**INDIGENT DEFENSE**

**BYRNE JUSTICE ASSISTANCE GRANT (BYRNE JAG)**

**FISCAL YEAR (FY) 2023**

**PROGRAM DESCRIPTION**

**Restricted to the Michigan Indigent Defense Commission only.**

**No other applications will be accepted.**

**Maximum Award $225,000**

**Number of Awards: 1**

**PROBLEM STATEMENT**

The Michigan Indigent Defense Commission (MIDC) establishes and implements standards for attorneys who defend indigent clients in Michigan (indigent clients make up over 80% of those charged with criminal offenses). The goal is to improve representation and provide services to the indigent that are on par with those given to people who are able to hire attorneys, such that a person’s constitutional right to counsel is not driven by their access to monetary resources. It is anticipated that a proposed standard will be implemented in the near future that requires appointed attorneys to have trial experience commensurate with the seriousness of the offense charged. In low-population counties that have fewer serious offenses, it is difficult for attorneys to obtain the experience needed to handle more serious offenses. Many attorneys who presently take such cases will not qualify under the new standard. In those jurisdictions, there are few attorneys available to accept appointed criminal cases.

**PROGRAM DESCRIPTION**

The original program is being implemented as designed for FY19, FY20, FY21 and FY22. For the initial trainings, the program manager surveyed attorneys and judges for information to help design the model and received significant input from these stakeholders. The first four years of trainings have been advertised as planned and are extremely popular, reaching capacity in all locations and online. This program will expand on the initial four years of training to provide simulated trial opportunities in additional geographic areas and online and covering more topics that will allow attorneys to gain the necessary experience to qualify under the MIDC standard and improve the quality of representation. When trained, experienced attorneys provide improved representation, and this improves the entire criminal legal system. Experienced attorneys perform proper investigation and preparation, handle trials that result in fewer reversals, and have a better idea of how to advise clients on potential pleas. The introduction of online courtrooms statewide presents an opportunity to expand the training program to address the unique practical and legal challenges for attorneys advocating for their clients remotely.

**GOAL, OBJECTIVES, ACTIVITIES, AND PERFORMANCE MEASURES**

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| **Goal** | **Improve representation for indigent clients by providing simulated trial experience for attorneys.** |
| **Objective 1** | Evaluate the effectiveness of the training sessions piloted in the original program year, as well as the in-person and online programs conducted in the second, third and fourth program years. |
| **Activities** | 1. The program manager will use the evaluation methods established in the first four years to assess the quality and usefulness of the simulated trial exercises, and review suggestions from trainees, faculty, public defender leaders, and other stakeholders for further training. 2. The program manager will consult with faculty regarding expansion of the program in terms of substantive content, logistics, and capacity. |
| **Performance Measures** | 1. Through surveys and collected data, the program manager will identify and develop areas (substantive topics and geographic locations) to expand simulated trial exercises **both in-person and online.** |
| **Objective 2** | Survey criminal justice stakeholders about specific areas of training needs. |
| **Activities** | 1. The program manager will continue to survey judges, attorneys, public defender leaders, clients, experts, and others in the criminal justice system to determine specific topics of training for the program. 2. The program manager will continue to identify jurisdictions where there is the greatest need to enhance the experience level of appointed attorneys and will schedule regional training sessions that can have the greatest impact. 3. The program manager will expand the pool of trainers and train trainers in appropriate feedback methods. |
| **Performance Measures** | 1. Locations and trainers identified. 2. Specific topics will be formatted into problem-based scenarios to offer advanced and nuanced training opportunities as determined through evaluations and surveys. |
| **Objective 3** | Schedule and conduct multi-day trial training sessions. |
| **Activities** | 1. Identify and obtain appropriate training space for in-person simulated trial opportunities. 2. Offer online programs to expand availability of training to a greater number of attorneys. 3. Advertise sessions to identify and contact potential trainees who want to qualify for cases for which they do not presently qualify. 4. Plan multi-day training programs, including specific time breakdowns for sessions and meal breaks. 5. Update original reference materials for a program guidebook to use during trial exercises. 6. Conduct sessions. 7. Distribute and assess evaluations. |
| **Performance Measures** | 1. Number of additional sessions conducted. 2. Number of trainees at each session. 3. Evaluations collected and assessed to identify any necessary changes. |
| **Objective 4** | Schedule and conduct targeted training programs necessary to improve trial skills. |
| **Activities** | 1. The program manager will identify specific skills training topics where further training is warranted. Topics will include core components of trial advocacy, such as jury selection, opening statements, examining witnesses, admissibility of evidence, closing arguments, online advocacy, preliminary examinations, public defender leadership, bond advocacy, and/or sentencing. 2. Identify and obtain appropriate training space for training. 3. Advertise sessions to identify and contact potential trainees who want to improve particular skills necessary for trial. 4. Plan training programs, including specific time breakdowns for sessions and meal breaks. 5. Update reference materials for a program guidebook to use during trial exercises. 6. Conduct sessions. 7. Distribute and assess evaluations. |
| **Performance Measures** | 1. Number of skills sessions conducted. 2. Number of trainees at each session. 3. Evaluations collected and assessed to identify any necessary changes. |
| **Objective 5** | Finalize program guidebook for use in future training programs. |
| **Activities** | 1. The program manager will consult with faculty and administrative staff regarding finalization of materials. 2. The program manager will combine materials used in simulation with evaluations and other reference materials to complete a program guidebook. This will be available to use as a basis for future trainings and will include materials that trainees could use in actual trial settings for future and ongoing reference. |
| **Performance Measures** | 1. Program guidebook finalized and ready for distribution. |

