



## **New York County District Attorney's Office Sexual Assault Kit Backlog Elimination Grant Program**

### **Frequently Asked Questions**

April 24, 2015

#### **PROGRAM OVERVIEW AND ELIGIBILITY**

**1. How much funding is available to support the New York County District Attorney's (DANY) Sexual Assault Kit Backlog Elimination Grant Program?**

Up to \$35 million is available for this grant program. Each applicant may request up to \$2,000,000 for a two-year period. As resources allow, additional funding may be available through subsequent solicitations to support additional sexual assault kit (SAK) testing efforts. DANY also recognizes that applicants with smaller backlogs will require significantly lesser amounts of funding. All jurisdictions with backlogged kits that meet the minimum requirements of this solicitation, regardless of the size of their backlog, are encouraged to apply.

**2. Who is eligible to apply for the New York County District Attorney's Office grant program?**

States (including territories), units of local governments (including federally-recognized Indian Tribal governments as determined by the Secretary of the Interior), law enforcement agencies, and public forensic labs. Multi-jurisdictional entities such as states and counties may also apply.

**3. What is the application process?**

All applications must be submitted through DANY's online grant administration portal <https://app.wizehive.com/appform/login/whnycda> by June 1, 2015 at 5:00 p.m. EST. Applications may not be submitted in any other way, and no late applications will be accepted. In the event of technical difficulties with the application process, please contact [dnabacklog@dany.nyc.gov](mailto:dnabacklog@dany.nyc.gov).

**4. How does this solicitation define "backlogged or untested kit?"**

A "backlogged" or "untested kit" is one that has not been analyzed by a forensic lab within 365 days of being booked into evidence. Kits from cases in which identity of the offender is not an issue, the statute of limitations has expired, or the offender was convicted without DNA evidence would still fall under this category and should not be excluded.

**5. When will grant funds become available?**

Applications are due on June 1, 2015 and grantees will be selected by late summer 2015. The contract period will commence by September 1, 2015.

**6. Will DANY award partial funding for a proposal?**

Yes, DANY may decide to grant a jurisdiction a portion of the total funds requested in its proposal.

## **PERMISSIBLE USES OF FUNDS**

**7. Can my jurisdiction use this funding to address backlogged SAKs currently awaiting testing in my jurisdiction's crime laboratory?**

Yes. Sexual assault kits that have remained untested for at least 365 days and are currently located in police storage, crime labs or other facilities are eligible for testing under this grant program.

**8. What can we use the funding for?**

Funding must be used only for testing of untested or backlogged SAKs. This includes costs associated with transporting kits to a lab, DNA testing, consumables and supplies associated with kit testing, technical review and uploading profiles into CODIS. You may pay overtime costs for existing lab staff or to contract temporary staff in order to enhance capacity for the period of this grant. Please see the Budget Narrative and Worksheet Instructions available at: <https://app.wizehive.com/appform/login/whnycda> for additional information about allowable Personnel and OTPS costs.

**9. Can we use these funds to hire and train new staff, including DNA analysts, data analysts, or an administrator for the project?**

No. DANY will not provide funding for training or for hiring new permanent staff. You may use funds to pay for lab staff overtime or to hire contracted lab staff for the duration of this project.

**10. Will DANY provide funding for to support the data collection and reporting required under this grant program?**

No. DANY will not provide additional funding to support data collection and reporting. However, DANY and its partners will provide assistance to jurisdictions with reporting on an as-need basis.

**11. Can I use this funding to start a new public DNA lab in my jurisdiction or add DNA capabilities to an existing public lab?**

No.

**12. Can I use funding to test SAKs that have undergone other types of testing but not DNA testing?**

Yes, any kit that has *not* undergone DNA testing is considered untested under this grant program.

## **PROGRAM REQUIREMENTS**

**13. Do we need to know the exact extent of our backlog in order to apply?**

No. DANY recognizes that many jurisdictions may not fully know the scope of their backlog at this time. Qualified jurisdictions are encouraged to apply even if they have not completed a full inventory or audit.

**14. What kind of reporting will be required under this grant?**

All grantees will be expected to report to DANY on a quarterly basis. Grantees must agree to provide follow-up information to DANY for two years after the grant period ends.

**15. Does my jurisdiction need to form a multidisciplinary team?**

While your jurisdiction does not need to create a formal team, this grant program requires that your jurisdiction employ a *multi-disciplinary strategy*. A multi-disciplinary strategy incorporates all critical stakeholders, including law enforcement, prosecutors, system and community-based victim advocates, forensic medical personnel and laboratories, and formalizes the process for coordinating local SAK testing efforts. In some jurisdictions, a working group or task force may be established. Others may consider a less formalized approach.

**16. Who should write letters of commitment and what should they include?**

Your application should include a letter of commitment from each key stakeholder within your multidisciplinary strategy. These letters should describe, using specifics, how that agency or organization will participate in the initiative, should the jurisdiction receive funding. Letters should also include a commitment from key stakeholders to share relevant data with the lead applicant for reporting purposes.

