



**OFFICE OF JUSTICE PROGRAMS'  
RECOVERY ACT AND  
NON-RECOVERY ACT PROGRAMS FOR  
EDWARD BYRNE MEMORIAL JUSTICE  
ASSISTANCE GRANTS AND BYRNE  
COMPETITIVE GRANTS**

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# **AUDIT OF THE OFFICE OF JUSTICE PROGRAMS' RECOVERY ACT AND NON-RECOVERY ACT PROGRAMS FOR EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANTS AND BYRNE COMPETITIVE GRANTS**

## **EXECUTIVE SUMMARY**

Through the Edward Byrne Memorial Grant Program (Byrne Program), the Department of Justice awards grants to states, tribes, and local governments to support a broad range of activities to prevent and control crime based on local needs and conditions. The Byrne Program consists of the Justice Assistance Grant Program (Byrne JAG Program) and the Byrne Competitive Grant Program. Byrne JAG Program funds are awarded non-competitively based on a formula established by law. Byrne Competitive Grant Program funds are awarded using a competitive application process. The funds awarded under both parts of the Byrne program can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice purposes. The Byrne Competitive funds can also be used for national initiatives and support.

The American Recovery and Reinvestment Act of 2009 (Recovery Act), enacted on February 17, 2009, provided approximately \$4 billion in grant funding to the Department of Justice (Department) to be used to enhance state, local, and tribal law enforcement efforts. Of these funds, the Department's Office of Justice Programs (OJP) received \$2 billion for the Byrne JAG Program and \$225 million for the Byrne Competitive Grant Program. In addition, from FY 2005 through FY 2009, the Department allocated about \$1.869 billion in non-Recovery Act funds to the Byrne JAG Program and about \$788 million to the Byrne Competitive Grant Program.

To distribute the Recovery Act funds, OJP developed a spending plan, which the Office of Management and Budget approved. OJP allocated the \$2 billion in Byrne JAG funding and the \$225 million in Byrne Competitive Grant Program funding as shown in the following exhibits.

**Exhibit 1: Recovery Act Funding Allocations  
for the Byrne JAG Program**

<b>Amount</b>	<b>Description</b>
<b>\$1,989,000,000</b>	For OJP's Bureau of Justice Assistance to make 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.
<b>\$10,000,000</b>	For OJP's National Institute of Justice's use for existing technology projects to achieve the goals of the Recovery Act and the purposes of the Byrne JAG Program.
<b>\$1,000,000</b>	For OJP's Bureau of Justice Statistics' use in improving the collection of crime data from tribal law enforcement agencies; exploring, developing, testing, and implementing methods for improving the estimation of violent crime data; developing, testing, and implementing automated Byrne JAG formula calculation procedures; and integrating law enforcement administrative data, reported crime, justice expenditures, and Byrne JAG allocation information into a publicly available format.

**Source:** Office of Justice Program's Recovery Act Spending Plan

**Exhibit 2: Recovery Act Funding Allocations  
for the Byrne Competitive Grant Program**

<b>Amount</b>	<b>Description</b>
<b>\$120,750,000</b>	For OJP's Bureau of Justice Assistance to award competitive grants to state, local, and tribal jurisdictions to help improve the criminal justice system, provide assistance to victims of crime, and support communities in preventing drug abuse and crime.
<b>\$4,500,000</b>	For OJP's Bureau of Justice Assistance to solicit training and technical assistance services, to include soliciting for a national organization to work collaboratively with state administering agencies to support local justice planning processes that influence the manner in which Byrne JAG funds are used.
<b>\$97,500,000</b>	For OJP's Office of Juvenile Justice and Delinquency Prevention to award grants under its Fiscal Year 2009 Recovery Act Local and National Youth Mentoring Programs.
<b>\$2,250,000</b>	For OJP's National Institute of Justice to perform research and evaluation to improve the functioning of the criminal justice system, assist victims of crime, and enhance youth mentoring programs.

**Source:** Office of Justice Program's Recovery Act Spending Plan

As of June 30, 2010, the Department had obligated more than \$1.997 billion (99.9 percent) of the Byrne JAG Recovery Act funds and about \$223.5 million (99.3 percent) of the Byrne Competitive Recovery Act funds. The Department had outlayed to state and local grantees about \$1.631 billion (81.6 percent) of the Byrne JAG Recovery Act funds and about \$40.5 million (18 percent) of the Byrne Competitive Recovery Act funds.

## **OIG Audit Approach**

The Department of Justice Office of the Inspector General (OIG) is performing reviews of the Department's use of Recovery Act funding. This audit examines OJP's implementation of the Byrne JAG Program and the Byrne Competitive Grant Program, including the programs funded by the Recovery Act. The objective of the audit was to determine if OJP was properly managing Recovery Act funds in accordance with Recovery Act and Office of Management and Budget guidelines and sound grant management practices. To accomplish this objective, we evaluated both the Recovery Act Byrne programs and the regular Byrne program. We believe our results for the regular Byrne program are also relevant to the Recovery Act Byrne programs.

For the Recovery Act related work, the audit covered the period from passage of the Recovery Act in February 2009 through August 2010. For the non-Recovery Act related work, the audit covered Byrne-related activities from FY 2005 through FY 2009.<sup>1</sup>

Our audit work included interviews of OJP officials responsible for implementation, monitoring, and oversight of the Byrne JAG Program and the Byrne Competitive Grant Program. As part of this audit, we also performed grant audits of the following 12 state and local recipients of Byrne JAG Program funds.

- District of Columbia
- State of Florida
- State of Indiana
- State of Kansas
- State of Louisiana
- State of Nevada
- State of New Jersey
- City of Atlanta, Georgia
- City of Jackson, Mississippi
- City of Kenosha, Wisconsin
- City of Providence, Rhode Island
- Marion County, South Carolina

The grant audits analyzed Byrne-related grants awarded using both Recovery Act funds and non-Recovery Act funds.

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<sup>1</sup> The OIG is also conducting another audit that focuses on OJP's monitoring and oversight of Recovery Act and other grants.

Appendix I contains a more detailed description of our audit objectives, scope, and methodology.

## **OIG Results in Brief**

The \$2 billion in Recovery Act funds received by OJP for the Byrne JAG Program in fiscal year (FY) 2009 was more than the total Byrne JAG funds for the preceding 4 fiscal years, and more than doubled OJP's workload for this program. Our audit found that, despite the large workload increase, OJP generally managed the \$2 billion in Recovery Act funds for the Byrne JAG Program in accordance with guidelines and established grant management practices. OJP made the formula awards to states, territories, and local governments in a prompt and reasonable manner.

However, we determined that some grantees who had received Byrne JAG Recovery Act funds had submitted application packages missing complete program narratives, project abstracts, and budget documents.

Moreover, our individual audits of 12 Byrne JAG grantees also found significant deficiencies in the grantees' use of grant awards in the areas of internal control environment, grant expenditures, property management, monitoring of subrecipients, reporting, and program performance. The deficiencies we identified included some grantees: (1) not segregating duties over payroll functions; (2) not employing sufficient staff with the training and experience to properly manage the grants; (3) not placing equipment items purchased with grant funds into operation until years after purchase; (4) not maintaining property disposal records; (5) not having sufficient staff to adequately manage and oversee subrecipients of Byrne JAG funds; or (6) not submitting timely and accurate financial, progress, and Recovery Act reports. While most of the deficiencies we noted on these audits were for the non-Recovery Act Byrne JAG grants, we believe the results are applicable more broadly to management of the annual Byrne programs.

Our audit concluded that OJP generally managed the \$225 million in Recovery Act funds for the Byrne Competitive Grant Program appropriately. OJP made the discretionary awards totaling approximately \$222.75 million in a prompt and reasonable manner. However, we identified some practices that could be improved to strengthen OJP's administration of these programs. For example, OJP's Bureau of Justice Assistance (BJA) and Office of Juvenile Justice and Delinquency Prevention (OJJDP) allowed some grant applicants to continue through the competitive process even though these applicants did not meet one or more of the solicitation requirements for which other applicants were denied further consideration. Also, a small

number of applicants that apparently did not meet solicitation requirements were selected for grant awards.

The BJA and the OJJDP informed applicants of their denial because their applications did not pass the basic minimum requirements review. However, the BJA and the OJJDP did not inform the applicants of the reason for the denials. The BJA and the OJJDP also did not enter the correct reason for the denials in OJP's Grants Management System.

We also noted deficiencies in the BJA's and the OJJDP's processes for evaluating and scoring grant applications and in documenting the basis for award recommendations. The BJA and the OJJDP funding recommendation memoranda also did not fully disclose the process and criteria by which applicants were selected to advance to peer review from the basic minimum requirements review.

We noted differences in the processes between the BJA and the OJJDP for computing final scores for applications. The OJJDP uses a normalization process to standardize the weighted average scores, while the BJA does not use this normalization process. Having OJP bureaus and program offices use different methodologies for calculating peer review scores for similar Recovery Act programs may raise an appearance of inequitable treatment of applicants.

In our report, we make 15 recommendations to assist OJP in strengthening the management of its two Byrne programs. However, while our audit focused on the Recovery Act funding for the Byrne JAG Program and the Byrne Competitive Grant Program, we believe the results are applicable more broadly to management of the annual Byrne programs. Therefore, our recommendations relate to all Byrne programs.

The remaining sections of this Executive Summary provide a further discussion of our audit findings. Our report contains detailed information on the full results of our review of the Byrne Recovery Act formula and competitive grant programs.

## Byrne JAG Program

OJP's Recovery Act spending plan provided \$1.989 billion for formula grants to states, territories, and local governments under the Byrne JAG Program. Formula grants are non-competitive grants that are awarded based on a formula established by law. The formula for the Byrne JAG Program authorized the allocation of funds based on a combination of U.S. Census Bureau population estimates for each state and violent crime data reported to the Federal Bureau of Investigation (FBI). About 60 percent of the funds were designated for state and territorial governments and 40 percent for local governments. State governments are also required to pass through a portion of the funds they receive to local governments within their states.

The BJA developed two solicitations for the Byrne JAG Recovery Act awards – one for states and territories and one for local governments. The solicitations were posted to OJP's and the BJA's website. OJP's Bureau of Justice Statistics (BJS) developed the funding allocations for the Byrne JAG Program using the formula established in the Safe Streets Act of 1968 as amended in 2008.<sup>2</sup>

We verified that the data used by the BJS to compute the allocations was consistent and accurate. Using the established formula and the verified population and crime data, we independently calculated the allocations for all 56 states and territories, and the 5,472 local governments. We concluded that the BJS calculated the Byrne JAG Program allocations for the states, territories, and local government units in accordance with the formula established by the statute.

We also found that the BJA took prompt actions to develop and issue the Byrne JAG Program solicitations, to obtain and review applications, and to make the awards. The Recovery Act was signed on February 17, 2009. Less than 3 weeks later, on March 6, 2009, the BJA had: (1) obtained the BJS's calculations of the allocations for the 56 states and territories, and the 5,472 local governments; and (2) issued both the state and the local solicitations. The BJA awarded all 56 state and territory awards by July 16, 2009. By October 13, 2009, the BJA awarded funds to 3,210 eligible grant applicants from local governments that submitted complete applications to the BJA. BJA officials subsequently discovered that one application was incorrectly identified as a duplicate. When the error was found, the BJA took

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<sup>2</sup> The Safe Streets Act of 1968 was codified in 42 U.S.C. § 3755.

prompt actions to process the application and award the funds. Therefore, a total of 3,211 grants were awarded to local governments.

However, we identified some instances where the BJA did not obtain all the information required by the solicitation before making Recovery Act awards. In reviewing the 56 state and territorial applications, we found that 1 application did not contain the required program narrative; 26 applications had program narratives that did not include required elements such as organizational capabilities and competencies, timelines or project plans, or performance measures; 3 applications did not contain the required project abstract; and 6 applications did not include budget details.

In a December 2009 interim report, we provided OJP with preliminary audit results communicating concerns about incomplete application packages and the BJA's decision to award funding despite the missing elements.<sup>3</sup> In response to our interim report, OJP told us that the BJA agreed that careful consideration of "required" elements in formula grant solicitations is needed. In the future, the BJA plans to describe material as "required" and send back applications for additional information when the "required" information is not included.

Prior to our interim report, we also found that OJP's Recovery Act website did not describe the intended use for \$11 million of the \$2 billion in Byrne JAG funding. OJP's website identified the \$2 billion for the Byrne JAG Program and provided a link to more specific information about the funding. However, the website left the impression that the \$2 billion was allocated totally to the state and local formula grant awards because it did not mention that \$10 million had been allocated to the National Institute of Justice (NIJ) and \$1 million allocated to the BJS.

We notified OJP of this issue in a March 2009 memorandum. In response, 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 BJA also posted information on its website outlining the NIJ's and the BJS' planned use of the funds and how the use supported Recovery Act goals.

Our audit also included individual audits of 12 state and local grant recipients that in FY 2009 received in total more than \$201 million in

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<sup>3</sup> U.S. Department of Justice Office of the Inspector General, *Review of the Edward Byrne Memorial Justice Assistance Grant Program, Recovery Act Formula Awards Administered by the Department of Justice's Office of Justice Programs*, (December 2009).

Recovery Act Byrne JAG Program awards. For the individual grant audits, the OIG reviewed about \$145 million in non-Recovery Act Byrne JAG Program awards received by the 12 grant recipients since FY 2005.<sup>4</sup> We selected the state and local recipients to audit based on a variety of factors, including the number and amount of Byrne JAG awards received, location, and prior audit history. The purpose of these audits was to determine whether costs claimed by the states and local governments under the Byrne JAG grants were allowable, reasonable, and in accordance with applicable laws, regulations, guidelines, and terms and conditions of the grants. The audits generally tested compliance with grant requirements, such as:

- **internal control environment** to determine whether the controls in place for the processing and payment of funds adequately safeguarded grant funds and ensured compliance with the terms and conditions of the grants;
- **grant drawdowns** to determine whether the grantee adequately documented support for drawdowns and managed grant receipts in accordance with federal requirements;
- **grant expenditures** to determine the accuracy and allowability of costs charged to the grants;
- **property management** to determine if the grantee accounted for, and properly used, property acquired with grant funds;
- **program income** to determine if the grantee properly identified, reported, and used for allowable program expenses any program income;
- **supplanting** to determine if the grantee used federal funds to supplement existing state and local funds for program activities and not to replace state and local funds appropriated for the same purpose;
- **management of subrecipients** to determine how the grantee administered pass-through funds;
- **Financial Status Reports, Progress Reports, and Recovery Act Reports** to determine if the grantee submitted timely and

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<sup>4</sup> The specific Byrne JAG grant awards reviewed varied among the individual grant audits. Details of the Byrne JAG awards reviewed for each of the 12 grantees are contained in the Audit Objectives, Scope, and Methodology found in Appendix I.

accurate Financial Status Reports, Progress Reports, and Recovery Act Reports; and

- **grant objectives and accomplishments** to determine if the grantee met or is capable of meeting the grants' objectives.

We found that 9 of the 12 audits identified significant weaknesses.<sup>5</sup> As a result of these weaknesses, the OIG audits made 83 recommendations, questioned \$618,915 in grant expenditures and identified \$3,482,466 in enhanced revenues.<sup>6</sup> While the weaknesses we found were primarily in the non-Recovery Act Byrne JAG Program awards or other Department of Justice grants, we believe the results are applicable more broadly to management of the annual Byrne programs. This is because many of the requirements for the annual Byrne programs and the Recovery Act Byrne program are similar such as the requirements to: (1) maintain supporting documentation for drawdowns and expenditures, (2) account for property acquired with grant funds, and (3) submit timely and accurate financial and progress reports.

Examples of the deficiencies include:

- In December 2008, the City of Jackson, Mississippi spent \$79,546 in grant funds for a "line of fire" targeting package for the Police Department's firing range. As of January 2010, the targeting package had not been installed pending site preparation work that had not been completed because the estimated cost had risen from \$15,000 to closer to \$50,000.

This same grant recipient also spent \$49,776 for 262 global positioning system (GPS) units to assist police officers in responding to calls. More than 2 years later, 161 of those GPS units, valued at \$31,418, were still in the Police Department's warehouse because the units provide only geographic coordinates.

In September 2007, this grant recipient also spent \$204,600 in grant funds for 50 laptop computers to be installed in patrol cars. As of October 19, 2009, 47 of those laptops, valued at \$192,324, were still in the Police Department's warehouse because of: (1) delays in upgrading the city's network infrastructure, and

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<sup>5</sup> Two of the 12 audits were limited-scope audits where we did not make recommendations. While these two audits did not identify significant risks of improper grant management, the audits identified weaknesses that we considered significant.

<sup>6</sup> Enhanced revenues are additional future annual monies (usually recurring) that can be obtained from management action on audit recommendations.

(2) the Police Department wanting to install the laptops in newer vehicles that need additional equipment to complete the installation. By January 2010, only 19 of the laptops had been installed in patrol cars.

- The Indiana Criminal Justice Institute lacked adequate staff to properly oversee and manage the JAG awards. The Institute had one program monitor assigned to oversee 139 subrecipients under the 2007 and 2008 JAG awards, as well as 34 subrecipients under the 2009 Recovery Act JAG award. This individual was no longer employed by the grant recipient at the time of our audit, and no other employee had been trained to assume oversight of the grant recipient's JAG-funded programs.
- The Atlanta, Georgia Police Department did not monitor its subrecipients and had no procedures for doing so. Consequently, 61 percent of the reimbursements to one subrecipient were not adequately supported by purchase orders, receipts, timesheets, or other supporting documentation. The Police Department received funding under the 2009 Recovery Act grant to hire a Project Administrator for that grant. However, the Project Administrator was not scheduled to begin work until late June 2010.
- Marion County, South Carolina submitted one of the two required Financial Status Reports 84 days late for its 2009 Recovery Act Byrne JAG grant. Marion County had a similar deficiency with its 2005 Byrne JAG grant reporting when it did not submit five of six required Financial Status Reports and submitted the final financial report 575 days late. Grant management officials said they had not had a grant manager and were not aware of the requirements for submitting the reports.

By contrast, our audits found that three grantees (Providence, Rhode Island; Florida Department of Law Enforcement; and New Jersey Department of Law and Public Safety) had few or no deficiencies.

When three or more grant recipients had deficiencies in the areas tested, we considered the deficiencies to be systemic. We found systemic weaknesses in the following areas:

- internal control environment (4 of 12 grantees);
- grant expenditures (5 of 12 grantees);

- property management (5 of 12 grantees);
- management of subrecipients and contractors (7 of 12 grantees);
- Financial Status Reports, Progress Reports, and Recovery Act reports (8 of 12 grantees); and
- program performance and accomplishments (4 of 12 grantees).

The deficiencies we found indicate that grant recipients lack appropriate procedures and practices in implementing important grant requirements established by OJP and the Office of Management and Budget. The failure to implement the grant requirements can lead to mismanagement or improper use of grant funds. Because multiple grantees had deficiencies in the same areas, we recommend that OJP issue additional guidance to all Byrne JAG grant recipients to help improve grantee compliance in these areas.

### **Byrne Competitive Grant Program**

OJP's Recovery Act spending plan provided \$225 million for the Byrne Competitive Grant Program. Of that amount, \$125.25 million was allocated to the Byrne competitive grants and training and technical assistance grants, and \$97.5 million was allocated to the local and national youth mentoring grants. We reviewed these programs and found that OJP generally made these awards in a prompt and reasonable manner.

However, we noted deficiencies in the BJA's and the OJJDP's process for:

- evaluating applications for basic minimum requirements;
- informing applicants of the reasons their applications did not meet the basic minimum requirements;
- populating OJP's Grants Management System (GMS) with the proper reasons for denying applications; and
- evaluating and scoring grant applications, and fully documenting the basis for award recommendations.

We found a similar transparency issue for the Recovery Act Byrne competitive grant funding. OJP's Recovery Act website identifies the \$225 million for the Byrne Competitive Grant Program without mentioning \$2.25

million was allocated to the NIJ to perform research and evaluation of various programs and that \$4.5 million would be used by the BJA to solicit training and technical assistance services. We recommend that OJP revise the Byrne Competitive Grant Program funding information contained on BJA's Recovery Act website to make it clear that \$2.25 million of program funds will be used by the NIJ to perform research and evaluation and \$4.5 million will be used by the BJA to obtain training and technical assistance services.

### *BJA's Byrne Competitive Grant Program Awards*

In September 2009, the BJA made Recovery Act awards under its Byrne Competitive Program. The Byrne Competitive Grant Program solicitation stated that only applications submitted by eligible applicants that meet all other requirements, such as timeliness, proper format, required attachments, and responsiveness to the scope of the solicitation, would be evaluated, scored, and rated by a peer review panel. The solicitation specifically required that the application package include a Standard Form 424 (Application for Federal Assistance); program abstract; program narrative; budget and budget narrative; project timeline and position descriptions; and certifications related to the appropriate use of funds, reporting on the use of funds, and use of funds for infrastructure investments. Of the 3,672 applications that BJA received in response to the solicitation, 1,477 did not contain support for one or more of the solicitation requirements. Nevertheless, the BJA selected 649 of these applications that did not meet the solicitation requirements to continue through the competitive process and be peer reviewed.<sup>7</sup>

BJA officials told us that based on discussions among BJA and OJP leadership, their unwritten policy was to not consider the lack of certifications as a significant enough reason to warrant not sending the applications to peer review. BJA and OJP officials acknowledge that the certifications on use of funds and infrastructure investments are required before a grantee can receive funds, but believe the certifications are not essential before sending otherwise eligible applications to peer review.

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<sup>7</sup> A BJA official told us that technically the Byrne Competitive solicitation did not require that application packages include the required certifications for the applications to be peer reviewed. We disagree. Page 20 of the solicitation states that "Only applications submitted by eligible applicants that meet all other requirements (such as timelines, proper format, required attachments, and responsiveness to the scope of the solicitation) will be evaluated, scored and rated by a peer review panel." On pages 18 through 19, the solicitation includes a section titled "What an Application Must Include" that requires the applicant to submit the grant application and five attachments, with one attachment being the certifications such as the Use of Funds certification and the Infrastructure Investments certification.

Because only a small percentage of applications received are actually selected for award, we agree that obtaining the certifications prior to determining whether or not the applicant will be selected for award is not essential and would be burdensome on BJA staff. A total of 508 applications went to peer review that were missing only certifications, leaving 141 applications not meeting other solicitation requirements that continued through the peer review process. While we agree that missing certifications should not prevent applications from being peer reviewed, we also believe that it is important to ensure that the solicitations clearly define grant requirements and that BJA ensures requirements are met when it evaluates grant applications.

After we raised these issues to BJA, in April 2010 the BJA established a written policy that clearly defined the requirements that must be met for applications to be sent to peer review. The policy provided that future solicitations must contain basic requirements and that additional requirements must be clearly identified as required for peer review in the solicitation.

In addition, we found that the BJA selected some applications to continue through the competitive process and undergo peer review that did not meet one or more of the solicitation requirements for which other applications were denied further consideration. Four of the applications did not meet the solicitation requirements regarding certifications and formatting, but those applications were selected for award while other applications were rejected for not meeting these same solicitation requirements. We recommend that OJP establish procedures to ensure that applications are treated consistently when determining whether the applications meet the solicitation requirements.

For the Byrne Competitive Grant applications, the BJA's records indicated that the BJA denied 1,049 applications that failed the basic minimum review, the BJA's internal review, or both reviews. We reviewed a sample of 95 of these applications and determined the BJA notified all 95 applicants of the denial but did not inform any of the applicants of the reason for the denial.<sup>8</sup> BJA officials told us they did not do so because of the cost, time, and workload required to provide this information. The officials

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<sup>8</sup> The Office of Justice Programs Grant Application Peer Review Procedure Manual states that "The peer review contractor should prepare and mail non-funded applicant letters to unfunded applicants at the discretion of the Bureau Program Office (BPO). The BPO will decide on a case-by-case basis, whether the non-funded applicant letter will include a narrative summary that specifies the strengths and weaknesses of the individual proposal."

also told us that if the applicants had questions, they could use the contact information provided in the denial letter to contact the BJA.

We believe that the BJA should inform the applicants of the reason their applications are denied. Doing so could lead to applicants submitting better application packages in the future that meet the basic minimum requirements.

We also found that the BJA grant managers did not enter into the GMS the reason for denying the 95 applications. For each of the 95 denials, the grant managers recorded the denial reason in the GMS as the “Competitive process selected other applicants.” However, none of these 95 applications made it past the basic minimum requirements review or the initial internal review and into the competitive peer review process. All 95 of the applications were actually denied for one or more of the other 15 reasons selectable in the GMS.

Because the GMS does not accurately reflect reasons applications were denied, it cannot be used to identify trend data that might help identify weaknesses in the process. For example, the GMS could be used to determine that a significant number of rejections resulted from a certain reason, such as non-responsive applications. Such data could indicate a need to clarify guidance in future solicitations, which could result in more responsive applications and more competition among applicants. We recommend that OJP ensure that accurate reasons for denying applications are entered into the GMS.

We also tested the BJA’s peer review process for evaluating and scoring applications. According to the BJA’s records, 2,623 of the 3,672 applications for the Byrne competitive grants were peer reviewed by external peer reviewers. We analyzed a sample of 283 of these applications and found that the peer review process was generally implemented in a fair and effective manner, with some exceptions as noted below.

As required by OJP’s peer review guidelines, a minimum of 3 peer reviewers were assigned to review 278 of the 283 applications we tested. For the remaining five applications, only two peer reviewers reviewed the applications. BJA officials told us that two peer review panels were convened with only two peer reviewers each because of the late recusal of a reviewer on one panel and because of the failure of a reviewer on another panel to submit required review information. In both cases, the BJA appropriately obtained a waiver from the Deputy Assistant Attorney General to convene the panels with only two reviewers. However, we noted that the non-funding letters that the BJA sent to the applicants stated incorrectly that

three independent peer reviewers evaluated the applications and noted strengths and weaknesses.

We also found that the BJA senior leadership did not approve the peer reviewers, as required by OJP's Peer Review Manual. Instead, the BJA delegated peer reviewer approval authority to lower level OJP managers for each category under the solicitation.<sup>9</sup>

A total of 251 different peer reviewers were assigned to review the 283 applications we sampled. We found that all 251 peer reviewers had completed and signed the Confidentiality Agreement and the Disclosure of Conflicts of Interest forms as required. Five of the 251 reviewers indicated on their Disclosure of Conflicts of Interest form that they had a potential conflict related to reviewing the applications. In all five instances, BJA officials reviewed the conflicts and appropriately determined that the potential conflicts were not significant enough to interfere with the reviewers' ability to fairly evaluate the applications.

We examined the final peer review score for each of the 283 applications we sampled and found that the score for each application was correctly calculated based on the scores of the individual peer reviewers and the weighting criteria provided in the solicitation.

BJA officials recommended 120 of the 2,623 applications peer reviewed for awards totaling \$125,250,000. We reviewed the BJA's award recommendation memorandum to determine if it complied with the Associate Attorney General's May 2008 memorandum requiring that all discretionary funding recommendations and decisions be documented. Specifically, the Associate Attorney General's policy directed that future award recommendation memoranda must:

- contain a list of all applications received including the lowest scoring application funded as well as every application scoring higher, regardless of whether it was selected for funding; and
- briefly explain why a listed application was not recommended for funding.

We found the BJA's recommendation memoranda appropriately categorized selections based on the categories in the solicitation. The BJA also attached a list identifying applications peer reviewed and the score of

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<sup>9</sup> In November 2009, BJA officials told us that in 2010 they plan to follow the Peer Review Manual requiring Bureau Program Office leadership to approve the reviewers.

each application in order from highest-scoring to lowest-scoring for seven of the eight categories. The BJA grouped the applications by category and ranked within each category from highest average score to the lowest. Separate selections were made for each category.

However, we found that for 1 of the 8 solicitation categories, the BJA excluded 24 applications that were peer reviewed. Twenty-two of the 24 excluded applications had a higher score than the lowest-scoring application recommended for funding, including 10 of the 12 highest-scoring applications. The BJA did not provide an explanation in its memorandum for excluding these 22 higher scored applications. The BJA told us that it excluded these 24 applications because the applications related to programs for juveniles and domestic violence and other Department of Justice funding was available for these programs, which we concluded was a reasonable basis for the exclusion. However, we determined that the BJA did not comply with the Associate Attorney General's May 2008 policy requiring that explanations for not recommending such applications be included in the funding recommendation memorandum.

After we brought this concern to the attention of BJA officials in September 2009, on January 12, 2010, the officials prepared and submitted an addendum to the July funding recommendation memorandum to include the 24 Category I applications and explain why those applications were not recommended for funding over lower scoring applications. We recommend that for future solicitations, the BJA ensure that all applications scoring higher than the lowest-scoring application recommended for funding are included in the funding recommendation memorandum and that an explanation for not recommending those applications for funding is also included.

We also noted that applications in four of the eight categories were not recommended for funding even though the applications received the same score as the lowest-scoring application that was recommended for funding. While BJA officials provided us reasonable explanations for why these applications were not recommended for funding, the BJA did not include an explanation in the funding recommendation memorandum to show why the identical scoring applications were not recommended for funding. We recommend that future funding recommendation memorandum include explanations for all applications not recommended for funding that received an equal or higher score than the lowest-scoring application recommended for funding.

## *OJJDP's National and Local Youth Mentoring Awards*

During August and September 2009, the OJJDP made awards under its National and Local Youth Mentoring Programs. The OJJDP received 1,617 applications for the national and local youth mentoring solicitations. Although 781 of the 1,617 applications did not meet one or more of the solicitation requirements, the OJJDP selected 568 of these applications to continue through the competitive process and be peer reviewed. OJJDP officials also told us that, like BJA officials, they believed some of the solicitation requirements were not significant enough to deny an application from going to peer review if not met. Specifically, the OJJDP officials did not consider missing timelines, abstracts, logic models, resumes, and job descriptions to be significant enough reasons to deny the applications from going to peer review. A total of 542 applications that went to peer review were missing only these types of items that the OJJDP did not consider significant. That left 26 applications that did not meet more significant solicitation requirements, such as budget narratives and program narratives, which nevertheless continued through the peer review process. As with BJA grants, we believe that it is important to ensure that solicitations clearly define the requirements and that the OJJDP ensures requirements are met.

Like the BJA, the OJJDP selected applications to continue through the competitive process and be peer reviewed even though those applications did not meet one or more of the solicitation requirements for which other applications were denied further consideration. One of the applications that did not meet solicitation requirements was selected for award.

The OJJDP denied 271 applications (140 national and 131 local) based on the basic minimum review, an internal review, or both reviews. We sampled 30 of the 271 applications (15 national and 15 local) and determined that the OJJDP notified all 30 applicants of the denial. However, the OJJDP did not inform any of the applicants of the reason for the denial. OJJDP officials told us it was their practice to not inform applicants of the reason for denial if the applications are denied during the basic minimum requirements review or internal review processes. The officials said that the standard letter they used has been the practice at the OJJDP for several years and that it provided the applicant with contact information through which it could obtain information about the reason for the denial. In addition, for those applications that go on to peer review, but are not awarded funds, the OJJDP does provide the applicant with a copy of the comments made by the peer reviewers. We believe the OJJDP should inform the applicants that do not pass the basic minimum requirements of the reason for denying their applications. Doing so could lead to applicants

submitting better application packages in the future that meet the basic minimum requirements.

We also found that the OJJDP grant managers did not enter the reason in the GMS for denying the 30 applications. For each of the 30 denials, the grant managers recorded the denial reason in the GMS as the "Competitive process selected other applicants." However, none of these 30 applications made it past the basic minimum requirements review or the initial internal review and into the competitive peer review process. All 30 of the applications were denied for one or more of the other 15 reasons selectable in the GMS. Because the GMS does not accurately document the reasons for denial, it cannot be used to identify trend data that might help identify weaknesses in the process.

