



Paul Coverdell
Forensic Science Improvement Grant Program

FY 2021 Application Solicitation

The application deadline is 5:00 p.m. on July 9, 2021

I. Introduction

The SC Department of Public Safety (SCDPS), Office of Highway Safety and Justice Programs (OHSJP), has been designated as the State Administrative Agency (SAA) for the Paul Coverdell Forensic Science Improvement Grant Program for South Carolina. The purpose of this grant program is to improve the quality and timeliness of forensic science and medical examiner/coroner's office services. Among other things, funds may be used to eliminate backlogs in the analysis of forensic evidence (including controlled substances, firearms examination, forensic pathology, latent prints, questioned documents, toxicology, and trace evidence), and to train and employ forensic laboratory personnel, as needed, to eliminate such a backlog. The Coverdell program may not be used for research; however, applicants may address emerging forensic science issues and technology through implementation of new technologies and processes into public laboratories.

II. Eligible Applicants

Grant awards may be made to state agencies and local units of government. A "local unit of government" is defined as any city, county, town, township or other general purpose political subdivision of a state. Each applicant must satisfy the specific application requirements outlined in this announcement, the general requirements for NIJ and OJP grants, and all other applicable legal requirements. (Note that units of local government may also apply directly to the National Institute of Justice for direct Coverdell funding.)

Non-Accredited Laboratories

South Carolina may fund worthwhile projects from unaccredited labs, to include specific requests for assistance with accreditation. Any Coverdell sub-recipient that is not accredited must certify in their application to the OHSJP, to using a portion of the grant amount for accreditation purposes. Additionally, the sub-recipient must certify that they will apply for laboratory accreditation (by the ANSIASQ National Accreditation Board (ANAB), National Association of Medical Examiners (NAME), the American Association for Laboratory Accreditation (A2LA), International Association of Coroners & Medical Examiners (IAC&ME) or other appropriate accrediting bodies) not more than two years after the South Carolina FY 2021 Coverdell sub-award date. Documentation of the sub-recipient's accreditation efforts must be provided to the OHSJP as an attachment to the sub-recipient's Final Progress Report. If the sub-recipient does not comply with the accreditation

requirement, South Carolina may impose corrective sanctions including but not limited to declaring the sub-recipient ineligible to receive future awards.

To request a grant, an applicant for Coverdell funds—whether state agencies or units of local government- **must** submit five of the six items listed below:

Certifications

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

(2) A certification regarding use of generally accepted laboratory practices. Each applicant must submit a certification that any forensic laboratory system, medical examiner's office, or coroner's office in the State, including any laboratory operated by a unit of local government within the State, that will receive any portion of the grant amount uses generally accepted laboratory practices and procedures established by accrediting organizations or appropriate certifying bodies.

(3) A certification regarding forensic science laboratory accreditation. Forensic laboratories that have already received accreditation (i.e. the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB), Forensic Quality Services (FQS), the National Association of Medical Examiners (NAME), the American Association for Laboratory Accreditation (A2LA), International Association of Coroners & Medical Examiners (IAC&ME) or other, appropriate, accrediting bodies), are eligible to apply for Paul Coverdell funds. The accrediting body must be a signatory to an internationally recognized arrangement and must offer accreditation to forensic science conformity assessment bodies using an accreditation standard that is recognized by that internationally recognized arrangement. **The scope of the accreditation must include all discipline(s) for which funds are requested. As an attachment to the accreditation certification, forensic laboratory applicants must provide documentation of current accreditation.** Acceptable types of documentation of current accreditation include: an electronic (scanned) copy of the current accreditation certificate(s), or a letter from the accrediting body that includes the certificate number. Additionally, if a certificate references another document that contains key information on the type or scope of the accreditation, provide a copy of that supplemental documentation. Independent accrediting or certifying organizations may include the ASCLD-LAB, FQS, the A2LA, or other appropriate accrediting bodies.

IMPORTANT NOTE:
Exception for Medical Examiner's and Coroner's Offices

Medical examiner's and coroner's offices are excluded from coverage with respect to this requirement for a certification regarding forensic science laboratory system accreditation; therefore, an applicant, in determining whether it may make the "Certification as to Forensic Science Laboratory System Accreditation," is not called upon to certify as to the accreditation status of medical examiner's or coroner's offices in the State.

