



CRIMINAL JUSTICE COORDINATING COUNCIL

104 Marietta Street, NW • Suite 440 • Atlanta, GA • 30303-2743
404/657-1956 • 877/231-6590 • 404/657-1957 (Fax) • 404/463-7650 (TTY)

The Criminal Justice Coordinating Council (Council) is pleased to announce that it is seeking applications for competitive funding under the Paul Coverdell Forensic Science Improvement Grant Program.

Paul Coverdell Forensic Science Improvement Grant Program Request for Application (RFA)

Eligibility

Applicants are limited to state agencies and units of local government within Georgia who satisfy the specific application requirements outlined in this announcement, the general requirements for NIJ and OJP grants, and all other applicable legal requirements.

Deadline

All applications are due at 4:30 PM on Friday, August 20, 2010

Award Period

October 1, 2010 through September 30, 2011

Contact Information

For assistance with the requirements of this solicitation, contact:

Tonya Jenkins, Grants Specialist, at 404-657-1998 or Tonya.Jenkins@cjcc.ga.gov
Allyson Richardson, Program Director, at 404-657-1969 or Allyson.Richardson@cjcc.ga.gov

Release Date: July 21, 2010

Paul Coverdell Forensic Science Improvement Grant Program Application

Criminal Justice Coordinating Council

The Council is a state planning and grants agency for criminal justice and victims' assistance programs and is designated by the Governor of Georgia as the State Administering Agency (SAA) for the Paul Coverdell Forensic Science Improvement Grant Program by the Office of Justice Programs (OJP). Created by the General Assembly (O.C.G.A. § 35-6A-2), the Council is comprised of twenty-four members representing all components of the criminal justice system. The Council uses a small proportion of each fiscal year's award to pay for costs incurred in administering this grant program.

Eligible Purpose Areas

Applicants must address at least one of the following purpose areas:

- (1) To carry out all or a substantial part of a program intended to improve the quality and timeliness of forensic science or medical examiner services.
- (2) To eliminate a backlog in the analysis of forensic science evidence, including firearms examination, latent prints, toxicology, controlled substances, forensic pathology, questioned documents, and trace evidence. (A backlog exists if forensic evidence has been stored in a laboratory, medical examiner's office, coroner's office, law enforcement storage facility, or medical facility, and has not been subjected to all appropriate forensic testing because of a lack of resources or personnel).
- (3) To train, assist, and employ forensic laboratory personnel, as needed, to eliminate such a backlog.

Amount to Be Awarded

There is \$200,000 available to be awarded under this solicitation. Each request for competitive funds from units of local government should not exceed \$100,000. **There is no match required.** The successful applicants will have one year from the date of award to expend all funds. Applicants should assume that this will be a one-time award; no continuation funding should be anticipated. Funds cannot be used to supplant locally appropriate funds currently used for this purpose. Local governments administering the grant must comply with yearly audit filing requirements of the State's Department of Audits and Accounts.

Application Selection

The award recipients will be selected from all eligible applications received by the deadline. Subject to the availability of appropriated funds, local units and state agencies that satisfy the specific requirements outlined in this announcement, and all other applicable legal requirements, will be deemed eligible for funds or minimum awards determined in accordance with the Coverdell law. Applications will be reviewed competitively by the Council and its designated representatives.

Eligibility

Applicants are limited to state agencies or local units of government that provide forensic science and medical examiner services. A *local unit of government* is defined as any city, county, town, township or other general purpose political subdivision of a state. Each applicant must satisfy the specific application requirements outlined in this announcement, the general requirements for National Institute of Justice (NIJ) and OJP grants, and all other applicable legal requirements.

The Coverdell Law (at 42 U.S.C. § 3797k) requires grant applicants for Coverdell funds to submit the following:

(1) **A certification and description regarding a plan for forensic science laboratories;***

Each applicant must certify that the unit of local government has developed a plan for forensic science laboratories under a program intended to improve the quality and timeliness of forensic science or medical examiner services in the State, including such services provided by the laboratories by units of local government within the State. Applicants must also describe in the program narrative the manner in which the grant will be used to carry out that plan.

