



**PROCEDURES USED BY THE OFFICE OF  
JUVENILE JUSTICE AND DELINQUENCY  
PREVENTION TO AWARD DISCRETIONARY  
GRANTS IN FISCAL YEAR 2007**

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# PROCEDURES USED BY THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO AWARD DISCRETIONARY GRANTS IN FISCAL YEAR 2007

## EXECUTIVE SUMMARY

The Office of Juvenile Justice and Delinquency Prevention (OJJDP), which is part of the Office of Justice Programs (OJP) in the Department of Justice (DOJ), coordinates federal efforts to combat juvenile delinquency in part by awarding grants to public and private organizations. In 2002, President Bush nominated and the U.S. Senate confirmed J. Robert Flores to lead OJJDP as its Administrator.

In January 2008, a youth services trade magazine and website began publishing a series of articles alleging that Administrator Flores improperly awarded fiscal year (FY) 2007 grants.<sup>1</sup> The articles raised three examples of alleged improper award recommendations. First, Flores recommended an award to the World Golf Foundation's First Tee Initiative (World Golf), whose honorary chair is former President George H. W. Bush. Flores also recommended that the Best Friends Foundation, a non-profit organization led by Elayne Bennett, the wife of William Bennett, a former cabinet official under Presidents Reagan and George H. W. Bush, receive an OJJDP grant. Third, Flores recommended an award to Victory Outreach, a faith-based organization that had hired a former official with the White House's Office of Faith-Based and Community Initiatives. The articles also cited internal OJJDP records showing that these organizations, as well as several others, received OJJDP awards even though peer reviewers rated their proposals much lower than proposals from other organizations that did not receive awards.<sup>2</sup>

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<sup>1</sup> Boyle, Patrick, "For Juvenile Justice, A Panel of One," *Youth Today*, January 1, 2008, [http://www.youthtoday.org/publication/article.cfm?article\\_id=949](http://www.youthtoday.org/publication/article.cfm?article_id=949) (accessed May 22, 2008). One article detailed that Flores did not pay for a round of golf played with World Golf Foundation officials. The article further noted that Flores, his wife, and another OJJDP staff member attended a Best Friends Foundation fundraiser – which reportedly cost attendees \$500-a-plate – for free. The articles also cited evidence of meetings between Flores and Victory Outreach representatives following a request of an official with the DOJ Task Force for Faith-Based and Community Initiatives.

<sup>2</sup> OJJDP's competitive award process typically subjects grant applications to a peer review where independent subject-matter experts assess the quality of proposals according to established criteria. Each grant proposal receives a score and is ranked according to these scores. However, peer review results are only one of the criteria used to make decisions about grant funding, and the Assistant Attorney General for OJP and the OJJDP Administrator have discretion to make awards to organizations regardless of peer review results.

In response to these allegations, on June 19, 2008, Flores testified before the House of Representatives Committee on Oversight and Government Reform (House Oversight Committee). Flores said that as OJJDP Administrator he was not strictly bound to award grants to the applicants ranked highest in the peer review process. Flores also stated, "While some may disagree with my [award] decisions, they were made in accordance with the law, within Department rules, and in good faith to address the needs of our children who find themselves in the juvenile justice system or at risk of contact with it."

### **OIG Audit Approach**

The Department of Justice Office of the Inspector General (OIG) conducted this audit to review OJP's and OJJDP's policies and procedures for soliciting, assessing, and awarding \$113 million in discretionary grants during fiscal year (FY) 2007.<sup>3</sup> In view of the allegation that Flores made improper grant awards to non-profit organizations, we focused our review on OJJDP grants awarded to non-profit organizations.<sup>4</sup> For FY 2007, OJJDP awarded such funds under the following six programs.

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<sup>3</sup> Discretionary grants are awards that are not based on pre-determined formulas or other statutory requirements. OJP may award discretionary grants to state, local, and tribal governments, and public and private agencies.

<sup>4</sup> The Juvenile Justice and Delinquency Prevention Act provides OJJDP with categories of grant funds. Our audit reviewed OJJDP's grant awards under Part E of the Juvenile Justice and Delinquency Prevention Act and grants for mentoring initiatives. OJJDP receives Part E funds to support efforts to develop, test, and demonstrate juvenile justice programs.

## OJJDP DISCRETIONARY PROGRAMS REVIEWED

1. National Juvenile Justice Programs\*
2. Prevention and Intervention Program (Prevention and Intervention)
3. High-Risk Youth Offender Reentry and Family Strengthening Initiative Program (Reentry)
4. Project Safe Childhood Program (Project Safe Childhood)
5. Substance Abuse Prevention and Intervention Program (Substance Abuse)
6. Mentoring Initiatives (Mentoring)\*

Source: OJJDP

Notes: OJJDP issued two different National Juvenile Justice Programs and Mentoring announcements: one for invited organizations and another for organizations to apply for competitive awards.

In conducting this audit, we interviewed over 40 OJP officials and employees, including OJJDP Administrator Flores and his executive management team. We also interviewed former Assistant Attorney General for OJP Regina Schofield regarding her role in OJJDP's FY 2007 grant award process, and former Associate Attorney General Kevin O'Connor to discuss DOJ's efforts to enhance the transparency of OJP's grant award process.

We also reviewed OJP's practices for finalizing OJJDP award decisions. For FY 2007, the OJJDP Administrator formally recommended award selections to the Assistant Attorney General for OJP, who then approved awards collectively by program. We evaluated the award recommendations and selections for two specific grant programs – the National Juvenile Justice Programs and Mentoring Initiatives (Mentoring) – because OJP had invited certain organizations to receive grants for these programs while other organizations had to submit proposals to compete for funds.

We also reviewed documents pertaining to grant award procedures, including correspondence between OJP and the DOJ's Justice Management Division. We met with officials from Grants.gov, a federal grant clearinghouse, to obtain background on the procedures used by federal offices announcing grant opportunities.

Appendix 1 contains a more detailed description of our audit objective, scope, and methodology.



## Results in Brief

Congress provided OJJDP nearly \$330 million for FY 2007 operations and awards, with about \$113 million reserved for grants to juvenile justice initiatives and mentoring programs. Unlike previous years, in FY 2007 Congress did not “earmark,” or legislatively specify, the recipients of OJJDP awards.<sup>5</sup> Congress instead required that each executive agency develop and submit a “spend plan” that detailed how funds would be used. In April 2007, Congress approved DOJ’s spend plan, which allocated OJJDP funds to broadly defined programs. The spend plan did not specify how OJP or OJJDP would choose award recipients.

We found that OJP did not have sufficient policies in place at the time to govern how it or its bureaus and program offices should select award recipients for non-earmarked funds. The absence of earmarks in FY 2007, coupled with a lack of applicable grant selection rules, gave OJP and OJJDP considerable latitude in determining the organizations that should receive awards.

In February and March 2007, Administrator Flores recommended placing nearly all of the \$113 million reserved for juvenile justice and mentoring programs up for competition – a proposal that Assistant Attorney General Schofield ultimately rejected. Instead, Schofield selected 17 organizations to receive non-competitive, or “invitational,” grants totaling \$74 million, or 65 percent of the total funds allocated in FY 2007 to juvenile justice and mentoring initiatives. Schofield told us that she decided to use invitational awards to ensure that continuing and deserving programs would receive funds. Schofield further asserted that she and her staff only gave invitational awards to organizations that had demonstrated a strong record of performance and results. However, OJP could not provide us with any documents showing that it made such merit-based assessments for these invitational grants. Because OJP lacked such evidence, we could not determine if the awarding of these invitational grants was appropriate or whether it was the best allocation of OJJDP funds.

Once OJP made these invitational awards, less than \$40 million of the \$113 million remained for OJJDP to award via six competitive solicitation announcements. OJJDP waited until after Congress approved OJP’s spend plan in April 2007 before drafting many of its competitive juvenile justice

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<sup>5</sup> Congress uses earmarks to identify specific grant recipients and the amount of funds each should receive. Earmarks can be included either in legislation or accompanying committee reports. In FY 2006, Congress earmarked all of OJP’s discretionary funds.

and mentoring solicitations.<sup>6</sup> Consequently, OJJDP did not announce several competitive grant programs until May 2007, which was more than halfway through the fiscal year. The late program announcements reduced the amount of time organizations had to apply for grant funds. In fact, solicitations initially remained open for only an average of 17 days. We believe that this abbreviated application period did not provide sufficient time for many prospective applicants to complete all the steps necessary to submit a grant application.

After receiving complaints from applicants about the short deadlines, OJP and OJJDP twice extended application deadlines. The first extension was given to organizations that could prove they had unforeseen technical problems submitting applications. The second extension was provided to any organization that claimed a problem with the application process. Although OJP announced the first deadline extension publicly on its websites, OJJDP informed organizations of the second deadline extension only if the applicant reported problems.

We found that time constraints also adversely affected the peer review process OJJDP used to rate grant applications. Given that OJP needed to finalize awards quickly, OJJDP shortened the time period peer reviewers had to assess applications and removed several standard steps from its peer review process entirely. For example, OJJDP instructed its contractor to not hold orientation calls, a step where peer reviewers receive instructions on how to assess applications. OJJDP also instructed its contractor to refrain from holding consensus meetings. These meetings are normally held to provide reviewers the opportunity to discuss the rationale behind their assessments and scores with one another and OJJDP employees. We believe that both of these steps are critical to ensuring that objective criteria are applied uniformly to all the applicants.

Between May and July 2007 Administrator Flores reviewed the peer review results and made award recommendations to OJP Assistant Attorney General Schofield. Although Administrator Flores stated that he considered peer review scores in evaluating the proposals, he said he did not use peer review scores as the sole basis to select applicants for grant awards. We found that Flores recommended awards to several organizations whose proposals received scores that were lower than those submitted by other organizations that did not receive award recommendations.

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<sup>6</sup> Solicitations notify potential applicants of new grant programs, and provide guidance to applicants on how OJP program offices will evaluate and select proposals for funding.

Although Flores prepared memoranda for the approval of the Assistant Attorney General to outline his award recommendations, our audit found that OJP and OJJDP did not maintain any documents to show why specific award decisions were made. While former Assistant Attorney General Schofield and OJJDP Administrator Flores provided to us reasons for their award selections, we found no contemporaneous documentation that either corroborated the reasons for their decisions or identified whether the World Golf Foundation, the Best Friend Foundation, or Victory Outreach received awards for subjective or personal reasons. Flores told us that he did not have personal ties with any official or representative with organizations that he recommended for awards. Further, Flores stated that his meetings and interactions with officials from these groups did not have any impact on his award decisions.

We recognize that OJP decision makers did not necessarily violate grant-making rules by recommending and approving awards to organizations that did not receive the highest peer review scores. However, because OJJDP devoted considerable resources to support a peer review process to assess competitive grant proposals, we believe that OJP and OJJDP decision makers should have justified and documented the rationale for award recommendations that deviated significantly from peer review results.

We make nine recommendations in this report to enhance the transparency and integrity of OJP's and OJJDP's discretionary grant award process.

This audit report contains detailed information on the full results of our review of OJP's and OJJDP's discretionary grant making process. The remaining sections of this Executive Summary discuss in more detail our audit findings.

## **OJJDP Spend Plan and Award Announcements**

In February 2007 Congress funded more than \$113 million for OJJDP grants under the Part E funding category of the Juvenile Justice and Delinquency Prevention Act and for Juvenile Mentoring programs.<sup>7</sup> While a provision within the funding resolution expressly eliminated earmarks, another provision required the DOJ – as well as other executive agencies – to submit to Congress a “spending, expenditure, or operating plan,” commonly referred to as a spend plan, detailing how it would use these funds.

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<sup>7</sup> DOJ initially received FY 2007 funding via a series of continuing resolutions instead of a formal appropriations bill.

The Office of Management and Budget (OMB) subsequently issued a memorandum directing executive agencies to disregard any earmark-like clauses contained in congressional committee reports or other documents when deciding how to allocate discretionary funds.<sup>8</sup> Instead, the memorandum instructed agencies to select their competitive awards using transparent and merit-based determinations of grant proposals. In light of this instruction, Administrator Flores submitted a preliminary spend plan to Assistant Attorney General Schofield that proposed to allocate nearly all of OJJDP's discretionary funds to competitive grant programs. However, we found that Schofield ultimately rejected that proposal and invited the following 17 organizations to receive OJJDP grants on a non-competitive basis.

### OJJDP INVITATIONAL AWARDS

| No.  | Invited Organization                                 | Solicitation Name | Award Amount (\$)   |
|--|--|-------------------|---------------------|
| 1  | Boys and Girls Clubs of America                      | NJJP              | 40,000,000          |
| 2  | FirstPic, Inc.                                       | NJJP              | 20,000,000          |
| 3  | Center for Neighborhood Enterprise                   | NJJP              | 740,000             |
| 4  | Wireless Foundation                                  | NJJP              | 250,000             |
| 5  | Cal Ripken, Sr. Foundation                           | NJJP              | 3,000,000           |
| 6  | Girl Scouts Beyond Bars                              | NJJP              | 750,000             |
| 7  | National Association of Police Athletic League       | NJJP              | 750,000             |
| 8  | Milton S. Eisenhower Foundation                      | NJJP              | 3,000,000           |
| 9  | National DARE  | NJJP              | 650,000             |
| 10   | National Football Foundation                         | NJJP              | 500,000             |
| 11   | National Council of Juvenile and Family Court Judges | NJJP              | 800,000             |
| 12   | Father Flanagan's Boys and Girls Town Home           | NJJP              | 1,000,000           |
| 13   | Big Brothers Big Sisters of America                  | Mentoring         | 2,000,000           |
| 14   | Girl Scout Council of the Nation's Capital           | Mentoring         | 200,000             |
| 15   | Girl's Inc.  | Mentoring         | 250,000             |
| 16   | Girl's Inc. of Huntsville, Alabama                   | Mentoring         | 250,000             |
| 17   | Team Focus, Inc.                                     | Mentoring         | 249,640             |
| <b>TOTAL RECEIVED BY INVITED ORGANIZATIONS</b> |  |                   | <b>\$74,389,640</b> |

Source: OJP

Because these organizations received invitational awards totaling \$74 million, less than \$40 million remained available for competitive awards from the \$113 million approved for OJJDP's Part E and Juvenile Mentoring programs.

<sup>8</sup> OMB Memorandum No. 07-10 (February 15, 2007)

Schofield told us she decided to award these grants non-competitively for two reasons. First, she said she believed that some of the invitational awards would provide the funding necessary to continue programs that had received support under prior-year earmarks. Second, she said that some invitations stemmed from considerable input her office received from Congress, the White House, and DOJ asking that certain organizations receive OJJDP grants. For example, Schofield told us that officials with the Office of the Attorney General requested that OJP support a youth program proposed by the National Football Foundation. We also asked Schofield who from outside the Department had provided this “input.” She said she could not remember who specifically had contacted OJP to request funding for specific applicants, but that members of Congress and their staff probably called her staff to support specific organizations within their respective districts and jurisdictions.

OJP could not provide documents showing how Schofield or her staff decided which organizations should receive invitational awards. In light of the OMB instruction to allocate awards according to merit-based determinations or an otherwise transparent competitive process, we believe that OJP should have documented the reasons why it chose to award over \$74 million in OJJDP grants non-competitively. Because OJP lacked such evidence, it could not demonstrate that it made appropriate, merit-based decisions in awarding noncompetitive grants with OJJDP funds. We therefore recommend that OJP implement a policy to ensure that award decision makers, including the Assistant Attorney General for OJP and the OJJDP Administrator, maintain records supporting their selections or approvals of future invitational awards.

Moreover, we found that not only did OJP lack evidence showing why the Assistant Attorney General made invitational awards, the manner by which OJP announced OJJDP award winners obscured how each organization actually received its grant. For example, under the National Juvenile Justice and Mentoring Initiatives programs, OJP did not identify organizations that received invitational grants in its award announcements. Instead, award announcements listed both invitational and competitive awards under a single category. Such collective award announcements obscured the markedly different ways recipients actually obtained the awards and left the incorrect impression that all of the announced grants were awarded on a competitive basis.

To improve the transparency of OJJDP's award process, we recommend that OJP specify how each OJJDP award recipient obtained its award, whether by earmark or other congressional request, invitation, continuation, or open competition when announcing program award winners, including on its press releases and websites.

## **Solicitations and Deadlines**

In the grant award process, OJJDP develops and announces solicitations to notify potential applicants of new grant programs. Solicitations also provide guidance to applicants on how OJJDP will evaluate and select proposals for funding. OJJDP uses Grants.gov, a grant application clearinghouse run by the Department of Health and Human Services, to post competitive solicitations and receive proposals.

OJP encourages its bureaus and program offices to begin developing grant solicitations as soon as possible after the beginning of each fiscal year, in part because it takes time for new applicants to complete the Grants.gov registration process. New applicants also have to complete a registration process before they can receive application forms and apply for awards. In fact, some OJP granting authorities announce solicitations before Congress appropriates grant funds with a notice that awards are contingent upon the availability of funds.

We found that OJJDP did not begin working on its FY 2007 Part E and Juvenile Mentoring solicitations until April 2007, about 7 months after the beginning of the fiscal year, and about 2 months after Congress provided funding to OJJDP.<sup>9</sup>

### *Developing Solicitations*

Administrator Flores told us that notwithstanding OJP's encouragement to its grant offices to announce solicitations as early as possible, he did not advocate early solicitation development for two reasons. First, he said that current grantees might inadvertently receive early notice that a solicitation is being developed, which would give them an unfair time advantage over other potential applicants in preparing applications. Second, he said that if OJJDP announced a solicitation contingent on funding, many faith-based and community organizations would spend their limited resources developing applications for solicitations that may never be funded.

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<sup>9</sup> OJP and OJJDP officials told us that they believed the February 2007 funding was very late, and it required them to work quickly to ensure that awards were made before the end of the fiscal year.

However, because solicitations for several discretionary grant programs were not prepared until after Congress approved the DOJ spend plan in April 2007, OJJDP did not finalize and post its Part E and Juvenile Mentoring solicitations until May 2007. Consequently, OJJDP could only offer an average of just 17 days for organizations to apply for Part E and Juvenile Mentoring grants.

### *Extending Deadlines*

Abbreviated application timelines and technical problems with the online submission process during the FY 2007 grant application period generated complaints from many OJJDP applicants. Consequently, OJP posted a notice on its website directing applicants that encountered submission problems to provide proof of when they registered and applied for an award. OJP officials told us that only those organizations that could show they met registration and application deadlines were allowed to bypass Grants.gov and submit an application directly to OJP. While 98 different applicants claimed problems applying for Part E and Juvenile Mentoring awards, only 54 provided sufficient evidence to allow them to resubmit their applications directly to OJP. OJJDP informed the remaining 44 applicants that their submissions could not be accepted because they had not proved they registered or applied on time.

In our judgment, the proposal deadlines OJJDP initially established for its Part E and Juvenile Mentoring solicitations, which averaged 17 days, did not provide sufficient time for organizations to register with Grants.gov and apply for awards. A senior OJJDP manager suggested that a standard application timeframe would provide new applicants adequate time to register with Grants.gov and apply for awards. Given the processing and technical problems identified by this review, we recommend that OJP ensure that OJJDP: (1) improve its solicitation development process so that it can post solicitations with deadlines that provide applicants sufficient time to apply for awards; and (2) establish a minimum length of time that solicitations remain open for applicants to submit proposals for competitive awards.

We found that even after OJJDP assessed proof of registration and application dates submitted by various applicants under the OJP notice, Administrator Flores expressed concern that technical issues with Grants.gov prevented some applicants from submitting grant proposals. After receiving input from OJJDP staff, Flores decided to allow applicants claiming problems with Grants.gov to submit grant proposals after the deadline, regardless of whether they could prove that they had registered and applied on time. Flores said he made this decision without consulting OJP leadership because

he was not willing to have organizations “disqualified” from applying simply because they could not navigate the Grants.gov website. Flores said he also suspected that many faith-based and community organizations were among those that had application problems, and he did not want those organizations disqualified. He said participation by those organizations in the grant program was a “Presidential priority.”<sup>10</sup> Flores subsequently directed OJJDP staff to inform organizations claiming problems with submitting their applications that they could submit their application directly to OJJDP for consideration. However, OJJDP did not publicly announce this application extension on its website.

OJJDP received 61 additional applications after Flores decided to allow late submissions from any organization claiming a problem with Grants.gov. Yet, Flores’s deadline extension was contrary to OJP policy and was not announced publicly. We recommend that OJP require OJJDP to document specific reasons for extending any future solicitation deadline and announce such extensions publicly so that all potential applicants may be made aware of changed deadlines.

## **Peer Reviews**

Peer reviewers serve as independent subject-matter experts who review a subset of grant applications to determine if they are well written, make sense, comply with solicitation criteria, and clearly demonstrate that the applicant can carry out the proposed work. Peer reviewers typically rank applications based on the peer review scores. However, the peer review process does not compare the value of the project proposed in one application against another. Although OJP award decision makers said they reviewed the peer review results before making awards, the Assistant Attorney General for OJP and the OJJDP Administrator each have authority to make awards that are not bound by peer review results.

For FY 2007 Part E and Juvenile Mentoring programs, external consultants served as peer reviewers of applications received under OJJDP’s Mentoring Initiatives, Reentry, Prevention and Intervention, and Substance Abuse programs. In addition, OJJDP staff conducted the peer review of National Juvenile Justice Programs and Project Safe Childhood proposals.

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<sup>10</sup> Executive Order 13279 (2002) directed heads of other federal agencies that provide services to children and others in need to encourage the participation of faith-based and community organizations in receiving federal financial assistance (E.O. 13279).



## *External Peer Reviews*

We found that OJJDP paid a contractor more than \$500,000 to oversee and conduct peer reviews of proposals received under several FY 2007 competitive solicitations. Because time was short, OJJDP instructed its contractor to curtail parts of the typical peer review process in an effort to meet OJP grant award deadlines. Our examination of how the contractor conducted peer reviews identified the following deficiencies in that process:

- OJJDP did not ask its contractor to conduct orientation calls with peer reviewers. Orientation calls have been a normal part of the peer review process and are important to ensure that all peer reviewers have a similar understanding of solicitation requirements before rating individual proposals. Our review found that many of the peer reviewers were newly appointed and thus could have benefited from an orientation call to instruct them how to review and rate proposals.
- OJJDP instructed its contractor to convene peer review panels composed of two rather than three peer reviewers. OJJDP personnel told us that three peer reviewers usually serve on each panel, and that their scores are averaged to arrive at a panel score for each proposal. When panels are comprised of only two peer reviewers, a single high or low score has a greater impact on the average, which may disproportionately affect an application's ranking.
- OJJDP did not require, and its contractor did not conduct, consensus calls between peer review panelists. We found that consensus calls offer peer reviewers (1) an opportunity to discuss their scores, comments, and methodology with one another and an OJJDP representative, and (2) a chance to adjust or correct widely disparate scores, if appropriate

Therefore, conducting orientation calls and consensus meetings, and having three peer reviewers on each panel helps ensure that application assessments are objective, consistently scored, and not unduly affected by a single reviewer. These steps also enhance the reliability of the peer review process. We found that OJJDP's instruction to its external peer review contractor not to follow these usual procedures because of the short timeframes undermined the potential value of its FY 2007 peer review process, even though the process cost OJJDP nearly a half-million dollars.

Beginning in FY 2008, OJP mandated that its bureaus and program offices use the same peer review contractor it had procured via a component-wide contract. According to OJP officials, OJJDP no longer hires its own contractors for external peer reviews. The OJP component-wide contract requires the external peer review contractor to: (1) conduct orientation calls; (2) have three-person peer review panels; and (3) perform consensus calls with peer reviewers and bureau or program office representatives.

### *Internal Peer Reviews*

OJJDP staff conducted the peer reviews of FY 2007 National Juvenile Justice Programs and Project Safe Childhood proposals. Similar to the contractor peer reviewer process, peer review panels consisted of two rather than three employees. Unlike the contractor peer reviewer, however, OJJDP managers instructed staff to perform consensus calls to discuss their assessments and scores.

We interviewed OJJDP staff who served as the peer reviewers for National Juvenile Justice Programs grant applications. Several OJJDP staff told us that they did not believe they were adequately prepared to conduct peer reviews of the proposals because they did not receive enough time to assess proposals or guidance on their role as peer reviewers. In addition, although OJJDP instructed staff to hold consensus calls, we identified at least one panel that did not discuss its scores and results. Due to these deficiencies, we recommend that OJP work with OJJDP to implement stronger and more consistent peer review protocols.