We also tested the OJJDP's peer review process for evaluating and scoring applications. According to OJJDP's records, 1,346 of the 1,617 applications for the local and national youth mentoring grants were peer reviewed. We analyzed a sample of 164 of these applications and found that the peer review process was generally implemented in a reasonable manner, with some exceptions as noted below. A minimum of three peer reviewers were assigned to review 159 of the 164 applications. Waivers were granted allowing only two peer reviewers to review the other five applications because a peer reviewer for one review panel was sick, and a peer reviewer for another panel could not finish the reviews due to unexpected work hours. However, we noted that the OJJDP leadership did not approve the peer reviewers as required by OJP's peer review manual. Instead, the OJJDP Peer Review Coordinator responsible for the Youth Mentoring Recovery Act grants approved the peer reviewers. It is important that the OJJDP leadership is aware of and approve peer reviewers to help ensure that peer review policies and controls are followed.

A total of 179 different peer reviewers were assigned to review the 164 applications we sampled. All but 2 of the 179 peer reviewers had completed and signed the Confidentiality Agreement and all 179 reviewers had signed the Disclosure of Conflicts of Interest forms as required. None of the 179 reviewers indicated on their Disclosure of Conflicts of Interest form that they had a potential conflict related to reviewing the applications.

We examined the peer reviewers' scores for the 164 applications we sampled and found that the scores were generally correctly calculated based on the scores of the individual peer reviewers and the weighting criteria provided in the solicitation.

Before ranking the applications, the OJJDP subjected the peer review scores to a normalization process. Normalization uses statistical procedures to minimize variance among peer reviewers who may score applications more or less strict than one another. Normalization also compensates for the tendency of some reviewers to score higher or lower than other reviewers for the same group of applications. OJJDP requires the normalization process when three or more peer review panels are used to evaluate applications.

We reviewed the process used by the OJJDP to normalize peer review scores for the youth mentoring program applications and found that the normalized scores were accurately calculated by the OJJDP for the National Youth Mentoring solicitation. However, they were not accurately calculated for the Local Youth Mentoring solicitation.

OJJDP normalized the peer review scores for the 1,328 Local Youth Mentoring Program applications peer reviewed and this procedure resulted in a significant change to the ranking of the applications compared to the non-normalized scores. Using data provided by the OJJDP, we recalculated the normalized scores for the 1,328 applications using the methodology OJJDP told us it had used. The normalized scores that we calculated did not match the normalized scores calculated by the OJJDP for 258 of the 1,328 applications. OJJDP officials told us that the mistakes occurred due to manual entry of scores, which has since been automated. Therefore, the officials do not believe this will be a problem in the future. In addition, we found that the incorrect normalized scores did not affect the awards made, because the mistakes occurred in lower scoring applications and not in the top ranking scores. We recommend, however, that the OJJDP ensure that future normalized scores are correctly calculated to avoid incorrect rankings that could lead to improper awards.

#### *Inconsistency Between the BJA's and the OJJDP's Scoring Processes*

As noted above, while the OJJDP normalized peer review scores for the local and national youth mentoring program applications, the BJA did not normalize peer review scores for the Byrne Competitive Grant Program. OJP policy gives the bureaus and program offices discretion on whether or not to normalize peer review scores. According to BJA officials, they instead had program officials monitor the consensus calls of the peer review panels to observe whether any of the peer reviewers appeared biased in their scoring of applications or tried to exert undue influence over the other peer reviewers on the panel. The program officials could then consider the peer

review scores based on any bias or undue influence observed when deciding which applications to recommend for funding.<sup>10</sup>

We agree with BJA officials that having program officials monitor and observe the peer review consensus calls for bias and undue influence is beneficial. However, use of the normalization process also could have been used to reduce the effects of peer reviewers' tendency to score applications differently.

Using peer review scoring data provided by the BJA, we calculated normalized scores for each of the eight categories of the Byrne Competitive Grant Program to determine if normalization would have identified significant variations in the scores among the peer review scores, and whether reduction of this potential bias through normalization would have significantly changed the rankings of the applications. We found that significant variations existed among the peer review scores for all eight categories and that normalization of the scores would have significantly changed the rankings of the applications for all eight categories. Specifically, normalizing the BJA's scores would have resulted in 79 high-scoring applications dropping off the BJA's list of applications recommended for funding and being replaced by 79 applications that the BJA scored lower.

Having bureaus and program offices choose different methodologies for calculating peer review scores without consistent reasons can foster the appearance of inequitable treatment of applicants. We recommend that OJP consider standardizing the circumstances under which "normalization" of peer review scores should be used for all bureaus and program offices.

## **Conclusion and Recommendations**

Overall, we found that OJP appropriately managed the \$2 billion in Recovery Act funds for the Byrne JAG Program and the \$225 million in Recovery Act funds for the Byrne Competitive Grant Program.

For the Byrne Recovery Act JAG Program, we identified some shortcomings with awards approved without all information required by the grant solicitations. Our individual audits of Byrne JAG grantees also found

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<sup>10</sup> A BJA official told us that for one peer review panel in one category of the Byrne Competitive Grant Program solicitation, the BJA program official monitoring the peer review consensus call observed that the peer review scores were skewed abnormally high. The BJA program official brought this matter to the attention of Office of Victims of Crime (OVC) staff who were reviewing applications in this category. BJA and OVC performed additional analyses of the applications for this peer review panel and for all applications in this category and considered this peer review anomaly in making funding recommendations.

deficiencies in the areas of internal control environment, grant expenditures, property management, monitoring of subrecipients, reporting, and program performance. The audits generally concluded that grant recipients were spending grant funds appropriately. However, the audits did find instances where grant recipients did not properly manage grant funds, did not effectively monitor subrecipients, and did not accurately and timely report the status of financial and program-related grant activities. While most of the deficiencies we noted on these audits were in the non-Recovery Act Byrne JAG grants, we believe the results are applicable more broadly to management of the annual Byrne programs.

For the Byrne Competitive Grant Program we noted deficiencies related to the BJA's and the OJJDP's evaluating applications for basic minimum requirements, informing applicants of the reasons for denying applications, recording the proper denial reasons in the Grants Management System, and evaluating and scoring grant applications.

Our report contains 15 recommendations to OJP, including recommendations to: (1) establish procedures to ensure that future Byrne JAG solicitations clearly describe what material is required to be submitted with the grant application, (2) establish procedures to ensure that applications are treated consistently when determining whether the applications meet the solicitation requirements, (3) ensure that "normalized" peer review scores are accurately calculated before making award recommendations based on those scores, and (4) consider standardizing the circumstances under which "normalization" of peer review scores should be used for all bureaus and program offices.

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## **Introduction**

On February 17, 2009, the President signed into law the American Recovery and Reinvestment Act of 2009 (Recovery Act).

The Recovery Act provided more than \$4 billion to the Department of Justice (Department), including \$2 billion for the Office of Justice Programs' (OJP) Edward Byrne Memorial Justice Assistance Grant Program (Byrne JAG) and \$225 million for the Byrne Competitive Grant Program. Both of these programs are managed by OJP's Bureau of Justice Assistance (BJA).

As of June 30, 2010, the Department had obligated about \$1.997 billion (99.9 percent) of the Byrne JAG funds and about \$223.5 million (99.3 percent) of the Byrne Competitive funds. The Department had outlayed to state and local grantees about \$1.631 billion (81.6 percent) of the Byrne JAG funds and about \$40.5 million (18 percent) of the Byrne Competitive funds.

### **Byrne JAG Program**

Through the Byrne JAG Program the Department of Justice awards grants to states, tribes, and local governments to support a broad range of activities to prevent and control crime based on local needs and conditions.

For FY 2009, Byrne JAG funds could be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice for any one or more of the following seven purpose areas:

- law enforcement programs;
- prosecution and court programs;
- prevention and education programs;
- corrections and community corrections programs;
- drug treatment programs;
- planning, evaluation, and technology improvement programs; and
- crime victim and witness programs (other than compensation).

The following exhibit shows the funding awarded for the Byrne JAG Program since FY 2005.

**Exhibit 3: Funding Allocations for the  
Byrne JAG Program since FY 2005  
(in millions)**

<b>Fiscal Year and Program</b>	<b>Amount Allocated</b>
2005 Byrne JAG	\$492
2006 Byrne JAG	\$291
2007 Byrne JAG	\$445
2008 Byrne JAG	\$159
2009 Byrne JAG	\$482
2009 Recovery Act Byrne JAG	\$1,989
<b>Total</b>	<b>\$3,858</b>

**Source:** Bureau of Justice Assistance

OJP's Recovery Act spending plan provided \$1.989 billion for formula grants to states, territories, and local governments under the Byrne JAG Program. Formula grants are non-competitive grants awarded based on a formula established by law. For the Byrne JAG Program, the formula established in the Safe Streets Act of 1968 as amended in 2008 authorized the allocation of funds based on a combination of U.S. Census Bureau population estimates for each state and violent crime data reported to the Federal Bureau of Investigation (FBI).<sup>11</sup> Under the Byrne JAG Program statute, about 60 percent of the funds are designated for state and territorial governments and 40 percent for local governments.<sup>12</sup> State governments are also required to pass through a portion of the funds they receive to local governments within their states.

On March 6, 2009, about 3 weeks after the passage of the Recovery Act, the BJA posted two solicitations for the Byrne JAG Program on the Grants.gov website – one for state governments and U.S. territories and the other for local governments.<sup>13</sup> As of July 16, 2009, the BJA had awarded the

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<sup>11</sup> The Safe Streets Act of 1968 was codified in 42 U.S.C. § 3755.

<sup>12</sup> The actual allocations for the Byrne JAG awards worked out to 62 percent (\$1.236 billion) for the state awards and 38 percent (\$753 million) for the local awards.

<sup>13</sup> Grants.gov is a website managed by the Department of Health and Human Services that contains information about finding and applying for federal grant programs. A grant solicitation is the formal document used to announce the availability of funding for a specific program and contains an overview of the program, details about the eligibility and application requirements, and the process for evaluating and selecting the applications for award.

Byrne JAG grants totaling about \$1.236 billion to all 56 states and U.S. territories. By October 13, 2009, the BJA had awarded 3,210 Byrne JAG grants totaling about \$748 million of the \$753 million available to eligible units of local government.

For the Byrne JAG Program, the Recovery Act, under the authority provided by the Safe Streets Act of 1968 as amended in 2008, allows the Attorney General to set aside up to \$20 million for OJP’s National Institute of Justice (NIJ) to assist units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement. If money is set aside for these purposes, the law requires that \$1 million of the set aside go to OJP’s Bureau of Justice Statistics (BJS) to collect data necessary for those purposes. OJP’s spending plan for the \$2 billion allocated to the Byrne JAG Program set aside \$10 million for the NIJ and \$1 million for the BJS.

### **Byrne Competitive Grant Program**

Byrne competitive grants are similar in purpose to the Byrne JAG formula grants, but the BJA awards these funds based on a competitive application process.<sup>14</sup> The following exhibit shows the amount of funds appropriated for the program since FY 2005.

**Exhibit 4: Funding Appropriations for the  
Byrne Competitive Grant Program since FY 2005  
(in millions)**

Fiscal Year	Amount Appropriated
2005 Byrne Discretionary Grants	\$170
2006 Byrne Discretionary Grants	\$192
2007 Byrne Discretionary Grants	\$192
2008 Byrne Discretionary Grants	\$188
2008 Byrne Competitive Grants	\$16
2009 Byrne Competitive Grants	\$30
2009 Recovery Act Byrne Competitive Grant Program	\$225
<b>Total</b>	<b>\$1,013</b>

**Source:** Bureau of Justice Assistance

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<sup>14</sup> The Byrne Discretionary Grant Program was established in 1988 and the Byrne Competitive Grant Program began in FY 2008. The Byrne program is named in honor of New York City Police Department officer Edward R. Byrne, who was killed in the line of duty in February 1988 while protecting a witness who had agreed to testify against local drug dealers.

OJP's spending plan for the Recovery Act allocated the \$225 million for the Byrne Competitive grant program as follows:

- \$125.25 million for the BJA's FY 2009 Recovery Act Edward Byrne Memorial Competitive Grant Program;<sup>15</sup>
- \$97.5 million in total for OJP's Office of Juvenile Justice and Delinquency Prevention's (OJJDP) FY 2009 Recovery Act Local and National Youth Mentoring Programs;<sup>16</sup> and
- \$2.25 million for the NIJ to perform research and evaluation to improve the functioning of the criminal justice system, assist victims of crime, and enhance youth mentoring programs.

*FY 2009 Recovery Act Byrne Competitive Grant Program*

The Byrne competitive grants help state, local, and tribal jurisdictions improve the criminal justice system, provide assistance to victims of crime (other than compensation) and support communities in preventing drug abuse and crime. Applicants may be national, regional, state, or local public and private entities, including for profit and nonprofit organizations, faith-based and community organizations, institutions of higher education, tribal jurisdictions, and units of local government that support the functioning of the criminal justice system.

The Byrne competitive grants are awarded in the following eight program areas:

- preventing and reducing violent crime through community-based data-driven approaches;
- providing funding for neighborhood-based probation and parole officers;
- reducing mortgage fraud and crime related to vacant properties;

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<sup>15</sup> The \$125.25 million included \$4.5 million for the BJA to solicit training and technical assistance services, to include soliciting for a national organization to work collaboratively with state administering agencies to support local justice planning processes that influence the manner in which Byrne JAG funds are used.

<sup>16</sup> While the solicitations for the national and local youth mentoring programs did not designate how much of the \$97.5 million was for each program, the actual funding awarded was split \$85.1 million for the national program and \$12.4 million for the local program.

- hiring of civilian support personnel in law enforcement, such as training staff, analysts, and dispatchers;
- enhancing forensic and crime scene investigations;
- improving resources and services for victims of crime;
- supporting problem-solving courts; and
- national training and technical assistance partnerships.

On March 19, 2009, about 5 weeks after the passage of the Recovery Act, the BJA posted the solicitation for the Byrne Recovery Act competitive grants to the Grants.gov website. As of September 30, 2009, the BJA had awarded the 120 Byrne competitive grants for the \$125.25 million available for these awards.

#### *FY 2009 Recovery Act Local and National Youth Mentoring Program*

The FY 2009 Recovery Act Local Youth Mentoring Program provides funds awarded by the OJJDP for local faith- and community-based organizations to develop, implement, and expand neighborhood mentoring programs. The program seeks to reduce juvenile delinquency and gang participation, improve academic performance, and reduce school drop-out rates. Grantees are expected to enhance the capacity of local efforts to develop or expand community collaboratives and partnerships, integrate best practices into mentoring service models, and develop strategies to recruit and maintain mentors serving hard-to-reach populations.

The FY 2009 National Youth Mentoring Program supports organizations that have mentoring programs ready for national implementation that will strengthen and expand existing mentoring activities. The program seeks to increase participation of mentors by underrepresented groups, such as Hispanic and African-American adult males; target children of single-parent families; and focus on making truancy prevention a priority in improving school attendance.

On March 19, 2009, about 5 weeks after the passage of the Recovery Act, the OJJDP posted the solicitations for the Local Youth Mentoring Program and for the National Youth Mentoring Program to the Grants.gov website. As of September 24, 2009, the OJJDP had awarded 26 local youth mentoring grants for the \$12.4 million designated under the Local Youth Mentoring Program and four national youth mentoring grants for the \$85.1 million designated under the National Youth Mentoring Program.

## *FY 2009 Recovery Act NIJ Research Awards*

This initiative is part of the NIJ's research and evaluation activities in support of OJP's Recovery Act discretionary grant programs. Funds under this program will be used to award a competitive evaluation contract or grant to assess the 2009 grants awarded by the BJA under the Recovery Act Byrne Competitive Grant Program. Funds under this initiative will also support research on criminal justice or law enforcement workforce dynamics, especially research related to cost-effectiveness of staffing strategies, job creation, and retention. On March 19, 2009, the NIJ issued a solicitation for research and evaluation of Recovery Act state and local law enforcement assistance. On March 31, 2010, the NIJ issued a solicitation for evaluation of a Recovery Act state and local law enforcement assistance. According to OJP, as of August 20, 2010, it had awarded three grants totaling \$1,277,568 under these two solicitations.

### **OIG Audit Objective and Approach**

The Department of Justice Office of the Inspector General (OIG) conducted this audit as part of an OIG-wide effort to determine if Department components are properly managing Recovery Act funds in accordance with Recovery Act and Office of Management and Budget guidelines and sound grant management practices. This audit examines OJP's implementation of the Byrne JAG Program and Byrne Competitive Grant Program, whether funded by Recovery Act funds or non-Recovery Act funds. We are conducting another audit that focuses on OJP's monitoring and oversight of Recovery Act and other grants.

For the Recovery Act funded work, this audit covered the period from passage of the Recovery Act in February 2009 through August 2010. For the non-Recovery Act related work, this audit covered the period FY 2005 through FY 2009. For both the Byrne JAG Grant Program and Byrne Competitive Grant Program, we evaluated OJP's process for awarding the grants to ensure the grants were awarded in a reasonable and prompt manner. To accomplish the audit objective, we analyzed copies of award decision documents and discussed award procedures and results with various officials from the BJA, BJS, and OJJDP. We also performed grant audits of Byrne JAG grant recipients in the District of Columbia; Florida; Indiana; Kansas; Louisiana; Nevada; New Jersey; Marion County, South Carolina; and the cities of Atlanta, Georgia; Jackson, Mississippi; Kenosha, Wisconsin; and Providence, Rhode Island.

During this audit, in October 2009 the Government Accountability Office (GAO) initiated a review dealing with state and local use of Byrne JAG

Program funds.<sup>17</sup> The GAO limited their review to the District of Columbia and 16 states (Arizona, California, Colorado, Florida, Georgia, Indiana, Iowa, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, and Texas). We coordinated with the GAO to avoid any duplication of work in the locations that the GAO chose to review that we had previously selected for review (Florida, Georgia, and New Jersey).

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<sup>17</sup> The objectives of GAO's review are to determine: (1) for what purposes have states used Byrne JAG funds awarded from FY 2006 through 2009; (2) how have states ensured that funds are used in accordance with JAG requirements; (3) what, if at all, has been the effect of funding fluctuations on plans for and implementation of states' criminal justice efforts; and (4) how do states share and identify best practices among recipients that they fund.

## **FINDINGS AND RECOMMENDATIONS**

### **1. OJP'S MANAGEMENT OF AWARDS MADE UNDER THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM**

The Office of Justice Programs generally managed Recovery Act awards made under the Byrne JAG Program in accordance with guidelines and sound grant management practices. OJP made the formula awards to states, territories, and local governments in a prompt and reasonable manner. OJP's Bureau of Justice Assistance acted quickly to develop solicitation, set reasonable deadlines for submitting applications, timely reviewed applications against solicitation requirements, and promptly made awards. However, some OJP practices could be improved. We found some grantees submitted application packages missing complete program narratives, project abstracts, and budget documents. In addition, OJP's planned use of \$11 million of the \$2 billion in Byrne JAG Recovery Act funds was not readily transparent on its website. We disclosed these issues to OJP during the audit and OJP took corrective actions to address the issues.

While OJP effectively awarded the Recovery Act Byrne JAG grants, our individual audits of 12 Byrne JAG grantees found that multiple grantees had deficiencies in the areas of internal control environment (4), grant expenditures (5), property management (5), monitoring of subrecipients and contractors (7), reporting (8), and program performance (4). Multiple grantees with deficiencies in the same areas indicate a need for additional guidance in these areas. While most of the deficiencies we noted on these audits were for the non-Recovery Act Byrne JAG grants, we believe the results are applicable more broadly to management of the annual Byrne programs.

As noted above, the Recovery Act provided \$2 billion to OJP for the Byrne JAG Program. OJP developed a spending plan that allocated the \$2 billion for three purposes as shown in Exhibit 5. OMB approved OJP's spending plan in March 2009.

**EXHIBIT 5: OJP’s Allocation of Recovery Act  
Byrne JAG Program Funds**

Purpose	Amount
Byrne JAG Formula Awards	\$1,989,000,000
NIJ Science and Technology Research and Development	\$10,000,000
BJS Formula Crime Data Collection, Analysis, and Estimation	\$1,000,000
<b>Total</b>	<b>\$2,000,000,000</b>

**Source:** Office of Justice Program’s Recovery Act Spending Plan

For this audit, we performed a detailed review of the Byrne JAG formula awards process, and we reviewed the \$11 million given to the NIJ and BJS for transparency-related issues.

In March 2009, we issued a Management Advisory Memorandum related to the transparency of OJP’s planned use of Byrne JAG Recovery Act funds. The memorandum, titled *Improving Transparency in the Office of Justice Programs’ Planned Use of Edward Byrne Memorial Justice Assistance Grant Program Funds Authorized by the Recovery Act*, is on our website at [www.justice.gov/oig/recovery/oversightDocs.htm](http://www.justice.gov/oig/recovery/oversightDocs.htm).

The next section of this report summarizes the results detailed in our March 2009 memorandum.

In December 2009, we issued an interim report on OJP’s efforts to award the Byrne JAG Recovery Act formula grants. The report titled *Review of the Edward Byrne Memorial Justice Assistance Grant Program, Recovery Act Formula Awards Administered by the Department of Justice’s Office of Justice Programs* may be viewed on our website at [www.justice.gov/oig/recovery/oversightDocs.htm](http://www.justice.gov/oig/recovery/oversightDocs.htm). In the two subsequent sections of this report, we summarize the results detailed in our December 2009 report.

**Transparency of OJP’s Planned Use of the Byrne JAG Recovery Act Funds**

As we reported in our Management Advisory Memorandum in March 2009, OJP’s website identified the \$2 billion for the Byrne JAG Program and provided a link to more specific information about the funding. However, the website left the impression that the \$2 billion was allocated totally to the state and local formula grant awards. The website made no mention of the \$10 million allocated to the NIJ for research and evaluation

purposes and the \$1 million allocated to the BJS for multiple purposes including improving the collection of crime data from tribal law enforcement agencies, and implementing automated Byrne JAG formula calculation procedures.

After we advised OJP of this concern, OJP revised its website to make it clear that \$10 million of program funds would be used by NIJ and \$1 million by BJS. The BJA also posted information on its website outlining the NIJ's and the BJS' planned use of the funds and how the use supported Recovery Act goals.

### **Byrne JAG Recovery Act Formula Awards**

As we noted in our December 2009 interim report, the BJA developed two solicitations for the Byrne JAG Recovery Act awards – one for states and territories and one for local governments. The solicitations were posted to OJP's and the BJA's websites. OJP's BJS developed the funding allocations for the Byrne JAG Program using the formula established in the Safe Streets Act of 1968 as amended in 2008.<sup>18</sup> The formula authorized the allocation of funds based on a combination of U.S. Census Bureau population estimates for each state and violent crime data reported to the FBI.

We verified that the data used by the BJS to compute the allocations was consistent and accurate. Using the established formula and verified population and crime data, we independently calculated the allocations for all 56 states and territories, and the 5,472 local governments. We concluded that BJS calculated the Byrne JAG Program allocations for the states, territories, and local government units in accordance with the formula established by the Safe Streets Act of 1968 as amended in 2008.

We also determined that the BJA completed the allocations and issued the solicitations in a timely manner that permitted prompt application and award of the grants. The BJA issued the solicitations about 3 weeks after the Recovery Act was passed. The BJA awarded all 56 state and territory awards by July 16, 2009, 5 months after passage of the Recovery Act. By October 13, 2009, the BJA had awarded funds to the 3,210 eligible grant applicants from local governments that submitted complete applications to the BJA. BJA officials told us that early in 2010, they discovered one application that was incorrectly identified as a duplicate. When the error was found, BJA immediately processed the application and awarded the funds. Therefore, a total of 3,211 grants were awarded to local governments.

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<sup>18</sup> The Safe Streets Act of 1968 was codified in 42 U.S.C. § 3755.

In the interim report, we noted that the BJA received an additional 2,177 local government applications for which it could not award funds because the applications were duplicates, incomplete, or from localities that were not eligible to apply directly to the BJA. After eliminating duplicates and ineligible localities, the BJA identified 206 eligible units of local government that either had not applied or had not submitted complete applications. However, BJA officials determined that one unit had been debarred and was not allowed to apply for the grant, which reduced the number to 205. BJA officials told us that they contacted the 205 eligible units of local government and gave them until January 21, 2010, to submit complete applications. BJA officials also told us that two pairs of government entities informed BJA that they wanted to apply together. After consulting with legal counsel, the BJA agreed that each pair of entities could apply together on one application. Therefore, the number of eligible applicants was reduced from 205 to 203. Of the 203 eligible applicants, the BJA received 120 applications. As of June 15, 2010, the BJA had awarded funds to 68 of the 120 applicants. BJA officials told us that 33 applications were in the process of being awarded and that they were working with the other 19 applicants to resolve application issues.

By allowing these eligible entities additional time to complete and submit their applications, the BJA helped ensure that all potential recipients of Recovery Act JAG funding had an opportunity to receive the funding.

In sum, the BJA properly calculated Byrne JAG allocations using appropriate population and crime data and made timely awards consistent with the allocations. Given this, we concluded that the BJA awarded the Byrne JAG Program Recovery Act awards in a prompt and reasonable manner.

### **Review of Applications for the Recovery Act Byrne JAG Formula Awards**

In our December 2009 interim report, we identified areas where the BJA could improve its grant awarding process. For example, the BJA should ensure that it obtains the information required by the solicitation before making Recovery Act awards. For each of the 56 state and territorial applications, we reviewed the application documentation in OJP's Grants Management System (GMS) to determine if the Recovery Act application was complete. We found that 1 application did not contain the required program narrative; 27 applications had program narratives that did not include required elements such as organizational capabilities and competencies, timelines or project plans, or performance measures; 3 applications did not

contain the required project abstract; and 6 applications did not include budget details.<sup>19</sup>

In response to our interim report, OJP told us that the BJA agrees that careful consideration of "required" elements in formula grant solicitations is needed. In the future, the BJA plans to describe material as "required" and send back applications for additional information when the "required" information is not included. According to OJP, because the Byrne JAG Recovery Act program involved formula awards, as opposed to competitive discretionary awards, the BJA sought to balance its responsibility to process awards quickly with the need for sound financial management. Therefore, the BJA used special award conditions to withhold funding for those applicants who were delayed in submitting the required information. For future Byrne JAG awards, the BJA should have documented procedures to ensure these actions are implemented.

We also reviewed the applications data for the 56 state and territories to determine whether their planned use of the Recovery Act funds was for allowed law enforcement purposes. We found that all 56 states and territories planned to use the Recovery Act funds for allowable purposes. A summary of the planned uses of the Recovery Act funds for the 56 states and territories is provided in Appendix II.

### **OIG Audits of Byrne JAG and Other Awards Made to State and Local Governments**

As part of this audit of OJP's Byrne JAG Program, we conducted Byrne JAG grant audits of the 12 state and local grant recipients listed in the following exhibit. We selected the state and local recipients to audit based on a variety of factors, including number and amount of Byrne JAG awards, location, and prior audit history. The audits included Byrne JAG awards made using Recovery Act and non-Recovery Act funds. In addition, two of the audits (Providence, Rhode Island, and Jackson, Mississippi) also included other Department of Justice grants awarded with either Recovery Act funds or non-Recovery Act funds, such as Office of Community Oriented Policing Services (COPS) Hiring Recovery Program grants or COPS Technology grants.

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<sup>19</sup> In our December 2009 interim report, we identified 27 states that did not include all the required elements in their program narratives. Following issuance of the interim report, we found that one of the 27 states had provided a program narrative with all of the required elements. Therefore, 26 applications had incomplete program narratives.

**EXHIBIT 6: Office of the Inspector General Audits of  
State and Local Byrne Grant Recipients**

<b>Report Title and Number</b>	<b>Location</b>	<b>Month and Year Issued</b>
Limited Scope Audit of Marion County, South Carolina, Report SR-40-10-003	Marion County, South Carolina	February 2010
Office of Justice Programs, Edward Byrne Memorial Justice Assistance Grants Awarded to the City of Providence Police Department, Audit Report GR-70-10-003	Providence, Rhode Island	March 2010
Limited Scope Audit of City of Kenosha, Wisconsin, Police Department, Report SR-50-10-006	Kenosha, Wisconsin	April 2010
Edward Byrne Memorial Justice Assistance Grant Program Grants Awarded to the Office of the Governor of Kansas, Audit Report GR-60-10-003	Topeka, Kansas	May 2010
Edward Byrne Memorial Justice Assistance Grant Program Grants Awarded to the Nevada Department of Public Safety, Audit Report GR-40-10-003	Carson City, Nevada	June 2010
Office of Justice Programs Awards to Justice Grants Administration: Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program, Audit Report GR-30-10-002	Washington, D.C.	June 2010
Edward Byrne Memorial Justice Assistance Grant Program Grants Awarded to the New Jersey Department of Law and Public Safety, Audit Report GR-70-10-004	Trenton, New Jersey	June 2010
Edward Byrne Memorial Justice Assistance Grant Program Grants Awarded to the Florida Department of Law Enforcement, Audit Report GR-40-10-004	Tallahassee, Florida	July 2010
Office of Justice Programs, Edward Byrne Memorial Justice Assistance Grants Awarded to the City of Atlanta, Georgia, Audit Report GR-40-10-005	Atlanta, Georgia	July 2010
Office of Justice Programs Grants Awarded to the City of Jackson, Mississippi, Audit Report GR-40-10-006	Jackson, Mississippi	July 2010
Edward Byrne Memorial Justice Assistance Grant Program Grants Awarded to the Indiana Criminal Justice Institute, Audit Report GR-50-10-005	Indianapolis, Indiana	August 2010
Edward Byrne Memorial Justice Assistance Grant Program Grants Awarded to the Louisiana Commission on Law Enforcement, Audit Report GR-40-10-007	Baton Rouge, Louisiana	August 2010

**Source:** Office of the Inspector General Audit Reports

The individual audits reviewed about \$347 million in Byrne JAG Program funds awarded to the grantees by OJP since FY 2005, including more than \$201 million in Recovery Act Byrne JAG funds awarded in FY

2009.<sup>20</sup> Based on interviews with grantee officials and reviews of grant documentation, we determined the grantees used the FY 2006 through FY 2009 Byrne JAG funds for a variety of purposes including: (1) law enforcement programs; (2) prosecution and court programs; (3) prevention and education programs; (4) corrections and community corrections programs; (5) drug treatment and enforcement programs; (6) planning, evaluation, and technology improvement programs; and (7) administrative costs.

The purpose of these audits was to determine whether costs claimed by the states and local governments under the Byrne JAG grants were allowable, reasonable, and in accordance with applicable laws, regulations, guidelines, and terms and conditions of the grants.<sup>21</sup> All of the audits, except for the limited-scope audits of Kenosha, Wisconsin, and Marion County, South Carolina, tested compliance with the following grant requirements:

- **internal control environment** to determine whether the controls in place for the processing and payment of funds adequately safeguarded grant funds and ensured compliance with the terms and conditions of the grants;
- **grant drawdowns** to determine whether the grantee adequately documented support for drawdowns and managed grant receipts in accordance with federal requirements;
- **grant expenditures** to determine the accuracy and allowability of costs charged to the grants;
- **property management** to determine if the grantee accounted for and properly used property acquired with grant funds;
- **program income** to determine if the grantee properly identified, reported, and used for allowable program expenses any program income;

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<sup>20</sup> The specific Byrne JAG grant awards reviewed varied among the individual grant audits. Details of the Byrne JAG awards reviewed for each of the 12 grantees are contained in the Audit Objectives, Scope, and Methodology found in Appendix I.

<sup>21</sup> The Kenosha, Wisconsin, and Marion County, South Carolina, audits were limited-scope audits of Byrne JAG grants to identify significant risks that represent impediments to effective grant management and administration.

