

OFFICE OF JUSTICE PROGRAMS

HEARING
BEFORE THE
SUBCOMMITTEE ON CRIME
OF THE
COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES
ONE HUNDRED SEVENTH CONGRESS
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OFFICE OF JUSTICE PROGRAMS: COORDINATION AND DUPLICATION

TUESDAY, MARCH 5, 2002

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Subcommittee met, pursuant to call, at 4:10 p.m., in Room 2237, Rayburn House Office Building, Hon. Lamar Smith [Chairman of the Subcommittee] presiding.

Mr. SMITH. The Subcommittee on Crime will come to order. I am going to recognize Members for opening statements, including myself, and then introduce the witnesses. We'll look forward to a very informative hearing today.

Today the Crime Subcommittee holds the first in a series of oversight hearings to examine the operations of the Office of Justice Programs, OJP. This hearing will focus on the overlap and duplication that exists within OJP and the efforts that are being taken and should be taken to reduce that duplication.

This Subcommittee has planned three oversight hearings on the Office of Justice Programs. The next hearing, which will be on Thursday, March 7, will examine the methods OJP uses to evaluate the effectiveness of the grants it distributes to State and local governments. The following Thursday, March 14, we will hear testimony regarding programs that have been less than successful and grants that have been used for questionable purposes.

All of these hearings are designed to help the Office of Justice Programs and this Committee reorganize and refocus the grant dollars into programs that work. The goal of these hearings is to determine how we can improve the process at OJP to create a more integrated system that will better serve State and local governments and the American people.

More than \$4 billion was appropriated last year for grant programs at OJP. That represents a 400 percent increase in the last 10 years. The Federal Government owes it to the taxpayers to ensure that their money is being used in an effective and efficient manner. Taxpayers deserve to know what programs the Federal Government is funding with their money and whether these programs work or not.

The Office of Justice Programs, which consists of five bureaus, six program offices, and six administrative offices, is the primary grant-making office within the Department of Justice. The programs that OJP is currently operating were authorized by various crime bills during the past two decades. Although these grant pro-

grams provide a vital resource for State and local law enforcement agencies, some of the programs at OJP overlap or duplicate other programs at OJP and within other agencies.

For example, some COPS programs, Local Law Enforcement Block Grants, and Byrne grants are all focused on providing funds to local jurisdictions to fight crime in the same way.

The duplication and overlap also exist in the functions of the offices.

The lack of coordination among the various bureaus and offices sometimes results in administrative duplication in the Office of Justice Programs.

On another subject, in the budget request for fiscal year for 2003, the Administration reduced the funding for OJP by approximately \$1.2 billion. A substantial portion of this reduction was in funding for Office of Domestic Preparedness, which it proposed to transfer to the Federal Emergency Management Agency, FEMA.

The Judiciary Committee is not sure FEMA is the appropriate agency for these responsibilities.

The Committee is concerned that the transfer of counterterrorism training and equipment grant programs out of the Department of Justice to FEMA will shift the focus away from law enforcement and reduce local crisis management capabilities.

Today the Subcommittee looks forward to hearing from our four witnesses on the above subjects, and several others as well. That concludes my remarks, and now the gentleman from Virginia, Mr. Scott, will be recognized for his opening statement.

Mr. SCOTT. Thank you, Mr. Chairman. And I'm pleased to join you in convening this oversight hearing on the Office of Justice Programs.

We are aware of the important role OJP plays in administering its more than 50 grant programs for the benefit of State and local law enforcement, juvenile justice, victims of crime, and others. OJP's organizational structure is unique. It has developed over the years as a direct response to congressional funding, including many earmarks and mandates.

The bureau's offices and programs in OJP are numerous and complex in their design and operation. Substantive functions of the bureaus are vested by law in their directors rather than the Attorney General or the Assistant Attorney General. These statutes have provided that the directors have final authority over grants, cooperative agreements and contracts awarded by their respective agencies. And as a result, OJP operates, to a large degree, as a network of independent agencies which share a common infrastructure.

Funding for OJP programs exceeded \$4 billion up from \$1.1 billion in 1995. As a result of the rapid growth in size and complexity of operations, inefficiencies, duplications, and difficulties began to be noted by some of those observing or negotiating the maze of grant, research, and technical assistance programs under OJP.

So in 1997, Congress, through the appropriations process, directed OJP and DOJ to develop a proposal for reorganization, which would clarify and streamline its operations. In 1999, DOJ responded with a report, which proposed changes to the present OJP structure in an effort to accomplish these objectives. They proposed

various changes, such as focusing authority in the Assistant Attorney General through the elimination of presidentially appointed bureau chiefs, elimination of some bureaus, consolidating some program offices, and consolidating all research under NIJ.

During the oversight hearings in 1999, we heard from a variety of customers of OJP, including researchers, practitioners, administrators and advocates of OJP programs. Some of the witnesses expressed support for the proposal or parts thereof; others expressed criticisms in opposition to the proposal or parts thereof. And I suspect we'll hear a divergence of views about OJP reorganization in this series of hearings as well.

Mr. Chairman, I have a lot more to say, and I'd like unanimous consent to enter the rest of this statement into the record. And thank you for holding up the markup of the cyberterrorism bill, because that had OJP reorganizational issues in it, so that we can hear from the witnesses on that particular issue before we take up that bill.

Mr. SMITH. Thank you, Mr. Scott. And without objection, your entire opening statement will be made a part of the record, as will the opening statements of other Members, as will several submissions we've had of testimony of individuals who are not here today.

[The prepared statement of Mr. Scott follows in the Appendix]

Mr. SMITH. We especially appreciate the presence of the other Members who are here, they being the gentleman from North Carolina, Mr. Coble, and the gentleman from Florida, Mr. Keller. And do they have opening statements they wish to make?

The gentleman from North Carolina?

Mr. COBLE. Mr. Chairman, a very brief statement. You and Mr. Scott have pretty well covered it.

You touched on duplication and overlapping in your opening statement, and duplication and overlapping is a problem—or problems that continue to plague this city generally and this Capitol Hill specifically.

I recall, Mr. Chairman, and I'll say to Mr. Scott as well, back when we were working on the welfare reform package, I was amazed to find, Mr. Chairman, the different programs that involved a dozen different entities addressing the same problem, but yet making separate appropriations. So I'm not suggesting that quartet is guilty of this. [Laughter.]

I don't mean to imply that at all.

But if duplication and overlapping are areas that need attention, I think this hearing will serve a good purpose, and I thank you for it.

Mr. SMITH. Thank you, Mr. Coble.

Does the gentleman from Florida have an opening statement?

Mr. KELLER. Mr. Chairman, my only opening statement is to thank the witnesses for taking time to appear before us today and look forward to hearing your testimony.

