



Audit of the Bureau of Justice Assistance
Comprehensive Opioid, Stimulant, and
Substance Abuse Program



AUDIT DIVISION

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EXECUTIVE SUMMARY

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Objectives

The misuse of prescription opioids, as well as heroin abuse, persists as a serious national epidemic. To help address this problem, the Comprehensive Opioid, Stimulant, and Substance Abuse Program (COSSAP) aims to, among other things, reduce opioid misuse and overdose fatalities, and support a variety of opioid-related measures, strategies, and programs to support clinical decision-making and prevent the misuse and diversion of these controlled substances. Our audit objectives were to determine whether the Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA): (1) accomplished the objectives of COSSAP, (2) implemented adequate oversight and management of COSSAP, and (3) effectively coordinated, and collaborated with COSSAP partners and stakeholders.

Results in Brief

The COVID-19 pandemic created operational challenges for COSSAP award recipients seeking to administer or complete grant-funded projects. While we found that BJA took steps to assist recipients in overcoming these challenges, BJA can do more to improve its oversight of COSSAP as recipients continue to navigate the challenges and setbacks caused by the pandemic. Additionally, we determined that during fiscal year (FY) 2020, BJA made COSSAP funding decisions that penalized one applicant's perceived support for the "defund the police" movement in a manner that was inconsistent with how BJA handled other COSSAP applications and inconsistent with federal regulations. We also found that BJA can improve its coordination and collaboration with COSSAP partners and stakeholders.

Recommendations

We make five recommendations to OJP to strengthen BJA's oversight and management of COSSAP. OJP's response to our draft report is appended in Appendix 3, and our analysis of that response is in Appendix 4.

Audit Results

In FY 2017, BJA created a program with funding from Congress to address the rise in opioid drug abuse and addiction. From FYs 2017 to 2021, BJA awarded a combined \$648 million in COSSAP funds. The following describes our audit findings associated with BJA's implementation of COSSAP.

BJA Should Consistently Apply and Disclose the Factors Used to Evaluate COSSAP Applications

The intent of federal requirements governing the process and approval of federal funding by agencies is to make the process transparent so prospective applicants can make informed decisions when preparing their applications. To receive a COSSAP award, an applicant must submit an application, which is evaluated by BJA through its peer review process to determine the applicants' overall eligibility and suitability to receive a grant award. Federal regulations require BJA to include in the COSSAP solicitation the criteria BJA's reviewers use to judge applications, including preferences.

We determined that BJA did not consistently apply to all COSSAP applications, or fully disclose, a preference it used to evaluate them. Specifically, in September 2020, BJA awarded over \$147 million in COSSAP funds to 110 applicants. However, an application by the City of Minneapolis was denied funding despite meeting all the basic eligibility requirements, receiving a low-risk rating, and scoring second highest among 212 prospective applicants. We found that BJA's then-Acting Director denied the application, despite its initial recommendation for funding by a BJA Senior Policy Advisor and an Associate Deputy Director, because of a concern that the "defund the police" movement advocated by some Minneapolis council members during the summer of 2020 would prevent the proper administration of the COSSAP grant.

We examined the process BJA used to reach its decision to deny funding the Minneapolis application and

concluded that BJA's justification for denying Minneapolis funding contained critical errors and omissions that we believe rendered the justification inadequate.

Additionally, we found that BJA only applied this preference to Minneapolis and did not evaluate any other COSSAP applicants based on their support for a movement to "defund the police" and associated risks.

Grant Recipients Have Made Progress Despite Pandemic-Related Challenges, but DOJ has Not Completed its Mandatory Assessment of COSSAP

To determine BJA's effectiveness in meeting COSSAP's goals, we assessed the accomplishments of four judgmentally selected recipients awarded seven grants in FYs 2017 and 2018. Four of the seven grant projects were still in progress as of June 2023. We concluded that the recipients were making some progress on their projects; however, recipients' project activity stalled during the pandemic. COSSAP's authorizing legislation required a DOJ evaluation of COSSAP's effectiveness by July 2021. The legislation also required the evaluation results to be published and issued to committees within the House of Representatives and Senate no later than 90 days after the completion of the evaluation. As of March 2023, the report had not been submitted to Congress. A draft copy of the assessment concluded, among other things, that some of COSSAP's objectives had been achieved, but provided no definitive answer on whether the program achieved its primary goal of reducing opioid misuse and overdose fatalities.

Grant Recipients Had Positive Views of BJA's Management and Administration of COSSAP

In August 2021, we surveyed grant recipients for information about BJA's COSSAP management and administration, and the quality of program guidance and criteria it provided to recipients. We also surveyed recipients for information about BJA's communication practices and to assess the frequency, methods, and effectiveness of communication with grant recipients. Grant recipients' responses for these areas were generally positive regarding BJA's overall administration of COSSAP, its provision of clear and consistent program guidance, and its communication with recipients.

BJA Addressed Several Deficiencies in its Monitoring During our Audit

BJA is one of six program offices that OJP oversees. OJP's on-site monitoring requirements involve an examination

of financial, administrative, and programmatic aspects that BJA is required to follow. We tested the frequency of BJA's monitoring of COSSAP award recipients and whether monitoring activities complied with OJP's requirements. We determined that BJA personnel did not always document the review and verification of programmatic performance activities. We raised these concerns to OJP, which changed its guidance and procedures for documenting program performance.

BJA Should Evaluate its Coordination and Collaboration Activities to Measure the Impact These Activities Have Toward Accomplishing COSSAP's Objectives

COSSAP places an emphasis on partnership and collaboration with federal entities and non-profit and private organizations to provide an effective response to the opioid epidemic. For example, BJA collaborates with the Centers for Disease Control and Prevention for the purpose of seeking and promoting public-philanthropic partnerships and providing opioid overdose prevention and intervention best practices to communities. BJA also partners with seven non-profit and private organizations with specialized experience and expertise to assist COSSAP recipients in providing substance abuse services. However, we found that BJA has not assessed the performance of its coordination and collaborative activities. Absent such an evaluation, BJA cannot determine the impact that these activities have on achieving COSSAP objectives and deliverables. Such an evaluation would allow BJA to fully measure its progress toward achieving COSSAP's goals and objectives.

COSSAP Recipients Experienced Problems Accessing and Utilizing JustGrants

In May 2021, the OIG issued a public issue alert about problems with JustGrants. Our survey results for this audit confirmed many of these problems as of August 2021. Specifically, in response to questions to gauge recipients' experiences with JustGrants, 78 percent of respondents reported encountering issues, and 50 of 68 survey respondents detailed an assortment of problems with JustGrants. We also found that some respondents reported no dissatisfaction with JustGrants, and a few indicated that system issues had improved. The OIG's July 2023 report on the [JustGrants System](#) found that OJP implemented multiple efforts such as onboarding, outreach, training, targeted technical assistance, and system improvements.

Table of Contents

Introduction	1
OIG Audit Approach	2
Audit Results	3
To Ensure a Transparent and Fair Grant Application Process, BJA Should Consistently Apply and Disclose the Factors It Uses to Evaluate COSSAP Applications	3
BJA Denied a High Scoring Application Based on a Factor—a Plan to Reportedly Defund the Police—That Was Not Included in the Solicitation and Not Applied to Other Applicants	4
The Process BJA Used to Reach its Decision for the Minneapolis Application was Seriously Flawed.....	8
BJA’s Justification for Denying Minneapolis Funding Contained Critical Errors and Omissions	8
BJA Did Not Evaluate Other COSSAP Applicants for Risks Posed by Their “Defund the Police” Plans	9
Grant Recipients Have Made Progress Despite Pandemic-Related Challenges, but DOJ has not Completed its Mandatory Assessment of COSSAP	11
The Opioid Crisis Accelerated During the COVID-19 Pandemic and COSSAP Recipients Faced Challenges in Providing Opioid-related Services	15
Grant Recipients had Generally Positive Views of BJA’s Management and Administration of COSSAP	17
BJA Provided Effective Program Assistance	17
BJA Communicated Effectively with Grant Recipients	19
Certain Recipients Experienced Problems with Accessing and Utilizing DOJ’s Grants Management System	20
OJP Changed its Requirements for Documenting Programmatic Activities as a Result of our Audit, and the Changes Will Improve BJA’s Monitoring of COSSAP Recipients.....	22
BJA Should Evaluate Its Coordination and Collaboration Activities with Partners and Stakeholders to Measure the Impact That These Activities Have Toward Accomplishing COSSAP’s Objectives	25
Conclusion and Recommendations	27
APPENDIX 1: Objectives, Scope, and Methodology.....	28
Objectives	28
Scope and Methodology.....	28
Statement on Compliance with Generally Accepted Government Auditing Standards	28
Internal Controls.....	28
Compliance with Laws and Regulations	29
Sample-Based Testing.....	29
Computer-Processed Data	29
APPENDIX 2: COSSAP Grant Recipient Survey Results	30

APPENDIX 3: The Office of Justice Programs Response to the Draft Audit Report.....	37
APPENDIX 4: Office of the Inspector General Analysis and Summary of Actions Necessary to Close the Audit Report.....	42

Introduction

America's opioid crisis threatens the well-being of individuals who abuse drugs and the safety and welfare of their communities. The misuse of opioids such as heroin, morphine, and other prescription pain medicines persists as a serious national epidemic, making up roughly three quarters of all overdose deaths. Opioid-related overdose deaths surged during the Coronavirus Disease 2019 (COVID-19) pandemic, with more than 40 states recording increases in opioid-related deaths in the first 6 months of the pandemic, and total opioid-related overdose deaths continuing to rise another 15 percent the next year, from 70,029 deaths in 2020 to 80,816 deaths in 2021.¹ The Center for Disease Control and Prevention (CDC) stated that the increase in opioid overdoses that began with the pandemic was widely attributable to a lack of access to treatment, rising mental health problems, and wider availability of dangerously potent new street drugs.

In July 2016, in response to the rise in drug abuse and addiction, Congress passed the *Comprehensive Addiction and Recovery Act* (CARA).² CARA authorized new programs to fight opioid abuse and authorized appropriations for existing programs to continue their work. One such program funded by CARA was the Comprehensive Opioid, Stimulant, and Substance Abuse Program (COSSAP), which is administered by the Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA), one of six program offices that OJP oversees.³ COSSAP's purpose is to provide financial and technical assistance to states, local governments, and Indian tribal governments to plan, develop, implement, or expand comprehensive efforts to identify, respond to, treat, and support those affected by illicit opioids, stimulants, and other drugs of abuse.⁴ COSSAP has the following four focus areas:

1. Promoting public safety and supporting access to recovery services in the criminal justice system,
2. Strengthening the collection and sharing of data across systems to understand and address the impact of illicit substance use and misuse,
3. Align and maximize resources across systems and leverage diverse program funding, and
4. Prevent substance use and misuse.

¹ Centers for Disease Control and Prevention (CDC), "[Provisional Data Shows U.S. Drug Overdose Deaths Top 100,000 in 2022](https://blogs.cdc.gov/nchs/2023/05/18/7365/)," May 18, 2023, <https://blogs.cdc.gov/nchs/2023/05/18/7365/> (accessed August 17, 2023). According to provisional data from the CDC, the reported number of drug overdose deaths occurring in the United States decreased by 2 percent in 2022, from 107,573 to 105,452, while the number of those deaths that were opioids-related decreased by about 1.5 percent, from 80,816 to 79,770.

² 34 U.S.C. § 10701 (2022).

³ COSSAP was initially named the Comprehensive Opioid Abuse Program (COAP). The COSSAP renaming became effective for the FY 2020 awards and was intended to better reflect the program's scope of support and provide greater options to tackle opioid crisis in communities. During our audit, COSSAP was renamed the Comprehensive Opioid, Stimulant, and Substance Use Program (COSSUP). Despite the name change, all COAP awards and grant management activities will be considered COSSAP awards or activities in this report.

⁴ The first COSSAP solicitations were posted in FY 2017.

As shown in Table 1, during fiscal years (FY) 2017 to 2021, BJA awarded a total of \$648 million in COSSAP grants.

Table 1

COSSAP Grants Awarded⁵

Fiscal Year	Awards Funded
FY 2017	\$76 million
FY 2018	\$120 million
FY 2019	\$158 million
FY 2020	\$147 million
FY 2021	\$147 million
Total	\$648 million

Source: OJP

OIG Audit Approach

Our audit objectives were to determine whether BJA: (1) accomplished the objectives of COSSAP, (2) implemented adequate oversight and management of COSSAP, and (3) effectively coordinated and collaborated with COSSAP partners and stakeholders.

To accomplish our objectives, we interviewed or communicated with several OJP and BJA officials, including the Acting Director of BJA from January 2021 to February 2022 and BJA Grants Management Specialists assigned to COSSAP. We also interviewed officials from four grant recipient organizations about their respective COSSAP awards and experiences in working with BJA. We reviewed BJA’s COSSAP grant administration and monitoring policies, grant solicitations, applications, grant recipient performance reports, and other documentation. We tested a sample of grant and cooperative agreement files and examined BJA’s opioid-related collaboration efforts with federal and non-federal entities. We also examined BJA’s monitoring processes for ensuring that grant recipients comply with COSSAP requirements. Additionally, in August 2021, we surveyed BJA’s Grants Management Specialists, and 222 grant recipients awarded COSSAP funds between FYs 2017 and 2019.⁶

⁵ The universe of grants awarded includes state, local, and tribal entities, along with non-profit organizations, to include training and technical assistance grants.

⁶ As of March 2021, two of BJA’s six Grants Management Specialists transferred to OJP’s Office for Victims of Crime. Although no longer with BJA, we surveyed the two managers. The term “Grants Management Specialists” refers to BJA’s Grant Managers and Policy Advisors.

