



The [U.S. Department of Justice, Office of Justice Programs \(OJP\), Bureau of Justice Assistance \(BJA\)](#) is pleased to announce that it is seeking applications for funding under the Wrongful Conviction Review Program. This program furthers the Department's mission by providing assistance to public and non-profit entities that seek justice for those who have been wrongfully convicted.

## Wrongful Conviction Review Program FY 2010 Competitive Grant Announcement

### Eligibility

Applicants are limited to public and non-profit entities that work to exonerate people who have been wrongfully convicted.

### Deadline

Registration with [Grants.gov](#) is required prior to application submission. (See "How to Apply," page 3.)

All applications are due by 8:00 p.m. eastern time on March 4, 2010.  
(See "Deadlines: Registration and Application," page 1.)

### Contact Information

For technical assistance with submitting the application, contact the Grants.gov Customer Support Hotline at 1-800-518-4726 or via e-mail to [support@grants.gov](mailto:support@grants.gov).

**Note: The Grants.gov** Support Hotline hours of operation are Monday-Friday from 7:00 a.m. to 9:00 p.m. eastern time.

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).

BJA encourages stakeholder feedback on its solicitations and award processes. Send feedback on this solicitation to [askbjia@usdoj.gov](mailto:askbjia@usdoj.gov)

Grants.Gov number assigned to announcement: **BJA-2010-2462**

**Release Date: January 5, 2010**

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# Wrongful Conviction Review Program CFDA #16.746

## Overview

The purpose of the Wrongful Conviction Review Program is to provide high quality and efficient representation for potentially wrongfully convicted defendants in post-conviction claims of innocence. This program is funded under the Consolidated Appropriations Act, 2010 (Pub. L. 111-117).

## Deadlines: Registration and Application

Registration is required prior to submission. OJP strongly encourages registering with Grants.gov several weeks before the deadline for application submission. The deadline for applying for funding under this announcement is 8:00 eastern time on March 4, 2010. Please see the "How to Apply" section, page 3. for more details.

## Eligibility

Please refer to the cover page for eligibility under this program.

## Wrongful Conviction Review Program—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 the Wrongful Conviction Review Program is to provide high quality and efficient representation for defendants in post-conviction claims of innocence. Post-conviction innocence claims are likely to include complex challenges to the reliability or accuracy of evidence presented at trial which fall mainly into three categories: 1) eyewitness identification evidence; 2) confession evidence; and 3) forensic evidence. In some cases, post-conviction DNA testing alone can establish innocence, but the majority of cases will rely on other forms of evidence, and many will involve DNA testing together with additional sources of proof and/or expert testimony, which may be extremely costly.

The goals of this initiative are to: 1) provide quality representation to those who may have been wrongfully convicted; 2) alleviate burdens placed on the criminal justice system through costly and prolonged post-conviction litigation; and 3) identify, whenever possible, the actual perpetrator of the crime.

Successful applicants will be non-profit organizations dedicated to exonerating the innocent, and public defender offices, both of which should have in-house post-conviction programs with demonstrable experience and competence in litigating post-conviction claims of innocence and that devote at least one full-time employee to the screening and/or representation of post-conviction innocence claims. Grant funds may be used to evaluate and litigate claims of innocence in cases in which potentially flawed eyewitness identification evidence was offered at trial; cases in which confession evidence, which appears to be unreliable or false, was offered at

trial; cases in which forensic evidence was offered at trial involving (but not limited to): composite bullet lead analysis, fingerprints, tool marks, bite marks, hair microscopy, shaken baby, arson, time or cause of death; and/or cases involving any other potentially probative evidence of innocence. Funds may be used to help defray the costs of forensic re-analysis, expert consultation and testimony, screening/evaluation, and litigation services, including hiring of qualified defenders.

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

The amount of awards is dependent on the availability of funds. The length of awards must be no less than 12 months and no greater than 24 months.

### ***Budget Information***

**Limitation on Use of Award Funds for Employee Compensation; Waiver:** No portion of any award of more than \$250,000 made under this solicitation may be used to pay total cash compensation (salary plus bonuses) to any employee of the award recipient at a rate that exceeds 110% of the maximum annual salary payable to a member of the Federal government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. (The 2009 salary table for SES employees is available at <http://www.opm.gov/oca/09tables/indexSES.asp>.) Note: A recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds. (Any such additional compensation will not be considered matching funds where match requirements apply.)