(4) A certification and description regarding costs of new facilities. Each applicant must submit a certification that the amount of the grant used for the costs of any new facility constructed as part of a program to improve the quality and timeliness of forensic science or medical examiner services will not exceed certain limitations set forth in the Coverdell law at 34 U.S.C. § 10564(c). Applicants must also describe in the program narrative any new facility to be constructed, as well as the estimated costs of the facility.

(5) A certification regarding external investigations into allegations of serious negligence or misconduct. Each applicant must submit a certification that "a government entity exists and an appropriate process is in place to conduct independent external investigations into allegations of serious negligence or misconduct substantially affecting the integrity of forensic results committed by employees or contractors of any forensic laboratory system, medical examiner's office, coroner's office, law enforcement storage facility, or medical facility in the State that will receive a portion of the grant amount." **NOTE:** *Prior to completing/signing this certification, the certifying official MUST read Appendix 3 of this document to include the "Special Guidance on Certification Regarding External Investigations Into Allegations of Serious Negligence or Misconduct" and the "Illustrative Examples".*

(6) External Investigations Attachment. Additionally, applicants must complete/submit the "Attachment: External Investigations" found in Appendix 2.

Applicants are expected to review the requirements of each certification carefully before determining whether the certification properly may be made. Any certification that is submitted must be executed by an official who is both familiar with the requirements of the certification and authorized to make the certification on behalf of the applicant agency. Please note that **all five of the** certifications are **required** for all applications (with the exception of certification number three on page two for non-accredited labs seeking accreditation, medical examiner's and coroner's offices). **Applicants must use the certification templates that appear in Appendix 1. The signed certifications must be scanned and submitted as attachments to the application, including appropriate accreditation documentation discussed on page two (when applicable).**

Please note that funds will not be made available to applicant agencies that fail to provide the necessary information.

Important Note on Referrals in Connection With Allegations of Serious Negligence or Serious Misconduct.

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

In addition, information regarding Referrals in Connection with Allegations of Serious Negligence or Serious Misconduct will be required on each progress report for awarded grants.

III. Distribution of Coverdell Funds - Formula Funds for States

In accordance with the Paul Coverdell Forensic Science Improvement Grant Program, eighty-five percent of the federal funds available for Coverdell grants will be allocated among eligible States based on population (“State formula funds”). The federal award to the SCDPS for FFY 2021 is currently unknown.

IV. Grant Period

The Coverdell program generally limits grants to a twelve-month period. The grant period will be **October 1, 2021 to September 30, 2022.**

V. Matching Requirement

There is no match requirement. This grant program is 100% federally funded.

VI. Notice of Post-Award Reporting Requirements

Applicants should anticipate that all recipients of awards of \$25,000 or more under this solicitation, consistent with the Federal Funding Accountability and Transparency Act of 2006 (FFATA), will be required to report award information on any awards totaling \$25,000 or more, and, in certain cases, to report information on the names and total compensation of the five most highly compensated executives of the recipients.

VII. Guidelines for the Use of Coverdell Grant Funds

A. Grant Purposes

A state agency or unit of local government that receives a Coverdell grant must use the funds for one or more of these five purposes:

1. To carry out all or a substantial part of a program intended to improve the quality and timeliness of forensic science or medical examiner/coroner's office services.
2. To eliminate a backlog in the analysis of forensic science evidence, including, among other things, a backlog with respect to firearms examination, latent prints, impression evidence, toxicology, digital evidence, fire evidence, controlled substances, forensic pathology, questioned documents, and trace evidence.
3. To train, assist, and employ forensic laboratory personnel, as needed, to eliminate such a backlog.
4. To address emerging forensic science issues (such as statistics, contextual bias, and uncertainty of measurement) and emerging forensic science technology (such as high throughput automation, statistical software, and new types of instrumentation).
5. To educate and train forensic pathologists.

IMPORTANT NOTE

The alarming proliferation of synthetic drugs and opioids have had a crushing effect on many crime laboratories. Synthetic opioids in particular may be more difficult to analyze than traditional opiates, and validating methods for new drugs as they emerge may significantly slow processing of these samples. Medical examiners and forensic pathologists have also been overwhelmed with the volume of autopsies as a result of opioids and synthetic drug-related overdose deaths. To address these issues, states are to allocate a percentage of available funds to specifically target the challenges the opioid abuse crisis has brought to the forensic science community. To this end, the OHSJP welcomes opioid and synthetic drugs-specific projects for FY 2021.