Audit Results

We determined that BJA did not consistently apply to all COSSAP applications, or fully disclose, a preference it used to evaluate them, despite federal grant guidance providing that agencies should include in solicitations the criteria they will use to assess applications. Specifically, despite recommending funding 110 out of 212 applications for COSSAP awards in 2020, BJA recommended against funding the application with the second-highest peer review score based on BJA's finding that the city council in the applicant's jurisdiction supported efforts to "defund the police." While BJA's grant solicitation detailed various factors that BJA would apply in assessing COSSAP applications, we found that BJA neither disclosed to applicants, in the solicitation or otherwise, that support for the "defund the police" movement could be considered as a preference, nor did it ultimately apply the preference to applications other than the second highest peer review scoring applicant.

Separately, we determined that COSSAP grant recipients were making some progress with their grant-funded projects. However, for COSSAP award recipients, the COVID-19 pandemic posed challenges that stalled the progress of their projects. We also found that, as of March 2023, OJP had not submitted a report of COSSAP's effectiveness that Congress required by July 2021. Based on the results of a survey of COSSAP grant recipients, we determined that recipients had positive views of BJA's management and administration of COSSAP, although many recipients also reported problems with accessing and navigating JustGrants, a grant management system the U.S. Department of Justice (Department or DOJ) launched in October 2020. We also determined that BJA did not meet OJP's internal minimum monitoring requirements and that BJA's monitoring documentation did not adequately support the verification of programmatic activities. Lastly, we determined that BJA coordinates and collaborates with COSSAP partners and stakeholders, but BJA does not have a practice of assessing the extent to which these coordination and collaboration activities assist BJA in achieving the goals and objectives of COSSAP.

To Ensure a Transparent and Fair Grant Application Process, BJA Should Consistently Apply and Disclose the Factors It Uses to Evaluate COSSAP Applications

The federal government's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) require grant awarding agencies to include in funding announcements, also known as solicitations, the merit and other criteria that evaluators will use to judge applications, including statutory, regulatory, or other preferences.⁷ The Uniform Guidance provides that an announcement should clearly describe all criteria, including any sub-criteria. If the criteria vary in importance, the announcement should specify the relative percentages, weights, or other means used to distinguish among them. Additionally, for preferences used to evaluate applications, the announcement should provide a detailed explanation of those preferences with an explicit indication of their effect.⁸ According to the Uniform Guidance, the intent of these requirements is to make the application process

⁷ 2 C.F.R. § 200, Appendix 1, Uniform Administrative Requirements, Cost Principles, Audit Requirements for Federal Awards

⁸ *Ibid.*

transparent so applicants can make informed decisions when preparing their applications to maximize fairness of the process.⁹

Figure 1 illustrates the grant merit-review process outlined in the Uniform Guidance.

Figure 1

Overview of the Federal Grant Merit-Review Selection Process



Source: Government Accountability Office

In February 2020, BJA released its COSSAP competitive grant solicitation for FY 2020 and began accepting applications, which were required to be submitted by June 5. Applicants were required to register and submit applications through Grants.gov, a website intended to enable federal grant-making agencies to create funding opportunities and for applicants to find and apply for grants. Applications that met basic minimum requirements were then evaluated by a BJA peer review panel that evaluated, scored, and rated the grant applications according to selection criteria, such as merit, community need, and risk. According to BJA, peer review ratings and recommendations are advisory only and must be approved by BJA’s Director and the Assistant Attorney General for OJP.

BJA Denied a High Scoring Application Based on a Factor—a Plan to Reportedly Defund the Police—that Was Not Included in the Solicitation and Not Applied to Other Applicants

In response to the February 2020 solicitation announcement, BJA received 212 applications. One of the 212 applicants was from the City of Minneapolis (Minneapolis), Minnesota. The Minneapolis application requested \$900,000 for the Minneapolis Health Department to fund a Law Enforcement Assisted Diversion (LEAD) project for 3 years. The goal of LEAD was to reduce the number of individuals involved in the justice

⁹ *Ibid.*

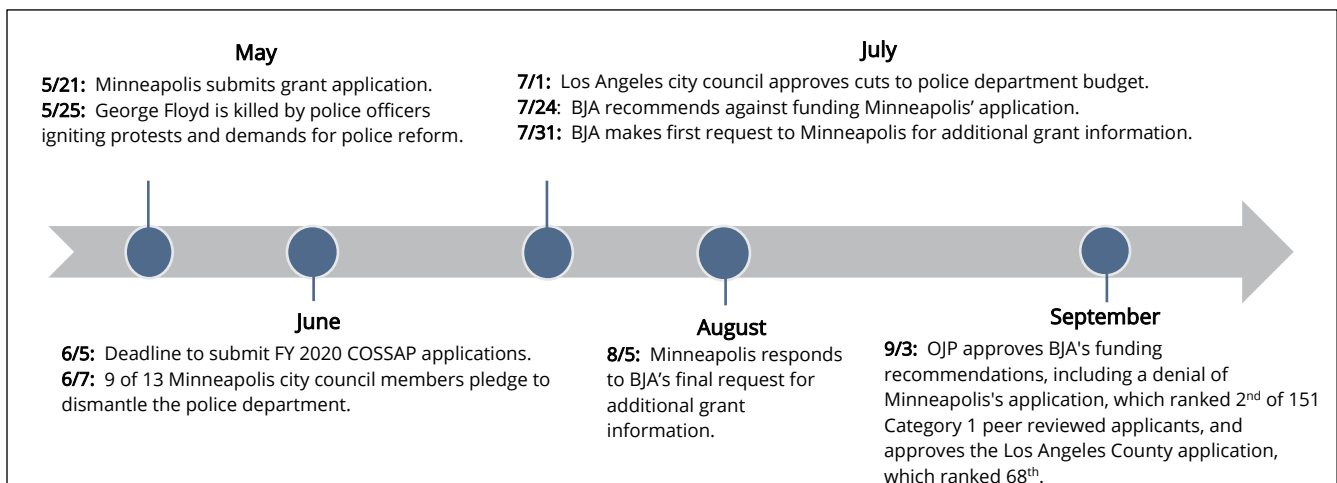
and corrections systems and reduce the number of individuals who experienced opioid overdoses. The health department was the lead applicant and collaborating partners included Minneapolis’s Police Department (MPD), city attorney, and mayor, as well as a council member, a health clinic, and a community center.

The Minneapolis application, which met all basic eligibility requirements and received a low pre-award risk rating, received the second highest overall BJA peer review score among the 212 applications. However, on September 3, when OJP approved BJA’s recommendation to award over \$147 million in COSSAP funds to 110 applicants, Minneapolis’s application was not among the 110 applicants approved for a COSSAP award. We learned during the audit that Minneapolis’s application was initially recommended for funding by a BJA Senior Policy Advisor and an Associate Deputy Director but that BJA’s then-Acting Director did not concur and rejected the recommendation due to support by Minneapolis officials for the “defund the police” movement and his belief that the grant could not be properly administered without a fully funded police department.

Throughout this section, we discuss events from news reports and BJA’s records that were contemporaneous to the approximate period of BJA’s peer review and evaluation of the FY 2020 COSSAP applications. We consider this period to be from June 5, the deadline for recipients to submit their applications, to September 3, the date OJP approved BJA’s COSSAP award recommendations. Figure 2 contains a timeline of the pertinent events.

Figure 2

Timeline of Events in 2020 Pertinent to BJA’s Evaluation of Minneapolis’s COSSAP Application



Source: OIG Analysis of news reports and BJA records

Minneapolis submitted its application on May 21, 2020. Four days later, Minneapolis-area resident George Floyd was arrested after allegedly attempting to purchase cigarettes from a convenience store using a counterfeit \$20 bill and, as seen in a graphic and widely circulated video depicting the arrest, one of the four arresting officers, Derek Chauvin, knelt on Mr. Floyd’s neck for more than 9 minutes. Mr. Floyd was

unresponsive when an ambulance arrived at the scene and was pronounced dead at a local hospital. His death was ruled a homicide and Chauvin and the three other arresting officers were subsequently convicted of various federal and state offenses.¹⁰ In the immediate aftermath of these tragic events, there were protests and demonstrations over police brutality and systemic racism in Minneapolis and across the country. These protests included calls in Minneapolis and other cities to “defund the police.”

On June 7, 9 of 13 members of the Minneapolis City Council joined these calls and pledged to dismantle the MPD. At the time of the announcement, the council did not offer a timeline or specific actions it planned to take. The council president stated that “it’s our commitment to end policing as we know it and re-create systems of public safety that actually keep us safe.”¹¹ According to several news reports, the city council intended to replace the MPD with a new department that would provide community safety and violence prevention.¹² By September, however, the movement to dismantle the MPD had lost momentum, and a local-area poll revealed that a plurality of residents opposed reducing the MPD’s size.¹³ In December, instead of dismantling the MPD, the city council voted to divert about \$8 million from the police budget to other city services.

BJA considered FY 2020 COSSAP applications as these events unfolded in Minneapolis and nationally.¹⁴ As part of BJA’s consideration of the applications, a panel of peer reviewers scored each application, giving Minneapolis’s application the second highest peer review score among the 212 COSSAP applications BJA received in the FY 2020 funding cycle. Although Minneapolis received the second highest score, on July 24, when BJA submitted its funding recommendation memorandum to OJP for approval, it recommended against funding the Minneapolis application, citing “statements of governing officials and recent news reports.” Specifically, BJA stated in its July 24 memorandum that:

Although the City of Minneapolis received a positive score, things have changed considerably since the application was submitted; namely, a unanimous vote by the Minneapolis City Council to eliminate the [MPD]. The BJA [Acting] Director is extremely concerned that Minneapolis officials do not understand the impact of

¹⁰ “[George Floyd’s murder 3 years later: Gov Declares remembrance day, reckoning with police violence in limbo](https://www.cbsnews.com/minnesota/news/george-floyd-murder-3-years-reckoning-in-limbo/),” WCCO News, May 25, 2023, <https://www.cbsnews.com/minnesota/news/george-floyd-murder-3-years-reckoning-in-limbo/> (Accessed June 1, 2023).

¹¹ “[Defund the Police Gains Traction as Cities Seek to Respond to Demands for a Major Law Enforcement Shift](https://www.washingtonpost.com/nation/2020/06/07/protests-defund-police/),” The Washington Post, June 7, 2020, <https://www.washingtonpost.com/nation/2020/06/07/protests-defund-police/> (Accessed June 23, 2022).

¹² “[Minneapolis Council Moves to Defund Police, Establish ‘Holistic’ Police Safety Force](https://www.npr.org/sections/live-updates-protests-for-racial-justice/2020/06/26/884149659/minneapolis-council-moves-to-defund-police-establish-holistic-public-safety-forc/),” NPR, June 26, 2020, <https://www.npr.org/sections/live-updates-protests-for-racial-justice/2020/06/26/884149659/minneapolis-council-moves-to-defund-police-establish-holistic-public-safety-forc/> (Accessed June 1, 2023)

¹³ “[Poll: Cuts to Minneapolis police ranks lack majority support](https://www.startribune.com/poll-cuts-to-minneapolis-police-ranks-lack-majority-support/572119932/),” The Star Tribune, August 15, 2020, <https://www.startribune.com/poll-cuts-to-minneapolis-police-ranks-lack-majority-support/572119932/> (Accessed June 23, 2020).

¹⁴ In their response to the working draft report, OJP officials noted that BJA was not considering the COSSAP applications during September 2020 or in December 2020, as the funding decisions had been made on September 3, 2020.

defunding their police, and does not believe that this law enforcement grant can be properly administered without a vibrant, fully funded police department.¹⁵

A week later, on July 31, BJA's Associate Deputy Director emailed Minneapolis's grant application point-of-contact (POC) to request additional information about the city's application. The Associate Deputy Director stated that BJA was nearing the end of its application review process and was eager to get funding to communities as quickly as possible. Additionally, the Associate Deputy Director stated:

[t]he Minneapolis Health Department has requested nearly \$1M for a 'Law Enforcement Assisted Diversion' project that will necessarily require resources from the [MPD] and other partners. Based on statements by governing officials and recent news reporting, it appears likely that the [MPD] could be subject to some structural and/or financial changes in the near future. Prior to making our final determination with regard to your COSSAP application, we would like you to confirm that major partners, including the [MPD] will be able to support the proposed project in the manner described in your application. Please also confirm that there are adequate contingencies in place to support the project regardless of any eventual structural or financial changes to the [MPD]. I think this can all be addressed quite simply in a paragraph or two that we can append to your application narrative.¹⁶

According to the Associate Deputy Director, he sent this email at the request of the then-Acting Director, and he included the suggestion that the issue could be addressed "quite simply in a paragraph or two" based on his interpretation of that request. In response, the Minneapolis official told BJA that they did not yet know what will happen in terms of structural changes to MPD. The official also provided assurances to BJA that the city would be able to successfully implement the grant regardless of what happens.

Four days later, on August 4, the Associate Deputy Director emailed again to request more specific information about the impact of a decision to defund the MPD, with a request that Minneapolis respond the next day:

In order to make a fully informed determination regarding your COSSAP application, we need more information and specificity about how the Health Department would implement the proposed...project in the event that the [MPD] is defunded in whole or part...Our review process requires that we evaluate the capabilities of applicants and major partners to assess whether proposed projects are reasonably achievable. Please provide a full

¹⁵ Memorandum from BJA's Senior Drug Policy Advisor to OJP's Principal Deputy Assistant Attorney General (July 24, 2020). As described below in our analysis of BJA's process, the statement in the memorandum that the city council had voted unanimously to eliminate the MPD was not accurate. On June 12, 2020, the city council voted unanimously on a plan to restructure the MPD, which followed a vow from nine council members to dismantle and replace the MPD. The statement in the memorandum references the BJA's Acting Director from March 2020 to October 2020.