### *Basic Minimum Requirements*

Our audit also assessed ways in which OJJDP could improve the overall efficiency of OJJDP's grant review process. OJJDP officials said that before conducting peer reviews they check every grant proposal they receive against basic minimum requirements, such as page length, font size, and margins. Basic minimum requirement checks remove proposals from consideration before they are subject to peer review. OJJDP managers told us that basic minimum requirements screenings routinely check for such non-substantive issues in an effort to provide peer reviewers with a consistent standard to assess the applications.

However, even though OJJDP conducts basic minimum requirement checks on received proposals, some proposals that do not meet subject matter or other standard solicitation elements are routinely sent to peer reviewers. For example, Flores told us that basic minimum requirement screenings did not exclude proposals asking for continued Part E funding even though solicitations were to fund new projects and initiatives. As a result, some applications ended up being peer reviewed even though they should have been disqualified because they did not meet funding requirements. In our view, OJJDP should exclude such proposals from the expensive and time-consuming peer review process. We recommend that OJP require OJJDP to augment its basic minimum requirements checks to identify and exclude applications that do not meet the purpose and scope of the solicitation. OJJDP should not waste valuable resources conducting peer review of proposals that clearly do not meet program requirements.

### **Award Recommendations and Selections**

The Assistant Attorney General for OJP and the OJJDP Administrator share the authority to award OJJDP discretionary funds. In FY 2007, Administrator Flores prepared recommendation memoranda for each OJJDP grant program. The memoranda summarized his views on the proposals and suggested award amounts. Attached to each memorandum was a list of peer review results. Flores then forwarded these memoranda to Assistant Attorney General Schofield for review. After Schofield approved award recommendations, OJP began processing the financial paperwork and finalizing award announcements.<sup>11</sup>

To determine whether Flores improperly awarded grants to non-profit organizations with which he was alleged to have had contacts, we reviewed the peer review scores and award selections for two grant programs that solicited award proposals from non-profit organizations: (1) the National Juvenile Justice Programs, and (2) Mentoring Initiatives.<sup>12</sup> We determined that the proposals that received grant awards did not receive the highest peer review scores. As shown below, only 2 of the 11 National Juvenile Justice Programs award recipients had proposals with scores that peer reviewers ranked in the top 20, while 6 of the 9 Mentoring award recipients had proposals that received top 20 peer review scores.

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<sup>11</sup> Flores's award recommendation memorandum for the National Juvenile Justice Programs is included as Appendix 6.

<sup>12</sup> We reviewed the solicitations for these two programs because the National Juvenile Justice Program proposals were peer reviewed by OJJDP staff, while a contractor hired by OJJDP coordinated the peer reviews for Mentoring proposals.

## PEER REVIEW RANKINGS OF NJJP AND MENTORING PROPOSALS

| Award Recipient<br>(Sorted By Peer Review Rank)                | Peer Review Rank |
|--|------------------|
| <b><i>NJJP Recipients (104 total applicants)</i></b>           |                  |
| 1. National Juvenile Court Services Association                | 7                |
| 2. Council of Juvenile Correctional Administrators, Inc.       | 8                |
| 3. Latino Coalition for Faith & Community Initiatives          | 26               |
| 4. Enough is Enough  | 33               |
| 5. Fund for the City of New York – Center for Court Innovation | 39               |
| 6. Victory Outreach Special Services                           | 42               |
| 7. ASPIRA Association  | 44               |
| 8. World Golf Foundation                                       | 47               |
| 9. Native American Children’s Alliance                         | 48               |
| 10. National Council of Juvenile and Family Court Judges       | 51               |
| 11. Best Friends Foundation                                    | 53               |
| <b><i>Mentoring Recipients (237 total applicants)</i></b>      |                  |
| 1. Virginia Mentoring Partnership                              | 1                |
| 2. Partnership for a Healthy Scott County, Inc.                | 2                |
| 3. Pittsburgh Leadership Foundation                            | 6                |
| 4. National Congress of American Indians                       | 9                |
| 5. Committed Partners for Youth                                | 15               |
| 6. National Organization of Concerned Black Men, Inc.          | 19               |
| 7. People for People, Inc.                                     | 42               |
| 8. Plumas Rural Services                                       | 43               |
| 9. Messiah College - Harrisburg Institute                      | 84               |

Source: OJJDP

Flores told us that he selected these awards based on proposal summaries provided by OJJDP staff and his own subsequent review of many proposals. Regarding these Administrator-level assessments, Flores said he looked at a number of variables, including whether: (1) a proposal’s budget was realistic, (2) the proposal included tangible performance outcomes, (3) he thought the proposal required OJJDP support to succeed, and (4) the proposal helped to achieve a Presidential initiative. Flores also said he consulted peer review scores and comments when he chose these proposals for award recommendations.

The following details our findings regarding the allegations made against Flores concerning certain grant proposals and our analysis of how Flores told us he used peer review scores in selecting these awards.

### *Allegations of Improper Award Recommendations*

In view of the allegations that some of Flores's award decisions may have been based on personal contacts and ties, we reviewed the testimony Flores provided to the House Oversight Committee on June 19, 2008, and requested from Flores any documentation showing why he recommended the World Golf Foundation, the Best Friends Foundation, and Victory Outreach for awards. During our interviews, Flores reiterated the reasons for his award recommendations, but told us he did not maintain any record to support his decisions. Flores also stated that his personal contacts and meetings with organization representatives played no part in his award decisions.

#### World Golf Foundation

In response to congressional inquiries on the grant awarded to World Golf, Flores stated that this organization deserved an award in part because it ran a nationwide program that had been assessed by a series of studies as effective at teaching children important life skills, such as honesty and commitment. Flores said that he was criticized for awarding this grant because some did not realize that the World Golf program used golf as an instruction tool instead of trying to "make golfers of youth participants."

Flores's testimony further revealed that while attending the First Tee's 2006 annual meeting as a guest speaker, he played a round of golf with World Golf officials. The meeting's agenda included a golf outing on the last day, and Flores stated that World Golf officials asked him to participate. Flores told the House Oversight Committee that he tried to pay for the round, but that World Golf officials told him they would send him an invoice later. Flores stated that he followed up with the invoice request and paid

\$159 in golf fees the day before he testified to the House Oversight Committee.<sup>13</sup>

We questioned Flores on whether his contacts with World Golf led him to recommend that this organization receive an award. Flores denied any connection between his World Golf award recommendation and what he said was limited contacts with this group. Flores stated that World Golf received an award recommendation because its proposed program had demonstrated success at applying golf as “a hook” to capture the interest and involvement of at-risk youth that may not have participated in other OJJDP programs.

### Best Friends Foundation

Flores also testified that he recommended an award to the Best Friends Foundation because he believed the group did “a tremendous job” at keeping girls in school and away from drugs. Flores stated that during his tenure as OJJDP Administrator, he wanted to focus on programs for girls because the arrest rate for young females appeared to be rising while the arrest rate for young males was declining. Flores stated he recommended an award to the Best Friends Foundation in Washington, D.C., because its program reported a 100-percent high-school graduation rate for its participants. According to Flores, his critics were upset with this award because the Best Friends Foundation’s youth programs are abstinence-based.

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<sup>13</sup> The OIG Investigations Division conducted an investigation into various allegations concerning Flores, including the allegation that Flores did not pay for the round of golf he played with World Golf officials. The investigation concluded that in playing golf and failing to pay the fees until the eve of his congressional testimony, Flores violated federal ethics regulations prohibiting government employees from accepting gifts in excess of \$20 from a prohibited source. A prohibited source includes persons and entities that do business or seek to do business with the employee’s agency. World Golf’s First Tee Initiative was an OJJDP grantee at the time Flores participated in the golf outing. Although Flores ultimately reimbursed the World Golf Foundation for the cost of the round of golf, he did not make this payment until more than 2 years after the event and almost a year after he had taken action that benefitted the Foundation by recommending it for a grant award in FY 2007. While the investigation could not conclude that the round of golf with World Golf officials affected Flores’s decision to recommend World Golf for an award, the OIG concluded that his actions violated federal ethics rules relating to the acceptance of gifts.

Media outlets also reported that Flores had multiple contacts with Best Friends officials, including attending a \$500-a-plate fundraising event for the organization in April 2007 before grant selections were finalized.<sup>14</sup> Documents we reviewed showed that the Best Friends Foundation invited Flores and his staff to attend its fundraiser and waived the \$500-donation requirement. Because of this waiver, Flores treated the invitation as a potential gift and requested permission to attend the event from OJP's Office of General Counsel. The General Counsel's office approved Flores's and his staff's attendance, stating that the fundraiser appeared to be a "widely attended gathering" of over 100 people and therefore was an exception to the gift rules. The General Counsel's office also stated that Flores's attendance at the fundraiser would "advance the government's interest" in a way that outweighed an impression that his attendance would "improperly influence [OJJDP's] decision process."

We asked Flores whether his meetings and attendance at Best Friends Foundation fundraisers led him to recommend that this organization receive an award. Flores told us that his contacts with Best Friends Foundation were similar to those he had with many other organizations as OJJDP Administrator. Flores also said that his contacts with Best Friends Foundation did not play a role in providing this organization an OJJDP award. Flores told us that, as a policy decision, he wanted to provide an award to address the relationship between teenage pregnancy and high school dropout rates. He said that since Best Friends Foundation based its National Juvenile Justice Programs proposal on an initiative that had documented success at keeping teenage girls in school and from getting pregnant, he recommended the proposal for an award.

### Victory Outreach

We also asked Flores why he recommended Victory Outreach, a non-profit faith-based organization, for an OJJDP award. According to the initial allegation, Victory Outreach hired a contractor that was once an associate director with the White House's Office on Faith-Based and Community Initiatives. Documents obtained by the House Oversight Committee showed that an official with the DOJ's Task Force on Faith-Based Initiatives sent an e-mail in March 2007 to OJJDP recommending that Flores or his staff meet with Victory Outreach's contractor to discuss its work and future funding opportunities.

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<sup>14</sup> Boyle, Patrick, "The Case Against Flores," *Youth Today*, June 19, 2008, [http://www.youthtoday.org/publication/article.cfm?article\\_id=1954](http://www.youthtoday.org/publication/article.cfm?article_id=1954) (accessed June 23, 2008).

Flores said that his meeting with Victory Outreach's contractor was not out of the ordinary. Flores emphasized that he met with representatives from all sorts of juvenile delinquency organizations that applied for OJJDP awards. Flores denied that the referral from the DOJ's Task Force on Faith-Based Initiatives played any role in his recommending that Victory Outreach receive an award. Instead, Flores said the organization's proposal goals aligned well with DOJ and Presidential priorities because, as a faith-based organization, Victory Outreach's program targeted young people most at risk in being involved in violent gang activity.

### *Flores's Use of Peer Review Scores and Results*

To assess whether Flores's personal interactions with World Golf, the Best Friends Foundation, or Victory Outreach may have led to these groups receiving National Juvenile Justice Programs awards, we also asked Flores if he used peer review scores in choosing grant proposals to fund. Flores told us that he chose to not recommend grants based only on their peer review score. Flores advanced four reasons why he made this decision:

- Flores said that individual peer reviewers only evaluate seven to eight applications each, which is only a fraction of the total number of applications received under each program announcement. He said that the peer review recommendations present the Administrator with a snapshot of the strengths and weaknesses of each application. Flores stated that as Administrator, he is best suited to select awards because he can see the "larger picture" of the proposal universe.
- Flores told us that peer reviewers do not consider whether a proposal could receive funding under another, more specific program announcement. As suggested by its title, OJJDP intended to use the National Juvenile Justice Programs to support national-scope youth service programs. Flores told us that he did not want to use this program's money to support initiatives that could be funded by other OJJDP solicitations. For example, if a National Juvenile Justice Programs application was for substance abuse efforts, the applicant could still compete for funding under OJJDP's Substance Abuse program. As a result, Flores said that he used his authority as Administrator to deny funding such narrowly focused proposals from the broad-scoped National Juvenile Justice Programs pool even if the proposals received high peer review rankings.



- Flores stated that peer reviewers did not necessarily consider important Presidential initiatives when assessing applications. Flores cited the Presidential initiative to encourage faith-based and community organizations to apply for federal awards.<sup>15</sup> Flores said he believed it was important to ensure that faith-based initiatives received OJJDP support. Therefore, he recommended Victory Outreach's proposal, which was ranked 42 of 104, for a National Juvenile Justice Programs award, and Messiah College's proposal, which was ranked 84 of 237, for a Mentoring Initiatives award, in part because each ranked among the highest proposals put forth by faith-based organizations.
- Flores also told us that peer review results did not consider the unique nature of the FY 2007 funding process in that there were no earmarks and any organization that received awards may not be able to receive another award or continuing support in subsequent fiscal years. When making his award recommendations, Flores told us he anticipated enhanced earmark activity in subsequent fiscal years and that peer reviewers did not consider these potential funding constraints when evaluating proposals. Flores said that, as a result, he excluded proposals if they risked requiring OJJDP support for more than one fiscal year, even those ranked high by peer reviewers.

We recognize that the Juvenile Justice and Delinquency Prevention Act did not require either the OJJDP Administrator or the Assistant Attorney General to make award decisions based on peer review scores. In addition, our audit did not identify any other law or regulation that required peer review results to be the sole determinant of grant awards. Yet, because OJP and OJJDP devote considerable resources to conduct peer reviews of grant proposals, we believe that they should ensure that the peer review process is transparent and a significant factor in making award decisions. Because neither OJP nor OJJDP maintained documents showing why award decisions were made, we could not corroborate Flores's stated reasons for his award recommendations or disprove the allegations that subjective or personal factors improperly influenced his decisions.

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<sup>15</sup> E.O. 13279 (2002)

In part because of the scrutiny received by OJJDP's FY 2007 grant award process, Associate Attorney General Kevin O'Connor issued a memorandum in May 2008 directing OJP to document all discretionary funding recommendations and future award decisions. This new policy addresses many of our concerns regarding the transparency of the OJJDP competitive award process. When OJP and OJJDP officials select lower-ranking proposals over those that received higher peer review scores, they now need to document their contemporaneous reasons for deviating from peer review rankings.

## **Conclusion and Recommendations**

Our audit revealed weaknesses in virtually every major step of OJJDP's FY 2007 grant award process. In the absence of sufficient guidelines for how to review and select awards and document award decisions for non-earmarked funds, neither OJP nor OJJDP were adequately prepared to disburse nearly \$113 million reserved for juvenile delinquency initiatives and mentoring program grants. Of these funds, Assistant Attorney General Schofield directed that approximately \$74 million be awarded non-competitively to organizations she approved to receive such grants. However, neither Schofield nor other OJP officials could provide adequate justifications for why Schofield selected those organizations.

The decision to use approximately \$74 million for invitational grants left less than \$40 million for OJJDP to award through six different competitive program announcements. OJJDP did not prepare draft solicitations for these six programs until after Congress formally approved OJP's spend plan in April 2007. As a result, after a rushed solicitation drafting process, OJJDP published its solicitations well into the second half of the fiscal year, in late May 2007. We believe this left insufficient time for grant applicants, peer reviews, and final decision-making.

OJP required its bureaus and program offices to finalize award decisions by the end of July 2007. To meet this requirement, OJJDP reduced the amount of time organizations could apply for awards to an average of just 17 days. Many organizations could not register and complete their OJJDP applications within such a short timeframe, which led to some applicants complaining about the application process to OJP officials. Although OJP instructed applicants to document submission problems, OJJDP unilaterally extended application deadlines and notified only those applicants that contacted OJJDP of the extension. We believe that the inconsistent notice of the deadline extension undermined the transparency of the application process both within OJJDP and among organizations applying for OJJDP awards because the grant extensions were not announced publicly.

Moreover, OJJDP directed its contractors and employees to abbreviate important steps in its peer review process in an effort to expedite grant proposal reviews. Peer review panels had only two reviewers instead of three. Having at least three people on each panel more effectively mitigates the impact of subjectivity in the peer review process. In addition, peer reviewers did not hold orientation calls at the outset of the process, or conduct consensus meetings at the end of it. We believe that by foregoing these steps, OJJDP diminished the reliability and value of the peer review results. Considering the substantial resources OJJDP devoted to its peer review process, we believe it should have conducted peer reviews that included these important steps to ensure objective and consistent scores and rankings among different peer review panels.

In our view, Administrator Flores and Assistant Attorney General Schofield did not adequately document the reasons for their respective award recommendations and decisions. Administrator Flores told us that although he consulted peer review rankings in making award recommendations, he also considered other issues including Presidential initiatives and the availability of other solicitation opportunities when developing his final award recommendations. Schofield could not offer many details about how she selected certain organizations to receive non-competitive, invitational awards other than to state that she selected worthwhile organizations for these awards after receiving DOJ, White House, and congressional input. Although Flores and Schofield had the authority to recommend and decide discretionary awards, we are concerned about the lack of support or evidence showing the reasons for their award invitations, recommendations, and selections. We recommend that, in the future, OJP and OJJDP maintain documentation to support such award decisions. These documents should also show the considerations that went into selecting organizations that receive such grants.

During the period of this audit, the DOJ and OJP implemented important reforms to the grant making process that we believe will improve its transparency and integrity. For example, OJP has taken steps to implement guidelines issued by the Associate Attorney General that require the OJJDP Administrator and the Assistant Attorney General for OJP to justify and document discretionary award decisions. According to an OJP official, these rules have been issued to each OJP bureau and program office, including OJJDP, and decisions to select awards proposals rated low by peer reviews now require the approval of the Assistant Attorney General for OJP.

Nevertheless, our report identified several areas that we believe still require improvement. For example, OJP should better document how invitational awards are made and ensure that OJJDP provides an adequate time period for organizations to apply for its discretionary awards. Further, OJJDP should document the reasons for and publicly announce changes in application deadlines.

Our audit resulted in nine recommendations to enhance the transparency and integrity of OJJDP's grant making process. For example, we recommend that OJP implement policies to ensure that OJJDP:

- Establish a minimum length of time that solicitations remain open for applicants to submit proposals for competitive awards.
- Enhance its solicitation development procedures by drafting and approving solicitations throughout the fiscal year so that solicitations allow applicants a reasonable amount of time to apply for competitive awards.
- Document the reasons for extending solicitation deadlines and announce any deadline extension publicly so that all potential applicants may be informed of changed deadlines.
- Implement peer review protocols for its employees and contractors to follow that: (1) require formal orientation calls so that employees are aware of solicitation requirements before conducting peer reviews; (2) include consensus calls to discuss and mediate disparate peer review results; and (3) require panels to include at least three peer reviewers.
- Augment and use its basic minimum requirements checklist to identify and exclude applications that fail to meet the purpose and scope of the solicitation.

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**PROCEDURES USED BY THE OFFICE OF JUVENILE JUSTICE  
AND DELINQUENCY PREVENTION TO AWARD  
DISCRETIONARY GRANTS IN FISCAL YEAR 2007**

**TABLE OF CONTENTS**

|   |           |
|---|-----------|
| <b>CHAPTER ONE: INTRODUCTION</b> .....                                    | <b>1</b>  |
| Background .....  | 2         |
| OIG Audit Objective and Approach .....                                    | 6         |
| Organization of this Report .....   | 7         |
| <br>  |           |
| <b>CHAPTER TWO: DEVELOPING A SPEND PLAN</b> .....                         | <b>8</b>  |
| Spend Plan Development .....  | 9         |
| <i>OJJDP's Preliminary Spend Plan</i> .....                               | 9         |
| <i>OJP's Spend Plan</i> .....   | 12        |
| Concerns About Invitational Award Justifications and Announcements.....   | 15        |
| Conclusion.....   | 16        |
| Recommendations .....   | 17        |
| <br>  |           |
| <b>CHAPTER THREE: ANNOUNCING AND APPLYING FOR AWARDS</b> .....            | <b>18</b> |
| Developing Solicitations.....   | 20        |
| Competitive Solicitation Deadlines .....                                  | 23        |
| <i>Grants.gov Registration Process</i> .....                              | 23        |
| <i>Technical Problems and Late Applications</i> .....                     | 24        |
| OJP Efforts to Handle Late Applications.....                              | 26        |
| OJJDP Decision to Extend OJP's Deadline .....                             | 27        |
| OJP Solicitation Template Revision .....                                  | 28        |
| Conclusion.....   | 29        |
| Recommendations .....   | 30        |
| <br>  |           |
| <b>CHAPTER FOUR: PEER REVIEWS</b> .....                                   | <b>31</b> |
| External Peer Reviews.....  | 31        |
| <i>Juvenile Justice Resource Center</i> .....                             | 32        |
| <i>Expiration of the Juvenile Justice Resource Center Agreement</i> ..... | 38        |
| <i>OJP's Consolidated External Peer Review Contract</i> .....             | 38        |
| Internal Peer Reviews .....   | 38        |
| Basic Minimum Requirements Screening.....                                 | 40        |
| Conclusion.....   | 41        |
| Recommendations .....   | 42        |
| <br>  |           |
| <b>CHAPTER FIVE: RECOMMENDING AND SELECTING AWARDS</b> .....              | <b>43</b> |
| Awards Not Based Strictly On Peer Review Results.....                     | 43        |
| Allegations of Improper Award Recommendations.....                        | 45        |

**Chapter 5 (Continued)**

*World Golf Foundation*..... 45  
*Best Friends Foundation* ..... 46  
*Victory Outreach* ..... 48  
Role of Peer Review Scores in Recommending OJJDP Awards ..... 48  
*Individual Peer Reviewers Do Not Assess All Applications*..... 49  
*Peer Reviewers Do Not Consider Other OJJDP Solicitation Opportunities* ..... 49  
*Administrator Authority Supersedes Peer Review Scores* ..... 50  
*Peer Reviewers Do Not Assess Whether Proposals Would Require Continued OJJDP Support*..... 51  
Lack of Adequate Evidence for Award Recommendations ..... 51  
Award Recommendation Memoranda..... 52  
Associate Attorney General Policy to Document Award Decisions ..... 55  
Conclusion..... 56  
Recommendation..... 57

**STATEMENT ON COMPLIANCE WITH LAWS AND REGULATIONS.....58**

**STATEMENT ON INTERNAL CONTROLS.....59**

**ACRONYMS .....60**

**APPENDIX 1: OBJECTIVE, SCOPE, AND METHODOLOGY .....61**

**APPENDIX 2: SCHEDULE OF DOLLAR-RELATED FINDINGS .....64**

**APPENDIX 3: FY 2007 OJJDP GRANT SOLICITATIONS .....65**

**APPENDIX 4: GRANTS.GOV REGISTRATION PROCESS .....67**

**APPENDIX 5: APPLICATIONS SUBMITTED AFTER OJP  
JULY 2, 2007, DEADLINE EXTENSION .....68**

**APPENDIX 6: NATIONAL JUVENILE JUSTICE PROGRAMS  
AWARD RECOMMENDATION MEMORANDUM .....70**

**APPENDIX 7: ASSOCIATE ATTORNEY GENERAL AWARD  
DOCUMENTATION POLICY .....76**

**APPENDIX 8: OJP RESPONSE TO THE DRAFT REPORT .....78**

**APPENDIX 9: OIG ANALYSIS AND SUMMARY OF ACTIONS  
NECESSARY TO CLOSE THE AUDIT REPORT.....82**

## CHAPTER ONE INTRODUCTION

The Office of Juvenile Justice and Delinquency Prevention (OJJDP), which is part of the Office of Justice Programs (OJP) in the Department of Justice (DOJ), coordinates federal efforts to combat juvenile delinquency in part by awarding grants to public and private organizations. In 2002, President Bush nominated and the U.S. Senate confirmed J. Robert Flores to lead OJJDP as its Administrator.

In January 2008, *Youth Today*, a youth services trade magazine and website, began publishing a series of articles alleging that Administrator Flores improperly awarded fiscal year (FY) 2007 grants.<sup>16</sup> The articles raised three examples of potential improper award recommendations. First, Flores recommended an award to the World Golf Foundation's First Tee Initiative (World Golf), whose honorary chair is former President George H. W. Bush. Flores also recommended that the Best Friends Foundation, a non-profit organization led by Elayne Bennett, the wife of William Bennett, a former cabinet official under Presidents Reagan and George H. W. Bush, receive an OJJDP grant. Third, Flores recommended an award to Victory Outreach, a faith-based organization that had hired a former official with the White House's Office of Faith-Based and Community Initiatives. The *Youth Today* articles also cited internal OJJDP records showing that these organizations, as well as several others, received OJJDP awards even though peer reviewers rated their proposals much lower than proposals from other organizations that did not receive awards.<sup>17</sup>

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<sup>16</sup> Boyle, Patrick, "For Juvenile Justice, A Panel of One," *Youth Today*, January 1, 2008, [http://www.youthtoday.org/publication/article.cfm?article\\_id=949](http://www.youthtoday.org/publication/article.cfm?article_id=949) (accessed May 22, 2008). One article stated that Flores did not pay for a round of golf played with World Golf Foundation officials. The article further stated that Flores, his wife, and another OJJDP staff member attended a Best Friends Foundation fundraiser – which reportedly cost attendees \$500-a-plate – for free. The articles also cited evidence of meetings between Flores and Victory Outreach representatives following a request of an official with the DOJ Task Force for Faith-Based and Community Initiatives.