- **supplanting** to determine if the grantee used federal funds to supplement existing state and local funds for program activities and not to replace state and local funds appropriated for the same purpose;
- **management of subrecipients** to determine how the grantee administered pass-through funds;
- **Financial Status Reports, Progress Reports, and Recovery Act Reports** to determine if the grantee submitted timely and accurate Financial Status Reports, Progress Reports, and Recovery Act Reports; and
- **grant objectives and accomplishments** to determine if the grantee met or is capable of meeting the grants' objectives.<sup>22</sup>

As discussed in the following sections, 9 of the 12 audits identified significant weaknesses. As a result of these weaknesses, the OIG audits questioned \$618,915 in grant expenditures, and identified \$3,482,466 in enhanced revenues. While most of the deficiencies we noted on these audits were in the non-Recovery Act Byrne JAG grants, we believe the results are applicable more broadly to management of the annual Byrne programs. We summarized the results of the OIG audits to determine if any of the weaknesses identified were systemic and should be addressed by OJP through enhanced oversight efforts. We considered weaknesses to be systemic when three or more of the OIG audits found similar weaknesses for a particular award condition area. For the nine award condition areas tested, we found systemic weaknesses in the following six areas:

- internal control environment;
- grant expenditures;
- property management;
- management of subrecipients and contractors;
- Financial Status Reports, progress reports, and Recovery Act reports; and

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<sup>22</sup> The OIG audits of state and local Byrne JAG grants, except for the limited scope audits, can be found on the Internet at [www.justice.gov/oig/RecoveryAct.htm](http://www.justice.gov/oig/RecoveryAct.htm).

- program performance and accomplishments.

We found with systemic weaknesses as discussed in the following sections.

*Internal Control Environment*

The OJP Financial Guide requires grant recipients to establish and maintain an adequate system of internal controls, which are the organization, policies, and procedures used to help program and financial managers achieve results and safeguard the integrity of their programs. The guide also requires recipients to ensure that an adequate system of internal controls exists for each subrecipient. The 12 OIG Byrne JAG audits found that 4 of the 12 grant recipients had deficiencies related to the internal control environment. The deficiencies included the lack of segregation of duties over payroll functions, the lack of sufficient staff with the training and experience to properly manage the grants, and the lack of adequate procedures for providing oversight and monitoring of federal grant transactions. A summary of all the internal control weaknesses is listed in the following table.

**Exhibit 7: Internal Control Environment Deficiencies Found During OIG Audits of Byrne JAG Grant Recipients**

Grant Recipient	Deficiencies Found
Washington, D.C., Justice Grants Administration	The single audit identified multiple control weaknesses for the District of Columbia: (1) investment and cash counts not reconciled timely; (2) lack of segregation of duties within People Soft (payroll system); (3) noncompliance with procurement regulations; (4) inadequate monitoring of subrecipients; (5) inadequately supported time charges; (6) inaccurate Financial Status Reports; and (7) journal entries not supported by adequate documentation to help determine whether the underlying transactions were allowable under the grant.
City of Jackson, Mississippi	The 2008 Single Audit Report had multiple findings that directly affected federal awards, including a finding that the city's procedures for the administration of grants do not provide for appropriate oversight and monitoring of its federal award transactions.
Atlanta, Georgia, Police Department	The City of Atlanta did not have sufficient staff with the training and experience to properly manage the grants. The city's 2009 Single Audit contained multiple findings that could affect DOJ grants. The Single Audit stated that the city is "not a low-risk grantee".

Grant Recipient	Deficiencies Found
Indiana Criminal Justice Institute	Controls did not appear adequate to ensure compliance with applicable requirements of both the JAG and Recovery Act JAG Programs. The grantee lacked sufficient staff and procedures to adequately monitor its subrecipients' grant activities, records, and reports.

**Source:** Office of the Inspector General Audit Reports

### *Grant Expenditures*

The OJP Financial Guide requires grantees to use the grant funds only for allowable expenses and maintain support for all expenses charged against the grant. The guide also requires income earned from federal grant programs or interest earned on federal grant funds to be recorded and used to further program objectives, or refunded to the federal government.

We asked grantee officials how they ensure that funds are used in accordance with JAG requirements. The primary methods that the grantee officials told us they used were on-site monitoring and desk reviews of subrecipients. Despite these monitoring efforts, our 12 OIG Byrne JAG audits found that 5 of the 12 grant recipients had deficiencies related to grant expenditures and program income. The audits found \$618,915 in unsupported and unallowable expenditures and more than \$3.4 million in enhanced revenue. A summary of all the grant expenditure weaknesses is listed in the following table.

### **Exhibit 8: Grant Expenditure Deficiencies Found During OIG Audits of Byrne JAG Grant Recipients**

Grant Recipient	Deficiencies Found
Washington, D.C., Justice Grants Administration	The grantee could not provide supporting documentation for \$324,011 in grant expenditures. The grantee also made \$53,495 in unallowable grant expenditures.
City of Jackson, Mississippi	The grantee could not provide supporting documentation for \$5,407 in grant expenditures.
Atlanta, Georgia, Police Department	The grantee could not provide supporting documentation for \$167,793 in grant expenditures. The grantee made \$23,368 in unallowable grant expenditures.
Indiana Criminal Justice Institute	The grantee could not provide supporting documentation for \$36,323 in grant expenditures and made \$1,546 in unallowable grant expenditures. Further, the grantee did not identify and report \$3,482,466 in program income related to the grant.
Louisiana Commission on Law Enforcement	The grantee could not provide supporting documentation for \$6,972 in grant expenditures.

**Source:** Office of the Inspector General Audit Reports

## Property Management

The OJP Financial Guide requires that property acquired with federal funds be adequately protected from loss. Grant recipient and subrecipient property records must also be maintained and include, at a minimum, a description of the property, serial number or other identification number, location of the property, and records that indicate the use and condition of the property. The 12 OIG Byrne JAG audits found that 5 of the 12 grant recipients had deficiencies related to property management. The deficiencies included not placing equipment items purchased with grant funds into operation for years after purchase, not maintaining property disposal records, and not reporting the loss of grant funded equipment to the appropriate state officials. A summary of all the property management weaknesses is listed in the table below.

### Exhibit 9: Property Management Deficiencies Found During OIG Audits of Byrne JAG Grant Recipients

Grant Recipient	Deficiencies Found
Kenosha, Wisconsin, Police Department	The Kenosha Police Department did not maintain property disposal records.
Nevada Department of Public Safety	The grantee could not account for 1 of the 10 property items we tested. The item was a camcorder that was lost during a police operation in July 2008. The grantee could not provide documentation to support the disposition of the camcorder. The grantee did not report the loss to the appropriate state office as required until after we notified the grantee of the missing item.
Washington, D.C., Justice Grants Administration	The Justice Grants Administration did not maintain a property inventory list or an inventory system capable of meeting the requirements in OJP's Financial Guide.
Atlanta, Georgia, Police Department	The Police Department could not account for a \$2,975 property item used to enforce speed limits. A police officer stated he did not know the location of the item that was assigned to an officer on duty in Iraq.

Grant Recipient	Deficiencies Found
City of Jackson, Mississippi <sup>23</sup>	<p>In December 2008, the city spent \$79,546 in grant funds for a "line of fire" targeting package for the Police Department's firing range. As of January 2010, the targeting package had not been installed pending site preparation work that had not been completed because the cost had risen from \$15,000 to closer to \$50,000.</p> <p>The city also spent \$49,776 for 262 global positioning system (GPS) units to assist police officers in responding to calls. More than 2 years later, 161 of those GPS units, valued at \$31,418, were still in the Police Department's warehouse because the units provide only geographic coordinates. The GPS units are now obsolete because the Police Department is now installing laptop computers with GPS software.</p> <p>In September 2007, the city spent \$204,600 in grant funds for 50 laptop computers to be installed in patrol cars. As of October 19, 2009, 47 of the laptops, valued at \$192,324, were still in the Police Department's warehouse because of: (1) delays in upgrading the city's network infrastructure, and (2) the Police Department wanting to install the laptops in newer vehicles needing additional equipment to complete installation. By January 2010, only 19 of the laptops had been installed in patrol cars.</p>

**Source:** Office of the Inspector General Audit Reports

### *Management of Subrecipients and Contractors*

The OJP Financial Guide states that grant recipients are responsible for monitoring subrecipients' activities to provide reasonable assurance that subrecipients administer Federal awards in compliance with Federal requirements. The 12 OIG Byrne JAG audits found that 7 of the 12 grant recipients had deficiencies related to management of subrecipients. The deficiencies included the lack of staff to adequately manage and oversee subrecipients of Byrne JAG funds, lack of procedures for validating the accuracy of performance data reported by Byrne JAG subrecipients, and lack of support for decisions to award Byrne JAG funds to subrecipients with lower scoring peer review scores than subrecipients with higher peer review scores that were not selected. A summary of all the weaknesses in the

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<sup>23</sup> The property management issues we found during the City of Jackson, Mississippi, Byrne JAG audit were related to the Office of Community Oriented Policing Services Technology grant and not the city's Byrne JAG grants. However, we believe these issues could occur on Byrne JAG grants if significant quantities of equipment items are purchased on those grants.

management of subrecipients and contractors activities is listed in the table below.

**Exhibit 10: Management of Subrecipients and Contractors  
Deficiencies Found During OIG Audits of  
Byrne JAG Grant Recipients**

<b>Grant Recipient</b>	<b>Deficiencies Found</b>
Office of the Governor of Kansas	<p>Monitoring practices were not adequate to prevent discrepancies in progress and Recovery Act reports.</p> <p>One subrecipient made unapproved expenditures totaling \$29,388, two subrecipients did not provide accurate support for progress reports, and one subrecipient was not able to provide any supporting documentation for progress reports.</p> <p>Also, 14 of 26 subrecipients' Job Creation and Retention Reports were accurate and supported, while 12 of 26 subrecipients reported incorrect data on their Job Creation and Retention Reports.</p>
Nevada Department of Public Safety	<p>The Office of Criminal Justice Assistance (OCJA), responsible for administering the grants, had no controls to ensure that progress reports submitted by subrecipients were accurate. An OCJA official stated that verifying the data would be time consuming and unnecessary because subrecipients would not intentionally report inaccurate data.</p>
Washington, D.C., Justice Grants Administration	<p>The JGA did not always award funds to subrecipients with the highest ranking peer review scores. The grantee indicated that these decisions were made at the Director's discretion, but could not provide documentation justifying or supporting the decisions.</p> <p>The grantee did not have a finalized policy in place outlining the solicitation and award processes.</p> <p>The grantee did not verify the accuracy of program information submitted by subrecipients in their quarterly reports.</p> <p>The grantee does not use the findings from reviews of subrecipients to assess risk when considering the subrecipients for future awards.</p>

Grant Recipient	Deficiencies Found
Indiana Criminal Justice Institute	<p>The Institute lacked adequate staff to properly oversee and manage the JAG awards. The Institute had one program monitor assigned to oversee 139 subrecipients under the 2007 and 2008 JAG awards, as well as 34 subrecipients under the 2009 Recovery Act JAG award. This individual was no longer employed by the Institute at the time of our audit, and no new employee had been hired to assume oversight of the Institute's JAG-funded programs. The Institute also did not have a policies and procedures manual for subrecipients to use in managing awards.</p> <p>During the 39-month review period of the audit, the Institute's documentation indicated that the Institute had only conducted site visits for 21 of the 139 sub-awards under the 2007 and 2008 JAG awards.</p> <p>One subrecipient received a site visit related to its 2007 JAG-funded sub-award. At that time, the subrecipient's program had few participants and the award lacked the specifics necessary to measure program goals and objectives. As a result, the Institute recommended the subrecipient develop more measurable grant objectives. The subrecipient never responded to the recommendation, yet the Institute awarded additional funds to this subrecipient under the 2008 JAG award.</p> <p>The Institute did not review or follow up with subrecipients when required forms or reports contained missing, incomplete, erroneous, or questionable information. Also, the grantee did not require its subrecipients to submit any supporting documentation with their reimbursement requests. Instead, the Institute simply paid subrecipients the amounts reflected on their submitted claims.</p> <p>The Institute staff approved numerous subrecipient budget proposals containing salary terms that were vaguely worded and were an open-ended portion of the employee's total activity. In one instance, the Institute approved a subrecipient budget where it was estimated that one employee would work approximately one extra day each week and would receive an additional approximately one-half of that employee's salary costs.</p>

Grant Recipient	Deficiencies Found
City of Jackson, Mississippi	A City of Jackson official stated there were no policies or procedures for monitoring Hinds County because the city was not aware of the monitoring requirements. The only monitoring the City of Jackson did was to review the invoices that one county submitted for reimbursement of its grant costs. However, those reviews were not adequate because some payments to that county included unallowable and unsupported costs.
Atlanta, Georgia, Police Department	The Police Department did not monitor its subrecipients and had no procedures for doing so. Consequently, 61 percent of reimbursements to one subrecipient were not adequately supported by purchase orders, receipts, timesheets, or other supporting documentation. The Police Department received funding under the 2009 Recovery Act grant to hire a Project Administrator to oversee eight subrecipients of Recovery Act funds. On June 15, 2010, a city official stated that a Project Administrator had been hired and was scheduled to begin work the following week.
Louisiana Commission on Law Enforcement	The staff conducting the monitoring reviews generally spent only 4 hours during the visits and the audit found that the site visit reports contained unanswered questions or inaccurate information. In addition, the grantee did not complete 7 of 10 monitoring reports.

**Source:** Office of the Inspector General Audit Reports

### *Reporting*

The OJP Financial Guide required grantees to submit to OJP two types of reports: Financial Status Reports and annual program progress reports. Financial Status Reports provided information on funds spent and the unobligated amounts remaining for the grants.<sup>24</sup> The Financial Guide required that grantees submit the Financial Status Reports within 45 days after the end of each calendar quarter.<sup>25</sup> The Byrne JAG annual progress reports provide information on the status of funded activities. FY 2008 and prior awards have a permanent annual progress reporting period of January 1 through December 31, with reports due March 31. For FY 2009 and later awards, including Recovery Act Byrne JAG grants, recipients must submit quarterly Performance Metric Tool reports in addition to annual

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<sup>24</sup> Grant funds are obligated when a valid purchase order or requisition is issued to cover the cost of purchasing an authorized item on or after the begin date of the grant and up to the last day of the grant period.

<sup>25</sup> Beginning with the quarter ended December 31, 2009, the Financial Status Report was replaced with the Federal Financial Report. The Federal Financial Report is required to be submitted 30 days after the end of the calendar quarter.

progress reports. Grantees receiving Recovery Act funding also must submit quarterly reports, which require both financial and programmatic data specific to Recovery Act activities. Recovery Act grant recipients are required to submit the Recovery Act Reports within 10 days after the close of each quarter.

Financial Status Reports

The 12 OIG Byrne JAG audits found that 2 of the 12 grant recipients submitted Financial Status Reports that were significantly late, with one as late as 575 days. In addition, 2 of the 12 grantees submitted Financial Status Reports containing significant inaccurate financial data, such as incorrect grant expenditures. Exhibit 11 summarizes these findings.

**Exhibit 11: Financial Status Report Deficiencies Found During OIG Audits of Byrne JAG Grant Recipients**

Grant Recipient	Deficiencies Found
Marion County, South Carolina	Marion County submitted the required Financial Status Reports 84 and 4 days late for its 2009 Recovery Act Byrne JAG grant. Marion county had a similar deficiency with its 2005 Byrne JAG grant reporting when it did not submit five of six required Financial Status Reports and submitted the final financial report 575 days late. Grant management officials said they had not had a grant manager and were not aware of the requirements for submitting the Financial Status Reports.
Washington, D.C., Justice Grants Administration	The Financial Status Reports submitted for the 2008 Byrne JAG award contained expenditures for unapproved subrecipients. A difference of more than \$466,000 existed between what was reported on the Financial Status Reports and the actual expenditures for the approved subrecipients.
Atlanta, Georgia, Police Department	Three of 27 Financial Status Reports tested were submitted from 1 to 82 days late. Two of the Financial Status Reports were late because the person responsible for preparing the reports had only been in her position for a short time and was not aware that she was responsible for submitting the Financial Status Reports. City officials could not explain why the other report was submitted late.

Grant Recipient	Deficiencies Found
Indiana Criminal Justice Institute	The grantee did not report program income on the Financial Status Reports submitted to OJP even though the quarterly financial reports from some subrecipients reflected program income. Grantee personnel responsible for preparing the Financial Status Reports stated that they were not aware that program income earned should have been included on the Financial Status Reports.

**Source:** Office of the Inspector General Audit Reports

### Annual Progress Reports

The 12 OIG Byrne JAG audits found that 5 of the 12 grant recipients submitted annual progress reports that were significantly late, with one as late as 339 days. In addition, 6 of the 12 grantees submitted annual progress reports containing significantly inaccurate data, including inaccurate performance measurement data. Exhibit 12 summarizes these findings.

#### **Exhibit 12: Annual Progress Report Deficiencies Found During OIG Audits of Byrne JAG Grant Recipients**

Grant Recipient	Deficiencies Found
Marion County, South Carolina	The grant recipient did not submit any of the annual progress reports for its 2005 Byrne JAG grant, except for the final progress report. The grant period was from October 1, 2004, through September 30, 2008. Grant management officials said they had not had a grants manager and were not aware of the requirements for submitting progress reports.
Kenosha, Wisconsin, Police Department	One of five annual progress reports tested was not submitted in a timely manner. The progress report associated with the 2006 Byrne JAG award for the period ending December 31, 2008, was filed 26 days late.
Office of the Governor of Kansas	Only three of the six subrecipients sampled provided adequate and accurate support regarding progress reports submitted. Two subrecipients did not provide accurate support for progress report data and one subrecipient was not able to provide any supporting documentation for progress report data. Grant officials could not explain why the subrecipients were unable to support the reported information.
Nevada Department of Public Safety	The eight performance measures tested in the annual progress report for one of the grant recipient's 2008 Byrne JAG grants for October 1, 2007, through December 31, 2008, were inaccurate. Seven performance measures were understated and one performance measure was overstated.

Grant Recipient	Deficiencies Found
Washington, D.C., Justice Grants Administration	<p>For the 2008 Byrne JAG award, the grant recipient submitted the first progress report timely, but had not submitted the second required progress report by the March 31, 2010, due date. For the 2009 Recovery Act Byrne JAG award, the grant recipient did not submit the progress report in a timely manner. In addition, the Justice Grants Administration did not verify the accuracy of program information submitted by subrecipients in their quarterly reports.</p>
Atlanta, Georgia, Police Department	<p>Eleven annual progress reports for six Byrne JAG grants were submitted from 6 to 339 days late. In addition, for one of the grant recipient's 2006 Byrne JAG grants, the final progress report had not been submitted and was 163 days late as of June 10, 2010. City officials cited various reasons for the late reports including layoffs of hundreds of city workers that put added responsibilities on the remaining staff, and failure to understand the reporting requirements.</p> <p>The audit also found four annual progress reports for two Byrne JAG grants that were either inaccurate or unsupported. For one of the 2006 Byrne JAG grants, the progress reports for the periods ended June 30, 2008, and August 31, 2008, showed that 756 and 257 youth, respectively, had completed nonviolence training. However, city officials could only provide one sign-in sheet showing that 19 youth attended conflict resolution training on June 2, 2007. For one of the city's 2007 Byrne JAG grants, the progress report for the period ended December 31, 2008, stated that in cooperation with the Police Athletic League, the city had organized several youth sports teams and purchased uniforms. The final progress report for the period ended March 31, 2009, cited numbers of arrests for various types of crimes. City officials could not provide support for these actions reported in the progress reports.</p>

Grant Recipient	Deficiencies Found
Indiana Criminal Justice Institute	The grantee significantly underreported three metrics on its Calendar Year 2008 annual report for its 2007 Byrne JAG grant. Regarding methamphetamine-related arrests, the number of arrests was underreported by 705, the amount seized was underreported by at least 2,763 grams, and the street value of the seizures was underreported by at least \$785,917. While grantee staff knew about the inaccuracies prior to our audit, they had not notified OJP of the errors. Grantee staff said that the inconsistencies were caused from a lack of clarity on the subrecipient quarterly reporting forms for drug task forces, which were totaled for the annual report.
Louisiana Commission on Law Enforcement	The grantee submitted a single progress report for the period ended December 31, 2008, for all of its Byrne JAG grants, instead of issuing a separate report for each grant as required. The report was also submitted 86 days late. The report contained data on the accomplishment of goals, but the grant recipient could not provide baseline data for the goals we tested. The same situation occurred for the performance measurement tool report submitted for the 2009 Byrne JAG grant for the period ended September 30, 2009. Therefore, we could not determine if the performance data in this report was accurate.

**Source:** Office of the Inspector General Audit Reports

### Quarterly Recovery Act Reports

The 12 OIG Byrne JAG audits found that 3 of the 12 grantees submitted Recovery Act reports containing significant inaccurate data, such as overstated and understated subrecipient data.

### **Exhibit 13: Quarterly Recovery Act Report Deficiencies Found During OIG Audits of Byrne JAG Grant Recipients**

Grant Recipient	Deficiencies Found
Atlanta, Georgia Police Department	In its Recovery Act report for the quarter ended December 31, 2009, the city reported that it had created 22 new positions. However, documentation provided by the city showed that 3 of the 22 positions were filled after December 31, 2009. Therefore, the city overstated the December 31, 2009, report by three positions.
Indiana Criminal Justice Institute	The grantee's Recovery Act report for the quarter ended December 31, 2009, double counted three subrecipients, which resulted in an overstatement of sub-awards made by three and total funds awarded by \$5,773,533.

Grant Recipient	Deficiencies Found
Louisiana Commission on Law Enforcement	The grantee's Recovery Act report for the period ended December 31, 2009, did not include data for 9 of the grantee's 131 subrecipients. A grantee official stated they did not have any notes about why one report was late, one subrecipient submitted its report after the federal reporting deadline, and another subrecipient had not accepted its award by the reporting deadline. The official did not know why three subrecipients did not submit data. The other three subrecipients provided a variety of reasons for not submitting reports including: (1) the agency had a backlog of reports, (2) staff had a family emergency, and (3) staff was not informed of the notices to report.

**Source:** Office of the Inspector General Audit Reports

### *Program Performance and Accomplishments*

The grant award documents require grant recipients to perform activities related to meeting the program goals and accomplishments stated in the grant solicitation and application.

We asked grantee officials how they identify and share best practices among subrecipients. While some grantee officials told us they had no formal procedures for identifying and sharing best practices, the methods other grantee officials told us they used included: (1) using customer satisfaction surveys, (2) using e-correspondence to communicate information, (3) conducting training programs with subrecipients, and (4) holding staff and community justice meetings to share information. Despite these efforts, the 12 OIG Byrne JAG audits found that 4 of the 12 grant recipients had deficiencies related to program performance and accomplishments.

### **Exhibit 14: Program Performance and Accomplishments Deficiencies Found During OIG Audits of Byrne JAG Grant Recipients**

Grant Recipient	Deficiencies Found
Nevada Department of Public Safety	Information contained in the progress report indicated that activities had occurred that matched the goals of the JAG program. However, the progress reports submitted were based on information provided by subrecipients, and the Nevada Office of Criminal Justice Assistance does not verify the information. Therefore, we could not confirm whether progress was made towards program goals and objectives.

Grant Recipient	Deficiencies Found
City of Jackson, Mississippi	We could not determine whether the City of Jackson met or was meeting the goals and objectives of the grants because it had not identified appropriate measures of performance or a method for measuring progress.
Atlanta, Georgia, Police Department	The grant recipient did not meet, or could not show that it met, most grant goals and objectives.
Louisiana Commission on Law Enforcement	The grant recipient made sub-awards for allowable programs according to the JAG purpose areas. However, we were not able to determine how well the grant recipient is accomplishing its goals and objectives because it reported performance based upon subrecipient reports that are not verified to supporting documentation.

**Source:** Office of the Inspector General Audit Reports

We also asked grantee officials what effect has Byrne JAG funding fluctuations had on their plans to implement their criminal justice efforts. Some grantee officials told us that projects went underfunded and had to be cut back, while other projects were not funded at all. Officials from the Florida Department of Law Enforcement told us that they fund programs that can be completed in one year so that the funding fluctuations will not affect program progress. New Jersey officials said that because of the uncertainty of federal funds, New Jersey develops new programs by setting aside several years of funding within federal funding cycles to stabilize new projects for implementation.

### *Conclusion*

Our individual audits of 12 Byrne JAG grantees concluded that multiple grantees had deficiencies in the following areas:

- internal control environment (4 grantees),
- grant expenditures (5 grantees),
- property management (5 grantees),
- monitoring of subrecipients and contractors (7 grantees),
- reporting (8 grantees), and
- program performance (4 grantees).

The deficiencies we found indicate that grant recipients lack appropriate procedures and practices in implementing important grant

requirements established by OJP and the Office of Management and Budget. The failure to implement the grant requirements can lead to mismanagement or improper use of grant funds. Because multiple grantees had deficiencies in the same areas, we believe that OJP should issue additional guidance to all Byrne JAG grant recipients to help improve grantee compliance in these areas. While most of the deficiencies we noted on these audits were in the non-Recovery Act Byrne JAG grants, we believe the results are applicable more broadly to management of the annual Byrne programs. This is because many of the requirements for the annual Byrne programs and the Recovery Act Byrne program are similar such as the requirements to: (1) maintain supporting documentation for drawdowns and expenditures, (2) account for property acquired with grant funds, and (3) submit timely and accurate financial and progress reports.

## **Recommendations**

We recommend that the Office of Justice Programs:

1. Establish procedures to ensure that future Byrne JAG solicitations:
  - (1) clearly describe what material is required to be submitted with the grant application, and
  - (2) instruct applicants that applications lacking any of the required material will be sent back for additional information.
2. Do not process future Byrne JAG applications until required material is received.
3. Provide additional training and oversight of Byrne JAG grant recipients to ensure that they:
  - establish adequate internal controls for managing and safeguarding Byrne JAG Program funds;
  - expend Byrne JAG funds in accordance with program guidelines and maintain adequate documentation to support expenditures;
  - establish and implement adequate property management procedures to ensure property purchased with grant funds are adequately protected against loss and waste;
  - establish policies and procedures for monitoring subrecipients' activities to provide reasonable assurance that subrecipients administer Byrne JAG funds in accordance with program guidelines;
  - submit financial and progress reports in a timely manner;

- submit financial, progress, and Recovery Act reports containing accurate data; and
- maintain adequate documentation to show they are meeting the goals and objectives of their Byrne JAG grants.

## 2. OJP’S MANAGEMENT OF RECOVERY ACT AWARDS MADE UNDER THE BYRNE COMPETITIVE GRANT PROGRAM

OJP’s management of Recovery Act awards made under the Byrne Competitive Grant Program was generally appropriate, and OJP made the discretionary awards in a prompt and reasonable manner. However, we noted some processes that could be improved. For instance, the BJA and the OJJDP allowed some grant applicants to continue through the competitive process even though the applications did not meet one or more of the solicitation requirements for which other applicants were denied further consideration. Some applicants that did not meet the solicitation requirements were selected for grant awards. The BJA and the OJJDP informed applicants of their denial when the applications were not passed during the basic minimum requirements review but did not tell the applicants the reason for their denial. The BJA and the OJJDP also did not enter the correct reasons for the denials in the Grants Management System. In addition, we noted deficiencies in the BJA’s and the OJJDP’s peer review processes for evaluating and scoring grant applications, and for fully documenting the basis for award recommendations.

The Recovery Act provided \$225 million to OJP for the Edward Byrne Competitive Grant Program. OJP developed a spending plan that allocated the \$225 million for four purposes as shown in Exhibit 15. OMB approved OJP’s spending plan in March 2009.

**EXHIBIT 15: OJP’s Allocation of Recovery Act Byrne Competitive Grant Program Funds**

Purpose	Amount
Edward Byrne Memorial Competitive Grant Program	\$120,750,000
BJA Training and Technical Assistance	\$4,500,000
OJJDP National and Local Youth Mentoring Programs	\$97,500,000
NIJ Research	\$2,250,000
<b>Total</b>	<b>\$225,000,000</b>

**Source:** Office of Justice Program’s Recovery Act Spending Plan

For this audit, we reviewed the Byrne Competitive Grant Program and the OJJDP National and Local Youth Mentoring Programs. The BJA Training and Technical Assistance funding was included in the Byrne Competitive Grant Program solicitation and we included that funding in our review. We

did not review the NIJ Research funding because of the low amount of funding involved. In total, our review encompassed \$222.75 million, or 99 percent, of the Recovery Act Byrne Competitive Grant funding received by OJP.

### *Byrne Competitive Grant Recovery Act Funds*

After we informed OJP of transparency problems with their JAG website in March 2009, we noted another transparency issue pertaining to the web-posting of information pertaining to the Byrne Competitive grants. OJP's Recovery Act website identifies the \$225 million for the Edward Byrne Competitive Grant Program and provides a link to the BJA's Recovery Act website that provides more specific information about the funding.<sup>26</sup> However, the BJA's website discusses the planned use of only \$222.75 million of the \$225 million authorized for the Byrne Competitive Grant Program as follows.

- \$125.25 million was identified for the Byrne Competitive Grant Program.
- \$97.5 million was identified for the OJJDP's FY 2009 Recovery Act Local Youth Mentoring Program and FY 2009 Recovery Act National Youth Mentoring Program.

OJP's planned use of the remaining \$2.25 million was not readily disclosed on either OJP's or the BJA's Recovery Act websites. OJP officials told us that the remaining \$2.25 million would be used by the NIJ to perform research and evaluation to improve the functioning of the criminal justice system, assist victims of crime, and enhance youth mentoring programs.

In addition, neither OJP's nor the BJA's websites disclose that \$4.5 million of the \$125.25 million allocated to the Byrne Competitive Grant Program will be used by the BJA to solicit training and technical assistance services, to include soliciting for a national organization to work collaboratively with state administering agencies to support local justice planning processes that influence the manner in which Byrne JAG funds are used.

OJP should revise the Byrne Competitive Grant Program funding information contained on the BJA's Recovery Act website to make it clear that \$2.25 million of program funds will be used by the NIJ to perform

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<sup>26</sup> OJP's Recovery Act website can be found at [www.ojp.usdoj.gov/recovery/](http://www.ojp.usdoj.gov/recovery/), and BJA's Recovery Act website can be found at [www.ojp.usdoj.gov/BJA/recoveryact.html](http://www.ojp.usdoj.gov/BJA/recoveryact.html).

research and evaluation and \$4.5 million will be used by the BJA to obtain training and technical assistance services. 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 funds meet the purposes of the Recovery Act, and links to any solicitations associated with these funds.

### **Recovery Act Funding for the Byrne Competitive Grant Program and Training and Technical Assistance**

On March 19, 2009, OJP's BJA issued a solicitation for the Byrne Competitive Grant Program. The solicitation provided that potential grantees could apply for funding under one of the following eight categories.