¹⁶ BJA Associate Deputy Director email message to Minneapolis POC (July 31, 2020, 09:15 EDT).

explanation on how this project would proceed in the event that the [MPD] is unable to participate or if their partners were severely limited due to defunding. We are in the final phase of review and it is important that we receive this information by **Wednesday August 5th 12:00 pm CDT**.¹⁷

In response, the Minneapolis official reiterated MPD's commitment and stated that if the role of law enforcement changed such that MPD was not able to refer participants to its LEAD program, the Minneapolis Health Department had a plan to create a self-referral card that officers can hand to individuals with whom they interact in the community. The official reiterated that if funded, MPD had the support and dedication from all partners in order for Minneapolis to be successful in implementing the program.¹⁸

According to information provided to us by OJP, Minneapolis's application was initially recommended for funding by a BJA Senior Policy Advisor and a BJA Associate Deputy Director. However, BJA's then-Acting Director did not concur with that recommendation, and cited ongoing extraordinary circumstances that were unfolding in Minneapolis as the basis for his concern about the viability of the Minneapolis application—specifically a pledge to “dismantle” the MPD by nine members of the Minneapolis City Council. OJP further told us that the COSSAP application submitted by Minneapolis proposed a specific type of diversion that would have required close coordination and direct participation of police officers from the MPD that, without a specific path forward, would create a high degree of risk that the proposed project could not be implemented successfully.

The Process BJA Used to Reach its Decision for the Minneapolis Application was Seriously Flawed

Our review of the process BJA used to reach its decision to deny the Minneapolis application funding concluded that BJA's stated justification for its decision contained critical errors and omissions that we believe rendered the justification inadequate. We also found that BJA did not evaluate other applicants for possible risks posed by their “defund the police” plans.

BJA's Justification for Denying Minneapolis Funding Contained Critical Errors and Omissions

BJA stated as justification for its decision that Minneapolis's city council voted to eliminate its police department. However, while there were questions and concerns over the details of the council members' plans, news reports at the time documented that council members intended to replace, not eliminate, the police department. In particular, news reports indicated that council members planned to create a new department to provide for community safety and violence prevention. BJA's misunderstanding of the actions by the Minneapolis city council were documented in BJA's July 24 memorandum, which noted, inaccurately, a purported unanimous vote by the city council to eliminate the MPD. In fact, nine of thirteen council members had pledged to dismantle and replace the MPD, and on June 12, 2020, the city council voted unanimously on a plan to restructure the MPD, not eliminate it.¹⁹ We therefore concluded that the

¹⁷ BJA Associate Deputy Director email message to Minneapolis POC (August 4, 2020, 9:31 EDT) (emphasis in original).

¹⁸ Minneapolis POC email message to BJA Associate Deputy Director (August 5, 2020, 16:40 EDT).

¹⁹ See City of Minneapolis [Charter Amendment, 2020-00668](https://lms.minneapolismn.gov/file/2020-00668), June 12, 2020, <https://lms.minneapolismn.gov/file/2020-00668>, (Accessed September, 9 2022); and “[Minneapolis City Council to take up change to city charter eliminating Police Department](https://minnesotareformer.com/2020/06/24/minneapolis-city-department/),” The Minnesota Reformer, June 24, 2020 <https://minnesotareformer.com/2020/06/24/minneapolis-city-department/>.

Continued

BJA's stated justification for its decision not to recommend funding for Minneapolis's application was inadequate.

We were also concerned that BJA's efforts to provide Minneapolis an opportunity to address BJA's concerns—and in so doing potentially correct BJA's misperceptions—were similarly inadequate. BJA made two requests of Minneapolis for more information about plans to dismantle the MPD, and in both instances Minneapolis provided assurances to BJA of its ability to implement the grant project despite the uncertainty surrounding the MPD. OJP told us that these responses lacked “a specific path forward without direct and substantial involvement by the [MPD], creating a high degree of risk that the proposed project could not be implemented successfully.” However, OJP did not tell us what specifics it believed it needed, nor did OJP make a particular request for that information from Minneapolis. We also noted that one of BJA's requests appeared to downplay the importance of the request by assuring the applicant that BJA's concerns “can all be addressed quite simply in a paragraph or two,” and the other BJA request provided the applicant only one day to respond.

We recognize that, despite any errors and omissions, the then-Acting Director nevertheless may have acted within his statutory authority as permitted under federal regulation when he denied Minneapolis funding.²⁰ However, BJA also remained bound by Uniform Guidance requirements intended to ensure a transparent and fair grant application process, and we do not believe that making funding decisions based on factual inaccuracies—or applying selection preferences without proper notice—is consistent with that intent.

BJA Did Not Evaluate Other COSSAP Applicants for Risks Posed by Their “Defund the Police” Plans

The ad hoc application of the “defund the police” preference was reflected in the fact that BJA only applied this preference to Minneapolis and did not evaluate any other applicants based on whether they supported the “defund the police” movement and for any associated risks. Indeed, we found that Minneapolis was not the only city with local leaders who publicly considered “defund the police” measures after the killing of George Floyd that applied for COSSAP funding in 2020.²¹ Another city whose local leaders considered “defund the police” measures was Los Angeles, California. On May 21, the County of Los Angeles (LA County), which includes the City of Los Angeles, submitted an application on behalf of its health department for COSSAP funding for a project that was similar in purpose to Minneapolis's LEAD project and involved a partnership with the Los Angeles Police Department (LAPD), Los Angeles's city attorney, LA County's district attorney, a local university, a social services organization, and an organization that coordinates housing and services for the homeless. The proposed grant project was intended to provide LEAD services in Hollywood, a neighborhood within the City of Los Angeles, which, like Minneapolis' project, would require significant involvement from the police department. Beginning in June, however, Los Angeles's mayor and city council

[council-to-take-up-change-to-city-charter-eliminating-police-department/](#) (Accessed July 18, 2022). See “[Just what does the call to ‘defund the police’ really mean?](#)”, *Newsday* (USA) June 11, 2020, <https://www.newsbreak.com/news/1581396608616/just-what-does-the-call-to-defund-the-police-really-mean> (Accessed July 7, 2022).

²⁰ See 34 U.S.C. § 10141(b)(2022), providing that BJA's Director shall have final authority for all grants awarded by the Bureau.

²¹ “[At Least 13 Cities Are Defunding Their Police Department](#),” *Forbes*, August 13, 2020, <https://www.forbes.com/sites/jemimamcevoy/2020/08/13/at-least-13-cities-are-defunding-their-police-departments/?sh=367e30d929e3>, (Accessed March 22, 2022).

publicly discussed plans to cut the LAPD budget by \$150 million, and the city council approved the budget reduction on July 1.²² Yet, unlike Minneapolis, LA County was awarded \$1.2 million in COSSAP funding to, among other things, divert low-level drug offenders with histories of opioid abuse from the criminal justice system into supportive services.

Despite the similar circumstances of Minneapolis and LA County, we found no evidence that BJA evaluated the impact of Los Angeles’s “defund the police” measures during our review of BJA’s peer review and evaluation records and applications. BJA’s Associate Deputy Director told us BJA performed no additional evaluation of Los Angeles during the award evaluation period or thereafter because the then-Acting Director only identified the Minneapolis grant application as a risk. Table 2 compares the Minneapolis and LA County applications according to select peer review results. Notably, Minneapolis scored higher than LA County. The Senior Policy Advisor also told us that other applicants were not screened on the issue of police defunding.

Table 2

Comparison of Select Peer Review Results of FY 2020 COSSAP Applications from Minneapolis and LA County

Applicant	Funding Recommended	Peer Review Score
Minneapolis	0	98.67
LA County	\$1.2 million	90.33

Source: BJA

In May 2022, OJP told us that BJA evaluated all eligible COSSAP applicants in a similar manner consistent with published review processes and criteria, including the required consideration of risk.²³ However, OJP provided no evidence that BJA considered the impact of any law enforcement reallocation measures on COSSAP applicants other than Minneapolis. OJP also stated that no other applicants presented a fact pattern similar to Minneapolis. However, we determined that LA County’s application involved a law enforcement assisted diversion project and a police department as a major partner from a city where governing officials publicly announced their intention to reallocate law enforcement resources. These facts were the basis for the then-Acting BJA Director’s concerns with Minneapolis’s ability to administer its grant, yet these same facts did not trigger BJA’s similar scrutiny of LA County’s application. And, contrary to OJP’s representation, the Los Angeles City Council had in fact taken official actions to reduce its police force prior to the BJA’s then-Acting Director making his final recommendations: it voted on July 1 to cut the LAPD’s

²² [“Los Angeles City Council votes to cut LAPD budget by \\$150 million,” KABC and City News Service, July 2, 2020, https://abc7.com/defund-the-police-lapd-los-angeles-mayor-eric-garcetti/6289037/](https://abc7.com/defund-the-police-lapd-los-angeles-mayor-eric-garcetti/6289037/) (Accessed April 6, 2022).

²³ OJP Response to OIG Questions (May 26, 2022).

budget by \$150 million and to cut hiring to bring the number of sworn officers below 10,000.²⁴

BJA's ad hoc evaluation of COSSAP applications undercuts the Uniform Guidance's stated intent that federal funding opportunities be transparent to maximize fairness of the process, as well as OJP's commitment, as stated in the OJP Grant Application Resource Guide, to ensuring a fair and open process for making awards.²⁵ Therefore, we recommend that OJP ensures BJA establish policies and procedures requiring that all criteria, preferences, and special considerations used to evaluate COSSAP grant applications are applied to all applicants and are based on accurate, appropriately verified information.

We also believe that failing to provide notice to all prospective COSSAP applicants of significant evaluation preferences, such as BJA's preference in FY 2020 against local government "defund the police" measures, undercuts the Uniform Guidance's intent, and OJP's commitment, to ensuring that federal funding opportunities be transparent and fair to all applicants. Therefore, we recommend that OJP ensures BJA adequately describes within the COSSAP solicitation all criteria, preferences, and special considerations used to evaluate COSSAP grant applicants.

Grant Recipients Have Made Progress Despite Pandemic-Related Challenges, but DOJ has not Completed its Mandatory Assessment of COSSAP

The goals of COSSAP are twofold. First, the program aims to reduce opioid misuse and the number of overdose fatalities. Second, the program supports the implementation, enhancement, and proactive use of prescription drug monitoring programs to support clinical decision-making and prevent the misuse and diversion of controlled substances. The objectives of the program are to:

- Encourage and support comprehensive cross-system planning and collaboration among officials who work in law enforcement, pretrial services, the courts, probation and parole, child welfare, reentry, emergency medical services and health care providers, public health partners, and agencies

²⁴ "[Los Angeles cuts LAPD spending, taking police staffing to its lowest level in 12 years,](https://www.latimes.com/california/story/2020-07-01/lapd-budget-cuts-protesters-police-brutality)" *Los Angeles Times*, July 1, 2020, <https://www.latimes.com/california/story/2020-07-01/lapd-budget-cuts-protesters-police-brutality>, (Accessed June 5, 2023) and "[Los Angeles City Council votes to cut LAPD budget by \\$150 million,](https://abc7.com/defund-the-police-lapd-los-angeles-mayor-eric-garcetti/6289037)" *KABC*, July 2, 2020, <https://abc7.com/defund-the-police-lapd-los-angeles-mayor-eric-garcetti/6289037>, (Accessed on July 06, 2022).

²⁵ In response to our working draft report, OJP stated that BJA fully disclosed to all applicants the fact that risk would be considered, and that such risk consideration reflects OJP's standard process. However, as detailed above, our audit found that BJA's process here was not consistent with a standardized evaluation of an applicant's risk. Specifically, we found that BJA provided no evidence that a standard or rigorous risk analysis of perceived support for "defunding" the police in Minneapolis had been conducted, used inaccurate or misleading information with respect to the Minneapolis application in making its assessments of COSSAP applications, provided no evidence that "defund the police" plans relating to applications other than Minneapolis had been analyzed, and downplayed the severity of its concerns when communicating with Minneapolis about its application. OJP further contended in its response that certain other BJA grantmaking decisions, under different grant programs, concerning the city of Minneapolis, the city of Los Angeles, and other jurisdictions, demonstrated that BJA considered "defund the police" plans in contexts other than the COSSAP program. Because we did not audit those other programs, we are unable to evaluate OJP's assertions, or whether, if BJA did consider "defund the police" plans in those other programs, BJA's evaluation process was performed in a manner that did not include flaws similar to those that we identified here. We further note that such other decisions would not be relevant to this audit of the COSSAP program or otherwise undermine our findings and conclusions herein.

that provide substance misuse and treatment and recovery support services,

- Develop and implement strategies to identify and provide treatment and recovery support services to high frequency utilizers of multiple systems who have a history of opioid misuse,
- Expand diversion and alternatives to incarceration programs,
- Expand the availability of treatment and recovery support services in rural or tribal communities by expanding the use to technology-assisted treatment and recovery support services,
- Implement and enhance prescription drug monitoring programs,
- Develop multi-disciplinary projects that leverage key data sets to create a holistic view of the environment and develop interventions based on this information, and
- Objectively assess and evaluate the impact of innovative and evidence-based strategies to engage and serve justice-involved individuals with a history of opioid misuse.