<sup>17</sup> OJJDP's competitive award process typically subjects grant applications to a peer review where independent subject-matter experts assess the quality of proposals according to established criteria. Each grant proposal receives a score and is ranked according to these scores. However, peer review results are only one of the criteria used to make decisions about grant funding, and the Assistant Attorney General for OJP and the OJJDP Administrator have discretion to make awards to organizations regardless of peer review results.



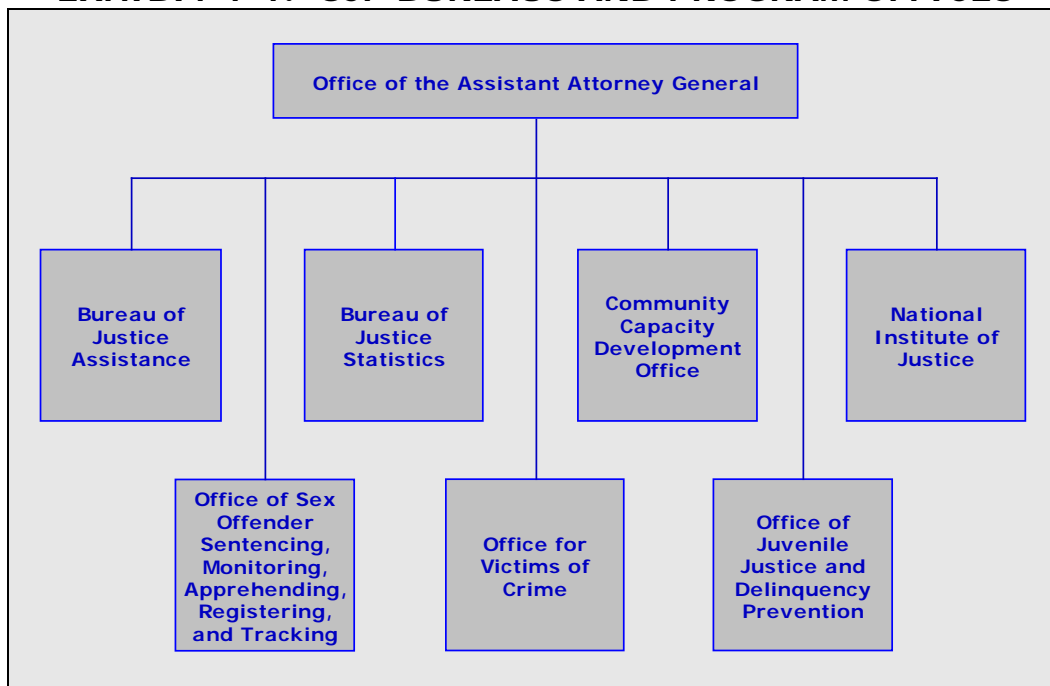
In response to these allegations, the House of Representatives Committee on Oversight and Government Reform (House Oversight Committee) initiated an inquiry into OJJDP's grant-making procedures. The House Oversight Committee issued a memorandum critical of OJJDP grant-making procedures and Flores's award selections. Specifically, the memorandum noted that OJJDP did not award grants to organizations whose proposals received the highest peer review scores for OJJDP's National Juvenile Justice Programs announcement.

We undertook this audit to assess the way Office of Justice Programs (OJP) and OJJDP officials solicited, assessed, and awarded FY 2007 grants for the National Juvenile Justice Programs and similarly funded OJJDP programs.

## Background

As shown by Exhibit 1-1, OJJDP is one of the seven bureaus and program offices within the Department of Justice's OJP.

**EXHIBIT 1-1: OJP BUREAUS AND PROGRAM OFFICES**



Source: OJP

OJP is headed by an Assistant Attorney General who develops and implements OJP policies and coordinates the work of its seven bureaus and program offices.<sup>18</sup> From June 2005 to September 2007, Regina Schofield served as OJP's Assistant Attorney General.

The Juvenile Justice and Delinquency Prevention Act established OJJDP in 1974.<sup>19</sup> OJJDP is headed by a Presidentially appointed, Senate confirmed Administrator who is responsible for coordinating federal efforts and awards grants and contracts to reduce juvenile delinquency.

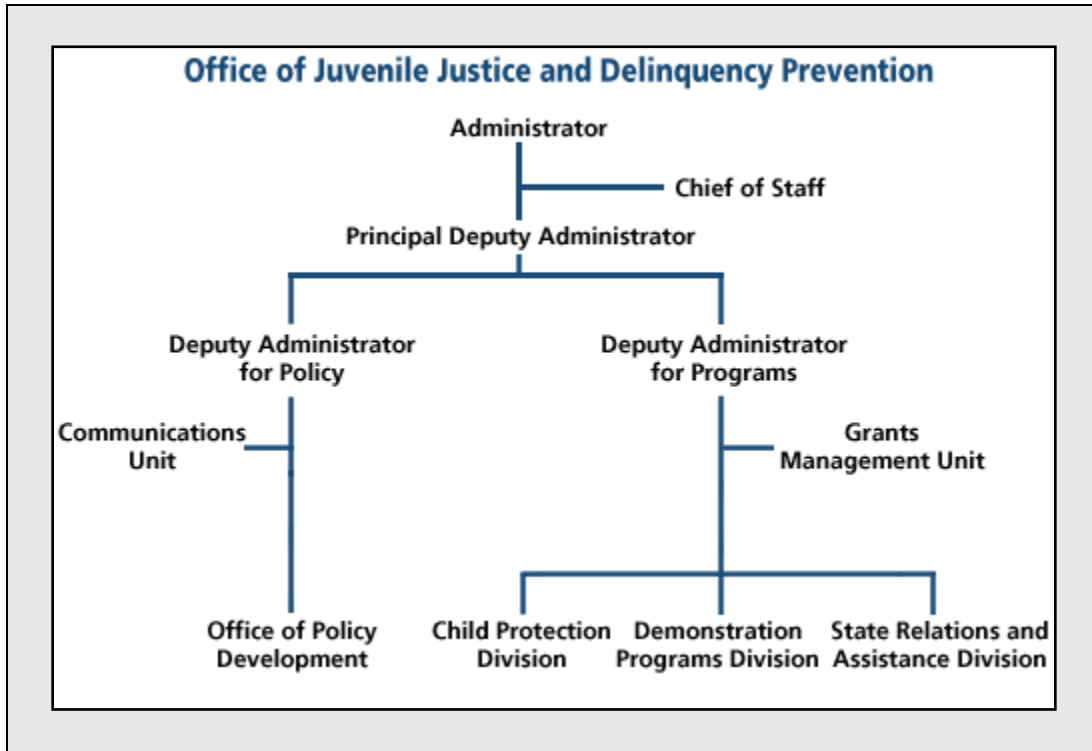
Exhibit 1-2 shows the organization of OJJDP, which seeks to support states and communities in their efforts to protect public safety, hold juvenile offenders accountable, and provide treatment and rehabilitative services tailored to the needs of juveniles and their families. Flores became the OJJDP Administrator in 2002 and continued to serve in that capacity until January 2009.

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<sup>18</sup> Pub. L. No. 109-162 (2006)

<sup>19</sup> 42 U.S.C. § 5611 *et seq.* (2006)

## EXHIBIT 1-2: OJJDP ORGANIZATIONAL CHART



Source: OJJDP

Congress provides OJJDP funds to award grants to state and local programs for delinquency prevention programs under Title V of the Juvenile Justice and Delinquency Prevention Act, as amended.<sup>20</sup> In addition, the Juvenile Justice and Delinquency Prevention Act provides OJJDP with additional funding categories, each having a distinct purpose. Exhibit 1-3 presents a summary of Juvenile Justice and Delinquency Prevention Act categories and their purpose.

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<sup>20</sup> 42 U.S.C. § 5783 (2002)

**EXHIBIT 1-3: JUVENILE JUSTICE AND DELINQUENCY  
PREVENTION ACT FUNDING CATEGORIES**

| Category   | Purpose of Funding   |
|--|--|
| <u>Part A</u> : Coordination of Federal Efforts. See 42 U.S.C. § 5614 (2006)   | Provides funds to the Administrator to coordinate federal juvenile justice efforts and support the Coordinating Council on Juvenile Justice and Delinquency Prevention.  |
| <u>Part B</u> : Federal Assistance for State and Local Programs. See 42 U.S.C. § 5631 (2006)                               | State and local governments may receive formula awards to develop education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency to improve the juvenile justice system.     |
| <u>Part C</u> : Juvenile Delinquency Prevention Block Grant Program. See 42 U.S.C. § 5651 (2006)                           | Provided to state governments to support projects designed to prevent juvenile delinquency, including treatment, education or projects that expand the use of probation officers.  |
| <u>Part D</u> : Research; Evaluation; Technical Assistance; Training. See 42 U.S.C. § 5661 (2006)                          | Public and private organizations or individuals can receive funds to support programs to research or evaluate juvenile justice issues.   |
| <u>Part E</u> : Developing, Testing, and Demonstrating Promising New Initiatives and Programs. See 42 U.S.C. § 5665 (2006) | State, local, and tribal governments and public and private organizations can be awarded monies to support projects that develop, test, or demonstrate promising initiatives and programs to prevent, control, or reduce juvenile delinquency. |

Source: OIG analysis of the Juvenile Justice and Delinquency Prevention Act, as amended

For FY 2007, Congress did not fund any Part D programs but specifically provided OJJDP with money to support Juvenile Mentoring initiatives.<sup>21</sup>

OJJDP has established different grant programs under each category that align with the authorized funding objective. Private organizations were eligible to receive FY 2007 funds under OJJDP's Part E and Juvenile Mentoring programs.<sup>22</sup>

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<sup>21</sup> The 2002 reauthorization to the Juvenile Justice and Delinquency Prevention Act rescinded the "Part G: Juvenile Mentoring" program funding category. Nevertheless, Congress still provides OJJDP with Mentoring Program funds, but not under the "Part G" funding category since Part G no longer exists.

<sup>22</sup> Part E funds are those authorized by Part E of the 1974 Juvenile Justice and Delinquency Prevention Act to develop, test, and demonstrate promising new initiatives and programs.

## OIG Audit Objective and Approach

The Department of Justice Office of the Inspector General (OIG) conducted this audit to review the OJP and OJJDP policies and procedures for soliciting, assessing, and awarding \$113 million in Part E and Juvenile Mentoring Program discretionary grant funds during FY 2007.<sup>23</sup> Exhibit 1-4 lists the Part E and Juvenile Mentoring programs that OJJDP funded in FY 2007.

### EXHIBIT 1-4: PART E AND JUVENILE MENTORING PROGRAMS

| Program Name  | Program Objectives  |
|---|---|
| <b><i>Competitive Programs</i></b>  |   |
| Prevention and Intervention Program (Prevention and Intervention)                       | To foster new community-level juvenile justice and child protection projects  |
| High-Risk Youth Offender Reentry and Family Strengthening Initiatives Program (Reentry) | To: (1) facilitate transitioning juvenile offenders to their families and communities following their confinement, and (2) foster innovations that focus on family economic success and community support systems |
| Project Safe Childhood Program (Project Safe Childhood)                                 | To support organizations that combat the technological exploitation of children   |
| Substance Abuse Prevention and Intervention Program (Substance Abuse)                   | To foster new juvenile justice and child protection-related practices at the local, state, and tribal government levels   |
| National Juvenile Justice Programs (Competitive)  | To: (1) build "protective factors" to combat juvenile delinquency, (2) reduce child victimization, and (3) improve the juvenile justice system  |
| Mentoring Initiatives* (Mentoring)  | To support new approaches or develop initiatives to strengthen and expand existing mentoring programs   |
| <b><i>Programs Open Only to Invited Organizations</i></b>                               |   |
| Merit-Based National Juvenile Justice Programs (Invitational)                           | To provide funding to 12 specific organizations that OJP invited to apply for awards under this program   |
| Mentoring Initiatives* (Mentoring Invitational)   | To provide funding to five organizations invited to apply for awards under this program   |

Source: OJJDP

Note: OJJDP supported all the above programs with Part E funding, except for the Mentoring Initiatives programs that OJJDP supported with Juvenile Mentoring funds.

<sup>23</sup> Discretionary grants are awards made to state and local governments, Indian tribes, and public and private agencies that are not based on predetermined formulas or other statutory requirements. OJP awarded discretionary grants competitively or by invitation. Congress also may earmark, or legislatively direct, OJP's discretionary grant funding.

As shown in Exhibit 1-4, organizations received awards under the National Juvenile Justice and Mentoring Initiatives (Mentoring) programs in two different ways: either competitively or by receiving invitational awards from OJP.

As part of this review we interviewed 42 OJP officials, including Administrator Flores and members of his executive management team. We also interviewed former Assistant Attorney General Schofield regarding her role in OJJDP's FY 2007 grant-making process and former Associate Attorney General Kevin O'Connor regarding DOJ's efforts to enhance grant-making transparency at OJP and other components that award competitive grants.

In addition, we reviewed thousands of pages of documents pertaining to grant award procedures. To understand award procedures used by other federal grant making offices, we also met with officials from Grants.gov, a federal grant clearinghouse administered by the U.S. Department of Health and Human Services for executive agencies that award grants.

## **Organization of this Report**

This report contains five chapters that discuss OJJDP's grant-making process chronologically. Chapter Two explains the FY 2007 budget process in which Congress provided OJJDP with over \$113 million in Part E and Juvenile Mentoring program funds. Chapter Two also discusses Assistant Attorney General Schofield's decision to invite some organizations to apply for OJJDP grants through a non-competitive process.

Chapter Three describes how OJJDP developed solicitations for its FY 2007 discretionary grants and details how organizations applied for OJJDP funds. Chapter Three also discusses OJJDP's decision to extend solicitation deadlines when some organizations had problems submitting applications on time.

Chapter Four details how OJJDP conducted peer reviews of proposals received under competitive solicitations, including the National Juvenile Justice Programs.

Chapter Five describes the process used by Schofield and Flores to select grant recipients.

## CHAPTER TWO DEVELOPING A SPEND PLAN

During the FY 2007 budget cycle, Congress provided funds to executive agencies through a series of continuing resolutions.<sup>24</sup> A joint resolution enacted on February 15, 2007, provided many executive agencies with funding for the remainder of the fiscal year and explicitly eliminated congressional earmarks.<sup>25</sup> Instead, the resolution required each agency to submit a “spending, expenditure, or operating plan,” commonly referred to as a “spend plan,” for approval by the House and Senate Committees on Appropriations.<sup>26</sup> Once the joint resolution was enacted, the Office of Management and Budget (OMB) issued a memorandum directing executive agencies not to obligate or award funds based on earmark-like specifications contained in any congressional committee reports. In addition, the OMB memorandum instructed each agency to fund activities based on authorized and transparent criteria and use merit-based determinations to select awards that achieve program objectives.<sup>27</sup>

Because DOJ was one of the executive agencies covered by the joint resolution, the Department’s Justice Management Division (JMD) consolidated various DOJ component-level spend plans into a single DOJ spend plan. Assistant Attorney General Schofield told us that OJP had only about 2 weeks to develop a spend plan before JMD’s March 2007 deadline. Schofield asked each bureau and program office to compile a preliminary spend plan proposal for her approval.

In contrast to FY 2007 funding, in FY 2006 Congress had earmarked all of OJP’s discretionary funding to 1,345 recipients. Due to the high number of earmarks designated in prior FYs, we found that OJP had not established rules or policies regarding how it or its bureaus and program offices must select award recipients for non-earmarked funds. Therefore, according to a senior OJP official, the lack of earmarks in FY 2007 presented a unique

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<sup>24</sup> Congress uses continuing resolutions to fund government operations in the absence of an enacted appropriations bill.

<sup>25</sup> Pub. L. No. 110-005 (2007), § 112. Earmarks are funds directly provided by Congress for certain projects or programs. Since appropriation bills have generally designated earmark recipients, as well as the amount of funds each should receive, earmark recipients need not compete for funding through a merit-based allocation process. See Office of Management and Budget (OMB) Memorandum No. 07-09 (January 25, 2007).

<sup>26</sup> *Id.*, § 113.

<sup>27</sup> OMB Memorandum No. 07-10 (February 15, 2007)

challenge for OJP regarding how to award a large amount of unobligated funds before the end of the fiscal year.

In March 2007, JMD received OJP's spend plan, combined it with those received from other DOJ components, and delivered a consolidated DOJ spend plan to Congress. On April 16, 2007, Congress approved the consolidated DOJ spend plan. While OJP's portion of the plan detailed the total amount of money it would apply to each OJJDP funding category it did not list the specific recipients of grant funds or the process by which OJP would make discretionary awards.

### **Spend Plan Development**

The February 15, 2007, resolution provided almost \$330 million for OJJDP to support both its mandated and discretionary juvenile justice initiatives, including Part E and Juvenile Mentoring projects. A senior OJJDP manager indicated that OJJDP had not recently received nor anticipated receiving such a large pool of non-earmarked funds.

#### *OJJDP's Preliminary Spend Plan*

Administrator Flores told us that in developing OJJDP's spend plan he wanted OJJDP to follow closely the tenets of the OMB Memorandum and therefore award discretionary grants based on a competitive process that assess the merits of funding requests. As shown by Exhibit 2-1, OJJDP's preliminary spend plan did not invite organizations to receive non-competitive funding.



**EXHIBIT 2-1: PRELIMINARY OJJDP AWARD PROPOSAL**

| Category and Description   | Amount (\$)          |
|--|----------------------|
| <b>Coordination of Federal Efforts.</b> To support the operations of the Coordinating Council on Juvenile Justice and Delinquency Prevention and other activities under Part A of the Juvenile Justice and Delinquency Prevention Act.                           | <b>703,000</b>       |
| <b>State Formula Grants.</b> Part B of the Juvenile Justice and Delinquency Prevention Act provides formula awards to states to improve juvenile detention, pilot at-risk youth intervention strategies, and facilitate program evaluations and data collection. | <b>78,900,000</b>    |
| <b>Developing, Testing, and Demonstrating Promising New Initiatives.</b> Flores called for a series of programs under Part E of the Juvenile Justice and Delinquency Prevention Act.   | <b>104,672,000</b>   |
| 1. <u>Safe Neighborhoods</u><br>Solicitations included (1) an expansion of the Attorney General's anti-gang initiative in 30 communities, and (2) an effort to identify how best to coordinate various OJJDP substance abuse strategies in 10 communities.       | <i>11,000,000</i>    |
| 2. <u>Child Exploitation</u><br>The proposal outlined two initiatives, one for funding programs to address the causes of child abuse and another to fund prevention, intervention, and education efforts to address Internet safety.                             | <i>6,600,000</i>     |
| 3. <u>Juvenile Delinquency Prevention Program</u><br>Under this program, funding would be focused on building novel programs such as sports-based initiatives and after-school programs.   | <i>17,600,000</i>    |
| 4. <u>Management and Administration</u><br>Funding for OJJDP staff and contractors to support the Part E initiatives.  | <i>5,400,000</i>     |
| 5. <u>Unobligated</u> *  | <i>64,072,000</i>    |
| <b>Juvenile Mentoring Programs.</b> **   | <b>9,800,000</b>     |
| <b>Delinquency Prevention Programs.</b> The proposal applied Title V funds to support new and ongoing efforts, such as tribal youth, gang reduction, and underage drinking prevention programs.  | <b>64,169,000</b>    |
| <b>Other Statutory Funding and Block Grants.</b>   | <b>80,161,000</b>    |
| <b>TOTAL</b>   | <b>\$338,405,000</b> |

Source: OIG analysis of OJJDP files

Notes:

\* Flores's proposal did not include OJJDP's plans for over \$64 million in funding.

\*\* A summary describing Juvenile Mentoring Programs support was not included in the preliminary OJJDP spend plan proposal.

Under Flores's preliminary spend plan, Part E awards were to be based on competition, and Flores wrote, "It is hoped that such competitions will also allow organizations, programs, and research efforts that did not previously receive funding to do so this year." Flores's plan also stated that prior award recipients would have the same opportunity to compete for funds as new applicants.

Assistant Attorney General Schofield met with Flores and his executive team on February 23, 2007, to discuss how to handle OJJDP's funding. At this meeting, Schofield discussed making invitational awards to certain organizations, some of which had received earmark grants in prior years. We discussed with Schofield why she wanted to invite organizations to receive non-competitive awards. Schofield explained that some of the invited organizations required continued funding to carry out programs supported under prior-year earmarks.

In addition, Schofield told us that although Congress provided funding without earmarks, she and her staff had received calls from Capitol Hill, the White House, and from within DOJ requesting awards for certain organizations. For example, Schofield said that officials with the Office of the Attorney General requested that OJP support a youth program proposed by the National Football Foundation.<sup>28</sup>

During our interview, we asked Schofield who outside of the Department provided input on award selections. Schofield told us that she did not remember which specific White House or congressional officials asked her to ensure that certain organizations received awards, but she said that members of Congress and their staff probably called her office to support specific organizations within their respective districts and jurisdictions. Schofield said that she decided that these external funding requests, coupled with her concerns about supporting certain ongoing programs she believed to be important and worthwhile, outweighed Flores's plan to award all of OJJDP's funds through a competitive process.

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<sup>28</sup> The Attorney General has final authority over all OJP awards. 24 U.S.C. § 3715 (2006)

## *OJP's Spend Plan*

On February 28, 2007, Schofield sent an e-mail to Flores stating that OJJDP's preliminary proposal was not acceptable because it did not include invitational awards to certain organizations. Schofield and her staff then developed a separate spend plan for OJJDP's Part E and Juvenile Mentoring funds totaling approximately \$113 million in discretionary funds. Of these funds, \$74 million were awarded by invitation, and just under \$40 million were awarded under six different competitive solicitations.

### Part E Programs

The funding categories presented by Schofield's approved OJP spend plan generally aligned with the total dollar amounts provided by Flores's proposal. However, OJP's proposal for Part E funds called for two broad sub-categories of funds: \$80 million for "National Programs" and over \$24 million for "Discretionary and Competitive Programs."

National Programs. OJP's proposed spend plan reported to Congress that it would use \$80 million for national programs to support efforts to reduce juvenile delinquency and crime, protect children from sexual exploitation and abuse, and improve the juvenile justice system. Assistant Attorney General Schofield ultimately invited 12 organizations to receive a total of \$71,440,000, 89 percent of the \$80 million allocated to the National Programs subcategory. The remaining \$8,560,000 was set aside to support proposals under an open National Juvenile Justice Programs competitive solicitation. Exhibit 2-2 lists the organizations that received invitational Part E National Programs awards.

**EXHIBIT 2-2: FY 2007 NJJP INVITATIONAL AWARDS**

| <b>Organization Name</b>                             | <b>Amount Funded in FY 2007 (\$)</b> | <b>Total FY 2006 Part E Earmark Amount (\$)</b> |
|--|--------------------------------------|---|
| Boys and Girls Clubs of America                      | 40,000,000                           | 0*  |
| FirstPic, Inc.                                       | 20,000,000                           | n/a   |
| Center for Neighborhood Enterprise                   | 740,000                              | n/a   |
| Wireless Foundation                                  | 250,000                              | n/a   |
| Cal Ripken, Sr. Foundation                           | 3,000,000                            | 2,961,684                                       |
| Girl Scouts Beyond Bars                              | 750,000                              | 2,073,179                                       |
| National Association of Police Athletic League       | 750,000                              | n/a   |
| Milton S. Eisenhower Foundation                      | 3,000,000                            | 4,743,630                                       |
| National DARE  | 650,000                              | n/a   |
| National Football Foundation                         | 500,000                              | n/a   |
| National Council of Juvenile and Family Court Judges | 800,000                              | 1,727,649                                       |
| Father Flanagan's Boys and Girls Town Home           | 1,000,000                            | 1,480,842                                       |
| <b>TOTALS</b>  | <b>\$71,440,000</b>                  | <b>\$12,986,984</b>                             |

Source: OJP

Note: Prior to FY 2007, the Boys and Girls Clubs of America received Edward Byrne Memorial Justice Assistance (Byrne) grant funds from the Bureau of Justice Assistance (BJA). However, Schofield told us that the Attorney General reserved discretionary Byrne funds to support other crime reduction initiatives, and therefore no Byrne funds were available for the group's FY 2007 funding. Therefore, OJP used OJJDP's Part E National Program funds to support the group. Byrne funds are not managed by OJJDP.