- Category I: Comprehensive Data Driven Approaches to Preventing and Reducing Violent Crime
- Category II: Providing for Funding of Neighborhood Based Probation and Parole Officers as a compliment to Community Oriented Policing Services
- Category III: Reducing Mortgage Fraud and Crime Related to Vacant Properties
- Category IV: Hiring of Civilian Law Enforcement Support Personnel
- Category V: Enhancing Forensic and Crime Scene Investigations
- Category VI: Improving Resources and Services for Victims of Crime
- Category VII: Supporting Problem Solving Courts
- Category VIII: Training and Technical Assistance

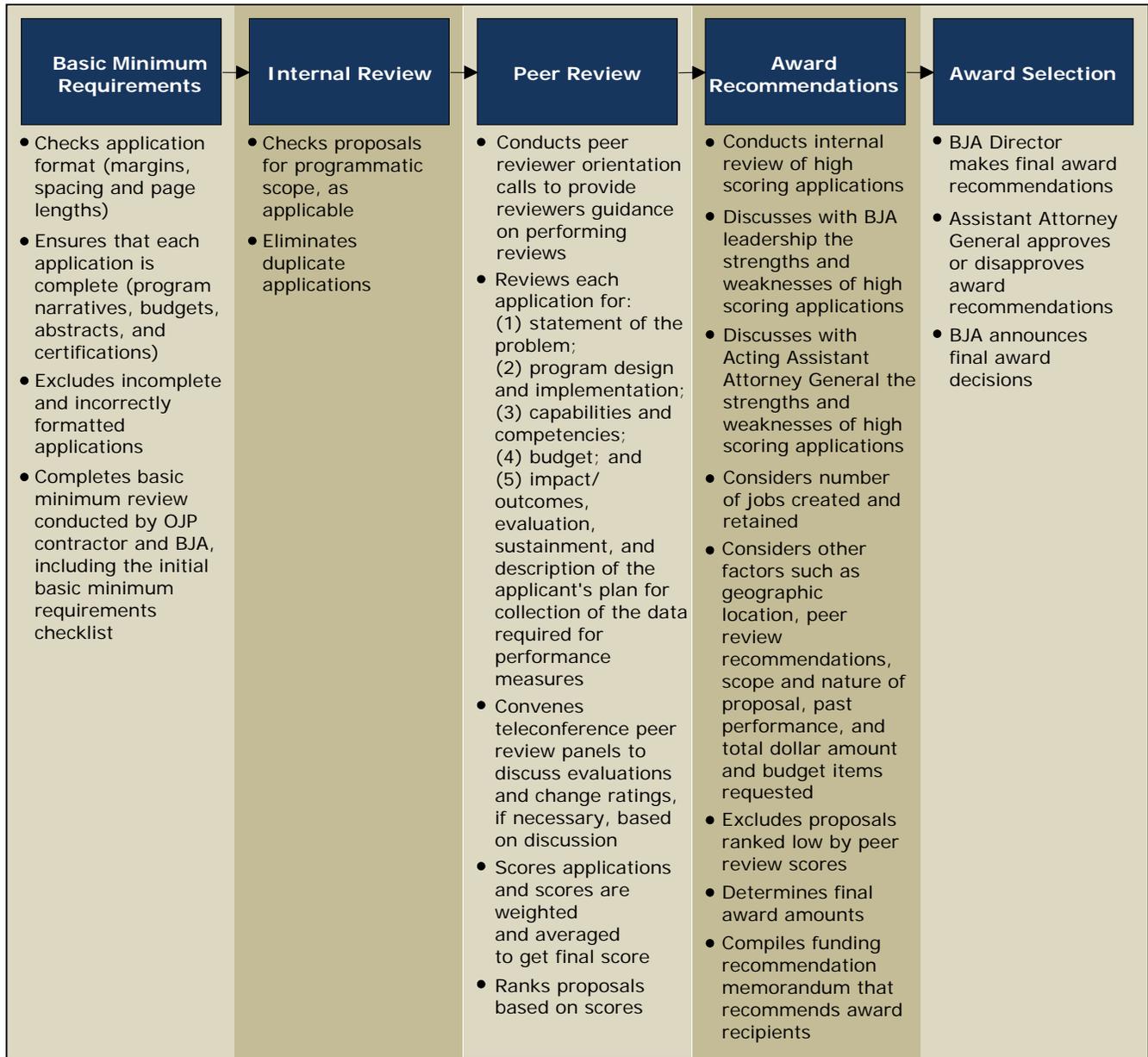
The BJA used a multi-step process to evaluate applications for its Byrne Competitive Grant Program that included:

- basic minimum review of applications by an OJP contractor,
- a basic minimum and internal review of applications by BJA staff,
- a peer review by subject matter experts of applications that make it through the basic minimum review and internal review processes,

- an internal review of high scoring applications by BJA staff,
- discussions with BJA leadership regarding strengths and weaknesses of high scoring applications,
- discussions with the Acting Assistant Attorney General regarding strengths and weaknesses of high scoring applications,
- an award recommendation process by the BJA program managers and the Acting Director of BJA, and
- an approval of awards by the Acting Assistant Attorney General.

Exhibit 16 provides a more detailed overview of the multi-step award process used by the BJA.

**EXHIBIT 16: Overview of the BJA Competitive Award Process  
for the Recovery Act Byrne Competitive Grants<sup>27</sup>**



**Source:** OIG Analysis of the BJA competitive award selection process

The BJA's competitive award selection process generally begins by screening applications for basic minimum requirements. This screening is performed by contractor personnel for each of the eight solicitation categories using a checklist to ensure that each application is complete,

<sup>27</sup> During the process for the Byrne Competitive Recovery Act awards, both the BJA Director position and the Assistant Attorney General position were filled by officials in an acting capacity.

formatted correctly, and submitted under the correct category. At the same time, applications in categories I, III, V, VII, and VIII undergo an internal review by BJA personnel who check each application to ensure that it meets the scope of the category and that duplicate applications are excluded. Categories II, IV, and VI did not go through an additional full internal review because of the type of projects funded. BJA officials explained that these categories had straight-forward objectives that did not require additional internal reviews.

According to BJA officials, applications that do not pass the basic minimum review or the internal review are rejected and the applicants are notified by the BJA of the rejection. The remaining applications move to the peer review process, where they are usually reviewed by a panel of three subject matter experts based on the program specific criteria outlined in the solicitation. The peer reviewers assess and score each application in five evaluation areas consisting of statement of problem; program design; capabilities and competencies; budget; and impact/outcomes, evaluation, sustainment, and description of the applicant's plan for the collection of data required for performance measures.

After the peer reviewers evaluate and score each assigned application, the BJA holds "consensus calls" with each peer review panel. The consensus calls allow the three peer reviewers on each panel to discuss their ratings with each other. The discussion allows the peer reviewers to share considerations that some reviewers may have missed. Following the consensus call, the peer reviewers may change their scores if they deem appropriate. According to BJA officials, BJA staff monitors the consensus call and makes notes of any peer reviewer bias and whether peer reviewers appear to exert undue influence over other peer reviewers. BJA officials told us that BJA staff takes these factors into consideration when making funding recommendations. Peer reviewers may adjust their own scores during the consensus call. The OJP contractor uses the final peer review scores to compute a final weighted and averaged score for each applicant. The scoring computation is done electronically in the Grants Management System based on weights established in the grant solicitation as shown in the following exhibit.

**Exhibit 17: Weighted Scoring for the Recovery Act  
Byrne Competitive Grants**

<b>Element</b>	<b>Weight</b>
Statement of Problem	15%
Program Design	30%
Capabilities and Competencies	25%
Budget	10%
Impact/Outcomes	20%
<b>Total</b>	<b>100%</b>

**Source:** BJA's Solicitation for the Byrne Competitive Grants

These weights were applied to each peer reviewer's score for each application. After the scores were weighted, the three weighted scores from the three peer reviewers for each application were averaged to obtain the final score for each application. The final score was then used to rank the applications.

After determining the final score rankings, to help determine which applications to recommend for funding BJA staff conducted an internal review of high scoring applications; held discussions with BJA leadership regarding strengths and weaknesses of the high scoring applications; held discussions with the Acting Assistant Attorney General regarding strengths and weaknesses of the high scoring applications; considered the number of jobs created and retained; and considered other factors, such as geographic location, peer review recommendations, scope and nature of the proposal, past performance, and total dollar amount and budget items requested.

BJA staff then compiled for the BJA Director's approval a funding recommendation memorandum. The memorandum listed all the applications peer reviewed, the final peer review scores, whether or not the applications were recommended for award, and explanations for why any applications scored higher than others were not recommended for funding. Under DOJ guidelines, funding recommendation memoranda should document reasons for providing awards to applicants whose proposals do not receive the highest peer review scores.<sup>28</sup>

After receiving the funding recommendation memorandum, the Acting BJA Director made the final award recommendations and the Acting

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<sup>28</sup> In May 2008, the DOJ's Associate Attorney General issued a memorandum requiring that awarding agencies document their discretionary award decisions. The award recommendation memorandum should include the peer review scores given to each application and explain why an application that received a high peer review score did not receive an award.

Assistant Attorney General for OJP approved the recommendations. Given that numerous in-depth discussions and reviews took place among BJA staff, the BJA Acting Director, and the Acting Assistant Attorney General regarding the high scoring and recommended applications, the Acting Assistant Attorney General did not disapprove of the final recommendations.

The following sections detail our assessment of the BJA's implementation of each phase of the award process described above for the Byrne Competitive Grant Program.

*Basic Minimum Requirements Review of Applications*

For the Byrne Competitive Grant Program, the BJA received 3,672 applications distributed among the 8 solicitation categories as shown in the following exhibit.

**Exhibit 18: Applications Received for the Byrne Competitive Grant Program Solicitation By Category**

<b>Category</b>	<b>Category Description</b>	<b>Applications Received</b>
I	Comprehensive Data Driven Approaches to Preventing and Reducing Violent Crime	890
II	Providing for Funding of Neighborhood Based Probation and Parole Officers as a Compliment to Community Oriented Policing Services	227
III	Reducing Mortgage Fraud and Crime Related to Vacant Properties	124
IV	Hiring of Civilian Law Enforcement Support Personnel	859
V	Enhancing Forensic and Crime Scene Investigations	398
VI	Improving Resources and Services for Victims of Crime	630
VII	Supporting Problem Solving Courts	394
VIII	Training and Technical Assistance	150
<b>Total Applications Received</b>		<b>3,672</b>

**Source:** OIG Analysis of Bureau of Justice Assistance Data

A BJA contractor used the basic minimum requirements checklist included in this report as Appendix III to review the 3,672 applications and identified 1,477 applications (40 percent) that did not meet one or more of the solicitation requirements as shown in the following exhibit.

**Exhibit 19: Applications Failing to Meet One or More of the Solicitation Requirements**

Category	Applications		
	Reviewed	Did not Meet One or More Requirements	Percent Failing to meet Requirements
I	890	352	40%
II	227	63	28%
III	124	40	32%
IV	859	364	42%
V	398	171	43%
VI	630	257	41%
VII	394	170	43%
VIII	150	60	40%
<b>Totals</b>	<b>3,672</b>	<b>1,477</b>	<b>40%</b>

**Source:** OIG Analysis of Bureau of Justice Assistance Data

The solicitation for the Byrne Competitive Grant Program stated that only applications submitted by eligible applicants that meet all other requirements, such as timeliness, proper format, required attachments, and responsiveness to the scope of the solicitation, would be evaluated, scored, and rated by a peer review panel. The solicitation specifically required that the application package include a Standard Form 424 (Application for Federal Assistance), program abstract, program narrative, budget and budget narrative, project timeline and position descriptions, and certifications related to the appropriate use of funds, reporting on the use of funds, and use of funds for infrastructure investments. However, although the 1,477 applications did not meet one or more of the solicitation requirements, we found that the BJA selected 649 of these applications to continue through the competitive process and be peer reviewed. The solicitation requirements that were not met by these 649 applications included the following:

- application did not include a budget,
- application did not include a program narrative,
- application did not include a project timeline,
- application did not meet formatting requirements,
- application did not contain a Use of Funds Certification form, and

- application did not contain an Infrastructure Investments Certification form.

BJA officials told us that based on discussions among BJA and OJP leadership, their unwritten policy was to not consider the lack of certifications as a significant enough reason to warrant not sending 508 applications missing certifications to peer review. BJA and OJP officials acknowledge that the certifications on use of funds and infrastructure investments are required before a grantee can receive funds, but believe the certifications are not essential before sending otherwise eligible applications to peer review. Because only a small percentage of applications received are actually selected for award, we agree that obtaining the certifications prior to determining whether or not the applicant will be selected for award is not essential and would be burdensome on BJA staff. However, 141 applications not meeting other solicitation requirements also continued through the peer review process.

After we raised these issues to BJA, in April 2010 the BJA established a written policy that clearly defined the requirements that must be met for applications to be sent to peer review. The policy provided that future solicitations must contain basic requirements and that additional requirements must be clearly identified as required for peer review in the solicitation.

Further analysis showed that the BJA selected some applications to continue through the competitive process and be peer reviewed that did not meet one or more of the solicitation requirements, at the same time it denied other applications for not meeting those same basic minimum basic requirements. Four of these applications that did not meet the solicitation requirements were selected for award. We found these issues for the applications in Categories I, II, V, VII, and VIII as detailed in the following sections.

#### Category I Applications

For the Category I applications, we found that the BJA denied 84 applications that failed to meet one or more of the solicitation requirements. Thirty-five of these 84 applications were denied because the applications failed to meet a single requirement. These 35 applications either had no budget (3), no program narrative (1), no project timeline (8), incorrect formatting (21), or were missing certifications (2).

The BJA did not deny 123 applications in Category I that failed to meet one or more of these same solicitation requirements. Specifically, 3

applications had no budget, 2 applications had no program narrative, 5 applications had no project timeline, 9 applications had incorrect formatting, and 112 applications had missing certifications.<sup>29</sup> Instead, the BJA selected these 114 applications to continue through the competitive process and be peer reviewed. Three of these 123 applications were selected for award. The missing components for these three applications were either that the application was missing certifications (2), or the formatting was wrong (1). As previously discussed, even though the solicitation required the certifications for the applications to be peer reviewed, BJA did not consider missing certifications to be significant enough to warrant not sending the applications to peer review. Consequently, BJA subsequently established policy that does not require certifications in order for an application to go to peer review. This discussion of certifications applies to certification issues discussed in the following sections for Category VII and VIII applications.

### Category II Applications

For the Category II applications, the BJA denied 17 applications that failed to meet one or more of the solicitation requirements. Six of these 17 applications were denied because the applications did not contain a project timeline (4) or were not formatted correctly (2).

The BJA did not deny two applications in Category II that failed to meet the formatting requirements. The BJA selected these applications to continue through the competitive process and be peer reviewed. However, these applications were not selected for award.

### Category V Applications

For the Category V applications, the BJA denied 69 applications that failed to meet one or more of the solicitation requirements. Seventeen of these 69 applications were denied because the applications did not contain a project timeline (6) or were not formatted correctly (11).

The BJA did not deny three applications in Category V that failed to meet the formatting requirements. The BJA selected these three applications to continue through the competitive process and be peer reviewed. However, none of the three applications was selected for award.

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<sup>29</sup> The total requirements not met add up to more than the 120 applications not meeting the requirements because some applications did not meet multiple requirements.

### Category VII Applications

For the Category VII applications, the BJA denied 50 applications that failed to meet one or more of the solicitation requirements. Twenty-four of these 50 applications were denied because the applications did not contain a project timeline (2), were not formatted correctly (21), or were missing certification forms (1).

The BJA did not deny 60 applications in Category VII that were missing certification forms. The BJA selected these 60 applications to continue through the competitive process and be peer reviewed. One of the 60 applications was selected for award.

### Category VIII Applications

For the Category VIII applications, the BJA denied five applications that failed to meet one or more of the solicitation requirements. Four of these five applications were denied because the applications were not formatted correctly (3) or were missing certification forms (1).

The BJA did not deny 15 applications in Category VIII that were missing certification forms. The BJA selected these 15 applications to continue through the competitive process and be peer reviewed. However, none of the 15 applications was selected for award.

We asked BJA officials why they did not consistently apply the solicitation requirements to all applicants. The officials told us that based on meetings and discussions among BJA and OJP leadership, BJA established an unwritten policy that applications would not be denied from going to peer review because of missing certifications because they did not believe this deficiency was significant. If the applications made it through peer review and were selected for award, BJA officials told us that they would then make sure the applicant submitted the certifications before drawing down any grant funds.

We note that while it is critical that BJA and OJP obtain certifications prior to allowing grantees to draw down money, we agree that missing certifications should not prevent applications from being peer reviewed. In addition, we also believe that it is important to ensure that the solicitations clearly define grant requirements and that BJA ensures requirements are met when it evaluates grant applications. Failure to evaluate and deny applications consistently for solicitation requirements creates the appearance that some applicants are not being treated equally or fairly. We believe the BJA's newly established policy will help ensure the solicitations clearly define

the requirements that applications must meet to be passed on to peer review.

*Notification of Applicants Not Passing the Basic Minimum Requirements Review or the Internal Review*

The OJP's Grant Manager's Manual requires that rejected applicants be provided a letter explaining the reason why the application was rejected. In OJP's Grant Management System, grant managers select one of several listed reasons for rejecting applications.<sup>30</sup>

According to the BJA's records, the BJA denied 1,049 applications that failed the basic minimum review, the internal review, or both reviews. We selected a sample of 96 of the 1,049 applications and requested documentation from BJA officials to determine whether the applicants were notified of the denial and of the reason for the denial. We found that for 1 of the 96 applications, the BJA's records incorrectly showed the application had been denied when in fact the application had been peer reviewed. Therefore, we reviewed the remaining 95 applications and determined the BJA notified all 95 applicants of the denial. However, the BJA did not inform any of the applicants of the reason for the denial. BJA officials told us it was their practice to not inform applicants of the reason for denials resulting from the basic minimum requirements review or internal review processes because of the cost, time, and workload required to provide this information. The officials also told us that the denial letter contained contact information for the BJA which the applicants could use to contact the BJA if they had questions.

We recommend that, to make the process more transparent, the BJA should inform the applicants that fail the basic minimum requirements review of the reasons for denying their applications. Doing so could lead to applicants submitting better application packages in the future that meet the basic minimum requirements and thus increase the competition for awards.

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<sup>30</sup> The reasons for rejecting an application that can be selected in the GMS are: (1) applicant rejected due to disbarment or suspension, (2) applicant did not demonstrate financial capability, (3) applicant failed to meet civil rights requirements, (4) applicant failed to respond after submitting grant application, (5) applicant failed to satisfy grant requirements, (6) applicant not eligible to apply, (7) applicant rejected due to unsatisfactory past performance, (8) applicant submitted more than one application, (9) applicant withdrew application, (10) application incomplete, (11) application submission in conflict with other state or local applicant, (12) application submitted after deadline, (13) applicant applied under the wrong solicitation, (14) competitive process selected other applicants, (15) concept paper application that will not result in an award, and (16) funding withdrawn or discontinued.

We also found that the BJA grant managers did not enter into the GMS the appropriate reason for denying the 95 applications. For each of the 95 denials, the grant managers recorded the denial reason in the GMS as the “competitive process selected other applicants.” However, none of these 95 applications made it past the basic minimum requirements review or the initial internal review and into the competitive peer review process. All 95 of the applications were actually denied for one or more of the other 15 reasons selectable in the GMS. While this is not required by the Peer Review Manual, we believe this is important information that should be entered accurately.

Because the GMS does not accurately reflect reasons applications were denied, it cannot be used to identify trend data that might help identify weaknesses in the process. For example, the GMS could be used to determine that a significant number of rejections resulted from a certain reason, such as non-responsive applications. Such data could indicate a need to clarify guidance in future solicitations that could result in more responsive applications and thus more competition among applicants.

#### *Peer Review Process*

OJP employed a contractor to coordinate and conduct the peer review process for all competitive grants awarded by OJP’s bureaus and offices. For the Byrne Competitive Grant program, the contractor established 92 peer review panels comprised of subject matter experts selected by the BJA. Prior to each peer reviewer reading and scoring applications, the peer reviewers participated in a category-specific conference call with the BJA to discuss:

- peer reviewers’ responsibilities,
- specific requirements of each category evaluated, and
- how the peer reviewers should evaluate and score applications.

If an OJP program office requires a deviation from the standard peer review procedures, program office officials must submit a waiver to the Office of the Assistant Attorney General for approval.

For peer reviewers who could not participate in the call, the contractor made available a recording of the call.

To help guide the peer review process, OJP developed a peer review manual containing the requirements for selecting peer reviewers and

performing the peer reviews. We identified the following key requirements for testing OJP's peer review process on the Byrne Competitive Grant applications.

- Each peer review panel must consist of a minimum of three peer reviewers.
- The peer reviewers must be approved by the bureau or program office leadership.
- Each peer reviewer must complete and sign a confidentiality agreement through which the peer reviewer agrees to not disclose information to any person or entity without the written consent of the BJA Director or the Director's designee.
- Each peer reviewer must complete and submit a Disclosure of Conflicts of Interest form identifying any potential conflicts with the applications assigned to review, or any other applications submitted under the solicitation for which the reviewer is aware. The reviewer must also agree to immediately stop work and make OJP aware of any conflicts that the reviewer becomes aware of during the review process.
- If a peer reviewer identifies any conflicts, those conflicts must be satisfactorily resolved before the peer reviewer can participate in the peer review process, or continue participation if the conflict arose during the review process.
- Each peer reviewer must score each evaluation category listed in the solicitation.

To test these peer review requirements, we selected a sample of 283 of the 2,623 peer reviewed applications. We analyzed the 283 applications and found that the peer review process was fairly and effectively implemented, with some minor exceptions, as discussed below.

#### Assignment of Peer Reviewers

A minimum of 3 peer reviewers were assigned to review 278 of the 283 applications. For the remaining five applications, only two peer reviewers reviewed the applications. BJA officials told us that two peer review panels were convened with only two peer reviewers each because of the late recusal of a reviewer on one panel and because of the failure of a reviewer on another panel to submit required review information. In both

cases, the BJA obtained a waiver from the Deputy Assistant Attorney General to convene the panels with only two reviewers. Therefore, we do not take exception to the two panels being convened with less than three reviewers.

However, the BJA did not inform the rejected applicants from these peer review panels of the departure from normal procedures. Instead, the non-funding letters that the BJA sent to the applicants stated incorrectly that three independent peer reviewers evaluated the application and noted strengths and weaknesses.

In addition, we found that the BJA senior leadership did not approve the peer reviewers as required by OJP's peer review manual. Instead, the BJA delegated peer reviewer approval authority to the staff level managers for each category under the solicitation. It is important for the BJA senior leadership to approve the reviewers in order to avoid the appearance that BJA staff members are manipulating the process by selecting the peer reviewers. In November 2009, BJA officials told us that in 2010, they plan to follow the Peer Review Manual requiring Bureau Program Office leadership to approve the reviewers.

#### Completion of Confidentiality Agreements and Disclosure of Conflicts of Interest Forms

A total of 251 different peer reviewers were assigned to review the 283 applications we sampled. All 251 peer reviewers had completed and signed the Confidentiality Agreement and the Disclosure of Conflicts of Interest forms as required. Five of the 251 reviewers indicated on their Disclosure of Conflicts of Interest form that they had a potential conflict related to reviewing the applications. For all five instances, BJA officials reviewed the conflicts and appropriately determined that the potential conflicts were not significant enough to interfere with the reviewers' ability to fairly evaluate the applications.

#### Scoring of Applications

The solicitation for the Byrne competitive grants required that the applications be evaluated and scored in the categories of:

- statement of the problem;
- program design and implementation;
- capabilities and competencies;

- budget; and
- impact/outcomes, evaluation, sustainment, and description of the applicant's plan for the collection of the data required for performance measures.

The peer reviewers evaluated and scored each of the five categories as required for all 283 applications we sampled. The reviewers scored each category on a scale of 0 to 10, with 0 being the lowest score possible and 10 being the highest.

After the peer reviewers evaluated and scored each assigned application, BJA staff held conference calls with each peer review panel as required. The calls allowed the peer reviewers on each panel to discuss their scores, and the basis for their scores, with each other. Each peer reviewer was then allowed to consider whether they wanted to adjust their score based on the conference call discussion. After the conference call, each peer reviewer finalized their scores of each application and these finalized scores were used by the BJA to compute the overall score for each applicant.

The scoring computations were done electronically in the Grants Management System based on the following weights established in the solicitation for each category.

**Exhibit 20: Weighted Scoring for the Recovery Act Byrne Competitive Grants**

<b>Element</b>	<b>Weight</b>
Statement of Problem	15%
Program Design	30%
Capabilities and Competencies	25%
Budget	10%
Impact/Outcomes	20%
<b>Total</b>	<b>100%</b>

**Source:** BJA's Solicitation for the Byrne JAG Competitive Grants

After each peer reviewer's score of an application was weighted, the weighted scores from the three peer reviewers on the panel were then averaged to come up with the final score that the BJA used to rank the applications and make award recommendations. We verified that the final scores for the 283 applications we sampled were correctly calculated based on the scores of the individual peer reviewers and the weighting criteria provided in the solicitation.

### *Award Recommendations*

After the final scores were calculated for all the applications in each of the eight solicitation categories, the OJP contractor ranked the applications from highest to lowest final score within each category. Based on the funding level that the BJA allotted to each category, BJA officials further analyzed the top scoring applications to determine how many and which ones would be funded. This analysis took into consideration factors such as:

- whether or not jobs were proposed to be created or retained,
- the cost of the proposed project in relation to the number of jobs to be created or retained,
- the scope and nature of the proposed criminal justice effort,
- whether the applicant is receiving grant funds to support similar activities through other Department of Justice funding sources,
- whether the applicant included unallowable construction or renovation costs in its proposal,
- the number and location of applications submitted for each state,
- past performance, and
- total dollar amount requested.

Based on this analysis for each category, BJA officials recommended 120 of the 2,623 applications peer reviewed for awards totaling \$125,250,000 as shown in the following exhibit.

**Exhibit 21: Applications Recommended for Award**

Category	Applications		
	Peer Reviewed	Recommended for Award	Amount
I	551	20	\$29,037,385
II	186	19	\$29,061,477
III	98	8	\$10,751,902
IV	645	33	\$22,747,487
V	280	12	\$8,313,977
VI	517	14	\$8,458,559
VII	264	9	\$12,379,213
VIII	82	5	\$4,500,000
<b>Totals</b>	<b>2,623</b>	<b>120</b>	<b>\$125,250,000</b>

**Source:** OIG Analysis of Bureau of Justice Assistance Data

In May 2008, the Associate Attorney General directed the OJP Acting Assistant Attorney General to document all discretionary funding recommendations and decisions. The Associate Attorney General’s policy directed that future award recommendation memoranda must:

- contain a list of all applications received including the lowest scoring application funded as well as every application scoring higher, regardless of whether it was selected for funding;
- briefly explain why a listed application was not recommended for funding; and
- only categorize selections by categories published in the original program solicitation.

Department officials said that this policy was implemented to ensure that OJP documents its reasons for selecting certain proposals over others. The policy allows OJP bureaus and program offices to exercise discretion when awarding competitive grants, but also requires each bureau or program office to list reasons for not funding proposals with high-ranking peer review scores.

We reviewed the BJA’s July 22, 2009, award recommendation memorandum to determine if the memoranda complied with the Associate Attorney General’s May 2008 policy directive. The BJA’s recommendation memoranda appropriately categorized selections based on the categories in the solicitation. The BJA also attached a list identifying all of the applications

that were peer reviewed and the score of each application in order from highest scoring to lowest scoring for seven of the eight categories.

On the list for Category I, the BJA excluded 24 applications that were peer reviewed. Twenty-two of the 24 excluded applications had a higher score than the lowest scoring application recommended for funding, including 10 of the 12 highest scoring applications. The BJA did not provide an explanation in its memorandum for excluding these 22 higher scored applications. The BJA told us that it excluded these 24 applications because the applications related to programs for juveniles and domestic violence and other Department of Justice funding was available for these programs, which we concluded was a reasonable basis for the exclusion. The BJA also told us that these applications were discussed with the Acting Assistant Attorney General. According to BJA officials, the Acting Assistant Attorney General agreed to keep the applications separate from the other Category I applications and to not consider them for recommendation because they were focused on juveniles and domestic violence and other funding was available for this purpose. BJA officials said they forgot to put these applications back into the mix after discussions with the Acting Assistant Attorney General. Therefore, we determined that the BJA did not comply with the Associate Attorney General's May 2008 policy requiring that explanations for not recommending such applications be included in the funding recommendation memorandum.

After we brought this concern to the attention of BJA officials, on January 12, 2010, the officials prepared and submitted an addendum to the July funding recommendation memorandum to include the 24 Category I applications and explain why those applications were not recommended for funding over lower scoring applications. For future solicitations, the BJA should ensure that all applications scoring higher than the lowest scoring application recommended for funding are included in the funding recommendation memorandum and that an explanation for not recommending those applications for funding is also included.

We also noted that applications in four of the eight categories were not recommended for funding even though the applications received the same score as the lowest scoring application that was recommended for funding. While BJA officials provided us reasonable explanations for why these applications were not recommended for funding, BJA did not include an explanation in the funding recommendation memorandum to show why the identical scoring applications were not recommended for funding. We recommend that future funding recommendation memoranda include explanations for all applications not recommended for funding that received

an equal or higher score than the lowest scoring application recommended for funding.

### *Award Selections*

The Acting Director of BJA approved the July 22, 2009, funding recommendation memorandum as submitted by the BJA program officials. The Acting Director did not deny any applications recommended for funding and did not approve any applications not recommended for funding. As a result, the Acting Director sent the funding recommendation forward to the Acting Assistant Attorney General for OJP for final approval of the 120 applications recommended for funding. The Acting Assistant Attorney General for OJP approved the 120 applications for award on July 31, 2009.

We noted that the funding recommendation memorandum contained omissions, such as applications not meeting solicitation requirements that were passed on to peer review, but such was not identified and explained in the memorandum. Because it is possible that omissions from the funding recommendation memorandum could affect the final approval by the Acting Director of BJA or the Acting Assistant Attorney General for OJP, we believe it is important for the funding recommendation memorandum to accurately explain the circumstances regarding the evaluation and resulting recommendation of applications for funding.

We also noted that the funding recommendations appear to indicate that only 2,623 applications met the solicitation requirements and applications not meeting the solicitation requirements were excluded from further consideration and peer review. However, as discussed in the preceding sections, we found that the BJA sent 649 applications forward to peer review that did not meet the solicitation requirements. In addition, some of these 649 applications did not meet one or more of the solicitation requirements for which other applications were denied further consideration. These facts were not contained in and explained by the funding recommendation memorandum. We asked BJA officials why the memorandum did not correctly contain this information. The officials told us that the basic minimum requirements checklist contained some items that BJA wanted to collect but that BJA did not believe were essential for the applications to go to peer review. However, as we noted during the audit, the solicitation required that these items be submitted for the applications to be peer reviewed, and some applications were passed on to peer review even though they did not contain certain requirements while other applications were denied because they failed to contain those same requirements.

Approving officials should have a complete and accurate understanding of how applications were evaluated and recommended for funding. Approving applications for award without such complete and accurate details increases the risk that all applications are not treated fairly. When preparing future funding recommendation memoranda, the BJA needs to fully and accurately describe the process used to evaluate applications and make funding recommendations.

### **Recovery Act Funding for the Office of Juvenile Justice and Delinquency Prevention's National and Local Youth Mentoring Programs**

On March 19, 2009, OJP's Office of Juvenile Justice and Delinquency Prevention (OJJDP) issued two separate solicitations for its Recovery Act youth mentoring programs – one for the national program and one for the local program. The solicitations included descriptions of each program and instructed applicants to clearly document which program their application focused on. The solicitation included an explanation of how the applications would be reviewed and the scoring criteria for each required element of the application.

OJJDP used essentially the same multi-step process for evaluating applications for its youth mentoring programs as the BJA used to evaluate applications for its Byrne Competitive Grant Program. The primary difference between OJJDP's process and the BJA's process was OJJDP subjected the peer review scores to a statistical "normalization" process to minimize variance related to peer reviewers who may have a predisposition to score applications either too strictly or too leniently. The "normalization" process is discussed in more detail later in this report.

The following sections detail our assessment of OJJDP's implementation of each phase of the award process for its national and local youth mentoring programs.

#### *Basic Minimum Requirements Review of Applications*

OJJDP received 1,617 applications for its Recovery Act national and local youth mentoring programs as shown in the following exhibit.

**Exhibit 22: Applications Received for the National and Local Youth Mentoring Program Solicitations**

Solicitation	Applications Received
Recovery Act National Youth Mentoring Program	158
Recovery Act Local Youth Mentoring Program	1,459
<b>Total Applications Received</b>	<b>1,617</b>

**Source:** OIG Analysis of Office of Juvenile Justice and Delinquency Prevention Data

An OJJDP contractor used the basic minimum requirements checklist at Appendix IV to review the 158 applications for the National Youth Mentoring Program and the checklist at Appendix V to review the 1,459 applications for the Local Youth Mentoring program. The contractor identified 781 applications (48 percent) that did not meet one or more of the solicitation requirements as shown in the next exhibit.