All applicants must clearly indicate in each Budget Line item whether it is "Opioid-related" or "Non-opioid-related". Additionally, if grant funds are requested for projects to address challenges posed by the opioid abuse crisis, the program narrative should describe the challenges posed and how the requested funds would help to address them.

B. Permissible Types of Expenses

The types of expenses listed below may be paid with Coverdell funds.

1. Personnel. Funds may be used for forensic science or medical examiner/coroner's office

personnel, overtime, fellowships, visiting scientists, interns, consultants, or temporary staff.

2. Computerization. Funds may be used to upgrade, replace, lease, or purchase computer hardware and software for forensic analyses and data management.
3. Laboratory Equipment. Funds may be used to upgrade, lease, or purchase forensic laboratory or medical examiner/coroner's office equipment and instrumentation.
4. Supplies. Funds may be used to acquire forensic laboratory or medical examiner/coroner's office supplies.

Note: To ensure compliance with the National Environmental Policy Act (NEPA) and Department of Justice regulations, Coverdell awardees will be required to submit additional information.

Applicants should note that award recipients whose proposals involve the use or purchase of chemicals may encounter delays in the release of their award funds pending satisfactory completion of the NEPA review process.

5. Education and Training. Funds may be used for appropriate internal and external training of staff that are directly and substantially involved in providing forensic science or medical examiner/coroner's office services. All education and training activities must be designed to improve the quality and/or timeliness of forensic science or medical examiner/coroner's office services. The grant application should demonstrate that the proposed training is directly related to the job position and duties of the individual(s) receiving the training.
6. Facilities. Funds may be used for program expenses relating to facilities, provided the expenses are directly attributable to improving the quality and/or timeliness of forensic science or medical examiner/coroner's office services. Funds also may be used for renovation and/or construction undertaken as part of the applicant's program to improve the quality and/or timeliness of forensic science or medical examiner/coroner's office services.

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

7. Accreditation. A portion of the grant amount may be used for lab accreditation purposes.

C. Expenses That Are Not Permitted

1. Funds to conduct research.
2. Expenses other than those listed above (including expenses for general law enforcement functions or non-forensic investigatory functions).

3. Costs for new facility construction that exceed the limits described above.
4. Administrative expenses.
5. The use of funds for the purchase and/or lease of vehicles, such as crime scene vans.

VIII. Expected Outcomes and Performance Measures

Applicants that receive funding under this solicitation must provide data that measure the results of their work done under this solicitation. **This announcement notifies applicants that program performance under this project is measured by the following performance measures. Award recipients will be required to collect and report data relevant to these measures.**

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

IX. Reporting

Each State and unit of local government that receives funding under the Coverdell program must submit semiannual progress reports and quarterly financial status reports for the life of the award. In

addition, Coverdell grantees must submit a final report that must, among other things, (1) include a summary and assessment of the program carried out with FY 2021 grant funds, (2) identify the number and type of cases accepted during the FY 2021 award period by the forensic laboratory or laboratories that received FY 2021 grant funds, (3) cite the specific improvements in the quality and/or timeliness of forensic science and medical examiner/coroner's office services (including any reduction in forensic analysis backlog) that occurred as a direct result of the FY 2021 grant award, and (4) information regarding Referrals in Connection with Allegations of Serious Negligence or Serious Misconduct. Future awards and requests for payment may be withheld if reports are delinquent.

X. Notification Process

Applicants will be notified in writing by the OHSJP whether their application for Coverdell formula funds has been approved for funding or has been denied funding.

XI. Application Submission

The grant application must be completed using the OHSJP's web-based grants management system, "SCDPS Grants." SCDPS Grants can be accessed at <https://www.scdpsgrants.com/>, as well as through the South Carolina Department of Public Safety website at <http://www.scdps.sc.gov/ohsjp/>.

IMPORTANT NOTE! New users must submit their subgrantee user registration requests no later than Friday, June 25, 2021.

The application must be fully complete and submitted via SCDPS Grants prior to the application deadline, which is **Friday, July 9, 2021.** Supporting documents and appendices relating to the application may be uploaded as attachments to an application on SCDPS Grants or forwarded to the address below with the **application number written on the documents.** Any supporting documentation must be received by the South Carolina Department of Public Safety by 5:00 PM by the application due date. Postmarked dates are not acceptable.