As shown by Exhibit 2-2, the Boys and Girls Clubs of America, which had previously obtained annual funding under the Economic Espionage Act of 1996, received \$40 million of the \$71,440,000 allocated to invited organizations.<sup>29</sup> Among the 11 other invitees, 5 had received Part E funds through FY 2006 earmarks totaling approximately \$13 million. Although OJP budget documents referred to these awards as "merit-based," the decision to invite these 12 organizations to receive awards meant that they did not have to compete with other groups for Part E funds.

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<sup>29</sup> 42 U.S.C. 13751 (2005) once directed annual appropriations to the Boys and Girls Clubs of America until it was repealed by Title XI of Pub. L. No. 109-162 (2006).

*Discretionary and Competitive Programs.* The OJP spend plan also allocated \$24,600,000 in Part E funds to four competitive programs for different juvenile justice initiatives, as shown by Exhibit 2-3.

**EXHIBIT 2-3: PART E COMPETITIVE  
AWARD PROGRAMS**

| <b>Part E Program Name</b>  | <b>Funds Allocated (\$)</b> |
|-----------------------------|-----------------------------|
| Prevention and Intervention | 9,600,000                   |
| Reentry*                    | 5,000,000                   |
| Project Safe Childhood      | 5,000,000                   |
| Substance Abuse             | 5,000,000                   |
| <b>TOTAL</b>                | <b>\$24,600,000</b>         |

Source: OJP

Note: OJP allocated a total of \$15 million to the Reentry program, \$5 million from Part E and \$10 million from the BJA's Byrne grant program.

Juvenile Mentoring Program

In addition to the Part E programs, Congress authorized funds to support OJJDP's Juvenile Mentoring program. OJP allocated a total of \$8,450,000 for a Juvenile Mentoring program entitled Mentoring Initiatives (Mentoring). Assistant Attorney General Schofield invited the following five organizations to receive Mentoring funds totaling approximately \$3 million under the program.

**EXHIBIT 2-4: FY 2007 MENTORING INVITATIONAL AWARDS**

| <b>Organization Name</b>                   | <b>Amount Funded in FY 2007 (\$)</b> |
|--|--------------------------------------|
| Big Brothers Big Sisters of America        | 2,000,000                            |
| Girl Scout Council of the Nation's Capital | 200,000                              |
| Girl's Inc.                                | 250,000                              |
| Girl's Inc. of Huntsville, Alabama         | 250,000                              |
| Team Focus, Inc.                           | 249,640                              |
| <b>TOTALS</b>                              | <b>\$2,949,640</b>                   |

Source: OJP

Because approximately \$3 million was made available for invitational Mentoring awards, only about \$5.5 million remained available for competitive Mentoring awards.

## **Concerns About Invitational Award Justifications and Announcements**

We questioned Schofield about whether she believed it was appropriate for OJP to issue invitational awards to organizations in view of OMB's instruction to make merit-based determinations in selecting award recipients. Schofield told us that she believed she complied with OMB guidelines because she and her staff were careful to select organizations with successful or worthwhile programs for non-competitive awards. Schofield also said she used her authority to provide non-competitive awards to some prior-year recipients whose programs were ongoing and required continued DOJ support.

However, OJP could not provide any documents to show whether Schofield or her staff made the OMB-required merit-based determinations or otherwise evaluated which ongoing programs should receive continued funding. Because OJP lacked this evidence, we could not evaluate why Schofield approved awarding non-competitive OJJDP grants or whether these awards were the best use of OJJDP's funds. In addition, we could not determine the extent to which any contacts from Congress or the White House affected Schofield's decision to make these awards.

In our opinion, grant-awarding agencies should document the reasons for their award decisions. This is especially true when agency heads decide to set aside funds from competitive award programs to provide invitational awards to pre-selected organizations. When an awarding agency cannot show why it gave invitational awards to some organizations and not others, the agency cannot demonstrate that the selection process was appropriate or that its award decisions were not made for subjective, arbitrary, or capricious reasons. A lack of documentation justifying invitational awards also prevents OJP decision makers from fully responding to concerns that they received undue pressure to make such awards. In an effort to enhance the transparency of the OJJDP award process, we recommend that OJP implement a policy to ensure that award decision makers, including the Assistant Attorney General for OJP and the OJJDP Administrator, maintain records supporting their selections or approvals of OJJDP invitational awards.

In addition, we were concerned by the way OJP announced OJJDP's individual award program recipients in its press releases and on its website. OJP did not distinguish in these public announcements whether awardees received invitational or competitive grants. For example, OJP announced all 23 FY 2007 National Juvenile Justice Programs grants in one list on the OJJDP website – even though 12 were awarded by OJP through invitations, while 11 others received awards after their proposals were selected through a competitive process. We believe that such an award announcement obscured the different ways each recipient obtained their respective grant and left the incorrect impression that all of the announced grants were awarded on a competitive basis. To increase the transparency of OJJDP's award process, we recommend that OJP specify how each OJJDP award recipient obtained its award, whether by earmark or other congressional request, invitation, continuation, or open competition, when announcing program award winners on its press releases and websites.

## **Conclusion**

In our opinion, OJP did not have sufficient policies in place for FY 2007 to govern how it or its bureaus and program offices should select award recipients with non-earmarked funds. The absence of earmarks in FY 2007, coupled with a lack of applicable grant selection rules, gave OJP and OJJDP considerable latitude in determining the organizations that should receive awards. OJJDP Administrator Flores proposed a preliminary spend plan calling for FY 2007 OJJDP awards to be made through a competitive process. However, Assistant Attorney General Schofield told us that officials in Congress, the White House, and the DOJ wanted certain organizations to receive funding. Therefore, OJP allocated over \$74 million to invited organizations, leaving under \$40 million for open competition under six different solicitations.

We asked OJP officials why some organizations received invitational OJJDP awards while others had to submit proposals and compete for funds. Schofield provided two reasons for awarding these grants non-competitively. First, she said she believed that some of the invitational awards would provide the funding necessary to continue programs that had received support under prior-year earmarks. Second, she said that some invitations stemmed from considerable input her office received from Congress and the White House asking that certain organizations receive OJJDP grants. However, OJP could not provide us with documents explaining the reasons these specific organizations received OJJDP funds non-competitively. As a result, we could not assess the appropriateness of Schofield's decision to make these invitational awards.

In view of OMB's instruction that grant makers should use a merit-based approach in selecting award recipients, we make two recommendations to improve the transparency of OJJDP's grant process and to ensure that OJP documents future non-competitive OJJDP awards.

## **Recommendations**

We recommend that OJP:

1. Implement a policy to ensure that award decision makers, including the Assistant Attorney General for OJP and the OJJDP Administrator, maintain records supporting their selections or approvals of OJJDP invitational awards.
2. Specify how each OJJDP award recipient obtained its award, whether by earmark or other congressional request, invitation, continuation, or open competition, when announcing program award winners on its press releases and websites.



## CHAPTER THREE ANNOUNCING AND APPLYING FOR AWARDS

Each OJP bureau and program office develops and issues solicitations to notify potential applicants of new award programs. Solicitations also specify how OJP will evaluate and select proposals for funding. According to one senior OJJDP manager, solicitations are critical to the success of award programs because well-written and detailed solicitations “bring in the best applicants.”

We determined that OJJDP issued 34 solicitations in FY 2007.<sup>30</sup> Generally, these solicitations included the 11 elements shown in Exhibit 3-1.

### EXHIBIT 3-1: OJJDP SOLICITATION ELEMENTS

1. **Program Overview.** Describes the mission and objectives of the announced program.
2. **Registration Requirements.** Details how an organization may register and obtain a program application.
3. **Application Deadline.** Documents the specific date and time that an applicant needs to submit an application.
4. **Eligibility Requirements.** Details what types of organizations, such as state and local governments, corporations, or non-profit entities, are eligible to apply for program funding.
5. **Faith-based and Community Organizations Clause.** Documents that eligible faith-based and community organizations can submit proposals under the solicitation.
6. **Program-Specific Information.** Describes various programmatic requirements and objectives.
7. **Performance Measures.** Informs applicants on how program performance will be evaluated and measured.
8. **How To Apply.** Instructs applicants on how to submit a proposal for funding.
9. **What an Application Must Include.** Lists the various documents that must be submitted with a proposal.
10. **Selection Criteria.** Describes how OJJDP selects awards from the proposals received.
11. **Review Process.** Documents how OJJDP will review proposals received under the solicitation.

Source: OIG review of OJJDP FY 2007 solicitations

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<sup>30</sup> Appendix 3 lists the competitive and invitational solicitations put forth by OJJDP in FY 2007.

In the FY 2007 grant cycle, OJJDP publicly announced 20 competitive solicitations that were open to state and local governments and non-profit organizations seeking applications for funds. These solicitations stated that each application would be rated on a 100-point scale and assigned point values for five different elements: (1) Statement of the Problem and Program Narrative; (2) Impact, Outcomes, and Evaluation; (3) Project or Program Design and Implementation; (4) Capabilities and Competencies; and (5) Budget.<sup>31</sup>

OJJDP also included a notice on each competitive solicitation, as shown by Exhibit 3-2, stating how it would evaluate proposals.

### **EXHIBIT 3-2: SOLICITATION REVIEW PROCESS NOTICE**

*OJJDP is committed to ensuring a competitive and standardized process for awarding grants. Applications will be screened initially to determine whether the applicant meets all eligibility requirements. Only applications submitted by eligible applicants that meet all other requirements will be evaluated, scored, and rated by a peer review panel.*

*Peer reviewers' ratings and any resulting recommendations are advisory only. All final grant award decisions will be made by the U.S. Department of Justice, which may also give consideration to geographic distribution and regional balance when making awards.*

Source: OJP solicitation template

In addition, OJJDP also opened nine solicitations to organizations that were specifically invited to apply for new or continued funding. Five additional solicitations were opened for non-discretionary grants to state, local, and tribal governments.<sup>32</sup>

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<sup>31</sup> See Chapter Four for additional information on these solicitation elements.

<sup>32</sup> OJP announces competitive solicitations on its website, in the *Federal Register*, and on Grants.gov.

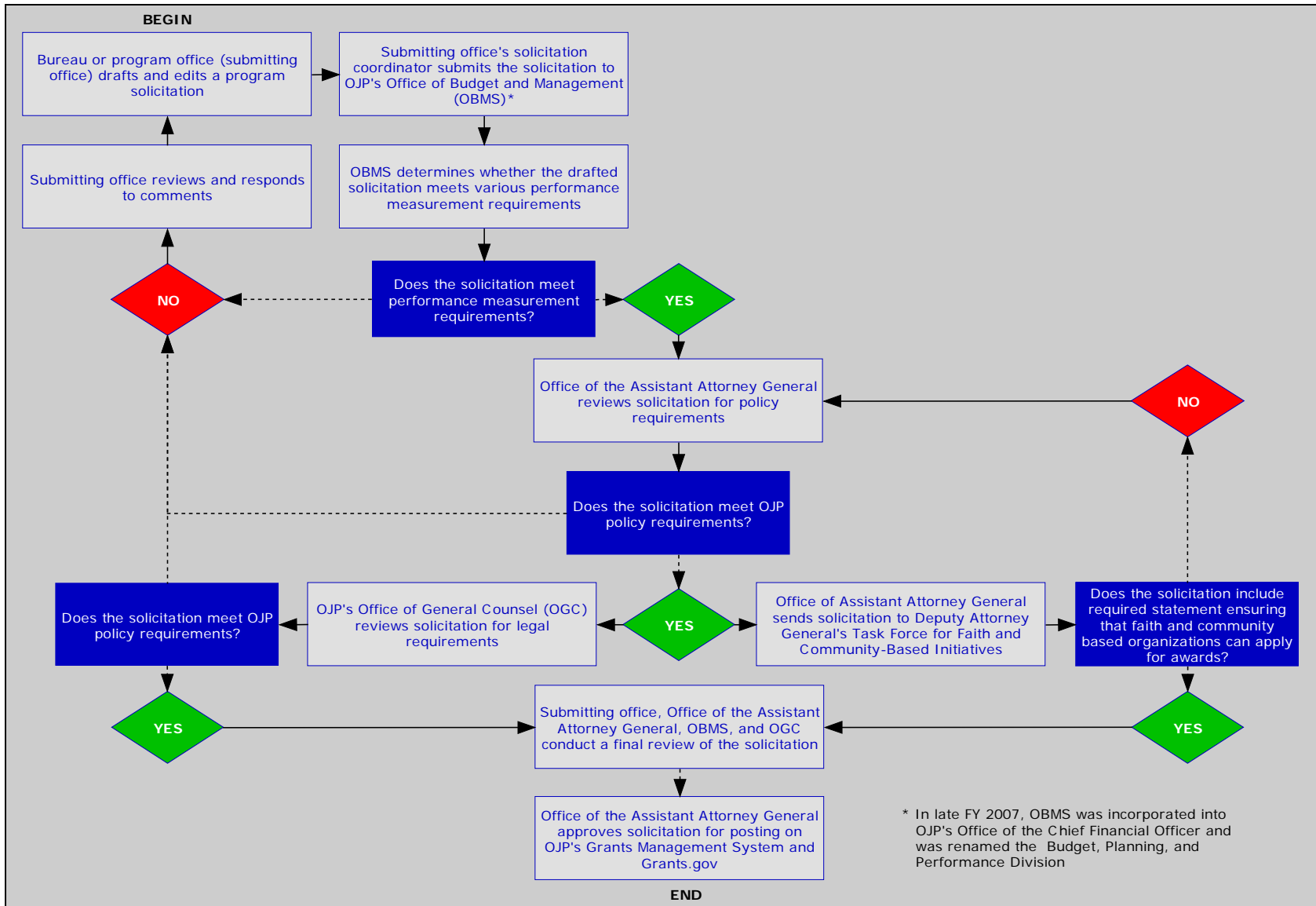
## **Developing Solicitations**

The OJP Grant Manager's Manual (Manual) details the procedures that each bureau and program office should use to develop award solicitations. According to the Manual, each organization should appoint a solicitations coordinator (coordinator) to oversee how each solicitation is developed, reviewed, and approved.

OJJDP officials told us that when developing solicitations they consider what types of support the overall juvenile justice community needs and whether OJJDP has funds available to support such initiatives. After the Administrator decides whether to use OJJDP funds to support a particular program, a staff member drafts the solicitation and uses a pre-approved solicitation template that contains boilerplate instructions and other policy information. Various managers edit and review the draft solicitation, which is submitted to the Administrator for approval.

Upon approval by the Administrator, the coordinator submits the solicitation to OJP for further review. As shown by Exhibit 3-3, several offices review draft grant solicitations.

### EXHIBIT 3-3: FY 2007 OJP SOLICITATION DRAFTING PROCESS



Source: OIG analysis of OJP procedures

Under OJP policy, it can take as long as 47 business days to complete the drafting and review process before a solicitation is announced. However, because Congress approved the DOJ spend plan in April 2007, OJP's Deputy Assistant Attorney General Beth McGarry told us she recognized that FY 2007 was going to be a "grueling" grant year and required OJP officials charged with reviewing solicitations to expedite their review so that the process could be completed in 28 days. Even though the expedited process provided each bureau or program office less time to review and edit solicitations, each OJP office shown in Exhibit 3-3 still needed to ensure that the solicitations complied with applicable laws and other requirements.

According to McGarry, OJP encourages its bureaus and program offices to post solicitations as early as possible after the beginning of the fiscal year. If OJP was operating without a final budget, its bureaus and program offices could post solicitations with a notice that awards were contingent on the availability of funds.

However, we found that while OJJDP received notice of its final funding amount when Congress passed the joint resolution on February 15, 2007, it did not begin working on Part E and other solicitations until 2 months later – after Congress approved the DOJ spend plan.

Officials confirmed that it was Administrator Flores's decision that OJJDP would not prepare grant solicitations until Congress approved OJP's spend plan. When we asked Flores why OJJDP did not develop its solicitations earlier and thereby ease the time crunch, Flores said he did not encourage early solicitation development for two reasons. First, Flores stated that if he assigned staff to draft solicitations before OJJDP received its final funding, current grantees may have inadvertently received early notice that a solicitation was being developed and would then have more time to prepare their applications, giving them an unfair advantage over new applicants. Second, Flores said that if OJJDP posted a solicitation contingent on funding, he feared that many faith-based and community organizations would spend their limited resources developing applications for solicitations that may never secure funding.

Although OJJDP moved quickly to draft solicitations after Congress approved the spend plan, no rule or other requirement precluded it from developing solicitation drafts earlier. Nor did Flores's explanations indicate why OJJDP could not have developed solicitations earlier. In fact, OJJDP employees told us that at least one other OJP bureau began drafting solicitations for their grant programs at the beginning of the fiscal year. As a result, this bureau was able to provide potential applicants with more time to prepare and submit their proposals than OJJDP was able to allow.

## Competitive Solicitation Deadlines

OJJDP posted six different solicitations for Part E and Juvenile Mentoring programs in May and June 2007 and instructed potential applicants to submit applications by specified deadlines. Exhibit 3-4 shows that OJJDP initially announced that these solicitations would be open for an average of 17 days.

### EXHIBIT 3-4: COMPETITIVE SOLICITATION DEADLINES FOR PART E AND JUVENILE MENTORING PROGRAMS

| Solicitation Title                 | Initial Application Deadline | Number of Days Solicitation Open |
|------------------------------------|------------------------------|----------------------------------|
| Mentoring                          | June 8                       | 16                               |
| Reentry                            | June 8                       | 16                               |
| Substance Abuse                    | June 8                       | 17                               |
| Prevention and Intervention        | June 8                       | 16                               |
| National Juvenile Justice Programs | June 8                       | 18                               |
| Project Safe Childhood             | June 15                      | 18                               |
| <b>AVERAGE</b>                     |                              | <b>17 DAYS</b>                   |

Source: OJJDP

### *Grants.gov Registration Process*

While organizations that received invitations to apply for awards submitted their applications directly to OJP, all organizations applying under competitive solicitations were required to submit their applications via Grants.gov, a federal grant clearinghouse used by OJP.<sup>33</sup> To receive application packets and apply for funds under competitive solicitations, applicants are first required to have access to a Grants.gov account. According to OJJDP officials, the broad scope of certain FY 2007 solicitations meant that many new applicants, including faith-based and community organizations, were eligible to compete for awards. Many of these groups had never previously applied for OJJDP funds, and therefore may not have had a Grants.gov account. Such organizations had to register with the site before they could download application forms.

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<sup>33</sup> Grants.gov was established after the passage of Pub. L. No. 106-107 and the 2002 President's Management Agenda, which called for a centralized website for grant solicitations and applications. Grants.gov has since published over 1,000 solicitations from 26 federal agencies, and has received over 300,000 grant applications. The Department of Health and Human Services, one of the largest federal agencies in grant award amounts, administers the Grants.gov website.

According to the Grants.gov website, the registration process alone can take from 3 to 5 days to complete – assuming applicants complete their account registration forms correctly. The instructions that OJP provides to prospective applicants states that it can take “several weeks” to confirm registrations and establish usernames.<sup>34</sup>

Upon receiving an application packet, Grants.gov technicians review it for system and compatibility issues. Depending on the results of this check, an application could be delayed for several days if Grants.gov is unable to process it correctly. According to Grants.gov technicians, such delays can be caused by incompatible file formats or software. Grants.gov lists these potential problems on its website. When an application fails the technical review, Grants.gov sends an e-mail to the applicant with instructions on how to fix and resubmit the application.<sup>35</sup>

### *Technical Problems and Late Applications*

OJJDP officials confirmed that many applicants for FY 2007 grants reported having problems registering with Grants.gov or otherwise submitting proposals within the tight solicitation deadlines. As a result, many organizations contacted OJJDP requesting permission to bypass Grants.gov and submit applications directly to OJP to meet the deadline. OJJDP officials also told us that Grants.gov forwarded some applications to OJP after the deadline. One OJP official called Grants.gov “unreliable” and believed that its website could not handle the large number of grant proposals submitted. In light of these concerns, OJP officials contacted Grants.gov representatives and began working directly with Grants.gov and applicants to resolve various technical issues.

We believe that the short time period (17 days on average) during which OJJDP’s Part E and Juvenile Mentoring program solicitations were open contributed to the FY 2007 application problems. Considering that generally it takes about one week for new applicants to register with Grants.gov and for Grants.gov to perform technical reviews, the deadlines established by OJJDP actually provided only 9 to 11 days for new applicants to prepare and

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<sup>34</sup> Appendix 4 contains additional details regarding the Grants.gov registration process.

<sup>35</sup> Grants.gov warns all prospective applicants that specific software formats and operating systems are not compatible with its servers. For example, Grants.gov cannot process applications submitted by computers running Microsoft Windows Vista (Vista). According to Grants.gov representatives, the validation process screens for and rejects applications submitted by computers running Vista.

submit their Part E and Juvenile Mentoring program applications. Grants.gov officials told us that most agencies generally keep solicitations open for about 30 days. In our opinion, the short deadlines for these OJJDP solicitations did not provide applicants and Grants.gov sufficient time to resolve registration and other technical problems.

A senior OJJDP manager agreed that OJJDP did not provide adequate time for organizations to apply for Part E and Juvenile Mentoring grants and suggested that OJJDP should implement a standard application period to provide organizations more time to apply for awards. Considering the registration and technical issues encountered by organizations during FY 2007, we recommend that OJP require OJJDP to establish a minimum length of time that solicitations remain open for applicants to submit proposals for competitive awards. By developing and adhering to such a minimum time period, ranging from 30 to 60 days, OJJDP could help applicants avoid many of the submission problems they encountered in FY 2007 while providing them with sufficient time to apply for awards. Setting such a standard could also result in an increase in the number of OJJDP award applicants because short deadlines would not deter organizations, particularly new ones, from applying.

We asked OJJDP managers why Part E and Juvenile Mentoring solicitations were only open for an average of 17 days. Managers told us that applications had to be received by the middle of June so that they could make awards by the end of the fiscal year.<sup>36</sup> They said the application deadlines had to be shortened in part because the solicitations were not posted on Grants.gov until May 2007. As noted previously, however, Flores did not allow the solicitations to be developed, drafted, and approved until after Congress approved OJP's spend plan in April.

We recognize that simply developing a minimum length of time for OJJDP to keep competitive solicitations open may not ensure that applicants have adequate time to apply for funds. However, we believe that OJJDP should change its practice of waiting until it receives final approval for funding before developing, drafting, obtaining approval of, and posting solicitations. We recommend that OJP require OJJDP to enhance its solicitation development procedures by drafting and approving solicitations throughout the fiscal year so that solicitations allow applicants a reasonable amount of time to apply for competitive awards.

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<sup>36</sup> OJP requires program offices to submit award recommendations to its Office of the Chief Financial Officer by July 31 so that project budgets and other financial aspects of the grant can be reviewed and approved before the award is finalized.



## OJP Efforts to Handle Late Applications

On June 8, 2007, the deadline for five of the six competitive solicitations we reviewed, OJJDP updated its website with a notice to applicants that had problems submitting proposals. According to OJP officials, Assistant Attorney General Schofield approved the following instructions.

### EXHIBIT 3-5: JUNE 8, 2007 NOTICE TO LATE APPLICANTS

*Applicants who have missed the deadline for this solicitation and are able to demonstrate that the Grants.gov registration process was started at least 3 business days before this solicitation's deadline should e-mail their complete application along with the Grants.gov funding opportunity number, registration start date and time, customer service contact names, and case number to [personally identifiable information redacted], not later than 8:00 p.m. E.T., June 11, 2007.*

Source: OJJDP

OJJDP staff explained that the primary purpose of the notice was to allow organizations that experienced unforeseen technical problems to submit applications directly to OJP. Under these instructions, OJJDP staff believed they could only allow direct submissions from applicants that: (1) tried to register with Grants.gov in time to submit an application; and (2) contacted Grants.gov in an attempt to fix their application's technical errors before the solicitation deadline. The notice precluded direct submissions from applicants who began the Grants.gov registration process too late or otherwise failed to comply with specific application guidelines.

As a result of the June 8 notice, 98 organizations sought to submit grant applications after the deadline. OJJDP staff evaluated each request based on the criteria in the June 8 notice. On a case-by-case basis, OJJDP then sent e-mails to applicants informing them whether they could submit their application directly to OJP's Grants Management System.<sup>37</sup> As shown by Exhibit 3-6, OJJDP allowed 54 of the 98 requesting applicants to make submissions directly to OJP under the terms of the June 8 notice.

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<sup>37</sup> OJP administers its Grant Management System to support the application, approval, tracking, and closeout functions of its awards.

