



U. S. Department of Justice

Office of the Inspector General

March 31, 2009

MANAGEMENT ADVISORY MEMORANDUM FOR:

LAURIE O. ROBINSON  
ACTING ASSISTANT ATTORNEY GENERAL  
OFFICE OF JUSTICE PROGRAMS

A handwritten signature in blue ink, appearing to read "R Beaudet", is written over the printed name of Raymond J. Beaudet.

FROM: RAYMOND J. BEAUDET  
ASSISTANT INSPECTOR GENERAL FOR AUDIT

SUBJECT: Improving Transparency in the Office of Justice Programs'  
Planned Use of Edward Byrne Memorial Justice Assistance  
Grant Program Funds Authorized by the Recovery Act

This memorandum is to advise you of an issue that we identified as part of our ongoing audit of the Office of Justice Programs' (OJP) management and implementation of funds authorized by the American Recovery and Reinvestment Act of 2009 (Recovery Act). The Recovery Act authorized \$2 billion for formula-based awards under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. The Recovery Act states that its purposes "include the following:

- (1) To preserve and create jobs and promote economic recovery.
- (2) To assist those most impacted by the recession.
- (3) To provide investments needed to increase economic efficiency by spurring technological advances in science and health.

(4) To invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits.

(5) To stabilize State and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases.”

The OJP received approval from the Office of Management and Budget (OMB) to use the \$2 billion in JAG Program formula-award funds as follows.

- OJP allocated \$1,989,000,000 for formula grant awards to state and local governments for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, information systems for criminal justice, and research and evaluation activities.
- OJP allocated \$10 million of the funds to the National Institute of Justice for existing technology projects to achieve the goals of the Recovery Act and the purposes of the Byrne JAG Program. OJP believes that funding these projects preserves or creates high-quality jobs across the nation and invests in the future by strengthening the technology base by providing the tools and technologies that the law enforcement community desperately needs.
- OJP allocated \$1 million of the funds to the Bureau of Justice Statistics (BJS) to: improve the collection of crime data from tribal law enforcement agencies in cooperation with the Bureau of Indian Affairs and the Federal Bureau of Investigation; explore, develop, test, and implement methods for improving the estimation of violent crime data for local areas, including tribal jurisdictions; develop, test, and implement automated Byrne JAG formula calculation procedures for BJS, including the incorporation of Variable Pass Through information from the U.S. Census Bureau; and integrate law enforcement administrative data, reported crime, justice expenditures, and Byrne JAG allocation information into a publicly available format.

The OMB issued guidance to federal departments and agencies in February 2009 for implementing the Recovery Act. The OMB guidance established five crucial accountability objectives, one of which required that the

recipients and uses of all Recovery Act funds be transparent to the public. We found that OJP informed the Department of Justice (Department) leadership of the uses of the \$2 billion in JAG Program formula funds as discussed above and received OMB approval to use the funds as stated above. We also found that the Department informed Congress on how it planned to use the JAG Program formula funds. However, neither the Department nor the OJP made the use of the \$2 billion in JAG Program formula funds completely transparent to the public as required by OMB guidance.

The Department created a website ([www.usdoj.gov/recovery/](http://www.usdoj.gov/recovery/)) that provides Recovery Act information and links to component agency Recovery Act websites. The Department website provides overall information regarding Recovery Act funding for the Department, including OJP funding, but does not contain specific funding information related to OJP's JAG Program formula funding. Instead, the Department website provides a link to OJP's Recovery Act funding website ([www.ojp.usdoj.gov/recovery/](http://www.ojp.usdoj.gov/recovery/)). We reviewed OJP's website and found that it identifies the \$2 billion for the Byrne JAG Program and provides a link ([www.ojp.usdoj.gov/BJA/recoveryact.html](http://www.ojp.usdoj.gov/BJA/recoveryact.html)) to more specific information about the funding. However, after reading the information on this website regarding the Byrne JAG Program formula funding, we were left with the impression that the \$2 billion was allocated totally to the state and local formula grant awards. The website contained only the solicitations for the state and local formula awards and made no mention of the \$10 million allocated to the NIJ and the \$1 million allocated to the BJS. The website also contained links to the actual allocations made to the state and local governments for the formula grants. However, to determine that these allocations total to \$11 million less than the \$2 billion authorized, a reader must open a link for each of the 56 state or territorial governments and add up the allocations for each governmental unit to total \$1,989,000,000.