Mr. COBLE. And I failed to do that, too, Mr. Chairman. It's good to have the witnesses.

Mr. Chairman, I must say, I have a 4:30 meeting, so I'm going to have to leave before too long.

Mr. SMITH. We're just glad you're here, present for the creation here. Thank you, Mr. Coble.

Thank you, Mr. Keller.

I'll introduce the witnesses who are here today. They are the Honorable Deborah Daniels, Assistant Attorney General, Office of Justice Programs, U.S. Department of Justice; Dr. Nolan Jones, National Governors Association, Hall of States, Washington, DC; the Honorable Laurie O. Robinson, former Assistant Attorney General, U.S. Department of Justice, Office of Justice Programs; and Mr. Ralph E. Kelly, Commissioner, Department of Juvenile Justice, Frankfurt, KY

We welcome you all, and we'll begin with Ms. Daniels. But let me say at the outset, as you all were notified, we hope to keep your testimony within 5 minutes, and there will be ample opportunity for you to expand on that testimony during the question-and-answer period. And also, let me request that in your 5-minute statements, that you not take too much time to describe the current programs, but focus as much as possible on ways we can improve the programs and eliminate duplication that's the subject of the hearing.

With that, Ms. Daniels, we'll begin with you.

STATEMENT OF DEBORAH DANIELS, ASSISTANT ATTORNEY GENERAL, OFFICE OF JUSTICE PROGRAMS, U.S. DEPARTMENT OF JUSTICE

Ms. DANIELS. Thank you, Mr. Chairman.

Mr. Chairman, Members of the Committee, I'm pleased to have the opportunity to discuss with you this Administration's efforts to improve the structure and operations of the Office of Justice Programs. We greatly appreciate your interest and your support of our efforts, which are a continuation of Ms. Robinson's efforts over time to eliminate duplication and waste, to streamline our management and operations, to improve accountability for taxpayer dollars, and to ensure optimal service to the public in the 21st century.

As you know, Mr. Chairman, OJP has been of fastest-growing Federal agencies in the past decade. And in fact, you yourself mentioned that we had reached an appropriation level of over \$4 billion. At this point, OJP is overseeing more than 40,000 grants, valued at over \$20 billion.

However, as these new programs and funding streams were added over the years, you've also noted, an effective infrastructure was not in place to accommodate them. The result is a decentralized, inefficient, and overlapping bureaucracy that wastes valuable government resources and significantly contributes to inefficiency and shakes the citizens' trust and confidence in their government and its management.

Briefly, just to give you an idea without berating this issue: at least four of our bureaus and one office work on domestic violence issues: all five bureaus and at least one office address child abuse; and at least three bureaus, and one office address juvenile drug abuse, at least four bureaus, — almost all offices address youth violence.

In the aftermath of the September 11th attacks on America, improving our ability to reach local law enforcement and State law enforcement and serve the public has taken on a new urgency.

To assist in safeguarding our Nation's internal security as well as to continue to assist in the fight against more traditional crime, which we must continue to do, we must maximize our efficiencies, minimize waste, and get the greatest number of dollars out to the field as promptly as possible.

We appreciate the fact that the Members of the Subcommittee share these goals. And as you know, Mr. Chairman, we're recently submitted a report to the Congress, describing our goals and our objectives to reaching those goals in order to improve our operational effectiveness, accountability and reliability, the efficiency of our programs, and how we serve and inform our constituencies.

I believe that we will continue these discussions that we have begun with the field, but we've taken into account, in developing our proposals, a lot of very good recommendations that have been made from the field and from my immediate predecessor, Laurie Robinson, who I am delighted is with us today, in trying to craft something that is going to make us more efficient and accountable and target our resources to maximize public benefit.

We have four basic goals in this reorganization, and they are to improve responsiveness, assistance, and accountability to all of our customers; to eliminate duplication and overlap, which was a great concern expressed by Mr. Coble a moment ago; to ensure measurable grant and program outcomes; and to enhance communication, cooperation, coordination, and efficiency.

We've developed a set of corresponding objectives to try to reach these goals, and they include, first, developing a strategic plan that reflects our statutory requirements and the mission and goals of the President and the Attorney General. This plan will ensure meaningful outcomes, appropriate fiscal management, and accountability.

Second, we believe that it's necessary to amend the statutes governing OJP's bureaus and program offices to provide that all authority for all operations at the Office of Justice Programs rests in the Attorney General, while recognizing and meeting the need for maintaining the integrity of the research and statistics functions within OJP.

Third, standardizing management policies and procedures throughout OJP and consolidating administrative offices will help us to ensure procurement methods that are uniform, uniform policies and procedures across OJP, which in turn will assist us in streamlining our management and producing cost savings.

Fourth, instituting an OJP-wide automated grant management system to improve efficiency and consolidating all our information technology services under a new chief information officer, whom we've recently hired. We believe that will go a great length to improve our ability to manage grants and improve the ability of our customers to access our services and to negotiate the maze which is OJP.

Fifth, we want to become more retail orientated, more customer friendly. We want to focus more on results and improving service to our customers. This will include examining our current functions that could be contracted out to increase efficiency, to improve our interaction with grantees, and to maximize the utilization of taxpayer resources.

Sixth, we want to centralize communications within OJP to better coordinate the release of information, data, and publications, eliminate duplication, and flag potentially contradictory findings.

Seventh, we need to improve the coordination of our legislative, statutory, and regulatory activities and reviews by centralizing the authority for these activities within OJP's Office of General Counsel.

And finally, consolidating and coordinating many currently overlapping functions to reduce the duplication that results in fragmented grant programs, confusion both within OJP and out in the field, and a misuse of taxpayer resources.

In addition, Mr. Chairman, at your request, the OJP staff has examined the programs which are administered by OJP, by other Justice Department offices, and by other Federal departments, to identify areas of overlap and duplication. We have compiled a great deal of information for you, which I know will be forthcoming. I'm sorry we could not have it to you before this movement.

But our review found that OJP administers a number of programs that share certain characteristics or purposes with other OJP department and other Federal agency programs. But no OJP program actually duplicates any other such program in every particular.

Most, however, share a fundamental focus, such as service to victims of crime, addressing juvenile justice issues, delinquency issues, or improving technology, with at least one other entity either within OJP, outside OJP but within the department, or in some other Federal agency.

However, most of these programs that are administered by OJP have specific statutory goals and purposes that while they minimize the potential—for precise duplication of effort, they somewhat diffuse the potential impact of our effort to assist the field, because they are somewhat duplicative and overlapping of other programs.

To address this issue of overlap, we have worked already to collaborate with other agencies of the Department of Justice as well as other Federal agencies on programs involving similar areas of interest and authority.