(2) **A certification regarding use of generally accepted laboratory practices;***

Each applicant must certify that any forensic laboratory system, medical examiner's office, or coroner's office operated by a unit of local government within the State receiving any portion of the grant amount (whether directly or through a subgrant) uses generally accepted laboratory practices and procedures, established by accrediting organizations or appropriate certifying bodies.

(3) **A certification and description regarding costs of new facilities (must be submitted, if applicable);**

Each applicant must certify that the amount of the grant used for the costs of any new facility constructed as part of a program to improve the quality and timeliness of forensic science or medical examiner services will not exceed certain limitations set forth in the Coverdell Law at 42 U.S.C. § 3797m(c). Applicants must also describe in the program narrative any new facility to be constructed, as well as the estimated costs of the facility.

(4) **A certification regarding external investigations into allegations of serious negligence or misconduct.***

Each applicant must certify that a government entity exists and an appropriate process is in place to conduct independent external investigations into allegations of serious negligence or misconduct substantially affecting the integrity of forensic results committed by employees or contractors of any forensic laboratory system, medical examiner's office, coroner's office, law enforcement storage facility, or medical facility in the State that will receive a portion of the grant amount. Special guidance for this certification appears in Appendix B.

***indicates a required document that MUST be submitted with the application**

Applicants are expected to review the requirements of each certification carefully before determining whether the certification can be properly made. Any certification that is submitted must be executed by an authorized official who is both familiar with the requirements of the certification and authorized to make the certification on behalf of the applicant agency. Applicants must use the certification templates that appear in Appendix A. The signed certifications must be scanned and submitted as attachments to the application. **Applications lacking required certifications will not be considered for funding.**

Important Note Regarding Misconduct

The highest standards of integrity in the practice of forensic science are critical to enhance the administration of justice. The Council strongly encourages recipients of Coverdell funds to make use of the process referenced in their certification regarding external investigations and refer allegations of serious negligence or misconduct substantially affecting the integrity of forensic results to government entities with an appropriate process in place to conduct independent external investigations.

Expected Outcomes

The result of all awards made to applicants should be a demonstrated improvement over current operations in the quality and/or timeliness of forensic science or medical examiner services provided in the State, including services provided by laboratories operated by the State and services provided by laboratories operated by units of local government within the State. Reduction of forensic analysis backlogs is considered an improvement in timeliness of services. The result of awards made directly to units of local government should be a demonstrated improvement over current operations in the quality and/or timeliness of forensic science or medical examiner services provided by the local jurisdiction.

Performance Measures and Evaluation

The grant recipients will be required to collect and report semiannual performance data and financial status reports in accordance with the requirements of the Government Performance and Results Act (Pub. L. No.103-62) for the life of the award. To assist further in fulfilling the Council's responsibilities, the recipients receiving funding under this solicitation must provide data that measures the results of their work. Performance measures for this solicitation are attached as Appendix B.

In addition, at the expiration of the grant, recipients will submit a final report that identifies the following:

- (1) A summary and assessment of the program carried out with 2010 grant funds;
- (2) The number and type of cases accepted by the forensic laboratory or laboratories during the award period; and
- (3) The specific improvements in the quality and/or timeliness of forensic science and medical examiner services (including any reduction in forensic analysis backlog) that occurred as a direct result of the grant award.

Objective	Performance Measures	Data Grantee Provides
To improve the quality and timeliness of forensic services and to reduce the number of backlogged cases in forensic laboratories	<p>Outcome Measure</p> <ol style="list-style-type: none"> 1. Reduction in the average number of days from submission of a sample to a forensic science laboratory and delivery of test results to requesting office or agency. 2. Percent reduction in the number of backlogged cases. <p>Output Measures</p> <p>The number of forensic science or medical examiner personnel who completed appropriate training or educational opportunities with Coverdell funds (if applicable to the grant).</p>	<ol style="list-style-type: none"> 1. Average number of days to process a sample at the beginning of the grant period. 2. Average number of days to process a sample at the end of the grant period. 3. Number of backlogged cases at the beginning of the grant period. 4. Number of backlogged cases at the end of the grant period. 5. Number of forensic science personnel attending training 6. Number of medical examiner personnel attending training programs.