To determine whether BJA accomplished COSSAP's objectives and deliverables, we interviewed a sample of COSSAP recipients and reviewed their performance reports. We also tested a sample of BJA's COSSAP monitoring reports. We concluded that while recipients' projects were progressing, project activity stalled in 2020 because of the COVID-19 pandemic and that activity had not fully recovered.

In September 2020, we obtained from BJA a list of 253 COSSAP recipients that received awards during FYs 2017 and 2019. From that list, we selected recipients that were awarded at least one grant originally scheduled to end by October 2021. We then selected recipients that received at least \$1 million in awards and had awards that provided direct services to those who used or were addicted to opioids. The result was a list of 25 grant recipients from which we judgmentally selected our four-recipient sample.

We assessed the accomplishments of these four recipients, which received awards with 3-year project periods that were originally scheduled to end in September 2021. As detailed in Table 3, the recipients were awarded seven grants totaling \$7.15 million.

Table 3

Select COSSAP Grant Recipients and Grant-funded Projects Assessed for the Audit

Grant Recipient	Grant Number and Purpose	Award Amount	Was the Project Completed as of June 2023?
Alabama Department of Mental Health	Grant Number 2018-AR-BX-K128. Provide evidence-based models of diversion from incarceration for opioid-addicted individuals interacting with the criminal justice system and to study the impact/outcomes of such intervention.	\$1,200,000	No
	Grant Number 2018-AR-BX-K018. Develop a repository to hold data and distribute results to identified agencies.	\$1,000,000	Yes
	Grant Number 2018-AR-BX-K127. Conduct a statewide needs assessment and plan for the design and implementation of criminal justice diversion and treatment services in select counties.	\$100,000	Yes
Massachusetts Administrative Office of the Trial Court	Grant Number 2018-AR-BX-K099. Establish an initiative that will support cross-system planning and collaboration among officials who work in multiple justice and justice-related settings while staying focused on the judiciary and judiciary stakeholders.	\$1,500,000	No
Arkansas Department of Finance and Administration	Grant Number 2018-AR-BX-K085. Develop an opioid abuse plan that will include goals, objectives, and strategies addressing opioid abuse and misuse.	\$1,300,000	No
West Virginia Division of Administrative Services, Justice and Community Services	Grant Number 2018-AR-BX-K084. Assist multiple day report centers and residential recovery programs in increasing the number of peer recovery coaches and expanding available peer recovery services throughout the state.	\$1,300,000	Yes
	Grant Number 2017-AR-BX-K022. Increase the number of technology-assisted treatment services for individuals involved with the justice system because of an opioid use disorder in rural areas. Also, to provide mental health services, addiction recovery services, and alternative sanctions or diversions.	\$750,000	Yes
		Total: \$7,150,000	

Source: OIG analysis of COSSAP grant award information

We began our testing of these recipients in November 2021 with the expectation that the projects were complete or near completion, which would have allowed for the evaluation of the recipients' project accomplishments. We reviewed performance reports and other grant documentation the recipients submitted to BJA. We also performed interviews in November 2021 and July 2022 of officials from each recipient organization who had responsibilities in managing and administering their respective awards. We found that as of June 2023, four of the seven grant projects were not completed. We also determined that recipients' project activity stalled during the COVID-19 pandemic for reasons discussed more fully in the next section.

During our interviews of BJA's COSSAP Grants Management Specialists, officials told us that BJA altered its

management and administration of COSSAP because of the pandemic. BJA's response to these pandemic-related difficulties began in March 2020 and included allowing grant recipients to submit Grant Adjustment Notices for approval and allowances for late progress and performance reports.²⁶ BJA also approved no-cost extensions and permitted grant recipients to pay certain costs from grant funds that are normally unallowable, such as costs for telework equipment and event cancellation fees.²⁷ Moreover, to support recipients during the pandemic, BJA stated that it funded COSSAP training and technical assistance providers that offered virtual training opportunities for grantees, including webinars, podcasts, publications, and peer-to-peer learning discussions to assist recipients with their projects during the pandemic.

These extensions and approvals helped address some of the pandemic-related challenges that COSSAP recipients expressed to us via our survey and interviews. However, we found no documentation indicating that BJA assessed whether completion of project goals and deliverables is feasible given the circumstances. Therefore, we recommend BJA coordinate with COSSAP recipients to determine whether goals and objectives need to be modified and whether technical assistance is needed to ensure that COSSAP goals and objectives are accomplished.

DOJ has prioritized the use of evidence-based programming to build and expand its criminal and juvenile justice programs. COSSAP's authorizing legislation required a DOJ evaluation of COSSAP's effectiveness by July 2021.²⁸ The legislation also required the evaluation results to be published and issued to committees within the House of Representatives and Senate no later than 90 days after the completion of the evaluation.

Consequently, we asked BJA whether it or OJP conducted an evaluation of COSSAP. In response, BJA provided a draft COSSAP assessment report dated September 2021 that was completed by a nonprofit research organization that also received an FY 2017 COSSAP award. According to BJA, the report was initially delayed due to difficulties in data collection caused by the pandemic. As a result, the Acting Director of BJA's Policy Office granted an extension to the research organization to complete the assessment. The organization submitted its initial draft report to BJA in September 2021, and submitted a final draft to BJA in May 2022. As of March 2023, BJA reported to us that the report was undergoing the Department's clearance process and had not been submitted to Congress.

Statutory reporting requirements are important to facilitate congressional oversight and inform decision making. Delayed submission of mandated reports may prevent Congress from assessing the effectiveness

²⁶ On March 19, 2020, the Office of Management and Budget issued OMB memorandum, "Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19) due to Loss of Operations," which afforded Federal awarding agencies to provide administrative relief to funding recipients affected by the loss of operational capacity and increased costs due to the COVID-19 crisis. OJP provided this short-term relief to its grantees under this authority.

²⁷ Also, BJA told us in a written response that grantees may request in writing a one-time extension of the period of performance by up to 12 months. BJA also stated that due to the delays experienced as a result of the COVID-19 pandemic, BJA has continued to support COSSAP recipients outside of the general short-term administrative relief granted to all OJP award recipients by continuing to grant project period extensions beyond extensions allowed by federal regulation.

²⁸ 34 U.S.C. § 10707, Evaluation of performance of Department of Justice programs.

of federal programs and policies and making decisions on complex and emerging issues. Therefore, we recommend OJP to submit its COSSAP evaluation report to Congress and to publish the results upon clearance from the Department.

While the evaluation had not been submitted to Congress, we reviewed a draft copy of the assessment that sought to answer, among other things, whether COSSAP reduced overdoses, increased access to services, and enhance treatment engagement.²⁹ To answer this question, the nonprofit analyzed OJP Performance Measurement Tool (PMT) data for 166 COSSAP grant recipients that received FYs 2017 and 2018 awards.³⁰

The assessment found that most grant recipients were operational by the end of their first project year and were functioning in accordance with their stated goals and objectives. Additionally, the assessment found that many grant recipients employed multiple strategies and engaged an array of partners to advance their projects and build multidisciplinary partnerships. Further, the assessment found that although grant recipients encountered numerous obstacles, they reached thousands of people affected by the opioid crisis, linking people with opioid use disorder to needed recovery services and treatment and linked family and friends to support and training. These assessment findings were consistent with our findings from interviewing COSSAP grant recipients and analyzing recipients' performance reports. However, the COSSAP assessment did not answer the key question intended to be addressed and concluded that the PMT data did not support the type of analyses necessary to definitively answer whether COSSAP reduced opioid overdoses and fatalities or increased treatment access and engagement. A BJA official stated that BJA is undergoing a review of its performance measures for all BJA programs, including COSSAP, which is estimated to be completed by Fall 2023.

Based on the assessment's conclusions, and our audit findings, we concluded that COSSAP made some progress in achieving objectives from the program's secondary goal to support the implementation, enhancement, and proactive use of prescription drug monitoring programs to support clinical decision-making and prevent the misuse and diversion of controlled substances. However, the assessment also demonstrates uncertainty with COSSAP's achievement of its primary goal to reduce opioid misuse and the number of overdose fatalities.

The Opioid Crisis Accelerated During the COVID-19 Pandemic and COSSAP Recipients Faced Challenges in Providing Opioid-related Services

Opioid overdoses and deaths surged during the COVID-19 pandemic. According to data from the CDC, 75,673 people died from opioid overdoses in the year ending in April 2021, representing a 35 percent increase from 56,064 opioid overdoses recorded the year before. Opioid overdose deaths continued to rise through December 2021 although the rate of increase had slowed.³¹ The increase was reported to be the

²⁹ *Ibid.*

³⁰ Performance measures are the data—specific values or characteristics—reported by grantees that measure the output or outcome of grantees' activities and services and demonstrate accomplishment of the goals and objectives of BJA's programs. All COSSAP recipients were required to gather and submit data using the web-based Performance Measurement Tool.

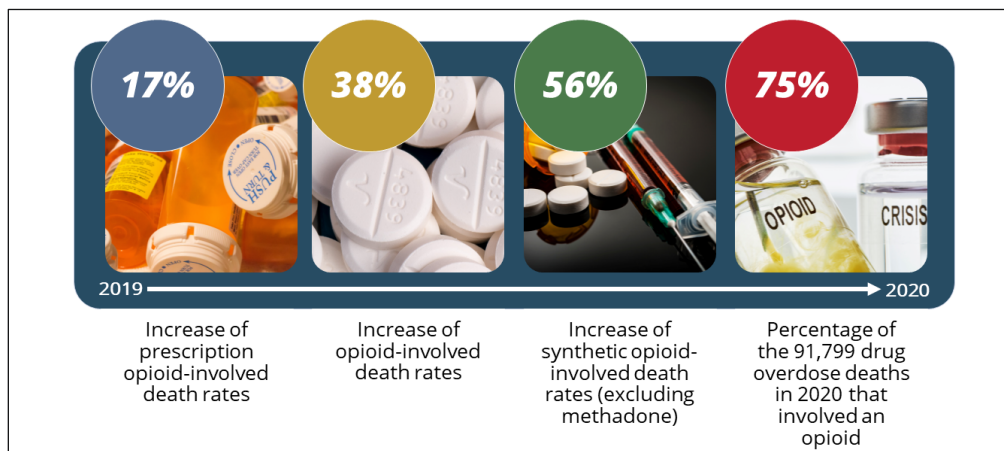
³¹ According to provisional data from the CDC, overdose deaths involving opioids increased 15 percent from 70,029

Continued

result of lost access to treatment, rising mental health problems, and wider availability of dangerously potent new street drugs. Moreover, experts say the overdose tally signals a public health crisis the magnitude of which is both obscured by the COVID-19 pandemic and accelerated by it. The CDC reported that the number of drug overdose deaths increased by nearly 30 percent from 2019 to 2020 and has quintupled since 1999. Figure 3 below shows noteworthy opioid overdose epidemic changes from 2019 to 2020 including a finding that nearly 75 percent of overdose deaths in 2020 involved an opioid.

Figure 3

Noteworthy Opioid Overdose Epidemic Changes from 2019 to 2020



OIG analysis of CDC data

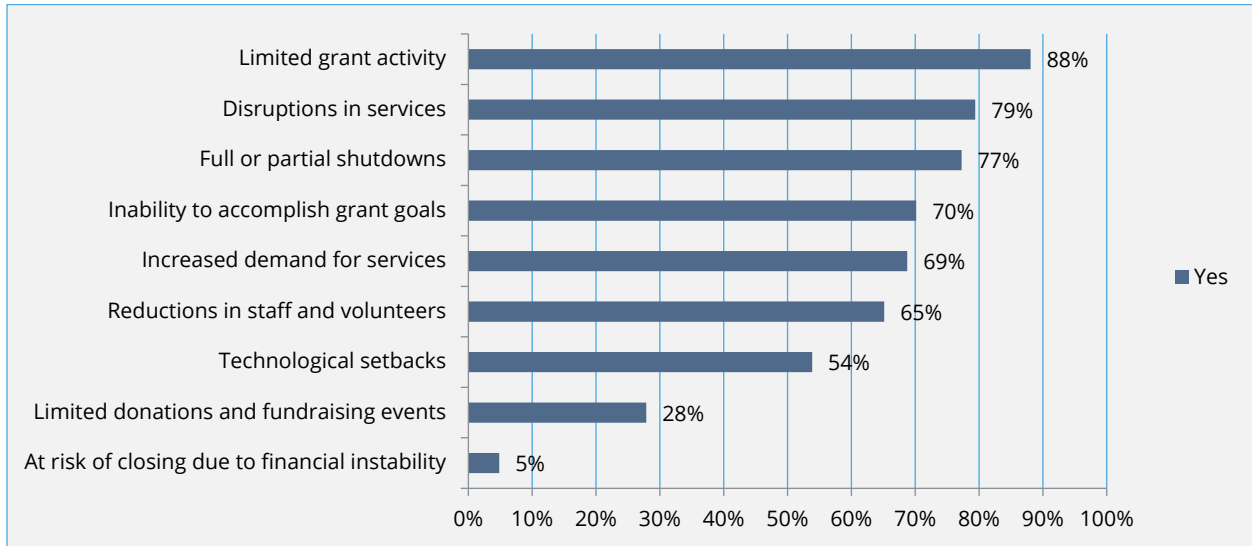
Photograph source: Fawcette, JAY, Moussa, and M.Rode-Foto/stock.adobe.com

During our grant recipient interviews, each official told us about pandemic-related challenges their organization faced in implementing their grant projects. One official told us that COVID-19 slowed their grant project, and they had to find new ways and approaches to achieve their original goals. The same official added that the organization was about 1 year behind in carrying out the grant because of the pandemic. Another official told us the implementation of services related to the grant project were significantly delayed, and that some grant activities were halted in early 2020. Additionally, resource centers that provided grant-funded services, such as telehealth were hindered by COVID-19 restrictions. In our grant recipient survey, we asked recipients if they experienced certain circumstances due to the COVID-19 pandemic. As shown in Figure 4, the four circumstances respondents experienced the most were: limited grant activity (88 percent), disruptions in services (79 percent), full or partial shutdowns (77 percent), and inability to accomplish grant goals (70 percent).

deaths in 2020 to 80,816 deaths in 2021. The CDC noted that its 2021 data are provisional, incomplete and subject to change.

