



## 2023-24 Indigent Defense Grant Program

### Funding Announcement Q&A Tracker

[Funding Announcement Link](#)

#### About this Document:

This guide will provide an overview of questions and answers regarding the [2023-24 Indigent Defense Grant Program](#) funding announcement and application process, which opened on 4/26/2024. Responses will be provided as staff is able to process questions through 5/22/2024.

#### Questions?

Please contact PCCD staff at [RA-PCCD\\_ExecutiveOfc@pa.gov](mailto:RA-PCCD_ExecutiveOfc@pa.gov) with "2023-24 Indigent Defense Grant Program" in the subject line.

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## 1. Application Process

- a) *Do counties need to get their local Criminal Justice Advisory Board (CJAB) to sign off on the grant?*

**Answer:** While coordination and collaboration with CJABs is encouraged, counties do not need to provide sign-off from their CJAB in order to apply for these grant funds.

- b) *Will counties be able to submit applications if they don't have answers to everything in the "current indigent defense services" application page?*

**Answer:** Yes, it's not required to answer all questions in order for the application to be submitted. Most of the data questions in the "Current Indigent Defense Services" section are optional. The required questions on the Current Indigent Defense Services application page are: #1, #2, #3, #4.1, #4.2, #4.4.3, #4.4.5, #4.4.7, #4.4.9, #4.6, #4.7, #4.8, #4.9, #4.10.1, #4.10.2, #4.10.3, #4.10.4, and #5. If your county is unable to answer a required question, indicate as much in your proposal narrative or enter "999" in the numeric field. The written funding announcement document also denotes which questions/fields are required with an asterisk.

- c) *Do District Attorneys need to sign the signature page of the application?*

**Answer:** No. For the Indigent Defense Grant Program solicitation, a county's submitted Signature Page must have two County Commissioners or County Executive signatures on the top right, and an Attesting Officer's signature on the top left side (e.g., Chief Clerk or other proper official). You can find more information about submitting a Signature Page in Egrants using [this walkthrough guide](#).

- d) *One of the requirements is a 'financial officer.' Does this have to be the County CFO? Should it be someone internal to the PD's office instead?*

**Answer:** The designated Financial Officer should be someone who can answer financial-related questions about the project. This person is also usually the person tasked with submitting the required fiscal reports in the Egrants system.

- e) *Do we need to fill this out Performance Indicators for this year, or is this what we will need to do in the future? We can't leave it blank so I wasn't sure if we should be including data from our 1st Q of this year?*

**Answer:** This section relays the performance indicators counties will be asked to track and report through the life of the grant as part of quarterly program reports submitted to PCCD via Egrants. Applicants can use this section of the application to indicate the target values for each indicator (e.g, with grant funding, what would activity levels look like). If unknown, please enter "999."

- f) *What is the difference between an "agency budget" and "pass through budget" as we are required to select one of them?*

**Answer:** An agency budget allows entry of budget line items within budget categories for a

department or office within the applicant agency. A pass-through budget should be selected when funds are being passed through from the applicant agency to another partner organization to complete all or a portion of the project. A pass-through budget allows entry of line-item detail in budget categories for these organizations. The total of each pass-through budget will be incorporated into the Consultant category of the overall budget.

Please note: County Public Defender offices and/or any other county offices should select the agency budget option.

- g) On page 12 of the Funding Announcement, Paragraph (a) indicates that both the applicant agency and at least 2 users from the applicant agency must be registered in Egrants. I am the Chief Public Defender for the Recipient Agency. Does Paragraph (a) restrict me from being one of the individuals registered? If I am not a registered user, how will I help fill out the grant information?*

**Answer:** No one is restricted from having access to a grant in the system. Access requests for the applicant agency are reviewed and approved by the person(s) within the applicant agency that has the Egrants User Manager role. Every application must have two registered users identified points of contact.

- If you are not currently a registered Egrants user, your first step would be to register and establish a user ID and password. Please review the [PCCD Egrants Keystone Login Guide](#) for assistance with registration.
- If you already are a registered user, you may need to submit an access request in order to work on the application. Please review [PCCD's Egrants User Role Request Walkthrough](#) for assistance with this.

## 2. Eligible Applicants

- a) Are we required to collaborate with our county to pursue funding for this grant?*

**Answer:** Under this solicitation, only counties are eligible to apply directly for funding under this funding announcement (see section 4, page 5). Counties shall ensure funding awarded under this solicitation supports their county's public defender office (and court-appointed counsel, if applicable), as well as any non-profit corporations that serve as the county-wide provider of indigent defense services. Counties may utilize subawards to satisfy this requirement.

- b) Would our nonprofit organization be able to apply for the salary/benefits of our legal advocate of a Sexual Assault Prevention and Counseling Center? If yes, would we be required to submit quantitative data on performance indicators (Q10) related to public defenders?*

**Answer:** Counties are the eligible applicants to apply under this funding announcement (see section 4, page 5). As noted on pages 5-6, counties may utilize subawards to ensure funding supports their county's public defender office (and court-appointed counsel, if applicable), as well as any non-profit corporations that serve as the county-wide provider of indigent defense services. Eligible expenses include salaries and benefits for full-or part-time staff including, but not limited to, attorneys, social services staff, investigators, paralegals, and administrative staff,

and must be related to the provision of indigent defense services (see “Eligible Program Activities and Expenses” and “Ineligible Program Activities and Expenses” on page 6 of the funding announcement for additional details).

