

**TESTIMONY OF PETER NEUFELD, ESQ.
ON BEHALF OF
THE INNOCENCE PROJECT**

**BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON CRIME, TERRORISM, AND
HOMELAND SECURITY**

APRIL 10, 2008

**REGARDING
REAUTHORIZATION AND IMPROVEMENT OF
DNA INITIATIVES OF THE
JUSTICE FOR ALL ACT OF 2004**

Testimony of Peter Neufeld
On Behalf of the Innocence Project
Before the House Judiciary Committee
Subcommittee on Crime, Terrorism, and Homeland Security

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Chairman Scott, Congressman Gommert, and Members of the Subcommittee, my name is Peter Neufeld and I am co-founder and co-director of The Innocence Project, affiliated with Cardozo Law School, and I am here to testify with regard to the Reauthorization and Improvement of DNA Initiatives of the Justice For All Act of 2004. Thank you for inviting me to testify before you today.

Passed with overwhelming and passionate bi-partisan Congressional support and signed by President Bush, the Justice for All Act of 2004 (JFAA) was a valuable legislative act, guiding the way for enhancement of victim services, aiding law enforcement and prosecutors, and protecting the innocent.

In my testimony today I will first provide some background about the development and importance of both post-conviction DNA testing and the practices for preserving biological evidence from crime scenes. I will then address Section 412 of the Justice for All Act, the Kirk Bloodsworth Post-Conviction DNA Testing Assistance Grant Program, and Section 413, Incentive Grants to States to Ensure Consideration of Claims of Actual Innocence, both of which were meant by Congress to encourage states to provide for post-conviction DNA testing, and to preserve biological evidence. Specifically, the Bloodsworth Program was authorized to provide federal funding to

states seeking to enhance their provision of post-conviction DNA testing; the Incentive Grant program was meant to encourage states to both preserve biological evidence and provide access to post-conviction DNA testing. I defer, of course, to Debbie Smith for her expert comment upon another important component of the Justice for All Act, the Debbie Smith Act of 2004.

Both the Debbie Smith Act and the Kirk Bloodsworth Post-Conviction DNA Testing Assistance Grant Program were named for individuals, representing thousands of others, whose long suffering was eased by the ability to conduct DNA testing on crime scene profiles.

Debbie Smith waited six and a half years for the true perpetrator of her vicious rape to be identified through DNA testing. Kirk Bloodsworth served eight years in prison – two of them on death row – before DNA testing proved his innocence of the horrible child rape and murder for which he had been wrongfully convicted. In the wake of these DNA testing breakthroughs, both of these individuals have become staunch advocates for the use of forensic DNA testing. For Ms. Smith, a backlog in Virginia’s DNA processing required her and the public at large to wait years before knowing that the rapist – who threatened to harm her again – was identified, convicted, and incarcerated. For Mr. Bloodsworth, after years of proclaiming his innocence, it was not until he had access to a DNA test that he was able to prove his innocence, be freed from wrongful imprisonment, and enable the state of Maryland to identify the real perpetrator of that horrific crime.

The provisions of the Justice for All Act received such broad bi-partisan support because, as Senator Leahy noted:

Post-conviction DNA testing does not merely exonerate the innocent, it can also solve crimes and lead to the incarceration of very dangerous

criminals. In case after case, DNA testing that exculpates a wrongfully convicted individual also inculpates the real criminal.... The Justice for All Act is the most significant step we have taken in many years to improve the quality of justice in this country. The reforms it enacts will create a fairer system of justice, where the problems that have sent innocent people to death row are less likely to occur, where the American people can be more certain that violent criminals are caught and convicted instead of the innocent people who have been wrongly put behind bars for their crimes, and where victims and their families can be more certain of the accuracy, and finality, of the results.¹

Since its U.S. introduction, forensic DNA testing has proven the innocence of 215 people who were wrongfully convicted of serious crimes they did not commit. The nation's wrongfully convicted proven innocent through DNA testing collectively spent more than two and a half thousand years behind bars for crimes they did not commit, with an average sentence of nearly a dozen years. As these wrongfully convicted people languished behind bars, the true perpetrators of these serious crimes eluded detection, in many cases only to commit additional serious crimes.

The results of post-conviction DNA testing have not only exonerated the innocent but have also helped law enforcement identify the real perpetrators. That has happened 80 times in the Innocence Project's cases to date and is occurring more frequently as techniques for extracting DNA from evidence rapidly improves and new DNA tests are developed. Indeed, as testing methods continue to evolve, so does the crime-solving potential of biological evidence left at crime scenes. Unfortunately, however, we are finding that the promise of DNA testing is hindered by inadequate and improper biological evidence retention procedures and practices. In many states, critical biological evidence is regularly prematurely destroyed, devastating innocence claims and denying crime victims the ability to learn who was responsible for their suffering.

¹ 150 CONG. REC. S11609-01 (2004).

These facts made passage of the Justice for All Act innocence incentives a reason for celebration; unfortunately, the subsequent Executive undercutting of these programs – through Executive budgeting and Office of Justice Programs (OJP) implementation – are best characterized as an affront to justice.

I. Background:

A. The Importance of Access to Post-conviction DNA Testing

The traditional appeals process is often insufficient for proving a wrongful conviction. It is not uncommon for an innocent person to exhaust all possible appeals without being allowed access to the DNA evidence in his case. Yet as the country now widely appreciates, when post-conviction DNA testing can provide compelling proof of a convicted person’s innocence – or guilt – it should be conducted. Post-conviction DNA testing statutes therefore typically provide the only way a person can access the DNA evidence that can prove innocence, absent a protracted and very uncertain legal battle.

Post-conviction DNA testing has clear value for individuals whose cases predated the DNA era; indeed, DNA testing was not even admitted into the courts as evidence until 1988. What is less obvious is why post-conviction DNA testing is still relevant in the modern DNA age, when testing at the time of trial is more commonplace. In our work, it is not unusual for us to discover that DNA evidence, known to exist at the time of the defendant’s trial, was never tested, even when DNA testing was available. There are many reasons why this may (not) have happened. Since the early and more rudimentary DNA methods available throughout most of the 1990’s required a large sample in order to derive a result, an entire universe of cases that involved small samples

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were never tested. Often, the methods of DNA testing used at the time of trial were inexact and yielded unreliable results. At other times the defendant may not have realized there was biological evidence to test. At others, the cost of such testing may have been prohibitive for the defendant and the court did not elect to pay for the testing. Suffice to say that it is not uncommon, even today, for biological evidence to go untested in serious cases.

But failure to test DNA at trial should never itself be a bar to post-conviction DNA testing. Today's more sophisticated technology can provide irrefutable results, where previously only inconclusive results were possible. Some new DNA testing methods are incredibly sensitive and can reveal a one-to-one match from a sample the size of a pin's head. Other novel methods are more discriminating, which means that the tests can statistically narrow down the frequency of a particular combination of genetic markers to a very small percentage of the population. Still other forms of newer testing methods allow for certain, targeted forms of testing that were not possible just a few years ago.

Y-STR testing, for instance, allows scientists to target only the DNA left by male contributors – and provides information on exactly how many male contributors there are in any given sample. This ability to target male-only DNA can play a crucial role in cases with mixed sex samples or multiple male profiles. Another new method, Mitochondrial testing, has made it possible to learn more than ever before from limited evidence. For example, a number of hairs found in a probative place, only one of which has a root, can be linked to each other by mitochondrial testing and then linked to an assailant through more traditional DNA testing of the hair with the root.

Additionally, a mask, or another piece of clothing found at a crime scene contains skin cells that have only recently (in the last five years at most) been subjected to DNA testing with any regularity. Such testing has resulted in the exoneration of wrongfully convicted people in a number of cases. Moreover, it has led investigators to the true perpetrators of crimes through hits to the national DNA database (CODIS), or to potential suspects through non-CODIS exclusion of the convicted and inclusions of other suspects.

Post-conviction DNA testing not only provides long-delayed justice to an innocent person, but also enables the police to recognize the fact the real perpetrator has eluded detection, and a re-investigation is necessary for public safety. In summary, dormant cases that would have remained forever unsolved can be, upon testing, cracked with a keystroke that can yield matches of DNA offender profiles to crime scene profiles held in computerized files.

Presently, forty-three states have post-conviction DNA testing access statutes. For those that do not, or for those that include improper deadlines for individuals seeking access, or limit post-conviction testing to only some crime categories, the JFAA has provided financial incentives to induce states to allow permanent post-conviction DNA testing access to qualified defendants. Unfortunately, as I will describe further below, the JFAA federal-to-state incentives for such testing have been thwarted by Executive budget decisions and OJP's reluctant, and then prohibitively stringent, offering of the Kirk Bloodsworth Post-Conviction DNA Testing Assistance Program.

B. The Importance of Preserved Biological Evidence

To be able to ensure justice, biological evidence must have been preserved, and saved in such a way that it can be located when necessary. Congress recognized the incredible value of preserved biological evidence in the emerging DNA era when it passed the Justice for All Act, which strongly enhanced preservation of evidence policies for federal crimes and authorized hundreds of millions of dollars for state grant programs for those states that properly preserved biological evidence.

During drafting of the JFAA, lawmakers understood that given competing priorities and politics, the only way to be sure to induce states to mandate the proper preservation of biological evidence was through the power of the purse. That is why as originally drafted, the preservation of evidence requirement was appropriately attached to many funding streams, as Congress appreciated that states would only act if large quantities of federal funding compelled them to prioritize the issue. In the course of subsequent negotiations, however, the number of grant programs that expressly required proper evidence retention practices was reduced to four. While these programs could well have served as the necessary incentive to states, three of those four programs were never funded, and while one was funded, no funds for that program have ever been disbursed.

Ultimately, therefore, and in contrast to Congressional intent, executive administration and recommended funding of the JFAA programs has effectively neutered that intent, providing states with essentially no incentive from the federal government to prioritize the statewide practice of properly preserving biological evidence. This is because as implemented, the funding carrots are patently insufficient to serve as the incentive necessary.

The failure to preserve biological evidence has tragic consequences for both public safety and the innocent victims of wrongful conviction. Incredible public safety potential lies latent in biological evidence from past crimes. By properly preserving biological evidence, cold cases can be solved. Crime scene DNA can link an unknown perpetrator to other crimes – over time periods and across jurisdictions. And of course, preserved biological evidence can settle credible post-conviction claims of innocence.

Consider the following two examples of how preserved biological evidence – and virtually only preserved biological evidence – can enable justice long overdue.

Innocence Claims Hinge on Preserved Evidence: Scott Fappiano

Scott Fappiano was convicted of a rape in 1985. He consistently maintained his innocence throughout his incarceration. While a wealth of biological samples had been collected from the crime scene, DNA technology at the time was not sufficient to produce a result that would conclusively identify the perpetrator of the heinous crime for which Mr. Fappiano had been convicted.