We believe that OJP should revise the Byrne JAG Program formula funding information contained at [www.ojp.usdoj.gov/BJA/recoveryact.html](http://www.ojp.usdoj.gov/BJA/recoveryact.html) to make it clear to the public that \$10 million of program funds will be used by NIJ and \$1 million will be used by BJS. In clarifying the website information, OJP should include details about the planned use of the funds, a description of how the transfer and use of the NIJ and BJS funds meets the purposes of the Recovery Act, and links to any solicitations associated with these funds.

Please advise us of the actions you intend to take regarding the issues discussed in this memorandum. If you would like to discuss the information in this memorandum, you may contact me on (202) 616-4633 or Ferris B. Polk, Regional Audit Manager, Atlanta Regional Audit Office, on (404) 331-5928.

cc: LeToya A. Johnson  
Deputy Director  
Audit and Review Division  
Office of Audit, Assessment and Management  
Office of Justice Programs



U.S. Department of Justice

Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

APR 10 2009

MEMORANDUM TO: Glenn A. Fine  
Inspector General

THROUGH: Raymond J. Beaudet  
Assistant Inspector General for Audit

FROM: *Laurie O. Robinson*  
Laurie O. Robinson  
Acting Assistant Attorney General

SUBJECT: Office of Justice Programs' Response to Management  
Advisory Memorandum, "Improving Transparency in the  
Office of Justice Programs' Planned Use of Edward Byrne  
Memorial Justice Assistance Grant Program Funds  
Authorized by the Recovery Act"

This memorandum provides the Office of Justice Programs' (OJP's) response to the above-referenced memorandum dated March 31, 2009, from the Office of the Inspector General (OIG). The memorandum notes that neither the Department of Justice nor the OJP made the use of the \$2 billion under the Edward Byrne Memorial Justice Assistance Grant (Byrne JAG) Program completely transparent to the public as required by the Office of Management and Budget guidance.

We appreciate the feedback from your office, and we have taken action to ensure that it is apparent on OJP's website that \$11 million of the \$2 billion for the Byrne JAG program would be utilized by the National Institute of Justice (NIJ) and the Bureau of Justice Statistics (BJS). A summary of the recommendations included in your memorandum is summarized in bold below, and is followed by the OJP's responses.

**OIG Recommendations:**

1. The OJP should revise the Byrne JAG Program formula funding information contained at [www.ojp.usdoj.gov/BJA/recoveryact.html](http://www.ojp.usdoj.gov/BJA/recoveryact.html) to make it clear that \$10 million of program funds will be used by the NIJ and \$1 million will be used by the BJS.
2. The OJP should include details about the planned use of funds by the NIJ and the BJS, a description of how the transfer and use of the funds by the NIJ and the BJS meets the purposes of the Recovery Act, and links to any solicitations associated with these funds.



Initially, the Bureau of Justice Assistance (BJA) did not include specific details regarding the allocations to the BJS and the NIJ on the website because the Byrne JAG allocations to these two bureaus were derived from program carveouts (authorized under the Byrne JAG statute) that required Congressional review of the spend plan before the OJP could publicly announce them. In the interim, to ensure quick notification to the state and local Byrne JAG recipients, the BJA moved forward and posted the state and local allocations on the website. On April 3, 2009, the BJA updated the website to clarify that \$1.989 billion would be awarded to state and local governments under the Byrne JAG program, while the remaining \$11 million would be used by the NIJ and the BJS. The Bureau of Justice Assistance also posted information on its website outlining the NIJ's and the BJS' planned use of the funds and how the use supports the efforts of the American Recovery and Reinvestment Act (Recovery Act). See Attachment A to this memorandum for the relevant website language.