One recent example is our serious and violent offender reentry initiative, in which we're collaborating with the National Institute of Corrections within the Department of Justice. It involves a collaboration within OJP of our Office of Corrections and our Juvenile Justice Agency, and also, the other U.S. Departments of Education, Labor, HHS, and Housing and Urban Development.

We continue to look for areas of possible collaboration to reduce duplication and overlap, such as this one, and to also enhance communities' access to Federal funds. We believe this a way to address the issues that you've raised today.

In conclusion, Mr. Chairman, the terrorist attacks of September 11th, and the threat of continued terrorist activity on American soil, have made it even more urgent that OJP streamline and coordinate its efforts, that it maximize its resources, that it improve its services, and it collaborate extensively with other agencies of the Federal Government. To ensure that America's front-line defenders, our State and local public safety officers, have the re-

sources they need to protect our liberties and to safeguard the Nation's internal security.

I assure you, Mr. Chairman, that I and the other members of our OJP leadership team stand ready to work with the Congress to achieve these goals. I've provided the Subcommittee with a more extensive written statement, and I would ask that it be included in the record. And I'd be pleased to respond to questions either now or at the conclusion of this testimony, at the wish of the Committee. Thank you.

[The prepared statement of Ms. Daniels follows:]

PREPARED STATEMENT OF THE HONORABLE DEBORAH J. DANIELS

Mr. Chairman and Members of the Subcommittee: I am pleased to have the opportunity to discuss with you this Administration's efforts to improve the structure and operations of the Office of Justice Programs (OJP). We appreciate your interest in and support for these efforts to eliminate duplication and waste, streamline our management and operations, improve our accountability for taxpayer dollars, and ensure optimal service to the public in the 21st Century.

OJP OVERVIEW

As you know, Mr. Chairman, OJP was established by the Justice Assistance Act of 1984, and reauthorized in 1988, to provide federal leadership in developing the nation's capacity to prevent and control crime, administer justice, and assist crime victims. Its origins go back to the 1960s, however, and a series of individual enactments over time that created the various sub-agencies of what is now OJP.

OJP strives to make the nation's criminal and juvenile justice systems more responsive to the needs of state, local, and tribal governments and their citizens. OJP partners with federal, state, and local agencies, as well as national and community-based organizations, to develop, operate, and evaluate a wide range of criminal and juvenile justice programs. To accomplish its mission, OJP administers a mix of formula and discretionary grant programs and provides targeted training and technical assistance on "what works" and "best practices."

CURRENT OJP ORGANIZATION

OJP's organizational structure is unique. As a result of various authorizing statutes and funding mandates by Congress, OJP currently consists of five bureaus, six program offices, and seven administrative offices. The OJP program bureaus are:

- The *Bureau of Justice Assistance (BJA)* provides funding, training, and technical assistance to state and local governments to combat violent and drug-related crime and to help improve the criminal justice system. Its programs include the Edward Byrne Memorial State and Local Law Enforcement Assistance formula and discretionary grant programs and the Local Law Enforcement Block Grants (LLEBG) program.
- The *Bureau of Justice Statistics (BJS)* collects and analyzes statistical data on crime, criminal offenders, crime victims, and the operations of justice systems at all levels of government.
- The *National Institute of Justice (NIJ)* supports research and development programs, conducts demonstrations of innovative approaches to improve criminal justice, develops new criminal justice technologies and standards for law enforcement equipment, and evaluates the effectiveness of OJP-supported and other justice programs.
- The *Office of Juvenile Justice and Delinquency Prevention (OJJDP)* provides grants and contracts to states to help them improve their juvenile justice systems and sponsors innovative research, demonstration, evaluation, statistics, replication, technical assistance, and training programs to help improve the nation's understanding of and response to juvenile violence and delinquency.
- The *Office for Victims of Crime (OVC)* administers victim compensation and assistance grant programs created by the Victims of Crime Act of 1984 (VOCA). OVC also provides funding, training, and technical assistance to improve the nation's response to crime victims.

- The *Violence Against Women Office (VAWO)* coordinates the Department of Justice's initiatives relating to violence against women and administers grant programs to help prevent, detect, and stop violence against women.
- The *Corrections Program Office (CPO)* provides financial and technical assistance to state and local governments to implement corrections-related programs, including correctional facility construction and corrections-based drug treatment programs.
- The *Drug Courts Program Office (DCPO)* supports the development, implementation, and improvement of drug courts through grants to local or state governments, courts, and tribal governments, as well as through technical assistance and training.
- The *Executive Office for Weed and Seed (EOWS)* helps communities build stronger, safer neighborhoods by implementing the Weed and Seed strategy, a community-based, multi-disciplinary approach to combating crime and revitalizing crime-plagued neighborhoods.
- The *Office of the Police Corps and Law Enforcement Education (OPCLEE)* provides college educational assistance and training to individuals who commit to public service in law enforcement.
- The *Office for Domestic Preparedness (ODP)* currently is responsible for enhancing the capacity and capability of state and local jurisdictions to prepare for and respond to incidents of domestic terrorism involving chemical and biological agents, radiological and explosive devices, and other weapons of mass destruction (WMD). As you may know, the Administration is proposing transfer of ODP's funding and functions to FEMA in 2003.

In addition, OJP's *American Indian and Alaskan Native Coordinator (AI/AN)* improves outreach to tribal communities and coordinates funding, training, technical assistance, and information dissemination to tribal governments.

REORGANIZATION EFFORTS

OJP has been one of the fastest growing federal agencies this past decade, with its resources more than quadrupling and reaching an annual appropriation level of over \$4 billion. Today, OJP is overseeing more than 40,000 grants valued at over \$20 billion.

However, as new programs and funding streams were added to OJP over the years, there was not appropriate planning to ensure that an effective infrastructure was in place. The result is a decentralized, inefficient, and overlapping bureaucracy. Under the current organizational structure, the OJP bureaus and offices often do not communicate, coordinate, or collaborate. This has resulted in lost opportunities for responding to crime, assisting law enforcement, and providing services to victims; and considerable frustration within the criminal justice community, as well as within the OJP.

As you know, Mr. Chairman, efforts to reorganize OJP have been underway for several years. In 1997, the Congress began an examination of the OJP infrastructure and the statutory framework that has shaped that infrastructure for the past 14 years. As the Congress noted in the conference report accompanying the Justice Department's fiscal year 1998 appropriations bill, since 1995, funding for OJP programs had grown by 213 percent, from \$1.1 billion to over \$3.4 billion. The conferees asked the OJP Assistant Attorney General to report on "the steps OJP has taken" and to recommend "additional actions" to ensure coordination and reduce duplication and overlap among the OJP components. Responding to that request, the OJP Assistant Attorney General submitted a report to the Congress that presented options for improving coordination in OJP grant administration.