Figure 4

Results to Survey Question 21: Has Your Organization Experienced Any of the Following Due to the COVID-19 Pandemic?



Source: OIG Analysis of Grant Recipient Survey Results

Moreover, each official told us they experienced an increase in opioid abuse and deaths in their states. These comments, while anecdotal, appear to follow the widely reported nationwide trend of increased opioid overdoses.

Grant Recipients had Generally Positive Views of BJA's Management and Administration of COSSAP

During FYs 2017 through 2021, BJA awarded \$648 million in COSSAP grants to state, local, and Indian governments, and non-profit entities. To evaluate BJA's management and oversight of COSSAP, we created an electronic survey to distribute to the representatives of 222 COSSAP award recipients. We sought information pertaining to the officials' experiences in administering COSSAP in their respective communities and the quality of guidance and technical assistance BJA provided to grant recipients. The survey was voluntary, and we received 68 responses for a response rate of 31 percent.

We determined that the award recipients that we surveyed had generally favorable views of BJA's oversight and management practices, particularly in providing program assistance to and communicating with grant recipients.

BJA Provided Effective Program Assistance

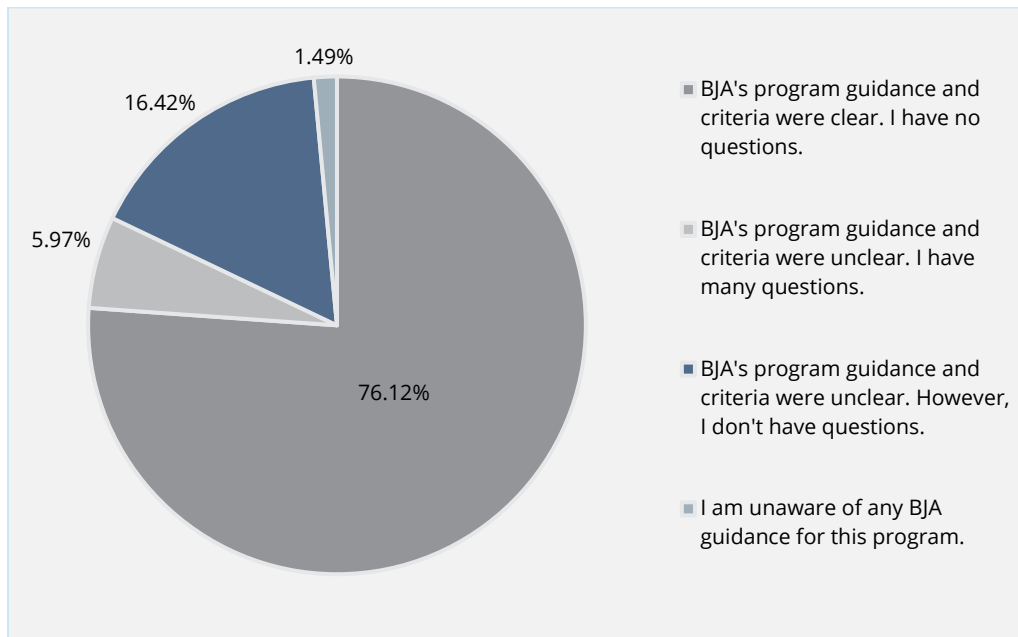
Through our survey of grant recipients, we determined that vast majority of COSSAP recipients had positive views of BJA's administration and management of COSSAP. Specifically, we asked COSSAP recipients to rate BJA's overall administration and management of COSSAP, on which 88 percent of the 58 respondents rated BJA's administration and management as "outstanding" (33 percent) or "satisfactory" (55 percent). The

remaining 12 percent of respondents rated BJA's administration and management administration as "needs improvement."

In addition, we surveyed grant recipients' feedback on the quality of program guidance and criteria that BJA provided to recipients. We asked recipients: "How would you describe BJA's program guidance and criteria for COSSAP?" As shown in Figure 5 below, 76 percent of 68 respondents to this question described BJA's program guidance and criteria as "clear" and had "no questions" regarding the guidance and criteria. Approximately 22 percent of respondents indicated that they believed BJA's guidance could be clearer, but only 6 percent stated they had questions concerning the guidance. About 1.5 percent of respondents were unaware of any BJA guidance for COSSAP.

Figure 5

Results to Survey Question 7: How Would You Describe BJA's Program Guidance and Criteria for the COSSAP Grant Programs?

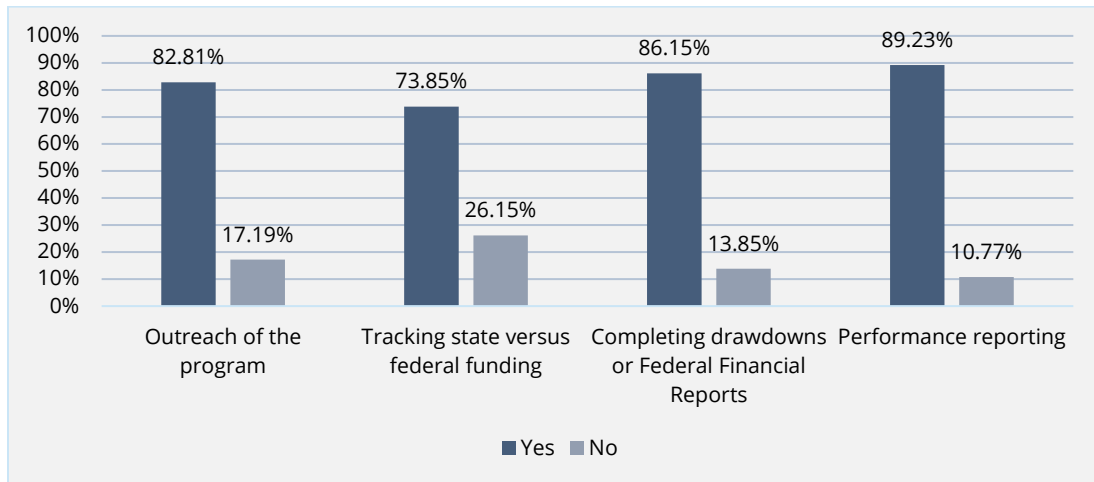


Source: OIG Analysis of Grant Recipient Survey Results

Additionally, nearly 93 percent of respondents stated that they had not received guidance from their BJA grant program manager that conflicted with DOJ's grants financial guidance. Also, during our interviews of grant recipients, each official expressed satisfaction with BJA's management and administration of the program and their grant program manager's guidance and assistance. Moreover, as shown in Figure 6 below, between 73 percent and 89 percent of respondents reported that BJA provided clear and consistent guidance in the grant management categories of program outreach, federal funding tracking, completing drawdowns or federal financial reports, and performance reporting. While substantially less than the positive responses, 10.8 percent to 26.2 percent of respondents reported that BJA did not provide clear and consistent guidance in the aforementioned categories.

Figure 6

Results to Survey Question 10: Has BJA Provided Clear and Consistent Guidance to Assist You Regarding COSSAP Grant Programs in the Following Categories?



Source: OIG Analysis of Grant Recipient Survey Results

The results indicate that respondents had overall positive views on BJA’s management and administration practices and the quality of BJA’s program assistance. We encourage BJA to review our survey results for areas where further improvements could increase the positive experience for all its grantees.

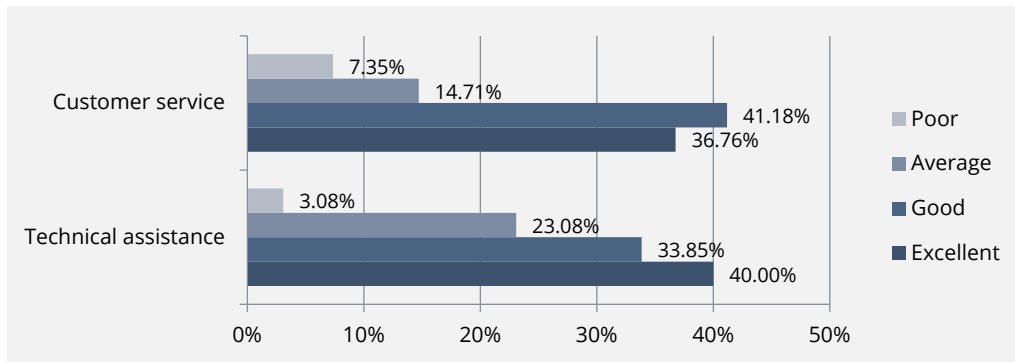
BJA Communicated Effectively with Grant Recipients

We surveyed grant recipients for information about BJA’s communication practices and to assess the frequency, methods, and effectiveness of BJA’s communication with grant recipients. Recipients’ responses were generally positive.

For example, among our questions, we asked recipients to rate BJA’s communication in providing customer service and technical assistance. As shown in Figure 7 below, most respondents (about 78 percent) rated both BJA’s customer service and its technical assistance as “excellent” or “good.” Fourteen percent rated BJA’s customer service as “average,” while another 7 percent rated the customer service as “poor.” Additionally, 23 percent of respondents rated BJA’s technical assistance communication as “average,” and another 3 percent rated the communication “poor.” These results show that, overall, respondents had positive views regarding BJA’s communication in customer service and technical assistance.

Figure 7

Results to Survey Question 12: Please Rate the Technical Assistance and Customer Service Provided by Your Assigned BJA Grant Program Manager Regarding the COSSAP Grant Program



Source: OIG Analysis of Grant Recipient Survey Results

Certain Recipients Experienced Problems with Accessing and Utilizing DOJ's Grants Management System

Our survey results also show that some recipients experienced numerous technical issues when accessing or utilizing JustGrants. In October 2020, OJP, along with DOJ's other grant-making components, launched JustGrants, a new grants management system that replaced OJP's legacy grant management system. DOJ designed JustGrants to give grant applicants and recipients new ways to manage their DOJ grant information. The system was designed to allow users to complete and submit grant applications, accept awards, submit performance reports and other programmatic materials, and certify and submit financial information and reports. OJP provided guidance to assist the 6,000 organizations and 19,600 users in transitioning to JustGrants.

In May 2021, the OIG published an [Issue Alert](#) summarizing complications that some grant recipients experienced with the JustGrants system.³² Also, in July 2023, the OIG issued an [audit report](#) on a contract OJP awarded for its JustGrants System.³³ After the system launched, certain grant recipients were unable to access their award funds because of issues that prevented recipients from registering, assigning roles, and accepting awards. To address these problems, OJP implemented multiple efforts such as onboarding, outreach, training, targeted technical assistance, and system improvements.

The OIG found that these efforts were partially successful and led to greater system adoption and user satisfaction.

³² DOJ OIG, Issue Alert, "[JustGrants Transition Impacting DOJ Awardees' Ability to Access Funds and Manage Award Activities](#)," May 6, 2021

³³ U.S. DOJ OIG, [Audit of the Office of Justice Programs' Procurement for the JustGrants System](#), Audit Report 23-087 (July 2023), <https://oig.justice.gov/reports/audit-office-justice-programs-procurement-justgrants-system>

As stated earlier, in August 2021, 3 months following the release of the OIG’s Issue Alert, we surveyed COSSAP grant recipients. As part of this survey, we assessed COSSAP grant recipients’ user experiences in accessing and utilizing JustGrants. The responses to these questions confirm that some JustGrants system issues existed through at least the summer of 2021. For example, when we asked respondents if they have encountered any issues with JustGrants, about 78 percent (53 of 68) reported “yes,” while about 22 percent reported “no.” Moreover, 50 of 68 respondents detailed an assortment of issues with JustGrants as summarized in Table 4 below. The remaining two comments reported no dissatisfaction with JustGrants.

Table 4

Survey Comments by Topic that Describe Respondents’ Problems with JustGrants³⁴

Problem	Number of Comments
Submitting reports or other documents	14
Assigning user roles	6
Accessing award information or award funds	6
Navigational issues	5
Updating information	3
Log-in issues	2
Miscellaneous issues	14
Total	50

Source: OIG Analysis of COSSAP recipient responses in 2021

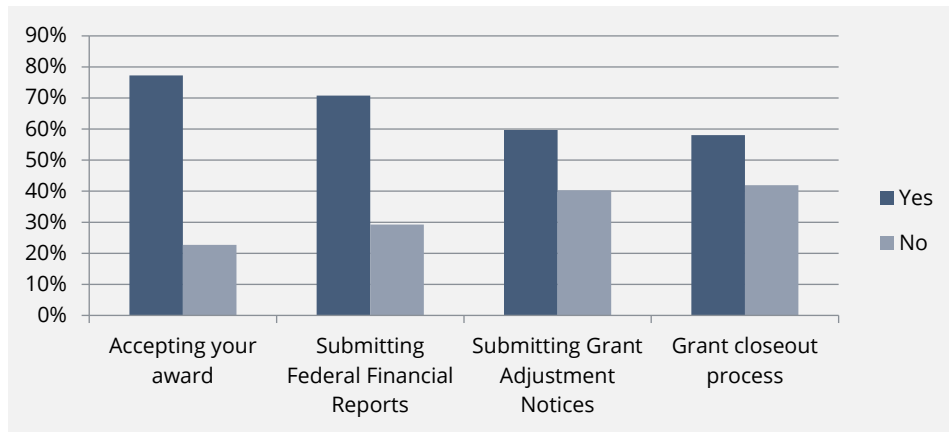
Eighty-four percent of respondents reported that they had not been denied access to JustGrants.³⁵ Moreover, as shown below in Figure 8, while the majority of COSSAP recipients had favorable views regarding BJA’s provision of clear and consistent guidance to assist in the completion of all four JustGrants activities about which we asked in our survey, about 40 percent of respondents did not. Also, during our interviews with COSSAP grant recipients conducted during November and December 2021, each official expressed frustration with accessing and navigating DOJ’s JustGrants when the system came online.

