



## **Request for Applications: Enhancing State and Local Court Efforts to Further Address Fines, Fees, and Bail Practices**

### **Background**

In 2016, the Conference of Chief Justices/Conference of State Court Administrators (CCJ/COSCA) established the National Task Force on Fines, Fees, and Bail Practices to:

- ❖ develop recommendations and tools to promote the fair and efficient enforcement of the law;
- ❖ ensure no person is denied access to the justice system based on race, culture, or lack of economic resources; and,
- ❖ develop policies relating to Legal Financial Obligations that promote access, fairness, and transparency.

SJI, along with the U.S. Department of Justice/Bureau of Justice Assistance, provided grant funding to support the work of the Task Force. The Task Force produced the [Principles on Fines, Fees, and Bail Practices](#), in addition to numerous additional resources in the [Resource Center](#).

### **Overview**

Though system improvements have been made in some jurisdictions, the equitable enforcement of fines and fees, along with issues related to bail practices, remains. Through a special Request for Applications (RFA) process, SJI will award grants to further improve state court efforts to address fines, fees, and bail practices. SJI intends to award grants that will enhance state and local courts' ability to:

- Review these practices to ensure processes are fair and access to justice is assured.
- Develop processes and procedures for indigency review.
- Implement alternative forms of sanctions.
- Implement processes that replace money-based pretrial practices with those based on a presumption of pretrial release by the least restrictive means reasonable to assure appearance in court and promote public safety.

- Ensure pretrial release practices include connections to wrap-around services, such as legal and non-legal navigators, behavioral health, housing, and public health services.
- Promote transparency, governance, and structural reforms for better court oversight of legal financial obligations.

In addition to meeting all other application requirements, SJI will give priority consideration for funding to projects that focus on institutionalizing and/or replicating the [Principles on Fines, Fees, and Bail Practices](#) of the CCJ/COSCA National Task Force on Fines, Fees, and Bail Practices.

## **ELIGIBILITY**

SJI is authorized by Congress to award grants, cooperative agreements, and contracts. For the purposes of this RFA, eligibility is limited to the following entities:

- State and local courts and their agencies (42 U.S.C. 10705(b)(1)(A)).
- Other eligible grant recipients (42 U.S.C. 10705 (b)(2)(A)–(D)).
  - SJI may also make awards to state or local agencies and institutions other than courts for services that cannot be adequately provided through nongovernmental arrangements (42 U.S.C. 10705(b)(3)).

SJI is prohibited from awarding grants to federal, tribal, and international courts.

### **Funding Categories**

Eligible applicants may apply for funding based on the categories below.

Category 1-Local Court: Eligible local court applicants may apply for up to \$50,000 for a period of up to 12 months.

Category 2-State or Territory Supreme Court and/or the Administrative Office of the Courts: Eligible state (or territory) supreme courts and/or administrative court office applicants may apply for up to \$100,000 for a period of up to 12 months. They may also submit applications on behalf of one or more local courts for up to \$50,000 per locality for up to 12 months and must agree that all funds will go directly to the local court(s).

Note: No grant funds or cash match may be used to pay the salary and related costs for a current or new employee of a court or other unit of government. Cash match for these grants will be waived; however, applicants are encouraged to include as much cash and in-kind match as possible towards their proposed project.

### **Statutory Authority**

Pursuant to the State Justice Institute Act of 1984 ([42 U.S.C. 10701](#), et seq.), the State Justice Institute (SJI) is authorized to award grants, cooperative agreements, and contracts to state and local courts, nonprofit organizations, and others for the purpose of improving the quality of justice in the state courts of the United States.

**Special Note on Prohibited Costs for this Solicitation**

No grant funds or cash match may be used to pay the salary and related costs for a current or new employee of a court or other unit of government because such funds would constitute supplanting state or local funds in violation of 42 U.S.C. 10706(d)(1); this includes new employees hired specifically for the project. Grant funds cannot be used for the purpose of purchasing software and/or equipment, such as for conducting remote hearings, as these are considered basic court operations.

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## APPLICATION AND SUBMISSION INFORMATION

This section describes in detail what an application should include. An applicant should anticipate that if it fails to submit an application that contains all the specified project components, it may negatively affect the review of the application. In addition, SJI may have additional requirements should the project(s) be funded. SJI's [Grant Application Guide](#) and [Grant Management Guide](#) will govern any award(s).

### Submission Timeline

Applications, along with all required forms and attachments, are due to SJI the [SJI Grant Management System](#) (GMS) by **June 30, 2023**. It is anticipated that awards will be made prior to September 30, 2023.