However, in October 1998, Congress expressed further concern about the OJP structure and, in the conference report that accompanied the fiscal year 1999 Justice Department appropriations bill, the conferees asked the OJP Assistant Attorney General to develop a plan for a new organizational structure for OJP. OJP's proposed reorganization plan was submitted to the Congress in March 1999.

In November 1999, in the conference report accompanying the fiscal year 2000 Justice Department appropriations bill, the Congress asked the OJP Assistant Attorney General to submit to the Congress a "formal reorganization proposal" to implement selected components of OJP's March 1999 proposed reorganization plan. Consequently, in February 2000, the proposed new structure for OJP was forwarded to the Congress for its review. In April 2000, Congress approved the proposal. However, the former OJP leadership did not move forward to implement the new organizational structure. Thus, in 2002, OJP operates under the same structure that existed in 1997.

CURRENT GOALS AND OBJECTIVES

In the aftermath of the September 11th attacks on America, improving OJP's ability to assist state and local law enforcement has taken on a new urgency. To assist in safeguarding our nation's internal security, as well as to continue to assist in the fight against more traditional crime, OJP must maximize efficiency, minimize waste, and identify ways to get the greatest possible number of dollars out to the field as promptly as possible. These are the goals of Attorney General Ashcroft and all of the current OJP leadership, and I believe, Mr. Chairman, that you and the Members of this Subcommittee share those goals.

At the same time, the current Department and OJP leadership recognize that reorganization of OJP should be more than just streamlining and creating efficiencies and coordination. Reorganization should strive to improve OJP's overall responsiveness to the criminal justice field, states and localities, individual citizens, and Congress. Reorganization must also leverage federal funds to the greatest extent possible, in order to ensure the wise investment of taxpayer dollars.

In addition, OJP's reorganization should meet the charge President Bush set for federal agencies to promote "an active but limited government; one that empowers states, cities, and citizens to make decisions; ensures results through accountability; and promotes innovation through competition. The primary objective must be a government that is citizen centered, not bureaucracy centered; results-oriented, not process-oriented, and market-based, actively promoting, not stifling, innovation and competition."

To guide these reorganization efforts, the current OJP leadership has developed four strategic goals. These are:

- Improve responsiveness, assistance, and accountability to all OJP customers.
- Eliminate duplication and overlap.
- Ensure measurable grant and program outcomes.
- Enhance communication, cooperation, coordination, and efficiency.

We also have developed a set of corresponding objectives to meet those goals. These are:

1. Objective: *OJP should have a strategic plan that reflects statutory requirements and the mission and goals of the President and the Attorney General.* This plan will ensure meaningful outcomes, appropriate fiscal management, and accountability. It also will result in improved communication, coordination, and collaboration among the OJP components to ensure the wise investment of taxpayer dollars and provide real progress and improvement in the criminal justice field.

2. Objective: *The statutes governing OJP's bureaus and program offices should be amended to provide that all authority resides in the Attorney General rather than in the Assistant Attorney General or in program heads.* This consolidation would help meet the Congressional mandate to "ensure centralized management" of OJP's activities. Congress has already taken significant steps to consolidate the administrative authority of OJP in past appropriations bill, and most recently in the USA Patriot Act. This centralization of authority, support, and program functions would help OJP become a collaborative, coordinated set of programs.

3. Objective: *Management policies and procedures should be standardized throughout OJP.* To improve organizational management and performance, the numerous administrative offices should be consolidated. In addition, standardization would ensure uniform procurement methods, policies, and procedures across OJP, improving and streamlining management and producing cost-savings throughout the agency.

4. Objective: *An OJP-wide grant management system should be instituted.* Many OJP grants are still processed on paper. Only a handful are automated. We are moving forward to fully automate the process and to utilize a single, comprehensive grant management system for all grant programs. This would allow applicants to apply on-line and for grantees to submit periodic financial and programmatic reports on-line, as well. To help accomplish this objective, we recently appointed a new Chief Information Officer (CIO) for OJP and proposed to the Congress that all information technology services be consolidated under the CIO's authority.

5. Objective: *OJP should be "retail-oriented."* Instead of focusing on internal processes, hierarchy, and "stovepipes," OJP should focus more on results, communication, and partnerships. We are working to eliminate internal barriers to accomplishing this objective so that OJP can be more responsive to the needs and questions of grantees, as well as the overall criminal justice, public safety, and victim assistance fields. In addition, we also propose examining current internal OJP functions that could be contracted out to increase overall efficiency, maintain or improve interaction with grantees, and maximize the utilization of taxpayer resources.

6. Objective: *Centralized communication should be established at OJP.* Currently, there is little internal coordination of information, data, publications, etc. This has led to the dissemination by OJP of duplicative and even contradictory information. To achieve more centralized communication, we have proposed centralizing the Congressional liaison, media information, and publishing functions of OJP. This would assist in eliminating duplication and flagging contradictory findings. However, this centralization would not affect the objectivity of research at the National Institute of Justice or statistical collections of the Bureau of Justice Statistics.

7. Objective: *Improved coordination of legislative, statutory, and regulatory activities and reviews.* We have proposed centralizing authority for these activities within OJP's Office of General Counsel. This would result in strengthened oversight of grantee compliance with statutory requirements, eliminate confusion in drafting legal opinions and legislative analyses, and ensure consistent interpretations of legal and legislative matters.

8. Objective: *Consolidate and coordinate currently overlapping functions.* OJP's December 1997 report to Congress identified significant duplication of issues and programs within OJP. Initiatives are undertaken by bureaus or program offices without knowing of ongoing work in other parts of OJP. The 1997 report pointed out the significant duplication that exists within OJP:

- at least 4 OJP bureaus and 1 OJP office work on domestic violence issues;
- all 5 OJP bureaus and at least 1 OJP office address child abuse;
- at least 3 OJP bureaus and 1 OJP office address juvenile drug use;
- at least 4 OJP bureaus and almost all OJP offices address youth violence.

We also recently discovered that at least 1 OJP bureau and 2 OJP offices were working on offender re-entry programs. This duplication and overlap result in fragmented grant programs, confusion both within OJP and in the field, and a misuse of taxpayer resources.

Therefore, we have proposed consolidating similar programs and grant activities. For example, we have proposed moving the Drug Court Program Office (DCPO) under the umbrella of the Bureau of Justice Assistance (BJA). While training and technical assistance for drug courts is primarily provided by DCPO, the majority of drug court funding is provided through BJA's block grant programs. By consolidating drug court programs within BJA, we can better coordinate our efforts and maximize our effectiveness in delivering these services to the field.