There had been numerous trial exhibits that contained biological evidence. Some exhibits were returned to the King’s County District Attorney’s office; others were vouchered and sent to New York Police Department evidence storage facilities. Two items of evidence – the rape kit and a pair of sweatpants containing semen stains—were sent in 1989 by the DA’s office to a now-defunct DNA laboratory called Lifecodes, which at the time performed rudimentary DNA analysis for the state of New York.

At that time DNA testing technologies were still limited, and although Lifecodes found semen to be present on the available evidence, they could not produce a conclusive

result. In 1998, more advanced DNA testing methods had developed and the Innocence Project embarked upon a search for the original crime scene evidence. The DA's office fully cooperated with a search of its storage areas, but none of the original exhibits could be located. A similar search of NYPD storage facilities yielded nothing.

After a long and uncertain search, the Innocence Project ultimately contacted Orchid Cellmark, a private DNA laboratory in Texas which had, after a series of mergers, taken over the Lifecodes lab. Remarkably, in August of 2005, two test tubes containing biological samples from the crime scene were located. DNA testing of those extracts, using more progressive DNA testing methods, conclusively excluded Mr. Fappiano as the source of the semen. Based on this newly discovered evidence, he was freed from prison in October of 2006 – 21 years after his wrongful conviction, and 8 years after the post-conviction DNA testing could have been performed if the crime scene evidence had been properly preserved. Consistent with far too much traditional practice, most of the biological evidence had been lost or destroyed; on top of that, there were seemingly no records to indicate that what had happened to this evidence, or where it could be found. It was by pure chance that the evidence was located.

The nation's 215 DNA exonerees like Scott Fappiano are the lucky ones. The tortured are those wrongfully convicted persons for whom post-conviction DNA testing could prove their innocence, but for whom that evidence has been either lost or destroyed.

The Innocence Project recently conducted an analysis of a representative sample of our closed cases in order to determine why we close the cases that we do. We found that we were forced to discontinue our efforts to settle innocence claims in 32% of closed

cases across the nation because critical biological evidence that could clearly indicate innocence or guilt had been destroyed or could not be found. In New York City alone, the Innocence Project is presently thwarted in its pursuit of 19 credible post-conviction claims of innocence because evidence custodians cannot locate the evidence.

What Mr. Fappiano's case demonstrates – and what Congress clearly appreciates – is that by simply preserving the small amounts of biological evidence from crime scenes, even years after a conviction the public can be provided with conclusive answers in the wake of lingering and credible claims of innocence. The power of DNA technology has transformed this evidence from a nuisance to modern day “silver bullet” for solving crime. Part of the JFAA's promise is to help federal, state and local police nationwide keep up with the crime solving promise of that technology.

Solving Cold Cases Relies Upon Preserving and Locating Evidence: The Charlotte Police Department Experience

In December of 1995, the Charlotte-Mecklenburg Police Department was relocating its property room. Evidence held in the existing evidence storage space was in disarray and difficult to locate. Forward-thinking police officials recognized an opportunity to solve old crimes and launched an initiative to re-catalogue all of its evidence, including biological evidence. Each piece of evidence was bar-coded, and when necessary, repackaged. Radio scanners were purchased so that evidence tracked on inventory forms with a barcode could be located in the storage room.

In nine months, all of Charlotte's evidence was re-catalogued and placed in one 6,700 square foot storage space. Biological evidence was segregated and neatly placed

on retractable shelves in order to maximize storage space. Each envelope of evidence contained an individual property number, allowing easy access to decades-old kits, swabs, cuttings and clippings that held the promise of bringing to justice criminals who had successfully eluded apprehension for years. Following the re-cataloguing of old evidence, Charlotte's Police Department formed a Homicide Cold Case Unit in 2003. Police officials understood that the power of preserved evidence transformed their old evidence room into a crime-solving goldmine.

One such case involved the 1987 murder of a 19-year-old Charlotte woman named Jerri Ann Jones. While detectives had been stymied by her case, upon re-cataloging of the evidence facility, physical evidence connected to her case was readily located and submitted to the crime lab for DNA examination. The results were entered into CODIS, the national DNA database. This resulted in the identification of a suspect, Terry Alvin Hyatt, who was already in prison and, upon being confronted with the fact of the CODIS match, confessed to the murder of Ms. Jones. Closure finally came to Ms. Jones's family seventeen years after she was murdered.

States Can Readily Preserve Biological Evidence; Incentives and Guidance Are Needed

In today's modern DNA era, accessing properly preserved evidence from adjudicated cases has clear benefits. As DNA testing methods continue to advance, enabling the creation of perpetrator profiles from even degraded crime scene evidence, the crime-solving possibilities presented by preserved biological evidence are tremendous. A review of the NIJ's list of objects where biological evidence can be found illustrates the variety of items that can be successfully tested with improved technology:

fingernail scrapings analyzed with Y-DNA tests; skins cells in the hinge of eyeglasses; dandruff, saliva, hair, sweat, and skin cells from hats, bandanas and masks; saliva cells on tape or ligatures; traces of blood on a bullet; traces of blood and/or hairs on, or in the crevices of, a variety of weapons used to inflict injury; or even blood and tissue cells swabbed from the bullet inside a gun, identifying the person who might have last loaded it.² The list of these evidence items that are being successfully tested now – but could never have been tested successfully only a few years ago – is enormous.

The practice of preserving biological evidence is not itself “new,” nor particularly challenging. Such evidence is in fact regularly preserved in jurisdictions across states, nationwide. What is lacking is consistency in practice across – and even within – jurisdictions. The federal regulations enacted pursuant to the JFAA make clear how biological evidence can be preserved simply, appropriately, and without need for excessive storage space or extraordinary conditions of storage.

The potential to properly preserve biological evidence lies latent in every state, like the DNA profiles lying latent in that evidence. Compared to the amazing probative power that can be harnessed through the proper preservation of biological evidence, the effort and resources necessary to do so are minor. What is missing is the commitment and inducement to act.

² In the 2002 report by the National Institute of Justice, “Using DNA to Solve Cold Cases” available at <http://www.ncjrs.gov/pdffiles1/nij/194197.pdf>, the authors identify some common items of evidence that may have been collected previously but not analyzed for the presence of DNA evidence, p. 21.

II. Overview of DNA Innocence Incentives in JFAA and Summary of Impediments to Effective Implementation

Section 412 of the Justice for All Act was crafted in response to the difficulties and costs confronting state inmates who wished to prove their innocence through DNA testing. Just as Congress had established a reasonable procedure for federal prisoners to obtain post conviction DNA testing, it was hoped that the **Kirk Bloodworth Post-Conviction DNA Testing Program** would provide sufficient funds to pay for and encourage the states to implement their own post conviction DNA testing programs.

But in contrast to the Paul Coverdell Forensic Science Improvement Grant Program, where monies have been disbursed to all fifty states without meaningful OJP scrutiny of state compliance with the JFAA-created innocence protection requirements therein, OJP has created so many barriers to potential grantees for Bloodworth funds that only three states bothered to apply for these much-needed post-conviction DNA testing dollars in 2006 - and all three were rejected, with no official explanation given for those rejections. Not a dollar of Bloodworth funds have therefore been disbursed.

At OJP's urging, for FY 2008, Congress provided OJP with flexibility for disbursing Bloodworth funds, but the significant barriers that now exist in OJP's FY 2008 Bloodworth RFP suggest that far too many states needing those post-conviction DNA testing funds will not be able to access them.

Section 413 of the Justice for All Act was enacted to provide an incentive to the states in order to advance two crucial innocence practices: post-conviction DNA testing and the preservation of biological evidence. DNA testing to prove innocence cannot be conducted if the evidence has not been preserved. Nor can a detective use DNA to re-

open a cold case if the evidence is destroyed. In the JFAA, Congress created a post-conviction DNA access program for federal prisoners, and a requirement to preserve biological evidence in federal crimes. Congress also used the JFAA to create **Incentive Grants to States to Ensure Consideration of Claims of Actual Innocence** provide four pools of funding meant to entice states to create schema for post-conviction DNA testing and the preservation of evidence. The four grant programs governed by Section 413 include JFAA Sections:

- Section 303, DNA Training and Education for Law Enforcement, Correctional Personnel, and Court Officers;
- Section 305, DNA Research and Development;
- Section 308, DNA Identification of Missing Persons; and
- Section 412, Kirk Bloodsworth Post-Conviction DNA Testing Grant Program.

Instead of funding these four programs under the JFAA, however, the President created mirror programs for Sections 303, 305 and 308, above, under the “President’s DNA Initiative.” By doing so – and securing funding for his Initiative as opposed to the mirror JFAA programs. The administration enabled states to access these important monies without properly preserving crime scene evidence or providing for post-conviction DNA testing. This maneuvering left Section 412, the Bloodsworth program, as the only Section 413 grant program remaining. Given that the Bloodsworth funding alone provided barely a state incentive; that OJP’s Bloodsworth grant application was prohibitively stringent; and that every state that applied for Bloodsworth funds in FY 2006 (the only year prior to 2008 it was offered) was rejected without explanation, the

executive branch effectively undercut JFAA Section 413's effectiveness as an incentive for state innocence protections..

III. The Mechanics of Executive Subversion of Congressional Intent Regarding Justice for All Act Sections 412 and 413

Despite Congressional appropriations of approximately five million dollars per year for the Bloodsworth grant program in fiscal years 2006 and 2007, not one penny of these innocence protection funds to finance post-conviction DNA testing has been extended to states – despite a patent need for such support.

The Bloodsworth grant program was not offered at all in 2005. It was funded for 2006, and OJP issued a Request for Proposals (RFP) in the second half of 2006. For reasons likely related to the strict requirements placed upon applicants (which are described in greater detail below), only three jurisdictions applied for these funds. While it seems that at least some of these three states should have qualified for these funds, OJP rejected all three, providing no specific official reason for having done so. The Bloodsworth grant program had been funded by Congress for 2007, yet no RFP for 2007 was ever issued.

At a Senate Judiciary hearing on January 23, 2008, OJP Deputy Director John Morgan represented to Congress that although all previous grant applicants for Bloodsworth monies had been rejected for funding in the last grant cycle, newly passed appropriations language would provide OJP with more discretion in interpreting the grant requirements and thus allow the monies to flow more freely.

Unfortunately, while the FY 2008 Bloodsworth RFP (and its reissue, dated February 12, 2008) has preservation of evidence requirements differing from its 2006 predecessor, other stringent – and seemingly intentionally intimidating – requirements of the 2008 Bloodsworth RFP have again discouraged many needy states from applying for these funds.

A. Changes to JFAA Section 413 are Needed; Congress Must Address Them, as OJP has Not Proven its Ability to Properly Disburse Funds Thereunder

In the FY 2006 Bloodsworth RFP, OJP interpreted its Congressional mandate for the Bloodsworth program so rigidly that only three jurisdictions attempted to apply for those important post-conviction DNA testing funds . Every single application was rejected. No specific official explanation for the denials were provided.