The limitation on compensation rates allowable under an award may be waived on an individual basis at the discretion of the Assistant Attorney General (AAG) for the Office of Justice Programs. An applicant that wishes to request a waiver must include a detailed justification in the budget narrative of its application. Unless the applicant submits a waiver request and justification with the application, the applicant should anticipate that OJP will request that the applicant adjust and resubmit their budget. The justification should include: the particular qualifications and expertise of the individual, the uniqueness of the service being provided, the individual's specific knowledge of the program or project being undertaken with award funds, and a statement explaining that the individual's salary is commensurate with the regular and customary rate for an individual with his/her qualifications and expertise, and for the work that is to be done.

### **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 measures the results of their work. **Additionally, applicants must discuss in their application their methods for collecting data for performance measures. Please refer to "What An Application Must Include" (below), for additional information on applicant responsibilities for collecting and reporting data.** Performance measures for this solicitation are as follows:

Objective	Performance Measures	Data Grantee Provides
Provide representation to defendants in post-conviction claims of innocence cases.	Number of people/experts consulted.  Number of hours of forensic re-analysis services provided.  Number of hours of screening, evaluation, and litigation services provided.  Percent increase in number of cases evaluated for potential wrongful convictions.  Number of actual perpetrators identified through re-examination of evidence in handling post-conviction innocence claims.  Percent of cases in which actual perpetrators are identified through re-examination of evidence in post-conviction innocence claims.	Number of people or experts consulted.  Number of hours of forensic re-analysis services provided.  Number of hours of screening, evaluation, and litigation services provided.  Number of post-conviction claims of innocence obtained during reporting period.  Number of actual perpetrators identified through re-examination of evidence in handling post-conviction innocence claims.  Number of cases in which actual perpetrators are identified through re-examination of evidence in post-conviction innocence claims.  Total number of cases in which evidence is re-examined as a result of post-conviction innocence claims.

## How to Apply

Applications will be submitted through Grants.gov. Grants.gov is a “one-stop storefront” that provides a unified process for all customers of federal grants to find funding opportunities and apply for funding. Complete instructions on how to register and submit an application can be found at [www.grants.gov](http://www.grants.gov). If you experience difficulties at any point during this process, please call the Grants.gov Customer Support Hotline at **1-800-518-4726**, Monday-Friday from 7:00 a.m. to 9:00 p.m. eastern time. Registering with Grants.gov is a one-time process; however, **processing delays may occur and it can take up to several weeks** for first-time registrants to receive confirmation and a user password. The Office of Justice Programs highly recommends that applicants start the registration process as early as possible to prevent delays in submitting an application package by the application deadline specified.

All applicants are required to complete the following.

1. **Acquire a DUNS Number.** A DUNS number is required for [Grants.gov](http://www.grants.gov) registration. The Office of Management and Budget requires that all businesses and nonprofit applicants for Federal funds include a DUNS (Data Universal Numbering System) number in their applications for a new award or renewal of an existing award. 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, one-time activity. Obtain a DUNS number by calling 1-866-705-5711 or by applying online at <http://www.dunandbradstreet.com>. Individuals are exempt from this requirement.