If you are a multi-jurisdictional entity, such as a state or a county, you are not required to submit a letter of commitment from every stakeholder agency included in your proposal. In such cases, please submit letters of commitment from the key statewide agencies within your jurisdiction, such as the state police department, the state prosecutor's office and the state forensic lab.

**17. What is the “forklift” approach, and is my jurisdiction required to adhere to that model?**

The “forklift” approach requires testing all SAKs in the backlog regardless of the status or facts of the case. SAKs should not be excluded from the sample of kits to be tested for reasons including, but not limited to: expired statute of limitations, perceived weaknesses in the case, the nature of the victim/defendant relationship, victim cooperation at the time the crime was reported, previous adjudication of the case, including post-conviction cases, or prior partial forensic testing.

All jurisdictions that receive funding through DANY's grant program must adhere to the forklift approach. Successful backlog elimination efforts in New York City, Houston, Detroit, Cleveland and others have proven the value of testing every kit.

**18. Will DANY make my jurisdiction's reported data public?**

Data collected from jurisdictions through this grant may also be used for evaluation purposes and DANY will only report aggregate, anonymized outcomes. In the case that DANY wishes to report jurisdiction-specific information, prior approval will be sought from the grantee.

**19. Is there a maximum age for SAKs that can be tested under this program?**

No.

**20. Does DANY require applicants to propose testing a minimum number of kits in order to qualify for this grant?**

No, there is no minimum number of SAKS required to participate in DANY's grant program. All jurisdictions that meet the grant requirements of this solicitation are encouraged to apply.

**21. If I represent a multi-jurisdictional entity such as a state or county, does DANY require a minimum number of law enforcement agencies within my jurisdiction to participate?**

No. If a multi-jurisdictional entity applies as the lead applicant to this grant program, there is no limit or minimum number of sub-jurisdictions that the multi-jurisdictional applicant may include in the proposal. However, the lead applicant must explain the scope of the funding request and describe the multi-disciplinary strategy that includes the participating agencies within the jurisdiction. For example, if a state bureau of investigation is the lead applicant on behalf of six participating counties statewide, the application should

include a description of the six counties, and the bureau's strategy for collecting kits and information from each.

**22. Does this grant program require that jurisdictions test kits that involve non-reporting or anonymous victims?**

No. If a victim chooses not to report a crime, the DNA profile is no longer eligible for upload into the FBI's CODIS database, and therefore not required for testing under this grant program. Jurisdictions should not test kits related to non-reported cases, sometimes called "anonymous," "unreported," or "Jane Doe" kits unless a victim has changed his/her mind and decided to make a police report at a later time.

**23. Will we be able to outsource the kits to private labs?**

Yes. Applicants may use any accredited lab of their choice for testing under this grant program, whether that lab is public or private. Applicants may also divide their kits between more than one accredited lab for testing.

Please be advised that DANY has established agreements with two private forensic labs: Bode Cellmark Forensics and Sorenson Forensics. Jurisdictions are under no obligation to use these services and must follow any applicable procurement rules when contracting with any private lab if selected for funding under the SAK Program. Through these established agreements, grantees of the SAK Program will be eligible to receive a competitive rate of \$550-650 per kit for initial DNA testing.<sup>1</sup>

**24. If my jurisdiction contracts with a private lab, does DANY require a letter of commitment from that lab?**

No. You only need to provide a letter of commitment from the public lab(s) that will upload your eligible DNA profiles to CODIS.

**25. If my jurisdiction receives DANY funding, how many representatives can we send to U.S. Department of Justice's Bureau of Justice Assistance conference in Washington D.C.?**

Applicants should budget for delegations of approximately 2-3 representatives to attend the BJA conference.

**26. Can my jurisdiction apply to both the Bureau of Justice Assistance and DANY for funding?**

Yes. DANY and BJA will share information and coordinate to ensure that there is no duplication of funding awarded to jurisdictions. Jurisdictions may apply to both programs as long as they meet the grant requirements from each program.

For more information, contact: [dnabacklog@dany.nyc.gov](mailto:dnabacklog@dany.nyc.gov) or visit: <http://manhattanda.org/ending-rape-kit-backlog-nationwide>

A copy of the SAK Backlog Elimination Program RFP can be found at: <http://tinyurl.com/DANYSKRFP>

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<sup>1</sup> For additional information about DANY's service-level agreements with Bode Cellmark Forensics and Sorenson Forensics, please contact those labs directly. For Bode, direct inquiries to Andrew Singer at [Andrew.Singer@bodetech.com](mailto:Andrew.Singer@bodetech.com) and for Sorenson, direct inquiries to Camilla Green at [CGreen@sorensonforensics.com](mailto:CGreen@sorensonforensics.com).