

**INDIGENT DEFENSE  
BYRNE JUSTICE ASSISTANCE GRANT (BYRNE JAG)  
FISCAL YEAR 2016  
PROGRAM DESCRIPTION**

**(Maximum Award \$220,000)**

**PROBLEM STATEMENT:**

The vast majority of criminal defendants in the United States are too poor to afford a lawyer, yet adequate funding and resources for defense counsel remains an elusive goal. Funding for trial-level criminal defense in Michigan is provided entirely by counties, each selecting a different method; for appellate-level criminal defense, counties fund 75 percent of defense services, and the State Appellate Defenders Office (SADO) provides the remaining 25 percent through state funding. The level of financial support varies widely from county to county, and is generally considered inadequate to assure the indigent defendants receive constitutionally effective assistance of counsel. As a result, the delivery of constitutional-mandated defense services is widely dispersed and disconnected. Local communities bear the costs of error correction when a case must be re-tried due to mistakes in the first proceeding. Most importantly, mistakes can lead to conviction of the wrong person, leaving dangerous perpetrators at large and creating great risk to local communities.

**PROGRAM DESCRIPTION:**

This program area is designed to improve poorly managed resources and case preparation. It has been determined that a majority of cases exonerated or receiving reduced sentencing did not have any investigations at the time of trial. In many of these cases, appellate investigations have led not only to just outcomes, but also the opportunity to find and prosecute the actual perpetrator of the crime. Investigators can provide services to roster attorneys and SADO attorneys for back-up and training purposes.

**GOAL, OBJECTIVE, ACTIVITIES, AND PERFORMANCE MEASURES:**

<b>Goal</b>	<b>Improve poorly managed resources and proper case preparation.</b>
<b>Objective</b>	Reduce unjust convictions and sentencing errors.
<b>Activities</b>	Review plea-based and trial-based convictions. Investigate convictions that did not provide adequate defense. Provide training and leadership for better case preparation. Correct post-conviction errors.
<b>Performance Measures</b>	Reduce sentencing errors and unjust convictions. Increase case preparation for indigent defendants.

**PREVIOUS GRANT COMPLIANCE:**

Application reviews will include scoring on the applicant's previous compliance with Byrne JAG federal and state requirements for timeliness, accuracy, and completeness of reports.

**BUDGET:**

The maximum state award under this program area will be \$220,000. All costs must be reasonable and justified.

**MATCH REQUIREMENT:**

There is no match requirement for this program area.

**BUDGET DEVIATION ALLOWANCES:**

Budget deviation allowances will no longer be accepted. All budget and programmatic changes will require a formal amendment on the Michigan Automatic Grant Information Connection Plus (MAGIC+) system.

**UNALLOWABLE EXPENSES AND ACTIVITIES:**

- Costs in applying for this grant (e.g., consultants, grant writers, etc.).
- Any expenses incurred prior to the date of the contract.
- Any administrative costs not directly related to the administration of this grant award.
- Indirect costs rates or indirect administrative expenses (only direct costs permitted).
- Personnel, including law enforcement officers, not connected to the project for which you are applying.
- Lobbying or advocacy for particular legislative or administrative reform.
- Fund raising and any salaries or expenses associated with it.
- Legal fees.
- All travel including first class or out-of-state travel (except preauthorized under certain program areas).
- Promotional items (except preauthorized under certain program areas).
- One-time events, prizes, entertainment (e.g., tours, excursions, amusement parks, sporting events) (except preauthorized under certain program areas).
- Honorariums.
- Contributions and donations.
- Management or administrative training, conferences (only pre-approved project related training).
- Management studies or research and development (costs related to evaluation are permitted).
- Fines and penalties.
- Losses from uncollectible bad debts.
- Purchase of land.
- Memberships and agency dues, unless a specific requirement of the project (prior approval required).
- Compensation to federal employees for travel or consulting fees.
- Military type equipment such as armored vehicles, explosive devices, and other items typically associated with the military arsenal.
- Purchase vehicles, vessels or aircraft.
- Construction costs and/or renovation (including remodeling).
- Service contracts and training beyond the expiration of the grant award.
- Informant fees, rewards or buy money.
- Expert witness fees.
- K9 dogs and horses (including any food and/or supplies relating to the upkeep of law enforcement animals).
- Livescan devices for applicant prints, including any related supplies.

- Weapons, including tasers.
- Food, refreshments, snacks.
  - Note: No funding can be used to purchase food and/or beverages for any meeting, conference, training, or other event. Exceptions to this restriction may be made only in cases where such sustenance is not otherwise available (e.g., extremely remote areas), or where a special presentation at a conference requires a plenary address where there is no other time for sustenance to be attained. Such an exception would require prior approval from the Department and the U.S. Department of Justice. This restriction does not apply to water provided at no cost, but does apply to any and all other refreshments, regardless of the size or nature of the meeting. Additionally, this restriction does not impact direct payment of per diem amounts to individuals in a travel status under your organization's travel policy.

**INITIATION OF PROJECT:**

All projects must be initiated within 60 days of the date the grant is awarded.

**REPORTING REQUIREMENTS:**

If this application is selected for a Byrne JAG award, the requirements below must be followed. Failure to do so may cause your award to be suspended or revoked.

**PERFORMANCE/PROGRESS/PERFORMANCE MEASUREMENT TOOL (PMT) REPORTS:**

Progress reporting will take place no later than 20 days after the end of each quarter through the federal PMT system located at: <http://www.bjaperformancetools.org>. If applicable, another report (also due no later than 20 days after the end of each quarter) must be submitted and will include performance on implementation, activity, goals and objectives as well as metrics specific to the program area.

Quarterly due dates are outlined below:

- January 20, 2016
- April 20, 2016
- July 20, 2016
- October 20, 2016

All Performance/Progress/PMT Reports must be completed through MAGIC+ by the 20th day after the end of each quarter. It is the grantees responsibility to familiarize themselves with the requirements of the Performance/Progress/PMT Reports, which are contained within an awarded contract.

**FINANCIAL STATUS REPORTS (FSR) (REQUEST FOR REIMBURSEMENT):**

FSRs must be submitted on a monthly basis, no later than 30 days after the close of each calendar month. Requests for reimbursement must be submitted for the month in which payment by the awarded agency was made. Dates are outlined below:

<b>Report Period</b>	<b>Report Due Date</b>
10/1/15 - 10/31/15	11/30/15
11/1/15 - 11/30/15	12/30/15
12/1/15 - 12/31/15	1/30/16
1/1/16 - 1/31/16	2/28/16
2/1/16 - 2/28/16	3/30/16
3/1/16 - 3/31/16	4/30/16
4/1/16 - 4/30/16	5/30/16
5/1/16 - 5/31/16	6/30/16
6/1/16 - 6/30/16	7/30/16
7/1/16 - 7/31/16	8/30/16
8/1/16 - 8/31/16	9/30/16
9/1/16 - 9/30/16	10/30/16

The FSR form and instructions for completing the FSR form are contained within MAGIC+. It is the grantee's responsibility to become familiarized with the requirements of the FSR, which are contained within an awarded contract.