2. **Acquire or Renew Registration with the Central Contractor Registration (CCR) Database.** OJP requires that all applicants (other than individuals) for federal financial assistance maintain current registrations in the Central Contractor Registration (CCR) database. An applicant must be registered in the CCR to successfully register in Grants.gov. The CCR database is the repository for standard information about federal financial assistance applicants, recipients, and subrecipients. Organizations that have previously submitted applications via Grants.gov are already registered with CCR, as it is a requirement for Grants.gov registration. Please note, however, that applicants must update or renew their CCR registration at least once per year to maintain an active status. Information about CCR registration procedures can be accessed at [www.ccr.gov](http://www.ccr.gov).
3. **Acquire an Authorized Organization Representative (AOR) and a Grants.gov Username and Password.** Complete your AOR profile on Grants.gov and create your username and password. You will need to use your organization's DUNS Number to complete this step. For more information about the registration process, go to [www.grants.gov/applicants/get\\_registered.jsp](http://www.grants.gov/applicants/get_registered.jsp).
4. **Acquire Authorization for your AOR from the E-Business Point of Contact (E-Biz POC).** The E-Biz POC at your organization must login to Grants.gov to confirm you as an AOR. Please note that there can be more than one AOR for your organization.
5. **Search for the Funding Opportunity on Grants.gov.** Please use the following identifying information when searching for the funding opportunity on Grants.gov. The Catalog of Federal Domestic Assistance (CFDA) number for this solicitation is #16.746, titled "Capital Case Litigation Initiative," and the funding opportunity number is BJA-2010-2462.
6. **Submit an Application Addressing All of the Requirements Outlined in this Solicitation.** Within 24-48 hours after submitting your electronic application, you should receive an email validation message from Grants.gov. The validation message will tell you whether the application has been received and validated or rejected, with an explanation. **Important:** You are urged to submit your application at least 72 hours prior to the due date of the application to allow time to receive the validation message and to correct any problems that may have caused a rejection notification.

**Note: Grants.gov will forward the application to OJP's Grants Management System (GMS). 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."

### **Experiencing Unforeseen Grants.gov Technical Issues**

If you experience unforeseen Grants.gov technical issues beyond your control which prevent you from submitting your application by the deadline, you must contact Bureau of Justice Assistance staff within **24 hours after the deadline** and request approval to submit your application. At that time, Bureau of Justice Assistance staff will require you to email the complete grant application, your DUNS number, and provide a Grants.gov Help Desk tracking number(s). After the program office reviews all of the information submitted as well as contacts the Grants.gov Help Desk to validate the technical issues you reported, OJP will contact you to either approve or deny your request to submit a late application. If the technical issues you reported cannot be validated, your application will be rejected as untimely.

To ensure a fair competition for limited discretionary funds, the following conditions are not valid reasons to permit late submissions: (1) failure to begin the registration process in sufficient time; (2) failure to follow Grants.gov instructions on how to register and apply as posted on its website; (3) failure to follow all of the instructions in the OJP solicitation; and (4) technical issues experienced with the applicant's computer or information technology (IT) environment.

Notifications regarding known technical problems with Grants.gov are posted on the OJP funding web page, [www.ojp.usdoj.gov/funding/solicitations.htm](http://www.ojp.usdoj.gov/funding/solicitations.htm).

## **What an Application Must Include**

OJP strongly recommends use of appropriately descriptive file names (e.g., "Program Narrative," "Budget and Budget Narrative," "Timelines," "Memoranda of Understanding," "Resumes") for all required attachments. Where resumes are required, OJP recommends that all resumes be included in a single file.

### **Standard Form 424**

Please see [www07.grants.gov/assets/SF424Instructions.pdf](http://www07.grants.gov/assets/SF424Instructions.pdf) for instructions on how to complete your SF 424. When selecting "type of applicant," if the applicant is a for-profit entity, please select "For-Profit Organization" or "Small Business" (as applicable) in the Type of Applicant 1 data field. For-profit applicants also may select additional applicable categories (e.g., "Private Institution of Higher Education").

### **Program Abstract (Attachment 1)**

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), and coordination plans. 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 10-page limit.

### **Program Narrative (Attachment 2)**

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 10 pages. Please number pages "1 of 10," "2 of 10," etc. Submissions that do not adhere to the format will be deemed ineligible.

### **Budget and Budget Narrative (Attachment 3)**

A sample budget worksheet (Selection Criteria 4) can be found at [www.ojp.gov/funding/forms/budget\\_detail.pdf](http://www.ojp.gov/funding/forms/budget_detail.pdf). If you submit a different format, you must include the budget categories as listed in the sample budget worksheet.

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).

Please see the OJP Financial Guide for questions pertaining to budget including allowable and unallowable costs at [www.ojp.gov/financialguide/index.htm](http://www.ojp.gov/financialguide/index.htm).

### **Project Timeline and Position Descriptions/Résumés (Attachment 4)**

Attach a *project timeline* with each project goal, related objective, activity, expected completion date, and responsible person or organization; and *position descriptions* for key positions and *résumés* for current staff.