³⁴ The second problem displayed in our table is assigning user roles. One of the first steps in the JustGrants onboarding process requires a recipient official to assign six foundational roles to users within the recipient organization to ensure that they have the authority and ability to carry out specific requirements and tasks.

³⁵ The BJA Grants Management Specialists that we interviewed were aware of grant recipients’ problems accessing and navigating JustGrants. One such official told us the conversion to JustGrants had been difficult, that there were glitches, and time was needed to get used to the new way of operating within the system.

Figure 8

Results to Survey Question 17: Has BJA Provided Clear and Consistent Guidance to Assist You in Completing the Following Activities in JustGrants?



Note: One respondent completed the questionnaire without responding to this question.

Source: OIG Analysis of Grant Recipient Survey Results in 2021

OJP Changed its Requirements for Documenting Programmatic Activities as a Result of our Audit, and the Changes Will Improve BJA’s Monitoring of COSSAP Recipients

The DOJ’s grant-making components have monitoring responsibilities and conduct programmatic monitoring through site visits and desk reviews and training and technical assistance. OJP’s on-site monitoring involves an examination of the following areas shown in Table 5.

Table 5

OJP On-Site Monitoring Areas of Review

Financial
The financial aspect of in-depth programmatic monitoring involves a limited scope review of the recipient's financial system report and supporting records for grant expenditures.
Administrative
Administrative monitoring consists of an examination of the grantee's file, property, personnel, subrecipients, and conferences.
Programmatic
Programmatic monitoring consists of reviewing the content and substance of the grant program and involves a qualitative and quantitative review to determine whether the grant goals and objectives are being implemented as planned and grant activities are consistent with the grant implementation plan.

Source: OJP Site Visit Checklist

BJA's Grants Management Specialists monitor COSSAP recipients using desk reviews, on-site visits, and remote visits, also known as enhanced programmatic desk reviews.³⁶ BJA is required to monitor at least 10 percent of its open and active award amount annually. OJP also instituted an internal policy requiring its staff to annually monitor at least 10 percent of open and active awards. Beginning in FY 2020, OJP reduced the 10 percent internal monitoring requirement to 7 percent because OJP determined that BJA had a significantly higher workload compared to OJP's other offices and at the time was unable to hire more Grants Management Specialists. Further, BJA officials told us that the COVID-19 pandemic led BJA to monitor grant recipients remotely.

As part of our effort to assess BJA's oversight and management of COSSAP, we tested the frequency of BJA's monitoring and whether monitoring activities complied with OJP's financial, administrative, and programmatic requirements. We also examined BJA's efforts to monitor 28 COSSAP recipients awarded during FYs 2018 to 2020.³⁷

We determined that BJA met the 10 percent monitoring requirement for COSSAP recipients during FYs 2018, 2019, and 2021. However, during FY 2020, BJA was unable to meet the monitoring requirement, despite the reduction to 7 percent. A BJA official told us that a number of grantees had issues accessing records due to the impact of COVID-19, which affected BJA's ability to conduct remote monitoring. The same official also

³⁶ During the course of our audit, OJP retired the term "enhanced programmatic desk reviews."

³⁷ A total of 1,236 awards were monitored between FYs 2018 and 2020.

told us that BJA staff completed remote, in-depth monitoring on all grantees selected for monitoring that had access to their records.

Next, we judgmentally selected 28 COSSAP grant recipients that were awarded funds during FYs 2017 to 2019 to test whether BJA's monitoring complied with OJP's financial, administrative, and programmatic requirements. We performed our tests by reviewing each recipient's program monitoring and award documentation. We determined that BJA's review and verification of COSSAP recipients' performance activities was not always documented. OJP requires the documentation of monitoring using a checklist that contains instructions for completing the financial, administrative, and programmatic requirements of monitoring. We reviewed BJA monitoring checklists for 16 recipients and found that none of the checklists documented the verification of programmatic activities, as required.

We discussed our monitoring concerns with an OJP Office of Audit, Assessment, and Management (OAAM) official, who agreed with our assessment and told us OAAM would advise BJA supervisors to ensure the completion of the checklist. The official also said that OJP will be discussing the placement of the programmatic sections within the checklist, specifically those located in the appendix, to ensure that requirements are not missed by Grants Management Specialists.³⁸

To test whether BJA made the necessary changes to the monitoring checklist and fully implemented its procedural requirements for documenting COSSAP recipients' programmatic activities, we judgmentally selected seven additional recipients that were awarded funds in FYs 2019 and 2020 and had undergone a monitoring visit in FY 2022. We examined each recipient's award and monitoring documentation to determine if the updated checklist was used, if the checklist was filled out in its entirety, and to determine the implementation status of the grant. We determined that the new checklist was used and completed for every grant recipient tested. We determined that OJP's actions adequately address our concerns; therefore, we make no recommendation.

We also tested grant recipient compliance with monitoring requirements. Under the Uniform Guidance, grant recipients are required to monitor their award activity to assure compliance with federal requirements and performance expectations.³⁹ We reviewed the monitoring reports of seven judgmentally selected recipients awarded funds in FYs 2019 and 2020. For each recipient selected, BJA conducted a remote programmatic monitoring visit in FY 2022. We reviewed the documentation for each monitoring visit to determine if the grant recipients were on track to meet the goals and objectives of the COSSAP program through the implementation of programmatic activities funded by the grant. We found that six recipients had either not recorded programmatic activities or deliverables, or such activities were not being implemented as planned by the date of their monitoring visit. Within the monitoring documentation, BJA Grants Management Specialists reported that the COVID-19 pandemic, staffing shortages, and the need to amend the scope of the awards were the primary reasons for significant delays in implementing the grant projects.

³⁸ In January 2021, OJP provided documentation that it had instructed BJA to complete the programmatic requirements and instructed BJA's supervisors to not approve monitoring checklist submissions with incomplete sections from Grants Management Specialists.

³⁹ 2 C.F.R. § 200.329, Uniform Administrative Requirements, Cost Principles, Audit Requirements for Federal Awards.

BJA Should Evaluate Its Coordination and Collaboration Activities with Partners and Stakeholders to Measure the Impact That These Activities Have Toward Accomplishing COSSAP's Objectives

According to BJA, a cornerstone of COSSAP is an emphasis on partnership and collaboration across the Public Health, behavioral health, and public sectors. Collaboration and cross-system planning with federal and non-federal entities is essential to providing an effective response to the opioid epidemic. To assess this effort, we interviewed BJA officials and reviewed documentation related to the agency's partnerships and stakeholder engagements. BJA's collaboration with federal and non-federal entities includes partnerships with the CDC and the Substance Abuse and Mental Health Services Administration to provide funding opportunities, training and technical assistance, identify system gaps, and strategize best practices.

In September 2019, BJA entered into an interagency agreement with the CDC. According to the agreement, which details the scope of coordination activities and the roles and responsibilities of each entity, BJA is tasked with establishing cooperative agreement mechanisms and completing monitoring activities. Also under the agreement, the CDC is responsible for writing the funding announcements, reviewing project entry applications, and providing guidance on Public Health activities. Both parties contribute funds to the projects and review and develop project materials. Moreover, two noteworthy areas of collaboration between BJA and the CDC are Demonstration Projects and Overdose Fatality Reviews.

- **Demonstration Projects** – Demonstration projects were created in 2018 by BJA, the CDC, and other entities to maximize COSSAP applicants based on BJA's increase in appropriated funds in FY 2018. The projects blend federal funding and seek to promote public-philanthropic partnerships. Objectives of the projects are to strengthen the understanding of effective community responses to illicit substance use and misuse, expand the adoption of effective community responses to illicit substance abuse, and build capacity in communities most impacted by substance abuse disorders.
- **Overdose Fatality Reviews** – These reviews identify system gaps and provide community-specific overdose prevention and intervention best practices to strengthen community responses to the opioid crisis. The reviews consist of meetings with local organizations and provide an opportunity to obtain resources and training and technical assistance from the federal government.

BJA also collaborates with other DOJ agencies, specifically with OJP's Office for Victims of Crime to support site-based programs involving victims of opioid-based crime and to host opioid strategy meetings and events.

Further, BJA collaborates with the Drug Enforcement Administration (DEA) to combat opioid abuse in communities.⁴⁰

⁴⁰ In September 2020, we issued an audit report on DEA's community-based efforts to address opioids. Among our report recommendations, we recommended that DEA coordinate with OJP to determine the extent to which community partners have received funding, assess potential duplication within that funding, and review areas for potential gaps in services. DEA agreed with the recommendation and reported that it met with BJA to discuss current and future areas

Continued

In addition, BJA engages with seven non-profit and private organizations with specialized experience and expertise to assist COSSAP recipients in providing substance abuse services. These non-profit and private organizations function as BJA's training and technical assistance providers and provide support to grant recipients that includes identifying policy and procedure materials, providing speakers for conferences, facilitating strategic planning, and advancing replication of best practices and innovative strategies. This occurs through several separate grant awards. These grant awards totaled \$63 million in FY 2017 and \$51 million in FY 2019.

Evaluating the collaboration process and accomplishments is integral to ensure collaboration activities function effectively and whether improvements or other changes are necessary. Therefore, we asked a BJA official for information on how BJA assesses its performance in coordinating and collaborating with partners and stakeholders. The official told us BJA's work is externally focused and that it does not generally evaluate its collaborations with other agencies. In contrast, the CDC stated that the partnership between BJA and the CDC could be improved by developing a process to document and disseminate successes, best practices, and lessons learned from the co-funded projects. Absent an evaluation of its coordination and collaboration efforts, BJA cannot fully measure the impact that these activities have on achieving COSSAP objectives and deliverables and would not be able to identify and evaluate instances of fragmentation, overlap, and duplication. Therefore, we recommend that OJP ensures BJA assess its coordination and collaboration efforts to include an analysis of how the assessment results can assist BJA in achieving COSSAP goals and objectives.

for coordination and collaboration and the two agencies agreed to participate in monthly meetings to discuss projects for collaboration.

See U.S. DOJ OIG, *Audit of the Drug Enforcement Administration's Community-Based Efforts to Combat the Opioid Crisis*, Audit Report 20-102 (September 2020), <https://oig.justice.gov/sites/default/files/reports/a20-102.pdf>

Conclusion and Recommendations

We found that, while evaluating applications for COSSAP funding during FY 2020, BJA made COSSAP funding decisions that penalized one application based on the applicant's perceived support for the "defund the police" movement in a manner that was inconsistent with how BJA handled other COSSAP applications and inconsistent with federal regulations. We also concluded that grant recipients were making progress with their grant-funded projects; however, recipients also experienced pandemic-related challenges that stalled the progress of their projects. We further found that, as of March 2023, OJP had not submitted an assessment report of COSSAP's effectiveness that Congress required by July 2021. A draft of that assessment report provided no definitive answer on whether the program achieved its primary goal of reducing opioid misuse and overdose fatalities. We also determined that grant recipients had generally positive views of BJA's management and administration of COSSAP, although certain recipients also reported problems with accessing and navigating JustGrants. We additionally determined that BJA monitored grant recipients but did not meet OJP's minimum monitoring requirements and BJA did not adequately document the verification of programmatic activities. Lastly, we determined that BJA coordinates and collaborates with COSSAP partners and stakeholders, but the impact of these coordination and collaboration activities is unclear, and BJA does not have a practice of assessing the extent to which these coordination and collaboration activities assist BJA in achieving the goals and objectives of COSSAP.

We recommend that OJP ensures BJA:

1. Establish policies and procedures requiring all criteria, preferences, and special considerations used to evaluate COSSAP grant applications are applied to all applicants and are based on accurate, appropriately verified information.
2. Adequately describes within the COSSAP solicitation all criteria, preferences, and special considerations used to evaluate COSSAP grant applications.
3. Coordinate with COSSAP recipients to determine whether goals and objectives need to be modified and if technical assistance is needed to ensure that COSSAP goals and objectives are accomplished.
4. Submit its COSSAP evaluation report to Congress and to publish the results upon clearance from the Department.
5. Assess its coordination and collaboration efforts to include an analysis of how the assessment results can assist BJA in achieving COSSAP goals and objectives.

APPENDIX 1: Objectives, Scope, and Methodology

Objectives

Our audit objectives were to determine whether the Bureau of Justice Assistance (BJA): (1) accomplished the goals and objectives of the Comprehensive Opioid, Stimulant, and Substance Abuse Program (COSSAP), (2) implemented adequate oversight and management of COSSAP, and (3) effectively coordinated and collaborated with COSSAP partners and stakeholders.

Scope and Methodology

To accomplish our objectives, we interviewed or communicated with several Office of Justice Programs (OJP) and BJA officials, including the Acting Director of BJA from January 2021 to February 2022 and BJA grants management specialists assigned to COSSAP. We reviewed BJA's COSSAP grant administration and monitoring policies, grant solicitations, applications, and other documentation. We tested a sample of cooperative agreement and grant files and examined BJA's opioid-related collaboration efforts with federal and non-federal entities. We also examined BJA's monitoring processes for ensuring that grant recipients comply with COSSAP requirements. Additionally, in August 2021, we surveyed BJA's grants management specialists and all 222 recipients that were awarded COSSAP funds between FYs 2017 and 2019 to obtain information on BJA's management of COSSAP. As a result of the COVID-19 pandemic response, we performed our audit fieldwork exclusively in a remote manner.