One significant reason that so few applied for this much-needed federal DNA support - and OJP's potential³ justification for denying all funding for 2006 Bloodsworth applicants - seems likely to stem from the extraordinary hurdle that OJP set for applicants regarding how they were to “demonstrate” that they met the preservation of biological evidence requirements as established by Congress.

1. OJP has Failed to Effectively Administer the Only JFAA Grant Program Offered

a. OJP “Demonstration” Requirements Needlessly Onerous, and Thus Prohibitive

³ I use the term potential because it is impossible to know the actual reason for the denial of these grant applications, as no specific official reason was stated within the denial letters that we have seen, i.e. those provided to the Arizona and Connecticut applicants.

JFAA Section 413, in relevant part, requires that “For each of fiscal years 2005 through 2009, all funds appropriated to carry out sections 303, 305, 308, and 412 shall be reserved for grants to *eligible entities that...* (2) demonstrate that the State in which the eligible entity operates (preserve biological evidence and provide access to post-conviction DNA testing).”⁴

Yet instead of simply allowing eligible entities to demonstrate their compliance with this requirement, OJP went further than Congress in its FY 2006 Bloodsworth program RFP, requiring the following: “To demonstrate that the State satisfies these requirements, an application must include formal legal opinions (with supporting materials) issued by the chief legal officer of the State (typically the Attorney General), as described below. All opinions must be personally signed by the Attorney General.”⁵ The current 2008 solicitation now requires an “express certification” from the applicant state’s chief legal officer, attesting to the presence of a statewide policies regarding post-conviction access to DNA testing and preservation of evidence. This express certification is the personal signature of that person, under a reminder that there criminal penalties will apply if the statement is found to be false. .

There are a number of reasons that both the previous and 2008 OJP interpretation of the Congressional requirement that eligible entities “demonstrate” that they meet these requirements are onerous as applied to the Bloodsworth program:

* Congress simply required that applicants “demonstrate” their compliance;

Congress did not specifically require a role in grant application by the State

Attorney General or chief legal officer. On this point, one must consider that of

⁴ JUSTICE FOR ALL ACT § 413, 42 U.S.C. § 14136 (2004) (emphasis added).

⁵ U.S. DEP’T OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, NAT’L INST. OF JUSTICE, Solicitation: Postconviction DNA Testing Assistance Program 10 (2007).

the 30 OJP RFPs identified by the Innocence Project to have been offered in FY 2006 where the applicant must “demonstrate” compliance, not one requires the applicant to do more than provide a simple narrative on that point.⁶

* To require either a “formal legal opinion” personally signed by a state’s chief legal officer or Attorney General – or, in the alternative, as was made clear in the FY 2008 Bloodsworth RFP, to specify that a false statement in that regard could result in “criminal prosecution” – presents a tremendous procedural barrier to applications for these monies by the entities in states that sincerely need them. One could readily understand that of all people, states’ Attorneys General or chief legal officers might not be particularly interested in efforts to prove (additional) wrongful convictions in their states (as doing so would obviously prove error by the state, and could likely expose the state to liability for such wrongful convictions).⁷

* The only other recent OJP grant program identified by the Innocence Project that requires such verification from a similarly high-placed State legal officer: the Office on Violence Against Women FY 2008 Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program.⁸ Notably, this program requires that certification of compliance with the laws specified by Congress come from such officials, *yet the requirement that such officer provide the certification is specified within the statute authorizing that grant program.*⁹ Neither JFAA

⁶ Please see Exhibit A for a detailed list of those grant programs.

⁷ We cite this possibility, and the potential factors therefor, not to suggest any ill-intent by any such state official, but to suggest that requiring their work and personal signature on the grant application may simply have impeded realization of Congressional intent to disburse such funds to qualified applicants.

⁸ U.S. DEP’T OF JUSTICE, OFFICE ON VIOLENCE AGAINST WOMEN, OVW FY 2008 Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program 5 (2007).

⁹ 42 U.S.C.A. § 3796hh-1 (Westlaw 2007).

Sections 413 nor 412 specify the participation of these legal officers, and certainly not “certification” from any party. In short, if Congress wanted to require the signatures of those state officers it would have specified that intent.

* The stringent OJP interpretation of the requirements to access these Bloodsworth innocence protection funds stands in stark contrast to the extremely lax OJP enforcement of Congressional intent under the JFAA (Section 311(b)), where Congress required that applicants to the Paul Coverdell Forensic Science Improvement Grant Program *certify* that they have a government entity in place to conduct independent, external investigations upon allegations of serious negligence or misconduct... substantially affecting the integrity of forensic results.¹⁰ Comparing the polar opposite OJP enforcement of the Congressionally intended innocence protections from these two different parts of the Justice for All Act, it is plain that OJP is selectively enforcing those provisions in such a way as to discourage states from honoring that Congressional mandate.¹¹

While the Innocence Project strongly believes that applicants should be required to demonstrate that their states meet the thresholds of evidence preservation and post-conviction DNA law or policy specified under JFAA Section 413, specifically requiring that demonstration to come from the State Attorney General or chief legal officer in the

¹⁰ Despite what, based on Innocence Project research, seem to be significant and widespread State shortcomings in meeting this innocence protection prerequisite to State Coverdell funding, OJP has provided the funding to every state applicant with minimal regard for compliance with this requirement. See the two Department of Justice Office of Inspector General Reports criticizing OJP enforcement of this innocence protection requirement at <http://www.usdoj.gov/oig/reports/OJP/e0602/final.pdf> and <http://www.usdoj.gov/oig/reports/OJP/e0801/final.pdf>.

¹¹ For a more thorough exploration of the contrast in OJP enforcement of these two Justice for All Act Innocence Protections, please see: *Oversight of the Justice for All Act: Has the Justice Department Effectively Administered the Bloodsworth and Coverdell DNA Grant Programs?* Hearing Before the Senate Judiciary Comm., 110th Cong. (2008). (Statement of Peter Neufeld, Co-founder, The Innocence Project).

manner it has is a significant and unnecessary obstacle that seems likely to have prevented qualified and needy applicants from properly pursuing the Bloodsworth grant program. This is particularly true in the wake of the unexplained rejections for every one of the FY 2006 Bloodsworth applicants.

Recommendation

Future interpretations of JFAA Section 413 as applied to the Bloodsworth program – and indeed, the other three programs also covered by Section 413, and which are still authorized to be funded as JFAA programs – must be designed by OJP less to discourage applicants and more to enable applicants' plain demonstration of having met the Congressional requirements. We realize that OJP has discretion in the administration of programs; we hope Congress will do all in its power to ensure that such discretion, particularly as applied to the Bloodsworth and other JFAA programs governed by Section 413 of the JFAA, be properly exercised.

b. OJP Did Not Successfully Employ the Discretion Provided by Congress Regarding Preservation of Evidence in Order to Enable Appropriate Disbursement of Bloodsworth Funds

The FY 2008 Congressional CJS Appropriations bill granted OJP, at OJP's urging, flexibility in interpreting the Bloodsworth program requirements in order to better enable disbursement of those funds. In short, while any disbursement would seem to be an improvement over OJP's utter failure to disburse funds from the FY 2006 grant cycle, OJP's FY 2008 Bloodsworth RFP requires too little of applicants regarding the

preservation of evidence. Congress would do far better to amend the Section 413 requirements itself and direct OJP to craft their RFPs in a manner not likely to discourage both that needy applicants successfully submit applications, and that funds are distributed to those who simply yet clearly demonstrate their compliance with the Congressional requirements.

The FY 2006 Bloodsworth solicitation required applicants to “demonstrate” that their State satisfied post-conviction testing and preservation of evidence requirements pursuant to section 413 of the Justice For All Act.¹² The current 2008 solicitation requires that a State “certify” via statute, rule or regulation that it has a “reasonable” post-conviction testing and preservation scheme in relation to three crime categories only: forcible rape, murder, or non-negligent manslaughter.

The narrowing of required categories of crimes does indeed better enable potential applicants to seek Bloodsworth funding. Yet OJP balanced this easing of the path to qualification by also, in its original FY 2008 Bloodsworth RFP, removing language from the FY 2006 application (which had tracked the specific Congressional requirement) that would have enabled applicants to demonstrate compliance of post-conviction testing through State “practices” and demonstrate compliance of preservation of evidence practices through “local” rules, regulations or practices. Thus while part of the OJP language change made the Bloodsworth requirements easier to meet, in the same sentence they also made those funds – in a different way – less easy to meet.¹³ It was

¹² The JFAA required a post-conviction DNA testing scheme for all felony offenses and a preservation scheme for all State offenses.

¹³ In the initial FY 2008 Bloodsworth RFP issued by OJP, applicant states could only demonstrate compliance with post-conviction testing and preservation of evidence requirements through a “State statute, or State rule or regulation,” which represented a narrowing of means through which compliance could be demonstrated as compared with the FY 2006 Bloodsworth RFP.

only when the Innocence Project raised questions about the appropriateness of the latter change that OJP re-issued its solicitation to return that requirement to its rightful interpretation.¹⁴ Had that not been done, it seems unlikely that such a change would have been made. The reissued solicitation was only made publicly available three weeks after its first release, and only five weeks before final applications were due. For those potential applicants that, based on the original FY 2008 RFP, believed they did not qualify for the funds, the loss of those three weeks of application time – for reasons including but not limited to the onerous chief legal officer certification requirement – may have made even the amended RFP seemingly unattainable.¹⁵

Simply put, OJP may have tinkered with its Bloodsworth RFP in light of the wide latitude it was provided by Congress, but if the Section 413 innocence incentives are to be meaningful and the Bloodsworth post-conviction DNA funds are to actually reach those states that need them, Congress should itself re-visit the Section 413 requirements and amend them in a manner that respects the original intent yet also meaningfully enables states to reach the carrot offered by Section 413.

¹⁴ OJP first released the Bloodsworth solicitation in late January of 2008. Our office submitted a series of concerns, in the form of questions posed to OJP's grants administrator, Charles Heurich, on February 6, 2008. In part, we were troubled by the removal of two previous allowances permitted to applicants in meeting eligibility requirements. [In the former solicitation from the previous 2006 grant cycle, compliance with post-conviction and preservation requirements could be demonstrated through State statutes, regulations, rules *or practices*. The new solicitation removed *State practice* as a permissible means of demonstrating compliance. In addition, in the former solicitation from the 2006 grant cycle, compliance with both post-conviction and preservation requirements could be demonstrated through *local* regulations, rules or practices or through statewide statutes, rules, regulations or practice. The new solicitation *removed the opportunity to prove compliance on a local level.*] On February 12, 2008, OJP re-released the Bloodsworth solicitation that addressed both of these concerns by incorporating two significant changes in the eligibility requirements section of the grant application. Now, on the basis of the amended solicitation, applicants can demonstrate compliance with post-conviction DNA testing requirements through the presence of a "State statute, or under State rules, regulations, or **practices**." In addition, applicants can demonstrate compliance with the preservation of evidence requirements through the presence of a "State statute, **local ordinances**, or State or **local** rules, regulations, or **practices**." (All of the new language from the reissued solicitation is bolded.)