## **Selection Criteria**

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

Identify the problem in handling post-conviction claims of innocence, including how many cases your office has processed in the last two calendar years (2008 and 2009), if any, and the case outcomes. Describe the problem around the ability to screen, evaluate, and process claims, including any problems or shortfalls in providing litigation services and quality representation to wrongfully convicted defendants.

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

Describe your strategy to address the needs identified in the Statement of the Problem. Describe how you plan to alleviate burdens (financial and operational) that result from handling post-conviction claims of innocence. Discuss how funding under this initiative will improve the quality of representation and how it will contribute to improvements in the speed and efficiency with which claims are handled, and the overall administration of justice.

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

Describe the management structure for implementation of the strategy, including staffing. Specifically identify who will serve as attorneys involved in screening, evaluation, and litigation of post-conviction claims of innocence and their specific qualifications to do so. Demonstrate the capability to implement the project successfully. Describe how this structure will be tied to the strategy identified in the Program Design and Implementation section. Provide position descriptions outlining the roles and responsibilities of key positions and *résumés* for current staff (as Attachment 4).

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

Provide a proposed budget that is complete, allowable, cost-effective, and clearly tied to the program strategy (as Attachment 3). See pages 1-2 for examples of what can be funded under this initiative. Applicants must budget funding to travel to one Department of Justice-sponsored financial management training, offered regionally. For locations and dates of the trainings, see <https://www.circlesolutions.com/ocfo-rfmts/>.

### **5. Impact/Outcomes, Evaluation, Sustainment, and Plan for Collecting Data for Performance Measures (15 percent of 100)**

Explain how the use of funds to defray costs associated with handling post-conviction claims of innocence will be tracked, and assess the impact of the program's efforts. Explain how the progression of claims, including case outcomes, will be tracked. Also identify who will be

responsible for performance measures (see page 2), and how the information will be used. Outline a strategy for sustaining the project when the federal grant ends.

## **Review Process**

OJP is committed to ensuring a fair and open process for awarding grants. The Bureau of Justice Assistance reviews the application to make sure that the information presented is reasonable, understandable, measurable, and achievable, as well as consistent with basic minimum program or legislative requirements as stated in the solicitation (including, but not limited to, requirements as to timeliness, proper format, and responsiveness to the scope of the solicitation).

Peer reviewers will be reviewing the applications submitted under this solicitation that meet basic minimum requirements. The Bureau of Justice Assistance may use either internal peer reviewers, external peer reviewers or a combination 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 a current U.S. Department of Justice employee who is well-versed or has expertise in the subject matter of this solicitation. Eligible applications 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 for award recommendations and decisions may include, but are not limited to, underserved populations, strategic priorities, past performance, and available funding.

The Office of the Chief Financial Officer (OCFO), in consultation with the Bureau of Justice Assistance, conducts a financial review of applications for 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.

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 (AAG), who may also give consideration to factors including, but not limited to, underserved populations, geographic diversity, strategic priorities, past performance, and available funding when making awards.

## **Additional Requirements**

Applicants selected for awards must agree to comply with additional legal requirements upon acceptance of an award. We strongly encourage you to review the information pertaining to these additional requirements prior to submitting your application. Additional information for each can be found at [http://www.ojp.usdoj.gov/funding/other\\_requirements.htm](http://www.ojp.usdoj.gov/funding/other_requirements.htm).

- Civil Rights Compliance
- Faith-Based and Other Community Organizations
- Confidentiality and Human Subjects Protection (if applicable)

- Anti-Lobbying Act
- Financial and Government Audit Requirements
- National Environmental Policy Act (NEPA) (if applicable)
- DOJ Information Technology Standards (if applicable)
- Single Point of Contact Review
- Non-Supplanting of State or 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
- Awards in excess of \$5,000,000 – federal taxes certification requirement

**Application Checklist  
FY 2010 Wrongful Conviction Review Program**

The application checklist has been created to aid you in developing your application.

**Eligibility**

Public or non-profit entity

**The application contains:**

- Abstract
- Program Narrative
- Budget Detail Worksheet
- Budget Narrative

**Program Narrative/Abstract Format:**

- Double-spaced
- 12-point standard font
- 1" standard margins
- Abstract is 1 page or less
- Narrative is 10 pages or less

**Other Required Components:**

- Standard 424 Form
- DUNS number
- Project Timeline
- Project Descriptions/Resumes