As you know, Mr. Chairman, we recently submitted a report to the Congress describing this Administration's goals and objectives to improve OJP's operational effectiveness, improve OJP's accountability, reliability, and efficiency of its programs, and improve how OJP serves and informs its constituencies. This report also complies with instructions from Attorney General Ashcroft directing OJP to make its grant processes more efficient and accountable, and to target its resources to maximize public benefit; and takes into consideration recommendations and suggestions made by our partners in the field over the past several years.

ADDRESSING DUPLICATION

Mr. Chairman, I know you and this Committee are concerned about the problem of duplication among the OJP bureaus, offices, and programs. I agree that this issue is particularly troubling. Duplication and overlap waste valuable government resources, significantly contribute to inefficiency, and shake citizens' trust and confidence in their government and its management.

To begin to address this problem within OJP, OJP staff have recently examined the programs administered by OJP and by other Department offices and agencies, and researched programs administered by other federal departments. Given the large number of programs that OJP administers, programs were grouped in seven broad purpose areas. These are: (1) juvenile justice and school violence; (2) family violence and violence against women; (3) law enforcement technology and information sharing; (4) victims of crime; (5) corrections and offender management; (6) substance abuse and drug prevention, and (7) law enforcement assistance.

Our review indicated that OJP administers a number of programs that share certain characteristics or purposes. Although no program administered by OJP actually duplicates any other such program in every particular, most do share a fundamental focus (such as service to victims of crime, addressing the issues of juvenile justice and delinquency, or improving technology) with at least one other. Most of the programs administered by OJP have specific statutory goals and purposes that minimize the potential for precise duplication of effort, but lead to considerable overlap.

It should be noted, for example, that the majority of activities and purposes encompassed by these programs well could fit within the broad framework of the Ed-

ward Byrne Memorial State and Local Law Enforcement Assistance Programs and the Local Law Enforcement Block Grant (LLEBG) Program. The 28 purpose areas of the Byrne Program and the seven purpose areas of the LLEBG Program are broad enough and flexible enough to support nearly all the initiatives and activities authorized through other programs administered by OJP. There is even duplication between the purpose area of the Byrne Program and LLEBG, which is why the President's Fiscal Year 2003 budget proposes to consolidate them into a unified Justice Assistance Program.

In the area of Juvenile Justice and School Violence (Category 1), OJP has identified several programs that have substantial similarities:

- Internet Crimes Against Children Task Force Program
- Child Abuse Investigation and Prosecution
- Children's Justice Act Tribal Grant Program
- Rural Domestic Violence and Child Victimization Enforcement

Each of these programs supports efforts to assist communities, organizations, and agencies in preventing and responding to child abuse or child sexual abuse.

In the area of Law Enforcement Technology and Information Sharing (Category 3), OJP has identified two programs that have substantial similarities:

- Crime Laboratory Improvement Program
- Paul Coverdell Forensic Sciences Improvement Grant Program

Both programs support improvement in the capabilities and operation of state forensic labs. While the Crime Lab Improvement Program is a broad program supporting laboratory access to specialized forensic services and improving cooperation and communication between and among jurisdictions, the Coverdell Forensic Sciences Improvement Grant Program supports improvement in the timeliness and quality of forensic science or medical examiner services in the states. Both of these programs support improvements in the operational efficiency and quality of services provided by non-federal crime laboratories.

In the area of Substance Abuse and Drug Prevention (Category 6), OJP has identified three programs that have substantial similarities:

- Gang-Free Schools and Communities Program
- Drug Prevention Demonstration Program
- Tribal Youth Program

Each of these programs supports efforts to reduce juvenile drug use or delinquency through education and counseling.

OJP also has identified one program that can be considered to be authorized by more than one statutory provision. Funding for drug courts is authorized explicitly by at least three provisions, and could be authorized under at least three Byrne program purpose areas.

In addition, although OJP is the primary component within the Department of Justice (DOJ) responsible for administering grants, a number of grant programs are administered by DOJ offices other than OJP. Most of these programs do not substantially duplicate the programs administered by OJP. There are, however, several DOJ programs that have significant similarities in their purposes or operation when compared with OJP programs. Examples of these include the Office of Community Oriented Policing Services' (COPS) Cops in Schools program and Innovative Community Policing grants.

Moreover, there are a number of programs administered by other federal agencies that are similar to programs administered by OJP. In the area of Juvenile Justice and School Violence (Category 1), these include the Department of Education's Safe and Drug Free Schools Program, the Bureau of Alcohol, Tobacco, and Firearms' Gang Resistance Education and Training (GREAT) Program, and the Department of Health and Human Services' Children's Justice Act Tribal Grant Program and Demonstration Grants for the Prevention of Alcohol and Drug Abuse Among High-Risk Populations. OJP also has identified:

- 19 different programs that address Family Violence and Violence Against Women (Category 2);
- 26 programs and grants that can be used for Law Enforcement Technology and Information Sharing (Category 3);
- 14 programs for Victims of Crime (Category 4);
- 8 programs in other federal agencies in the area of Corrections and Offender Management (Category 5);

- 14 OJP and numerous other federal programs related to Substance Abuse and Prevention (Category 6); and
- 33 different OJP programs in the area of general Law Enforcement Assistance (Category 7), as well as programs administered by COPS, DOJ's Drug Enforcement Administration, and the Department of Housing and Urban Development.

To address the issue of overlap, OJP has worked to collaborate with other federal agencies on programs in areas of similar interest and authority. Examples include the new Serious and Violent Offender Reentry Initiative, a collaboration among OJP, DOJ's National Institute of Corrections, and the Departments of Education, Labor, Health and Human Services (HHS), and Housing and Urban Development; the Safe Schools/Healthy Students Initiative, a collaboration among OJP's Office of Juvenile Justice and Delinquency Prevention, the Department of Education, and HHS; and the Regional Information Sharing System (RISS), which involves a collaboration among OJP, the FBI, Internal Revenue Service, the U.S. Customs Service, the U.S. Secret Service, and the Bureau of Alcohol, Tobacco, and Firearms. In addition, to further research in the area of criminal and juvenile justice, OJP collaborates with such agencies as the National Institutes of Health and the Centers for Disease Control and Prevention. OJP continues to look for areas of possible collaboration to reduce duplication and overlap and to improve communities' access to federal funding.