**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 $225,000. All costs must be reasonable and justified.

**MATCH REQUIREMENT**

There is no match requirement for this program area.

**LOCAL BYRNE JAG APPLICATION REQUIREMENT:**

Applicants and any subcontractors who appear on the federal FY 2022 Byrne JAG Allocations List are required to have submitted a Byrne JAG application to the Department of Justice. Applicants who are eligible for direct Byrne JAG awards and fail to apply for those awards for a similar project will not be considered for funding under this program. Applications must include a written statement detailing any current direct Byrne JAG allocation received by their department and a summary of the funded project.

**BUDGET DEVIATION ALLOWANCES**

Budget deviation allowances are not allowed. All budget and programmatic changes will require a formal amendment on the Michigan Automatic Grant Information Connection Plus (MAGIC+) system.

**UNALLOWABLE EXPENSES AND ACTIVITIES**

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

**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: <https://bjapmt.ojp.gov/>. If applicable, an additional program progress report (also due no later than 20 days after the end of each quarter) must be submitted and 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, 2023
* April 20, 2023
* July 20, 2023
* October 20, 2023

All Performance/Progress/PMT Reports must be submitted through MAGIC+ by the 20th day after the end of each quarter. It is the grantee’s responsibility to become familiar with the requirements of the Performance/Progress/PMT Reports, which are contained within the 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 was made by the awarded agency. Dates are outlined below:

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| **Report Period** | **Report Due Date** |
| 10/1/22 – 10/31/22 | 11/30/22 |
| 11/1/22 - 11/30/22 | 12/30/22 |
| 12/1/22 - 12/31/22 | 1/30/23 |
| 1/1/23 - 1/31/23 | 2/28/23 |
| 2/1/23 - 2/28/23 | 3/30/23 |
| 3/1/23 - 3/31/23 | 4/30/23 |
| 4/1/23 - 4/30/23 | 5/30/23 |
| 5/1/23 - 5/31/23 | 6/30/23 |
| 6/1/23 - 6/30/23 | 7/30/23 |
| 7/1/23 - 7/31/23 | 8/30/23 |
| 8/1/23 - 8/31/23 | 9/30/23 |
| 9/1/23 - 9/30/23 | 10/30/23 |

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