The Bureau of Justice Assistance Recovery Act webpage also includes a link on their website for the BJS solicitation that will support the Byrne JAG program efforts. For the funding that will be utilized by the NIJ, applicants will be selected for award through the use of a limited competition process—from among a pool of highly-rated projects—consistent with preliminary guidance (M-09-10) issued from the Director of the Office of Management and Budget on February 18, 2009 (which guidance remains unchanged as of the April 3, 2009 revision). These highly-rated competitors come from two sources. The National Institute of Justice, through an internal peer review process, will review: 1) a pool of highly-recommended, unfunded, applications received in response to all Fiscal Year (FY) 2008 science and technology competitive solicitations; and 2) all competitively awarded, prior year NIJ science and technology grants that require supplemental funding in FY 2009 (with any continuation/renewal funds to be provided via a new and separate award). Though all of these NIJ projects were subjected to external peer review as part of prior years' competitive processes, all of these FY 2009 applicants for Recovery Act funding will be required to submit updated applications for internal peer review at the NIJ that include information and data relating to the individual project's relevance and impact in consideration of the Recovery Act goals and objectives. Both the BJS and NIJ Byrne JAG Recovery Act funding approaches were developed to allow for the commencement of program activities—and the realization of program impact to the public—as quickly as possible, while still ensuring the proper stewardship of Recovery Act funds.

Thank you again for your feedback. If you have any questions regarding this response, please feel free to contact me on 202-307-5933, or LeToya Johnson, Deputy Director, Audit and Review Division, Office of Audit, Assessment, and Management.

cc: Beth McGarry  
Deputy Assistant Attorney General  
for Operations and Management

James Burch, II  
Acting Director  
Bureau of Justice Assistance

**Michael Sinclair**  
**Acting Director**  
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**Kristina Rose**  
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**Maureen Henneberg**  
**Director**  
**Office of Audit, Assessment, and Management**

**LeToya A. Johnson**  
**Deputy Director, Audit and Review Division**  
**Office of Audit, Assessment, and Management**

**Attachment A: Language posted on the BJA Recovery Act page at <http://www.ojp.usdoj.gov/BJA/recoveryact.html>**

**National Institute of Justice funding: \$10 million**

*The National Institute of Justice, through a limited competition among highly-rated projects, will fund the development and demonstration of tools and technologies that support the goals of the American Recovery and Reinvestment Act of 2009 and the purposes of the Byrne Justice Assistance Grant Program. The projects under consideration are projected to spur technological advances that the law enforcement community desperately needs to increase the economic efficiency and effectiveness of law enforcement activities. Project areas will address, among other law enforcement technology requirements and priorities, officer safety, public safety, communications (including interoperable communications) and decision-making, information sharing, electronic crime, less lethal devices, and concealed weapons detection. These projects, both through their implementation and impact, are also targeted to help preserve and create high quality jobs—both within the law enforcement community and within industries that provide tools and technologies for the law enforcement community. Up to \$10 million is available to fund multiple projects.*

**Bureau of Justice Statistics funding: \$1 million**

**Recovery Act: Tribal Crime Data Collection, Analysis and Estimation Project**

*The Bureau of Justice Statistics (BJS) will utilize Recovery Act funds for the "Tribal Crime Data Collection, Analysis, and Estimation Project," which is aimed at enhancing the utility of Tribal crime and justice data for use in the Edward Byrne Memorial Justice Assistance Grant (JAG) Program formula grant calculations. Currently, some tribal crime data are reported to the Department of Interior's Bureau of Indian Affairs but it is not comprehensively utilized by the FBI's Uniform Crime Reporting and, therefore, tribes are not able to access grant funds under the Byrne JAG Formula Grant Program. As a result of this project, qualifying tribes will be able to utilize formula grant funds for technical assistance, training, hiring personnel, equipment, supplies, contractual support, information systems for criminal justice, and criminal justice-related research and evaluation activities that will improve or enhance programs in many areas including law enforcement, prosecution and court, prevention and education, corrections and community corrections, drug treatment and enforcement, planning, evaluation, and technology. Tribal governments may also utilize the crime and justice data generated through this project to better compete for other federal grant program funds in the areas of public health and safety. Under this BJS project, the recipient of funds will coordinate with federal, state, local and tribal, governments as necessary to enhance the utility of tribal crime and justice data. The project will involve several activities including: an assessment of the availability and usefulness of crime and justice data for criminal offenses occurring on federally recognized tribal lands; development of short- and long-term plans for utilizing tribal crime and justice data in formula grant calculations; and implementation of data collection, verification, and analysis plans.*