**Exhibit 23: Applications Failing One or More of the Basic Minimum Requirements**

Category	Applications		
	Reviewed	Did not Meet One or More Requirements	Percent Failing to Meet Requirements
National Youth Mentoring Program	158	92	58%
Local Youth mentoring Program	1,459	689	47%
<b>Totals</b>	<b>1,617</b>	<b>781</b>	<b>48%</b>

**Source:** OIG Analysis of Office of Juvenile Justice and Delinquency Prevention Data

The solicitations for the youth mentoring programs stated that only applications submitted by eligible applicants that meet all other requirements, such as timeliness, proper format, required attachments, and responsiveness to the scope of the solicitation, would be evaluated, scored, and rated by a peer review panel. The solicitations specifically required that the application package include a Standard Form 424 (Application for Federal Assistance), program narrative including a program abstract, budget and budget narrative, logic model, timeline, resumes of all key personnel, job descriptions for all key positions, and letters of support and commitment and memoranda of understanding. Although the 781 applications did not meet one or more of the solicitation requirements, the OJJDP selected 568 of these applications to continue through the competitive process and be peer

reviewed. The solicitation requirements that were not met by these 568 applications included multiple applications that were either not properly formatted or did not include:

- a budget narrative,
- a program narrative,
- a timeline,
- an abstract,
- a logic model,
- resumes, or
- job descriptions.

OJJDP officials also told us that, like BJA officials, they believed that some of the solicitation requirements were not significant enough to deny an application from going to peer review if not met. Specifically, the OJJDP officials did not consider the missing timelines, abstracts, logic models, resumes, and job descriptions to be significant enough reasons to deny the applications from going to peer review. A total of 542 applications went to peer review missing only items that the OJJDP did not consider significant. The 26 applications not meeting other more significant solicitation requirements, such as incorrect formatting, missing budget narratives and worksheets, and missing program narratives, continued through the peer review process. We agree that these missing items should not prevent applications from being peer reviewed, but we also believe that it is important to ensure that the requirements stated in the solicitation are followed when evaluating the applications and that the solicitation clearly defines the requirements as intended by the OJJDP.

We asked an OJJDP official if the OJJDP had established a policy for future solicitations similar to BJA's policy that clearly defines the requirements that must be met for applications to be sent to peer review. The official told us that the OJJDP had not established such a policy, but such a policy would be beneficial. We believe that the OJJDP should establish a policy similar to BJA's policy.

Like the BJA, OJJDP selected applications to continue through the competitive process and be peer reviewed although those applications did not meet one of more of the solicitation requirements for which other

applications were denied further consideration. One of the applications that did not meet solicitation requirements was selected for award. These selection issues are detailed in the following sections.

### National Youth Mentoring Program Applications

For the National Youth Mentoring Program, the OJJDP denied 83 applications that failed to meet one or more of the solicitation requirements. The tracking documentation provided to us by the OJJDP indicated that 22 of these 83 applications were denied because the applications had either:

- no budget (1),
- no project timeline (1),
- incorrect formatting (4),
- no job descriptions (4),
- missing letters of support or memoranda of understanding (5),
- resumes consisting only of short biographical statements (5), or
- missing descriptions of capabilities and competencies (2).

An OJJDP official told us that while the 22 applications had the above noted deficiencies, 21 of the 22 applications were actually denied because they did not meet the eligibility criteria requiring the organization meet the definition of a national organization. The OJJDP official told us the remaining application was denied because it did not meet formatting requirements.<sup>31</sup> Yet, while 21 of the 22 applications were denied for not meeting the definition of a national organization, the reasons for those denials were not recorded on the tracking documentation provided to us by the OJJDP. OJJDP should ensure that it properly records the reasons for denying applications on its tracking documentation.

According to the tracking documentation provided to us by the OJJDP, OJJDP did not deny nine applications for the national program that also failed to meet one or more of the solicitation requirements. The OJJDP

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<sup>31</sup> OJJDP, BJA, and OJP consider formatting problems to be important because applicants using improper formatting, such as single spacing or wider margins, can include much more detail in the allowed space than applicants that comply with the formatting requirements. The use of improper formatting could give applicants a competitive advantage over the format-compliant applicants.

official told us that seven of the nine applications were missing only solicitation requirements that the OJJDP did not consider significant enough to warrant not sending the applications to peer review. For one of the remaining two applications, the OJJDP official stated the application was not formatted correctly and the OJJDP either considered the formatting issue to be minimal or that the OJJDP sent the application to peer review in error. For the other application, the OJJDP official told us that the application was not formatted correctly and that the OJJDP sent the application to peer review in error. Of the nine applications, one that was missing resumes was selected for award.

### Local Youth Mentoring Program Applications

For the Local Youth Mentoring Program, we found that the OJJDP denied 130 applications that failed to meet one or more of the requirements. Twenty-five of these 130 applications were denied because the applications had either:

- no budget,
- no program narrative, or
- incorrect formatting.

However, based on the tracking documentation provided to us by the OJJDP, the OJJDP did not deny 24 applications for the local program that failed to meet one or more of these same solicitation requirements. Instead, the OJJDP selected the 24 applications to continue through the competitive process and be peer reviewed. None of the 24 applications was selected for award. An OJJDP official told us that for the 11 applications for which the tracking documentation showed the applications contained either no program narrative or budget documentation, the OJJDP determined that 7 of the applications did actually contain a program narrative or budget documentation and the remaining 4 applications were sent to peer review in error. For the other 13 applications, the OJJDP official told us the applications did contain incorrect formatting and were either sent to peer review in error or the OJJDP determined the formatting issues were minimal and did not warrant not sending the applications to peer review. However, such determinations were not documented.

We asked an OJJDP official why they did not consistently apply the solicitation requirements to all applicants. The official told us that every effort was made to apply the requirements to all applications consistently,

and that if mistakes were made they were inadvertent because of the high volume of applications being processed in a very compressed time.

Not applying the solicitation requirements consistently results in the appearance that applicants are not treated fairly. In addition, to ensure fairness, the OJJDP needs to clearly define in its solicitation what requirements are significant enough to result in the rejection of applicants that fail to provide those requirements.

*Notification of Applicants Not Passing the Basic Minimum Requirements Review or the Internal Review*

As discussed for the BJA applicants, OJP's Grant Manager's Manual requires that applicants not selected for award be provided a letter explaining the reason why the application was not selected. In the GMS, grant managers select one of several listed reasons for not selecting applications.

The OJJDP denied 271 applications (140 national and 131 local) based on the basic minimum requirements review, the internal review, or both reviews. We selected a sample of 30 of the 271 applications (15 national and 15 local) and requested documentation from OJJDP officials to determine whether the applicants were notified of the denial and informed of the reason for the denial. The OJJDP notified all 30 applicants of the denial, but did not inform any of the applicants of the reason for the denial. We asked OJJDP officials why they do not inform the applicants of the reason for denial. OJJDP officials told us it was their practice to not inform applicants of the reason for denial if the applications are denied during the basic minimum requirements review or internal review processes. The officials said that the standard letter they used has been the practice at the OJJDP for several years and that it provided the applicant with contact information through which it could obtain information about the reason for the denial. In addition, for those applications that go on to be peer reviewed but are not awarded funds, the OJJDP does provide the applicant with a copy of the comments made by the peer reviewers.

We believe the OJJDP should inform the applicants of the detailed reason for denying their applications during the basic minimum requirements review process. Doing so could lead to applicants submitting better application packages in the future that meet the basic minimum requirements and therefore, increase the competition for awards.

The OJJDP grant managers did not enter the correct reason in GMS for denying the 30 applications. For each of the 30 denials, the grant managers

recorded the denial reason in GMS as the “competitive process selected other applicants.” However, none of these 30 applications made it past the basic minimum requirements review or the initial internal review and into the competitive peer review process. All 30 of the applications were denied for one or more of the other 15 reasons selectable in GMS.

Because the GMS does not accurately document the reasons for denial, it cannot be used to identify trend data that might help identify weaknesses in the process. For example, the GMS could be used to determine that a significant number of rejections resulted from a certain reason, such as non-responsive applications. Such data could indicate a need to clarify guidance in future solicitations that could result in more responsive applications and thus more competition among applicants.

### *Peer Review Process*

OJP’s peer review contractor established 1 peer review panel for the OJJDP’s National Youth Mentoring Program solicitation and 67 peer review panels for the Local Youth Mentoring Program solicitation. Prior to each peer reviewer reading and scoring applications, the peer reviewers participated in a solicitation-specific conference call with OJJDP to discuss:

- the peer reviewers responsibilities,
- specific requirements of the category being evaluated, and
- how the peer reviewers should evaluate and score the applications assigned to them.

For peer reviewers who could not participate in the call, the contractor made available a recording of the call.

As with the Byrne competitive grant applications, we reviewed the following key requirements for the OJJDP’s youth mentoring program applications.

- Each peer review panel must consist of a minimum of three peer reviewers.
- The peer reviewers must be approved by the bureau or program office leadership.
- Each peer reviewer must complete and sign a confidentiality agreement through which they agree to not disclose information to

any person or entity without the written consent of the OJJDP Director or the Director's designee.

- Each peer reviewer must complete and submit a Disclosure of Conflicts of Interest form identifying any potential conflicts with the applications assigned to review, or any other applications submitted under the solicitation for which the reviewer is aware. The reviewer must also agree to immediately stop work and make OJP aware of any conflicts that the reviewer becomes aware of during the review process.
- If a peer reviewer identifies any conflicts, those conflicts must be satisfactorily resolved before the peer reviewer can participate in the peer review process, or continue participation if the conflict arose during the review process.
- Each peer reviewer must score each evaluation category listed in the solicitation.

To test these peer review requirements, we selected a sample of 164 of the 1,346 applications that the OJJDP selected for peer review for the two youth mentoring solicitations. We analyzed the 164 applications and found that the peer review process was fairly and effectively implemented, with some minor exceptions, as discussed below.

#### Assignment of Peer Reviewers

A minimum of three peer reviewers were assigned to review 159 of the 164 applications. Waivers were granted allowing only two peer reviewers to review the other five applications because a peer reviewer for one review panel was sick, and a peer reviewer for another panel could not finish the reviews due to unexpected work hours. However, we noted that the OJJDP leadership did not approve the peer reviewers as required by OJP's Peer Review Manual. Instead, the OJJDP Peer Review Coordinator responsible for the Youth Mentoring Recovery Act grants approved the peer reviewers. It is important to ensure that OJJDP leadership is aware of and approves peer reviewers to help ensure that peer review policies and controls are followed.

#### Completion of Confidentiality Agreements and Disclosure of Conflicts of Interest Forms

A total of 179 different peer reviewers were assigned to review the 164 applications we sampled. Of the 179 peer reviewers, 177 had completed and signed the Confidentiality Agreement and all 179 had

completed the Disclosure of Conflicts of Interest forms as required. None of the 179 reviewers indicated on their Disclosure of Conflicts of Interest form that they had a potential conflict related to reviewing the applications.

### Scoring of Applications

The solicitation for the youth mentoring program grants required that the applications be evaluated and scored in the categories of:

- statement of the problem;
- program design and implementation;
- capabilities and competencies;
- budget; and
- impact/outcomes, evaluation, sustainment, and description of the applicant's plan for the collection of the data required for performance measures.

The peer reviewers evaluated and scored each of the five categories as required for all 164 applications we sampled. The reviewers scored each category on a scale of 0 to 10, with 0 being the lowest score possible and 10 being the highest.

After the peer reviewers evaluated and scored each assigned application, the OJJDP held conference calls with each peer review panel as required. The calls allowed the peer reviewers on each panel to discuss the basis for their scores with each other. Peer reviewers were then allowed to adjust their score based on the conference call discussion. After the conference call, peer reviewers finalized their scores and these finalized scores were used by the OJJDP to compute the overall score for each applicant.

The scoring computations were done electronically in the Grants Management System based on the following weights established in the solicitation for each category.

**Exhibit 24: Weighted Scoring for the Recovery Act  
Youth Mentoring Program Grants**

<b>Element</b>	<b>Weight</b>
Statement of Problem/Program Narrative	20%
Project/Program Design and Implementation	35%
Capabilities/Competencies	20%
Budget	10%
Impact/Outcomes and Evaluation/Performance Measure Data Collection Plan	15%
<b>Total</b>	<b>100%</b>

**Source:** Office of Juvenile Justice and Delinquency Prevention's Solicitations for the Recovery Act Youth Mentoring Program Grants

After each peer reviewer's score of an application was weighted, the weighted scores from the three peer reviewers on the panel were averaged to obtain a preliminary final score. We verified that the preliminary final scores for the 164 applications we sampled were correctly calculated based on the scores of the individual peer reviewers and the weighting criteria provided in the solicitation.

Before ranking the applications, the OJJDP subjected the peer review scores to a normalization process. Normalization uses statistical formulas and analyses to minimize variance related to peer reviewers who may have a predisposition to score applications either more strictly or more leniently than the average peer reviewer. OJJDP requires the normalization process when three or more peer review panels are used to evaluate applications. Details of OJJDP's "normalization" process are contained in Appendix VI.

We reviewed the process used by the OJJDP to normalize peer review scores for the youth mentoring program applications and found that the normalized scores were accurately calculated by the OJJDP for the National Youth Mentoring solicitation, but were not accurately calculated for the Local Youth Mentoring solicitation. The details of our review are discussed in the following sections.

*National Youth Mentoring Program Normalized Scores*

The OJJDP normalized the peer review scores for the 18 National Youth Mentoring Program applications peer reviewed. After the scores were normalized, the ranking of the 18 applications was the same based on both the normalized scores and the non-normalized scores. Using data provided by the OJJDP, we recalculated the normalized scores for the 18 applications.

The normalized scores that we calculated matched the normalized scores calculated by the OJJDP.

### Local Youth Mentoring Program Normalized Scores

The OJJDP also normalized the peer review scores for the 1,328 Local Youth Mentoring Program applications peer reviewed. The normalized scores resulted in a significant change to the ranking of the applications compared to the non-normalized scores. Using data and formulas provided by the OJJDP, we recalculated the normalized scores for the 1,328 applications. The normalized scores that we calculated did not match the normalized scores calculated by the OJJDP for 258 of the 1,328 applications. OJP's contractor determined that data entry errors caused the miscalculations.

Because our recalculated normalized scores differed from those calculated by the OJJDP, we analyzed whether the recalculated scores changed the ranking of the applications and therefore, would have changed the awards made. The OJJDP awarded grants totaling \$12,410,553 to the 25 highest ranked applicants and to the 27<sup>th</sup> highest ranked applicant based on the normalized scores. The OJJDP skipped the 26<sup>th</sup> highest ranked applicant because it would have been the fourth application funded for a single state and the OJJDP wanted to ensure fair distribution of the funds to other states. As a result of our recalculated normalized scores, the ranking of the top 27 applications did not change. Therefore, the incorrect normalized scores did not affect the awards made. However, we believe that the OJJDP should ensure that future normalized scores are correctly calculated to avoid incorrect rankings that could lead to improper awards.

### *Award Recommendations*

After the final scores were calculated for all the applications and the scores were normalized, the OJJDP ranked the applications from highest to lowest final score for both the national and local youth mentoring programs. OJJDP officials further analyzed the top scoring applications to determine how many and which ones would be funded. This analysis took into consideration factors such as:

- the peer review scores,
- geographic distribution,
- the applicants' capacity to achieve the Recovery Act objective of promoting economic recovery by preserving or creating jobs, and

- the amount of funds available to support this initiative.

Based on this analysis for each program, OJJDP officials initially recommended four national youth mentoring applications for award. However, because of a lack of available funding, the OJJDP cut the funding for all 4 applications by 26 percent. After the cut, the OJJDP initially recommended funding \$84,786,629 for the 4 applicants. The OJJDP recommended 26 local youth mentoring applications totaling \$12,410,553 for award. Because the amount of these 30 awards totaled \$97,197,182 and the OJJDP had \$97,500,000 available for award, the OJJDP prepared an addendum to its initial funding recommendations for the national program and awarded the remaining balance of \$302,818 to the 2 highest scoring national applicants.

The OJJDP issued its funding recommendation memoranda for the local youth mentoring solicitation and the national youth mentoring solicitation on July 6, 2009, and July 7, 2009, respectively. The OJJDP issued the addendum for the national program on August 3, 2009. We reviewed the funding recommendation memoranda to determine if the memoranda complied with the Associate Attorney General's May 2008 policy directive requiring that the memorandum:

- contain a list of all applications received that includes the lowest scoring application funded as well as every application scoring higher, regardless of whether it was selected for funding; and
- briefly explain why a listed application was not recommended for funding.

We found that the OJJDP's recommendation memoranda contained an attached list that identified all applications peer reviewed and the score of each application in order from highest scoring to lowest scoring. The list also contained an explanation why a listed application was not funded.

### *Award Selections*

On July 7, 2009, the Acting Administrator for the OJJDP approved the funding recommendation memoranda submitted by the OJJDP program officials for the national youth mentoring solicitation, and on July 6, 2009, he approved the memorandum for the local solicitation. The Acting Administrator did not deny any applications recommended for funding and did not approve any applications not recommended for funding. The Acting Administrator sent the funding recommendation memoranda forward to the Acting Assistant Attorney General for OJP for final approval of the 4 national

program applications and 26 local program applications. The Acting Assistant Attorney General for OJP approved the 4 national applications for award on July 7, 2009, and approved the 26 local applications for award on July 9, 2009.

### **Inconsistency Between the BJA's and the OJJDP's Peer Review Scoring Processes**

OJP policy gives the bureaus and program offices discretion on whether or not to normalize peer review scores. As discussed in this section, the OJJDP used a "normalization" process to eliminate potential variances amongst individual peer reviewers scoring applications that arise from the tendency of peer reviewers to score differently for the youth mentoring program awards. The BJA did not use the "normalization" process for scoring the Byrne Competitive Grant Program applications. According to BJA officials, they instead had program officials monitor the consensus calls of the peer review panels to observe whether any of the peer reviewers appeared biased in their scoring of applications or tried to exert undue influence over the other peer reviewers on the panel. The program officials could then adjust the peer review scores based on any bias or undue influence observed before ranking the applications.

We agree with BJA officials that having program officials monitor and observe the peer review consensus calls for potential bias and undue influence is beneficial. However, as discussed below, this monitoring did not compensate for inconsistency among reviewers in scoring applications higher or lower than other reviewers of the applications. The normalization process would compensate for this inevitable effect.

Because the BJA did not normalize the peer review scores for the Byrne Competitive Grant Program applications, we normalized the scores for each of the eight categories to determine if normalization would have identified significant variations among the peer review scores arising from the tendency for some reviewers to score more or less strictly, and whether reduction of the variations in scoring through normalization would have significantly changed the rankings of the applications. We found that significant variations did exist among the peer review scores for all eight categories and that normalization of the scores would have significantly changed the rankings of the applications for all eight categories. Overall, only 46 percent of the applications that made the BJA's lists of highest scoring applications for the 8 categories would have made the lists had the peer review scores been normalized. As shown in the following exhibit, the percentage of applications that would have made the highest

scoring applications lists after normalization ranged from 73 percent for categories II and III to 14 percent for category V.

**Exhibit 25: Effects of Normalization of Peer Review Scores  
on the Ranking of Applications for the  
Byrne Competitive Grant Solicitation**

Category	Number of Highest Scoring Applications from which Awards Were Made	Number of These Applications in the Highest Scoring Applications Group after Normalization	Percentage of Applications Remaining
I	28	14	50%
II	22	16	73%
III	11	8	73%
IV	33	15	45%
V	14	2	14%
VI	20	3	15%
VII	9	3	33%
VIII	8	5	63%
<b>Totals</b>	<b>145</b>	<b>66</b>	<b>46%</b>

**Source:** Bureau of Justice Assistance Final Peer Review Data and the Office of the Inspector General’s Normalization of the Final Peer Review Data

The detailed results of normalizing the scores for each category are shown in Appendix VII.

Because the BJA and the OJJDP disagreed on whether to normalize peer review scores, we inquired whether OJP’s other bureaus and program offices normalize peer review scores. We were told that the OJP’s Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking normalizes peer review scores, while OJP’s other bureaus and program offices do not. Having bureaus and program offices use different methodologies for calculating peer review scores for similar Recovery Act programs may give the appearance of inequitable treatment of applicants. Consequently, OJP should consider standardizing the circumstances under which normalization of peer review scores should be used for all bureaus and program offices.

**Recommendations**

We recommend that the Office of Justice Programs:

4. Revise the Byrne Competitive Grant Program funding information contained on its website to make it clear that \$2.25 million of program funds will be used by the NIJ. The revised website information should

include details about the planned use of the funds, a description of how the transfer and use of the NIJ funds meets the purposes of the Recovery Act, and links to any solicitations associated with these funds.

5. Direct the OJJDP to establish a policy similar to BJA's policy that clearly defines the solicitation requirements that must be met for applications to be peer reviewed.
6. Establish procedures to ensure that applications are treated consistently when determining whether the applications meet the solicitation requirements and should be passed on to the peer review process.
7. Establish and implement a requirement that applicants be notified of the reasons for denying the applications.
8. Ensure that the reasons for denying applications are accurately recorded in the program offices' tracking documentation and in the Grants Management System.
9. Ensure that denial letters sent to rejected applicants accurately explain any deviations from the stated policy of having three peer reviewers evaluate the applicants' applications.
10. Ensure that the peer reviewers selected to evaluate applications are approved by Bureau of Justice Assistance leadership.
11. Establish a requirement that future funding recommendation memoranda include explanations for all applications not recommended for funding that received an equal or higher score than the lowest scoring application recommended for funding.
12. Ensure that future funding recommendation memoranda comply fully with the requirements contained in the Associate Attorney General's May 2008 policy directive, and the requirement established based on Recommendation 8 above.
13. Ensure that future funding recommendation memoranda accurately describe the process used to evaluate applications and make funding recommendations.
14. Ensure that the normalized peer review scores are accurately calculated before making award recommendations based on the normalized scores.

15. Consider standardizing the circumstances under which normalization of peer review scores should be used for all bureaus and program offices.

## STATEMENT ON COMPLIANCE WITH LAWS AND REGULATIONS

As required by the *Government Auditing Standards* we tested, as appropriate given our audit scope and objective, 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. OJP's management is responsible for ensuring compliance with federal laws and regulations applicable to OJP. In planning our audit, we identified the following laws and regulations that concerned the operations of the auditee and that were significant within the context of the audit objective.

- American Recovery and Reinvestment Act of 2009  
(Public Law 111-5)
- 42 U.S.C. § 3751
- 42 U.S.C. § 3755

Our audit included examining, on a test basis, OJP's compliance with the aforementioned laws and regulations that could have a material effect on OJP's operations, through interviewing auditee personnel, analyzing grant applications, assessing internal controls over the grant award process, and examining grant monitoring and oversight processes.

Except for the instances of non-compliance identified in our audit, we did not identify any areas where OJP was not in compliance with the laws and regulations referred to above. With respect to activities that were not tested, nothing came to our attention that caused us to believe that OJP management was not in compliance with the laws and regulations cited above.

## STATEMENT ON INTERNAL CONTROLS

As required by the *Government Auditing Standards* we tested as appropriate, internal controls significant within the context of our audit objective. A deficiency in an internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to timely prevent or detect: (1) impairments to the effectiveness and efficiency of operations, (2) misstatements in financial or performance information, or (3) violations of laws and regulations. Our evaluation of OJP's internal controls was *not* made for the purpose of providing assurance on its internal control structure as a whole. OJP's management is responsible for the establishment and maintenance of internal controls.

As noted in the Findings and Recommendations section of this report, we identified deficiencies in OJP's internal controls that are significant within the context of the audit objective and based upon the audit work performed that we believe adversely affect OJP's ability to ensure that: (1) the use of Recovery Act funds are fully disclosed to the public, and (2) grant awards are made in a fair and equitable manner. To address these deficiencies we made multiple recommendations related to revising OJP's Recovery Act website to clearly describe its planned use of all Recovery Act funds, and establishing procedures to strengthen certain aspects of the grant award process.

Because we are not expressing an opinion on OJP's internal control structure as a whole, this statement is intended solely for the information and use of the auditee. This restriction is not intended to limit the distribution of this report, which is a matter of public record.

## ABBREVIATIONS

<b>BJA</b>	Bureau of Justice Assistance
<b>BJS</b>	Bureau of Justice Statistics
<b>Byrne JAG</b>	Edward Byrne Memorial Justice Assistance Grant Program
<b>COPS</b>	Office of Community Oriented Policing Services
<b>Department</b>	Department of Justice
<b>FBI</b>	Federal Bureau of Investigation
<b>GAO</b>	Government Accountability Office
<b>NIJ</b>	National Institute of Justice
<b>OIG</b>	Office of the Inspector General
<b>OJJDP</b>	Office of Juvenile Justice and Delinquency Prevention
<b>OJP</b>	Office of Justice Programs
<b>OMB</b>	Office of Management and Budget
<b>OVC</b>	Office for Victims of Crime
<b>OVW</b>	Office on Violence Against Women
<b>Recovery Act</b>	American Recovery and Reinvestment Act of 2009
<b>U.S.C.</b>	United States Code

### Audit Objectives, Scope, and Methodology

#### Objectives

The objective of this audit was to determine if the Office of Justice Programs (OJP) was properly managing Recovery Act funds in accordance with Recovery Act and Office of Management and Budget guidelines and sound grant management practices.

#### Scope and Methodology

We conducted this performance audit in accordance with generally accepted government auditing standards. 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 objective.

We accomplished the audit objective by evaluating both the Recovery Act Byrne programs and the regular Byrne program. We believe our results for the regular Byrne program are directly relevant to the Recovery Act Byrne programs. For the Recovery Act related work, the audit covered the period from passage of the Recovery Act in February 2009 through August 2010. For the non-Recovery Act related work, the audit covered Byrne-related activities from FY 2005 through FY 2009. We conducted fieldwork at OJP headquarters in Washington, D.C., including the following OJP bureaus and offices.

- Bureau of Justice Assistance (BJA)
- National Institute of Justice (NIJ)
- Office of Juvenile Justice and Delinquency Prevention (OJJDP)
- Bureau of Justice Statistics (BJS)

We also conducted audits of Byrne JAG Program grants at the following state and local locations.

- District of Columbia
- State of Florida
- State of Indiana
- State of Kansas

- State of Louisiana
- State of Nevada
- State of New Jersey
- City of Atlanta, Georgia
- City of Jackson, Mississippi
- City of Kenosha, Wisconsin
- City of Providence, Rhode Island
- Marion County, South Carolina

We selected the state and local recipients to audit based on a variety of factors including number and amount of Byrne JAG awards, location, and prior audit history.

For the 12 state and local recipients, we reviewed the following Byrne JAG awards totaling about \$145 million and Recovery Act Byrne JAG awards totaling more than \$201 million.

**Exhibit 26: Byrne JAG and Recovery Act Byrne JAG Grants Reviewed During Individual Grant Audits**

<b>State or Local Grantee</b>	<b>Annual Byrne JAG Awards Reviewed</b>	<b>Recovery Act Byrne JAG Awards Reviewed</b>
District of Columbia	FYs 2006, 2007, 2008, 2009	FY 2009
State of Florida	FYs 2006, 2007, 2008, 2009	FY 2009
State of Indiana	FYs 2007, 2008, 2009	FY 2009
State of Kansas	FYs 2006, 2007, 2008, 2009	FY 2009
State of Louisiana	FYs 2006, 2007, 2008, 2009	FY 2009
State of Nevada	FYs 2006, 2007, 2008, 2009	FY 2009
State of New Jersey	FYs 2006, 2007, 2008, 2009	FY 2009
City of Atlanta, Georgia	FYs 2006, 2007, 2008	FY 2009
City of Jackson, Mississippi	FY 2007	FY 2009
City of Kenosha, Wisconsin	FYs 2006, 2007, 2008, 2009	FY 2009
City of Providence, Rhode Island	FYs 2005, 2006, 2007, 2008	FY 2009
Marion County, South Carolina	FY 2005	FY 2009

**Source:** Office of the Inspector General Audit Reports

Two of the audits (Providence, Rhode Island, and Jackson, Mississippi) also included other Department of Justice grants awarded with either Recovery Act funds or non-Recovery Act funds, such as Office of Community Oriented Policing Services (COPS) Hiring Recovery Program grants or COPS Technology grants.

To accomplish the audit objective, we evaluated OJP's management of awards for the Recovery Act Byrne JAG Program and the Recovery Act Byrne Competitive Grant Program.

For the Byrne JAG Program, we evaluated whether the formula awards to states, territories, and local governments in a prompt, fair, and reasonable manner. We evaluated the accuracy of the BJS's formula allocations. We also evaluated the BJA's development of the solicitations, evaluation of applications, and process for recommending and approving awards. In addition, we evaluated whether OJP fully disclosed the use of the \$2 billion in Byrne JAG Program funds on its Recovery Act website. Finally, we performed individual audits of 12 state and local Byrne JAG Program grant recipients to evaluate compliance with grant requirements.

For the Byrne Competitive Grant Program, we evaluated whether OJP made discretionary awards in a prompt, fair, and reasonable manner. We also evaluated the BJA's and the OJJDP's processes for evaluating grant applications, and for recommending and approving applications for awards. In addition, we evaluated whether OJP fully disclosed the use of the \$225 million in Byrne Competitive Grant Program funds on its Recovery Act website.

## APPENDIX II

### Planned Uses of Recovery Act Byrne JAG Funds by the 56 State and Territories Funded

State/Territory	Planned Use of Funds
Alabama	The state planned to fund the following six projects: (1) drug and violent crime task forces for providing expertise in drug interdiction, confronting drug smuggling, and cooperating with federal and state authorities in national anti-drug efforts; (2) state and local intelligence gathering and sharing systems to address the void or gap in services; (3) law enforcement equipment purchases for upgrading equipment, including but not limited to vehicles, computers, radios, and weapons; (4) prevention and education programs to forestall trouble by addressing and solving problems that can cause crime as well as addressing crime-related symptoms; (5) prosecution and court programs to continue employment of prosecutors, investigators, and support personnel; and (6) corrections and community corrections program to provide rehabilitative transitional services that facilitate successful reentry of offenders.
Alaska	The state planned to fund an additional five state troopers, one administrative assistant, and one prosecuting attorney to increase the: (1) number of investigations of internet crimes against children and sexual abuse cases, (2) closure by arrest of sexual assault cases, and (3) successful prosecution of cyber crimes.
American Samoa	The territory planned to fund an increase in public safety through hiring of employees in multiple categories including law enforcement, prosecution, treatment/rehabilitation services, community oriented policing, information technology and technical capacities, and administrative assistants. The territory also planned to stimulate economic growth through purchases of equipment, materials, and supplies from the private sector and through travel to the mainland for specialized training in various programs.
Arizona	The state planned to retain and create positions in the following four priority areas: (1) multi-agency, multi-jurisdictional drug, gang, and violent crime task forces and associated prosecution projects and civil forfeiture efforts; (2) criminal justice information sharing projects; (3) adjudication, forensic analysis, detention, and criminal justice system support services; and (4) proven substance abuse prevention and education programs.
Arkansas	The state planned to use the funds to: (1) provide assistance to state and local law enforcement units to improve operational effectiveness in controlling and deterring crime and support criminal justice projects and activities including multi-jurisdictional drug task forces; (2) support projects to improve the criminal justice system including correctional facilities, justice sharing initiatives, judicial processing system, and evidence procedures; and (3) administer JAG funding to units of local law enforcement to assist with equipment needs.

State/Territory	Planned Use of Funds
California	The state planned to fund local level multi-jurisdictional, multi-disciplinary task force programs to: (1) reduce the amount of illegal drugs on California streets, (2) remove children from illicit drug environments, (3) eradicate marijuana gardens on public and private lands, (4) reduce the number of weapons being transported across California borders for illegal activities, and (5) dismantle the trafficking organizations that commit the above crimes. The state planned to create or retain between 275 and 300 law enforcement positions over a 4-year period.
Colorado	The state planned to use the funds for the following seven programs: (1) prevention and education programs, including delinquency prevention and community policing efforts; (2) planning, evaluation, and technology improvement programs, specifically those focusing on the improvement and expansion of current knowledge about the criminal justice system to improve decision-making and program implementation; (3) law enforcement programs, including resource allocation, new equipment purchases, and changing policies and procedures as necessary to maximize resources in fighting crime; (4) corrections and community corrections programs, including providing additional public correctional resources, improving the corrections system, supporting intensive supervision programs, and promoting long-range corrections and sentencing strategies; (5) prosecution and court programs, including expanding prosecutorial, defender, and judicial resources, and implementing court programs with a special emphasis on management and improvement based on better utilization of personnel or case routing; (6) drug treatment and enforcement programs, including multi-jurisdictional task forces that integrate federal, state and local law enforcement agencies for the purpose of enhancing interagency coordination and intelligence and facilitating multi-jurisdictional investigations; and (7) crime victims and witness protection, including programs to coordinate and integrate law enforcement, prosecution, judicial efforts, and victim services to identify and respond to victims of crime.
Connecticut	The state planned to use the funds to: (1) expand the information system for the Department of Correction; (2) expand information sharing systems between the Department of Correction, Board of Pardons and Paroles, and local police; (3) upgrade the Automated Fingerprint Information System; (4) increase drug task force investigations; (5) increase the number of DNA samples; (6) expedite DNA processing; (7) reduce collisions with police vehicles; (8) expand staff coverage at domestic violence shelters; (9) increase access to sexual assault forensic exams; (10) prepare assessments and evaluation reports on specific Department of Correction programs; and (11) translate public information materials.
Delaware	The state planned to use the funds for the following JAG program areas: (1) law enforcement; (2) prosecution, defense, and courts; (3) prevention and education; (4) corrections and community corrections; and (5) planning, evaluation, and technology improvements. Actual projects were not determined at the time of the application.