**EXHIBIT 3-6: OJJDP ASSESSMENT OF APPLICANT REQUESTS TO  
SUBMIT APPLICATIONS FOLLOWING JUNE 8 NOTICE**

| Solicitation Title          | Number of Applicants Submitting Evidence Under June 8 Notice | Allowed to Resubmit under June 8 Notice? |           |
|-----------------------------|--|--|-----------|
|                             |  | Yes                                      | No        |
| Mentoring                   | 35   | 17                                       | 18        |
| Reentry                     | 9  | 5  | 4         |
| Substance Abuse             | 9  | 4  | 5         |
| Prevention and Intervention | 34   | 20                                       | 14        |
| NJJP                        | 7  | 4  | 3         |
| Project Safe Childhood      | 4  | 4  | 0         |
| <b>TOTALS</b>               | <b>98</b>  | <b>54</b>                                | <b>44</b> |

Source: OIG analysis of OJP records

OJJDP contacted the 54 organizations it decided met the criteria necessary to submit applications directly to OJP and provided them with instructions as to how to submit applications directly to OJP's Grant Management System. OJJDP also notified applicants that either failed to submit their evidence by June 11, 2007, or otherwise could not demonstrate compliance with the application guidelines that their applications would not be considered.

**OJJDP Decision to Extend OJP's Deadline**

According to OJJDP records and staff, after the June 8 notice was posted to the website, several organizations complained that they should be allowed to submit applications directly to OJP even though they missed deadlines or did not comply with posted application guidelines. A few organizations complained to senior OJJDP officials that they were not aware of the June 8 extension notice until it was too late, and at least one applicant referred to OJJDP's application process as "frustrating and unfair."

On July 2, 2007, an OJJDP manager met with an advisor to Flores and provided him with a list of organizations that had been allowed to submit applications directly to OJP's system pursuant to the June 8 extension. According to Flores, his advisor later told him of problems reported by those organizations in trying to submit their applications to OJP. Flores said he then decided that any organization claiming a problem with Grants.gov should be allowed to submit an application. This decision meant that organizations that OJJDP had already contacted and informed that they

could not apply pursuant to the June 8 extension notice would now be permitted to submit their applications directly to OJP.

However, we found that OJJDP staff did not update the website to reflect this second extension. Instead, OJJDP staff began notifying certain organizations that they had until July 5, 2007, to submit their applications. For the 6 program announcements we reviewed, OJJDP received 61 additional applications as a result of this Administrator-approved deadline extension.<sup>38</sup>

After Assistant Attorney General Schofield learned that OJJDP had extended the deadline for its applicants without approval from OJP, Deputy Assistant Attorney General McGarry wrote an e-mail to Flores asking why OJJDP allowed ineligible applicants to submit applications directly to OJP. Flores replied that he authorized the deadline extension because he was not willing to have applicants “disqualified” from applying simply because they “could not navigate” Grants.gov.

Flores also wrote in the e-mail that he suspected that many faith-based and community organizations were among those that had application problems. According to Flores’s e-mail, it would have been a “disaster” if these organizations could not apply under the competitive solicitations, especially considering that their participation was “a presidential priority.”<sup>39</sup>

## **OJP Solicitation Template Revision**

As a result of these technical problems, in September 2008, OJP updated the template its bureaus and program offices use to draft their solicitations. The revised template instructs applicants to contact OJP regarding any unforeseen Grants.gov technical issue “within 24 hours after the due date.” Because new solicitations will include this instruction, individual applicants are now responsible for reporting application problems, not OJP or Grants.gov.

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<sup>38</sup> Appendix 5 lists the organizations that submitted applications under the OJJDP July 5, 2007, deadline extension.

<sup>39</sup> Executive Order 13279 (2002) directs heads of federal agencies that provide services to children and others in need, which includes the OJJDP Administrator, to encourage the participation of faith-based and community organizations in receiving federal financial assistance.

However, the revised solicitation template does not address whether a unilateral extension of solicitation deadlines may be made by the head of the bureau or program office. While OJP officials told us that such deadline extensions are rare, we believe that if a bureau or program office extends a deadline, as Administrator Flores did in FY 2007, OJP should ensure that the bureau or program office publicly announces such a decision to protect the integrity and fairness of its competitive solicitation process. When OJJDP allowed some organizations to submit late applications without publicly announcing the deadline extension, applicants that submitted their proposals on time may have been placed at a disadvantage because they had less time to complete their application. Meanwhile, other applicants may not have been aware that they could submit an application after the original deadline. As a result, we believe the way OJJDP carried out the second deadline extension fostered an appearance of unfairness in the application process. We recommend that OJP require OJJDP to document the reasons for extending solicitation deadlines and announce any deadline extension publicly so that all potential applicants may be informed of changed deadlines.

## **Conclusion**

Our review of the FY 2007 application process found that OJJDP did not draft competitive solicitations before receiving notice that Congress approved its spend plan in April 2007. As a result, OJJDP managers were not able to post solicitations until May 2007, which shortened the time available for organizations to apply for OJJDP competitive grants to an average of 17 days. We believe that such a short timeframe did not provide applicants adequate opportunity to prepare applications and complete the application process through Grants.gov, particularly for grant applicants not previously registered with the web-based grant application system.

In addition, OJP's June 8, 2007, public notice to applicants specified objective requirements that allowed applicants that experienced unforeseen difficulties with Grants.gov to submit proposals after the previously established deadline. However, OJP or OJJDP did not publicly announce Flores's later decision to extend further the application deadline, which we believed helped to foster an appearance of unfairness in the grant application process.

## **Recommendations**

We recommend that OJP:

3. Require OJJDP to establish a minimum length of time that solicitations remain open for applicants to submit proposals for competitive awards.
4. Require OJJDP to enhance its solicitation development procedures by drafting and approving solicitations throughout the fiscal year so that solicitations allow applicants a reasonable amount of time to apply for competitive awards.
5. Require OJJDP to document the reasons for extending solicitation deadlines and announce any deadline extension publicly so that all potential applicants may be informed of changed deadlines.

## CHAPTER FOUR PEER REVIEWS

A comprehensive peer review subjects a grant application to the scrutiny of a panel of impartial subject-matter experts. When conducting peer reviews for particular grant programs, reviewers evaluate a subset of proposals and discuss the attributes of these proposals with a panel of other reviewers. Scores are typically then computed and ranked according to specified grant solicitation requirements.<sup>40</sup>

However, the peer review process does not compare the value of one application's proposal against another. Peer review results are often one of the criteria used by the Assistant Attorney General for OJP and the OJJDP Administrator to make decisions about grant funding.

OJP's *Peer Review Procedure Manual* requires bureaus and program offices to select criminal justice system professionals to conduct the peer reviews of grant proposals. Peer review panels may be composed of either expert consultants hired for such purposes or program office employees. An external peer review occurs when the program office hires outside expert consultants, while an internal peer review is one conducted by OJP staff. During FY 2007, OJJDP reviewed grant proposals under several solicitations using an external peer review process. It also conducted internal peer reviews of applications for the National Juvenile Justice Programs and Project Safe Childhood solicitations.

### External Peer Reviews

From 1988 to 2002, Congress required OJJDP to apply rigorous peer review procedures for National Program grants awarded under what was then Part C of the Juvenile Justice and Delinquency Prevention Act. Pursuant to 28 C.F.R. 34, OJJDP consulted with the National Science Foundation and the National Institute of Mental Health to develop its peer review guidelines to evaluate Part C proposals. OJJDP convened three-person peer review panels to assess both competitive and invited grant applications for National Programs. Although the guidelines stated that peer review recommendations were advisory only, the guidelines OJJDP developed required the OJJDP Administrator to "offer full consideration" to external peer review recommendations when approving proposals for funding.

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<sup>40</sup> A publication issued by the National Institute of Health defined the core values of the peer review process as "fairness, timeliness, and integrity."

Congress reauthorized the Juvenile Justice and Delinquency Prevention Act in 2002. However, the reauthorization did not include a similar statutory requirement for OJJDP to use a formal peer review process to evaluate grant proposals.

#### *Juvenile Justice Resource Center*

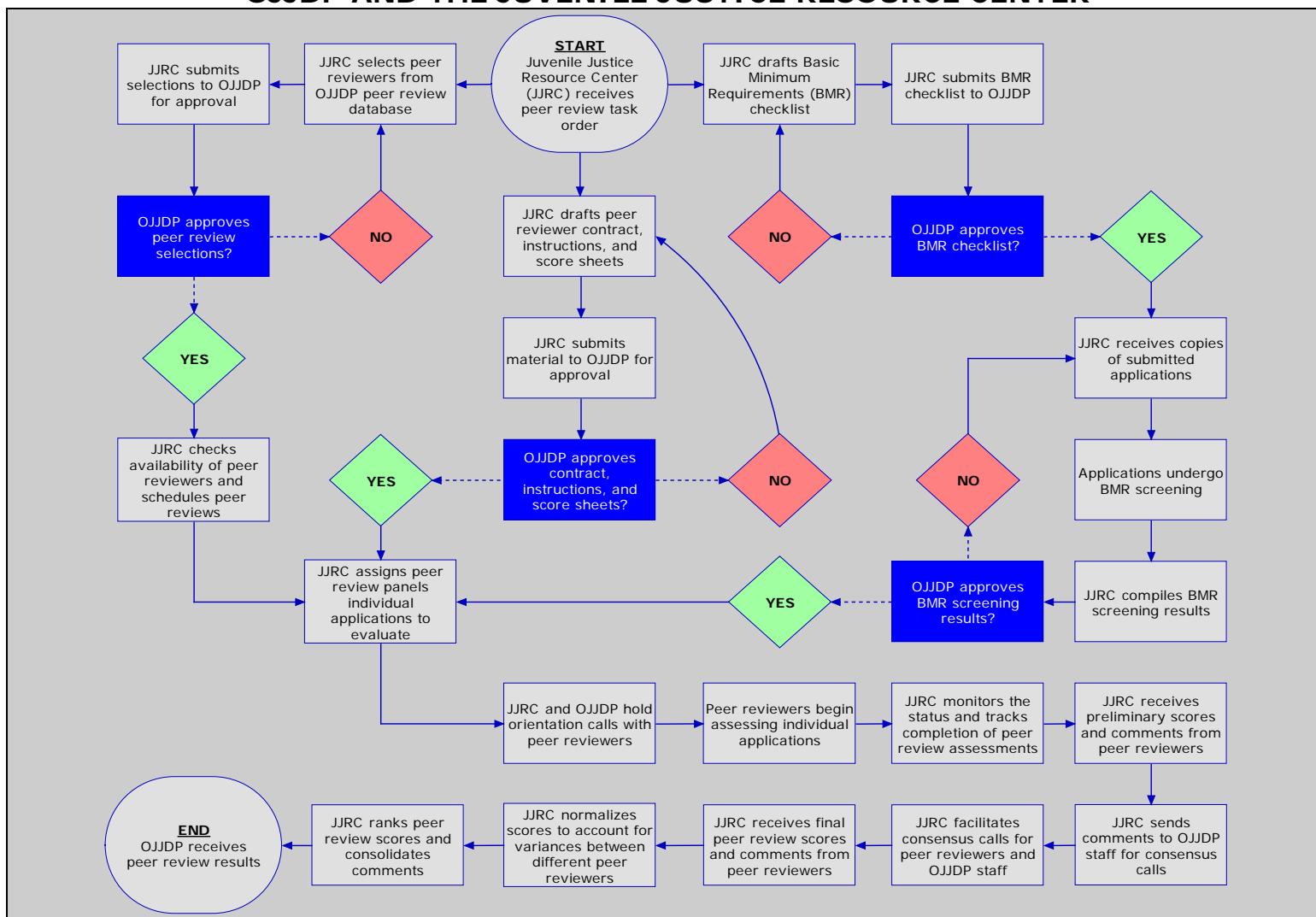
After 2002, however, OJJDP continued to use a peer review process and conducted external peer reviews under a multi-year blanket purchase agreement awarded to Aspen Systems Corporation.<sup>41</sup> Under the \$10 million agreement, the company staffed and maintained the Juvenile Justice Resource Center and provided technical assistance and administrative support to OJJDP and its grantees for a period of 4 years. By 2007, OJP modified the Juvenile Justice Resource Center agreement to include coordinating and conducting OJJDP's external peer reviews.

Exhibit 4-1 presents an overview of peer review procedures.

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<sup>41</sup> Lockheed Martin acquired Aspen Systems in 2005 and it became Lockheed Martin Aspen Systems.

## EXHIBIT 4-1: OVERVIEW OF THE PEER REVIEW PROCESS USED BY OJJDP AND THE JUVENILE JUSTICE RESOURCE CENTER



Source: OIG review of Juvenile Justice Resource Center peer review work orders



OJJDP spent a total of \$501,490 on peer reviews conducted under the Juvenile Justice Resource Center agreement during FY 2007, as shown by Exhibit 4-2.

**EXHIBIT 4-2: 2007 JUVENILE JUSTICE RESOURCE CENTER PEER REVIEW COSTS**

| Category                                    | Amount (\$)      |
|---|------------------|
| Contractor Employee Direct Labor Costs      | 200,914          |
| Peer Review Panelist Fees and Support Costs | 272,225          |
| Indirect Costs                              | 27,901           |
| Miscellaneous Expenses                      | 450              |
| <b>TOTAL</b>                                | <b>\$501,490</b> |

Source: OJP

We found that Juvenile Justice Resource Center employees billed 4,320 hours of labor to support OJJDP’s peer reviews in FY 2007. Direct labor costs, including contractor employee salaries, were \$200,914, or 40 percent of the total peer review cost. The Juvenile Justice Resource Center subcontracted individual consultants as peer reviewers, which cost \$272,225, and it billed OJJDP an additional \$27,901 in indirect costs associated with general and administrative fees.

In May 2007, OJJDP issued a work order for the Juvenile Justice Resource Center to conduct Basic Minimum Requirement screening and peer reviews for applications received under six different solicitations.<sup>42</sup> However, the work order also directed the Juvenile Justice Resource Center to convene peer review panels of two consultants and not to hold consensus calls, which up to that point had been a standard part of the peer review process.<sup>43</sup> As shown by Exhibit 4-3, 88 consultants were hired to evaluate 1,084 applications received under 6 announcements.

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<sup>42</sup> Basic minimum requirements screening quickly assesses whether proposals comply with length-limit requirements, formatting rules, and other critical solicitation elements to establish a “level playing field” for the peer review.

<sup>43</sup> Consensus calls are discussions held among peer review panelists and an OJJDP representative to discuss preliminary peer review results.

**EXHIBIT 4-3: SOLICITATIONS AND PROPOSALS  
PEER REVIEWED BY THE JUVENILE JUSTICE RESOURCE CENTER**

| Solicitation Title                                | Number of Peer Review Consultants |
|---|-----------------------------------|
| Mentoring   | 28                                |
| Reentry   | 13                                |
| Substance Abuse                                   | 19                                |
| Prevention and Intervention                       | 25                                |
| Gang Prevention Coordination Assistance Program * | 14                                |
| Juvenile Drug Courts/Reclaiming Futures Program * | 2                                 |
| <b>TOTAL</b>                                      | <b>88**</b>                       |

Sources: OJP and Juvenile Justice Resource Center monthly reports

Notes:

\* Two of the six programs that Juvenile Justice Resource Center peer reviewed under the work order were for non-Part E programs. Since Juvenile Justice Resource Center work order reports combine figures based on the work order number, Exhibit 4-3 includes the consultants assigned to these two programs since we could not exclude them from the total number of consultants used for all six programs.

\*\* Some peer reviewers reviewed applications received under more than one solicitation.

Because these six solicitations closed around the same time, the Juvenile Justice Resource Center assigned teams of consultants to conduct the peer reviews of applications for the six solicitations simultaneously. Our analysis of this external peer review process identified the following deficiencies.

No Orientation Calls Were Held For Peer Reviewers

OJJDP's peer review work orders directed the Juvenile Justice Resource Center to prepare lists of approved consultants who could serve as external peer reviewers. In May 2007, OJJDP named 29 new consultants for the Juvenile Justice Resource Center to use as peer reviewers. OJJDP made this recommendation just prior to the beginning of the peer review process for the six OJJDP solicitations listed in Exhibit 4-3. However, under the peer review work order, neither OJJDP nor the Juvenile Justice Resource Center provided these peer reviewers with an orientation call to ensure that they understood the solicitation requirements.

Before FY 2007, OJJDP typically requested that its contractor conduct orientation calls to provide consultants with an opportunity to ask questions about what to look for while reviewing applications or logistical questions about the peer review process. One OJJDP manager told us that OJJDP did not believe there was time to conduct orientation calls, given the timeframe allotted for the peer reviews. However, because 29 of the 88 peer reviewers were new, we believe that orientation calls should have been conducted.

### Reduced Efforts to Mitigate Subjective Peer Review Scores

OJJDP approved scoring sheets used by the peer reviewers in assessing applications. Exhibit 4-4 outlines the five elements peer reviewers considered and to which they assigned points in evaluating the proposals.

#### **EXHIBIT 4-4: SUMMARY OF PEER REVIEW SCORE SHEET ELEMENTS**

- 1. Statement of the Problem.** Does the application describe the need for the proposed project? How does funding advance the objectives of the announced program?
- 2. Project Impact, Outcomes and Evaluation.** Does the application describe the goals and objectives of the project? If so, how does the applicant propose to accomplish these goals?
- 3. Project or Program Design and Implementation.** How will the applicant implement the proposed program? Does the proposal include performance measures and a timeline to indicate when major tasks will be completed?
- 4. Organizational Capabilities and Competencies.** Does the applicant demonstrate the capacity to complete proposed work? Does the applicant have knowledge and experience of the program objective environment?
- 5. Budget.** Does the budget show a complete, allowable, and cost-effective approach in relation to the proposed activities? Does the budget include a narrative that supports the proposed costs?

Source: OJJDP

Although scoring sheets assigned a specific number of points to each element shown in Exhibit 4-4, peer reviewers still had wide latitude to assess applications subjectively. For example, one peer reviewer may assign an application a score of “80” and believe that score to be very good, while another peer reviewer may consider “80” to be a low score. To mitigate the effect of subjective assessments on peer review scores, an OJJDP manager told us that peer reviews should be conducted by three-person panels, and a consensus call should be held by each panel to discuss the scores with the other peer reviewers and an OJJDP representative.

*Two Consultants Per Peer Review Panel.* According to experienced OJJDP officials, each peer review panel should have at least three consultants to compensate for subjectivity in scoring. One official explained that if one reviewer in three gave an application an extremely high or an extremely low score, the ratings of the other two peer reviewers would help mitigate the effect of the extreme score. However, in the 2007 work order OJJDP authorized the hiring of only two consultants for each peer review panel. OJJDP officials told us that, in the past, the contractor usually used three consultants on its peer review panels. According to one OJJDP official, the reason the contractor was told to use only two peer reviewers per panel for FY 2007 work was to reduce the time the required to schedule and complete the peer reviews.

*OJJDP Instructed Its Contractor Not to Hold Consensus Calls.* Consensus calls may last a long time – a prior OJJDP work order for peer reviews to the Juvenile Justice Resource Center indicated that the consensus calls may last “up to four hours” each. However, one OJJDP manager said that consensus calls often result in changes and improvements to peer review scores because they provide reviewers with a valuable opportunity to discuss their scores with each other and an OJJDP representative. For example, this manager discussed instances in which participation in a consensus call caused peer reviewers to realize they had missed important information about certain proposal elements. Additionally, consensus calls allow OJJDP staff to identify issues with individual peer reviewers that may compromise the quality of a review and, if appropriate, adjust widely disparate preliminary scores. However, the 2007 work order instructed the Juvenile Justice Resource Center not to hold consensus calls before ranking peer review scores by stating that “scores and comments submitted by reviewers . . . will be considered final.” An OJJDP official confirmed that time constraints for these awards caused OJJDP to eliminate the step of consensus calls.

## *Expiration of the Juvenile Justice Resource Center Agreement*

The Juvenile Justice Resource Center submitted all peer review scores in July 2007 and closed the peer review work order in September 2007. The blanket purchase agreement with the Juvenile Justice Resource Center expired on September 30, 2007, with \$154,684 in OJP funds still obligated to its task orders. Because OJJDP cannot use the expired agreement to procure additional external peer reviews, we recommend that OJP deobligate \$154,684 from OJJDP's Juvenile Justice Resource Center agreement, OJP agreement number 2003-BF-028, as funds to be put to a better use.

## *OJP's Consolidated External Peer Review Contract*

For FY 2008 awards, OJP has mandated that its bureaus and program offices use its new component-wide, \$10 million agreement with Lockheed Martin. This contract explicitly requires that Lockheed Martin follow specific procedures to ensure that peer review evaluations are objective and consistent. The contract also requires peer reviewers to conduct orientation calls, provides that at least three consultants be assigned to each peer review panel, and specifies that consensus calls be conducted among peer reviewers and OJP representatives.

## **Internal Peer Reviews**

According to OJJDP managers, time constraints led OJJDP Administrator Flores to approve using staff members instead of contractors to peer review the National Juvenile Justice Programs and Project Safe Childhood solicitations.<sup>44</sup> Individual staff members reviewed seven to eight applications for each solicitation. After completing their review, OJJDP managers assigned staff to hold a consensus call with another peer reviewer to discuss scoring differences. For consensus call assignments, the managers told us they tried to pair newer staff members with more experienced ones.

An OJJDP Deputy Administrator explained that although internal peer reviews were rare within OJJDP, its grant managers were "more than competent" to conduct peer reviews quickly on the National Juvenile Justice Programs. Once the decision was made to perform an internal peer review, managers quickly conducted the basic minimum requirements screening of the program applications and sent e-mails with instructions and assignments

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<sup>44</sup> Over 100 applicants competed for National Juvenile Justice Programs solicitation funds, while OJJDP received only 47 applications for its Project Safe Childhood program. We reviewed how OJJDP staff conducted the peer review of the larger number of proposals received under the National Juvenile Justice Programs solicitation.

to staff peer reviewers. However, our analysis of OJJDP's internal peer review of the National Juvenile Justice Programs applications revealed that OJJDP did not ensure that its employees were aware of the solicitation requirements or that its staff conducted consensus calls to discuss and mediate differences in peer review results. In addition, OJJDP managers also assigned only two staff members to each internal peer review panel.

OJJDP also did not provide staff with orientation calls to discuss the peer review process and the solicitation requirements. Several OJJDP employees told us that even though a manager sent an e-mail with instructions about how to conduct the peer review, they did not believe that OJJDP adequately prepared them for the review process. They said that an orientation call or meeting would have helped them better understand National Juvenile Justice Programs funding priorities. Two of the 25 peer reviewers told us that they did not even get a chance to read the entire solicitation before conducting their review, in part because of the short amount of time allotted to complete the reviews.

OJJDP managers directed staff reviewers to conduct a consensus call with their co-panelist to discuss results and scores after completing their application reviews. We found that OJJDP staff conducted these consensus calls informally, either in-person or by telephone. In two cases, however, staff did not hold consensus calls because they were not able to schedule a time to meet. In one instance, a manager "filled in" for an employee, while in the other case no consensus call was conducted.

OJJDP managers assigned only two employees to each peer review panel. As discussed in the External Peer Review section above, we found that having at least three people on each panel more effectively mitigates the impact of subjectivity in the peer review process.

While OJJDP staff may be qualified to conduct peer reviews on certain national-scope grant solicitations, relying on employees to conduct peer reviews presents challenges that need to be addressed to ensure objective application assessments. OJJDP has rarely used its employees to conduct internal peer reviews, and no rules or guidance governed such procedures. Because OJJDP may again enlist its staff to conduct internal peer reviews, we recommend that OJP ensure that OJJDP implement peer review protocols for its employees and contractors to follow that: (1) require formal orientation calls so that peer reviewers are aware of solicitation requirements before conducting peer reviews; (2) include consensus calls to discuss and mediate disparate peer review results; and (3) require panels to include at least three peer reviewers.

## Basic Minimum Requirements Screening

In view of the resources required to conduct adequate peer reviews, we asked OJJDP and DOJ officials what steps could be taken to increase the efficiency of the peer review process. OJJDP Administrator Flores agreed that peer reviews can be time-consuming and expensive. Flores and an official with the Associate Attorney General's office also confirmed that peer reviewers routinely assess many applications that do not meet fundamental solicitation requirements. For example, if a solicitation calls for proposals to continue an ongoing effort to combat juvenile delinquency, proposals for new programs should not be submitted for peer review. Officials told us that they believed that OJJDP should have a process for identifying and eliminating proposals that do not meet such central solicitation elements to avoid the time and expense of submitting them for peer reviews.