Statement on Compliance with Generally Accepted Government Auditing Standards

We conducted this performance audit in compliance with generally accepted government auditing standards (GAGAS). Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Internal Controls

In this audit, we performed testing of internal controls significant within the context of our audit objectives. We did not evaluate the internal controls of OJP to provide assurance on its internal control structure as a whole. OJP management is responsible for the establishment and maintenance of internal controls in accordance with OMB Circular A-123, 2 C.F.R. § 200, and 34 U.S.C. § 10701. Because we do not express an opinion on OJP's internal control structure as a whole, we offer this statement solely for the information and use of the OJP.⁴¹

Our review of internal controls covered the BJA's policies and procedures for oversight and administration of COSSAP. We identified and interviewed OJP and BJA officials with COSSAP responsibilities. We reviewed COSSAP recipients' performance reporting and other documentation and interviewed select grant recipient officials to assess progress with accomplishing COSSAP goals and objectives. We reviewed OJP's data of recipients awarded COSSAP grants from FYs 2017 to 2020. We reviewed OJP and BJA documentation and

⁴¹ This restriction is not intended to limit the distribution of this report, which is a matter of public record.

records for monitoring COSSAP award activity to ensure compliance with federal requirements and performance expectations. We assessed BJA's process for awarding COSSAP funds including its peer review panels that evaluate, score and rate applications. We reviewed BJA coordination and collaboration activities with COSSAP partners and stakeholders and examined BJA's written agreement with the Centers for Disease Control and Prevention.

The internal control deficiencies we found are discussed in the Audit Results section of this report. However, because our review was limited, it may not have identified all internal control deficiencies that may have existed at the time of this audit.

Compliance with Laws and Regulations

In this audit we tested, as appropriate given our audit objectives and scope, selected transactions, records, procedures, and practices, to obtain reasonable assurance that OJP's management complied with federal laws and regulations for which noncompliance, in our judgment, could have a material effect on the results of our audit. Our audit included examining, on a test basis, OJP's compliance with the following laws and regulations that could have a material effect on OJP's operations:

- 34 U.S.C. § 10701 (2022)

This testing included interviewing auditee personnel, analyzing data, assessing internal control procedures, and examining procedural practices.

However, nothing came to our attention that caused us to believe that OJP was not in compliance with the aforementioned laws and regulations.

Sample-Based Testing

To accomplish our audit objective, we performed sample-based testing for grant recipients receiving COSSAP awards in FYs 2017 and 2018. In this effort, we employed a judgmental sampling design to obtain broad exposure to numerous facets of the areas we reviewed.

Computer-Processed Data

During our audit, we obtained information from DOJ's JustGrants system. We did not test the reliability of those systems as a whole, therefore any findings identified involving information from those systems were verified with documentation from other sources.

APPENDIX 2: COSSAP Grant Recipient Survey Results

In August 2021, the Office of the Inspector General (OIG) distributed the following voluntary survey to 222 state, local, non-profit organizations that received Comprehensive Opioid, Stimulant, and Substance Abuse Program (COSSAP) award funds between FYs 2017-2020. We received 68 responses. Survey responses, corresponding percentages, which are rounded, and additional summary details are shown below. For some questions, multiple selections were allowed, so response numbers will vary.

Program – In this section, we will be discussing your experiences with COSSAP to determine how it has assisted your organization in effectively responding to Illicit substance use and misuse.

1. Which of the following categories in 2017 did you apply for under the Comprehensive Opioid Abuse Site-based Program (COAP) and COSSAP solicitations?⁴² (Select applicable categories per year.)

Answer Choices	Responses	
Category 1 – Overdose outreach projects	12	19%
Category 2 – Technology-assisted projects	2	3%
Category 3 – System-level diversion and alternatives to incarceration projects	5	8%
Category 4 – Statewide planning, coordination, and implementation projects	1	2%
Category 5 – Prescription drug monitoring program implementation and enhancement projects	2	3%
Category 6 – Data-driven responses to prescription drug misuse	3	5%
None	44	70%
No response	5	

Note: Respondents were allowed to make multiple selections, and some respondents made more than one selection.

2. Which of the following categories in 2018 did you apply for under the COAP and COSSAP solicitations? (Select applicable categories per year.)

Answer Choices	Responses	
Category 1 – First responder partnerships	15	24%
Category 2 – Technology-assisted treatment projects	3	5%
Category 3 – System-level diversion projects	7	11%
Category 4 – Statewide planning, coordination, and implementation projects	3	5%
Category 5 – Prescription drug monitoring program implementation and enhancement projects	3	5%
Category 6 – Public safety, behavioral health, and public health information-sharing partnerships	13	21%
None	28	44%
No Response	5	

Note: Respondents were allowed to make multiple selections, and some respondents made more than one selection.

⁴² COSSAP funds may be used to support a combination of allowable use categories. The combination of available categories can change each year.

3. Which of the following categories in 2019 did you apply for under the COAP and COSSAP solicitations?

Answer Choices	Responses	
Category 1 – Locally driven responses to opioid epidemic	21	34%
Category 2 – Statewide Implementation, enhancement, and evaluation projects	7	11%
Category 3 – Prescription drug monitoring program implementation and enhancement projects	3	5%
None	31	50%
No Response	6	

Note: Respondents were allowed to make multiple selections, and some respondents made more than one selection.

4. Which of the following categories in FY 2020 did you apply for under the COAP and COSSAP solicitations?

Answer Choices	Responses	
Category 1 – Local or Tribal applications	18	29%
Category 2 – State Applications	4	6%
None	41	65%
No Response	5	

Note: Respondents were allowed to make multiple selections, and some respondents made more than one selection.

5. How would you rate the following efforts of the COAP or COSSAP grant programs?

Answer Choices	Responses							
	Outstanding		Satisfactory		Needs Improvement		Unsatisfactory	
Identifying people impacted by opioids, stimulants, and other drugs of abuse (64 responses)	32	50%	26	41%	6	9%	0	0%
Responding to people impacted by opioids, stimulants, and other drugs of abuse (66 responses)	33	50%	29	44%	4	6%	0	0%
Treating people impacted by opioids, stimulants, and other drugs of abuse (64 responses)	25	39%	27	42%	12	19%	0	0%
Supporting people impacted by opioids, stimulants, and other drugs of abuse (63 responses)	30	48%	26	41%	7	11%	0	0%
Collaborating with other substance abuse treatment stakeholders (66 responses)	34	52%	27	41%	5	8%	0	0%

Note: Two respondents did not answer the question.

6. How would you rate the Bureau of Justice Assistance's (BJA) overall administration and management of the COAP and COSSAP grants?

Answer Choices	Responses	
Outstanding	19	33%
Satisfactory	32	55%
Needs Improvement	7	12%
Unsatisfactory	0	0%
No Response	10	

7. How would you describe the BJA's program guidance and criteria for the COAP or COSSAP grant programs?

Answer Choices	Responses	
The BJA's program guidance and criteria were clear. I have no questions.	51	76%
The BJA's program guidance and criteria were unclear. I have many questions.	4	6%
The BJA's program guidance and criteria were unclear. However, I don't have questions.	11	16%
I am unaware of any BJA guidance for this program	1	1%
No Response	1	

8. Have you ever received guidance from your BJA Grant Program Manager that conflicts with the Department of Justice (DOJ) Grants Financial Guide?

Answer Choices	Responses	
Yes	5	7%
No	62	93%
No Response	1	

9. Do you have any concerns or issues with administering the COAP or COSSAP grant programs?

Answer Choices	Responses	
Yes	4	6%
No	62	94%
No Response	2	

10. Has the BJA provided clear and consistent guidance to assist you regarding the COAP or COSSAP grant programs in the following categories?

Answer Choices	Responses			
	Yes		No	
Outreach of the program	53	83%	11	17%
Tracking state versus federal funding	48	74%	17	26%
Completion of drawdowns or Federal Financial Reports	56	86%	9	14%
Performance Reporting	58	89%	7	11%

Note: Based on our review of the response data, it appears that four grantees skipped (No Response) the first row "Outreach of the program," while three grantees skipped (No response) the remaining items. This would reflect the total of 68 grantee responses.

Communication – In this section we will be asking about the frequency, methods, and effectiveness of communications you have with the BJA Grant Program Manager about the COAP or COSSAP grant programs. In responding, please consider all communications from the beginning of the grant even if you had multiple grant managers.

11. Has your grant manager been the same since the awarding of the grant?

Answer Choices	Responses	
Yes	40	59%
No	28	41%

12. Please rate the technical assistance and customer service provided by your assigned BJA Grant Program Manager regarding the COAP or COSSAP grant programs.

- Technical assistance refers to information sharing, training, learning resources, and programmatic and operational support.
- Customer service consists of response time, demeanor, program awareness, and problem-solving abilities.

Answer Choices	Responses							
	Excellent		Good		Average		Poor	
Technical assistance (65 responses)	26	40%	22	34%	15	23%	2	3%
Customer service (68 responses)	25	37%	28	41%	10	15%	5	7%

13. Which method of communication do you use with your Grant Program Manager when discussing the COAP or COSSAP grant programs? (Please select all that apply.)

Answer Choices	Responses
Telephone	48
Email	66
Video Conference	13
Written Correspondence	9
Other	2

Note: Respondents were allowed to make multiple selections, and some respondents made more than one selection.

14. Which of the following best describes the frequency of your communication with your BJA Grant Program Manager regarding the COAP or COSSAP grant programs?

Answer Choices	Responses	
Daily	0	0%
Weekly	1	1%
Monthly	9	13%
Every 2 months	5	7%
Quarterly	24	35%
1-2 times a year	28	41%
Never	1	1%

15. If you've attempted to reach out to your BJA Grant Program Manager regarding the COAP or COSSAP grant programs, how quickly did they respond?

Answer Choices	Responses	
Within 1 business day	15	22%
Between 2 and 5 business days	36	53%
Longer than 5 business days	13	19%
I never received a response	1	1%
Not Applicable	3	4%

16. I would rate the quality of the Grant Program Manager assistance regarding the COAP or COSSAP grant programs, when requested, as:

Answer Choices	Responses	
Excellent	22	32%
Good	23	34%
Average	17	25%
Poor	4	6%
Not Applicable	2	3%

Just Grants and Automated Standard Application for Payments – The DOJ legacy grant and financial systems were discontinued on September 23, 2020. To replace these systems, DOJ launched the Justice Grants System (JustGrants) and the Automated Standard Application for Payments (ASAP). We’d like to gauge your experiences with these systems.

17. Has the BJA provided clear and consistent guidance to assist you in completing the following activities in JustGrants?

Answer Choices	Responses			
	Yes		No	
Accepting your award	51	77%	15	23%
Submitting Federal Financial Reports	46	71%	19	29%
Submitting Grant Adjustment Notices	40	60%	27	40%
Grant closeout process	36	58%	26	42%
No Response	1			

Note: Respondents were allowed to make multiple selections, and some respondents made more than one selection.

18. Have you encountered any issues with JustGrants?

Answer Choices	Responses	
Yes	53	78%
No	15	22%

19. Have you ever been denied access to JustGrants?

Answer Choices	Responses	
Yes	11	16%
No	56	84%
No Response	1	

20. Have you encountered any issues with ASAP?

Answer Choices	Responses	
Yes	16	24%
No	50	76%
No Response	2	

21. Has your organization experienced any of the following due to the COVID-19 pandemic?

Answer Choices	Responses			
	Yes		No	
Disruptions in services	54	79%	14	21%
Reduction in staff and volunteers	43	65%	23	35%
Limited donations and fundraising events	17	28%	44	72%
Technological setbacks	35	54%	30	46%
Limited grant activity	59	88%	8	12%
Inability to accomplish grant goals	47	70%	20	30%
Full or partial shutdowns	51	77%	15	23%
Increased demand for services	44	69%	20	31%
At risk of closing due to financial instability	3	5%	59	95%

Note: Respondents were allowed to make multiple selections, and some respondents made more than one selection.

22. If you selected yes to any of the items in question 20, has your organization rectified the issues?

Answer Choices	Responses	
Yes	53	83%
No	11	17%
No Response	4	

23. Does your organization conduct self-assessments related to effectiveness of the COAP or COSSAP grant programs?

Answer Choices	Responses	
Yes	45	67%
No	13	19%
I don't know	9	13%
No Response	1	

24. Does your organization attend the annual COAP or COSSAP conference?

Answer Choices	Responses	
Yes	58	85%
No	5	7%
I don't know	95	7%

25. Do you have any suggestions on how to improve the annual COAP or COSSAP conference? If so, please provide those in the space provided.

Answer Choices	Responses	
Yes	14	22%
No	49	78%
No Response	5	

26. Do you have any suggestions on how to improve the COAP or COSSAP program?

Answer Choices	Responses	
Yes	15	23%
No	50	77%
No Response	3	

27. Is there anything else related to the COAP or COSSAP grant programs that you would like to share with the OIG? If so, please explain below. If you know about or suspect waste, fraud, abuse, or misconduct involving DOJ grants, please report it to the OIG Hotline here: <https://oig.justice.gov/hotline>. Please do not include that information in your responses to this survey.