¹⁵ For those entities for which the original RFP requirements on this point did not create an obstacle, it does not seem that the amended application should have presented a new hurdle.

Recommendation

Narrowing the crime categories to solely murder, rape and non-negligent manslaughter as was done by OJP in the 2008 Bloodsworth RFP was a quick fix, yet ultimately fails to serve crime victims, the innocent, and the public at large in many other categories of serious crime. We understand that the desire to preserve all biological evidence must be balanced with storage space realities, but that balance should not tip to the detriment of enabling the wrongfully convicted to prove their innocence where long sentences are at stake and serious crimes have otherwise been unsolved.

Therefore, we recommend that language pertaining to evidence preservation in the JFAA as applied to state applicants for the Bloodsworth grant program be amended. Instead of requiring preservation of evidence in all offenses, biological evidence should be preserved at least in all violent felony crimes, including all sexual assaults, for no less than the length of incarceration. The Innocence Project would be happy to share its experiences and understanding of this issue in greater detail with Congresspersons and/or staff as you request.

B. To Ensure Justice for the Wrongfully Convicted Nationwide, Congress Must Fund All JFAA Section 413 Grant Programs for FY 2009, and Re-Authorize Such Funding until FY 2014

Congress connected critically important state DNA program funding to the Section 413 preservation of evidence and post-conviction DNA testing innocence incentives because it knew that making federal funding contingent upon implementation

of those innocence incentives was the most appropriate and effective way for Congress to induce such state action.

The Executive Branch, by separately offering three of those four grant programs¹⁶ without the innocence requirements through “The President’s DNA Initiative,” and then interpreting the Bloodsworth requirements so tortuously stringently as to deny all disbursements to date, has effectively neutralized that Congressional intent and incentive.

Congress not only respected the need, but actually did the hard work to generate strong bi-partisan support for state incentives to enable the wrongfully convicted to use preserved biological evidence and access to post-conviction DNA testing to prove their innocence. The Executive Branch has essentially negated that work, and the results intended to flow therefrom. We can only hope that the next administration, from whatever party it hails, will show more respect to Congressional intent on these issues and properly administer these programs. Regardless, however, the damage has been done; the Innocence Incentives of Section 413 of the Justice For All Act have not been meaningful incentives to state action on these issues.

But all is not lost. If Congress funds these grant programs for FY 2009, re-authorizes them with the Section 413 incentives for an additional five years (to replace the five years essentially lost because of the executive maneuvering) and appropriates the funds for those programs in those years, important progress can still be made to establish innocence protections in states across the nation. For as the Innocence Project has found, there are still many wrongfully convicted who have yet to be identified or proven innocent, for whom the biological evidence will need to be found, and for whom effective

¹⁶ These three grant programs are Justice for All Act Sections 303 (DNA Training and Education for Law Enforcement, Correctional Personnel, and Court Officers); Section 305 (DNA Research and Development); and Section 308 (DNA Identification of Missing Persons).

access to post-conviction DNA testing can still – finally – provide the proof of their innocence.

Recommendation

It is evident from our experiences working with states on preservation of evidence policies that they have not, to date, received the stimulus necessary to enhance preservation practices. We have found that State and local policymakers appreciate the general importance of preserving such evidence for solving cases (active and old) and enabling the wrongfully convicted to prove their innocence – yet their appreciation has not yet reached the level necessary to spur effective action. Clearly, the incentives to improve their preservation practices must be large enough to stimulate state action.

The only way that states can genuinely be compelled to properly preserve biological evidence is if this obligation is attached to large streams of federal-to-state monies. The Innocence Project recommends Congressional funding all four of the JFAA Section 413 grant programs for FY 2009; their reauthorization with the Section 413 incentives for an additional five years (to replace the five years essentially lost because of the executive maneuvering); and the appropriation of funds for those programs in those years.

This reauthorization and appropriation should also be complemented by NIJ leadership regarding best practices for the preservation of biological evidence. Through work with many jurisdictions, the Innocence Project has seen that the will to properly preserve and catalogue preserved evidence exists, yet jurisdictional unfamiliarity with best practices for doing so been a significant contributing factor to the failure to act.

Federal guidance – perhaps on the basis of a series of recommended protocols identified by a national working group or other expert entity – should be offered to states to specifically explain how biological evidence can be consistently and properly preserved.

With Congressional support and federal guidance, the discovery of preserved biological evidence – to protect the innocent and the public at large – will no longer have to rely on serendipity and happenstance.

IV. A Case Study Demonstrating the Lingering Need for the Section 413 Post-conviction Access to DNA Testing Incentive: Kennedy Brewer and Levon Brooks

Even in states that have demonstrated barriers to post-conviction DNA testing through the absence of a post-conviction DNA testing law, DNA exonerations are beginning to emerge. I would like to leave you today with the story of one of the nation's most recent DNA exonerations, which is representative of the depth of the problem that Congress intended to address with these innocence protections, and puts a human face on the policies we hope you will re-visit in order to protect the innocent – and help catch the true perpetrators of the serious crimes for which DNA evidence can prove innocence or guilt.

Just this year, Kennedy Brewer became Mississippi's first person exonerated through DNA testing. He was arrested in 1992 and was subsequently convicted – based almost entirely on questionable bite mark testimony evidence - of raping and murdering his girlfriend's three-year-old daughter, Christine Jackson.

Mr. Brewer was sentenced to death. Despite his innocence, and despite the existence of biological evidence, as well of that of DNA technology that could strongly

indicate his innocence, there existed no law or policy in Mississippi requiring the preservation of the biological evidence in Mr. Brewer's case. Nor did there exist a statutory path, much less a statutory right to

Fortunately, his trial lawyer moved for preservation of the biological evidence; fortunately, the court chose to order that the evidence be preserved. The Mississippi Supreme Court, upon considering the motion for re-trial sought by Mr. Brewer, ultimately indicated its interest in seeing the preserved biological evidence re-tested. In 2001, advanced DNA testing, requested by the Innocence Project, was conducted on semen recovered in 1992 from the victim's body. The tests produced results excluding Brewer as a possible perpetrator and revealed an unknown male profile. No subsequent effort was made to identify the real perpetrator.

It took a year after these test results were received for Mr. Brewer's conviction to be vacated. When it was, he was moved from death row to pre-trial detention in the local jail. The prosecution intended to retry Brewer for capital murder, but was not brought to trial for a full five years. Because the capital charges were not dropped during those five years, Mr. Brewer was forced to serve that time behind bars.

As the Innocence Project prepared to handle Brewer's re-trial, another man was implicated as the real perpetrator through DNA testing. The unidentified DNA profile discovered in 2001 matched to Justin Albert Johnson, one of the original suspects. When confronted with this fact, Johnson then confessed to Christine Jackson's murder; he also confessed to the rape and murder of another child in the same county, that of three-year old Courtney Smith. Johnson told the investigators that he acted alone in both crimes, which were committed 18 months apart.

Courtney Smith's mother's boyfriend was Levon Brooks. Mr. Brooks had been charged and convicted of Courtney's rape and murder. His conviction, too, rested in large part on the strength of questionable bite mark analysis performed by the same forensic odontologist in Mr. Brewer's case.

On February 15, 2008, charges against Kennedy Brewer were dropped and he was exonerated. On the same day, the Innocence Project, along with Mississippi Innocence Project co-counsel, won Levon Brooks' release from prison. Brooks was subsequently exonerated in March 2008, and he sits in this room with us today.

Mr. Brewer and Mr. Brooks are fortunate that their horrifically horrible luck in being wrongfully convicted was outmatched by their incredible luck that the biological evidence in Mr. Brewer's case was preserved and located, and that the District Attorney finally allowed the post-conviction DNA testing to be conducted. Mississippi has no law, rule, or standard practice statewide for the preservation of biological evidence. Nor does the state provide statutory access to post-conviction DNA testing. In some cases evidence is saved; in some cases it isn't. In some cases a prosecutor will allow post-conviction DNA testing, in some he or she won't.

With passage of the Justice for All Act, Congress recognized and acted upon its belief that the truth and justice that can be arrived at through post-conviction DNA testing of biological evidence should not be subject to luck, or serendipity. It should be established at the federal level, and states should be encouraged to provide the same. That is why it created Section 413, and attached it to appropriate sources of funding that are important to states. While Congressional intent on this count has been frustrated by the executive branch, Congress can and should follow through on its effort to ensure that the

wrongfully convicted nationwide have the ability to prove their innocence – and enable their governments to recognize that the real perpetrators of those crimes remain unidentified, and still need to be held to account for their crimes.

APPENDIX A
OJP-NIJ 2006 RFPs That Use “Demonstrate”

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1 Data Resources Program 2006: Funding for the Analysis of Existing Data

Successful **applicants must demonstrate** the following:

Understanding of the problem and its importance

Quality and technical merit

- 1 Awareness of the state of current research or technology
- 2 Soundness of methodology and analytic and technical approach
- 3 Feasibility of proposed project and awareness of pitfalls
- 4 Innovation and creativity (when appropriate)

Impact of the proposed project

- 1 Potential for significant advances in scientific or technical understanding of the problem
- 2 Potential for significant advances in the field
- 3 Relevance for improving the policy and practice of criminal justice and related agencies and improving public safety, security, and quality of life
- 4 Affordability and cost-effectiveness of proposed end products, when applicable (eg, purchase price and maintenance costs for a new technology or cost of training to use the technology)
- 5 Perceived potential for commercialization and/or implementation of a new technology (when applicable)

Capabilities, **demonstrated** productivity, and experience of applicants

- 1 Qualifications and experience of proposed staff
- 2 **Demonstrated** ability of proposed staff and organization to manage the effort
- 3 Adequacy of the plan to manage the project, including how various tasks are subdivided and resources are used
- 4 Successful past performance on NIJ grants and contracts (when applicable)

Budget

- 1 Total cost of the project relative to the perceived benefit
- 2 Appropriateness of the budget relative to the level of effort
- 3 Use of existing resources to conserve costs

Dissemination strategy

- 1 Well-defined plan for the grant recipient to disseminate results to appropriate audiences, including researchers, practitioners, and policymakers
- 2 Suggestions for print and electronic products NIJ might develop for practitioners and policymakers

2 Forensic Casework DNA Backlog Reduction Program

Required Documents

The program narrative must address the project objectives, expected results, and the implementation approach. The narrative **should** also **demonstrate**, specifically and comprehensively, how the requested funds will reduce backlogged DNA samples. The

narrative must also state clearly the number of forensic cases – forcible rape and murder/non-negligent manslaughter – currently awaiting DNA analysis and the number of cases that can be analyzed within 12 months using the Federal funding requested in this Fiscal Year 2006 application. This number should reflect the number of cases that can be analyzed above and beyond those that can be analyzed using other sources of funding. The 12-month period begins October 1, 2006.