State/Territory	Planned Use of Funds
District of Columbia	The state planned to use the funds to support the following six comprehensive funding initiatives: (1) prisoner re-entry to reduce recidivism rates and increase the pro-social outcomes of youth and adults returning to the District after incarceration; (2) evidence-based services for adjudicated youth to reduce recidivism rates and increase the pro-social outcomes of youth on probation and to strengthen and expand the capacity of the District's juvenile justice system to provide youth and their families with evidence-based therapeutic services; (3) diversion initiatives to reduce the number of court-involved, detained and imprisoned youth and adults in the District by expanding and strengthening alternatives to detention, prosecution, and incarceration services programs and systems reform initiatives; (4) research and evaluation to improve the District's capacity to conduct rigorous research, evaluation demonstration projects, and data management activities that are tailored to the needs of the juvenile and criminal justice systems; (5) data and technology capacity improvements to strengthen the permanent capacity of District juvenile and criminal justice agencies and community based organizations to use data and technology to strengthen core operations, improve collaboration and increase transparency and accountability on program performance; (6) at-risk youth and status offender diversion to strengthen the internal operations, sustainability, and accountability of organizations that serve at-risk adolescents and status offending youth; and (7) data indicators project to produce and disseminate, on an ongoing basis, two monthly data indicator reports for the juvenile and criminal justice system.
Florida	The state planned to use the funds to prevent and control crime and to improve the functioning of the criminal justice system through funding projects in the following areas: (1) prosecution and court programs; (2) prevention and education programs; (3) corrections programs; (4) drug treatment programs; (5) planning, evaluation, and technology improvement programs; and (6) crime victim and witness programs.
Georgia	The state planned to use the funds to promote working partnerships between federal, state, and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system under the following areas: (1) law enforcement; (2) prosecution and court programs; (3) prevention and education programs; (4) corrections and community corrections programs; (5) drug treatment and enforcement programs; (6) planning, evaluation, and technology improvement programs; and (7) crime victim and witness programs.
Guam	The territory planned to use the funding to address programs under the following priorities defined in its multi-year strategy: law enforcement, sexual assault, treatment and rehabilitation, technology improvements, and violent crime and evaluation.
Hawaii	The state planned to use the funding for programs that address sex crimes and offenses, homicides and gang violence, property crimes, cyber crimes, court services, specialized courts, offender treatment services, mental health treatment and case management, youth services, reentry programs and services, substance abuse treatment, drug enforcement, and criminal justice information systems and technological needs.

State/Territory	Planned Use of Funds
Idaho	The state planned to use the funds to support all state and local components of the criminal justice system, from multi-jurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives.
Illinois	The state planned to use the funds in the priority areas of support for: (1) programs which pursue violent and predatory criminals; (2) efforts with law enforcement, prosecution, and probation to combat and disrupt illegal drug use, violent crime, illegal gun and gang activity, and test drug users; (3) programs which provide law enforcement agencies throughout the state with necessary means to prevent, deter, or investigate crime through staffing, training, special projects, or equipment in order to improve public safety and quality of life; (4) prosecution efforts which focus on prosecuting violent and predatory criminals and drug offenders; (5) programs which contribute to the effectiveness and efficiency of the criminal justice court system at state and county levels; (6) proven or innovative prevention or intervention programs for juveniles and adults identified as at-risk for involvement or already involved with the criminal justice system to provide services aimed to mitigate risk factors that are recognized as contributing factors of violent crime, drugs, gangs, guns or other criminal behavior; (7) juvenile and adult re-entry programs and programs that enhance jail or correctional facility security and safety; (8) proven or innovative programs for those already involved in the criminal justice system, those incarcerated, or those on probation which are targeted to address recognized risk factors for recidivism by mitigating risk factors that contribute to criminal behavior; (9) efforts to implement integrated justice information systems throughout the state to ensure that each component of the criminal justice system has access to timely, complete, and accurate information necessary to make informed decisions at each state of the criminal justice process; and (10) programs which combat and disrupt criminal drug networks and programs that provide substance abuse treatment.
Indiana	The state planned to use the funds to: (1) provide innovative law enforcement programming to meet the needs of local Indiana communities, (2) develop enforcement initiatives that target specific drug crimes and offenders, (3) increase youth prevention programs, (4) provide community based alternatives to incarceration, (5) develop reentry programs, (6) enhance criminal justice information sharing technology initiatives, and (7) create or maintain jobs in the criminal justice field.
Iowa	The state planned to use the funds in a broad range of activities to prevent and control crime and substance abuse and to improve the criminal justice system. Priority areas for funding included substance abuse prevention and treatment, youth development, drug enforcement task forces, offender treatment and supervision, transitional services for offenders, jail and prison diversion, and criminal justice system enhancements.

State/Territory	Planned Use of Funds
Kansas	The state planned to use the funds to preserve jobs for parole officers, community corrections officers, juvenile correctional officers, special agents for criminal investigations, criminal prosecutors, technical specialists for criminal justice systems, and others working in the criminal justice field. The state also planned to use the funds to maintain services and programs with the least amount of interruption. These services and programs include, but are not limited to, community corrections, juvenile supervision and case management, internet safety, criminal investigations and prosecutions, forensic evidence analysis, and training and prevention efforts. In addition, the state planned to use the funds to purchase equipment to facilitate and enhance justice information sharing, and collaboration and problem solving at the state and local levels.
Kentucky	The state planned to use the funds for overtime for public safety officers, enhanced surveillance and enforcement activities, training opportunities, upgrading forensic and communications equipment, purchasing computer and software technology, prevention programs, drug court and reentry initiatives, and other related items.
Louisiana	The state planned to use the funds to: (1) establish or continue programs to impact drug control and violent or non-violent crime and related prosecution problems of the local jurisdictions across the state, as well as projects that improve the criminal justice system and provide for effective coordination of efforts; (2) address recidivism by strengthening those areas of the criminal justice system where emphasis on prevention of crime and drug abuse intervention, treatment, and rehabilitation has been deficient; and (3) respond to the need for specialized law enforcement and prosecutorial training for law enforcement, prosecution, and judicial systems improvement.
Maine	The state planned to fund the following five objective areas: (1) statewide multi-jurisdictional drug task force, (2) multi-jurisdictional drug prosecution support, (3) Maine Integrated Community Safety Information System, (4) correctional system improvement, and (5) law enforcement and criminal justice initiatives.
Maryland	The state planned to focus use of the funds on security integration, a term that means the state must have seamless coordination and consistent information sharing between and among all agencies and entities involved in the criminal justice system. Specific strategies for using the funds include: an emphasis on violent adult and juvenile offenders; intelligence-based parole and probation supervision; police, parole, and probation partnerships; cross-border collaborations; data-driven policing strategies; warrant service; gang enforcement; DNA and other laboratory enhancements; gun trafficking initiatives; improvements in prison security; and technological enhancements.
Massachusetts	The commonwealth planned to subgrant Byrne JAG Recovery Act funds to support summer youth employment programs, community-based prevention programs, district attorneys' prosecution programs, victim witness advocacy and community programs, sheriffs' re-entry programs, local law enforcement policing and programs, and state public safety agencies' core services.

State/Territory	Planned Use of Funds
Michigan	The state planned to fund program goals that included: (1) the removal of multi-jurisdictional narcotic offenders and conspiracies in the regional area; (2) the reduction and solving of criminal activity; (3) increasing community awareness (both regionally and locally) regarding the increase in prescription and over-the-counter drug abuse and addiction among youth and adults; (4) implementing long-term crime prevention strategies within the target area that reduce crime and increase community involvement and confidence in the criminal justice system; (5) improving the operational effectiveness of law enforcement and prosecution through the use of crime analysis, vertical prosecution, community involvement and combined efforts; (6) increasing safety, productivity, communication and efficiency for the criminal justice system and the service community; (7) improving local correctional resources to resolve locally identified problems in jails and detention centers with an emphasis on offenders with substance abuse problems; (8) reducing substance abuse among juvenile and adult offenders; and (9) offering a systems approach that assists communities in responding to criminal justice issues unique to their jurisdiction.
Minnesota	The state planned to use program funds in the areas of: (1) law enforcement; (2) courts, prosecution, and public defense; (3) corrections; (4) treatment; (5) prevention; and (6) crime victim services.
Mississippi	The state planned to coordinate use of funding with the present programs that support victims of domestic violence, sexual assault and child abuse victims, juvenile justice and child victims of crime. The state planned to place major emphasis on family violence issues, concentrating on child abuse and neglect, where resources will be made available to continue funding multi-disciplinary teams to provide a coordinated approach to child abuse investigations, prosecution, and treatment.
Missouri	The state planned to use the funds in the areas of: (1) multi-jurisdictional drug task force; (2) upgrading criminal justice information systems; (3) case management; (4) alternative sentencing; (5) community oriented programs; (6) crime prevention; (7) youth services; (8) drug treatment; and (9) crime victim and witness programs.
Montana	The state anticipated partial funding from Recovery Act monies of the state's seven multi-jurisdictional drug task forces. The state also anticipated the possible funding of: (1) local law enforcement crime prevention officers, (2) local community-based crime prevention council programs, (3) corrections systems mental health personnel, (4) school resource officers, (5) jail-based diversion and reentry train-the-trainer program, and (6) a National Incident Based Reporting System software upgrade.
Northern Mariana Islands	The territory planned to use the funds to provide full support to the law enforcement and criminal justice state agencies through the creation of 45 new full time employees to assure effective implementation of their mission. The employees requested would directly impact ongoing programs focusing on addressing crime through the provision of services directly to individuals and communities and on improving the effectiveness and efficiency of the entire criminal justice system, including the assurances of the safety of the community.

State/Territory	Planned Use of Funds
Nebraska	The state planned to use the funding for the multi-jurisdictional drug and violent crime task force, community prosecutorial activities, training specific for drug and violent crime, and justice information sharing.
Nevada	The state planned to use the funding for: (1) retention and hiring of gang and task force personnel, (2) increase drug and gang cases in task forces, (3) increase drug and gang arrests in task forces, (4) consistent and effective law enforcement training; (5) enhanced detentions and courts, (6) increase drug treatment counseling, and (7) intelligence led policing through technology.
New Hampshire	The state's planned use of the funds included: (1) the enhancement of investigative resources in the area of cold case and narcotics, (2) the enhancement of prosecution resources in the area of state consumer protection and county and local district court, (3) victim services in the area of victim witness advocates and Child Advocacy Centers, and (4) recidivism reduction and specialty court programs in the northern and lesser-served areas.
New Jersey	The state planned to use the funds for its Safe Streets and Neighborhoods Program focusing on three components to address violent crime: law enforcement, prevention, and reentry. The law enforcement component of the state strategy focuses on the support for interagency state, county, and municipal level task forces targeting violent gangs, guns, and narcotics through intelligence led, data driven, information sharing. The prevention component of the state strategy focuses on comprehensive efforts to reduce youth involvement with guns, gangs, and delinquency through evidence-based programs that provide workforce readiness skills, job placement, education, and youth development, expanding intervention services offered to gang-involved youth and evidence based truancy prevention programs. The reentry component of the state strategy focuses on reducing recidivism through offering wrap-around social services and workforce readiness skills to adult and juvenile probationers and parolees at discharge and day reporting centers, enhancing discharge planning for juvenile delinquents and offenders with mental health needs, and establishing a pilot program for intervention counselors to address technical parole violators.
New Mexico	The state planned to use the funds for the multi-jurisdictional task force. The multi-jurisdictional task force approach, together with the enforcement activities of the New Mexico State Police, will serve as the foundation and the force required to eradicate drug trafficking, drug abuse, and criminal activity associated with illicit drug abuse in New Mexico.
New York	The state planned to use the funds in conjunction with the enactment of the comprehensive Rockefeller Drug Law reforms to support local law enforcement and prosecution programs, reentry services, substance abuse treatment, probation, judicial diversion, alternative to incarceration programs, and the operation of drug courts.

State/Territory	Planned Use of Funds
North Carolina	<p>The state planned to use the funds for: (1) evaluation and training to improve court operations; (2) expansion of the Gang Net intelligence information database, including probation offices, State Bureau of Investigation, Homeland Security Intelligence network, and North Carolina Justice Xchange; (3) support of overtime expenditures required to expedite methamphetamine and violent crime investigations, and reduce backlog at the State Bureau of Investigation Crime Lab; (4) 2-Year gang prevention and intervention pilot programs in Cabarrus/Mecklenburg and Nash/Edgecombe/Wilson/Halifax corridors of the state; (5) new additional juvenile court counselors to assist the Department of Juvenile Justice and Delinquency Prevention; (6) new community corrections intake officers; (7) VIPER radios for improved communication in community corrections; (8) VIPER equipment for local governments including State Highway Patrol; (9) evidence based gang grants in consultation with Department of Juvenile Justice and Delinquency Prevention; (10) establishment of a statewide gang task force at the Governor’s Crime Commission; (11) provide equipment help for successful Community Oriented Police Services hiring applicants from local governments; and (12) training to improve State Highway Patrol operations.</p>
North Dakota	<p>The state planned to use the funds to hire two forensic scientists and purchase a DNA robot workstation for the State Crime Lab, to hire a paralegal to assist with the handling of all civil commitment proceedings, and to hire a grants/contracts officer for the Bureau of Criminal Investigation.</p>
Ohio	<p>The state planned to use the funds in the following areas: (1) provide safety measures and meet the needs of local communities through innovative criminal justice programs; (2) develop enforcement and training programs that target special needs victims or offenders; (3) reduce impact of drug and firearm traffickers, gangs, pharmaceutical diversion, terrorism, and other organized criminal activity on the health and safety of Ohioans through multi-jurisdictional collaboration; (4) reduce and prevent crime and the fear of crime through collaborative prevention efforts to maintain order, solve problems, and improve the quality of life in Ohio communities; (5) increase community-based alternatives to incarceration and detention for non-violent offenders in Ohio; (6) establish, expand, or improve Drug, Mental Health, and other types of specialized dockets; (7) enhance court security systems, train prosecution and court personnel; (8) support community mediation programs that assist crime victims; (9) provide state and local officials and practitioners needed information through research on priority Ohio criminal justice issues and evaluation of programs related to Ohio criminal justice priorities; and (10) reduce crime, increase public safety and support the Ohio Incident-Based Reporting System.</p>

State/Territory	Planned Use of Funds
Oklahoma	The state planned to use the funds to: (1) reduce the trafficking, importation, manufacturing, distribution, and possession of illegal drugs and controlled substances throughout the state through the funding of multi-jurisdictional drug task forces; (2) reduce violence related to gangs and enhance public safety through prevention, enforcement, and prosecution of gang-related crime; (3) assist local law enforcement through the procurement of equipment; (4) promote technology improvement and projects that enhance the integration of criminal history records between criminal justice agencies that advance the functioning of the criminal justice system; (5) reduce prison recidivism by providing effective drug and alcohol treatment for incarcerated juvenile and adult offenders; and (6) ensure the quality and timeliness of the prosecution of capital crime cases within Oklahoma by establishing a Capital Litigation Resource Prosecution Team.
Oregon	The Oregon State Police and the Oregon Criminal Justice Commission proposed to use Oregon's Recovery Act Justice Assistance Grant to divert some of the offenders convicted of Measure 57 crimes from prison if they complete intensive "drug court" type programs. These programs will be drug courts similar to Hawaii's Hawaii Opportunity Probation with Enforcement program, which focuses on intensive supervision and treatment, and immediate sanctions and rewards.
Pennsylvania	The state funding strategies included: (1) rectifying incomplete criminal history records, (2) correcting inefficiencies in data management, (3) improving insufficient system capacity, (4) rectifying insufficient law enforcement/policing strategies, (5) overcoming prison/detention over-utilization, (6) better handling offender management in communities, (7) altering adult and juvenile problem behaviors, (8) publicizing information on victims compensation and victims services, (9) mitigating insufficient community-based collaborative problem solving, (10) rectifying the problem of unknown program effectiveness, and (11) providing assistance to meet training needs.

State/Territory	Planned Use of Funds
Puerto Rico	<p>Puerto Rico planned to use the funds for the following purposes:</p> <p>(1) provide assistance to the state and local law enforcement units to improve their operational effectiveness in controlling and deterring crime and to a strike force composed of the State Police, State Bureau of Special Investigations, and the Federal Bureau of Special Investigations to dismantle and arrest members of interstate organized crime units;</p> <p>(2) provide assistance to facilitate the processing of criminals through the judicial system by making the criminal files, laboratory evidence, and legal research available to the prosecutor before the trial;</p> <p>(3) provide assistance to local and non-profit organizations, including faith based organizations that provide services in areas of high criminal incidence and drug distribution where youths are in high risk of getting involved in criminal activities;</p> <p>(4) provide assistance to the Department of Corrections to reduce the infiltration of drugs and weapons into the correctional facilities;</p> <p>(5) reduce recidivism by assisting community correctional programs by preparing the inmate to gain self confidence and support before being released to the community;</p> <p>(6) provide additional funds to the Department of Corrections for drug testing and treatment in coordination with the Residential Substance Abuse Treatment program;</p> <p>(7) fund the State Forensic Science Institute to update its criminal laboratories and make forensic evidence available to law enforcement agencies; and</p> <p>(8) fund projects providing assistance to severely battered and exploited children, victims of domestic violence, and victims of violent crimes, and for protecting witnesses against dangerous criminals.</p>
Rhode Island	<p>The state planned to fund goals that included:</p> <p>(1) more than 500 police officers to benefit from 30 in-service trainings;</p> <p>(2) Rhode Island State Police who will partner with Providence Police to patrol "hot spots" in the evenings during the peak summer months and also from Thanksgiving through the New Year's Day holiday;</p> <p>(3) 80 adult High-Risk offenders will be provided individualized re-entry services;</p> <p>(4) more than 50 juvenile offenders will be provided food services job training;</p> <p>(5) disruption of an identified drug ring;</p> <p>(6) 33 municipal police departments will purchase needed technology and provide targeted officer overtime;</p> <p>(7) 250 targeted indigent defendants will be provided advocacy services;</p> <p>(8) expansion of the Precious Metals and Pawns database; and</p> <p>(9) more than 100 young adult probationers will be intensively supervised by a duo of a police officer and a probation officer.</p>
South Carolina	<p>The state planned to fund goals that included:</p> <p>(1) drug and violent crime enforcement to include multi-jurisdictional task forces, methamphetamine enforcement, school resource officers, crime scene/forensic investigators;</p> <p>(2) gang crime reduction programs by committing investigative resources specifically to combat firearms violence and gang activity;</p> <p>(3) the reduction of all sexual and domestic violence offenses through prevention, enforcement, apprehension or adjudication;</p> <p>(4) the enhancement of state and local forensic laboratories to include regional drug analysis laboratories and crime lab backlog reduction programs;</p> <p>(5) law enforcement communications programs which includes communication equipment to include 800 MHz radios (mobile and portable), 800 MHz user fees, laptops/mobile data terminals, and wireless connections; and</p> <p>(6) law enforcement equipment which will provide local law enforcement agencies and state agencies with updated equipment to enhance their effectiveness, increase their technology, and enhance officer safety.</p>

State/Territory	Planned Use of Funds
South Dakota	The state planned to fund goals to: (1) ensure law enforcement agencies are able to efficiently, effectively, and safely protect the lives, safety, and property of all who visit and inhabit South Dakota; (2) continually improve the technical operations of the interoperable communications system by improving coverage by increasing the number of tower sites, improving operation of subscriber radios through programming updates, upgrading the network to the most recent standards, and increasing number of users on the network; and (3) improve the functioning of the criminal justice system in South Dakota.
Tennessee	The state planned to use the funds for programs including: (1) drug courts, (2) correctional programs, (3) crime victim and witness programs, (4) multi-jurisdictional drug and violent crime task forces, (5) criminal justice professional enhancement training, (6) pretrial service delivery, (7) technology improvement, and (8) community crime prevention.
Texas	The state planned to use the funds to: (1) increase programs that divert juveniles away from criminal activities and toward productive life styles; (2) increase programs that reduce crime and enhance resources for prosecution of offenders; (3) increase programs that support solutions for restoring victims of crime; (4) reintegrate offenders into the community; and (5) reduce the potential for recidivism.
Utah	The state planned to use the funding to: (1) help maintain basic statewide public safety services following budget cuts in 2009 and 2010; and (2) help create, retain or restore criminal justice jobs in an effort to stimulate the declining state and national economy.
Vermont	The state planned to use the funds to support the law enforcement technology upgrades and new technologies needed to keep Vermont law enforcement operating with the newest, most reliable, and robust technologies.
Virgin Islands	The territory planned to use the funds toward goals that included: (1) law enforcement programs to improve the operational effectiveness of law enforcement; (2) prosecution and court programs to improve the investigations and prosecution efforts especially related to drugs and violent crimes in gangs and organized crime, promote alternatives to detention, jail and imprisonment of non-violent offenders, and promote the development of a Juvenile Drug Court Program; (3) prevention and education programs to increase assistance to communities and neighborhoods to prevent, reduce, and control crime; (4) corrections and community corrections program to improve the correctional system; (5) planning, evaluation, and technology improvement programs to improve the Criminal Justice Record, improve the Forensic Unit for improved and enhanced criminal investigative support and quality assurance; and (6) crime victim and witness program to provide shelter for victims and Witness Protection Program participants, and assistance for victims of crime.
Virginia	The state planned to use the funds to hire or retain up to 685 deputy positions in 123 Sheriffs' offices statewide in FY 2010.

State/Territory	Planned Use of Funds
Washington	The state planned to use the funds toward the following goals: (1) create a gang prevention, intervention, and suppression program for targeted communities to reduce criminal gang activities in state prisons, reduce offender reentry risks of former gang members, initiate community-led local prevention and intervention projects for juveniles in communities, and provide for coalition building around assessment, planning, implementation, and enforcement; (2) retain prosecutor positions statewide; (3) distribute available funding to eligible designated units of local government in an initial solicitation to 135 jurisdictions and initiate a second distribution to local jurisdictions for competitive projects with a criminal justice nexus; (4) restore funding levels in the Byrne JAG multi-jurisdictional narcotics task force program to retain and restore 46 law enforcement positions, 10 administrative support positions, and 10 prosecutor positions; (5) restore Byrne JAG Evaluation Program funding to research and evaluate functions; (6) retain and restore 16 state trooper positions through an existing cooperative agreement with the Washington State Patrol and enhance the agreement by creating 1 new supervisory position to reinstitute and operate the Byrne JAG Drug Task Force Peer Review Program; and (7) retain 2 State Administrative Agency program staff and create 1 new project position.
West Virginia	The state planned to use the funds toward goals to: (1) support five full time positions and provide a portion of two additional full time positions to plan, administer, and monitor the JAG formula grant program; and (2) support sub grantee projects that seek to address each of the identified priority areas established by the West Virginia Justice Assistance Grant Program Funding Committee as well as create and retain jobs in West Virginia. The priority areas are: Domestic Violence; Sexual Offenses; Violent Crime; Substance Abuse; and Juvenile Issues.
Wisconsin	The state planned to use the funds for: (1) creation of at least 94 jobs; (2) implementing 9 evidence-based prevention programs; (3) developing 3 justice reinvestment programs, each with several projects; (4) funding 6 identified programs for 3 years in the Department of Corrections; (5) supporting 2 justice system technology enhancement programs; (6) funding local law enforcement for 3 1-year grant programs; (7) funding 3 programs to reduce racial disparities in Wisconsin; (8) offering minority law student internships to 10 students; (9) supporting the State of Wisconsin for data collection software for traffic stops; and (10) providing for five programs to receive intensive data collection, performance measurement analysis, and evaluation.
Wyoming	The state planned to use the funds for six additional local law enforcement officers/deputies for assignment to the five Regional Drug Enforcement Teams to increase local law enforcement participation, coordination, and cooperation for the drug team that focuses enforcement efforts in their respective regions.

# APPENDIX III

## Basic Minimum Requirements Checklist Used by the Bureau of Justice Assistance to Review Recovery Act Grant Applications

### Basic Minimum Requirements Screening Checklist FY 2009 Recovery Act: Edward Byrne Memorial Competitive Grant Program

Applicant (Form 424-Box 5 Legal Name): \_\_\_\_\_

GMS Applicant #: \_\_\_\_\_

Tracking #: \_\_\_\_\_

Federal Request: \_\_\_\_\_

**The application contains an Abstract:**

Yes       No

**Abstract Format**

- Yes    No—12-point standard font
- Yes    No—1" standard margins
- Yes    No—Indicates title of Project
- Yes    No—Indicates the Category for which the applicant is applying
- Yes    No—Indicates Federal Request

**The application contains a Program Narrative:**

Yes       No

**Program Narrative Format:**

- Yes    No—Double-spaced
- Yes    No—12-point standard font
- Yes    No—1" standard margins
- Yes    No—Narrative is 8 pages or less

**Other Required Components:**

- Yes    No—Standard 424 Form
- Yes    No—Budget Narrative
- Yes    No—Budget Detail Worksheet
- Yes    No—Project Timeline
- Yes    No—Reporting on the Use of Funds Certification
- Yes    No—Certification regarding Infrastructure Investments

**Additional Comments:**

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Screened by/Date \_\_\_\_\_

QC'd by/Date \_\_\_\_\_

## APPENDIX IV

# Basic Minimum Requirements Checklist Used by the Office of Juvenile Justice and Delinquency Prevention to Review the Recovery Act National Youth Mentoring Grant Applications

### Basic Minimum Requirements Screening Checklist FY 2009 Recovery Act National Youth Mentoring Programs

Applicant (Form 424-Box 5 Legal Name): \_\_\_\_\_

GMS Applicant #: \_\_\_\_\_ Tracking #: \_\_\_\_\_

Federal Request: \_\_\_\_\_ Date Application Submitted \_\_\_\_\_

**Project Period** \_\_\_\_\_ **Is Project Period for 3 years?**

Yes  No

**The application was submitted by the April 20, 2009 deadline:**

Yes  No

**Eligibility: Applicant is a National Organization:**

Yes  No

**The application contains a Program Narrative:**

Yes  No

**Program Narrative contains the following sections:**

- Yes  No—Statement of the Problem  
 Yes  No—Impact/Outcomes, Evaluation, and Sustainment  
 Yes  No—Project Design and Implementation  
 Yes  No—Capabilities/Competencies

**Program Narrative/Abstract Format:**

- Yes  No—Double-spaced  
 Yes  No—12-point standard font  
 Yes  No—1" standard margins  
 Yes  No—Narrative is 30 pages or less (including Project Abstract)

**Other Required Components:**

- Yes  No—Standard 424 Form  
 Yes  No—Project Abstract (Is first page of Program Narrative and does not exceed 200 words)  
 Yes  No—Budget Narrative  
 Yes  No—Budget Worksheet  
 Yes  No—Logic Model  
 Yes  No—Project Timeline  
 Yes  No—Resumes of Key Personnel  
 Yes  No—Position Descriptions  
 Yes  No—Letters of Support/Commitment and MOUs

**Additional Comments:**

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Screened by/Date \_\_\_\_\_

QC'd by/Date \_\_\_\_\_

# APPENDIX V

## Basic Minimum Requirements Checklist Used by the Office of Juvenile Justice and Delinquency Prevention to Review the Recovery Act Local Youth Mentoring Grant Applications

### Basic Minimum Requirements Screening Checklist FY 2009 Recovery Act Local Youth Mentoring Initiative

Applicant (Form 424-Box 5 Legal Name): \_\_\_\_\_

GMS Applicant #: \_\_\_\_\_

Tracking #: \_\_\_\_\_

Federal Request: \_\_\_\_\_ Date Application Submitted \_\_\_\_\_

**The Federal Request is within Allowable Limits (\$500,000):**

Yes  No

**The application was submitted by the April 20, 2009 deadline:**

Yes  No

**Project Period \_\_\_\_\_ Is the Project Period Over 4 years?**

Yes  No

**Eligibility: Applicant has entered into a partnership with one or more public or private entities to form a "community partnership", which includes at a minimum one or more private organizations such as nonprofits, for-profits, community and faith-based organizations.**

Yes  No

**The application contains a Program Narrative:**

Yes  No

**Program Narrative contains the following sections:**

Yes  No—Statement of the Problem  
 Yes  No—Impact/Outcomes, Evaluation, and Sustainment  
 Yes  No—Project Design and Implementation  
 Yes  No—Capabilities/Competencies

**Program Narrative/Abstract Format:**

Yes  No—Double-spaced  
 Yes  No—12-point standard font  
 Yes  No—1" standard margins  
 Yes  No—Narrative is 30 pages or less (including Project Abstract)

**Other Required Components:**

Yes  No—Standard 424 Form  
 Yes  No—Project Abstract (Is first page of Program Narrative and does not exceed 200 words)  
 Yes  No—Budget Narrative  
 Yes  No—Budget Worksheet  
 Yes  No—SMART data  
 Yes  No—Logic Model  
 Yes  No—Project Timeline  
 Yes  No—Resumes of Key Personnel  
 Yes  No—Position Descriptions  
 Yes  No—Letters of Support/Commitment and MOUs

**Additional Comments:**

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Screened by/Date \_\_\_\_\_

QC'd by/Date \_\_\_\_\_

## APPENDIX VI

### Description of the Office of Juvenile Justice and Delinquency Prevention's Process for "Normalizing" Peer Review Scores

#### Title: Normalization Description

As part of the peer review process, peer reviewers provide individual peer review scores for each grant application. After individual scores are obtained, the peer reviewers participate in consensus reviews to discuss their results and attempt to seek consensus. As part of these discussions, the scores are adjusted to reflect more agreement. However, since some variance between the scores remain, it is necessary to normalize the peer review scores to minimize variance with peer reviewers who may have either bias to score too strictly or too leniently.

Peer review scores are normalized according to the following steps.

- \* Using SAS, obtain the means and standard deviations of the raw scores by Consultant ID.
- \* Compute standardized z-scores for each raw score, i.e., standardize them to a mean of 0 and a standard deviation of 1 using the means and standard deviations of corresponding Consultant IDs. Z-scores indicate the number of standard deviations away from a consultant's mean score (positive or negative). This process redistributes the scores to more closely resemble a normal distribution graph, also known as the Bell Curve. It reduces the impact of outlying scores.
- \* Z-scores are then normalized to a pre-determined mean of 75 and a standard deviation of 15, i.e.,  $\text{Normalized\_score} = z\_score * 15 + 75$ .
- \* Compute aggregate-level statistics by Consultant ID, by Applicant ID, and overall. Copy results from SAS to Excel.