As a part of its proposal review process, OJJDP checks each application for basic minimum requirements before submitting proposals for peer review. If a proposal includes too many pages or requests more money than what is provided for by the solicitation, the basic minimum requirements screening excludes it from peer review. According to OJJDP officials, basic minimum requirements reviews not only reduce the number of applications submitted to peer reviewers, they also establish a uniform standard from which peer reviewers can subsequently judge acceptable applications.

OJJDP develops or approves basic minimum requirements screening checklists for each competitive solicitation. To assess how OJJDP has used such screenings to exclude inadequate proposals, we reviewed basic minimum requirements screening results of proposals received under FY 2007 solicitations. We found that of 572 proposals, OJP excluded 78 applications, 14 percent of the total. Some of the reasons for excluding applications through basic minimum requirements screenings were:

- format issues such as unallowable font size, spacing, and margins;
- unallowable or excessive number of pages;
- missing required application sections such as budgets and performance narratives;
- duplicate submissions; and
- unallowable amount of funds requested.

We believe that OJJDP should enhance its basic minimum requirements screening so that it also excludes applications that fail to meet solicitation requirements beyond just the formatting, page length, and other issues listed above. We recommend that OJP require OJJDP to augment and use its basic minimum requirements checklist to identify and exclude applications that fail to meet the purpose and scope of the solicitation.

## **Conclusion**

A comprehensive peer review process that objectively assesses the merits of grant applications is an important component to ensuring that the best grant applications are proposed to the OJJDP Administrator for funding. Although OJJDP spent more than \$500,000 on external peer reviews in FY 2007, it directed its peer review contractor: (1) not to conduct orientation calls; (2) to assign only two consultants to each peer review panel; and (3) not to conduct consensus calls among panelists and OJJDP representatives. We understand that time constraints caused OJJDP to streamline the peer review process. Nevertheless, OJJDP expended substantial resources on peer reviews that we believe were not conducted in a manner ensuring that peer reviewers assessed each proposal consistently and in accord with assessment criteria.

The internal peer review process OJJDP used to evaluate and recommend National Juvenile Justice Programs applications was also rushed and lacked sufficient oversight. Some OJJDP staff indicated they did not believe they were adequately prepared to conduct the peer reviews. In addition, OJJDP did not ensure that all review staff held consensus calls to discuss and mediate differences in peer review results. Moreover, OJJDP only assigned two employees to each of its internal peer review panels.

Finally, we believe that OJJDP should revise its basic minimum requirements screening process to exclude applications that do not meet required solicitation elements from the peer review process. OJJDP currently uses basic minimum requirements checks only to eliminate applications that do not comply with format and page length requirements. If such checks also were used to exclude applications that clearly do not meet fundamental solicitation requirements, the number of applications submitted to peer reviewers would decrease, and thereby reduce the time and money required to conduct peer reviews.



## Recommendations

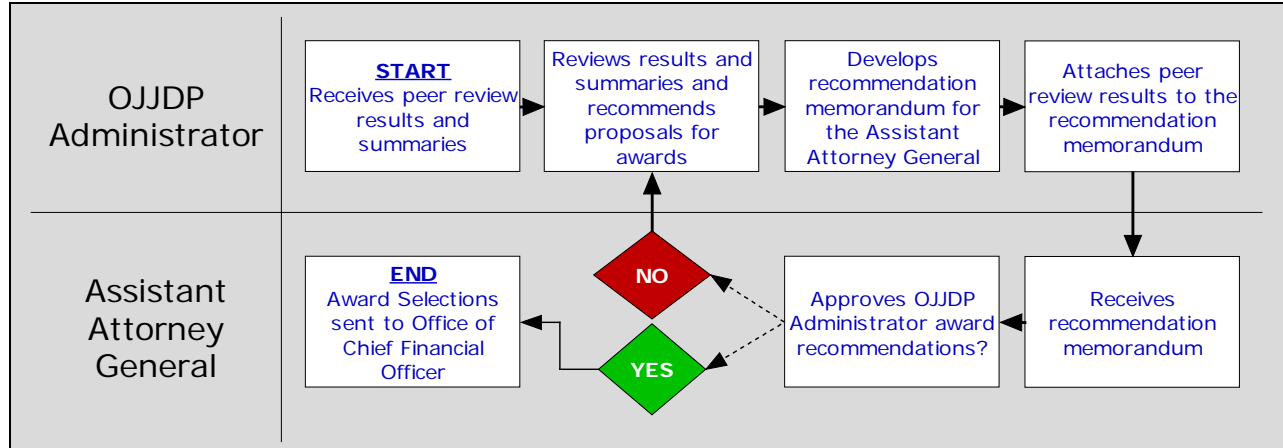
We recommend that OJP:

6. Deobligate \$154,684 from OJJDP's Juvenile Justice Resource Center agreement, OJP agreement number 2003-BF-028, as funds to be put to a better use.
7. Ensure that OJJDP implement peer review protocols for its employees and contractors to follow that: (1) require formal orientation calls so that peer reviewers are aware of solicitation requirements before conducting peer reviews; (2) include consensus calls to discuss and mediate disparate peer review results; and (3) require panels to include at least three peer reviewers.
8. Require OJJDP to augment and use its basic minimum requirements checklist to identify and exclude applications that fail to meet the purpose and scope of the solicitation.

## CHAPTER FIVE RECOMMENDING AND SELECTING AWARDS

The Assistant Attorney General for OJP and the Administrator share the authority to make awards of OJJDP discretionary funds. For FY 2007, OJJDP used the process outlined by Exhibit 5-1 for the Assistant Attorney General to approve Administrator award recommendations.<sup>45</sup>

**EXHIBIT 5-1: FROM PEER REVIEW RESULTS TO AWARDS**



Source: Summary of OIG discussions with OJJDP Administrator Flores

Assistant Attorney General Schofield and Administrator Flores told us that they met on more than one occasion to review and discuss FY 2007 OJJDP award recommendations. Flores said that he assessed peer review results and program summaries and recommended awards for each competitive solicitation to Schofield.

### **Awards Not Based Strictly On Peer Review Results**

OJJDP managers told us that when peer review results came in, Flores directed OJJDP staff to prepare summaries of the highest-ranked proposals. OJJDP staff then provided the summaries and peer review results to Flores for his review.

<sup>45</sup> Although funding and award decisions were made between the Assistant Attorney General and the OJJDP Administrator, the Attorney General maintained the final authority to approve awards. See 42 U.S.C. § 3715 (2008).

To determine whether Flores improperly awarded grants to non-profit organizations with which he was alleged to have had contacts, we reviewed peer review results to the final award selections for two competitive solicitations – National Juvenile Justice Programs and Mentoring.<sup>46</sup> As shown by Exhibit 5-2, several applicants with much lower-ranked peer review scores received grant awards.

**EXHIBIT 5-2: PEER REVIEW RANKINGS OF NATIONAL JUVENILE JUSTICE PROGRAMS AND MENTORING AWARD RECIPIENTS**

| Award Recipient<br>(Sorted By Peer Review Rank)   | Peer Review Rank* |
|---|-------------------|
| <b><i>National Juvenile Justice Programs Recipients (Ranking out of 104 total applicants)</i></b> |                   |
| 1. National Juvenile Court Services Association   | 7                 |
| 2. Council of Juvenile Correctional Administrators, Inc.  | 8                 |
| 3. Latino Coalition for Faith & Community Initiatives   | 26                |
| 4. Enough is Enough   | 33                |
| 5. Fund for the City of New York – Center for Court Innovation                                    | 39                |
| 6. Victory Outreach Special Services  | 42                |
| 7. ASPIRA Association   | 44                |
| 8. World Golf Foundation  | 47                |
| 9. Native American Children’s Alliance  | 48                |
| 10. National Council of Juvenile and Family Court Judges  | 51                |
| 11. Best Friends Foundation   | 53                |
| <b><i>Mentoring Recipients (Ranking out of 237 total applicants)</i></b>                          |                   |
| 1. Virginia Mentoring Partnership   | 1                 |
| 2. Partnership for a Healthy Scott County, Inc.   | 2                 |
| 3. Pittsburgh Leadership Foundation   | 6                 |
| 4. National Congress of American Indians  | 9                 |
| 5. Committed Partners for Youth   | 15                |
| 6. National Organization of Concerned Black Men, Inc.   | 19                |
| 7. People for People, Inc.  | 42                |
| 8. Plumas Rural Services  | 43                |
| 9. Messiah College - Harrisburg Institute   | 84                |

Source: OJP

Note: Peer review rankings for the mentoring solicitation reflect scores adjusted by a normalization process that more evenly distributes high-ranking scores by peer review panels. OJJDP did not normalize National Juvenile Justice Programs scores. Therefore, we used the final average peer review panel score to rank these proposals.

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<sup>46</sup> We reviewed the solicitations for these two programs because they were subject to peer reviews.

Of the 11 grants awarded under the competitive National Juvenile Justice Programs solicitation, only the proposals submitted by the National Juvenile Court Services Association and the Council of Juvenile Correctional Administrators received top-20 peer review scores. By contrast, peer reviewers ranked 6 of the 9 competitive Mentoring proposals selected for awards among the top 20 proposals.

### **Allegations of Improper Award Recommendations**

Flores provided his reasons for recommending that various organizations receive National Juvenile Justice Programs awards as part of his testimony to the House Oversight Committee on June 19, 2008. Flores said that as OJJDP Administrator he was not strictly bound to award grants to the applicants ranked highest in the peer review process. Flores also stated, "While some may disagree with my [award] decisions, they were made in accordance with the law, within Department rules, and in good faith to address the needs of our children who find themselves in the juvenile justice system or at risk of contact with it."

However, in view of the allegations that personal contacts and ties may have improperly influenced his award decisions, we requested from Flores documents showing why he recommended the World Golf Foundation, the Best Friends Foundation, and Victory Outreach for awards. Flores told us that, except for recommendation memoranda he provided to the Assistant Attorney General, he did not maintain any documents to support his decisions and reiterated his reasons for these award recommendations. In addition, Flores denied that any personal contacts or interactions played any role in his recommending respective awards to the World Golf Foundation, the Best Friends Foundation, and Victory Outreach.

#### *World Golf Foundation*

Flores testified that he recommended the World Golf Foundation for an award in part because the organization ran a nationwide program that had evaluations conducted by the Universities of Virginia, Nevada-Las Vegas, and Arizona that showed the program effectively engaged and taught at-risk children important life skills, such as honesty and commitment. Flores said that he believed some criticized this grant because they were not aware that World Golf's First Tee program used golf as an instruction tool and was not intended to "make golfers of youth participants."

During his testimony, House Oversight Committee members discussed a golf outing Flores had with World Golf Foundation representatives. The round in question occurred when Flores spoke at the First Tee program's 2006 annual meeting. The meeting's agenda included a golf outing on the last day and Flores stated that World Golf asked him to participate the night before. Flores also told the Committee that he tried to pay for the round, but that World Golf officials told him they would send him an invoice. Flores stated that he followed up with the invoice request and paid \$159 in golf fees the day before he testified to the House Oversight Committee.<sup>47</sup>

We questioned Flores whether his contacts with World Golf led him to recommend that this organization receive an award. Flores denied any connection between his World Golf award recommendation and what he considered to be limited contacts with this group. Flores told us that World Golf received an award recommendation because their proposed program had demonstrated success at applying golf as "a hook" to capture the interest and involvement of at-risk youth that may not have participated in other OJJDP programs.

### *Best Friends Foundation*

Media outlets reported that Flores had multiple contacts with officials with the Best Friends Foundation, including attending a \$500-a-plate

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<sup>47</sup> The OIG Investigations Division conducted an investigation into various allegations concerning Flores, including the allegation that Flores did not pay for the round of golf he played with World Golf officials. Flores acknowledged to the OIG playing golf with World Golf Foundation officials at the First Tee Annual Meeting in February 2006 while attending the conference as a guest speaker on behalf of OJJDP. The OIG determined that the First Tee conference was sponsored by the World Golf Foundation, which as noted above was one of the organizations that received an OJJDP discretionary grant award in FY 2007 that drew criticism on the ground that improper factors influenced Flores's award recommendation decisions. World Golf, through its First Tee Initiative, had also received "earmarked" - legislatively directed - grants from OJJDP each year from FY 2003 to FY 2006. Federal regulations prohibit government employees from accepting from a prohibited source gifts in excess of \$20 (see *Accepting Gifts*, 5 CFR 2635.202-204). A prohibited source includes persons and entities that do business or seek to do business with the employee's agency. The OIG investigation concluded that Flores violated these regulations in connection with his round of golf with World Golf officials. World Golf's First Tee Initiative was an OJJDP grantee at the time Flores participated in the golf outing and thus a prohibited source. Although Flores ultimately reimbursed the World Golf Foundation for the \$159 cost of the round of golf, he did not make this payment until more than 2 years after the event and on the day before his congressional testimony. Moreover, he did not pay for the round until almost a year after he had taken action that benefitted the World Golf Foundation by recommending it for a grant in FY 2007. While the investigation could not conclude that the round of golf with World Golf officials affected Flores's decision to recommend World Golf for an award, the OIG concluded that his actions violated federal ethics rules relating to the acceptance of gifts.

fundraising event for the organization in April 2007, before grant selections were finalized.<sup>48</sup> We reviewed OJP records regarding this event and found this group had received grants in prior years.

Regarding his FY 2007 award recommendation for Best Friends, Flores said that he wanted to provide a grant to this organization because it did a "tremendous job" at keeping girls in school and away from illegal drugs. Flores testified that, as a policy decision, he wanted to focus on a program for girls because the arrest rate for juvenile females appeared to be rising while the arrest rate for juvenile males was declining. Flores also indicated that the Best Friends Foundation demonstrated remarkable success in this area and cited that its program in Washington, D.C. reported a 100 percent high school graduation rate for its participants. Flores stated that his critics were upset with the Best Friends Foundation award simply because its youth programs are abstinence-based.

OJP documents showed that the Best Friends Foundation invited Flores and his staff to attend its fundraiser and waived the \$500-donation requirement. Because of this waiver, Flores treated the invitation as a potential gift and requested permission to attend the event from OJP's Office of General Counsel. The General Counsel's office approved Flores's and his staff's attendance, stating that the fundraiser appeared to be a "widely attended gathering" of over 100 people and therefore was an exception to the gift rules. The General Counsel's office also stated that Flores's attendance at the fundraiser would "advance the government's interest" in a way that outweighed an impression that his attendance would "improperly influence [OJJDP's] decision process."

We asked Flores whether his meetings with Best Friends officials or his attendance at the fundraiser led him to recommend that this organization receive an award. Flores told us that his contacts with Best Friends Foundation were similar to those he had with many other organizations as OJJDP Administrator. Flores also said that his contacts with Best Friends Foundation did not play a role in providing this organization an OJJDP award. Flores said that, as a policy decision, he wanted to provide an award to address the relationship between teenage pregnancy and high school dropout rates. Flores said he recommended the proposal for an award because Best Friends Foundation based its National Juvenile Justice Programs proposal on an initiative that had documented success at keeping teenage girls in school and from getting pregnant.

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<sup>48</sup> Boyle, Patrick, "The Case Against Flores," *Youth Today*, June 19, 2008, [http://www.youthtoday.org/publication/article.cfm?article\\_id=1954](http://www.youthtoday.org/publication/article.cfm?article_id=1954) (accessed June 23, 2008).

## *Victory Outreach*

We also asked Flores why he recommended Victory Outreach, a non-profit faith-based organization, for an OJJDP award. According to the initial allegation, Victory Outreach hired a contractor that was once an associate director with the White House's Office on Faith-Based and Community Initiatives. Documents obtained by the House Oversight Committee showed that an official with the DOJ's Task Force on Faith-Based Initiatives sent an e-mail in March 2007 to OJJDP recommending that Flores or his staff meet with Victory Outreach's contractor to discuss their work and future funding opportunities.

According to Flores, his meeting with Victory Outreach's contractor was not out of the ordinary. Flores emphasized that he met with representatives from all sorts of juvenile delinquency organizations that applied for OJJDP awards. Flores denied that the referral from the DOJ's Task Force on Faith-Based Initiatives played any role in his recommending that Victory Outreach receive an award. Instead, Flores said the organization's proposal goals aligned well with DOJ and Presidential priorities because, as a faith-based organization, Victory Outreach's program was to target youth most at risk in being involved in violent gang activity.

### **Role of Peer Review Scores in Recommending OJJDP Awards**

To assess whether Flores's interactions with World Golf, the Best Friends Foundation, or Victory Outreach may have led to these groups receiving National Juvenile Justice Programs awards, we asked Flores if he used peer review results to select the most worthwhile proposals for OJJDP awards. Flores stated that he did not recommend grants based only on their peer review score. Flores told us that he used peer review rankings to focus his own subsequent review of the proposals. Flores said that if a proposal was ranked high, he considered whether he thought the application should be supported with OJJDP funds. Flores said that in addition to peer review scores, he also considered the following questions when making his final award recommendations:

- Does the proposal overlap a current OJJDP program?
- Does the proposal address an ongoing need of the juvenile justice field?
- Does the proposal include a reasonable or realistic budget?

- Does the proposal require OJJDP support to succeed?
- Does the proposal include tangible performance outcomes?
- Does the proposal help achieve a Presidential initiative for juvenile justice or delinquency prevention?

Flores told us that he believed peer review scores should not alone determine which organizations receive competitive awards because peer reviews do not always assess such factors. In addition, Flores stated that individual peer reviewers did not: (1) assess all grant applications; (2) consider whether OJJDP has other funding opportunities to support the proposed program; (3) supersede the OJJDP Administrator's statutory authority to identify and select the most worthy OJJDP award recipients; or (4) rank proposals on whether they could accomplish their objectives without additional OJJDP support in subsequent fiscal years.

The following summarizes Administrator Flores's rationale behind each of these points.

#### *Individual Peer Reviewers Do Not Assess All Applications*

Flores told us that as the OJJDP Administrator, he believes he is in a better position than a peer reviewer because individual peer review panels do not assess the entire proposal universe. For example, the National Juvenile Justice Programs solicitation and the Mentoring solicitation received 104 and 237 applicants, respectively. Each peer review panel was assigned about seven or eight proposals to assess. Consequently, no single peer review panel read or considered more than a small selection of the total applications. Flores said that his access to peer review notes and scores, coupled with application summaries provided by OJJDP staff, provided him uniquely with information to assess the "larger picture" of the proposal universe and identify the most interesting and worthy proposals.

#### *Peer Reviewers Do Not Consider Other OJJDP Solicitation Opportunities*

Flores stated that peer reviewers only assess proposals grouped by solicitation. He said that peer reviewers therefore do not consider whether other solicitations presented viable funding opportunities to each specific proposal.



Flores also noted that the broadly written National Juvenile Justice Programs solicitation generated many proposals that could have received grants under other OJJDP grant programs. For example, an applicant seeking resources to support efforts to reduce juvenile system recidivism could have applied for funds under both National Juvenile Justice Programs and Reentry. In such instances, Flores stated that he believed awarding a National Juvenile Justice Programs grant meant that less money would be available for other initiatives that were not also funded by other programs. Flores said that while he considered peer review results, he bypassed proposals that would be eligible to receive funding under other ongoing OJJDP solicitations.

A review of the projects awarded grants under the National Juvenile Justice Programs solicitation generally supported Flores on this point. Of the 11 awardees, 10 proposals had objectives that did not clearly align with those of other OJJDP competitive solicitations offered at the same time.<sup>49</sup> We confirmed that, with only one exception, Flores recommended awarding grants to proposals that could not have received funding from DOJ grant programs other than the National Juvenile Justice Programs.

#### *Administrator Authority Supersedes Peer Review Scores*

Flores stated that while the peer review process in FY 2007 generally did a good job at providing him lists that ranked worthwhile proposals, he believed that peer review results should not bind the Administrator or the Assistant Attorney General in identifying projects worthy of OJJDP awards. Flores said that as a Presidential appointee he considered it his duty to be cognizant of and carry out Presidential and other Administration priorities. Flores emphasized the Presidential initiative to encourage faith-based organizations to apply for federal support programs such as juvenile and family mentoring. Flores said that as OJJDP Administrator, he devoted much of his time speaking to faith-based groups at national and regional conferences to encourage them to apply for OJP awards.<sup>50</sup>

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<sup>49</sup> All National Juvenile Justice Programs awards aligned with one or more of the program's announced objectives. The only National Juvenile Justice Programs award we determined could have been funded under another solicitation was the \$750,000 award to Enough is Enough. In this instance, the program objectives also aligned with the objectives announced by the Project Safe Childhood solicitation.

<sup>50</sup> E.O. 13279 (2002) precludes federal agencies from discriminating against faith-based and community organizations from competing for federal funds.

Flores told us that he wanted to ensure that at least some faith-based groups received OJJDP support. He said he therefore recommended Victory Outreach's proposal, which was ranked 42 of 104, for a National Juvenile Justice Programs award, and Messiah College's proposal, which was ranked 84 of 237, for a Mentoring Initiatives award, in part because each ranked among the highest proposals put forth by faith-based organizations.

#### *Peer Reviewers Do Not Assess Whether Proposals Would Require Continued OJJDP Support*

Flores explained that in normal fiscal years, earmark requirements comprised the majority of OJJDP discretionary funds and prevented many non-earmarked award recipients from receiving supplemental grants or continuation awards. Flores told us that peer review results did not consider the unique aspect of the FY 2007 funding process, particularly because OJJDP had no earmarks and any organization that received awards may not be able to receive another award or continuing support in subsequent fiscal years.

Flores told us that when making his award recommendations, he anticipated enhanced earmark activity in the next few fiscal years and that that peer reviewers did not consider these potential funding constraints when evaluating proposals. For example, Flores said he believed that it would not be worthwhile for OJJDP to begin supporting a new juvenile youth center or other capital projects because OJJDP could not provide continued or additional funding if such programs proved an initial success. Flores told us that as a result he excluded proposals if they risked requiring OJJDP support for more than one fiscal year, even those ranked high by peer reviewers.

#### **Lack of Evidence for Award Recommendations**

Although the Juvenile Justice and Delinquency Prevention Act does not require that the OJJDP Administrator base award recommendations on peer review scores, we are concerned about the lack of documentation that Flores and OJJDP was able to provide in support of his award recommendations. OJJDP devoted considerable resources – over \$500,000 in FY 2007 alone – to pay for external peer reviews that assessed competitive grant proposals. In our opinion, because of this considerable allocation of funds: (1) Flores should have documented reasons for his specific award decisions, and (2) OJP and OJJDP should have ensured that the peer review process was transparent and played a significant factor in award decisions.

As the official charged with coordinating federal juvenile justice efforts, Flores regularly worked with groups that helped troubled youth and their families. At a minimum, this work included attending presentations for new programs, speaking at conferences, and attending fundraisers. Because of these efforts, Flores had contacts with juvenile justice officials, some of whom had worked with organizations that sought OJJDP competitive awards.

However, neither OJP nor OJJDP maintained documents to show that groups received awards based on objective reasons rather than individual contacts with Flores, or in response to pressure from outside individuals or groups. Therefore, we could not assess whether Flores appropriately used his discretion as OJJDP Administrator to make these decisions or whether Flores inappropriately recommended awards based on his contacts or ties with representatives from these groups.

### **Award Recommendation Memoranda**

Senior OJJDP staff consolidated Flores's various award recommendations into an award recommendation memorandum for each program solicitation. These recommendation memoranda were prepared for Assistant Attorney General Schofield's review and approval. The recommendation memoranda: (1) listed the organization recommended to receive an award; (2) summarized the objectives of each award; and (3) documented the amount of funding that each organization should receive.

Flores's recommendation memorandum for National Juvenile Justice Programs awards, dated July 20, 2007, differed from the other recommendation memoranda because it listed recommended organizations by "priority areas" under each National Juvenile Justice Programs objective. In the memorandum, Flores wrote, "In the OJJDP Administrator's recommendation of awards listed below, the OJJDP identifies his [sic] primary priority areas included under these categories as the justification for the listed grant applications." Attached to the award memorandum was a listing of peer review results by National Juvenile Justice Programs objective and Administrator priority area. Exhibit 5-3 compares these priority areas to the requirements listed under each National Juvenile Justice Programs solicitation objective.<sup>51</sup>

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<sup>51</sup> Flores's award recommendation memorandum for the National Juvenile Justice Programs is included as Appendix 6.