New Applicant Workshop

There will be an applicant webinar, on Thursday, July 29, 2010, for those interested in applying under this solicitation. At this session, we will provide further guidance on the application process and you will have the opportunity to ask questions of Council staff. All potential applicants are strongly encouraged to participate in this session. Details regarding the time of the webinar, along with registration information can be found in the Notices and Events sections of our website beginning July 22, 2010. The materials to be presented at this session will be available for download via our website immediately after the webinar session.

Allowable Expenses

1. **Personnel:** Funds may be used for forensic science or medical examiner personnel, overtime, fellowships, visiting scientists, interns, consultants, or other contracted staff;
2. **Computerization:** Funds may be used to upgrade, replace, lease, or purchase computer hardware and software for forensic analysis and data management.
3. **Laboratory Equipment:** Funds may be used to upgrade, lease, or purchase laboratory or medical examiner equipment and instrumentation.
4. **Supplies:** Funds may be used to acquire laboratory or medical examiner supplies.

Note: To ensure compliance with the National Environmental Policy Act (NEPA) and Department of Justice regulations, applicants who intend to use funds for activities involving the use or purchase of chemicals will be required to submit additional information prior to award and may encounter delays in the release of their award funds pending satisfactory completion of the NEPA review process.

5. **Accreditation:** Funds may be used to prepare for laboratory accreditation by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD-LAB), the National Association of Medical Examiners (NAME), or other appropriate accrediting bodies. Funds also may be used for application and maintenance fees charged by appropriate accrediting bodies.
6. **Education, Training, and Certification:** Funds may be used for appropriate internal and external training of staff that are directly and substantially involved in providing forensic science or medical examiner services. In appropriate cases, funds also may be used for fees charged by appropriate certifying bodies for certification of staff in specific forensic discipline areas. All education, training, and certification activities must be designed to improve the quality and/or timeliness of forensic science or medical examiner services. The grant application should demonstrate that the proposed training or certification is directly related to the job position and duties of the individual(s) receiving the training or seeking certification.
7. **Facilities:** Funds may be used for program expenses relating to facilities, provided the expenses are directly attributable to improving the quality and/or timeliness of forensic science or medical examiner services. Funds also may be used for renovation and/or construction undertaken as part of the applicant's program to improve the quality and/or timeliness of forensic science or medical examiner services.

Note: The law limits the amount of funds that can be used for the costs of constructing a new facility or facilities. Maximum amounts are determined by the overall amount of the grant (including both base and competitive funds) and the total amount of funding available for Coverdell grants nationwide.

Unallowable Expenses

1. Expenses other than those listed above (including expenses for general law enforcement functions or non-forensic investigatory functions).
2. Costs for new facility construction that exceed the limits described above.
3. Administrative expenses (direct or indirect) that exceed 10 percent of the total grant amount.

Note: Please refer to the Council's website, <http://cjcc.ga.gov> to download the budget guidelines to assist with developing your budget.

WHAT AN APPLICATION MUST INCLUDE:

Project Narrative

Applications should include narrative information using the format outlined below to explain the purpose, goals, and objectives, implementation plan, participants and evaluation methods for

the proposed grant project. The project narrative must not be longer than ten (10) pages, must be double-spaced and must be printed in a 12-point font and 1" margins.

Any additional documents (abstract, table of contents, charts, figures, appendices, government forms, etc.) will not count toward the 10-page maximum.

Section 1: Statement of the Problem (15%)

Provide a statement of the specific problem or problem(s) this project will target. In addition to your problem statement, provide local data that explains the problem, identifies the project objectives the gaps in services due to the problem as described and the expected results if funds are awarded. Include the geographic area to be served.