- c) *Must the application come from the County Commissioners Office? Can the Public Defender Office submit as the applicant agency?*

**Answer:** The applicant agency for this funding opportunity is the County Commissioners; the County Commissioners/County Chief Executive must be the direct applicant. All counties are already registered and set up in Egrants. The Public Defender Office may register as an Egrants user, if not already registered, and then request access to their County Commissioners application in Egrants. If the Public Defender Office will be the recipient agency, that can be indicated when completing the application.

- d) *Can two offices (Public Defender and Conflict Counsel) have their designated Egrants user both access the same application and put in their respective items for the grant request?*

**Answer:** Yes, multiple users may access the same application. The appropriate individuals must be registered Egrants users and have the system roles necessary to edit content. Please refer to PCCD’s [Egrants Keystone Login Guide](#) for user registration instructions and to PCCD’s [Egrants User Role Request guidance](#) for assistance requesting user roles and/or access to a specific grant application.

### 3. Eligible Activities

- a) *Does this funding opportunity only support public defender offices?*

**Answer:** Counties shall ensure that funding awarded supports their county’s public defender office, court-appointed counsel office (if applicable), and/or any non-profit corporations that serve as the county-wide provider of indigent defense services (see sections 4 and 5, pages 5-6 of the funding announcement).

- b) *The funding announcement for this grant list salaries and benefits as eligible expenses but also states grants funds shall not supplant existing county spending. Would any positions that would be included in the grant application need to be newly created or could current positions be used?*

**Answer:** Per Act 34 of 2023, grant funding shall be used to supplement and not supplant existing county spending on indigent defense services. Supplanting occurs when a unit of local government reduces funding budgeted for an activity, specifically because grant funds are available (or expected to be available) to fund that same activity. Supplementing occurs when grant funds are used to enhance existing funds for program activities. Requesting funding for activities, personnel, and/or items currently included in the county’s annual budget, including salaries for existing positions, would be considered supplantation.

Generally, requesting funding for personnel or other items not included in the county’s budget would be considered supplementing. Examples of supplementing current county funding may include the following:

- Hiring new staff
- Increasing hours of part-time personnel above and beyond current budgeted/authorized levels
- Increasing salaries/compensation of existing full-time staff
- Increasing program activity/capacity

c) *If a county is awarded grant funds and uses same for one-time or two-time retention and/or one-time sign on bonuses, is there anything within the grant that would create an obligation to increase base salary for those employees?*

**Answer:** No, there is no requirement in the funding announcement to increase base salary for employees who receive retention and/or sign-on bonuses with Indigent Defense Grant Program funds.

d) *If the requested grant funds are to be used for bonuses for existing attorneys and staff, how detailed does the request need to be? For example, does the request need to simply state "funds to be used to provide retention bonuses to existing staff", or does it need to state "X amount of dollars for X individuals because they work X amount of hours, to be distributed as a bonus in X amount of payment..."*

**Answer:** The request should provide sufficient detail including the parameters/eligibility criteria for the retention bonuses, as well as the amount budgeted per attorney.

e) *Would storage lockers for evidence (including refrigeration) and equipment/uniform lockers for a municipal police force qualify for this program?*

**Answer:** Although supplies and equipment are an eligible program expense (see page 6, section 5g of the funding announcement), counties shall ensure that funding awarded supports their county's public defender office, court-appointed counsel office (if applicable), and/or any non-profit corporations that serve as the county-wide provider of indigent defense services (see sections 4 and 5, pages 5-6 of the funding announcement). Storage lockers for evidence and uniform/equipment lockers for a municipal police force would be considered unrelated to the provision of indigent defense services and fall outside of the scope of this funding announcement.

f) *Can you share a list of example projects that have been awarded in past Indigent Defense Grant Program cycles?*

**Answer:** As this is the first-ever Indigent Defense Grant Program funding announcement, unfortunately we do not have any prior project examples to share.

g) *What are the eligibility (specifically, residency) requirements of individuals requesting indigent defense whose services may be supported by this grant?*

**Answer:** The funding announcement does not set parameters around how the funding must be spent on individuals whose services will be supported by the Indigent Defense Grant Program. We defer to counties' current eligibility parameters for those requirements.

*h) Funds may go toward salaries and benefits of support staff. What is meant by “support staff”?*

**Answer:** As defined on page 9 of the Funding Announcement, support staff may include, but are not limited to, social services staff, paralegals, investigators, and administrative staff.

*i) Would "full or part time staff" include per diem or temporary staffing?*

**Answer:** Yes, per diem or temporary staff may be considered full- or part-time staff for purposes of this solicitation.

