionally, GMS does not accept executable file types as application attachments. These disallowed file types include, but are not limited to, the following extensions: “.com,” “.bat,” “.exe,” “.vbs,” “.cfg,” “.dat,” “.db,” “.dbf,” “.dll,” “.ini,” “.log,” “.ora,” “.sys,” and “.zip.”

**CFDA Number:** The Catalog of Federal Domestic Assistance (CFDA) number for this solicitation is 16.746, titled “Capital Case Litigation,” and the funding opportunity number is BJA-2009-1975.

**A DUNS number is required:** The Office of Management and Budget requires that all businesses and nonprofit applicants for federal funds include a DUNS (Data Universal Numeric System) number in their application for a new award or renewal of an award. Applications without a DUNS number are incomplete. A DUNS number is a unique nine-digit sequence recognized as the universal standard for identifying and keeping track of entities receiving federal funds. The identifier is used for tracking purposes and to validate address and point of contact information for federal assistance applicants, recipients, and subrecipients. The DUNS number will be used throughout the grant life cycle. Obtaining a DUNS number is a free, simple, one-time activity. Obtain one by calling 1-866-705-5711 or by applying online at [www.dnb.com/us/](http://www.dnb.com/us/). Individuals are exempt from this requirement.

## What an Application Must Include

### Standard Form 424

#### Program Narrative (Attachment 1)

***Program Abstract:*** Applicants must provide an abstract identifying the applicant’s name, title of the project, and dollar amount requested. The abstract must include goals of the project, a listing of key/major deliverables (e.g., conferences, training, materials for dissemination, curricula), coordination plans, and which “effective system” (see page 2) your state employs to appoint representation to indigents in capital cases. Applicants must use a standard 12-point font (Times New Roman is preferred) with 1-inch margins. The abstract must not exceed 1 page and does not count as part of the program narrative’s 5-page limit. **If the abstract does not identify the “effective system” used in its state, it will not be reviewed.**

***Program Narrative:*** The program narrative must respond to the solicitation and the Selection Criteria (1–3, 5) listed below in the order given. The program narrative must be double-spaced, using a standard 12-point font (Times New Roman is preferred) with 1-inch margins, and must not exceed 5 pages. Please number pages “1 of 5,” “2 of 5,” etc. Submissions that do not adhere to the format will be deemed ineligible.

#### Budget and Budget Narrative (Attachment 2)

Applicants must provide a budget that is allowable and reasonable (Selection Criteria 4). Allowable costs include, but are not limited to, personnel, overtime, equipment, and fuel. Applicants must submit a budget detail worksheet and budget narrative. A budget detail worksheet form is available on OJP’s web site at [www.ojp.usdoj.gov/funding/forms/budget\\_detail.pdf](http://www.ojp.usdoj.gov/funding/forms/budget_detail.pdf). When using this form, you must also include a budget narrative, in MS Word or PDF format, as a separate attachment. Both the budget detail worksheet and narrative explanation of costs can be provided in a single document using this acceptable MS Word Budget template, available at [www.ojp.usdoj.gov/BJA/funding/Budget\\_Worksheet\\_Narrative\\_Template.doc](http://www.ojp.usdoj.gov/BJA/funding/Budget_Worksheet_Narrative_Template.doc). Applicants may submit the budget and budget narrative in a different format (i.e., Excel spreadsheet), but it must contain all categories listed within the budget detail worksheet. Applicants can use up to 10 percent of the award amount for administrative costs related to the grant project (e.g., conference preparation, reporting requirements, personnel hiring for grant administrative

functions). Funds cannot be used to hire defense counsel and/or prosecutors to litigate capital cases.

### **Project Timeline, Position Descriptions/Résumés, and State Statute (Attachment 3)**

Attach a *project timeline* with each project goal, related objective, activity, expected completion date, and responsible person or organization; *position descriptions* for key positions and résumés for current staff; and a copy of the *state statute* that authorizes capital punishment.

## **Selection Criteria**

### **1. Statement of the Problem (20 percent of 100)**

State the number of death penalty cases charged and tried in a calendar year in your state. Provide a brief description of existing capital defender training services and capital prosecution training programs and their assets and/or challenges. Identify whether the project will target particular areas of the state or the entire state. Attach a brief statement from an authorized agent of the state (as defined by the state), which may include the State Administering Agency, that federal funds will be allocated equally between training for capital case defenders and prosecutors. This statement must also include an assurance that federal funds received under this program will be used to supplement and not supplant non-federal funds that would otherwise be available for the same purpose.

- If your state qualifies defense and/or prosecuting attorneys to work on death penalty cases, explain the qualification process.
- If your state law requires trial judges to appoint qualified defense attorneys for indigent defendants from a roster maintained by the state, have an appropriate officer of the State, as defined by the state, certify that the state is in substantial compliance with that state law.

### **2. Program Design and Implementation (40 percent of 100)**

Provide a long-term statewide strategy and implementation plan that includes the interests of the judiciary, bar, and state and local prosecutor and defender organizations that establishes as a priority improvement in the quality of trial-level representations for indigents charged with capital crimes. Provide a brief description of the trainings to be delivered and if the curricula developed by the CCLI national partners (see page 3) will be used. Identify how these trainings address your training needs detailed in the Statement of the Problem, including how the training will improve an “effective system” (see page 2). Be sure to discuss both training programs (for capital case defense attorneys and for capital case prosecutors). List all the organizations that will support the trainings and their roles, and identify whom you will serve and training locations.