### How to Apply

Applications for this opportunity must be submitted via the [SJI Grant Management System](#) (GMS). When creating an application for submission, applicants must select '**Project Grant**' as the Application Type from the dropdown menu in the Project Information section. Additionally, the Project Duration must not exceed the time period that corresponds to the category selected (see [Funding Categories](#)). NOTE: One person must create an application but multiple people with GMS accounts may be granted access to a single application. Anyone with access may invite others to have access on the Collaborator tab in GMS.

If you have questions regarding this solicitation, please email [contact@sjj.gov](mailto:contact@sjj.gov).

### Application Components

All application components must be completed and submitted in the SJI GMS. Applicants must provide the following items:

1. **Application Form:** The application form requests basic information regarding the proposed project, the applicant, and the total amount of funding requested from SJI. It also requires the electronic signature of an individual authorized to certify on behalf of the applicant that the information contained in the application is true and complete; that submission of the application has been authorized by the applicant; and that if funding for the proposed project is approved, the applicant will comply with the requirements and conditions of the award.
2. **Certificate of State Approval:** An application from a state or local court must include a Certificate of State Approval signed by the state's chief justice or state court administrator. The signature denotes that the proposed project has been approved by the state's highest court or the agency or council it has designated. The template for this form is available in the [GMS](#) for download and must be completed and then uploaded into the GMS.

3. **Budget and Budget Narrative:** Applicants must provide a detailed budget and upload a budget narrative providing an explanation of the basis for the estimates in each budget category. If funds from other sources are required to support other aspects of the project, the source, status of the request, and anticipated decision date must be provided.
4. **Assurances:** The Assurances include the statutory, regulatory, and policy requirements with which recipients of SJI funds must comply. This is an online form to be completed within the GMS.
5. **Disclosure of Lobbying Activities:** Applicants are required to disclose whether they, or another entity that is part of the same organization as the applicant, have advocated a position before Congress on any issue, and to identify the specific subjects of their lobbying efforts. This is an online form to be completed within the GMS.
6. **Project Abstract:** The abstract highlights the purposes, goals, methods, and anticipated benefits of the proposed project. It must not exceed 1 single-spaced page. The abstract must be uploaded into the GMS.
7. **Project Description:** The project description may not exceed 25 double-spaced pages on 8½ by 11-inch paper with 1-inch margins, using a standard 12-point font. The pages must be numbered. This page limit does not include the forms, the abstract, the budget narrative, and any additional attachments such as resumes. The program narrative must be uploaded into the GMS. The program narrative must address the following:
  - a. **Statement of Need:** The applicant must explain the critical need facing the applicant, and how SJI funds will enable the applicant to meet this critical need. The applicant must also explain why state or local resources are not sufficient to fully support the costs of the project.

The applicant must provide a verified source for the data that supports the statement of the problem (i.e., federal, state, and local databases). The discussion should include specific references to the relevant literature and to the experience in the field. SJI continues to make all grant reports and most grant products available online through the [National Center for State Courts \(NCSC\) Library and Digital Archive](#). Applicants are required to conduct a search of the NCSC Library and Digital Archive on the topic areas they are addressing. This search should include SJI-funded grants, and previous projects not supported by SJI. Searches for SJI grant reports and other state court resources begin with the NCSC Library section. Applicants must discuss the results of their research; how they plan to incorporate the previous work into their proposed project; and if the project will differentiate from prior work.

Applicants should provide a detailed description about the issue the proposed project will address, including any data, evaluations, reports, resolutions, or other data to support the need statement.

- b. **Project Objectives:** The applicant should include a clear, concise statement of what the proposed project is intended to accomplish and how those objectives will be met, including how the proposed project addresses the key principles listed in the *In* 2016, the Conference of Chief Justices/Conference of State Court Administrators (CCJ/COSCA) established the National Task Force on Fines, Fees, and Bail Practices to:
- ❖ develop recommendations and tools to promote the fair and efficient enforcement of the law;
  - ❖ ensure no person is denied access to the justice system based on race, culture, or lack of economic resources; and,
  - ❖ develop policies relating to Legal Financial Obligations that promote access, fairness, and transparency.

SJI, along with the U.S. Department of Justice/Bureau of Justice Assistance, provided grant funding to support the work of the Task Force. The Task Force produced the Principles on Fines, Fees, and Bail Practices, in addition to numerous additional resources in the Resource Center.