*j) Regarding supplementing: can funds be used alongside a county match for something that is not specifically budgeted but something we may be able to convince the county to partially fund from their general fund if we can bring down the cost?*

**Answer:** PCCD encourages potential subrecipients of the Indigent Defense Grant Program to work with their county officials and solicitors to ensure that this approach would be feasible.

*k) Would county paid employee matches to a retirement be an allowable use? For instance, I would propose that my assistants get \$3000 per year added to their retirement for a period of 5 years as an incentive to retain my assistants.*

**Answer:** PCCD encourages potential subrecipients of the Indigent Defense Grant Program to work with their county applicants and solicitors to ensure that it's consistent with established agency policies. All grant-funded costs must be within the project period.

*l) Can our application include the possibility of hiring a new staff member (e.g. either an attorney or support staff)? That way, if the hiring market doesn't bring any attorney candidates, we have the option of trying to hire another position.*

**Answer:** PCCD encourages applicants to be as specific as possible when developing their Budget Detail and corresponding application to describe anticipated uses of grant funds. That said, if a county is uncertain regarding the type of personnel/position that would be hired using grant funds, they can budget for a 'TBD' position and describe their rationale within the Budget Detail Narrative. Please note that due to the reimbursement nature of PCCD grant awards, line item Budget Detail is required to facilitate approval of fiscal reports and payments; therefore, a county utilizing this kind of broad approach would need to develop and submit a Project Modification Request (PMR) to update the project's Budget Detail with up-to-date information about the activity /position to be supported with grant funds prior to PCCD making any reimbursements.

*m) If a County Public Defender's Office currently has a grant-funded support staff position and that funding is ending, can Indigent Defense Grant Program Funds be used to fund the position for July 1, 2024 through December 31, 2025? The original grant funding the newly created position supplemented the county budget.*

**Answer:** If grant funding for a current position is ending on or before June 30, 2024, Indigent Defense Grant Program funds can be used to support the position for 7/1/24 – 12/31/25.

- n) *If a portion of the grant is to be used for bonuses for retention purposes, in what category is that to be placed?*

**Answer:** Budgeting for retention bonuses should be placed under “Personnel.”

- o) *If a portion of the grant is to be used for bonuses for retention purposes, in what category is that to be placed?*

**Answer:** Bonuses should be entered in the “Personnel” budget category. Enter the total amount of the bonus in the “Hourly Pay Rate” field and a 1 in the “# Budgeted Hours/Week” and the “# Weeks” fields. In the justification text field, please provide adequate information for the reviewers regarding the type of bonus and any stipulations/requirements that employees must meet and/or agree to in order to receive a bonus.

- p) *If one of the goals is to hire a person, what happens if we don’t find someone quickly? Would we need to return part of the money?*

**Answer:** PCCD grant funds are made available to recipients on a reimbursement basis. Applicants who experience implementation difficulties related to personnel or other approved budgeted expenses should flag that for their assigned Program and Fiscal staff who can advise on potential options, including a Project Modification Request (PMR) to adjust project expenditures and/or timelines, if appropriate.

- q) *Can counties use grant funds to pay for college credits towards Master’s Degrees for their social worker?*

**Answer:** Counties can pay for tuition reimbursement as an employment incentive. Counties should have an established policy in place regarding participant eligibility and reimbursement requirements.

- r) *If a County Public Defender’s Office currently has a grant-funded support staff position and that funding is ending in October, can Indigent Defense Grant Program funding support that position, or would it be supplantation?*

**Answer:** If grant funding for a current position is ending during the Indigent Defense Grant Program’s project period of 7/1/24 – 12/31/25, Indigent Defense Grant Program funding may be used to support the position from that time until the end of the project period (12/31/25).

- s) *Can we use the 2023-24 Indigent Defense Grant Program funds to pay for Mitigation Specialists and Expert Witnesses?*

**Answer:** Mitigation specialists and expert witness are allowable costs. Assuming these are services that would be provided by persons that are not county employees, those costs should be budgeted in the Consultants budget category.



#### 4. General Questions

- a) *Is attendance for the May 14, 2024 Indigent Defense Grant Program mandatory or optional for applicants?*

**Answer:** While encouraged, attending the webinar on May 14, 2024 is not mandatory to apply for the Indigent Defense Grant Program. No preference is given to applicants who register for or attend the webinar. A recording of the webinar will be made available on PCCD's website and YouTube channel following the conclusion of the virtual session.

The purpose of the webinar is to provide an overview of the FY 2023-24 Indigent Defense Grant Program, PCCD's application process, as well as answer technical questions from prospective applicants to provide clarity on funding announcement instructions. Topics may include, but are not limited to, developing and submitting an application in PCCD's Egrants System, eligibility criteria, and funding goals and priorities. Those interested in registering for the webinar may do so here: [link to registration form](#).

- b) *Will this funding be available on an ongoing basis?*

**Answer:** Future Indigent Defense Grant Program funding is currently contingent upon the budget that the General Assembly passes and Governor Shapiro signs. For FY 2024-25, Governor Shapiro has proposed \$10 million toward indigent defense.