3 Social Science Research on the Role and Impact of Forensic Evidence on the Criminal Justice Process

Successful **applicants must demonstrate** the following:

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Dissemination strategy

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- 2 Suggestions for print and electronic products NIJ might develop for practitioners and policymakers

4 Research and Evaluation on the Abuse, Neglect, and Exploitation of Elderly Individuals, Older Women, and Residents of Residential Care Facilities

Successful **applicants must demonstrate** the following:

Understanding of the problem and its importance

Quality and technical merit

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5 Social Science Research on Terrorism

Successful applicants **must demonstrate** the following:

Understanding of the problem and its importance

Quality and technical merit

- 1 Awareness of the state of current research or technology
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Dissemination strategy

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- 2 Suggestions for print and electronic products NIJ might develop for practitioners and policymakers

6 Process and Outcome Evaluation of GREAT

Successful **applicants must demonstrate** the following:

Understanding of the problem and its importance

Quality and technical merit

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- 4 Innovation and creativity (when appropriate)

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7 Evaluation of Technologies

Successful **applicants must demonstrate** the following:

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Quality and technical merit

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8 Outcome Evaluations of Violence Prevention Programs

Promising programs and strategies with some evidence of effectiveness in the prevention of violence to and by youth are a necessary aspect of this solicitation. To be considered “promising,” programs selected for outcome or impact evaluation under this solicitation must have already been developed, implemented and **demonstrated** to be effective in the prevention of violent behavior. For example, the Blueprints Project at the University of Colorado has identified promising programs using criteria from various organizations and agencies (<http://www.coloradoedu/cspv/blueprints/matrix/overviewhtml>). Although organizations may vary in the way these criteria are applied, to be labeled “promising” usually requires that quasi-experimental or experimental research designs were used in producing the evidence that programs are effective in reducing violent behavior and victimization. Selection priority will be given to outcome evaluations of programs and strategies **demonstrated** to be promising according to these types of criteria. In this regard, proposals to conduct replications and external evaluations of existing programs are encouraged.

Successful **applicants must demonstrate** the following:

Understanding of the problem and its importance

Quality and technical merit

- 1 Awareness of the state of current research or technology
- 2 Soundness of methodology and analytic and technical approach
- 3 Feasibility of proposed project and awareness of pitfalls
- 4 Innovation and creativity (when appropriate)

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9 Public Safety Interventions

NIJ seeks process and outcome evaluations of situational crime prevention interventions; that is, interventions that focus more on the situational causes of crime and less on the dispositional causes of crime. Interventions can be focused on a particular type of crime, on a situational crime prevention technique, or on a particular location. Situational interventions often address the environmental and opportunity factors involved in offender decisionmaking. Proposals **should demonstrate** an understanding of how situational crime prevention principles are understood and used by law enforcement practitioners. Applicants are especially encouraged to include the following elements as part of their proposed evaluations:

Displacement and diffusion analyses

Cost analysis

Longer follow-up periods (most are 6-12 months)

Successful **applicants must demonstrate** the following:

Understanding of the problem and its importance

Quality and technical merit

- 1 Awareness of the state of current research or technology
- 2 Soundness of methodology and analytic and technical approach
- 3 Feasibility of proposed project and awareness of pitfalls
- 4 Innovation and creativity (when appropriate)

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- 3 Relevance for improving the policy and practice of criminal justice and related agencies and improving public safety, security, and quality of life
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Dissemination strategy

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- 2 Suggestions for print and electronic products NIJ might develop for practitioners and policymakers

10 Research and Evaluation in Community Corrections: A Multijurisdictional Study of Reduced Caseload and Related Case Supervision Strategies in Managing Medium- and High-Risk Offenders

NIJ anticipates funding one multijurisdictional project. Although the study sites will be determined after the grant is awarded and in consultation with NIJ and its Federal partners, the proposal should identify potential candidate jurisdictions that follow evidence-based practices and where, at a minimum, reduced caseload size can be studied. Site selection **should** focus primarily on probation agencies that have **demonstrated** a commitment to evidence-based policies and practices. A minimum of three sites will be necessary to achieve the goals of the study. Successful **applicants must demonstrate** how the proposed research will advance knowledge, practice, and policy on the management and supervision of medium- to high-risk offenders in a general supervised probation population.

Applicants for this project **must have** a strong record of successful applied research in community corrections and a **demonstrated** capacity to work effectively with State and local community corrections agencies, as evidenced by past consultative and collaborative efforts. Applicants must have the organizational capacity to carry out a multisite research project, to collect and appropriately analyze the wide range of data such a study will produce, and to effectively disseminate the results of the study to different audiences through a variety of approaches.

Successful **applicants must demonstrate** the following:

Understanding of the problem and its importance

Quality and technical merit

- 1 Awareness of the state of current research or technology
- 2 Soundness of methodology and analytic and technical approach
- 3 Feasibility of proposed project and awareness of pitfalls
- 4 Innovation and creativity (when appropriate)

Impact of the proposed project

- 1 Potential for significant advances in scientific or technical understanding of the problem
- 2 Potential for significant advances in the field
- 3 Relevance for improving the policy and practice of criminal justice and related agencies and improving public safety, security, and quality of life
- 3 Affordability and cost-effectiveness of proposed end products, when applicable (eg, purchase price and maintenance costs for a new technology or cost of training to use the technology)
- 4 Perceived potential for commercialization and/or implementation of a new technology (when applicable)

Capabilities, **demonstrated** productivity, and experience of applicants

- 1 Qualifications and experience of proposed staff
- 2 **Demonstrated** ability of proposed staff and organization to manage the effort
- 3 Adequacy of the plan to manage the project, including how various tasks are subdivided and resources are used
- 4 Successful past performance on NIJ grants and contracts (when applicable)

Budget

- 1 Total cost of the project relative to the perceived benefit
- 2 Appropriateness of the budget relative to the level of effort
- 3 Use of existing resources to conserve costs

Dissemination strategy

- 1 Well-defined plan for the grant recipient to disseminate results to appropriate audiences, including researchers, practitioners, and policymakers
- 2 Suggestions for print and electronic products NIJ might develop for practitioners and policymakers

11 Research on Sexual Violence and Violent Behavior in Corrections

Since the passage of the Prison Rape Elimination Act of 2003 (Public Law 108-7), NIJ released three solicitations seeking proposals for quantitative research on prison sexual violence in correctional facilities. Though the objectives of the Prison Rape Elimination Act focus on sexual violence, it is clear that sexual violence occurs within the broader context of violence in correctional institutions. NIJ is seeking proposals that examine sexual violence as it pertains to violent behavior in correctional settings. Successful **applicants must demonstrate** how the proposed research will advance knowledge, practice, and policy in addressing the topic of sexual violence in corrections.

Successful **applicants must demonstrate** the following:

Understanding of the problem and its importance

Quality and technical merit

- 1 Awareness of the state of current research or technology
- 2 Soundness of methodology and analytic and technical approach
- 3 Feasibility of proposed project and awareness of pitfalls
- 4 Innovation and creativity (when appropriate)

Impact of the proposed project

- 1 Potential for significant advances in scientific or technical understanding of the problem
- 2 Potential for significant advances in the field
- 3 Relevance for improving the policy and practice of criminal justice and related agencies and improving public safety, security, and quality of life
- 4 Affordability and cost-effectiveness of proposed end products, when applicable (eg, purchase price and maintenance costs for a new technology or cost of training to use the technology)
- 5 Perceived potential for commercialization and/or implementation of a new technology (when applicable)

Capabilities, **demonstrated** productivity, and experience of applicants

- 1 Qualifications and experience of proposed staff
- 2 **Demonstrated** ability of proposed staff and organization to manage the effort

- 3 Adequacy of the plan to manage the project, including how various tasks are subdivided and resources are used
- 4 Successful past performance on NIJ grants and contracts (when applicable)

Budget

- 1 Total cost of the project relative to the perceived benefit
- 2 Appropriateness of the budget relative to the level of effort
- 3 Use of existing resources to conserve costs

Dissemination strategy

- 1 Well-defined plan for the grant recipient to disseminate results to appropriate audiences, including researchers, practitioners, and policymakers
- 2 Suggestions for print and electronic products NIJ might develop for practitioners and policymakers

12 Study of Administration of Justice in Indian Country

Applicants must have a strong record of successful projects in Indian Country and be recognized at the national level in this area. They **must demonstrate** the capacity to work effectively with tribal authorities at all levels, as evidenced by past consultative and collaborative efforts. The **applicant must** be culturally competent and **demonstrate** the ability to recruit Native American or other staff who have experience working in each of the selected sites and who have a working knowledge of the language and culture at those sites. The applicant must have the organizational capacity to carry out a multisite, national case study design, collect and appropriately analyze the wide range of data such a study will produce, document the case studies, and effectively disseminate the results of the study to different audiences through a variety of approaches.

Successful **applicants must demonstrate** the following:

Understanding of the problem and its importance

Quality and technical merit

- 1 Awareness of the state of current research or technology
- 2 Soundness of methodology and analytic and technical approach
- 3 Feasibility of proposed project and awareness of pitfalls
- 4 Innovation and creativity (when appropriate)

Impact of the proposed project

- 1 Potential for significant advances in scientific or technical understanding of the problem
- 2 Potential for significant advances in the field
- 3 Relevance for improving the policy and practice of criminal justice and related agencies and improving public safety, security, and quality of life
- 4 Affordability and cost-effectiveness of proposed end products, when applicable (eg, purchase price and maintenance costs for a new technology or cost of training to use the technology)
- 5 Perceived potential for commercialization and/or implementation of a new technology (when applicable)

Capabilities, **demonstrated** productivity, and experience of applicants

- 1 Qualifications and experience of proposed staff
- 2 **Demonstrated** ability of proposed staff and organization to manage the effort
- 3 Adequacy of the plan to manage the project, including how various tasks are subdivided and resources are used
- 4 Successful past performance on NIJ grants and contracts (when applicable)

Budget

- 1 Total cost of the project relative to the perceived benefit
- 2 Appropriateness of the budget relative to the level of effort
- 3 Use of existing resources to conserve costs

Dissemination strategy

- 1 Well-defined plan for the grant recipient to disseminate results to appropriate audiences, including researchers, practitioners, and policymakers
- 2 Suggestions for print and electronic products NIJ might develop for practitioners and policymakers

13 Sexual Violence from Adolescence to Late Adulthood: Research, Evaluation, and the Criminal Justice Response

Successful **applicants must demonstrate** the following:

Understanding of the problem and its importance

Quality and technical merit

- 1 Awareness of the state of current research or technology
- 2 Soundness of methodology and analytic and technical approach
- 3 Feasibility of proposed project and awareness of pitfalls
- 4 Innovation and creativity (when appropriate)