Checklist

1. Did you provide a statement that identifies the specific problem or problem(s), add data that explains your problem, details the gaps in services that exist, and distinguishes your proposed project from current efforts combating the problem, if any?
2. Have you defined the geographic area to be served?
3. Did you detail the expected results if funds are to be awarded?

Section 2: Program Design and Implementation Work Plan (20%)

This section should describe in detail your proposed project/program. You must specifically describe how grant funds will be used to carry out the plan to improve quality and/or timeliness of forensic science and medical examiner services versus current operations. When constructing your program design, please consider that *criminal justice decision and policy makers at all levels of government are placing increasing emphasis on data, evidence-based approaches and proven solutions and outcomes when funding programs and personnel. Such an emphasis leads to the development and implementation of best practices and model programs that document criminal justice system improvements. The Council supports the measurement of performance and use of evidence-based practices to achieve process and outcome improvements and thus ensure Georgia citizens experience an improved quality of life.*

Checklist

1. Did you specifically discuss how your plan will improve the quality and/or timeliness of forensic science or medical examiner services?
2. Did you include a detailed work plan, including a timeline outlining the project from beginning to end?
3. Could a person unfamiliar with your project read this section and understand how your project operates from day to day?
4. Did you mention the true feasibility of the proposed project and make the reader aware any potential pitfalls?
5. Did you discuss how your proposed project will work to reduce and/or eliminate a backlog, if applicable?
6. Did you discuss how your proposed project will train and/or employ forensic personnel to eliminate a backlog and increase capacity, if applicable?

Section 3: Capabilities/Competencies (10%)

This section should describe in detail the capacity of the applicant to implement the proposed project, how the project will be managed, and identifying key staff, if known. The roles and capacity of other partners to perform these roles in the project should be described.

Checklist:

1. Did you describe how the project will be managed including how various tasks will be divided and how resources will be used?
2. Did you mention any successes of past grant funding (from NIJ, etc.) to improve such services, if any?
3. Did you clearly demonstrate the ability of the organization to manage the proposed project?

Section 4: Budget Work Sheet, Narrative and Summary (25%)

The forms and guidelines needed to complete this section can be found on our website, <http://cjcc.ga.gov>. The document is titled 2010 budget guidelines. If any additional space is required, you may attach additional pages.

Checklist:

1. Is the total cost of the project relative to the perceived benefit?
2. Are existing resources being used to maximize benefits and conserve costs?
3. Is the cost effectiveness of proposed activities applicable to backlog reduction and/or timeliness of forensic science or medical examiner services evident, if applicable?
4. Is the cost effectiveness of proposed activities applicable to improvement in the quality of forensic science or medical examiner services evident, if applicable?
5. Is the cost effectiveness of education and training requests as related to quality and/or timeliness of forensic science or medical examiner services evident, if applicable?

Note: If grant funds will be used for any portion of a new facility, the project narrative must clearly & specifically describe the new facility to be constructed as well as the estimated costs.

Section 5: Impact/Outcomes and Plan for Collecting Data for Performance Measures (30%)

This section should detail the expectations and outcomes for this project. Outcomes are the desired results of the project. Outcomes should be specific, time-limited, measurable, achievable, and realistic given the resources provided. Clearly describe the short-term & long-term effects that this proposed project should achieve.

Checklist:

- Is there a demonstrated plan for the collection of the performance measure data as described in the solicitation?
- Did you clearly detail the overall improvement in quality and timeliness of the proposed project?
 - Reduction in backlog
 - Forensic results
 - Planned steps to achieve accreditation
- Did you detail the anticipated impact of eligible project activities (as applicable) on the improvement in quality and/or timeliness of forensic science or medical examiner services?
 - Personnel/Overtime
 - Equipment/Supplies
 - Computerization
 - Renovation/Construction of Facilities
 - Education/Training

Required Forms

The following forms are required and can be accessed on the Council's website at <http://cjcc.ga.gov>

- **Grant Application Cover Sheet****
- **Standard Assurances ****
- **Budget Work Sheet, Narrative and Summary**
- **Designation of Grant Officials**
- **Certifications****
- **Disclosure of Lobbying Activities****
- **Civil Rights Contact**

**** Forms must be signed by the Authorized Official (Mayor or County Commissioner)**

The following additional information is should be attached to your application submission if applicable:

- **Memorandum of Understanding (if applicable)**
Attach a signed Memorandum of Understanding (MOU) with all collaborators.