*Ms. Kayla Boston
S.C. Department of Public Safety
Office of Highway Safety and Justice Programs
Post Office Box 1993
Blythewood, South Carolina 29016*

Please be aware that SCDPS Grants will allow application submissions until 11:59 PM on the application due date. However, staff will not be available to assist with application questions after 5:00 PM.

Please contact Amy Kingston at (803) 896-4742, or AmyKingston@scdps.gov, in the OHSJP regarding any programmatic questions. Contact Guerline Pierre in Accounting-Grants for any financial questions at (803) 896-8414.

APPENDIX 1

Templates for Coverdell Statutory Certifications

Instructions: Scan signed certifications and submit image file electronically as an attachment to your SCDPS Grants application.

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

**FY 2021 Coverdell Forensic Science Improvement
Grants Program**

Certification as to Plan for Forensic Science Laboratories –
Application from a **State**

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

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

I acknowledge that a false statement in this certification or in the grant application that it supports may be the subject of criminal prosecution, including under 18 U.S.C. § 1001 and 34 U.S.C. § 10272. I also acknowledge that Office of Justice Programs grants, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs and/or by the Department of Justice's Office of the Inspector General.

I have authority to make this certification on behalf of the applicant agency.

Signature of Certifying Official

Printed Name of Certifying Official

Title of Certifying Official

Name of Applicant Agency (Including Name of State)

Date

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

**FY 2021 Coverdell Forensic Science Improvement
Grants Program**

Certification as to Plan for Forensic Science Laboratories -
Application from a **Unit of Local Government**

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

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

I acknowledge that a false statement in this certification or in the grant application that it supports may be the subject of criminal prosecution, including under 18 U.S.C. § 1001 and 34 U.S.C. § 10272. I also acknowledge that Office of Justice Programs grants, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs and/or by the Department of Justice's Office of the Inspector General.

I have authority to make this certification on behalf of the applicant agency.

Signature of Certifying Official

Printed Name of Certifying Official

Title of Certifying Official

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

Date

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

**FY 2021 Coverdell Forensic Science Improvement
Grants Program**

Certification as to Generally Accepted Laboratory
Practices and Procedures

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

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

I acknowledge that a false statement in this certification or in the grant application that it supports may be the subject of criminal prosecution, including under 18 U.S.C. § 1001 and 34 U.S.C. § 10272. I also acknowledge that Office of Justice Programs grants, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs and/or by the Department of Justice's Office of the Inspector General.

I have authority to make this certification on behalf of the applicant agency.

Signature of Certifying Official

Printed Name of Certifying Official

Title of Certifying Official

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

Date

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

**FY 2021 Coverdell Forensic Science Improvement
Grants Program**

Certification as to Forensic Science Laboratory System Accreditation

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

The forensic science laboratory system, including any laboratory operated by a unit of local government within the State, that will receive any portion of the grant amount is accredited by an accrediting body that is a signatory to an internationally recognized arrangement and that offers accreditation to forensic science conformity assessment bodies using an accreditation standard that is recognized by that internationally recognized arrangement. Current accreditation documentation is attached to this certification form.

I acknowledge that a false statement in this certification or in the grant application that it supports may be the subject of criminal prosecution, including under 18 U.S.C. § 1001 and 34 U.S.C. § 10272. I also acknowledge that Office of Justice Programs grants, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs and/or by the Department of Justice’s Office of the Inspector General.

I have authority to make this certification on behalf of the applicant agency.

Signature of Certifying Official

Printed Name of Certifying Official

Title of Certifying Official

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

Date

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

**FY 2021 Coverdell Forensic Science Improvement
Grants Program**

Certification as to Use of Funds for New Facilities

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

The amount of the grant (if any) used for the costs of any new facility or facilities to be constructed as part of a program to improve the quality and timeliness of forensic science and medical examiner services will not exceed the limitations set forth at 34 U.S.C. § 10564(c) and summarized in the FY 2021 Coverdell Forensic Science Improvement Grants Program Announcement.

I acknowledge that a false statement in this certification or in the grant application that it supports may be the subject of criminal prosecution, including under 18 U.S.C. § 1001 and 34 U.S.C. § 10272. I also acknowledge that Office of Justice Programs grants, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs and/or by the Department of Justice's Office of the Inspector General.

I have authority to make this certification on behalf of the applicant agency.