## Overview

- c. Though system improvements have been made in some jurisdictions, the equitable enforcement of fines and fees, along with issues related to bail practices, remains. section. The applicant should delineate the tasks to be performed in achieving the project objectives and the methods to be used for accomplishing each task.
- d. **Dissemination Plan:** The application must explain how and to whom the products would be disseminated; describe how they would benefit the state courts, including how they could be used by judges and court personnel; identify development, production, and dissemination costs covered by the project budget; and present the basis on which products and services developed or provided under the grant would be offered to the court community and the public at large (i.e., whether products would be distributed at no cost to recipients, or if costs are involved, the reason for charging recipients and the estimated price of the product). Applicants should schedule all product preparation and distribution activities within the project period.

The type of product to be prepared depends on the nature of the project. For example, in most instances, the products of a research, evaluation, or demonstration project should include an article summarizing the project findings

that is publishable in a journal serving the courts community nationally, an executive summary that would be disseminated to the project's primary audience, or both. Applicants proposing to conduct empirical research or evaluation projects with national import should describe how they would make their data available for secondary analysis after the grant period.

Applicants must submit a final draft of all written grant products to SJI for review and approval at least 30 days before the products are submitted for publication or reproduction. For products in website or multimedia format, applicants must provide for SJI review of the product at the treatment, script, rough-cut, and final stages of development, or their equivalents. No grant funds may be obligated for publication or reproduction of a final grant product without the written approval of SJI. Project products should be submitted to SJI electronically in HTML or PDF format.

Applicants must also include in all project products a prominent acknowledgment that support was received from SJI and a disclaimer paragraph such as "This [document, film, videotape, etc.] was developed under [grant/cooperative agreement] number SJI-[insert number] from the State Justice Institute. The points of view expressed are those of the [author(s), filmmaker(s), etc.] and do not necessarily represent the official position or policies of the State Justice Institute." The "SJI" logo must appear on the front cover of a written product, or in the opening frames of a website or other multimedia product, unless SJI approves another placement. The SJI logo can be downloaded from [SJI's website](#).

- e. **Staff Capability and Organizational Capacity:** Applicants should include a statement describing their organizational capacity to administer grant funds, including the financial systems used to monitor project expenditures (and income, if any), and a summary of their past experience in administering grants, as well as any resources or capabilities that they have that would particularly assist in the successful completion of the project. If the applicant is a non-judicial unit of federal, state, or local government, it must explain whether the proposed services could be adequately provided by non-governmental entities.

The applicant should include a summary of the training and experience of the key staff members and consultants that qualify them for conducting and managing the proposed project. Resumes of identified staff should be attached to the application. If one or more key staff members and consultants are not known at the time of the application, a description of the criteria that would be used to select persons for these positions should be included. The applicant also should identify the person who would be responsible for managing and reporting on the financial aspects of the proposed project.

- f. **Evaluation:** Projects must include an evaluation plan to determine whether the project met its objectives. The evaluation should be designed to provide an



objective and independent assessment of the effectiveness or usefulness of the training or services provided; the impact of the procedures, technology, or services tested; or the validity and applicability of the research conducted. The evaluation plan should be appropriate to the type of project proposed considering the nature, scope, and magnitude of the project.

- g. **Sustainability:** Describe how the project will be sustained after SJI assistance ends. The sustainability plan should describe how current collaborations and evaluations will be used to leverage ongoing resources. SJI encourages applicants to ensure sustainability by coordinating with local, state, and other federal resources.
- 8. **Budget and Budget Narrative:** Applicants must complete a project budget and a budget narrative. The budget narrative provides the basis for all project-related costs and the sources of any match, as required. The budget narrative should thoroughly and clearly describe every category of expense listed. SJI expects proposed budgets to be complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project activities).

  - i. *Justification of Personnel Compensation:* The applicant should set forth the percentages of time to be devoted by the individuals who would staff the proposed project, the annual salary of each of those persons, and the number of work days per year used for calculating the percentages of time or daily rates of those individuals. The applicant should explain any deviations from current rates or established written organizational policies. **No grant funds or cash match may be used to pay the salary and related costs for a current or new employee of a court or other unit of government because such funds would constitute supplanting state or local funds in violation of [42 U.S.C. 10706\(d\)\(1\)](#); this includes new employees hired specifically for the project. The salary and any related costs for a current or new employee of a court or other unit of government may only be accepted as in-kind match.**
  - ii. *Fringe Benefit Computation:* For non-governmental entities, the applicant should provide a description of the fringe benefits provided to employees. If percentages are used, the authority for such use should be presented, as well as a description of the elements included in the determination of the percentage rate.
  - iii. *Consultant/Contractual Services and Honoraria:* The applicant should describe the tasks each consultant would perform, the estimated total amount to be paid to each consultant, the basis for compensation rates (e.g., the number of days multiplied by the daily consultant rates), and the method for selection. Prior written SJI approval is required for any consultant rate in excess of \$800 per day. Honorarium payments must be justified in the same manner as consultant payments.