## EXHIBIT 5-3 COMPARISON OF NATIONAL JUVENILE JUSTICE PROGRAMS SOLICITATION REQUIREMENTS AND PRIORITY AREAS

| <b><u>BOX 1: SOLICITATION</u></b>   |
|---|
| <p><b>Category 1: Building Protective Factors to Combat Juvenile Delinquency.</b> Requirements included:</p> <ul style="list-style-type: none"> <li>A. Provide youth opportunities to use their time in a positive manner through education, employment, community service, sports, and art;</li> <li>B. Build on the strengths of children and their families; and</li> <li>C. Address special populations such as at-risk girls, tribal youth, and youth in the juvenile justice system with mental health problems.</li> </ul> |
| <p><b>Category 2: Reducing Child Victimization.</b> Proposals should address the following:</p> <ul style="list-style-type: none"> <li>A. Internet safety;</li> <li>B. Commercial sexual exploitation of children; and</li> <li>C. Child abuse and neglect.</li> </ul>  |
| <p><b>Category 3: Improving the Juvenile Justice System.</b> Proposals should address:</p> <ul style="list-style-type: none"> <li>A. Disproportionate minority contact and improve juvenile detention and corrections system;</li> <li>B. The operation of the juvenile court system;</li> <li>C. The court's handling of abuse and neglect cases; and</li> <li>D. The collaboration between the child welfare system and the juvenile justice system.</li> </ul>   |

Source: NJJP solicitation

| <b><u>BOX 2: RECOMMENDATION MEMORANDUM</u></b>   |
|--|
| <p><b>Category 1: Building Protective Factors to Combat Juvenile Delinquency.</b> Flores listed the following priorities:</p> <ul style="list-style-type: none"> <li>A. Training and technical assistance for the juvenile court system.</li> <li>B. Prevention and Intervention directed and [sic] high risk youth through positive youth development methods and practices, including utilizing:               <ul style="list-style-type: none"> <li>1. Mentoring outreach efforts directed at Latino high-risk youth;</li> <li>2. Sports-based outreach efforts directed at high-risk youth; and</li> <li>3. School-based outreach efforts directed at preventing high-risk activity (out-of-wedlock pregnancy)</li> </ul> </li> </ul> |
| <p><b>Category 2: Reducing Child Victimization.</b> Flores listed only one priority: addressing Internet safety</p>  |
| <p><b>Category 3: Improving the Juvenile Justice System.</b> Flores included the following priorities:</p> <ul style="list-style-type: none"> <li>A. Multi-sector used [sic] data;</li> <li>B. Ensure safe and appropriate conditions of confinement; and</li> <li>C. Target efforts directed toward foster care youth.</li> </ul>   |

Source: Recommendation memo dated July 20, 2007

Exhibit 5-3 shows that the priority areas Flores listed in the National Juvenile Justice Programs recommendation memorandum did not match the sub-objectives under each category listed in the grant program's competitive solicitation. For example, under the "Building Protective Factors" category, the solicitation called for three general requirements, including efforts to build on the strengths of children and their families. However, the priority areas referenced in Flores's memorandum did not list such a requirement. Similarly, the solicitation requested that proposals address "special populations" such as at-risk girls, tribal youth, and youth in the juvenile justice system with mental health problems. Although the Administrator's priority areas included efforts to prevent out-of wedlock pregnancies, specific solicitation sub-elements such as tribal youth and youth with mental health problems were not listed as priority areas by Flores.

We believe that Flores's presentation of recommended proposals by priority areas in the National Juvenile Justice Programs recommendation memorandum made it appear that the proposals he recommended for funding had received higher-ranking peer review scores than they actually did. For example, the peer reviewers ranked the World Golf Foundation and the Best Friends Foundation proposals 47 and 53, respectively, of 104 grant proposals. Flores's memorandum, however, stated that the applications received "the highest score that met the criteria under the Administrator's priority area." This presentation gave the impression that these proposals ranked at the top of their respective categories when, in fact, other proposals received scores that ranked them higher in each respective category.<sup>52</sup>

Schofield told us that when she read the memorandum and approved the National Juvenile Justice Programs awards, she believed that the memorandum priority areas were the same as those outlined by the grant program's competitive solicitation. Schofield stated that if she knew the priorities were different from the solicitation requirements, she would not have approved Flores's award recommendations. Moreover, a senior OJJDP official told us that his staff had never heard of Administrator "priority areas" while they were conducting peer reviews of the National Juvenile Justice Programs proposals.

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<sup>52</sup> For example, the highest-ranked proposals recommended under the National Juvenile Justice Program's first category, entitled "Building protective factors to decrease juvenile delinquency," were those submitted by the National Juvenile Court Services Association, which was ranked 4 of 42 category proposals (7 out of 104 proposals overall), and the Latino Coalition for Faith and Community Initiatives, which was ranked 14 of 42 category proposals (26 of 104 proposals overall).

During his June 19, 2008, testimony to the House Oversight Committee, Flores discussed the role his priority areas played in recommending awards. Flores testified that he did not intend to create new criteria, and he merely provided descriptions of grants he chose to award under the categories listed in the solicitation. Similarly, when we discussed the memorandum with Flores, he told us he simply used the primary solicitation categories as a means to sort out the various proposals for his review. The resulting "priority areas" were then defined from the categorized proposals that he recommended for awards after his review.

While the Administrator had the authority to identify priority areas he wanted to support with OJJDP funds, we believe that Flores should have clearly distinguished between his personal "priority areas" and the explicit requirements of the grant solicitation in his award recommendation memorandum to Schofield.

### **Associate Attorney General Policy to Document Award Decisions**

In May 2008, Associate Attorney General Kevin O'Connor issued a memorandum directing the OJP Assistant Attorney General to document all discretionary funding recommendations and decisions. Under the policy, future award recommendations memoranda must:

- 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;
- Briefly explain why a listed application was not recommended for funding; and
- Only categorize selections by categories published in the original program solicitation.

O'Connor told us that in developing these new requirements he was concerned that OJP and other relevant DOJ components did not always make or maintain the records necessary to justify award selections. O'Connor said he issued the policy in part 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. However, the policy also requires each bureau or program office to list reasons for not funding proposals with high-ranking peer review scores.

O'Connor also told us he believed the policy helps protect decision makers from accusations regarding improper awards decisions.<sup>53</sup>

We discussed OJP's progress in implementing this new policy with OJP's Deputy Assistant Attorney General Beth McGarry. According to McGarry, OJP has changed its recommendation memoranda format to require that each bureau or program office provide reasons when low scoring applications are recommended over higher-scoring ones. In addition, the Office of the Assistant Attorney General for OJP is now archiving copies of each submitted bureau or program office recommendation memoranda by solicitation.

In our opinion, the Associate Attorney General's policy requiring justification of award recommendations addresses many of the concerns about documenting these award decisions. However, to ensure that OJJDP recommendation letters only list award recommendations by the same criteria announced by the solicitation, we recommend that OJP require that OJJDP attach a copy of the program solicitation when it submits a recommendation memorandum for approval to the Assistant Attorney General.

## **Conclusion**

For FY 2007 awards, OJJDP employed a grant approval process whereby the Assistant Attorney General for OJP approved all OJJDP Administrator award recommendations. Flores stated that he considered the peer review results and other factors when he made award recommendations. For example, Flores said he wanted to ensure that organizations that addressed Presidential priorities, such as faith- and community based initiatives, received OJJDP support. For the National Juvenile Justice Programs, Flores made recommendations grouped by "priority areas" that he devised instead of by the requirements in the grant solicitation. This had the effect of increasing confusion by making it appear that the proposals he recommended for funding had received higher-ranking peer review scores than they actually did.

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<sup>53</sup> A copy of the Associate Attorney General's May 2008 policy memorandum can be found at Appendix 7.

While no law or regulation required peer review results to be the sole determinant of OJJDP grant awards, we believe the Administrator should have documented the reasons for selecting lower-ranked proposals over those ranked higher. The Administrator's recommendation memoranda only included details and summaries on programs that were recommended for awards and not the reasons why the proposals were selected over others.

In our opinion, the May 2008 policy instituted by the Associate Attorney General does much to address concerns regarding documenting the reasons supporting competitive award selections. However, because the Assistant Attorney General approves all OJJDP awards, OJP should ensure that the Assistant Attorney General is clearly aware of solicitation elements when approving OJJDP award recommendations.

### **Recommendation**

We recommend that OJP:

9. Require that OJJDP attach a copy of the program solicitation when it submits a recommendation memorandum for approval to the Assistant Attorney General.



## **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 a reasonable assurance that officials with the Office of Justice Programs (OJP) and the Office of Juvenile Justice and Delinquency Prevention (OJJDP) complied with federal laws and regulations, for which noncompliance, in our judgment, could have a material effect on the results of our audit. OJP and OJJDP officials are responsible for ensuring compliance with federal laws and regulations. In planning our audit, we identified the following laws and regulations that concerned OJP and OJJDP operations we believe are significant within the context of our audit objectives:

- Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. § 3711 et seq.; and
- Juvenile Justice and Delinquency Prevention Act of 1974, as amended, 42 U.S.C. § 5611 et seq.

Our audit included examining, on a test basis, OJP and OJJDP compliance with the aforementioned criteria that could have had a material effect on the operations of these organizations by interviewing OJP and OJJDP officials and employees and examining the procedures used to solicit, review, and select grant proposals for awards.

Nothing came to our attention that caused us to believe that OJP and OJJDP did not comply with the aforementioned laws and regulations.

## **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 managers or employees, in the normal course of performing their assigned functions, to prevent or detect in a timely fashion: (1) impairments to the effectiveness and efficiency of operations; (2) misstatements in financial or performance information; or (3) violations of laws and regulations. We did not evaluate the internal controls used by the Office of Justice Programs and the Office of Juvenile Justice and Delinquency Prevention to provide assurance on their internal control structure as a whole.

Our audit did not identify additional internal control deficiencies beyond those identified in our report.

## ACRONYMS

|         |   |
|---------|---|
| BMR     | Basic Minimum Requirements                            |
| DOJ     | Department of Justice                                 |
| GMS     | Grants Management System                              |
| JJRC    | Juvenile Justice Resource Center                      |
| JMD     | Justice Management Division                           |
| NJJJ    | National Juvenile Justice Programs                    |
| OIG     | Office of the Inspector General                       |
| OJJDP   | Office of Juvenile Justice and Delinquency Prevention |
| OJP     | Office of Justice Programs                            |
| OMB     | Office of Management and Budget                       |
| Pub. L. | Public Law  |
| U.S.C.  | United States Code                                    |

## OBJECTIVE, SCOPE, AND METHODOLOGY

### Objective

The Department of Justice Office of the Inspector General (OIG) conducted this audit to review the Office of Justice Programs (OJP) and the Office of Juvenile Justice and Delinquency Prevention (OJJDP) policies and procedures for soliciting, assessing, and awarding \$113 million in Part E and Juvenile Mentoring Program discretionary grant funds during FY 2007.<sup>54</sup> We focused our review on funds OJJDP awarded for its discretionary Part E and Juvenile Mentoring grants since private organizations, as well as state and local governments, were eligible to receive funding for these programs.

### 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 objective. We believe that the evidence obtained provides a reasonable basis for our conclusions based on our audit objective.

We considered how OJJDP announced, assessed, and awarded funds under the following Part E and Juvenile Mentoring programs.

#### **FY 2007 OJJDP DISCRETIONARY AWARD PROGRAMS**

1. National Juvenile Justice Programs
2. Prevention and Intervention Program
3. High-Risk Youth Offender Reentry and Family Strengthening Initiative Program
4. Project Safe Childhood Program
5. Substance Abuse Prevention and Intervention Program
6. Mentoring Initiatives (Mentoring)

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<sup>54</sup> Discretionary grants are awards made to state, local, and tribal governments, and public and private agencies. Discretionary grants are not based on predetermined formulas or other statutory requirements.

We reviewed the specific procedures and results of the National Juvenile Justice Programs and Mentoring Initiatives (Mentoring) program. We selected these two major programs because OJP invited certain organizations to receive grants for these programs while requiring other organizations to submit proposals to compete for funds. Selecting NJJP and Mentoring also enabled us to review both internal and external peer review procedures.

Our audit scope generally encompassed OJP and OJJDP activities that occurred between January 2007 and September 2008, with a focus on activities involving OJJDP Part E and Juvenile Mentoring awards announced in September 2007. To understand how OJJDP used its external peer review contractor during the scope of our audit, our analysis of OJJDP's external peer review process included details of peer review work orders dated prior to the scope of our audit.

We conducted fieldwork and interviewed OJJDP, OJP, and DOJ officials and other relevant personnel. Our review included discussions with those charged with overseeing OJJDP's award process, including OJJDP Administrator J. Robert Flores, former Assistant Attorney General Regina B. Schofield, and Associate Attorney General Kevin O'Connor. Since our review focused on the process OJP and OJJDP used to solicit, assess, and award grants, we did not evaluate or seek to evaluate the individual merits of programs and projects recommended by the OJJDP Administrator or approved to receive an award by the Assistant Attorney General for OJP. Furthermore, since OJP did not provide documentation showing why certain organizations were invited to receive OJJDP awards, we could not independently evaluate the rationale for making individual invitational awards.

We obtained what we believe to be necessary and sufficient documentation to achieve our audit objective. In addition, we obtained and assessed information provided by OJP under a subpoena issued by the U.S. House of Representatives Committee on Oversight and Government Reform.

Throughout the audit, we relied on computer-generated data to obtain necessary information about grant proposals and awards from OJP's Grant Management System and copies of correspondence between OJP and OJJDP officials. We also relied on electronically derived information obtained from the Grants.gov system to conduct our analysis of application submissions. Although we did not assess the reliability of such computer-derived information, we do not believe our reliance on this data affects our findings and recommendations.

We identified and reviewed internal policies and manuals pertaining to the grant-making process, including the OJP Grant Manager's Manual and OJJDP Peer Review Guidelines, and other applicable DOJ directives and orders. We also reviewed peer review scores, grant applications, award files, applicable correspondence among OJP staff, and relevant congressional testimony. We also obtained and reviewed grant proposal review guidelines from the Department of Health and Human Services and the National Science Foundation.

In addition, we reviewed OJP's amended blanket purchase agreement number 2003-BF-028, which called on the Juvenile Justice Resource Center to coordinate and conducting OJJDP's external peer reviews. We reviewed the Juvenile Justice Resource Center agreement and associated modifications to the contract and found that \$154,684 in OJP funds remained obligated to task orders issued under this agreement. We also reviewed and analyzed the OJP contract number 2007-TO-07027 to assess how OJP conducts external peer reviews since the scope of our audit.

**SCHEDULE OF DOLLAR-RELATED FINDINGS**

| <u>Dollar-Related Finding</u>   | <u>Amount (\$)</u>      | <u>Page Number</u> |
|---|-------------------------|--------------------|
| <u>Funds To Be Put To A Better Use:</u> *   |                         |                    |
| Deobligate remaining funds from expired<br>blanket purchase agreement number<br>2003-BF-028 | 154,684                 | 38                 |
| <b>TOTAL DOLLAR-RELATED FINDINGS:</b>   | <b><u>\$154,684</u></b> |                    |

\* *Funds to be put to a better use* are monies that could be used more efficiently if management took actions to implement and complete audit recommendations.

## FY 2007 OJJDP GRANT SOLICITATIONS

During FY 2007, OJJDP announced 20 competitive solicitations, 9 solicitations where applicants were invited to receive new and continued funding, and 5 announcements for states, local, and tribal governments to receive funds under block or formula grants.

### Competitive Announcements

1. Building ICAC Forensic Capacity
2. Expansion and Maintenance of the Model Programs Guide
3. Family Drug Courts Program
4. Field Initiated Research and Evaluation Program
5. Gang Prevention Coordination Assistance Program
6. High-Risk Youth Offender Reentry and Family Strengthening Initiatives
7. Internet Crimes Against Children Expansion
8. Internet Crimes Against Children Expansion Phase II
9. Internet Crimes Against Children Expansion – Urban Phase III
10. Juvenile Sex Offender Treatment Program Development and Capacity Building
11. Juvenile Drug Courts/Reclaiming Futures
12. National Juvenile Justice Programs
13. Nonparticipating State Program, Wyoming
14. Prevention and Intervention Programs
15. Project Safe Childhood Programs
16. Substance Abuse Prevention and Intervention Programs
17. Support for Mentoring Initiatives Solicitation
18. Tribal Youth Program
19. Tribal Youth Program Training and Technical Assistance
20. Tribal Youth Program's Juvenile Accountability Discretionary Grants



## **Invitational Announcements**

1. Child Protection Division Solicited Programs
2. Court Appointed Advocates Program
3. Demonstration Program Division Continuations
4. Internet Crimes Against Children Continuations
5. Juvenile Drug Courts Program Evaluation
6. National Center for Missing and Exploited Children Program
7. National Solicited Juvenile Justice Programs
8. Solicited Mentoring Programs
9. Victims of Child Abuse Program

## **Block or Formula Grant Announcements**

1. Enforcing Underage Drinking Laws Block Grant Program
2. Carryover from FY 2006 Program
3. Juvenile Accountability Block Grants Program
4. Title II Formula Grants Program
5. Title V Community Prevention Grants Program

## **GRANTS.GOV REGISTRATION PROCESS**

According to the Grants.gov website, prospective applicants usually require less than five days to obtain a Grants.gov account. Organizations that have not used Grants.gov before are first required to obtain a Data Universal Number System (DUNS) number to access the registration screen. To acquire a DUNS number, the applicant had to register their organization's name with the independent contractor Dun & Bradstreet (contractor). According to Grants.gov officials working at the U.S. Department of Health and Human Services, it takes about one business day for the applying organization to receive a generated DUNS number.

After obtaining a DUNS number, the contractor provides the applicant access to a registration module maintained by the Central Contract Registry (CCR), which Grants.gov uses to identify grant applicants. The CCR is a government-wide vendor registration list of all organizations, including grant recipients, which receive money for services provided to the federal government. A Grants.gov official told us that the CCR registration process normally takes up to three business days.

Applicants can only receive a Grants.gov username and password after the CCR registration is completed. When setting up the Grants.gov account, applicants must designate a specific individual as the organization's official point of contact. Once designated, the point of contact is provided access to the account and can submit applications on behalf of the entire organization.

APPENDIX 5

**APPLICATIONS SUBMITTED AFTER THE OJP  
JULY 2, 2007, DEADLINE EXTENSION**

|    | <b>Applicant Name</b>  | <b>Submission Date</b> | <b>Solicitation</b> |
|----|--|------------------------|---------------------|
| 1  | National Campaign to Stop Violence                                       | 7/5/2007               | NJJP                |
| 2  | Drug Free Partnership, Inc.  | 7/2/2007               | NJJP                |
| 3  | National Juvenile Court Services Association/NCJFCJ                      | 7/5/2007               | NJJP                |
| 4  | Aces for Kids/USTA Tennis and Education Foundation                       | 7/5/2007               | NJJP                |
| 5  | Youth Department/Center for Dispute Settlement                           | 7/5/2007               | NJJP                |
| 6  | Successfully You/Angela Mosley Monts                                     | 7/5/2007               | Mentoring           |
| 7  | Brotherhood Crusade  | 7/5/2007               | Mentoring           |
| 8  | Westside Community Mental Health Center Inc                              | 7/5/2007               | Mentoring           |
| 9  | Reality Mentor, Inc.   | 7/5/2007               | Mentoring           |
| 10 | La Casa de San Gabriel Community Center/LEO Affiliates                   | 7/5/2007               | Mentoring           |
| 11 | Hollywood CPR/Hollywood Cinema Production Resources                      | 7/5/2007               | Mentoring           |
| 12 | I Have A Dream Foundation/Boulder County                                 | 7/2/2007               | Mentoring           |
| 13 | National Congress of American Indians                                    | 7/5/2007               | Mentoring           |
| 14 | Gift of Life House of Talent   | 7/5/2007               | Mentoring           |
| 15 | Gachelin Associates LLC  | 7/5/2007               | Mentoring           |
| 16 | Bolder Options   | 7/6/2007               | Mentoring           |
| 17 | Native American Children's Association                                   | 7/5/2007               | Mentoring           |
| 18 | Committed Partners for Youth   | 7/5/2007               | Mentoring           |
| 19 | Awesome Amateur Boxing, Inc.   | 7/5/2007               | Mentoring           |
| 20 | People for People Inc  | 7/5/2007               | Mentoring           |
| 21 | Creative Funding Solutions, Inc.   | 7/5/2007               | Mentoring           |
| 22 | ConQor Community Development Corp  | 7/6/2007               | Mentoring           |
| 23 | Avance, Inc.   | 7/13/2007              | Mentoring           |
| 24 | Big Brothers Big Sisters of the Peninsula, Inc.                          | 7/5/2007               | Mentoring           |
| 25 | Mobius, Inc.   | 7/5/2007               | Mentoring           |
| 26 | Treatment Services Programs/Indiana Juvenile Justice Task Force          | 7/5/2007               | Reentry             |
| 27 | Omega Alpha Club   | 7/5/2007               | Reentry             |
| 28 | YOUR Center - Metropolitan Baptist Tabernacle Housing Development Center | 7/5/2007               | Reentry             |
| 29 | Lewis and Clark Behavioral Health Services, Inc.                         | 7/5/2007               | Reentry             |
| 30 | Art Share Los Angeles  | 7/2/2007               | Substance Abuse     |
| 31 | Pensacola Faith Based Initiative Coalition, Inc                          | 7/5/2007               | Substance Abuse     |
| 32 | Enough is Enough   | 7/5/2007               | Substance Abuse     |
| 33 | Second Judicial District State of Louisiana District Attorney            | 7/2/2007               | Substance Abuse     |

|    | <b>Applicant Name</b>                              | <b>Submission Date</b> | <b>Solicitation</b> |
|----|--|------------------------|---------------------|
| 34 | Court Appointed Special Advocates of New Jersey    | 7/2/2007               | Substance Abuse     |
| 35 | Eight Judicial District Court                      | 7/5/2007               | Substance Abuse     |
| 36 | Boys and Girls Club of Lancaster, Inc.             | 7/5/2007               | Substance Abuse     |
| 37 | Upper Cumberland Human Resource Agency             | 7/5/2007               | Substance Abuse     |
| 38 | Phoenix Houses of Texas, Inc.                      | 7/5/2007               | Substance Abuse     |
| 39 | Teens Empowerment Awareness with Resolutions Inc   | 7/5/2007               | PIP                 |
| 40 | Teens Empowerment Awareness with Resolutions, Inc. | 7/5/2007               | PIP                 |
| 41 | Drug Use is Life Abuse                             | 7/5/2007               | PIP                 |
| 42 | Team SAFE-T, Inc.                                  | 7/5/2007               | PIP                 |
| 43 | QEST Quality Education and Student Training        | 7/5/2007               | PIP                 |
| 44 | Girl Scouts Mile Hi Council                        | 7/5/2007               | PIP                 |
| 45 | Sullivan House                                     | 7/5/2007               | PIP                 |
| 46 | United Teen Equality Center                        | 7/5/2007               | PIP                 |
| 47 | IACSP Washington DC Group                          | 7/5/2007               | PIP                 |
| 48 | Alkebulan Village                                  | 7/5/2007               | PIP                 |
| 49 | Boys and Girls Club of America of Wilmington       | 7/5/2007               | PIP                 |
| 50 | Smith Rentals                                      | 7/9/2007               | PIP                 |
| 51 | Family and Children's Association                  | 7/2/2007               | PIP                 |
| 52 | Vision Ed, Inc.                                    | 7/5/2007               | PIP                 |
| 53 | The Point Community Development Corporation        | 7/9/2207               | PIP                 |
| 54 | American Sail Training Education                   | 7/5/2007               | PIP                 |
| 55 | Williamsburg County Boys to Men Club               | 7/5/2007               | PIP                 |
| 56 | Safe City Commission, Inc.                         | 7/5/2007               | PIP                 |
| 57 | Avance, Inc.                                       | 7/13/2007              | PIP                 |
| 58 | Youth Empowerment Services                         | 7/5/2007               | PIP                 |
| 59 | Educational Service District                       | 7/5/2007               | PIP                 |
| 60 | Asian Counseling and Referral Service              | 7/5/2007               | PIP                 |
| 61 | National Exchange Club Foundation                  | 7/2/2007               | PSC                 |

Source: Application records maintained by OJJDP

Note: Applications ordered by solicitation announcement.

# NATIONAL JUVENILE JUSTICE PROGRAMS AWARD RECOMMENDATION MEMORANDUM



U.S. Department of Justice

Office of Justice Programs

Office of Juvenile Justice and Delinquency Prevention

Washington, D.C. 20531

**JUL 20 2007**

To: Regina B. Schofield  
Assistant Attorney General  
Office of Justice Programs

From: *JRF* J. Robert Flores  
Administrator  
Office of Juvenile Justice and Delinquency Prevention

Date: July 17, 2007

Re: FY07 National Programs Award Recommendations

## OVERVIEW

OJJDP received 104 applications under the *FY07 National Juvenile Justice Programs Solicitation*. This solicitation provided applicants the opportunity to apply under three primary categories related to juvenile justice. These categories as stated in the solicitation include: 1) Building Protective Factors to Combat Juvenile Delinquency; 2) Reducing Child Victimization; and, 3) Improving the Juvenile Justice System. In the OJJDP Administrator's recommendation of awards listed below, the OJJDP identifies his primary priority areas included under these categories as the justification for the listed grant applications. The total amount of funding available to award under this solicitation is \$8,650,000.