Impact of the proposed project

- 1 Potential for significant advances in scientific or technical understanding of the problem
- 2 Potential for significant advances in the field
- 3 Relevance for improving the policy and practice of criminal justice and related agencies and improving public safety, security, and quality of life
- 4 Affordability and cost-effectiveness of proposed end products, when applicable (eg, purchase price and maintenance costs for a new technology or cost of training to use the technology)
- 5 Perceived potential for commercialization and/or implementation of a new technology (when applicable)

Capabilities, **demonstrated** productivity, and experience of applicants

- 1 Qualifications and experience of proposed staff
- 2 **Demonstrated** ability of proposed staff and organization to manage the effort
- 3 Adequacy of the plan to manage the project, including how various tasks are

subdivided and resources are used

- 4 Successful past performance on NIJ grants and contracts (when applicable)

Budget

- 1 Total cost of the project relative to the perceived benefit
- 2 Appropriateness of the budget relative to the level of effort
- 3 Use of existing resources to conserve costs

Dissemination strategy

- 1 Well-defined plan for the grant recipient to disseminate results to appropriate audiences, including researchers, practitioners, and policymakers
- 2 Suggestions for print and electronic products NIJ might develop for practitioners and policymakers

14 Transnational Crime

Successful **applicants must demonstrate** the following:

Understanding of the problem and its importance

Quality and technical merit

- 1 Awareness of the state of current research or technology
- 2 Soundness of methodology and analytic and technical approach
- 3 Feasibility of proposed project and awareness of pitfalls
- 4 Innovation and creativity (when appropriate)

Impact of the proposed project

- 1 Potential for significant advances in scientific or technical understanding of the problem
- 2 Potential for significant advances in the field
- 3 Relevance for improving the policy and practice of criminal justice and related agencies and improving public safety, security, and quality of life
- 4 Affordability and cost-effectiveness of proposed end products, when applicable (eg, purchase price and maintenance costs for a new technology or cost of training to use the technology)
- 5 Perceived potential for commercialization and/or implementation of a new technology (when applicable)

Capabilities, **demonstrated** productivity, and experience of applicants

- 1 Qualifications and experience of proposed staff
- 2 **Demonstrated** ability of proposed staff and organization to manage the effort
- 3 Adequacy of the plan to manage the project, including how various tasks are subdivided and resources are used
- 4 Successful past performance on NIJ grants and contracts (when applicable)

Budget

- 1 Total cost of the project relative to the perceived benefit
- 2 Appropriateness of the budget relative to the level of effort

- 3 Use of existing resources to conserve costs

Dissemination strategy

- 1 Well-defined plan for the grant recipient to disseminate results to appropriate audiences, including researchers, practitioners, and policymakers
- 2 Suggestions for print and electronic products NIJ might develop for practitioners and policymakers

15 Evaluation of OJJDP's Commercial Sexual Exploitation of Children Demonstration Program in Atlanta/Fulton County

A critical aspect of the formative evaluation will be significant involvement and participation of program staff, local government, community representatives, and the federal government in the entire evaluation process. The proposed approach should, therefore, reflect the philosophy of this type of evaluation and **should demonstrate** a practical recognition of the role of the evaluator as facilitator, collaborator, and learning resource to the program staff. Both quantitative and qualitative methods of inquiry are encouraged. **Applicants should demonstrate** competency in conducting this type of evaluation. In addition, **applicants should demonstrate** experience and competency in conducting culturally sensitive research in diverse and vulnerable communities.

Successful **applicants must demonstrate** the following:

Understanding of the problem and its importance

Quality and technical merit

- 1 Awareness of the state of current research or technology
- 2 Soundness of methodology and analytic and technical approach
- 3 Feasibility of proposed project and awareness of pitfalls
- 4 Innovation and creativity (when appropriate)

Impact of the proposed project

- 1 Potential for significant advances in scientific or technical understanding of the problem
- 2 Potential for significant advances in the field
- 3 Relevance for improving the policy and practice of criminal justice and related agencies and improving public safety, security, and quality of life
- 4 Affordability and cost-effectiveness of proposed end products, when applicable (eg, purchase price and maintenance costs for a new technology or cost of training to use the technology)
- 5 Perceived potential for commercialization and/or implementation of a new technology (when applicable)

Capabilities, **demonstrated** productivity, and experience of applicants

- 1 Qualifications and experience of proposed staff
- 2 **Demonstrated** ability of proposed staff and organization to manage the effort
- 3 Adequacy of the plan to manage the project, including how various tasks are subdivided and resources are used

- 4 Successful past performance on NIJ grants and contracts (when applicable)

Budget

- 1 Total cost of the project relative to the perceived benefit
- 2 Appropriateness of the budget relative to the level of effort
- 3 Use of existing resources to conserve costs

Dissemination strategy

- 1 Well-defined plan for the grant recipient to disseminate results to appropriate audiences, including researchers, practitioners, and policymakers
- 2 Suggestions for print and electronic products NIJ might develop for practitioners and policymakers

16 Research and Development on Crime Scene Tools, Techniques, and Technologies

Applicants to this solicitation **must demonstrate** an appreciation and familiarity with crime scene examination procedures and must also demonstrate knowledge of the costs of implementing and maintaining the proposed technology and training required NIJ **strongly** encourages researchers to seek guidance from or partner with appropriate State or local crime laboratories Such associations foster a greater understanding of the issues and may strengthen the scope of the proposed research plan

Successful **applicants must demonstrate** the following:

Understanding of the problem and its importance

Inclusion of appropriate scientific and legal citations to **demonstrate** awareness of the problem and the potential contribution of the proposed research to the forensic community

Quality and technical merit

- 1 Awareness of the state of current research or technology
- 2 Soundness of methodology and analytic and technical approach
- 3 Feasibility of proposed project and awareness of pitfalls
- 4 Innovation and creativity (when appropriate)

Impact of the proposed project

- 1 Potential for significant advances in scientific or technical understanding of the problem
- 2 Potential for significant advances in the field
- 3 Relevance for improving the policy and practice of criminal justice and related agencies and improving public safety, security, and quality of life
- 4 Affordability and cost-effectiveness of proposed end products, when applicable (eg, purchase price and maintenance costs for a new technology or cost of training to use the technology)
- 5 Perceived potential for commercialization and/or implementation of a new technology (when applicable)

Capabilities, **demonstrated** productivity, and experience of applicants

- 1 Qualifications and experience of proposed staff

- 2 **Demonstrated** ability of proposed staff and organization to manage the effort
- 3 Adequacy of the plan to manage the project, including how various tasks are subdivided and resources are used
- 4 Successful past performance on NIJ grants and contracts (when applicable)

Budget

- 1 Total cost of the project relative to the perceived benefit
- 2 Appropriateness of the budget relative to the level of effort
- 3 Use of existing resources to conserve costs

Dissemination strategy

- 1 Well-defined plan for the grant recipient to disseminate results to appropriate audiences, including researchers, practitioners, and policymakers
- 2 Suggestions for print and electronic products NIJ might develop for practitioners and policymakers

17 Research and Development on Impression Evidence

Applicants to this solicitation **must demonstrate** an appreciation of and general familiarity with existing forensic technologies as they relate to the proposed research topic They **must also demonstrate** knowledge of the costs of implementing and maintaining the proposed technology and of the training required NIJ strongly encourages researchers to seek guidance from or partner with appropriate State or local crime laboratories Such associations foster a greater understanding of the issues unique to the field of forensic science and may strengthen the scope of the proposed research plan

Successful **applicants must demonstrate** the following:

Understanding of the problem and its importance

Inclusion of appropriate scientific and legal citations to **demonstrate** awareness of the problem and the potential contribution of the proposed research to the forensic community

Quality and technical merit

- 1 Awareness of the state of current research or technology
- 2 Soundness of methodology and analytic and technical approach
- 3 Feasibility of proposed project and awareness of pitfalls
- 4 Innovation and creativity (when appropriate)

Impact of the proposed project

- 1 Potential for significant advances in scientific or technical understanding of the problem
- 2 Potential for significant advances in the field
- 3 Relevance for improving the policy and practice of criminal justice and related agencies and improving public safety, security, and quality of life
- 4 Affordability and cost-effectiveness of proposed end products, when applicable (eg, purchase price and maintenance costs for a new technology or cost of training to use the technology)

- 5 Perceived potential for commercialization and/or implementation of a new technology (when applicable)

Capabilities, **demonstrated** productivity, and experience of applicants

- 1 Qualifications and experience of proposed staff
- 2 **Demonstrated** ability of proposed staff and organization to manage the effort
- 3 Adequacy of the plan to manage the project, including how various tasks are subdivided and resources are used
- 4 Successful past performance on NIJ grants and contracts (when applicable)

Budget

- 1 Total cost of the project relative to the perceived benefit
- 2 Appropriateness of the budget relative to the level of effort
- 3 Use of existing resources to conserve costs

Dissemination strategy

- 1 Well-defined plan for the grant recipient to disseminate results to appropriate audiences, including researchers, practitioners, and policymakers
- 2 Suggestions for print and electronic products NIJ might develop for practitioners and policymakers

18 Sensor and Surveillance Technologies

Successful **applicants must demonstrate** the following:

Understanding of the problem and its importance

- 1 Identification and description of the specific criminal justice need that the technology will address
- 2 Description of the operational environment in which the technology will function
- 3 Description of the specific benefit anticipated (eg, 10% reduction in a specific crime) and how the technology will produce that benefit

Quality and technical merit

- 1 Awareness of the state of current research or technology
- 2 Soundness of methodology and analytic and technical approach
- 3 Feasibility of proposed project and awareness of pitfalls
- 4 Innovation and creativity (when appropriate)

Impact of the proposed project

- 1 Potential for significant advances in scientific or technical understanding of the problem
- 2 Potential for significant advances in the field
- 3 Relevance for improving the policy and practice of criminal justice and related agencies and improving public safety, security, and quality of life
- 4 Affordability and cost-effectiveness of proposed end products, when applicable (eg, purchase price and maintenance costs for a new technology or cost of training to use the technology)

- 5 Perceived potential for commercialization and/or implementation of a new technology (when applicable)

Capabilities, **demonstrated** productivity, and experience of applicants

- 1 Qualifications and experience of proposed staff
- 2 **Demonstrated** ability of proposed staff and organization to manage the effort
- 3 Adequacy of the plan to manage the project, including how various tasks are subdivided and resources are used
- 4 Successful past performance on NIJ grants and contracts (when applicable)

Budget

- 1 Total cost of the project relative to the perceived benefit
- 2 Appropriateness of the budget relative to the level of effort
- 3 Use of existing resources to conserve costs

Dissemination strategy

- 1 Well-defined plan for the grant recipient to disseminate results to appropriate audiences, including researchers, practitioners, and policymakers
- 2 Suggestions for print and electronic products NIJ might develop for practitioners and policymakers

19 Biometric Technologies

Successful **applicants must demonstrate** the following:

Understanding of the problem and its importance

- 1 Identification and description of the specific criminal justice need that the technology will address
- 2 Description of the operational environment in which the technology will function
- 3 Description of the specific benefit anticipated (eg, 10% reduction in a specific crime) and how the technology will produce that benefit

Quality and technical merit

- 1 Awareness of the state of current research or technology
- 2 Soundness of methodology and analytic and technical approach
- 3 Feasibility of proposed project and awareness of pitfalls
- 4 Innovation and creativity (when appropriate)

Impact of the proposed project

- 1 Potential for significant advances in scientific or technical understanding of the problem
- 2 Potential for significant advances in the field
- 3 Relevance for improving the policy and practice of criminal justice and related agencies and improving public safety, security, and quality of life
- 4 Affordability and cost-effectiveness of proposed end products, when applicable (eg, purchase price and maintenance costs for a new technology or cost of training to use the technology)

- 5 Perceived potential for commercialization and/or implementation of a new technology (when applicable)

Capabilities, **demonstrated** productivity, and experience of applicants

- 1 Qualifications and experience of proposed staff
- 2 **Demonstrated** ability of proposed staff and organization to manage the effort
- 3 Adequacy of the plan to manage the project, including how various tasks are subdivided and resources are used
- 4 Successful past performance on NIJ grants and contracts (when applicable)

Budget

- 1 Total cost of the project relative to the perceived benefit
- 2 Appropriateness of the budget relative to the level of effort
- 3 Use of existing resources to conserve costs

Dissemination strategy

- 1 Well-defined plan for the grant recipient to disseminate results to appropriate audiences, including researchers, practitioners, and policymakers
- 2 Suggestions for print and electronic products NIJ might develop for practitioners and policymakers

20 Forensic DNA Research and Development

Applicants to this solicitation must demonstrate an appreciation of and general familiarity with the technologies currently used for analyzing DNA evidence. They should have an understanding of issues such as chain of custody, courtroom admissibility, degraded or limited DNA, and mixtures of DNA from multiple tissues or individuals. **Applicants should also demonstrate** an appreciation of the costs to implement and maintain the proposed technology, as well as the training that will be required. NIJ **strongly** encourages researchers to seek guidance from, or partner with, appropriate State or local crime laboratories. Such associations foster a greater understanding of the issues unique to the field of forensic DNA and may strengthen the scope of the proposed research plan.

Successful **applicants must demonstrate** the following:

Understanding of the problem and its importance

Inclusion of appropriate scientific and legal citations to **demonstrate** awareness of the problem and the potential contribution of the proposed research to the forensic DNA community

Quality and technical merit

- 1 Awareness of the state of current research or technology
- 2 Soundness of methodology and analytic and technical approach
- 3 Feasibility of proposed project and awareness of pitfalls
- 4 Innovation and creativity (when appropriate)

Impact of the proposed project

- 1 Potential for significant advances in scientific or technical understanding of the problem
- 2 Potential for significant advances in the field

- 3 Relevance for improving the policy and practice of criminal justice and related agencies and improving public safety, security, and quality of life
- 4 Affordability and cost-effectiveness of proposed end products, when applicable (eg, purchase price and maintenance costs for a new technology or cost of training to use the technology)
- 5 Perceived potential for commercialization and/or implementation of a new technology (when applicable)

Capabilities, **demonstrated** productivity, and experience of applicants

- 1 Qualifications and experience of proposed staff
- 2 **Demonstrated** ability of proposed staff and organization to manage the effort
- 3 Adequacy of the plan to manage the project, including how various tasks are subdivided and resources are used
- 4 Successful past performance on NIJ grants and contracts (when applicable)

Budget

- 1 Total cost of the project relative to the perceived benefit
- 2 Appropriateness of the budget relative to the level of effort
- 3 Use of existing resources to conserve costs

Dissemination strategy

- 1 Well-defined plan for the grant recipient to disseminate results to appropriate audiences, including researchers, practitioners, and policymakers
- 2 Suggestions for print and electronic products NIJ might develop for practitioners and policymakers

21 Electronic Crime Research and Development

Successful **applicants must demonstrate** the following:

Understanding of the problem and its importance

Quality and technical merit

- 1 Awareness of the state of current research or technology
- 2 Soundness of methodology and analytic and technical approach
- 3 Feasibility of proposed project and awareness of pitfalls
- 4 Innovation and creativity (when appropriate)

Impact of the proposed project

- 1 Potential for significant advances in scientific or technical understanding of the problem
- 2 Potential for significant advances in the field
- 3 Relevance for improving the policy and practice of criminal justice and related agencies and improving public safety, security, and quality of life
- 4 Affordability and cost-effectiveness of proposed end products, when applicable (eg, purchase price and maintenance costs for a new technology or cost of training to use the technology)

- 5 Perceived potential for commercialization and/or implementation of a new technology (when applicable)

Capabilities, **demonstrated** productivity, and experience of applicants

- 1 Qualifications and experience of proposed staff
- 2 **Demonstrated** ability of proposed staff and organization to manage the effort
- 3 Adequacy of the plan to manage the project, including how various tasks are subdivided and resources are used
- 4 Successful past performance on NIJ grants and contracts (when applicable)

Budget

- 1 Total cost of the project relative to the perceived benefit
- 2 Appropriateness of the budget relative to the level of effort
- 3 Use of existing resources to conserve costs

Dissemination strategy

- 1 Well-defined plan for the grant recipient to disseminate results to appropriate audiences, including researchers, practitioners, and policymakers
- 2 Suggestions for print and electronic products NIJ might develop for practitioners and policymakers

22 Corrections Technology

Successful **applicants must demonstrate** the following:

Understanding of the problem and its importance

Quality and technical merit

- 1 Awareness of the state of current research or technology
- 2 Soundness of methodology and analytic and technical approach
- 3 Feasibility of proposed project and awareness of pitfalls
- 4 Innovation and creativity (when appropriate)

Impact of the proposed project

- 1 Potential for significant advances in scientific or technical understanding of the problem
- 2 Potential for significant advances in the field
- 3 Relevance for improving the policy and practice of criminal justice and related agencies and improving public safety, security, and quality of life
- 4 Affordability and cost-effectiveness of proposed end products, when applicable (eg, purchase price and maintenance costs for a new technology or cost of training to use the technology)
- 5 Perceived potential for commercialization and/or implementation of a new technology (when applicable)

Capabilities, **demonstrated** productivity, and experience of applicants

- 1 Qualifications and experience of proposed staff
- 2 **Demonstrated** ability of proposed staff and organization to manage the effort

- 3 Adequacy of the plan to manage the project, including how various tasks are subdivided and resources are used
- 4 Successful past performance on NIJ grants and contracts (when applicable)

Budget

- 1 Total cost of the project relative to the perceived benefit
- 2 Appropriateness of the budget relative to the level of effort
- 3 Use of existing resources to conserve costs

Dissemination strategy

- 1 Well-defined plan for the grant recipient to disseminate results to appropriate audiences, including researchers, practitioners, and policymakers
- 2 Suggestions for print and electronic products NIJ might develop for practitioners and policymakers

23 School Safety Technologies

Successful **applicants must demonstrate** the following:

Understanding of the problem and its importance

Successful applicants will take into consideration the school setting and its diverse populations (ie, students, administrators, visitors) for all technology proposals This solicitation requires applicants to address the needs of schools with affordable and suitable technology solutions

Quality and technical merit

- 1 Awareness of the state of current research or technology
- 2 Soundness of methodology and analytic and technical approach
- 3 Feasibility of proposed project and awareness of pitfalls
- 4 Innovation and creativity (when appropriate)

Impact of the proposed project

- 1 Potential for significant advances in scientific or technical understanding of the problem
- 2 Potential for significant advances in the field
- 3 Relevance for improving the policy and practice of criminal justice and related agencies and improving public safety, security, and quality of life
- 4 Affordability and cost-effectiveness of proposed end products, when applicable (eg, purchase price and maintenance costs for a new technology or cost of training to use the technology)
- 5 Perceived potential for commercialization and/or implementation of a new technology (when applicable)

Capabilities, **demonstrated** productivity, and experience of applicants

- 1 Qualifications and experience of proposed staff
- 2 **Demonstrated** ability of proposed staff and organization to manage the effort
- 3 Adequacy of the plan to manage the project, including how various tasks are subdivided and resources are used
- 4 Successful past performance on NIJ grants and contracts (when applicable)

Budget

- 1 Total cost of the project relative to the perceived benefit
- 2 Appropriateness of the budget relative to the level of effort
- 1 Use of existing resources to conserve costs

Dissemination strategy

- 1 Well-defined plan for the grant recipient to disseminate results to appropriate audiences, including researchers, practitioners, and policymakers
- 2 Suggestions for print and electronic products NIJ might develop for practitioners and policymakers

24 Pursuit Management Technologies

Successful **applicants must demonstrate** the following:

Understanding of the problem and its importance

Quality and technical merit

- 1 Awareness of the state of current research or technology
- 2 Soundness of methodology and analytic and technical approach
- 3 Feasibility of proposed project and awareness of pitfalls
- 4 Innovation and creativity (when appropriate)

Impact of the proposed project

- 1 Potential for significant advances in scientific or technical understanding of the problem
- 2 Potential for significant advances in the field
- 3 Relevance for improving the policy and practice of criminal justice and related agencies and improving public safety, security, and quality of life
- 4 Affordability and cost-effectiveness of proposed end products, when applicable (eg, purchase price and maintenance costs for a new technology or cost of training to use the technology)
- 5 Perceived potential for commercialization and/or implementation of a new technology (when applicable)

Capabilities, **demonstrated** productivity, and experience of applicants

- 1 Qualifications and experience of proposed staff
- 2 **Demonstrated** ability of proposed staff and organization to manage the effort
- 3 Adequacy of the plan to manage the project, including how various tasks are subdivided and resources are used
- 4 Successful past performance on NIJ grants and contracts (when applicable)

Budget

- 1 Total cost of the project relative to the perceived benefit
- 2 Appropriateness of the budget relative to the level of effort
- 3 Use of existing resources to conserve costs

Dissemination strategy

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- 2 Suggestions for print and electronic products NIJ might develop for practitioners and policymakers

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25 Modeling and Simulation Research and Development: Software for Improved Operations, Operational Modeling, Speech-to-Text Recognition, and Training Technologies

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NIJ is seeking concept papers for applied studies in the modeling of the operations of criminal justice organizations including police, corrections, or court operations, or linkages between them. The purpose is to develop widely applicable methodologies that (1) criminal justice organizations can use to **demonstrate** the utility of funding innovations in technology and operations, and (2) innovators can use to evaluate how best to design new technology.

Successful **applicants must demonstrate** the following:

Understanding of the problem and its importance

The proposal must state the current status of research or technology, and the contribution of the proposed work. Whenever applicable, a brief literature review with references is expected.