Example:

Consider the following sample data:

App	Consult ID	Score
1	123	54
1	2130	65
1	3500	44
4	123	28
4	2130	12
4	3500	14
5	123	95
5	2130	97
5	3500	71
6	123	74
6	2130	73
6	3500	42
7	123	83
7	2130	66
7	3500	49
8	123	90
8	2130	92
8	3500	62
9	123	91
9	2130	94
9	3500	91

First, compute means and standard deviations by Consultant ID:

Consultant ID	Mean	Standard Deviation
123	73.57	24.43
2130	71.28	29.41
3500	53.29	24.45

Compute z-scores for each original score:

$$\text{z-score} = (\text{Original Score} - \text{Consultant Mean}) / \text{Consultant Standard Deviation}$$

The z-score for the first score would be:

$$\begin{aligned}\text{z-score} &= (54 - 73.57) / 24.43 \\ \text{z-score} &= -0.80106\end{aligned}$$

Normalize each z-score to a mean of 75 and a standard deviation of 15:

$$\text{Normalized Score} = (\text{z-score} * 15) + 75$$

The normalized score for the first score would be:

$$\text{Normalized Score} = (-0.80106 * 15) + 75$$

$$\text{Normalized Score} = 62.98$$

Using another example, consider the last score in our example data (App 9, Cons ID 3500, Score = 91):

$$\text{z-score} = (\text{Original Score} - \text{Consultant Mean}) / \text{Consultant Standard Deviation}$$

$$\text{z-score} = (91 - 53.29) / 24.45$$

$$\text{z-score} = 1.542331$$

Normalize each z-score to a mean of 75 and a standard deviation of 15:

$$\text{Normalized Score} = (\text{z-score} * 15) + 75$$

$$\text{Normalized Score} = (1.542331 * 15) + 75$$

$$\text{Normalized Score} = 98.13.$$

## Standard score

From Wikipedia, the free encyclopedia



comparison of various measures of the normal distribution: standard deviations, cumulative percentages, Z-scores, and T-scores

*"Standardize" redirects here. For industrial and technical standards, see Standardization.*

*For Z-values in ecology, see Z-value.*

In statistics, a **standard score** is a dimensionless quantity derived by subtracting the population mean from an individual raw score and then dividing the difference by the population standard deviation. This conversion process is called **standardizing** or **normalizing**.

Standard scores are also called **z-values**, **z-scores**, **normal scores**, and **standardized variables**.

The standard score indicates how many standard deviations an observation is above or below the mean. It allows comparison of observations from different normal distributions, which is done frequently in research.

The standard score is not the same as the z-factor used in the analysis of high-throughput screening data, but is sometimes confused with it.

## Contents

- 1 Formula
- 2 Standardizing in mathematical statistics

## Formula

The standard score is: 
$$z = \frac{x - \mu}{\sigma}$$

where:  $x$  is a raw score to be standardized  
 $\mu$  is the mean of the population.  
 $\sigma$  is the standard deviation of the population

The quantity  $z$  represents the distance between the raw score and the population mean in units of the standard deviation.  $z$  is negative when the raw score is below the mean, positive when above.

A key point is that calculating  $z$  requires the population mean and the population standard deviation, not the sample mean or sample deviation. It requires knowing the population parameters, not the statistics of a sample drawn from the population of interest. But knowing the true standard deviation of a population is often unrealistic except in cases such as standardized testing, where the entire population is measured. In cases where it is impossible to measure every member of a population, the standard deviation may be estimated using a random sample. For example, a population of people who smoke cigarettes is not fully measured.

When a population is normally distributed, the percentile rank may be determined from the standard score and statistical tables.

## Standardizing in mathematical statistics

In mathematical statistics, a random sample  $X$  is **standardized** using the theoretical (population) mean and standard deviation:

$$Z = \frac{X - \mu}{\sigma}$$

where  $\mu = E(X)$  is the mean and  $\sigma =$  the standard deviation of the probability distribution of  $X$ .

If the random variable under consideration is the sample mean:

$$\bar{X} = \frac{1}{n} \sum_{i=1}^n X_i$$

then the standardized version is

$$Z = \frac{\bar{X} - \mu}{\sigma/\sqrt{n}}.$$

## APPENDIX VII

### Results of Normalizing Peer Review Scores for Categories I through VIII of the Byrne Competitive Grant Program

For Category I, the BJA selected for award 20 of the 28 highest scoring non-normalized applications. By using normalized scores, the 28 highest scoring applications would have been significantly different. As shown below, normalizing the scores resulted in 14 of the 28 highest scoring non-normalized applications dropping off the list. As a result, 14 applications that did not make the BJA's list of 28 highest scoring non-normalized applications would have made the list based on normalized scores.

**Exhibit 27: Effects of Normalization of Peer Review Scores on the Ranking of Applications for Category I of the Byrne Competitive Grant Solicitation**

Application Number	BJA Average Score	BJA Ranking	OIG Normalized Score	OIG Normalized Ranking	Awarded Grant
2009-G2445-MA-SU	98.00	1	95.42	5	Yes
2009-G4394-MI-SC	96.00	2	90.79	33	No
2009-G4920-MA-SC	95.83	3	93.68	14	Yes
2009-F9621-AZ-SU	94.67	4	90.04	38	Yes
2009-G3636-OR-SC	94.67	5	94.15	13	Yes
2009-G2703-PA-SC	94.33	6	94.85	10	Yes
2009-G4972-CA-SC	93.50	7	90.66	36	No
2009-G2796-WA-SC	93.17	8	92.72	18	Yes
2009-F4838-WA-SC	93.00	9	92.00	23	Yes
2009-F8379-MD-SC	93.00	10	91.75	25	Yes
2009-F5788-AZ-SC	93.00	11	88.95	48	Yes
2009-G0093-FL-SC	92.67	12	93.21	15	No
2009-G3280-FL-SC	92.00	13	96.31	2	Yes
2009-F3421-NY-SC	91.50	14	86.24	84	Yes
2009-G2391-MD-SC	91.50	15	89.02	47	No
2009-F5056-MI-SU	91.50	16	87.64	67	Yes
2009-F4680-MA-SC	91.33	17	89.31	43	No
2009-G3914-TX-SC	91.33	18	92.28	21	Yes
2009-G3526-MI-SC	91.17	19	87.69	66	Yes
2009-F6609-FL-SC	91.00	20	91.71	28	Yes
2009-G1570-WI-SC	90.83	21	91.81	24	No
2009-G5028-FL-SC	90.67	22	91.74	27	No
2009-G2719-AZ-SC	90.50	23	86.56	77	Yes
2009-G3407-PA-SC	90.50	24	90.69	35	Yes
2009-F5161-MD-SC	90.33	26	88.43	56	No
2009-F5967-MN-SC	90.33	25	94.20	12	Yes
2009-F6635-CA-SC	90.25	27	88.16	59	Yes
2009-G5373-NY-SC	90.17	28	84.52	114	Yes

For Category II, the BJA selected for award 19 of the 22 highest scoring non-normalized applications. By using normalized scores, the 22 highest scoring applications would have been significantly different. As shown below, normalizing the scores resulted in 6 of the 22 highest scoring non-normalized applications dropping off the list. As a result, 6 applications that did not make the BJA's list of 22 highest scoring non-normalized applications would have made the list based on normalized scores.

**Exhibit 28: Effects of Normalization of Peer Review Scores  
on the Ranking of Applications for Category II  
of the Byrne Competitive Grant Solicitation**

Application Number	BJA Average Score	BJA Ranking	OIG Normalized Score	OIG Normalized Ranking	Awarded Grant
2009-G4128-CA-SU	98.50	1	95.24	3	Yes
2009-G4386-MS-SU	95.00	2	91.76	7	No
2009-G0795-CA-SU	94.00	3	93.88	4	Yes
2009-F6516-CA-SU	93.50	4	93.12	6	Yes
2009-G5349-CA-SU	93.33	5	91.54	8	Yes
2009-F9288-AZ-SU	93.17	6	98.33	1	Yes
2009-F6476-VT-SU	91.50	7	90.86	9	Yes
2009-F9405-AZ-SU	91.50	8	88.70	19	Yes
2009-F8315-MO-SU	91.33	9	89.31	12	Yes
2009-F4281-NY-SU	91.00	10	89.03	14	Yes
2009-F5310-FL-SU	90.83	11	88.77	18	Yes
2009-F8347-IA-SU	90.17	12	88.85	17	Yes
2009-F5596-CA-SU	89.67	13	89.27	13	Yes
2009-F7489-WA-SU	89.67	14	93.56	5	Yes
2009-F4280-OH-SU	88.83	15	96.35	2	Yes
2009-G2941-OR-SU	88.17	16	86.83	28	Yes
2009-G0923-CA-SU	87.50	17	86.00	37	No
2009-G2500-NV-SU	87.50	18	86.41	33	Yes
2009-G1173-MN-SU	87.00	19	85.14	41	Yes
2009-F9631-CA-SU	86.50	20	86.56	29	No
2009-G0099-WA-SU	86.00	21	84.10	49	Yes
2009-G3757-NJ-SU	86.00	22	89.92	10	Yes

For Category III, the BJA selected for award 8 of the 11 highest scoring non-normalized applications. By using normalized scores, the 11 highest scoring applications would have been significantly different. As shown in the following table, normalizing the scores resulted in 3 of the 11 highest scoring non-normalized applications dropping off the list. As a result, 3 applications that did not make the BJA's list of 11 highest scoring non-normalized applications would have made the list based on normalized scores.

**Exhibit 29: Effects of Normalization of Peer Review Scores  
on the Ranking of Applications for Category III  
of the Byrne Competitive Grant Solicitation**

Application Number	BJA Average Score	BJA Ranking	OIG Normalized Score	OIG Normalized Ranking	Awarded Grant
2009-G4043-CA-SU	92.33	1	97.92	2	Yes
2009-G5332-FL-SU	91.50	2	96.62	3	No
2009-G5274-OR-SU	88.83	3	93.48	4	Yes
2009-G5280-IL-SU	88.67	4	90.98	9	Yes
2009-G5154-MN-SU	88.50	5	91.08	8	Yes
2009-G4173-FL-SU	88.00	6	91.41	7	Yes
2009-G3619-OR-SU	87.50	7	92.52	5	No
2009-G4710-OH-SU	87.50	8	90.33	13	Yes
2009-G4807-UT-SU	87.17	9	90.34	12	Yes
2009-G1156-FL-SU	86.83	10	89.36	15	No
2009-G4685-CA-SU	85.67	11	99.91	1	Yes

For Category IV, the BJA selected for award the 33 highest scoring non-normalized applications for award. By using normalized scores, the 33 highest scoring applications would have been significantly different. As shown below, normalizing the scores resulted in 18 of the 33 highest scoring non-normalized applications dropping off the list. As a result, 18 applications that did not make the BJA's list of 33 highest scoring non-normalized applications would have made the list based on normalized scores.

**Exhibit 30: Effects of Normalization of Peer Review Scores  
on the Ranking of Applications for Category IV  
of the Byrne Competitive Grant Solicitation**

Application Number	BJA Average Score	BJA Ranking	OIG Normalized Score	OIG Normalized Ranking	Awarded Grant
2009-G4219-CA-SU	99.00	1	100.19	6	Yes
2009-G4487-OH-SU	96.33	2	95.73	19	Yes
2009-G4894-WA-SU	96.33	3	100.42	4	Yes
2009-G5358-KY-SU	94.83	4	97.17	11	Yes
2009-G5364-OH-SU	94.67	5	94.49	22	Yes
2009-G4683-MD-SU	94.33	6	102.09	3	Yes
2009-G4950-TX-SU	93.67	7	108.30	1	Yes
2009-G3951-WI-SU	93.33	8	93.53	29	Yes
2009-G5267-MA-SU	92.67	9	100.28	5	Yes
2009-F8654-PA-SU	92.67	10	92.14	45	Yes
2009-G5299-WA-SU	92.50	11	96.72	13	Yes
2009-F8821-MS-SU	92.33	12	93.31	31	Yes

Application Number	BJA Average Score	BJA Ranking	OIG Normalized Score	OIG Normalized Ranking	Awarded Grant
2009-G6692-NY-SU	92.33	13	92.53	41	Yes
2009-G1882-CA-SU	91.33	14	91.99	46	Yes
2009-G2533-KY-SU	91.00	15	92.15	44	Yes
2009-G1207-PA-SU	90.83	16	89.55	71	Yes
2009-G3212-NC-SU	90.67	17	93.97	26	Yes
2009-G2651-NC-SU	90.67	18	91.98	47	Yes
2009-G4051-CA-SU	90.67	19	92.97	36	Yes
2009-F8634-CA-SU	90.50	20	93.40	30	Yes
2009-G4663-AZ-SU	90.33	21	91.49	48	Yes
2009-G4976-OR-SU	90.33	22	91.45	49	Yes
2009-G4963-NY-SU	90.17	23	89.75	66	Yes
2009-F4699-AZ-SU	90.00	24	97.63	10	Yes
2009-G0874-CA-SU	89.83	25	90.89	51	Yes
2009-G2467-MA-SU	89.83	26	97.90	8	Yes
2009-G0267-CA-SU	89.67	27	90.33	57	Yes
2009-G5152-FL-SU	89.17	28	92.74	39	Yes
2009-F5714-CA-SU	89.17	29	90.09	62	Yes
2009-F7866-SC-SU	89.17	30	89.76	64	Yes
2009-F9375-ID-SU	89.17	31	90.74	52	Yes
2009-G3814-WI-SU	89.17	32	90.47	55	Yes
2009-G3658-CA-SU	89.00	33	87.37	107	Yes

For Category V, the BJA selected for award 12 of the 14 highest scoring non-normalized applications. By using normalized scores, the 14 highest scoring applications would have been significantly different. As shown below, normalizing the scores resulted in 12 of the 14 highest scoring non-normalized applications dropping off the list. As a result, 12 applications that did not make the BJA's list of 14 highest scoring non-normalized applications would have made the list based on normalized scores.

**Exhibit 31: Effects of Normalization of Peer Review Scores on the Ranking of Applications for Category V of the Byrne Competitive Grant Solicitation**

Application Number	BJA Average Score	BJA Ranking	OIG Normalized Score	OIG Normalized Ranking	Awarded Grant
2009-F4965-OH-SU	98.00	1	93.37	7	Yes
2009-G4156-KS-SU	97.50	2	91.10	17	Yes
2009-G0032-LA-SU	96.00	3	91.86	13	Yes
2009-G5230-MA-SU	95.67	4	88.74	38	No
2009-G4895-NY-SU	95.50	5	88.77	37	Yes
2009-F7468-MN-SU	95.33	6	91.43	16	Yes
2009-F9718-MN-SU	94.83	7	89.04	35	Yes

Application Number	BJA Average Score	BJA Ranking	OIG Normalized Score	OIG Normalized Ranking	Awarded Grant
2009-F5872-GA-SU	94.17	8	90.28	23	Yes
2009-G5085-LA-SU	93.67	9	90.10	27	No
2009-G2229-MO-SU	93.33	10	87.37	51	Yes
2009-G1780-MO-SU	92.67	11	86.86	57	Yes
2009-G4949-NY-SU	92.67	12	86.85	58	Yes
2009-F9507-NY-SU	92.50	13	86.41	65	Yes
2009-G3842-MN-SU	92.33	14	85.19	74	Yes

For Category VI, the BJA selected for award 14 of the 20 highest scoring non-normalized applications. By using normalized scores, the 20 highest scoring applications would have been significantly different. As shown below, normalizing the scores resulted in 17 of the 20 highest scoring non-normalized applications dropping off the list. As a result, 17 applications that did not make the BJA's list of 20 highest scoring non-normalized applications would have made the list based on normalized scores.

**Exhibit 32: Effects of Normalization of Peer Review Scores on the Ranking of Applications for Category VI of the Byrne Competitive Grant Solicitation**

Application Number	BJA Average Score	BJA Ranking	OIG Normalized Score	OIG Normalized Ranking	Awarded Grant
2009-G3398-OR-SU	100.00	1	89.12	52	Yes
2009-G3666-OR-SU	100.00	2	89.12	53	No
2009-G4591-OR-SU	98.33	3	86.79	95	No
2009-F9934-WA-SU	97.83	4	90.25	31	Yes
2009-G5295-OH-SU	97.67	5	90.13	36	Yes
2009-G1970-WA-SU	97.50	6	85.63	112	Yes
2009-F6686-OR-SU	97.33	7	85.50	115	No
2009-G3303-MO-SU	97.33	8	89.77	41	Yes
2009-G3942-AK-SU	97.33	9	85.39	121	Yes
2009-G0508-OH-SU	97.00	10	89.53	46	Yes
2009-G2090-OH-SU	97.00	11	89.69	43	Yes
2009-G4896-AK-SU	97.00	12	85.20	122	No
2009-G4932-CA-SU	96.83	13	91.64	17	Yes
2009-G3678-OR-SU	96.67	14	89.72	42	Yes
2009-G5326-OR-SU	96.67	15	84.46	130	No
2009-F9757-IL-SU	96.33	16	89.16	51	Yes
2009-G4155-OR-SU	96.17	17	83.77	140	Yes
2009-F8068-CO-SU	96.00	18	95.25	4	Yes
2009-G4110-WA-SU	95.50	19	82.83	160	No
2009-F6109-OK-SU	95.50	20	95.47	3	Yes

For Category VII, the BJA selected the nine highest scoring non-normalized applications for award. By using normalized scores, the nine highest scoring applications would have been significantly different. As shown below, normalizing the scores resulted in six of the nine highest scoring non-normalized applications dropping off the list. As a result, six applications that did not make the BJA's list of nine highest scoring non-normalized applications would have made the list based on normalized scores.

**Exhibit 33: Effects of Normalization of Peer Review Scores on the Ranking of Applications for Category VII of the Byrne Competitive Grant Solicitation**

Application Number	BJA Average Score	BJA Ranking	OIG Normalized Score	OIG Normalized Ranking	Awarded Grant
2009-G4430-MI-SU	97.83	1	94.80	4	Yes
2009-G0280-WA-SU	97.67	2	91.75	10	Yes
2009-G4953-OH-SU	97.00	3	91.21	15	Yes
2009-G5286-IN-SU	96.50	4	90.59	20	Yes
2009-G0764-MI-SU	95.33	5	89.51	30	Yes
2009-G2932-OK-SU	95.33	6	97.97	1	Yes
2009-F9172-CA-SU	95.00	7	92.29	9	Yes
2009-G0536-CO-SU	94.50	8	88.77	36	Yes
2009-G5204-OH-SU	93.67	9	87.95	45	Yes

For Category VIII, the BJA grouped the applications into the following two sub-categories:

- applications proposing to work collaboratively with State Administering Agencies; and
- applications proposing to provide training, technical assistance, public awareness, and outreach strategies on one of seven areas.

For the first sub-category, the BJA selected the highest scoring non-normalized applications for award. The application the BJA selected would have been the same using the normalized scores.

For the second sub-category, the BJA selected four of the eight highest scoring applications for award. By using normalized scores, the eight highest scoring applications would have been significantly different. As shown in the following table, normalizing the scores resulted in three of the eight highest scoring non-normalized applications dropping off the list. As a result, three applications that did not make the BJA's list of eight highest

scoring non-normalized applications would have made the list based on normalized scores.

**Exhibit 34: Effects of Normalization of Peer Review Scores  
on the Ranking of Applications for Category VIII  
(Second Sub-category) of the Byrne Competitive Grant Solicitation**

<b>Application Number</b>	<b>BJA Average Score</b>	<b>BJA Ranking</b>	<b>OIG Normalized Score</b>	<b>OIG Normalized Ranking</b>	<b>Awarded Grant</b>
2009-F6038-FL-SU	93.33	1	92.81	3	No
2009-F5629-NY-SU	92.83	2	92.86	2	Yes
2009-G5182-VA-SU	90.67	3	89.89	6	No
2009-G4956-VA-SU	89.67	4	90.07	4	Yes
2009-G3132-MI-SU	88.83	5	86.61	12	Yes
2009-G3926-VA-SU	88.33	6	95.84	1	No
2009-G1066-VA-SU	87.33	7	83.16	28	No
2009-F3544-MD-SU	87.17	8	84.25	22	Yes

## APPENDIX VIII

### 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

AUG 20 2010

MEMORANDUM TO: Glenn A. Fine  
Inspector General  
United States Department of Justice

THROUGH: Raymond J. Beaudet  
Assistant Inspector General for Audit  
Office of the Inspector General  
United States Department of Justice

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

SUBJECT: Response to Office of the Inspector General's Draft Audit Report,  
*Audit of the Office of Justice Programs' Recovery Act and  
Non-Recovery Act Programs for Edward Byrne Memorial Justice  
Assistance Grants and Byrne Competitive Grants*

This memorandum provides a response to the 15 recommendations directed to the Office of Justice Programs (OJP) included in the Office of the Inspector General's (OIG's) draft audit report transmitted on August 13, 2010, entitled, *Audit of the Office of Justice Programs' Recovery Act and Non-Recovery Act Programs for Edward Byrne Memorial Justice Assistance Grants and Byrne Competitive Grants*.

OJP has completed corrective actions to address seven of the draft audit report recommendations, and we request closure of those recommendations. For the remaining eight draft audit report recommendations, we anticipate implementing corrective actions by April 30, 2011. For ease of review, the draft audit report recommendations are restated in bold and are followed by OJP's response.

- 1. We recommend that the Office of Justice Programs establish procedures to ensure that future Byrne JAG solicitations: (1) clearly describe what material is required to be submitted with the grant application, and (2) instruct applicants that applications lacking any of the required material will be sent back for additional information.**

The OJP agrees with this recommendation. The Bureau of Justice Assistance (BJA) revised its Fiscal Year (FY) 2010 Justice Assistance Grant (JAG) solicitations to ensure that requirements are clearly described and optional items are labeled as such. The FY 2010 solicitations describe required material (e.g., a program narrative) as attachments

that "must be submitted" and optional material as information that the applicant is being "requested to provide." The FY 2010 JAG solicitations can be found at the following website pages: <http://www.ojp.usdoj.gov/BJA/grant/10JAGLocalSol.pdf> and <http://www.ojp.usdoj.gov/BJA/grant/10JAGStateSol.pdf>.

Solicitation language similar to the following was also added to notify applicants that withholding special conditions will be applied to applications that lack any required material: "Failure to submit an appropriate review narrative may result in the attachment of a withholding special condition at the time of award, preventing the drawdown of funds until the required information is submitted." The OJP requests closure of this recommendation.

**2. We recommend that the Office of Justice Programs do not process future Byrne JAG applications until required material is received.**

The OJP agrees, in part, with this recommendation. While the OJP does not stop processing awards for applicants that fail to submit all required material, we agree that grantees should not have access to award funds unless they submit all required material. OJP addresses the absence of application documents in the post-award phase by including a withholding special condition (and corresponding withholding action in the Grants Management System (GMS)) that denies a grantee access to the funds until all required materials are submitted and the withholding special condition is released.

BJA included language in its FY 2010 JAG solicitations notifying applicants that withholding special conditions are applied to applications that are lacking any required material. BJA applied these special conditions to any applications that did not contain all required material. The OJP requests closure of this recommendation.

**3. We recommend that the Office of Justice Programs provide additional training and oversight of Byrne JAG grant recipients to ensure that they:**

- **establish adequate internal controls for managing and safeguarding Byrne JAG Program funds;**
- **expend Byrne JAG funds in accordance with program guidelines and maintain adequate documentation to support expenditures;**
- **establish and implement adequate property management procedures to ensure property purchased with grant funds are adequately protected against loss and waste;**
- **establish policies and procedures for monitoring subrecipients' activities to provide reasonable assurance that subrecipients administer Byrne JAG funds in accordance with program guidelines;**
- **submit financial and progress reports in a timely manner;**
- **submit financial, progress, and Recovery Act reports containing accurate data; and**

- **maintain adequate documentation to show they are meeting the goals and objectives of their Byrne JAG grants.**

The OJP agrees with this recommendation. The Office of the Chief Financial Officer (OCFO) will review the content of its Regional Financial Management Training Seminars (RFMTS) and the OJP Financial Guide to ensure guidance on proper internal controls, adequate documentation, property management procedures, subrecipient monitoring, and financial and progress reporting are adequately addressed. By March 31, 2011, OCFO anticipates developing a training module specific to subrecipient monitoring. This training may be incorporated into the RFMTS as a breakout session, and/or launched as a Computer-Based Training effort. In addition, by March 31, 2011, OCFO will work with BJA to provide financial grant administration training covering subrecipient monitoring, and the other topics listed above, at BJA-sponsored conferences.

4. **We recommend that the Office of Justice Programs revise the Byrne Competitive Grant Program funding information contained on its website to make it clear that \$2.25 million of program funds will be used by the NIJ. The revised website information should include details about the planned use of the funds, a description of how the transfer and use of the NIJ funds meets the purposes of the Recovery Act, and links to any solicitations associated with these funds.**

The OJP agrees with this recommendation. BJA provided \$2.25 million to the National Institute of Justice (NIJ) to support the evaluations of state and local law enforcement programs related to a variety of activities, including: combating criminal narcotics activity along the southern border, efforts to combat crime in rural areas, and programs funded by the Edward Byrne Memorial Competitive Grant Program. Information on NIJ's use of these funds, including summary descriptions of projects awarded in FY 2009 and FY 2010, how NIJ's evaluation and research activities support Recovery Act grant programs and purpose areas, and links to the respective solicitations, was recently posted to BJA's Recovery Act website page, which can be found at <http://www.ojp.usdoj.gov/BJA/recoveryact.html>. The OJP requests closure of this recommendation.

5. **We recommend that the Office of Justice Programs direct OJJDP to establish a policy similar to BJA's policy that clearly defines the solicitation requirements that must be met for applications to be peer reviewed.**

The OJP agrees with this recommendation. In April 2010, OJJDP implemented Basic Minimum Review (BMR) guidelines for applications submitted for FY 2010 solicitations. The memorandum and guidelines issued by the Acting OJJDP Administrator to OJJDP staff and the OJP Peer Review Contractor are attached (see Attachment 1). The OJP requests closure of this recommendation.

6. **We recommend that the Office of Justice Programs establish procedures to ensure that applications are treated consistently when determining whether the applications meet the basic minimum requirements and should be passed on to the peer review process.**

The OJP agrees with this recommendation. By February 28, 2011, OJP will develop and implement procedures to ensure that applications are consistently treated when determining whether they meet the BMR requirements and should proceed to the peer review process.

7. **We recommend that the Office of Justice Programs establish and implement a requirement that applicants be notified of the reasons for denying the applications.**

The OJP agrees with this recommendation. By February 28, 2011, OJP will review and revise current procedures and requirements relating to the application denial notification process, including the content of the applicant denial letters. These procedures will be issued to OJP staff and the OJP Peer Review Contractor.

8. **We recommend that the Office of Justice Programs ensure that the reasons for denying applications are accurately recorded in the Grants Management System.**

The Office of Justice Programs agrees with this recommendation. The process of documenting reasons for denying applications in GMS is currently covered in the OJP's Grant Managers Manual (GMM). Specifically, in accordance with Section 6.3.1 of the GMM, when the bureau or program office determines that an application will not be funded, the grant manager selects "deny" in GMS. The system then prompts the grant manager to select a reason for denial/rejection (See Attachment 2). The Office of Audit, Assessment, and Management (OAAM) will work with OJP's bureaus and program offices to review the current list of denial reasons in GMS, and revise as necessary. The OAAM will also work with OCIO to incorporate any changes in GMS by April 30, 2011.

9. **We recommend that the Office of Justice Programs ensure that denial letters sent to rejected applicants accurately describe the peer review panel that evaluated the applicants' applications.**

The OJP agrees with this recommendation, and concurs that all peer review information communicated to applicants must be accurate. By February 28, 2011, OJP will review and revise current procedures and requirements relating to the application denial notification process, including the content of the applicant denial letters. These procedures will be issued to OJP staff and the OJP Peer Review Contractor.

10. **We recommend that the Office of Justice Programs ensure that the peer reviewers selected to evaluate applications are approved by Bureau of Justice Assistance leadership.**

The OJP agrees with this recommendation. For FY 2010, in accordance with the OJP Peer Review Procedures Manual, BJA implemented a policy to ensure that peer reviewers selected to evaluate applications were approved by BJA leadership (see Attachment 3). The OJP requests closure of this recommendation.

11. **We recommend that the Office of Justice Programs establish a requirement that future funding recommendation memoranda include explanations for all applications not recommended for funding that received an equal or higher score than the lowest scoring application recommended for funding.**

The OJP agrees with this recommendation. In FY 2011, OJP will continue to comply with the Office of the Assistant Attorney General's policy directives, dated March 10, 2009, June 9, 2009, and March 19, 2010 (see Attachments 4-6), which outline required information to be included in all funding recommendation memoranda. The AAG policy directives provide that funding recommendation memoranda include explanations for all applications not recommended for funding that received an equal or higher score than the lowest scoring application recommended for funding.

The March 2010 directive also establishes a new tier, or "banding," system, whereby OJP bureaus and program offices rate applications and stratify them into various groups based upon their overall responsiveness to the solicitation and other related factors. The rationale for establishing the various tiers, as well as ranking the applications and assigning them into these tiers, must be clearly described in the funding recommendation memoranda. Additionally, a general description must be provided to explain the rationale for selecting all applications recommended for funding. Further, whenever an application is selected from a lower tier and there are still applications in a higher tier that have not been funded, a detailed justification must be provided in the funding recommendation memoranda. The OJP requests closure of this recommendation.

12. **We recommend that the Office of Justice Programs ensure that future funding recommendation memoranda comply fully with the requirements contained in the Associate Attorney General's May 2008 policy directive, and the requirement established based on Recommendation 8 above.**

The OJP agrees with this recommendation. The May 2008 Associate Attorney General's policy directive is reinforced and supplemented by policy memorandums issued by the OJP's Office of the Assistant Attorney General in March 2009, June 2009, and March 2010 (see Attachments 4-6). In FY 2011, OJP will continue to comply with these policy directives to ensure that all funding recommendation memoranda accurately describe the process used to evaluate applications and make funding recommendations, and will

continue to do so for future recommendation memoranda. The OJP requests closure of this recommendation.

- 13. We recommend that the Office of Justice Programs ensure that future funding recommendation memoranda accurately describe the process used to evaluate applications and make funding recommendations.**

The OJP agrees with this recommendation. In FY 2011, OJP will continue to comply with the Office of the Assistant Attorney General's policy directives, dated March 10, 2009, June 9, 2009, and March 19, 2010 (see Attachments 4-6). The March 2010 directive requires that funding recommendation memoranda include a detailed and accurate description of the process used in evaluating applications and making funding recommendations. The OJP requests closure of this recommendation.

- 14. We recommend that the Office of Justice Programs ensure that the normalized peer review scores are accurately calculated before making award recommendations based on the normalized scores.**

The OJP agrees with this recommendation. By December 31, 2010, OJP will issue guidance to the OJP Peer Review Contractor and direct the OJP Peer Review Contractor to establish data quality control checks that ensure the accuracy of the normalization process.

- 15. We recommend that the Office of Justice Programs consider standardizing the circumstances under which normalization of peer review scores should be used for all bureaus and program offices.**

The Office of Justice Programs agrees with this recommendation. By December 31, 2010, the OJP will internally discuss and consider the circumstances under which normalization of peer review scores should be used for all bureaus and program offices.

Thank you for your continued cooperation. If you have any questions regarding this response, please contact Maureen A. Henneberg, Director, Office of Audit, Assessment, and Management, on (202) 616-3282.

cc: Beth McGarry  
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**OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION  
POLICY GUIDANCE  
BASIC MINIMUM REVIEW (BMR) PROCESS FOR FY 2010 COMPETITIVE  
SOLICITATIONS**

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) already has begun to solicit for its FY 2010 grant applications, and various questions have arisen concerning interpretation of solicitation language, particularly language related to requirements that must be satisfied in order for an application to proceed to peer review (BMR). Consistent with OJP policy, for FY 2010, OJJDP will use the following guidelines in its BMR process. These guidelines are designed to balance inclusiveness (allowing OJJDP to peer review as many grant applications as justifiable within the general parameters of our solicitations), without providing significant competitive advantages to those applicants that appear to substantially disregard the general submission rules. This approach will allow OJJDP to minimize elimination of grant applications from peer review for minor technical infractions, while preserving the basic integrity of the OJJDP solicitation.