- iv. *Travel:* Transportation costs and per diem rates must comply with the policies of the applicant organization. If the applicant does not have an established travel policy, then travel rates must be consistent with those established by the federal government. The budget narrative should include an explanation of the rate used, including the components of the per diem rate and the basis for the estimated transportation expenses. The purpose of the travel should also be included in the narrative.
- v. *Equipment:* Grant funds may be used to purchase only the equipment necessary to demonstrate a new technological application in a court or that is otherwise essential to accomplishing the objectives of the project. In other words, grant funds cannot be used strictly for the purpose of purchasing equipment. Equipment purchases to support basic court operations will not be approved. The applicant should describe the equipment to be purchased or leased and explain why the acquisition of that equipment is essential to accomplish the project's goals and objectives. The narrative should clearly identify which equipment is to be leased and which is to be purchased. The method of procurement should also be described.
- vi. *Supplies:* The applicant should provide a general description of the supplies necessary to accomplish the goals and objectives of the grant. In addition, the applicant should provide the basis for the amount requested for this expenditure category.
- vii. *Construction:* Construction expenses are prohibited.
- viii. *Postage:* Anticipated postage costs for project-related mailings, including distribution of the final product(s), should be described in the budget narrative. The cost of special mailings, such as for a survey or for announcing a workshop, should be distinguished from routine mailing costs. The bases for all postage estimates should be included in the budget narrative.
- ix. *Printing/Photocopying:* Anticipated costs for printing or photocopying project documents, reports, and publications should be included in the budget narrative, along with the bases used to calculate these estimates.
- x. *Indirect Costs:* Indirect costs are only applicable to organizations that are not state courts or government agencies. Recoverable indirect costs are limited to no more than 75 percent of a grantee's direct personnel costs, i.e., salaries plus fringe benefits. Applicants should describe the indirect cost rates applicable to the grant in detail. If costs often included within an indirect cost rate are charged directly (e.g., a percentage of the time of senior managers to supervise project activities), the applicant should specify that these costs are not included within its approved indirect cost rate. If the applicant has an indirect cost rate or allocation plan approved by any federal granting agency, a copy of the approved

rate agreement must be attached to the application. Refer to the SJI [Grant Guides](#) for additional details.

- xi. *Matching Requirements:* SJI has waived the cash match requirement for this application.
9. **Letters of Support:** If the support or cooperation of agencies, funding bodies, organizations, or courts other than the applicant would be needed in order for the consultant to perform the required tasks, written assurances of such support or cooperation should accompany the application letter. Applicants may also submit memorandums of agreement/understanding, as appropriate.
10. **Project Timeline:** A Project Timeline detailing each project objective, activity, expected completion date, and responsible person or organization should be included. The plan should include the starting and completion date for each task; the time commitments to the project of key staff and their responsibilities regarding each project task; and the procedures that would ensure that all tasks are performed on time, within budget, and at the highest level of quality. In preparing the project timeline, applicants should make certain that all project activities, including publication or reproduction of project products and their initial dissemination, would occur within the proposed project period. The timeline must also provide for the submission of Quarterly Progress and Financial Reports within 30 days after the close of each calendar quarter as well as submission of all final closeout documents. The project timeline may be included in the program narrative or uploaded separately as an attachment. *Category 3 applicants must ensure the proposed project will not exceed 18 months.*
11. **Other Attachments:** Resumes of key project staff may also be included. Additional background material should be attached only if it is essential to impart a clear understanding of the proposed project. Numerous and lengthy appendices are strongly discouraged.

## Application Review Information

### Selection Criteria

In addition to the criteria detailed below, SJI will consider whether the applicant is a state or local court, a national court support or education organization, a non-court unit of government, or other type of entity eligible to receive grants under SJI's enabling legislation; the availability of financial assistance from other sources for the project; the diversity of subject matter, geographic diversity; the level and nature of the match that would be provided; reasonableness of the proposed budget; the extent to which the proposed project would also benefit the federal courts or help state or local courts enforce federal constitutional and legislative requirements; and the level of appropriations available to SJI in the current year and the amount expected to be available in succeeding fiscal years, when determining which projects to support. SIG projects are also reviewed based on the following criteria:

1. Goals and objectives of the proposed project

2. Demonstration of need for the project
3. Responsiveness to the key principles in the *In* 2016, the Conference of Chief Justices/Conference of State Court Administrators (CCJ/COSCA) established the National Task Force on Fines, Fees, and Bail Practices to:
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4. Though system improvements have been made in some jurisdictions, the equitable enforcement of fines and fees, along with issues related to bail practices, remains section
5. Level of innovation in addressing the identified need
6. Potential impact on the court community
7. Qualifications of the consultant(s) engaged to manage the project, if applicable