Quality and technical merit

- 1 Awareness of the state of current research or technology
- 2 Soundness of methodology and analytic and technical approach
- 3 Feasibility of proposed project and awareness of pitfalls
- 4 Innovation and creativity (when appropriate)

Impact of the proposed project

- 1 Potential for significant advances in scientific or technical understanding of the problem
- 2 Potential for significant advances in the field
- 3 Relevance for improving the policy and practice of criminal justice and related agencies and improving public safety, security, and quality of life
- 4 Affordability and cost-effectiveness of proposed end products, when applicable (eg, purchase price and maintenance costs for a new technology or cost of training to use the technology)
- 5 Perceived potential for commercialization and/or implementation of a new technology (when applicable)

Capabilities, **demonstrated** productivity, and experience of applicants

- 1 Qualifications and experience of proposed staff
- 2 **Demonstrated** ability of proposed staff and organization to manage the effort
- 3 Adequacy of the plan to manage the project, including how various tasks are subdivided and resources are used
- 4 Successful past performance on NIJ grants and contracts (when applicable)

Budget

- 1 Total cost of the project relative to the perceived benefit
- 2 Appropriateness of the budget relative to the level of effort
- 3 Use of existing resources to conserve costs

Dissemination strategy

- 1 Well-defined plan for the grant recipient to disseminate results to appropriate audiences, including researchers, practitioners, and policymakers
- 2 Suggestions for print and electronic products NIJ might develop for practitioners and policymakers

26 Enhanced Tools for Improvised Device (IED) and Vehicle Borne IED Defeat

Successful **applicants must demonstrate** the following:

Understanding of the problem and its importance

A literature review is not necessary for this solicitation; however a thorough understanding of the problem and how it relates to the bomb technician is required

Quality and technical merit

- 1 Awareness of the state of current research or technology
- 2 Soundness of methodology and analytic and technical approach
- 3 Feasibility of proposed project and awareness of pitfalls
- 4 Innovation and creativity (when appropriate)

Impact of the proposed project

- 1 Potential for significant advances in scientific or technical understanding of the problem
- 2 Potential for significant advances in the field
- 3 Relevance for improving the policy and practice of criminal justice and related agencies and improving public safety, security, and quality of life
- 4 Affordability and cost-effectiveness of proposed end products, when applicable (eg, purchase price and maintenance costs for a new technology or cost of training to use the technology)
- 5 Perceived potential for commercialization and/or implementation of a new technology (when applicable)

Capabilities, demonstrated productivity, and experience of applicants

- 1 Qualifications and experience of proposed staff
- 2 Demonstrated ability of proposed staff and organization to manage the effort
- 3 Adequacy of the plan to manage the project, including how various tasks are subdivided and resources are used
- 4 Successful past performance on NIJ grants and contracts (when applicable)

Budget

- 1 Total cost of the project relative to the perceived benefit
- 2 Appropriateness of the budget relative to the level of effort
- 3 Use of existing resources to conserve costs

Dissemination strategy

- 1 Well-defined plan for the grant recipient to disseminate results to appropriate audiences, including researchers, practitioners, and policymakers
- 2 Suggestions for print and electronic products NIJ might develop for practitioners and policymakers

27 Less Lethal Technologies

Successful **applicants must demonstrate** the following:

Understanding of the problem and its importance

- 1 Identification and description of the specific criminal justice need that the technology will address
- 2 Description of the operational environment in which the technology will function
- 3 Description of the specific benefit anticipated and how the technology will produce that benefit
- 4 Scientific references concerning the effect that will be produced by the device Key supporting references should be included in the concept paper's attachment

Quality and technical merit

- 1 Awareness of the state of current research or technology
- 2 Soundness of methodology and analytic and technical approach
- 3 Feasibility of proposed project and awareness of pitfalls
- 4 Innovation and creativity (when appropriate)

Impact of the proposed project

- 1 Potential for significant advances in scientific or technical understanding of the problem
- 1 Potential for significant advances in the field Relevance for improving the policy and practice of criminal justice and related agencies and improving public safety, security, and quality of life
- 2 Affordability and cost-effectiveness of proposed end products, when applicable (eg, purchase price and maintenance costs for a new technology or cost of training to use the technology)
- 3 Perceived potential for commercialization and/or implementation of a new technology (when applicable)

Capabilities, **demonstrated** productivity, and experience of applicants

- 1 Qualifications and experience of proposed staff
- 2 **Demonstrated** ability of proposed staff and organization to manage the effort
- 3 Adequacy of the plan to manage the project, including how various tasks are subdivided and resources are used
- 4 Successful past performance on NIJ grants and contracts (when applicable)

Budget

- 1 Total cost of the project relative to the perceived benefit
- 2 Appropriateness of the budget relative to the level of effort

- 3 Use of existing resources to conserve costs

Dissemination strategy

- 1 Well-defined plan for the grant recipient to disseminate results to appropriate audiences, including researchers, practitioners, and policymakers
- 2 Suggestions for print and electronic products NIJ might develop for practitioners and policymakers

28 Communications Technology

NIJ is seeking concept papers to research, develop, and **demonstrate** emerging technology solutions for interoperable voice communications for public safety agencies. Solutions to inadequate and unreliable wireless communications are of particular importance. Technologies that help increase coverage, bandwidth, and functionality by extending current technology or by developing new technology are of interest.

Successful **applicants must demonstrate** the following:

Understanding of the problem and its importance

The proposal must describe the current status of research and technology and the expected contribution of the proposed work. Whenever applicable, a brief literature review with references is expected.

Quality and technical merit

- 1 Awareness of the state of current research or technology
- 2 Soundness of methodology and analytic and technical approach
- 3 Feasibility of proposed project and awareness of pitfalls
- 4 Innovation and creativity (when appropriate)

Impact of the proposed project

- 1 Potential for significant advances in scientific or technical understanding of the problem
- 2 Potential for significant advances in the field
- 3 Relevance for improving the policy and practice of criminal justice and related agencies and improving public safety, security, and quality of life
- 4 Affordability and cost-effectiveness of proposed end products, when applicable (eg, purchase price and maintenance costs for a new technology or cost of training to use the technology)
- 5 Perceived potential for commercialization and/or implementation of a new technology (when applicable)

Capabilities, **demonstrated** productivity, and experience of applicants

- 1 Qualifications and experience of proposed staff
- 2 **Demonstrated** ability of proposed staff and organization to manage the effort
- 3 Adequacy of the plan to manage the project, including how various tasks are subdivided and resources are used
- 4 Successful past performance on NIJ grants and contracts (when applicable)

Budget

- 1 Total cost of the project relative to the perceived benefit
- 2 Appropriateness of the budget relative to the level of effort
- 3 Use of existing resources to conserve costs

Dissemination strategy

- 1 Well-defined plan for the grant recipient to disseminate results to appropriate audiences, including researchers, practitioners, and policymakers
- 2 Suggestions for print and electronic products NIJ might develop for practitioners and policymakers

29 Information-Led Policing Research, Technology Development, Testing, and Evaluation

Peer-review panelists will evaluate concept papers using the criteria listed below. Following this assessment, NIJ will then invite selected applicants to submit full proposals. Full proposals will also be peer reviewed. NIJ staff then make recommendations to the NIJ Director. The Director makes final award decisions.

Successful **applicants must demonstrate** the following:

Understanding of the problem and its importance

Quality and technical merit

- 1 Awareness of the state of current research or technology
- 2 Soundness of methodology and analytic and technical approach
- 3 Feasibility of proposed project and awareness of pitfalls
- 4 Innovation and creativity (when appropriate)

Impact of the proposed project

- 1 Potential for significant advances in scientific or technical understanding of the problem
- 2 Potential for significant advances in the field
- 3 Relevance for improving the policy and practice of criminal justice and related agencies and improving public safety, security, and quality of life
- 4 Affordability and cost-effectiveness of proposed end products, when applicable (eg, purchase price and maintenance costs for a new technology or cost of training to use the technology)
- 5 Perceived potential for commercialization and/or implementation of a new technology (when applicable)

Capabilities, **demonstrated** productivity, and experience of applicants

- 1 Qualifications and experience of proposed staff
- 2 **Demonstrated** ability of proposed staff and organization to manage the effort
- 3 Adequacy of the plan to manage the project, including how various tasks are subdivided and resources are used
- 4 Successful past performance on NIJ grants and contracts (when applicable)

Budget

- 1 Total cost of the project relative to the perceived benefit
- 2 Appropriateness of the budget relative to the level of effort
- 3 Use of existing resources to conserve costs

Dissemination strategy

- 1 Well-defined plan for the grant recipient to disseminate results to appropriate audiences, including researchers, practitioners, and policymakers
- 2 Suggestions for print and electronic products NIJ might develop for practitioners and policymakers

30 Forensic Science Research and Development Targeting Forensic Engineering, Forensic Pathology, Forensic Odontology, Trace Evidence, Controlled Substances, and Questioned Documents

Applicants to this solicitation **must demonstrate** an appreciation of and general familiarity with existing forensic technologies as they relate to the proposed research topic **They must also demonstrate** knowledge of the costs of implementing and maintaining the proposed technology and training required NIJ **strongly** encourages researchers to seek guidance from, or partner with, appropriate State or local crime laboratories Such associations foster a greater understanding of the issues unique to the field of forensic science and may strengthen the scope of the proposed research plan

Successful **applicants must demonstrate** the following:

Understanding of the problem and its importance

Inclusion of appropriate scientific and legal citations to demonstrate awareness of the problem and the potential contribution of the proposed research to the forensic community

Quality and technical merit

- 1 Awareness of the state of current research or technology
- 2 Soundness of methodology and analytic and technical approach
- 3 Feasibility of proposed project and awareness of pitfalls
- 4 Innovation and creativity (when appropriate)

Impact of the proposed project

- 1 Potential for significant advances in scientific or technical understanding of the problem
- 2 Potential for significant advances in the field
- 3 Relevance for improving the policy and practice of criminal justice and related agencies and improving public safety, security, and quality of life
- 4 Affordability and cost-effectiveness of proposed end products, when applicable (eg, purchase price and maintenance costs for a new technology or cost of training to use the technology)
- 5 Perceived potential for commercialization and/or implementation of a new technology (when applicable)

Capabilities, demonstrated productivity, and experience of applicants

- 1 Qualifications and experience of proposed staff
- 2 Demonstrated ability of proposed staff and organization to manage the effort
- 3 Adequacy of the plan to manage the project, including how various tasks are subdivided and resources are used
- 4 Successful past performance on NIJ grants and contracts (when applicable)

Budget

- 1 Total cost of the project relative to the perceived benefit
- 2 Appropriateness of the budget relative to the level of effort
- 3 Use of existing resources to conserve costs

Dissemination strategy

- 1 Well-defined plan for the grant recipient to disseminate results to appropriate audiences, including researchers, practitioners, and policymakers
- 2 Suggestions for print and electronic products NIJ might develop for practitioners and policymakers