How to Apply

To be eligible for funding, a complete application, including attachments, must be received on or before the due date of **August 20, 2010 at 4:30 PM**. Follow these instructions when submitting an application:

- Applications must be one-sided, typed and on 8 ½" by 11" paper;
- Do not put applications in folders and/or binders;
- Submit pages in numerical order. Do not include solicitation or guideline pages with the application;
- All required forms along with all additional documentation must be submitted;
- Do not submit the application via email, disk, or fax;
- **The original copy should not be stapled, but clipped together with a binder clip.**
- Copies must be stapled and/or bound in the upper left hand corner.
- **Submit the original plus two copies, for a total of three (3) copies, of the completed application plus the required attachments to:**

Criminal Justice Coordinating Council
ATTN: 2010 Paul Coverdell Grant Program Application
104 Marietta Street, Suite 440
Atlanta, Georgia 30303

Reviewing the Application

Only complete applications received by the deadline will be reviewed. Only the forms submitted will be considered when reviewing the application. When an application is received at the Council office, there is no commitment on the part of the Council to fund an application or to fund it at the amount requested. All areas of the budget are subject to review and approval. Decisions related to these budget areas are based both on eligibility and reasonableness. Determinations of the reasonableness of budget items are fully within the discretion of the Council and are made both through objective tools and subjective decision-making.

Applications for funding go through many reviews. At any point during those reviews, a decision to not fund a project or any part of it may be made. These decisions are within the complete discretion of the Council. However, applicants have the opportunity to appeal the initial funding decision. Once an award is made, it is within the discretion of the Council to determine that the subgrantee is not complying with applicable policies and upon such a determination may de-obligate the grant and require the reimbursement of grant funds to the Council.

Funding Decisions

All funding decisions related to the Paul Coverdell Forensic Science Improvement Grant program applications received in response to the solicitation are made by the Council based on the recommendations of the Criminal Justice System Advisory Committee. The Council informs the applicant of its decision through a grant award or denial letter. Applicants must not make any assumptions regarding funding decisions until they have received official written notification of award or denial that is signed by either the Governor or the Council Director.

Grant Acceptance

Each grantee must accept or reject the grant award within 45 days of the award date. The grantee will be unable to request funds until the award document is returned to the Council office.

Special Conditions

After the award of the grants, grantees should refer to the grant award for special conditions applicable to the approved project. The Council will assign the special conditions at the time of the grant award.

APPENDIX A

REQUIRED CERTIFICATION TEMPLATES

- (1) Certification Regarding a Plan for Forensic Science Laboratories – **Applicable for State Agency Only**
- (2) Certification Regarding a Plan for Forensic Science Laboratories - **Applicable for Unit of Local Government Only**
- (3) Certification Regarding Use of Generally Accepted Laboratory Practices and Procedures
- (4) Certification Regarding Use of Funds for New Facilities (if applicable)
- (5) Certification Regarding External Investigations into Allegations of Serious Negligence or Misconduct

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
NATIONAL INSTITUTE OF JUSTICE

**FY2010 Paul Coverdell Forensic Science Improvement
Grant Program**

Certification Regarding a Plan for Forensic Science Laboratories –
Applicable for State Agency Only

On behalf of the applicant agency named below, I certify the following to the National Institute of Justice, Office of Justice Programs, and U.S. Department of Justice:

The State of Georgia has developed a plan for forensic science laboratories under a program intended to improve the quality and timeliness of forensic science or medical examiner services, including such services provided by the laboratories operated by the State as well as those operated by units of local government within the State.