## Review Process

SJI reviews the application to make sure that the information presented is reasonable, understandable, measurable, and achievable, as well as consistent with the solicitation and with the grant guides. Applications must meet basic minimum requirements. The following are requirements applicable to this request for applications:

- Must be submitted by an eligible type of applicant
- Must request funding within funding constraints
- Must be within allowable expenditures based on *Funding Categories*
- Must include all required *Application Components*

SJI's Board of Directors reviews all applications and makes final decisions regarding awards. The decision to fund a project is solely that of the Board of Directors.

## Notification of Board Decision

The Chairman of the Board signs grant awards on behalf of SJI. SJI will notify applicants regarding Board decisions to award, defer, or deny their respective applications via the [GMS](#). If requested, SJI conveys the key issues and questions that arose during the review process. A

decision by the Board to deny an application may not be appealed, but it does not prohibit resubmission of a proposal in a subsequent funding cycle.

### **Response to Notification of Award**

Applicants have 30 days from the date notifying them that the Board has grant their award to respond to any revisions requested by the Board. If the requested revisions (or a reasonable schedule for submitting such revisions) have not been submitted to SJI within 30 days after notification, the award may be rescinded, and the application presented to the Board for reconsideration. Special Conditions, in the form of incentives or sanctions, may also be used in other situations.

## **POST AWARD REPORTING REQUIREMENTS**

All required reports and documents must be submitted as outlined below.

### **Quarterly Reporting Requirements**

Recipients of SJI funds must submit Quarterly Progress and Financial Status Reports within 30 days of the close of each calendar quarter (that is, no later than January 30, April 30, July 30, and October 30). All reports must be submitted via the [GMS](#).

**Programmatic Progress Reports:** Program Progress Reports shall include a narrative description of project activities during the calendar quarter, the relationship between those activities and the task schedule and objectives set forth in the approved application or an approved adjustment thereto, any significant problem areas that have developed and how they will be resolved, and the activities scheduled during the next reporting period. Failure to comply with the requirements of this provision could result in the termination of a grantee's award.

**Financial Reporting:** A Financial Status Report is required from all grantees for each active quarter on a calendar-quarter basis. This report is due within 30 days after the close of the calendar quarter. It is designed to provide financial information relating to SJI funds, state and local matching shares, project income, and any other sources of funds for the project, as well as information on obligations and outlays.

### **Request for Reimbursement of Funds**

Awardees will receive funds on a reimbursable, U.S. Treasury "check-issued" or electronic funds transfer (EFT) basis. Upon receipt, review, and approval of a Request for Reimbursement by SJI, payment will be issued directly to the grantee or its designated fiscal agent. The request for reimbursements form, along with the instructions for its preparation, and the SF 3881 Automated Clearing House (ACH/Miscellaneous Payment Enrollment Form for EFT) are available in the [GMS](#).

**Accounting System:** Awardees are responsible for establishing and maintaining an adequate system of accounting and internal controls and for ensuring that an adequate system exists for each of its sub-grantees and contractors. An acceptable and adequate accounting system:

- 1) Properly accounts for receipt of funds under each grant awarded and the expenditure of funds for each grant by category of expenditure (including matching contributions and project income)
- 2) Assures that expended funds are applied to the appropriate budget category included within the approved grant
- 3) Presents and classifies historical costs of the grant as required for budgetary and evaluation purposes
- 4) Provides cost and property controls to assure optimal use of grant funds
- 5) Is integrated with a system of internal controls adequate to safeguard the funds and assets covered, check the accuracy and reliability of the accounting data, promote operational efficiency, and assure conformance with any general or special conditions of the grant
- 6) Meets the prescribed requirements for periodic financial reporting of operations
- 7) Provides financial data for planning, control, measurement, and evaluation of direct and indirect costs

### **Final Progress Report**

The Final Progress Report should describe the project activities during the final calendar quarter of the project and the close-out period, including to whom project products have been disseminated; provide a summary of activities during the entire project; specify whether all the objectives set forth in the approved application or an approved adjustment have been met and, if any of the objectives have not been met, explain why not; and discuss what, if anything, could have been done differently that might have enhanced the impact of the project or improved its operation. In addition, grantees are required to submit electronic copies of the final products related to the project (e.g., reports, curriculum, etc.) via [GMS](#). These reporting requirements apply at the conclusion of every grant.