The basic substantive concepts to be implemented in the BMR process for OJJDP's FY 2010 solicitations (including those that have already been closed, but as to which peer review is not yet complete [i.e., final peer review scores have not yet been received by the program office]; those that are currently open; and those that have yet to be released) are:

**1. Applications must be submitted by an eligible type of applicant.**

Each applicant submitting an application under a particular solicitation must be a type of applicant eligible to submit an application under the terms of the solicitation and the underlying law. All applications from applicants not meeting this criterion will be identified in the BMR process and will not be submitted to peer review.

**2. Applicants must request funding within programmatic funding constraints.**

Each applicant must submit an application within the funding request limitations (if applicable) of the particular solicitation. All applications that submit for sums greater than those allowed under a solicitation (or fail to provide for a required match) will be identified in the BMR process, and will not be submitted to peer review.

3. **Applications must be responsive to the funding purpose or goal of the solicitation under which it is submitted.**

Each applicant must submit an application within the scope of the solicitation. Should the relevant OJJDP grant manager for a particular solicitation realize prior to peer review that an application is not within the scope of the solicitation (*e.g.*, a proposal to receive training when the solicitation is for an entity to deliver training) then that applicant is ineligible, and this application will not be submitted to peer review. (This allows but does not affirmatively require OJJDP staff to make such a determination for each application prior to peer review.)

4. **Applications that fail to include items designated as “critical elements” shall not be forwarded for peer review. For OJJDP, those “critical elements” are (a) a Program Narrative; (b) a Program Budget; (c) a Budget Narrative; and (d) if applicable, a Tribal Resolution.**

Critical elements are those that are viewed by OJJDP as so critical to a viable application that they must be submitted with the application in order for it to proceed to peer review. Any application reviewed in the BMR process that does not contain all elements designated by OJJDP to be critical for a particular solicitation shall not be submitted to peer review.

It is OJJDP’s general policy that submission of the following four elements is critical for an application to be submitted to peer review: Program Narrative; Program Budget; Budget Narrative; and, if applicable, Tribal Resolution. The Budget Narrative and the Program Budget may be combined in one document. Accordingly, any application which submits either a Budget Narrative or a Budget Detail Worksheet will be considered to include the budget-related critical elements. OJJDP may identify additional elements as critical elements on a solicitation-by-solicitation basis, as needed. However, all such critical elements must be clearly identified as required for peer review in any solicitation posted after the effective date of this policy. For those solicitations that were posted prior to the effective date of this policy, the four elements identified above are to be the critical elements for purposes of determining whether an application proceeds to peer review. If OJJDP chooses to add any other element as critical for BMR purposes for any solicitation(s) already posted, that element must be clearly identified by OJJDP, in a specific written determination, as a critical element for BMR review for the particular solicitation(s), and used for that solicitation’s BMR process.

5. **Applications that are discovered before, during, or after the BMR process to clearly have been submitted either in the wrong category within a solicitation, or under the wrong solicitation within GMS, may (if otherwise warranted) be moved by OJJDP**

to the “correct” category or solicitation for peer review and consideration for funding under the following circumstances.

- (a) The application would have been submitted in a timely manner had it been submitted correctly.
- (b) The application clearly is eligible for the category or solicitation to which it would be moved. All such applications must have a separate BMR review corresponding to the BMR for the category or solicitation to which it would be moved, and it must pass all such requirements in order to undergo peer review.
- (c) The submission in the wrong solicitation or category is discovered prior to the finalization of the peer review scores in the “correct” solicitation or category to which the application would be moved.
- (d) There is a clear indication that the application was submitted to the wrong category or under the wrong solicitation. Evidence may include, but is not limited to, direct, post-submission communication from the applicant, review of program abstracts or narratives, submission of forms specific to a particular category or solicitation, or other credible evidence.
- (e) OJJDP inserts clear contemporaneous documentation in the record explaining the reason that an application is being moved between categories or solicitations.
- (f) The point of contact for each applicant whose application is moved by OJJDP to a different category or solicitation must be informed contemporaneously by OJJDP that the application is being moved to a different category or solicitation prior to its consideration.
- (g) If the point of contact for the applicant objects to the move within a timely period, the application will not be considered under the new category or solicitation, but will instead be considered under the originally submitted category or solicitation.

**6. Applications for competitive discretionary awards that have ignored length-related format requirements (e.g., font, margins, line spacing, page limits, and/or word count limits) will proceed to peer review under the following circumstances:**

If the program narrative fails to comply with the length-related restrictions, such that it provides an significant competitive advantage, the failure to comply may be considered in peer review and in final award decisions. In this instance, the peer review contractor will be instructed to note these deviations from the solicitation format requirements for use in the final decision process within OJP. After peer review is completed, and the peer band is established, as part of the final recommendation/decision process, OJJDP may assess and take into account whether, in its judgment, failure to follow format requirements provided an significant competitive advantage to a non-compliant application under consideration, and also whether such failure is of such significance that it creates a concern about the ability of OJJDP to work with the applicant should it become a grantee.

Because such applications will be submitted to peer review, the peer reviewers may, in their discretion, consider such deviations to the extent such deviations affect their individual review of the application.



Jeff Slowikowski  
Acting Administrator  
Office of Juvenile Justice and Delinquency Prevention

4/8/2010

Effective Date



# OJP Grant Manager's Manual

Approved by:



Laurie Robinson  
Assistant Attorney General

8/2/10

Date

Prepared by OJP  
Grants Management Division

August 2010

## **SECTION 6.3 REJECTIONS, WITHDRAWALS, DENIALS, AND APPEALS**

This section covers OJP's policies and procedures for handling application rejections, withdrawals, denials, and appeals. Only an applicant can withdraw an application. OJP can deny either an application for discretionary funding or an applicant for formula or block grant funding. In either case, the applicant can appeal OJP's decision by following OJP's established appeals process. *Section 6.3.1* addresses the guidelines and procedures regarding application rejections. *Section 6.3.2* describes the process for handling applicant withdrawals. Finally, *Section 6.3.3* covers the denial and appeals procedure.

### **6.3.1 REJECTIONS FOR DISCRETIONARY GRANTS**

#### **PURPOSE AND POLICY**

This section describes the rejection process for discretionary funding applications. OJP follows the rejection procedures so that the applicant is notified of the reason(s) for not receiving a grant award. This procedure requires that the applicant is aware of the criteria that OJP used in reaching the decision to reject the application, and understands that OJP can reject any application. In addition, applicants can also withdraw from consideration, which is one of the reasons a rejection can be made.

When the bureau or program office determines that an application will not be funded, the grant manager clicks "deny" in GMS. The system then prompts the grant manager to select a reason for denial/rejection. For competitive discretionary applications, after the peer review process, the peer review contractor prepares a rejection letter that includes the peer review comments. The bureau or program office approves the letter to be sent to the applicant. OJP notifies all applicants responding to a solicitation of the results of their applications at the same time; therefore, all rejection letters are sent to unsuccessful applicants after award packages (notifications) have been sent to all successful applicants. This is generally done within 180 calendar days from receipt of a complete application, and only after the Congressional notification process has been completed (see *Section 6.6.3* on award notification).

Staff should not inform an applicant whether they have been approved or denied before OJP announces the awards and sends rejection letters. If applicants inquire about the status of their application prior to award announcements and rejection letters, grant managers should inform them that the application is still in the review process. If the rejected applicant contacts OJP concerning the rejection, staff should review and discuss only the reasons for rejection specifically contained in the rejection letter.

- Evaluating the financial integrity and financial capability of applicants for awards to assess the risk of potential fraud, waste, abuse, or mismanagement of Federal funds;
- Examining and reconciling proposed costs to determine if the budget and budget narrative accurately translate project costs; and,
- Ascertaining that costs are reasonable, necessary, allocable, and allowable under applicable Federal cost principles and agency regulations for fulfilling the overall objectives of the grant program.

Bureaus and program offices request a financial review by forwarding the application to GFMD in GMS. The action of forwarding an application to GFMD indicates the bureau's or program office's intent to fund the program, its completion of a program office solicitation checklist (please see *Appendix 6-B* at the end of this chapter) and its review of OCFO's Guidance for GMS Application and Redbook Submission (*Appendix 6-C* at the end of this chapter). This ensures that OJP awards grant funds to eligible recipients who possess the financial integrity and financial capability necessary to administer Federal funds adequately and appropriately.

The grant manager ensures that all issues raised during the OCFO financial review have been satisfactorily addressed so that OCFO may issue the financial clearance prior to issuance of a new award. For new awards to applicants delinquent in submitting financial status reports and audit reports from previous awards, OJP may withhold funds and/or add a special condition to withhold funds. Typically, OJP does not withhold funds for formula grants, although bureaus and program offices have the discretion to do so.

OJP may consider grantee past performance (e.g., whether a prior grantee successfully completed all prior grant requirements) in making funding decisions on future awards. For new grantees, OJP may require additional financial information.

The *OCFO Financial Guide* notifies every applicant for funding that the application may be rejected and/or access to funds restricted for any of the following reasons:

- An "open" audit report where the grantee has not attempted to resolve or has taken no action to resolve findings;
- An "open resolved" audit report where the grantee has not attempted to close the report after an agreed upon resolution strategy;
- An overdue audit report;
- A delinquent Federal debt;
- Delinquent financial, programmatic progress reports, or final reports for all OJP grants;
- Poor cash management; or,
- Noncompliance with any legislative, regulatory, or administrative requirements.

## PROCEDURE

1. Send budget to OCFO for review.

Once an application is selected for funding by the bureau or program office, the grant manager approves the application from the "Not Initiated" (non-competitive discretionary grants) or "Peer Review" (competitive discretionary grants) tab in GMS. This will place the application in the "Initial Review" tab in GMS and make the application viewable to GFMD.

Bureaus and program offices must send an e-mail to notify GFMD which applications are ready for review, since no auto-notification exists, and GFMD can view all applications. GFMD performs the necessary steps to conduct a financial review and issues a Financial Review Memorandum usually within 10 business days of receiving the request for financial review. "OCFO Responsibilities" at the end of the Procedures section provides more detailed information on the steps GFMD performs during the financial review.

2. Obtain sole source justification and approval, if required.

The program office enters an explanation into the "Sole Source Justification" field in GMS to approve the primary recipient's request to award sole source procurements in excess of \$100,000, if GFMD approves the application. Sole source procurements do not follow competitive practices and allow the recipient to subaward contracts under grants without competition, if justified and approved by GFMD.

3. Conduct initial review.

Grant managers work with the applicant to resolve any issues raised in the Initial Financial Review Memorandum, issued by the GFMD financial analyst to the grant manager. Often the applicant will have to respond to budget questions from OCFO. The budget questions are sent to the grant manager in GMS in the form of an Initial Financial Review Memorandum. The grant manager is responsible to work with the applicant to resolve these issues. For issues that require a necessary change, the grant manager needs to initiate a "change request" to the applicant in GMS for budget modifications. The grant manager should inform OCFO when the application has been updated, and attach appropriate correspondence to the grantee in GMS.

4. Receive Final Financial Clearance Memorandum (FCM).

The GFMD financial analyst prepares, submits, and approves the FCM in GMS. This memorandum contains a recommendation to either fund or reject the application, and any recommended actions regarding financial management and grants administration.

If GFMD cannot complete its financial review process, it may issue a conditional financial clearance memorandum by which the award can be made, but is subject to a complete financial review by GFMD at a later date. These awards have a special condition prohibiting obligation, expenditure, or drawdown of



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### Approval Guidelines for Peer Reviewer Selection

In accordance with the Office of Justice Programs' Peer Review Procedures Manual (page 10, paragraph 4, bullet point 6, "Reviewer Selection Process"), as the Bureau of Justice Assistance's (BJA) Acting Director, I delegate to the Associate Deputy Directors in the Policy Office the authority to review and approve the names of peer reviewers suggested by the Policy Advisors managing BJA FY 2010 solicitations.

For all FY 2010 competitive solicitations, peer reviewer selections must be vetted through the Policy Advisor overseeing the solicitation and must be subsequently approved by the Associate Deputy Director supervising the grant program. This approval process is necessary to facilitate quick turnaround on reviewer selection in order to process peer reviews in a fair and expedient manner.

Upon receipt of the signed memo from BJA leadership confirming that the list of reviewers is approved, the peer reviewer contractor (Lockheed Martin) will send out an electronic invitation to the approved reviewers.

**APPROVED and ISSUED:**

  
\_\_\_\_\_  
James H. Burch, II  
Acting Director

Date: 4 February 2010



U.S. Department of Justice

Attachment 4

Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

March 10, 2009

MEMORANDUM TO: Jim Burch, Acting Director, BJA  
Michael Sinclair, Acting Director, BJS  
Kristine Rose, Acting Director, NIJ  
Jeff Slowikowski, Acting Director, OJJDP  
Joye Frost, Acting Director, OVC  
Dennis Greenhouse, Director, CCDO  
Dawn Doran, Acting Director, SMART Office

FROM: Laurie O. Robinson   
Acting Assistant Attorney General

SUBJECT: Documentation of Discretionary Award Recommendations  
and Decisions

Recent OIG reports and Hill oversight hearings have underscored the importance of documenting the decisions we make regarding discretionary grant awards. I know we all share the goal of transparency here.

I, therefore, want to continue the practice of documenting all discretionary funding recommendations and decisions as set out below.

All final approved award recommendation memoranda for grant programs undergoing external or internal peer reviews must include the following:

- A list of applications received to include the lowest scoring application to be funded and every application scoring higher, regardless of whether it was funded. This list may be divided into categories and subcategories if they were published in the solicitation.
- A brief explanation as to why an application on the above list was not funded.

All discretionary recommendations made absent a peer review process must be documented; you must clearly explain the choices made, the reasons for the choices, and the policy considerations on which the decisions were based. Clear explanatory language should be used so that the rationale and the final decisions are readily understandable to an outside reader.

All final award decisions must be documented as required by this memorandum, including any changes made as a result of discussions between those recommending grants and the final decision maker. Such changes in the final approved award decision memorandum must reflect who made the decision to vary from a recommendation memo -- and his or her reasons for it.

Thanks so much for your cooperation, and let me know if you have any questions.

cc: Beth McGarry, Deputy Assistant Attorney General  
Marlene Beckman, Policy Advisor, OAAG  
Phelan Wyrick, Policy Advisor, OAAG  
Brecht Donoghue, Policy Advisor, OAAG



U.S. Department of Justice

Attachment 5

Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

June 9, 2009

MEMORANDUM TO: James Burch, Acting Director, BJA  
Michael Sinclair, Acting Director, BJS  
Kristina Rose, Acting Director, NIJ  
Jeff Slowikowski, Acting Director, OJJDP  
Joye Frost, Acting Director, OVC  
Dennis Greenhouse, Director, CCDO  
Dawn Doran, Acting Director, SMART Office

FROM: Laurie O. Robinson   
Acting Assistant Attorney General

SUBJECT: Documentation of American Reinvestment and Recovery Act Discretionary Award Recommendations and Decisions

When recommending or making American Recovery and Reinvestment Act (Recovery Act) award decisions, it is important to address the Recovery Act's purpose. Consistent with guidance from the Office of Management and Budget and the President's March 20, 2009, Memorandum, the Office of Justice Programs should support projects that have a demonstrated or potential ability to deliver programmatic results; optimize economic activity and the number of jobs created or saved in relation to the federal dollars obligated; and achieve long-term public benefits.

As a result, in addition to the award recommendation memo requirements outlined in my March 10, 2009, memo (please see attached), I require that all Recovery Act discretionary award recommendation memos include **specific information about job creation and/or job retention** for each applicant recommended for a Recovery Act award. Please note that while the total number of jobs an applicant proposes to create and/or retain is not expected to be the determinative factor in funding decisions; the applicant's capacity to achieve the goals set out by the Recovery Act must be satisfactorily addressed.

Thanks so much for your cooperation, and let me know if you have any questions.

cc: Mary Lou Leary, Deputy Assistant Attorney General

Beth McGarry, Deputy Assistant Attorney General  
Lynn Overmann, Senior Advisor, OAAG  
Gena Tyner-Dawson, Senior Advisor, OAAG  
Thomas Abt, Counselor to the AAG  
Marlene Beckman, Policy Advisor, OAAG  
Phelan Wyrick, Policy Advisor, OAAG  
Brecht Donoghue, Policy Advisor, OAAG

**Attachment**



Washington, D.C. 20531

MAR 19 2010

MEMORANDUM TO: Jim Burch, Acting Director  
Bureau of Justice Assistance

Michael Sinclair, Acting Director  
Bureau of Justice Statistics

Kristina Rose, Acting Director  
National Institute of Justice

Jeff Slowikowski, Acting Administrator  
Office of Juvenile Justice and Delinquency Prevention

Joye Frost, Acting Director  
Office for Victims of Crime

Dennis Greenhouse, Director  
Community Capacity Development Office

Linda Baldwin, Director  
Office of Sex Offender Sentencing, Monitoring, Apprehending,  
Registering and Tracking

FROM: Laurie O. Robinson   
Assistant Attorney General

SUBJECT: Revised Guidance for Preparing Funding Recommendation  
Memoranda for Assistant Attorney General Approval

As you are aware, in February 2010, I approved a change to the peer review process that implements a procedure whereby applications are scored by peer reviewers, and, based on the resulting peer review scores, the applications are banded into tiers. With the change to the peer review process, prior guidance regarding the preparation of funding recommendation memoranda requires a few updates. In addition, in light of recent Office of the Inspector General reviews, I would like to reiterate my expectations regarding what information should be included in the funding recommendation memoranda submitted to me for approval.

At a minimum, the funding recommendation memoranda for all competitive discretionary grant programs should include:

1. A background section that:
  - a. States the categories and/or priority areas of the solicitation. Specifically, you must list the categories or priority areas that were outlined in the solicitation.
  - b. Summarizes the peer review banding methodology used to establish the tiers. Specifically, you must describe your rationale for how the point spread for each band was determined.
2. A list of all applications recommended for funding, including:
  - a. Application number,
  - b. Applicant legal name,
  - c. Award amount,
  - d. Application's tier status, and
  - e. The applicable solicitation category and/or priority area.
3. A general description of the factors that were used to make decisions regarding which applications to recommend for funding (i.e., geography, administration priorities, grantee past performance, or funding was sufficient to make awards to all tier 1 applicants).

If all of the applications recommended for funding are selected from Tier 1, you are not required to provide a detailed justification for each selection. It is understood that the application was among the highest-rated applications and, thus, recommended for funding. If all applications in Tier 1 have been selected for funding, and funds are still available to continue making selections, applications from Tier 2 may be selected without providing a detailed justification for each selection. However, as previously stated, you must, at a minimum, include a general description to document your rationale regarding which applications to recommend for funding (i.e., geography, administration priorities, grantee past performance, or funding was sufficient to make awards to all tier 1 applicants).

4. A detailed justification for selecting an application from a lower tier if applications are still eligible for selection in a higher tier. As part of the justification, you must list (Application number, Applicant legal name, Award Amount, and Application's tier status) all higher-ranking applications that were not selected for funding.

5. A detailed justification for selecting any application from Tier 3, which are qualitatively described as not recommended for funding. You must describe how you will ensure that the concerns raised during peer review will be addressed post-award.

Thank you for your continued cooperation. Please let me know if you have any questions.

cc: Mary Lou Leary, Principal Deputy Assistant Attorney General  
Beth McGarry, Deputy Assistant Attorney General for Operations and Management  
Thomas Abt, Counselor to the Assistant Attorney General  
Marlene Beckman, Policy Advisor, OAAG  
Brecht Donoghue, Policy Advisor, OAAG  
LeToya Johnson, Senior Advisor, OAAG  
Gena Tyner-Dawson, Senior Advisor, OAAG  
Phelan Wyrick, Policy Advisor, OAAG

**Office of the Inspector General  
Analysis and Summary of Actions  
Necessary to Close the Report**

The OIG provided a draft of this audit report to OJP, and OJP's response is incorporated in Appendix VIII of this final report. The following provides the OIG analysis of the response and summary of actions necessary to close the report.

**Summary of Actions Necessary to Close Report**

1. **Resolved.** OJP concurred with our recommendation that it establish procedures to ensure that future Byrne JAG solicitations: (1) clearly describe what material is required to be submitted with the grant application, and (2) instruct applicants that applications lacking any of the required material will be sent back for additional information.

In its response, OJP stated that the BJA revised its FY 2010 Justice Assistance Grant (JAG) solicitations to ensure that requirements are clearly described and optional items are labeled as such. OJP provided website links to the BJA's FY 2010 JAG solicitations. OJP also stated that solicitation language similar to the following was also added to notify applicants that withholding special conditions will be applied to applications that lack any required material: "Failure to submit an appropriate review narrative may result in the attachment of a withholding special condition at the time of award, preventing the drawdown of funds until the required information is submitted."

We reviewed the FY 2010 JAG solicitations and agree that the language in the solicitations address our concerns in this area. However, OJP did not provide procedures that will ensure that future solicitations contain the applicable language.

This recommendation can be closed when we receive evidence showing that OJP has established appropriate procedures for ensuring that future Byrne JAG solicitations: (1) clearly describe what material is required to be submitted with the grant application, and (2) instruct applicants that applications lacking any of the required material will be sent back for additional information.

2. **Resolved.** OJP stated that it concurred in part with our recommendation that it not process future Byrne JAG applications until required material is received. OJP stated that it does not stop processing awards for applicants that fail to submit all required material. Instead, OJP stated that it addresses the absence of application documents in the post-award phase by including a withholding special condition that denies a grantee access to the funds until all required materials are submitted and the withholding special condition is released. OJP stated that BJA included language in its FY 2010 JAG solicitations notifying applicants that withholding special conditions are applied to applications that lack any required material.

We agree that OJP's and the BJA's actions to withhold funds from grantees until all required material is submitted is an acceptable alternative action to our recommendation.

This recommendation can be closed when we receive evidence showing that OJP has established appropriate procedures for ensuring that future solicitations contain the withholding special condition language.

3. **Resolved.** OJP concurred with our recommendation that it provide additional training and oversight of Byrne JAG grant recipients related to maintaining adequate internal controls over grant funds, expending grant funds and maintaining support for expenditures, implementing adequate property management procedures, monitoring subrecipient activities, submitting financial and progress reports in a timely manner, and submitting accurate financial, progress, and Recovery Act reports.

In its response, OJP stated that the Office of the Chief Financial Officer (OCFO) will review the content of its Regional Financial Management Training Seminars (RFMTS) and the OJP Financial Guide to ensure guidance on proper internal controls, adequate documentation, property management procedures, subrecipient monitoring, and financial and progress reporting are adequately addressed. By March 31, 2011, the OCFO anticipates developing a training module specific to subrecipient monitoring. This training may be incorporated into the RFMTS as a breakout session, or launched as a computer-based training effort. In addition, by March 31, 2011, the OCFO will work with BJA to provide financial grant administration training covering subrecipient monitoring, and the other topics listed above, at BJA-sponsored conferences.

This recommendation can be closed when we receive documentation showing that OJP has developed an appropriate training module and has provided such training at BJA-sponsored conferences or through other training mechanisms.

4. **Closed.** We recommended that OJP revise the Byrne Competitive Grant Program funding information contained on its website to make it clear that \$2.25 million of program funds will be used by the NIJ. OJP concurred with the recommendation and stated that it made the recommended changes to the BJA's Recovery Act website, and OJP provided a link to the website page containing the revised language. We reviewed the revised language on the BJA's Recovery Act website and determined it was adequate to close this recommendation.
5. **Closed.** We recommended that OJP direct OJJDP to establish a policy similar to BJA's policy that clearly defines the solicitation requirements that must be met for applications to be peer reviewed. In its response, OJP provided OJJDP's Basic Minimum Review guidelines established in April 2010. In August 2010, we explained to an OJJDP official the procedures established by the BJA and asked the official if OJJDP had developed similar procedures. The OJJDP official told us that OJJDP had not developed such procedures. We were not aware of the OJJDP's April 2010 guidelines at the time of the audit. We have reviewed the OJJDP's April 2010 guidelines and concluded that they adequately define the solicitation requirements that must be met for applications to be peer reviewed. Therefore, we consider this recommendation closed.
6. **Resolved.** OJP concurred with our recommendation that it establish procedures for treating applications consistently when determining whether the applications meet the basic minimum requirements and should be passed on to the peer review process.

In its response, OJP stated that by February 28, 2011, it will develop and implement procedures to ensure that applications are consistently treated when determining whether they meet the basic minimum requirements and should proceed to the peer review process.

This recommendation can be closed when we receive evidence showing that OJP has developed and implemented appropriate procedures for ensuring that applications are consistently treated

when determining whether they meet the basic minimum requirements and should proceed to the peer review process.

7. **Resolved.** OJP concurred with our recommendation that it establish and implement a requirement that applicants be notified of the reasons for denying the applications.

In its response, OJP stated that by February 28, 2011, it will review and revise current procedures and requirements relating to the application denial notification process, including the content of the applicant denial letters. These procedures will be issued to OJP staff and the OJP Peer Review Contractor.

This recommendation can be closed when we receive evidence showing that OJP has issued guidance requiring that applicants be notified of the reasons for denying the applications.

8. **Resolved.** OJP concurred with our recommendation that it ensure that the reasons for denying applications are accurately recorded in the Grants Management System.

In its response, OJP stated that the process for documenting reasons for denying applications in the Grants Management System is covered in OJP's Grant Managers Manual. OJP also stated that its Office of Audit, Assessment, and Management (OAAM) will work with OJP's bureaus and program offices to review the current list of denial reasons in the Grants Management System and revise the list as necessary. OJP stated that OAAM will also work with the Office of the Chief Information Officer to incorporate any changes in the Grants Management System by April 30, 2011.

While OJP's planned actions will be beneficial, OJP did not describe how it will ensure that the reasons selected in the Grants Management System for denying applications are the actual reasons applications are denied. Our audit found that the reason usually selected in the Grants Management System was "Competitive process selected other applicants," when the actual reason the application was denied was one of the other 15 reasons selectable in the Grants Management System. Therefore, we believe that OJP should establish quality control procedures to verify that the reasons selected in the system are the actual reasons for denying the applications.

This recommendation can be closed when we receive documentation showing that OJP has established appropriate procedures for ensuring that the reasons selected in the Grants Management System for denying applications are the actual reasons the applications were denied.

9. **Resolved.** OJP concurred with our recommendation that it ensure that denial letters sent to rejected applicants accurately describe the peer review panel that evaluated the applicants' applications.

In its response, OJP stated that by February 28, 2011, it will review and revise current procedures and requirements relating to the application denial notification process, including the content of the applicant denial letters. These procedures will be issued to OJP staff and the OJP Peer Review Contractor.

This recommendation can be closed when we receive evidence showing that OJP has established appropriate procedures for ensuring that denial letters sent to rejected applicants accurately describe the peer review panel that evaluated the applicants' applications.

10. **Closed.** We recommended that OJP ensure that the peer reviewers selected to evaluate applications are approved by Bureau of Justice Assistance leadership. In its response, OJP provided the BJA's guidelines for approving peer reviewers that were established during the audit in February 2010. Both during the audit and in the draft audit report we disclosed to BJA officials that peer reviewers were not properly approved by BJA leadership. However, we did not receive the February 2010 guidelines until OJP provided them in its response to the draft audit report. We reviewed the BJA's February 2010 guidelines and determined that these guidelines are adequate. Therefore, this recommendation is closed.
11. **Closed.** OJP concurred with our recommendation that it establish a requirement that future funding recommendation memoranda include explanations for all applications not recommended for funding that received an equal or higher score than the lowest scoring application recommended for funding.

In its response, OJP provided details of the new tier, or "banding" system that it established in March 2010 for ranking applications. Under the tier system, OJP's bureaus and program offices rate applications and stratify them into various groups based upon their

overall responsiveness to the solicitation and other related factors. OJP established a requirement that the rationale for establishing the various tiers, as well as ranking the applications and assigning them into the tiers must be clearly described in the funding recommendations memoranda. OJP also required that when an application is selected from a lower tier and there are still applications in a higher tier that have not been funded, a detailed justification must be provided in the funding recommendation memoranda.

We reviewed OJP's March 2010 directive and agree that OJP's actions adequately address this recommendation. Therefore, this recommendation is closed.

12. **Resolved.** OJP concurred with our recommendation that it ensure that future funding recommendation memoranda comply fully with the requirements contained in the Associate Attorney General's May 2008 policy directive, and the requirement established based on Recommendation 11 above.

In its response, OJP stated that the May 2008 Associate Attorney General's policy directive is reinforced and supplemented by policy memoranda issued by OJP's Office of the Assistant Attorney General in March 2009, June 2009, and March 2010. OJP also stated that in FY 2011 it will continue to comply with these policy directives to ensure that all funding recommendation memoranda accurately describe the process used to evaluate applications and make funding recommendations, and will continue to do so for future recommendation memoranda.

While OJP's response indicates that it will continue to comply with the policy directives, our audit results showed that BJA did not fully comply with the May 2008 Associate Attorney General's policy directive requiring that award recommendation memoranda contain a list of all applications received including the lowest scoring application funded as well as every application scoring higher, regardless of whether it was selected for funding, and briefly explain why a listed application was not recommended for funding. The BJA also did not comply with the March 2009 policy issued by OJP's Office of the Associate Attorney General that reiterated the May 2008 requirements. Specifically, we found that for Category I of the Byrne Competitive Grant solicitation, the BJA excluded 24 applications from the funding recommendation memorandum that were peer reviewed. Twenty-two of the 24 excluded applications had a higher score than

the lowest scoring application recommended for funding, including 10 of the 12 highest scoring applications. The BJA did not provide an explanation in its memorandum for excluding these 22 higher scored applications.

This recommendation can be closed when we receive evidence showing that OJP has established appropriate procedures for ensuring that future funding recommendation memoranda comply fully with the requirements contained in the Associate Attorney General's May 2008 policy directive and subsequent policy contained in the March 2009 directive from the Office of the Assistant Attorney General regarding the preparation of funding recommendation memoranda.

13. **Resolved.** OJP concurred with our recommendation that it ensure that future funding recommendation memoranda accurately describe the process used to evaluate applications and make funding recommendations.

In its response, OJP stated that the May 2008 Associate Attorney General's policy directive is reinforced and supplemented by policy memoranda issued by OJP's Office of the Assistant Attorney General in March 2009, June 2009, and March 2010. OJP also stated that in FY 2011 it will continue to comply with these policy directives. OJP stated that the March 2010 directive requires that funding recommendation memoranda include a detailed and accurate description of the process used in evaluating applications and making funding recommendations.

While OJP's response indicates that it will continue to comply with the policy directives, our audit results showed that BJA's funding recommendation memoranda for the Byrne Competitive Grant solicitation did not accurately describe the process used to evaluate applications and make funding recommendations. Specifically, we found that the funding recommendation memoranda appeared to indicate that only 2,623 applications met the solicitation requirements and applications not meeting the solicitation requirements were excluded from further consideration and peer review. As noted in the report, the BJA sent 649 applications forward to peer review that did not meet the solicitation requirements. In addition, some of these 649 applications did not meet one or more of the solicitation requirements for which other applications were denied further consideration. These facts were not contained in and explained by the funding recommendation memorandum.

This recommendation can be closed when we receive documentation showing that OJP has established appropriate procedures for ensuring that future funding recommendation memoranda accurately describe the process used to evaluate applications and make funding recommendations.

14. **Resolved.** OJP concurred with our recommendation that it ensure that the normalized peer review scores are accurately calculated before making award recommendations based on the normalized scores.

In its response, OJP stated that by December 31, 2010, it will issue guidance to the OJP Peer Review Contractor and direct the OJP Peer Review Contractor to establish data quality control checks that ensure the accuracy of the normalization process.

This recommendation can be closed when we receive evidence showing that OJP has issued guidance requiring the OJP Peer Review Contractor to establish data quality control checks that ensure the accuracy of the normalization process.

15. **Resolved.** OJP concurred with our recommendation that it consider standardizing the circumstances under which normalization of peer review scores should be used for all bureaus and program offices.

In its response, OJP stated that by December 31, 2010, it will internally discuss and consider the circumstances under which normalization of peer review scores should be used for all bureaus and program offices.

This recommendation can be closed when we receive documentation showing that OJP has: (1) discussed and considered the circumstances under which normalization of peer review scores should be used for all bureaus and program offices; and (2) issued policy changes, as appropriate, based on the discussions and consideration.