I acknowledge that a false statement in this certification or in the grant application that it supports may be subject to criminal prosecution, including under 18 U.S.C. § 1001 and 42 U.S.C. § 3795a. I also acknowledge that Office of Justice Programs grants, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs and/or by the Department of Justice's Office of the Inspector General.

I have authority to make this certification on behalf of the applicant agency (that is, the agency applying directly to the National Institute of Justice).

Signature of Certifying Official

Printed Name of Certifying Official

Title of Certifying Official

Name of Applicant Agency (Include Name of State Agency)

Date

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
NATIONAL INSTITUTE OF JUSTICE

**FY2010 Paul Coverdell Forensic Science Improvement
Grant Program**

Certification Regarding a Plan for Forensic Science Laboratories -
Applicable for Unit of Local Government Only

On behalf of the applicant agency named below, I certify the following to the National Institute of Justice, Office of Justice Programs, and U.S. Department of Justice:

This unit of local government has developed a plan for forensic science laboratories under a program intended to improve the quality and timeliness of forensic science or medical examiner services provided by the laboratories operated by the applicant unit of local government and any other government-operated laboratories within the State that will receive a portion of the grant amount.

I acknowledge that a false statement in this certification or in the grant application that it supports may be subject to criminal prosecution, including under 18 U.S.C. § 1001 and 42 U.S.C. § 3795a. I also acknowledge that Office of Justice Programs grants, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs and/or by the Department of Justice's Office of the Inspector General.

I have authority to make this certification on behalf of the applicant agency (that is, the agency applying directly to the National Institute of Justice).

Signature of Certifying Official

Printed Name of Certifying Official

Title of Certifying Official

Name of Applicant Agency (Include Name of Unit of Local Government)

Date

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
NATIONAL INSTITUTE OF JUSTICE

**FY2010 Paul Coverdell Forensic Science Improvement
Grant Program**

Certification Regarding Use of Generally Accepted Laboratory Practices
and Procedures

On behalf of the applicant agency named below, I certify the following to the National Institute of Justice, Office of Justice Programs, and U.S. Department of Justice:

Any forensic laboratory system, medical examiner's office, or coroner's office in the State, including any laboratory operated by a unit of local government within the State, that will receive any portion of the grant amount uses generally accepted laboratory practices and procedures, established by accrediting organizations or appropriate certifying bodies.

I acknowledge that a false statement in this certification or in the grant application that it supports may be subject to criminal prosecution, including under 18 U.S.C. § 1001 and 42 U.S.C. § 3795a. I also acknowledge that Office of Justice Programs grants, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs and/or by the Department of Justice's Office of the Inspector General.

I have authority to make this certification on behalf of the applicant agency (that is, the agency applying directly to the National Institute of Justice).

Signature of Certifying Official

Printed Name of Certifying Official

Title of Certifying Official

Name of Applicant Agency
(Including Name of State or Unit of Local Government)

Date

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
NATIONAL INSTITUTE OF JUSTICE

**FY2010 Paul Coverdell Forensic Science Improvement
Grant Program**

Certification Regarding Use of Funds for New Facilities

On behalf of the applicant agency named below, I certify the following to the National Institute of Justice, Office of Justice Programs, and U.S. Department of Justice:

The amount of the grant (if any) used for the costs of any new facility or facilities to be constructed as part of a program to improve the quality and timeliness of forensic science and medical examiner services will not exceed the limitations set forth at 42 U.S.C. § 3797m(c) and summarized in the FY 2010 Paul Coverdell Forensic Science Improvement Grant Program Announcement.

I acknowledge that a false statement in this certification or in the grant application that it supports may be subject to criminal prosecution, including under 18 U.S.C. § 1001 and 42 U.S.C. § 3795a. I also acknowledge that Office of Justice Programs grants, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs and/or by the Department of Justice's Office of the Inspector General.

I have authority to make this certification on behalf of the applicant agency (that is, the agency applying directly to the National Institute of Justice).