CONCLUSION

The terrorist attacks of September 11, 2001, and the threat of continued terrorist activity on American soil have made it even more urgent that OJP streamline and coordinate its efforts, maximize its resources, and improve its services to ensure that America's front line defenders, our state and local public safety officers, have the resources they need to protect our liberties and safeguard the nation's internal security. In addition, we must maximize the use and availability of our resources in the more traditional crime-fighting, victim assistance, and delinquency prevention activities that constitute remainder of OJP's mission. I want to assure you, Mr. Chairman, that I and the other members of the current OJP leadership stand ready to work with the Congress to meet these goals.

Mr. SMITH. Thank you, Ms. Daniels.

The entire opening statements of all witnesses will be included in the record, without objection.

Dr. Jones.

STATEMENT OF NOLAN JONES, NATIONAL GOVERNORS ASSOCIATION, WASHINGTON, DC

Mr. JONES. Thank you, Mr. Chairman, Members of the Committee. Let me thank you for this opportunity to appear before you.

I have submitted my written statement, as you said, for the record, so I'll take a few minutes just to summarize those statements pursuant to your letter of invitation.

Let me say from the beginning that the National Governors Association does not have an official policy on any of the reorganization plans. So my testimony today sort of will outline several programs, not all programs that are going to the States, such as Byrne, SCAAP, prison grants, juvenile justice, Office of Domestic Preparedness.

I want to talk a little bit about the necessity of coordinating all these plans and coordinating them through the State government. And finally, I will give some guidance that we've come up with for reorganization.

The Byrne program, Mr. Chairman, that was started earlier—at the beginning of this program, we talked about it being some two or three decades, back in the late—early '70's, was called the Justice Assistance Grants Program, and it was this program that pro-

duced many of the offices and institutes that are currently at OJP, programs such as juvenile justice, community policing and many of the drug programs, like the treatment alternative to street crime was started with Byrne grants, just to name a few.

All of these programs are coordinated—currently, some of them are coordinated through the Office of Justice Programs.

Later, we had programs outside of Byrne coming through the crime bill added, such as prison grants, State Criminal Alien Assistance Program, the SCAAP program, and then later, the addition of the juvenile accountability block grant, and the Office of Domestic Preparedness.

These are programs coming to the State from different offices within the Office of Justice Programs. Then there is the program, the Local Law Enforcement Block Grant, which I will single out, and talk about a few minutes.

The funds are sent directly to local governments. The States have no role except for some minor residual funds. Most of the States don't know which communities get funds, how much they will receive, what they will use them for.

This has produced frustration at the State level, where they would like to take a holistic look at the crime problem and how the funds are spent. This is bad for local government programs, because some of the local governments did not accept their share of these grants and—because they couldn't afford the match requirements. I talked with several of the States and they said, had they known this, they would've been happy to try to help them with their match requirement had they known these programs needed match requirements.

After the two or 3 years of these program monies, and many times these groups come to the States seeking to continue the programs, whereas they haven't nurtured the States and gotten the States involvement beforehand, trying to get them to accept these programs.

Most recently, after the attacks of September 11th, but it was even clear beforehand, many locals had been using their funds to purchase communications equipment. What became clear was that the equipment they were purchasing was not compatible, even with their neighboring and surrounding jurisdictions. States had been trying to take up the issue of providing standardizing equipment and purchasing standardized equipment.

I've also heard from States who said that they had no idea of what was going on with such programs as drug courts within the State, the Weed and Seed program that's within many States that the States say that they have no involvement with, and the school resource office, to just name a few.

Let me say, Mr. Chairman, that it wasn't in many instances that the States even wanted to control the funds of these programs they would just like to know about them, like to be a part of them, and would like to offer comments on these programs as they are coming into the States.

Therefore, I would say that any reorganization plan must be in tune with how programs are administered by the States and the problems caused by passing money directly to local governments.

Of course, the programs themselves may be even legislative funded, like LLEBG.

But what we're saying that where possible, maybe the administration of these programs should try to coordinate as much as possible with State-level programs.

In conclusion, Mr. Chairman, let me say some principles I would say that you should keep in mind when you're thinking about reorganization of the Office of Justice Programs.

First, number one, programs should have clear guidance for States about application, evaluation, and accountability. Policy directives should be understood so that State officials can develop a close relationship with our Federal partners in promoting the programs' objectives.

Number two, rules and guidance relating to similar programs should be consistent.

Number three, the agencies should be able to expedite the process of getting information concerning new grant programs and technical assistance and training resources out to the appropriate State agencies. It is important that States receive rules and guidance in a timely manner.

Number four, the agency or department, where possible, should promote the flexible use of funds, understanding that States may not approach a particular problem in the same manner.

And number five, finally, the agency should, where possible, facilitate cooperation between State and local jurisdictions. In providing technical assistance, our funding of programs for local government, Federal agencies must always coordinate with their appropriate State agencies.

Mr. Chairman, I will be happy to answer any questions, and thanks again for this opportunity to address you.

[The prepared statement of Mr. Jones follows:]

PREPARED STATEMENT OF NOLAN JONES

Thank you Mr. Chairman for this opportunity to testify this afternoon. First, let me say that I will not take a position on behalf of the National Governors Association (NGA) on any reorganization plan that has been prepared for the U.S. Department of Justice Office of Justice Programs (OJP). I plan to discuss how certain programs administered by OJP operate and have benefited states over the years. Furthermore, I want to focus on the need for states to coordinate all programs and funding from the federal government to local jurisdictions and programs. The *Local Law Enforcement Block Grant (LLEBG)* program is an example of a program that by-passes states.

Over the years, there have been several programs develop to assist states in fighting crime. Among them are the Byrne Memorial Grant program, the Juvenile Justice Program, the Violent Offender Incarceration and Truth-In-Sentencing Grants (VOI/TIS), the State Criminal Alien Assistance Program (SCAAP), the Juvenile Accountability Incentive Block Grants (JAIBG) program, and the Office of Domestic Preparedness Program.

EDWARD BYRNE MEMORIAL STATE AND
LOCAL LAW ENFORCEMENT ASSISTANCE PROGRAM

The most essential crime fighting program over the years has been the Edward Byrne Memorial Grant program, which is administered by the Bureau of Justice Assistance (BJA) in OJP. This program began with the 1968 Crime Act as a justice assistance block grant, and evolved over the years, making grants to states for enforcing state and local laws to improve the functioning of the criminal justice system in attacking violent crime and serious offenders. Grants provide for additional personnel, equipment, training, technical assistance, and information systems for the apprehension, prosecution, adjudication, and detention and rehabilitating of persons

who violate state law, and to assist the victims of such crimes. This program, now called the Byrne grants, has changed over the years with reauthorization and allowable uses of grant funds. In fact, many current programs now functioning as Institutes or Offices within OJP were developed and tested in states with Byrne funds. The experimentation and innovation by states produced many significant and lasting criminal justice initiatives. For example: before there was a federal juvenile justice and delinquency prevention grant program established in the Justice Department, justice assistance block grant funds to states were used to create the first community-based youth services bureaus for troubled youth and to establish juvenile officers in police agencies. Before federal drug treatment block grants were available from the Department of Health and Human Services, justice assistance block grant funds were used to develop and test drug testing protocols to screen arrestee and correctional populations and treatment programs for incarcerated drug-dependent offenders.