Answer Choices	Responses	
Yes	4	6%
No	62	94%
No Response	2	

28. How long has your organization been a recipient of the COAP or COSSAP grants?

Answer Choices	Responses	
1 year	1	1%
2 years	22	33%
3 years	26	39%
4 years or more	18	27%
No Response	1	

29. Has your organization been a recipient of other BJA grants awarded between FY 2017 and FY 2020?

a. If Yes, please select all that apply:

Answer Choices	Responses
Comprehensive Opioid, Stimulant, and Substance Abuse Site-Based Program	56
Coronavirus Emergency Supplemental Program	19
Edward Byrne Memorial Justice Assistance Grant	16
Residential Substance Abuse Treatment for State Prisoners Program	5
DNA Capacity Enhancement for Backlog Reduction Program	1
Innovations in Reentry Initiative: Building System Capacity and Testing Strategies to Reduce Recidivism	3
Paul Coverdell Forensic Science Improvement Grants Program	6
Project Safe Neighborhoods Grant	6
Justice R. Justice Program	2
Postconviction DNA Testing Program	2
National Sexual Assault Kit Initiative	5
Strategies for Policing Innovation	5
Adult Drug Court and Veterans Treatment Court Discretionary Grant Program	5
Strengthening the Medical Examiner-Coroner System Program	2
Other	12
No	3

Note: Respondents were allowed to make multiple selections, and some respondents made more than one selection.

APPENDIX 3: The Office of Justice Programs Response to the Draft Audit Report



U.S. Department of Justice

Office of Justice Programs


Office of the Assistant Attorney General

Washington, D.C. 20531

December 14, 2023

MEMORANDUM TO: Michael E. Horowitz
Inspector General
United States Department of Justice

THROUGH: Jason R. Malmstrom
Assistant Inspector General for Audit
Office of the Inspector General
United States Department of Justice

FROM: Amy L. Solomon 
Assistant Attorney General

SUBJECT: Response to the Office of the Inspector General's Draft Audit Report, *Audit of the Bureau of Justice Assistance Comprehensive Opioid, Stimulant, and Substance Abuse Program*

This memorandum provides a response to the Office of the Inspector General's (OIG) November 9, 2023, draft audit report entitled, *Audit of the Bureau of Justice Assistance (BJA) Comprehensive Opioid, Stimulant, and Substance Abuse Program*. The Office of Justice Programs (OJP) appreciates the opportunity to review and comment on the draft report.

The Comprehensive Opioid, Stimulant, and Substance Use Program (COSSUP), formerly known as the Comprehensive Opioid, Stimulant, and Substance Abuse Program (COSSAP), provides resources to support state, local, tribal, and territorial efforts to respond to illicit substance use and misuse; reduce overdose deaths; promote public safety; and support access to prevention, harm-reduction, treatment, and recovery services in the community and justice system. The goals of the program are to reduce the impact of the use and misuse of opioids, stimulants, and other substances on individuals and communities, including a reduction in the number of overdose fatalities, as well as to mitigate the impacts on crime victims by supporting comprehensive, collaborative initiatives.

Since the fiscal years (FY) covered by the OIG's draft audit report (FY 2017-2021), BJA made additional awards totaling \$140 million in FY 2022 and \$121 million in FY 2023. The awards have resulted in impactful work—from coast to coast, in large cities and rural America, in tribal lands and U.S. territories—by more than 400 site-based projects and demonstration sites. These COSSUP grantees have planned, developed, and implemented comprehensive efforts to identify, respond to, treat, and support those impacted by the opioid epidemic and battle the persistence or reemergence of stimulants and other substances while keeping the cornerstone of

the initiative the same: an emphasis on the force-multiplying power of partnership and collaboration across the public health, behavioral health, and public safety sectors.

The draft audit report contains five recommendations. For ease of review, the recommendations directed to OJP are summarized below and are followed by OJP's response.

We recommend that OJP ensures that BJA:

1. Establish policies and procedures requiring all criteria, preferences, and special considerations used to evaluate COSSAP grant applications are applied to all applicants and are based on accurate, appropriately verified information.

OJP agrees with this recommendation and affirms that OJP has policies and procedures in place which require that all criteria, preferences, and special considerations used to evaluate grant applications are applied to all applicants and are based on accurate, appropriately verified information. OJP's application review process is standard for all OJP program offices, and is documented in OJP Order 4060.1B, *OJP Merit Process* (last updated July 2023) and OJP's Grants Management Manual (last updated June 2023). Through these documents, OJP implements the applicable sections of 2 C.F.R. Part 200, the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*.

OJP Order 4060.1B requires that OJP program offices assess applications to ensure that applications are responsive to the solicitation goals and objectives, demonstrate the ability to successfully carry out the activities of the award, and comply with applicable federal statutes, regulations, and executive orders. In addition to peer review scores, factors such as strategic priorities, geographic diversity, and available funding are considered for competitive awards. OJP uses a risk-based framework to evaluate risk posed by applicants, taking into account information pertinent to matters such as financial stability and fiscal integrity; organizational viability and capacity; quality of management systems, and the applicant's ability to meet prescribed management standards; history of performance under other Federal awards (including compliance with reporting requirements and award conditions); and reports and findings from audits of the applicant. Based on consideration of these many factors, Program Office heads have the authority to make recommendations to OJP's Assistant Attorney General about whether to fund individual grant applications. All final award decisions are made by OJP's Assistant Attorney General¹, who may consider not only peer review scores and Program Office head recommendations, but also other significant factors that may become known during the application review process and may impact the degree of risk posed by the applicant.

We consider this recommendation closed and request written acceptance of this action from your office upon issuance of the final report.

¹ In cases of research and statistics solicitations, the directors of the Bureau of Justice Statistics and the National Institute of Justice make final award decisions. Funding recommendations are sent to the Assistant Attorney General for notification purposes (not approval).

2. Adequately describes within the COSSAP solicitation all criteria, preferences, and special considerations used to evaluate COSSAP grant applications.

OJP accepts this recommendation and affirms that standard language is included in all OJP solicitations that informs applicants that the degree of risk posed by the applicant would be assessed when making funding decisions as required by the Uniform Administrative Requirements. The Uniform Administrative Requirements do not expect or require that every possible factual scenario that could contribute to such risk in the solicitation would be identified. It is important to note that this is an individual risk assessment specific to individual applicants and the assessment of risk extends through the entire application review process. When an applicant is facing a specific factual scenario that may contribute to an increased risk of unsuccessful grant performance, OJP may take those facts into account as they become known during the application review process. While specific scenarios are not included in OJP solicitations, applicants are made aware in applicant and award recipient guidance documents on OJP's website, such as the DOJ Financial Guide and the OJP Applicant Resource Guide, of OJP's policies regarding pre-award risk assessment and ongoing post-award monitoring to evaluate risks.

OJP will review its existing solicitation template to further highlight the criteria evaluated and types of risk factors considered during the application review process. We consider this recommendation resolved and request written acceptance of this action from your office.

3. Coordinate with COSSAP recipients to determine whether goals and objectives need to be modified and if technical assistance is needed to ensure that COSSAP goals and objectives are accomplished.

The Office of Justice Programs agrees with this recommendation. BJA will review the goals and objectives that are defined within COSSAP grant applications and further define within the semi-annual progress reports to ensure that the goals and objectives are specific, measurable, achievable, relevant, and time-bound (i.e., achievable with the grant funds they have and within the grant project period). BJA will engage training and technical assistance providers and coordinate training and technical assistance to COSSUP grantees to modify (as needed) and to meet goals and objectives.

We consider this recommendation resolved and request written acceptance of this action from your office.

4. Submit its COSSAP evaluation report to Congress and to publish the results upon clearance from the Department.

The Office of Justice Programs agrees with this recommendation. The COSSAP evaluation report has been submitted to Congress and posted to BJA's website at <https://bja.ojp.gov/doc/coap-eval-report.pdf>. We consider this recommendation closed and request written acceptance of this action from your office.

5. Assess its coordination and collaboration efforts to include an analysis of how the assessment results can assist BJA in achieving COSSAP goals and objectives.

The Office of Justice Programs agrees with this recommendation. BJA will review its existing collaboration efforts with partners and stakeholders to identify ways to enhance its ability to document successes, best practices, and lessons learned from co-funded projects, as well as identify areas for future collaboration.

We consider this recommendation resolved and request written acceptance of this action from your office.

Thank you for the opportunity to respond to this draft report. If you have any questions regarding this response, please contact Jeffery A. Haley, Acting Director, Office of Audit, Assessment, and Management, at (202) 616-2936.

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APPENDIX 4: Office of the Inspector General Analysis and Summary of Actions Necessary to Close the Audit Report

The OIG provided a draft of this audit report to the Office of Justice Programs (OJP) Bureau of Justice Assistance (BJA). The OJP's response is incorporated in Appendix 4 of this final report. In response to our draft audit report, OJP stated it accepted one recommendation, agreed with the remaining recommendations, and described actions it will implement in response to our findings. As a result, the status of the audit report is resolved. The following provides the OIG analysis of the response and summary of actions necessary to close the report.

Recommendations for OJP:

1. **Establish policies and procedures requiring all criteria, preferences, and special considerations used to evaluate COSSAP grant applications are applied to all applicants and are based on accurate, appropriately verified information.**

Resolved. OJP agreed with our recommendation and stated in its response that the BJA has policies and procedures in place which require that all criteria, preferences, and special considerations used to evaluate grant applications are applied to all applicants and are based on accurate, appropriately verified information. Specifically, OJP stated that OJP Order 4060.1B (which OJP noted was updated in June 2023) requires OJP program offices assess applications to ensure that applications are responsive to the solicitation goals and objectives, demonstrate the ability to successfully carry out the activities of the award, and comply with applicable federal statutes, regulations, and executive orders. OJP had not previously mentioned or has not provided this updated order. In its response, OJP further stated that in addition to peer review scores, factors such as strategic priorities, geographic diversity, and available funding are considered for competitive awards. OJP also stated that it uses a risk-based framework to evaluate risk posed by applicants, taking into account information pertinent to matters such as financial stability and fiscal integrity; organizational viability and capacity; quality of management systems, and the applicant's ability to meet prescribed management standards; history of performance under other Federal awards (including compliance with reporting requirements and award conditions); and reports and findings from audits of the applicant.

This recommendation can be closed when OJP provides and we review the updated OJP Order 4060.1B, *OJP Merit Process* and OJP Grants Management Manual and other documentation that demonstrate an effective governance framework for a fair and accurate grant award process.

2. **Adequately describe within the COSSAP solicitation all criteria, preferences, and special considerations used to evaluate COSSAP grant applications.**

Resolved. OJP stated that it accepts this recommendation and affirmed that standard language is included in all OJP solicitations that informs applicants that the degree of risk posed by the applicant would be assessed when making funding decisions as required by the Uniform Administrative Requirements. OJP added that the Uniform Administrative Requirements do not expect or require

that every possible factual scenario that could contribute to such risk in the solicitation would be identified. OJP also stated that it is important to note that this is an individual risk assessment specific to individual applicants and the assessment of risk extends through the entire application review process. OJP further stated that when an applicant is facing a specific factual scenario that may contribute to an increased risk of unsuccessful grant performance, OJP may take those facts into account as they become known during the application review process. However, OJP stated that it will review its existing solicitation template to further highlight the criteria evaluated and types of risk factors considered during the application review process.

While we agree the Uniform Guidance does not require identification of “every possible factual scenario that could contribute to risk” within agency grant solicitations, as noted in our report, the Uniform Guidance does require grant awarding agencies to include in solicitations the merit and other criteria that evaluators will use to judge applications, including statutory, regulatory, or other preferences, as well as criteria and sub-criteria, and to provide a detailed explanation of those preferences with an explicit indication of their effect. The inclusion of criteria, preferences, and any special considerations used to evaluate COSSAP grant applications promotes the Uniform Guidance’s intent that federal funding opportunities be transparent to maximize fairness of the process. This recommendation can be closed when we receive evidence that OJP has reviewed and modified its existing solicitation template, or taken other sufficient steps, to further highlight the criteria evaluated and types of risk factors considered during the application review process.

3. Coordinate with COSSAP recipients to determine whether goals and objectives need to be modified and if technical assistance is needed to ensure that COSSAP goals and objectives are accomplished.

Resolved. OJP agreed with this recommendation and stated in its response that the BJA will review the goals and objectives that are defined within COSSAP grant applications and further define within the semi-annual progress reports to ensure that the goals and objectives are specific, measurable, achievable, relevant, and time-bound. OJP also stated that it will engage training and technical assistance providers and coordinate training and technical assistance to Comprehensive Opioid, Stimulant, and Substance Abuse Program grantees to modify and to meet goals and objectives.

This recommendation can be closed when we receive evidence of BJA’s coordinated review of its COSSAP goals and objectives and subsequent modifications to ensure goals and objectives are specific, measurable, achievable, relevant, and time-bound.

4. Submit its COSSAP evaluation report to Congress and to publish the results upon the clearance from the Department.

Resolved. OJP agreed with this recommendation and stated that the COSSAP evaluation report has been submitted to Congress and posted to BJA’s website.

We verified that the report has been posted to BJA’s website. This recommendation can be closed when we receive documentation showing the transmittal of the report to Congress.

5. **Assess its coordination and collaboration efforts to include an analysis of how the assessment results can assist BJA in achieving COSSAP goals and objectives.**

Resolved. OJP agreed with our recommendation and stated in its response that the BJA will review its existing collaboration efforts with partners and stakeholders to identify ways to enhance its ability to document successes, best practices, and lessons learned from co-funded projects, as well as identify areas for future collaboration.

This recommendation can be closed when we receive evidence of that the BJA reviewed its collaboration efforts and has identified ways to enhance its ability to document successes, best practices, lessons learned, and areas for future collaboration.