### **3. Capabilities/Competencies (15 percent of 100)**

Describe the management structure for implementation of the strategy, including staffing. Specifically identify who will serve as the training coordinator. Demonstrate the ability and capability to implement the project successfully, including a strategy for working with key partner agencies. Provide position descriptions outlining the roles and responsibilities of key positions and if applicable, résumés for current staff or resumes for key roles at partner agencies(Attachment 3). Note: Attachment of position descriptions and resumes as part of Attachment 3 will not count toward the 5 page Program Narrative limit.

#### **4. Budget (10 percent of 100)**

Provide a proposed budget that is complete, allowable, cost-effective, and clearly tied to the program strategy (Attachment 2).

#### **5. Impact/Outcomes, Evaluation, Sustainment, and Description of the Applicant's Plan for the Collection of the Data Required for Performance Measures (15 percent of 100)**

Provide a brief description of how you will collect the required information on performance measures (see page 3) and how this information will be used. Explain how you will assess the impact of the initiative's efforts on your long-term statewide strategy. Provide a short outline for a strategy for sustaining the project when the federal grant ends, discussing how the key partner agencies will be leveraged to sustain the project.

## **Reporting Requirements**

In addition to OJP's reporting requirements, the authorizing statute for this program ([42 U.S.C. §14163, et seq.](#)) requires that each state receiving funds under this solicitation submit reports that detail how a state appoints, maintains, trains, and monitors qualified representation for indigent defendants in a capital case; and for capital prosecutors, how the state qualifies and assesses capital prosecutors, identifies and implements potential legal reform to minimize error in capital cases, systemically reviews capital cases where post-conviction DNA testing may be appropriate, and provides support and assistance for victims.

All grant recipients are subject to the following reporting requirements:

**For capital defenders grants thoroughly review these requirements (42 U.S.C. §14163c(b)) at: [www.ojp.usdoj.gov/BJA/pdf/42USC14163c.pdf](http://www.ojp.usdoj.gov/BJA/pdf/42USC14163c.pdf).**

**For capital prosecutor grants: thoroughly review these requirements (42 U.S.C. §14163c(c)) at: [www.ojp.usdoj.gov/BJA/pdf/42USC14163c.pdf](http://www.ojp.usdoj.gov/BJA/pdf/42USC14163c.pdf).**

## **Review Process**

OJP is committed to ensuring a standardized process for awarding grants. The Bureau of Justice Assistance (BJA) reviews the application to make sure that the information presented is reasonable, understandable, measurable, and achievable, as well as consistent with program or legislative requirements as stated in the solicitation.

Peer reviewers will be reviewing the applications submitted under this solicitation as well. BJA may use either internal peer reviewers, external peer reviewers, or a combination of both to review the applications under this solicitation. An external peer reviewer is an expert in the field of the subject matter of a given solicitation who is NOT a current U.S. Department of Justice employee. An internal reviewer is an expert in the field of the subject matter of a given solicitation who is a current U.S. Department of Justice employee. Applications will be screened initially to determine whether the applicant meets all eligibility requirements. Only applications submitted by eligible applicants that meet all other requirements (such as timeliness, proper format, and responsiveness to the scope of the solicitation) will be evaluated, scored, and rated by a peer review panel. Peer reviewers' ratings and any resulting recommendations are advisory only. In addition to peer review ratings, considerations may include, but are not limited to, underserved populations, strategic priorities, past performance, and available funding.

After the peer review is finalized, the Office of the Chief Financial Officer (OCFO), in consultation with BJA, conducts a financial review of all potential discretionary awards and cooperative agreements to evaluate the fiscal integrity and financial capability of applicants; examines proposed costs to determine if the budget and budget narrative accurately explain project costs; and determines whether costs are reasonable, necessary, and allowable under applicable federal cost principles and agency regulations. OCFO also reviews the award document and verifies the OJP Vendor Number.

Absent explicit statutory authorization or written delegation of authority to the contrary, all final grant award decisions will be made by the Assistant Attorney General, who may also give consideration to factors including, but not limited to, underserved populations, strategic priorities, past performance, and available funding when making awards.

## **Additional Requirements**

Successful applicants selected for award must agree to comply with additional applicable requirements prior to receiving grant funding. We strongly encourage you to review the list below pertaining to these additional requirements prior to submitting your application. Additional information for each can be found at [www.ojp.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm).

- Civil Rights Compliance
- Funding to Faith-Based Organizations
- Confidentiality and Human Subjects Protection
- Anti-Lobbying Act
- Financial and Government Audit Requirements
- National Environmental Policy Act (NEPA) Compliance
- DOJ Information Technology Standards
- Single Point of Contact Review
- Non-Supplanting of State and Local Funds
- Criminal Penalty for False Statements
- Compliance with Office of Justice Programs [Financial Guide](#)
- Suspension or Termination of Funding
- Non-Profit Organizations
- For-Profit Organizations
- Government Performance and Results Act (GPRA)

- Rights in Intellectual Property
- Federal Funding Accountability and Transparency Act (FFATA) of 2006