Other initiatives that used justice assistance funding given to states by the federal government were: intensive supervision probation and alternative to prisons, career criminal programs, and AIDS awareness training for law enforcement. Also, subsequent Byrne Memorial grants have supported the development of management information systems, crime statistics data collection, case tracking protocols, personnel development and training curricula, and community oriented policing. Since the September 11th attacks, Byrne funding has enabled states to provide assistance to first responders in equipment upgrades and technical assistance.

States have been able to experiment and promote these innovations because Byrne funds are very flexible in their allowable use and have been measured by the program outcomes and productivity. This is truly states serving as a laboratory in the criminal justice system. Programs that have been successful, such as community oriented policing, have been expanded on a national level by the federal government.

One of the best initiatives coming out of the justice assistance grant and subsequently Byrne grants program has been the advancement of planning within the criminal justice system. The first grants called for states to do system wide planning about criminal justice. For the first time in many states, prosecutors, police, judges and correctional officials were brought together to discuss ways of improving the criminal justice system. Governors appointed councils made up of individuals from these various state and local criminal justice agencies to focus on developing better crime fighting programs. Also, Governors established administrative staff to assist these councils in various ways of data gathering, technical assistance, and to promote their working together effectively as a system. These are the state agencies that distribute the Byrne grants funds in most states, which allows for innovative crime fighting program development.

JUVENILE JUSTICE PROGRAM

In 1974, Congress passed the Juvenile Justice and Delinquency Prevention Act (JJDP) with a grant program to promote the Act's objectives. The original objectives were twofold: to bring about the removal of status offenders from secure correctional institutions, and to assure that adult and juvenile offenders were separately confined in correctional facilities. A third objective was added to prohibit the detention of juveniles in jails and lockups intended for adult offenders. Subsequently, a fourth objective was added that asked states to examine biases in correctional placement based on race and income. Continuous funding of the Juvenile Justice program under the JJDP Act has assisted states in meeting these objectives. Although the program is small in the federal scheme, continued funding demonstrates that federal commitment, along with leadership by states, have helped to meet the objectives of the Act. Currently, the JJDP Act programs are administered by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) within the Office of Justice Programs at the Department of Justice.

PROGRAMS IN THE 1994 CRIME BILL: VOI/TIS, JAIBG AND SCAAP

The Violent Crime Control and Law Enforcement Act, known as the 1994 Crime Bill, provided assistance to states through several programs. One program was the *Violent Offender Incarceration and Truth-In-Sentencing (VOI/TIS) Incentive* grants program, which provided funds to states for expanding prison bed space for violent offenders, and to make sure that all convicted felons served the maximum sentence imposed by the state law. This program was managed by the Corrections Program Office within the OJP. This program was not funded for fiscal year 2002, and the President budget does not request funding for fiscal year 2003. States used VOI/TIS

funds to renovate and expand correctional facilities. Many state are currently in need of funding in this area.

The 1994 Crime Bill created a new juvenile program aimed at the violent youthful offenders. The *Juvenile Accountability Incentive Block Grants (JAIBG)* program is administered by OJJDP in OJP and provides block grants to states for promoting greater accountability in the juvenile justice system. As a results, juvenile offenders face consequences for their behavior that causes injury to persons, and loss or damage to property. JAIBG funds may be used to develop programs such as graduated sanctions for dealing with the youthful offenders.

Another program that provides assistance to states is the *State Criminal Alien Assistance Program (SCAAP)*, which was enacted by the 1994 Crime bill and is administered by the Bureau of Justice Assistance at OJP. SCAAP provides assistance to state and local governments for part of the costs of incarcerating certain criminal aliens who are being held as a result of state and/or local charges or convictions.

No funds are provided for the program in the fiscal year 2003 President Budget request. Funding for this program is sometimes mistaken to be a grant; however, the funds are a partial reimbursement for the incarceration of aliens, who are the responsibility of the federal government.

LOCAL LAW ENFORCEMENT BLOCK GRANT (LLEBG)

The LLEBG program provides direct funding to approximately 3,500 local jurisdictions. These jurisdictions apply directly to BJA for funding to underwrite projects designed to reduce crime and improve public safety. Most states do not know which jurisdictions are funded. In some cases, they are notified after the funds are awarded. In some instances, states may have funded similar programs in the jurisdictions. The lack of notification and coordination lead to inequitable allocations. It is entirely inconsistent with all current efforts on homeland security. State governments are in the best position to determine overall needs and to formulate statewide crime control strategies that do not exclude one area in favor of another. Moreover, as we all know, crime simply does not respect borders between local jurisdictions.

In addition, states are responsible for financing and administering the corrections, courts, and in many jurisdictions, prosecution, defense, and probation functions of the criminal justice system. In sparsely populated jurisdictions, states also support and provide law enforcement services for rural communities. Most states provide policing for state highway systems and funds and manage laboratory, training, and other support services for local law enforcement agencies.

Already, the majority of states pass through to local governments in excess of two-thirds of their Byrne Memorial grant allocations in any given fiscal year. That is how community policing and other local law enforcement programs got started. Most states provide financial and other types of support for local criminal justice expenditures from other nonfederal sources. Many states contribute funds to help local governments meet federal matching requirements and continue successful program when federal support terminates. It was reported that several local jurisdictions did not apply for LLEBG funds because they did not have the matching funds. When states were informed (after the fact), many said that they would have helped the jurisdiction if they had known.

The urban centers are the principal beneficiaries of crime control program funds. However, time and money spent on fighting crime in the nation's cities should not mean that rural areas are denied the crime-fighting resources that they increasingly require. Directing the LLEBG and other funds to local jurisdictions without informing and processing the grants through states may have the net effect of focusing the national crime agenda exclusively on urban areas while disrupting and undermining state and local cooperation in addressing crime problems overall. The federal government should reach out and encourage state and local governments to work together in developing solutions to their problems.

OFFICE FOR DOMESTIC PREPAREDNESS (ODP)

Finally, the Office for State and Local Domestic Preparedness Support, which is in OJP, provides assistance to states to enhance their capability to prepare for and respond to incidents of domestic terrorism. This office provides grants (without a match) for equipment and technical assistance for state and local response agencies. States prepare a comprehensive plan involving local responders that must be approved by ODP for funding. The events of September 11, 2001 have enhanced the significance of this office.