Signature of Certifying Official

Printed Name of Certifying Official

Title of Certifying Official

Name of Applicant Agency
(Include Name of State Agency or Unit of Local Government)

Date

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
NATIONAL INSTITUTE OF JUSTICE

**FY2010 Paul Coverdell Forensic Science Improvement
Grant Program**

Certification Regarding External Investigations into
Allegations of Serious Negligence or Misconduct

On behalf of the applicant agency named below, I certify the following to the National Institute of Justice, Office of Justice Programs, and U.S. Department of Justice:

A government entity exists and an appropriate process is in place to conduct independent external investigations into allegations of serious negligence or misconduct substantially affecting the integrity of the forensic results committed by employees or contractors of any forensic laboratory system, medical examiner's office, coroner's office, law enforcement storage facility, or medical facility in the State that will receive a portion of the grant amount.

I personally read and reviewed the section entitled "Eligibility" as well as the special guidance summarizing the requirements in the FY 2010 program announcement for the Paul Coverdell Forensic Science Improvement Grant Program. I acknowledge that a false statement in this certification or in the grant application that it supports may be subject to criminal prosecution, including under 18 U.S.C. § 1001 and 42 U.S.C. § 3795a. I also acknowledge that Office of Justice Programs grants, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs and/or by the Department of Justice's Office of the Inspector General.

I have authority to make this certification on behalf of the applicant agency (that is, the agency applying directly to the National Institute of Justice).

Signature of Certifying Official

Printed Name of Certifying Official

Title of Certifying Official

Name of Applicant Agency
(Include Name of State Agency or Unit of Local Government)

Date

APPENDIX B

SPECIAL GUIDANCE:

Certification Regarding External Investigations
into Allegations of Serious Negligence or
Misconduct

Special Guidance: Certification Regarding External Investigations into Allegations of Serious Negligence or Misconduct

The certification regarding external investigations has a number of requirements, each of which must be satisfied before the certification may be made. The official certifying on behalf of the applicant agency must review each of the statutory elements and this guidance carefully before determining whether a certification may be made. After reviewing the information and guidance provided here, the official, on behalf of the applicant agency, must determine whether:

A government entity exists with an appropriate process in place to conduct independent, external investigations into allegations of serious negligence or misconduct substantially affecting the integrity of the forensic results committed by employees or contractors of any forensic laboratory system, medical examiner's office, coroner's office, law enforcement storage facility, or medical facility in the State receiving any portion of the grant.

Note: In making this certification, the official is certifying that these requirements are satisfied not only with respect to the applicant itself but also with respect to each entity that will receive a portion of the grant amount. Certifying officials are advised that:

- (1) a false statement in the certification or in the grant application that it supports may be subject to criminal prosecution, including under 18 U.S.C. § 1001 and 42 U.S.C. § 3795a; and
- (2) Office of Justice Programs grants, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs and/or by the Department of Justice's Office of the Inspector General.

The following guidance, provided by way of examples for applicants' review, is designed to illustrate elements of the external investigation certification that must be taken into account prior to making the determination whether the certification may be properly made.

Because it is not possible for NIJ to provide examples specific to all types of government entities, this guidance should not be viewed as all inclusive. In addition, this guidance is not intended to constitute legal advice from NIJ on the question of whether the required certification properly may be made on behalf of the applicant. Such a determination must be made by an appropriate official and based on the statutory requirements of the certification after review of this guidance.

Illustrative Examples:

Example 1. The only government entity that will receive Coverdell award funds is a forensic laboratory that is a unit of a local law enforcement agency (e.g., a police department). The law enforcement agency has an Internal Affairs Division (IAD) that reports directly to the head of the law enforcement agency (the Police Chief) and the head of the unit of local government (the Mayor/City Commissioner). The IAD has the authority to conduct investigations into allegations of serious negligence or misconduct by laboratory employees and contractors.

Guidance: Execution of the certification might be appropriate under these facts. Nevertheless, the official authorized to make the certification on behalf of the applicant agency must be satisfied that the IAD at issue has the requisite authority to conduct independent investigations (for example, whether the IAD is completely free from influence or supervision by laboratory management officials) into allegations relating to employees or contractors of the laboratory.