Signature of Certifying Official

Printed Name of Certifying Official

Title of Certifying Official

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

Date

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

**FY 2021 Coverdell Forensic Science Improvement
Grants Program**

Certification as to External Investigations

NOTE: Prior to completing/signing this certification, the certifying official **MUST** read Appendix 3 of this document to include the “Special Guidance on Certification Regarding External Investigations Into Allegations of Serious Negligence or Misconduct” and the “Illustrative Examples”.

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

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

I personally read and reviewed Appendix 3 of the SCDPS FY 2020 Application Guidelines and Procedures for the Paul Coverdell Forensic Science Improvement Grant Program. I acknowledge that a false statement in this certification or in the grant application that it supports may be the subject of criminal prosecution, including under 18 U.S.C. § 1001 and 34 U.S.C. § 10272. I also acknowledge that Office of Justice Programs grants, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs and/or by the Department of Justice’s Office of the Inspector General.

I have authority to make this certification on behalf of the applicant agency.

Signature of Certifying Official

Printed Name of Certifying Official

Title of Certifying Official

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

Date

APPENDIX 2

Attachment: External Investigations

Instructions: Scan signed certifications and submit image file electronically as an attachment to your SCDPS Grants application.

**FY 2021 Coverdell Forensic Science
Improvement Grants Program**

Attachment: External Investigations

The “Certification as to External Investigations” that is submitted on behalf of the applicant agency as part of this application certifies that—

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

Prior to receiving funds, the applicant agency must provide the name of the “government entity” (or entities) that forms the basis for the certification. Please use the template below to provide this information.

IMPORTANT NOTE: If necessary for accuracy, list more than one entity with respect to each intended recipient of a portion of the grant amount. For example, if no single entity has an appropriate process in place with respect to allegations of serious negligence as well as serious misconduct, it will be necessary to list more than one entity. Similarly, if no single entity has an appropriate process in place with respect to allegations concerning contractors as well as employees, it will be necessary to list more than one entity.

Additional guidance regarding the “Certification as to External Investigations” appears in Appendix 3.

Name of forensic laboratory system, medical examiner’s office, coroner’s office, law enforcement storage facility, or medical facility that is applying for funds.

Date: _____

**Existing government entity (entities)
with an appropriate process in place
to conduct independent external
investigations**

APPENDIX 3

Special Guidance on Certification Regarding External Investigations Into Allegations of Serious Negligence or Misconduct

Instructions: The certifying official **MUST** carefully read this document prior to determining whether a certification properly may be made.

Special Guidance on Certification Regarding External Investigations Into Allegations of Serious Negligence or Misconduct.

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

- A government entity exists.
- With an appropriate process in place.
- To conduct independent, external investigations.
- Into allegations of serious negligence or misconduct.
- Substantially affecting the integrity of the forensic results.
- Committed by employees or contractors.
- Of any forensic laboratory system, medical examiner's office, coroner's office, law enforcement storage facility, or medical facility in the State that will receive a portion of the grant amount.

Note: Certifying officials are advised that: (1) a false statement in the certification or in the grant application that it supports may be the subject of criminal prosecution, including under 18 U.S.C. § 1001 and 34 U.S.C. § 10272, and (2) Office of Justice Programs grants, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs and/or by the Department of Justice's Office of the Inspector General.

The following guidance, provided by way of examples for applicants' review, is designed to illustrate elements of the external investigation certification that the official authorized to make the certification on behalf of the applicant agency must take into account in determining whether the certification properly may be made.

Because it is not possible for NIJ to provide examples relating to every type of government entity with an appropriate process in place to conduct independent, external investigations into allegations of serious negligence or misconduct substantially affecting the integrity of the forensic results committed by employees or contractors, this guidance should not be viewed as all inclusive. In addition, this guidance is not intended to constitute legal advice from NIJ on the question of whether the required certification properly may be made on behalf of the applicant. Such a determination must be made by an appropriate official based on the statutory requirements of the certification after review of this guidance.

Illustrative Examples:

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

employees and contractors of forensic laboratories and medical examiner/coroner's offices, both at the State and local levels.

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

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

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

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

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

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

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

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

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

6. An applicant agency is accredited by an independent accrediting or certifying organization such as the Commission on Accreditation for Law Enforcement Agencies (CALEA), the American Society of Crime Laboratory Directors / Laboratory Accreditation Board (ASCLD/LAB), the National Association of Medical Examiners (NAME), Forensic Quality Services (FQS), etc.

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