## THE REVIEW PROCESS

OJJDP conducted an internal peer review, which included OJJDP career staff, of all 104 applications received under the FY07 National Juvenile Justice Programs Solicitations. Peer reviewers were assigned to a peer review panel. There were total of 13 peer review panels, and each panel included two peer reviewers who were paired up. Their individual scores were averaged together. Scores for all 104 applications ranged from 98% - 0%.

The OJJDP Administrator selected applications from the top 20%. The OJJDP Administrator made this selection based on the combination of peer review scores and peer review panel placement.

## RECOMMENDATIONS

### Category 1: Building Protective Factors to Combat Juvenile Delinquency

These include national scope programs to combat juvenile delinquency by addressing risk factors and supporting positive youth development. The OJJDP Administrator's two primary priority areas under this category include: 1) Implementation of best practices for the juvenile court system; and 2) Prevention/Intervention directed at high risk youth.

#### Training and Technical Assistance for the Juvenile Court System:

Implementation of best practices requires a well trained professional staff within the juvenile justice system, especially where cross-disciplinary work must be done. Given the great amount of turnover among juvenile justice professional staff, it is important to support cost-effective methods to deliver quality instruction and increase professional development. Accordingly, the following award(s) will be made:

1. **GMS number, 2007-52108-MD-JL, NCJFCJ/Nat Juvenile Court Services Association.** \$97,900/1 year (score 95%). Will develop professionally-oriented alternative online training and certification programs for juvenile justice supervisors based on the "core competencies." This application received the highest score under this priority area.

Prevention/Intervention Directed and High Risk Youth through Positive Youth Development Methods/Practices. Under this priority area, the OJJDP Administrator used the following criteria in the selection of applications with a national focus on: 1) *utilizing mentoring outreach efforts directed at Latino high-risk youth*; 2) *utilizing sports-based outreach efforts directed at high-risk youth*; and 3) *utilizing school-based outreach efforts directed at preventing high-risk activity (out-of-wedlock pregnancy).*

*Utilizing mentoring outreach efforts directed at Latino at-risk youth.* In recent years, the need to direct efforts to Hispanic youth has become more evident in efforts to reducing disproportionate minority contact in the juvenile justice system and rise of Hispanic gangs. Reducing disproportionate minority contact is a statutory mandate and a priority of OJJDP. Anti-gang efforts are an Attorney General priority.

Many successful programs that are directed at high-risk youth tend to lack capacity, have not formalized their processes, and are difficult to replicate due to their lack of documentation. Continued efforts to build promising programs and best practices in the area of delinquency prevention, safety, and combating negative influences on children must be made. Accordingly, the following award(s) will be made:

1. **GMS number, 2007-51708-CA-JL, Latino Coalition for Faith & Community Initiatives.** \$1,200,000 million/3 years (score 89.5%). This applicant will address the need to build capacity in the Latino community through faith and community organizations to address the needs of Latino children through mentoring and other positive youth development initiatives. Using practical and effective approaches positive youth development opportunities will be provided to Latino youth, family strengthening will be taught, alternatives to gang involvement will be offered, and the "Reclaiming our Futures," program will be prepared for national replication. This program meets the Administrator's established priority of moving sound programming that directly benefits children to a best practices or promising practice level for future use by communities in need of such programming. This application has the highest score that met the criteria under the Administrator's priority area.
  
2. **GMS number, 2007-51041-OR-JL, Victory Outreach Special Services.** 1,200,000/3 years (score 84%). This program would provide direct services to Hispanic boys at high-risk of delinquency in multiple areas, including family, school, peers, and community and neighborhood factors. There is a lack of programming that addresses the specific needs of Hispanic boys that this effort will improve. Additionally, as a 5 year program, it will address the need to provide programs to boys in eighth grade, a time when boys are at greater risk of joining or being victimized by gangs. This application has the highest score that met the criteria under the Administrator's priority area. This application has the second highest score that met the criteria under Administrator's priority area.
  
3. **GMS number, 2007-51423-DC-JL, Aspira Association.** 1,200,000/3 years (score 83%). Nationally based organization dedication to the education and development of Latino youth; program will focus on schools in low-income, inner city Latino communities and expand existing model of mentoring and parental engagement as a tool for combating juvenile delinquency. This application has the third highest score that met the criteria under Administrator's priority area.

*Utilizing sports-based outreach efforts directed at high-risk youth.* Using sports as a method of outreach to high-risk youth for delinquency provides a means of engaging and attracting youth to an area of popular interest to kids.

1. **GMS number, 2007-51213-FL-JL, World Golf Foundation, Inc.,** 500,000/year (score 82%) Sports programming continues to be a popular method of engaging youth in positive youth development. This applicant has made changes to its program to focus on increasingly higher risk children that have few positive activities to compete with gang recruitment, encourage school attendance or participation, and teach prosocial skills. Additionally, this program works to build a national teaching corp of volunteers which improves outcomes and supports sustainability since the teaching certificate takes at least two and often three years. This program has grown from



140,000 children in 2003, to 264, 000 children in 2006. This application has the highest score that met the criteria under the administrator's priority area.

*Utilizing school-based outreach efforts directed at preventing high-risk activity (out-of-wedlock pregnancy). Out-of-wedlock teenage births pose as one of the highest risk factors for girls to become a delinquent juvenile.*

1. **GMS number, 2007-516-79-DC-JL, Best Friends Foundation** 1,124,000/3years (score 79.5%). Programs directed at teaching girls how to identify and resist high risk activities are limited and do not directly address abstinence. This program works directly with girls through a school based curriculum that encourages school performance and attachment, a strong protective factor. Best Friends has also added a boys program and together they also work to address gang activity in the schools, an AG priority. This direct service program that is present in Houston, Martinsville, San Diego, Pittsburgh, Hempstead. This application has the highest score that met the criteria under the administrator's priority area.

#### **Category 2: Reducing Child Victimization**

This Category supports national scope programs that reduce child victimization. OJJDP Administrator's primary priority area under this category is addressing internet safety, that includes providing parental and community education on how to protect children from being victims of on-line predators.

1. **GMS number, 2007-51685-VA-JL, Enough is Enough, 750,000/3 years** (score 87.5%). This program addresses OJJDP's need to work on the prevention of child victimization facilitated by computer as it continues to expand the investigative and prosecution efforts through the AG's Project Safe Childhood Initiative. This applicant has a national reach, Internet industry partners, programs and education for parents, and makes presentations to multiple audiences, from parents, students, and faith based and community organizations. This application received the highest score under this priority area.

#### **Category 3: Improving the Juvenile Justice System**

This category supports national scope programs that improve the juvenile justice system. The OJJDP Administrator is statutorily tasked with improving the coordination between the child welfare system and the juvenile justice system. Historically, these systems have not always collaborated and information from one system has been difficult to transport into the other. Best practices in this area are limited and efforts to develop promising techniques are necessary to provide models that would be applicable nationwide. Therefore, The OJJDP Administrator's primary priority areas under this category includes: 1) Multi-sector used Data; 2) Ensure Safe



and Appropriate Conditions of confinement; and, 3) Targeted Efforts Directed Toward Foster Care Youth (who are among most vulnerable youth touched by the Juvenile Justice System).

Multi-sector used Data:

OJJDP has a statutory mission to collect and disseminate data and statistics that inform the field about juvenile justice trends, program efficacy, and conditions of confinement. In many states, the best data concerning system involved youth belongs to the juvenile courts. This data is useful to a broad array of juvenile justice professionals and because the court records contain information from other systems provides a better picture in many areas than information from a single other source. Accordingly, the following award(s) will be made:

1. **GMS number 2007-50987-NV-JL, National Council of Juvenile and Family Court Judges.** \$570,000/1 year (score 91.5%). The National Juvenile Court Data Archive project proposes to continue its long-term data development, collection and synthesis efforts. As an information clearinghouse the project will continue to respond to requests from Federal, State, and local agencies, the media, researchers and the public for information and statistics on the activities of juvenile courts and other elements of the juvenile justice system. This grantee was the highest scoring applicant proposing to collect and disseminate such multi-sector data and information.

Ensure Safe and Appropriate Conditions of confinement:

The principal and most specific responsibility for OJJDP remains assuring the continued improvement of conditions of confinement for juveniles in the system to assure that detention does not undermine rehabilitation or constitute undue punishment. OJJDP has pioneered the development of a system of measures and training for detention staff and management that has led to significant cost savings, improved safety for both children and guards, and better outcomes for programs conducted within the institution. This investment has been substantial and continues to pay significant benefits to the field generally and detention facilities that use this program, in particular. Accordingly, to assist in the continued use of the program and build sustainability without continued federal government funding and award will be made to:

1. **GMS number, 2007-51070-MA-JL, Council of Juvenile Correctional Administrators, Inc.,** 1.5 million dollars/3 years (score 94%). Will work with state correctional leaders, facility managers and staff as well as juvenile justice partner organizations to continue to expand Performance Based Standards (PbS) participation to all correctional and detention facilities nationwide. This application is the only and highest scoring juvenile corrections operations and management program within this solicitation.

Targeted Efforts Toward Foster Care Youth (among the most vulnerable who come in contact with the Juvenile Justice System):

This priority area focuses on the need to address foster care youth, who are among the most vulnerable juveniles who come in contact with the juvenile justice system. Research has shown that a significant percentage of incarcerated individuals have a history of living in foster care homes. There is a need in the juvenile justice system to reach out to foster care youth and help them to successfully transition into adulthood, and thereby, decreasing the chances of these youth engaging in criminal activity.

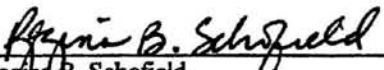
1. GMS number, 2007-51603-NY-JL, Fund for the City of New York/Center for Court Innovation. \$509,000/ 4 years (score 85%). Program will improve outcomes for youth who are leaving foster care due to reaching the age of maturity by implementing Passport to Adulthood, a guide and toolkit for judges published in April 2007. The Center for Court Innovation will work with the Permanent Judicial Commission on Justice for Children, in a minimum of five national sites in multiple states and NCJFCJ to apply the Passport methodology in 30-40 percent of adolescent caseloads in participating jurisdictions. This application was the highest rated submission addressing the integration of the dependency and delinquency court systems.

**SUMMARY**

OJJDP recommends you approve 10 applications totaling \$8,650,900 for funding.

APPROVED:

DISAPPROVED

  
\_\_\_\_\_  
Regina B. Schofield  
Assistant Attorney General  
Office of Justice Programs

\_\_\_\_\_  
Regina B. Schofield  
Assistant Attorney General  
Office of Justice Programs

Attachment

CC: Michele DeKonty, OJJDP  
Marilyn Roberts, OJJDP  
Nancy Ayers, OJJDP

## ASSOCIATE ATTORNEY GENERAL AWARD DOCUMENTATION POLICY



U. S. Department of Justice

Office of the Associate Attorney General

The Associate Attorney General

Washington, D.C. 20530

May 28, 2008

MEMORANDUM TO: Mr. Jeffrey L. Sedgwick  
Acting Assistant Attorney General, Office of Justice Programs

Ms. Cynthia Dyer  
Director, Office on Violence Against Women

Mr. Carl R. Peed  
Director, COPS Office

FROM: Mr. Kevin J. O'Connor *KJO*  
Associate Attorney General

SUBJECT: Documentation of Discretionary Award Recommendations and  
Decisions

It is critical that, in the process of determining which organizations will receive grant dollars, those decisions be clearly documented for the record so as to avoid any misconceptions or misrepresentations in the future.

As a result, beginning in fiscal year 2008, all discretionary funding recommendations and decisions should be documented as described below. These requirements represent a minimum standard; components may choose to add others as they establish or refine their grant policies. It is an internal component decision as to how to implement the requirements of this memo.

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 and clearly explain the choices made, the reasons for the choices, and the policy

considerations on which the decisions were based. An otherwise uninformed reader should be able to understand the process used and the final decisions made.

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 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.

cc: Director, Bureau of Justice Assistance  
Administrator, Office of Juvenile Justice and Delinquency Prevention  
Director, Office for Victims of Crime  
Director, Bureau of Justice Statistics  
Director, National Institute of Justice  
Director, SMART Office  
Director, Community Capacity Development Office

OJP RESPONSE TO THE DRAFT REPORT



U.S. Department of Justice  
Office of Justice Programs  
Office of the Assistant Attorney General

Washington, D.C. 20531  
MAR 20 2009

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   
Acting Assistant Attorney General

SUBJECT: Response to Office of the Inspector General's Draft Audit Report,  
*Procedures Used By the Office of Juvenile Justice and  
Delinquency Prevention to Award Discretionary Grants in  
Fiscal Year 2007*

This memorandum provides a response to the recommendations directed to the Office of Justice Programs (OJP) included in the Office of the Inspector General's (OIG's) draft audit report entitled, *Procedures Used By the Office of Juvenile Justice and Delinquency Prevention to Award Discretionary Grants in Fiscal Year 2007*.

The draft audit report contains nine recommendations and \$154,684 in funds to be put to a better use. For ease of review, the draft audit report recommendations are restated in bold and are followed by OJP's response.

- 1. Implement a policy to ensure that award decision makers, including the Assistant Attorney General for OJP and the Office of Juvenile Justice and Delinquency Prevention (OJJDP) Administrator, maintain records supporting their selections or approvals of OJJDP invitational awards.**

The Office of Justice Programs agrees with this recommendation. As noted in Appendix 7 of the draft report, on May 28, 2008, the U.S. Department of Justice (DOJ), Office of the Associate Attorney General issued a memorandum to DOJ grant making components requiring that, beginning in fiscal year (FY) 2008, documentation be maintained to support all discretionary funding recommendations and decisions. The documentation required to be maintained must clearly explain the choices made, the reasons for the choices, and the policy consideration on which the decisions were based. Since that time, the OJP's bureaus and

program offices have maintained records supporting their selection decision. Additionally, on March 10, 2009, the OJP Acting Assistant Attorney General issued a memorandum to the OJP's bureaus and program offices to continue the practice of documenting all discretionary funding recommendations and decisions as set forth in the May 28, 2008 memorandum. Finally, by September 30, 2009, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) will develop and implement an internal guidance manual which will include procedures to ensure that documentation supporting OJJDP's selections or approval of award decisions is maintained.

- 2. Specify how each OJJDP award recipient obtained its award, whether by earmark or other congressional request, invitation, continuation, or open competition, when announcing program award winners on its press releases or websites.**

The Office of Justice Programs agrees with this recommendation. Effectively immediately, the OJP will include language on its press releases or websites announcing how each OJJDP award recipient obtained its award, whether by earmark or other congressional request, invitation, continuation, or open competition.

- 3. Require OJJDP to establish a minimum length of time that solicitations remain open for applicants to submit proposals for competitive awards.**

The Office of Justice Programs agrees with this recommendation. The Office of Justice Programs and OJJDP will establish a minimum length of time that solicitations will remain open for applicants to submit proposals for competitive awards. Once the minimum length of time is established, OJJDP will ensure that any remaining FY 2009 awards and all future awards comply with the minimum established.

- 4. Require OJJDP to enhance its solicitation development procedures by drafting and approving solicitations throughout the fiscal year so that solicitations allow applicants a reasonable amount of time to apply for competitive awards.**

The Office of Justice Programs agrees with this recommendation. The Office of Justice Programs uses a grant forecaster tool, which allows for the planning and tracking of major milestones in the grant award process. Timelines for each program solicitation are monitored to ensure tasks (i.e., release of solicitations, peer reviews, financial clearance) are achieved within specified timeframes. By September 30, 2009, OJJDP will develop and implement procedures for its internal guidance manual that will ensure solicitations are drafted and approved throughout the fiscal year so that solicitations allow applicants a reasonable amount of time to apply for competitive awards.

- 5. Require OJJDP to document the reasons for extending solicitation deadlines and announce any deadline extension publicly so that all potential applicants may be informed of changed deadlines.**

The Office of Justice Programs agrees with this recommendation. Currently, the OJP announces solicitations on the OJP website, [www.ojp.usdoj.gov](http://www.ojp.usdoj.gov), or at [www.grants.gov](http://www.grants.gov). For any solicitation deadline extended in FY 2009, OJJDP will ensure that the deadline extension is publicly announced. Additionally, OJJDP will include appropriate procedures in its internal guidance manual that is being developed to ensure that all future solicitation deadlines are publicly announced.

- 6. Deobligate \$154,684 from OJJDP's Juvenile Justice Resource Center agreement, OJP agreement number 2003-BF-028, as funds to be put to a better use.**

The Office of Justice Programs agrees with the recommendation. By June 30, 2009, the OJP will deobligate the \$154,684 remaining balance from OJJDP's Juvenile Justice Resource Center agreement, OJP agreement number 2003-BF-028.

- 7. Ensure that OJJDP implement peer review protocols for its employees and contractors to follow that: (1) require formal orientation calls so that peer reviewers are aware of solicitation requirements before conducting peer reviews; (2) include consensus calls to discuss and mediate disparate peer review results; and (3) require panels to include at least three peer reviewers.**

The Office of Justice Programs agrees with the recommendation. The OJP Grant Application Peer Review Procedure Manual (Manual), issued in July 2008, outlines the roles, responsibilities, and practices to be followed by all individuals involved in the OJP grant application peer review process. The actions noted above for this recommendation are addressed in the July 2008 Manual. By September 30, 2009, OJJDP will include procedures in its internal guidance manual to ensure that peer review protocols for its employees and contractors are followed and are in accordance with the OJP Grant Application Peer Review Procedure Manual.

- 8. Require OJJDP to augment and use its basic minimum requirements checklist to identify and exclude applications that fail to meet the purpose and scope of the solicitation.**

The Office of Justice Programs agrees with this recommendation. Effective immediately, the OJJDP will augment its basic minimum requirements checklist to ensure that applications that fail to meet the purpose and scope of the solicitation are excluded before the applications are sent for peer review. Additionally, OJJDP will include a copy of the revised basic minimum requirements checklist in its internal guidance manual currently being developed.

**9. Require that OJJDP attach a copy of the program solicitation when it submits a recommendation memorandum for approval to the Assistant Attorney General.**

The Office of Justice Programs agrees with this recommendation. Effective immediately, OJJDP will issue guidance to OJJDP program managers to require that a copy of the program solicitation be included when a recommendation memorandum for approval is submitted to the Assistant Attorney General.

Thank you for your continued cooperation. If you have any questions regarding this response, please contact LeToya Johnson, Deputy Director of the Audit and Review Division, Office of Audit, Assessment, and Management, on (202) 514-0692.

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

Jeff Slowikowski  
Acting Administrator  
Office of Juvenile Justice and Delinquency Prevention

Maureen A. Henneberg  
Director  
Office of Audit, Assessment, and Management

Marcia K. Paull  
Chief Financial Officer

Phillip R. Merkle  
Director  
Office of Administration

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

Richard A. Theis  
Assistant Director, Audit Liaison Group  
Justice Management Division



## ANALYSIS AND SUMMARY OF ACTIONS NECESSARY TO CLOSE THE AUDIT REPORT

The OIG provided a draft of this audit report to OJP. OJP's response is incorporated in Appendix 8 of this final report. The audit report contains nine recommendations and identified \$154,684 in funds to be put to a better use. The following provides the summary of actions necessary to close each of the recommendations in the report.

1. **Resolved.** We recommended that OJP implement a policy to ensure that award decision makers, including the Assistant Attorney General for OJP and the OJJDP Administrator, maintain records supporting their selections or approvals of OJJDP invitational awards. OJP agreed and stated that it has implemented the requirements of the Associate Attorney General's May 2008 memorandum requiring that, beginning in FY 2008, documentation be maintained to support all discretionary funding recommendations and decisions. As part of its response, OJP provided a memorandum, dated March 10, 2009, from OJP's Acting Assistant Attorney General to OJP bureaus and program offices directing them to continue documenting all discretionary funding recommendations and decisions as set forth in the May 2008 memorandum. Further, by September 30, 2009, OJJDP will develop and implement an internal guidance manual that will include procedures for supporting and maintaining evidence of its selections or approval of award decisions. This recommendation can be closed when OJJDP provides us its FY 2008 and 2009 discretionary funding recommendations and decisions explaining the award selections made, the reasons for the selections, and the policy consideration on which the selections were based, as well as its updated guidance manual.
2. **Resolved.** We recommended that OJJDP specify how each award recipient obtained its award, whether by earmark or other congressional request, invitation, continuation, or open competition, when announcing program award winners on its press releases or websites. OJP agreed with this recommendation and stated that it will include language on its press releases or websites announcing how each OJJDP award recipient obtained its award, whether by earmark or other congressional request, invitation, continuation, or open competition. Although not mentioned in its response, OJJDP should add this new requirement to its updated guidance manual. This recommendation can be closed when we review OJJDP's FY 2009 award announcements and its updated internal guidance manual.

3. **Resolved.** We recommended that OJJDP establish a minimum length of time that solicitations remain open for applicants to submit proposals for competitive awards. OJP agreed with this recommendation and said it will establish a minimum length of time that solicitations will remain open for applicants to submit proposals for competitive awards. OJP also stated that once the minimum length of time is established, OJJDP will ensure that any remaining FY 2009 awards and all future awards comply with the procedures. This recommendation can be closed when OJP provides us a copy of the policy that establishes a minimum length of time for solicitations to remain open for competitive awards.
4. **Resolved.** We recommended that OJJDP enhance its solicitation development procedures by drafting and approving solicitations throughout the fiscal year so that applicants will have a reasonable amount of time to apply for competitive awards once solicitations are formally announced. OJP agreed with this recommendation and stated that by September 30, 2009, OJJDP will develop and implement procedures for its internal guidance manual that will ensure solicitations are drafted and approved throughout the fiscal year so that solicitations allow applicants a reasonable amount of time to apply for competitive awards. This recommendation can be closed when we review OJJDP's updated internal guidance manual.
5. **Resolved.** We recommended that OJJDP document the reasons for extending solicitation deadlines and announce any deadline extension publicly so that all potential applicants may be informed of the changed deadlines. OJP agreed with this recommendation and stated that for any solicitation deadline extended in FY 2009, OJJDP will ensure that the deadline extension is publicly announced. Additionally, OJJDP will add procedures to its internal guidance manual to ensure that all future solicitation deadlines are publicly announced. This recommendation can be closed when we review OJJDP's updated internal guidance manual.
6. **Resolved.** We recommended that OJP deobligate \$154,684 from OJJDP's Juvenile Justice Resource Center agreement, OJP agreement number 2003-BF-028, as funds to be put to a better use. OJP agreed with this recommendation and said it will deobligate the \$154,684 remaining balance from OJJDP's Juvenile Justice Resource Center agreement, OJP agreement number 2003-BF-028 by June 30, 2009. This recommendation can be closed when we review evidence of the deobligation.

7. **Resolved.** We recommended that OJJDP implement peer review protocols for its employees and contractors to follow that: (1) require formal orientation calls so that peer reviewers are aware of solicitation requirements before conducting peer reviews; (2) include consensus calls to discuss and mediate disparate peer review results; and (3) require panels to include at least three peer reviewers. OJP agreed with the recommendation and stated that its OJP Grant Application Peer Review Procedure Manual (Manual), issued in July 2008, outlines the roles, responsibilities, and practices to be followed by all individuals involved in the OJP grant application peer review process. In addition, OJP said that by September 30, 2009, OJJDP will include procedures in its internal guidance manual to ensure that its employees and contractors follow the OJP Grant Application Peer Review Procedure Manual. This recommendation can be closed when we review OJJDP's updated internal guidance manual.
8. **Resolved.** We recommended that OJJDP augment and use its basic minimum requirements checklist to identify and exclude applications that fail to meet the purpose and scope of the solicitation. OJP agreed with this recommendation and said it will augment OJJDP's basic minimum requirements checklist to exclude applications that fail to meet the purpose and scope of the solicitation before the applications are sent for peer review. Additionally, OJJDP will include a copy of the revised basic minimum requirements checklist in its internal guidance manual. This recommendation can be closed when we review OJJDP's updated internal guidance manual.
9. **Resolved.** We recommended that OJP require that OJJDP attach a copy of the program solicitation when it submits a recommendation memorandum for approval to the Assistant Attorney General. OJP agreed with this recommendation and will require OJJDP to include a copy of the solicitation when it submits recommendation memoranda to the Assistant Attorney General. This recommendation can be closed when we review OJP's guidance to OJJDP.