Example 2. A State intends to distribute Coverdell award funds to State and local forensic laboratories and medical examiners' offices. There is an Office of the Inspector General (OIG) in the State with authority to conduct investigations into allegations of serious negligence or misconduct by employees and contractors of forensic laboratories and medical examiners' offices, both at the State and local levels.

Guidance: Execution of the certification might be appropriate under these facts. Nevertheless, the certifying official must be satisfied that the State IG's authority in this regard is not circumscribed in such a way that the IG's ability to conduct independent investigations is limited (for example, through a reporting hierarchy that does not provide for the IG to report directly to the chief executive officer or another equally independent State official or office).

Example 3. A city has applied for a Coverdell award and all funds will go to the city's forensic laboratory. There is a process in place whereby the city's District Attorney (DA) may appoint an independent investigator to conduct an investigation into allegations concerning the city's forensic laboratory. If the DA appoints an independent investigator, the investigator will have authority to investigate allegations of serious negligence or misconduct by both laboratory employees and contractors.

Guidance: Execution of the certification might be appropriate under these facts. In this regard, however, the certifying official must be satisfied that the process at issue (appointment of an independent investigator by the city DA) includes procedures under which allegations involving the laboratory are submitted to or are made known to the DA, and that the DA's authority and responsibility to appoint an independent investigator to conduct investigations of such allegations is sufficiently delineated in city policies and/or regulations so that the "appropriate process" in place is clearly defined.

Example 4. An applicant agency determines that the forensics laboratory director (or some other individual in the chain of command at the laboratory) has sole responsibility to conduct investigations into allegations of serious negligence or misconduct committed by laboratory employees.

Guidance: Under these circumstances, execution of the certification would not be appropriate because there is no process in place to conduct independent, external investigations into allegations of serious negligence or misconduct committed by laboratory employees and contractors.

Example 5. A State applicant intends to distribute Coverdell award funds to forensic laboratories at both the State and local level. An independent commission established by the Governor has authority to investigate allegations of serious negligence or misconduct by employees, including employees of units of local government within the State.

Guidance: Under these circumstances, the existence of this commission is not itself a sufficient basis for execution of the certification. In this regard, the commission does not have authority to investigate allegations of serious negligence or misconduct by contractors of State and local government forensic laboratories that receive Coverdell funds. (If, however, some other government entity, distinct from the commission, has a process in place to conduct independent external investigations of allegations of serious negligence or misconduct by such contractors, execution of the certification might be appropriate depending on all the facts.)

Example 6. A local forensic laboratory, which is intended to receive a portion of the funds from a Coverdell award to a State, notifies the State applicant that a quality assurance official is responsible for investigating allegations of serious negligence or misconduct by employees and contractors of the local forensic laboratory. The quality assurance official reports to the director of the forensic laboratory.

Guidance: Under these circumstances, execution of the certification would not be appropriate because the quality assurance official reports to the director of the forensic laboratory and, therefore, there is no process in place to conduct independent, external investigations of allegations against the forensics laboratory as required to make the certification.

Example 7. An applicant agency (a forensics laboratory) intends to employ a contractor or a nongovernmental organization to conduct investigations into allegations of serious negligence or misconduct committed by laboratory employees.

Guidance: Under these circumstances, execution of the certification would not be appropriate, as there is neither a government entity nor an appropriate process in place to conduct independent, external investigations of allegations against the laboratory, whether alleged to be committed by laboratory employees and/or contractors, because the contractor or nongovernmental entity is employed by and responsible to the forensics laboratory.

Example 8. An applicant agency is accredited by an independent accrediting or certifying organization such as CALEA, ASCLD-LAB, NAME, FQS-I, etc.

Guidance: In this situation, execution of the certification would not be appropriate. The fact of accreditation or certification by an outside entity on its own does not demonstrate that the agency has a process in place to investigate allegations of serious negligence or misconduct committed by employees or contractors. There is insufficient information to properly make the required certification in this situation.