PRINCIPLES FOR REORGANIZATION

Mr. Chairman, I must emphasize again that NGA does not have a position on any reorganization plan or the placement of any program in a federal agency or department. However, here are some suggestions about placement and program management principles to keep in mind while developing a reorganization structure.

1. Programs should have clear guidance for states about application, evaluation and accountability. Policy directives should be understood so that state officials can develop a close relationship with their federal partners in promoting the program's objectives.
2. Rules and guidance relating to similar programs should be consistent.
3. The agency should be able to expedite the process of getting information concerning new grant programs and technical assistance and training resources out to the appropriate state agencies. It is important that states receive rules and guidance in a timely manner.
4. The agency should, where possible, promote the flexible use of funds understanding that states may not approach a particular problem in the same manner.
5. The agency should, where possible, facilitate cooperation between state and local jurisdictions. In providing technical assistance or funding of programs for local governments, federal agencies must always coordinate with the appropriate state agencies. There should not be any direct assistance to local governments or agencies without state coordination.

Mr. Chairman: Again thank you for this opportunity to testify. I will be happy to answer questions at the appropriate time.

Mr. SMITH. Thank you, Dr. Jones.
Ms. Robinson.

STATEMENT OF LAURIE ROBINSON, FORMER ASSISTANT ATTORNEY GENERAL, OFFICE OF JUSTICE PROGRAMS, U.S. DEPARTMENT OF JUSTICE

Ms. ROBINSON. Mr. Chairman, Mr. Scott, Mr. Chabot, and Mr. Keller, thank you very much for the opportunity to be here this afternoon.

I had the opportunity and the privilege to serve for nearly 7 years as Assistant Attorney General of OJP and, as the Chairman has noted, during that time the budget increased from \$800 million a year to over \$4 billion. Pretty massive growth.

From my experience, it is clear that OJP's structure and the fact of more than 60 separate funding streams does hinder its ability to advance a coordinated program that is effective and that is free of duplication. So I commend all of you for addressing this issue. I think that the goal of ensuring responsiveness to principles of good government and sound management is one that all of us, regardless of party, can share.

I should state at the outset that I am a very enthusiastic supporter of the Federal criminal justice assistance program. I think it has a tremendously important leadership role to play in helping provide States and localities with ideas, with technical assistance, with funding to address crime.

What, then, are the real problems, the core problems? In contrast to the Law Enforcement Assistant Administration, LEAA, program back in the 1970's, which was an integrated organization with clear, functional divisions, centralized authority and very few funding streams, OJP has operated, as we're hearing this afternoon, with decentralized policymaking and enormous statutory overlap in the responsibilities that each of these offices have.

This structure has created problems that include difficulty in developing a corporate vision of how to advance the agency's mission, often overlapping substantive initiatives, as we've heard, and a maze-like structure that is very daunting for State and local customers to follow through.

All of this together results in lost opportunities for responding to crime, most basically. And what's needed is to move OJP to a more cohesive, centralized management structure comprised of coherent components with distinct functions that share a common mission.

As we've heard this afternoon, a few steps have been taken. In 1998, Congress, for the first time, gave the Assistant Attorney General all programmatic grant-making authority within the agency and also directed the development of the reorganization plan that was sent to Congress in 1999.

That report's goals, if I can touch on these for a moment, reflect what I think are Management 101 principles of achieving coordination: consolidate program work by topic; place all of the research in one component, all the statistics in another; centralize authorities; reduce the number of separate decision-makers, i.e., the presidential appointees; set up a one-stop shop information point of OJP customers; and create some kind of geographically based operation, what we called State desks, like an Iowa desk. For example, to handle all of the grant management and monitoring for that particular State.

Now, there's no magic about these particular organizational boxes that we suggested. But what is important are underlying principles of an integrated, centrally managed organization.

Let me offer five specific recommendations, and I have additional ones in my written statement, Mr. Chairman.

First, I would encourage you all to review carefully the proposals that already have been advanced, including the 1999 report and the proposals Assistant Attorney General Daniels has recently released.

Second, I would encourage you to look at a two-pronged legislative action plan on a faster track to give the Assistant Attorney General at OJP any additional statutory authority needed now to achieve consolidations in streamlining. But then, on a longer term track, I would encourage to consider developing from the ground up a new Federal criminal justice assistance program. And here I would urge you to look back at the 1968 Safe Streets Act that created LEAA for the structure of a much simpler program with very few funding streams.

Third, I think it's important to recognize the fundamental difference between program work and research and statistics, as you proceed. While it's important to work to integrate knowledge-building functions into program development—in fact, I think it's essential—it's also crucial to maintain the integrity of research work so that the findings are viewed as credible and objective.

And finally, I would say, Mr. Chairman, the importance of recognizing that changing a huge program like this is tough work. In addition to the challenges of a long-standing bureaucracy, you will be bombarded, if you haven't been already, by dozens of interest groups. I think these are well-intentioned, but often, I would say, they are deeply invested in the status quo of existing agency rela-

tionships and perhaps less interested in the broad oversight questions that the Subcommittee is tackling, namely, how to make an overall government program like this the best that it can be.

So, Mr. Chairman, I appreciate the opportunity to be here. And I would say that despite these challenges, the gravest mistake would be to sidestep the need for change altogether. Thank you.

[The prepared statement of Ms. Robinson follows:]

PREPARED STATEMENT OF THE HONORABLE LAURIE O. ROBINSON

Mr. Chairman and Members of the Subcommittee:

I appreciate the opportunity to be here today to talk about coordination and duplication issues relating to the Justice Department's Office of Justice Programs (OJP).

The size and scope of the federal criminal justice assistance program—charged with responsibility for effective stewardship of substantial criminal and juvenile justice initiatives—is enormous: During the nearly seven years (1993–2000) I served as Assistant Attorney General for OJP, the agency's annual budget grew from \$800 million to over \$4 billion. In the year I departed, OJP was administering some 42,000 grants totaling over \$23 billion.

From my experience, however, it is clear that OJP's unusual and unwieldy structure—coupled with the more than 60 often overlapping funding streams it administers—hinders its ability to advance a rational, integrated, customer-friendly program to help states and localities fight crime. For that reason, I commend the Subcommittee for addressing this issue. The goal of ensuring responsiveness to principles of good government and sound management is one all of us, regardless of party, can share.

REFLECTING ON HISTORY

Criminal justice in the United States has historically been, and still remains today, largely a state and local enterprise. While the federal government has remained a somewhat limited partner, its involvement in assisting state and local criminal justice has grown dramatically over the past four decades, from origins in 1965 in a small Office of Law Enforcement Assistance (OLEA)—with an annual budget of just \$7.5 million—to the multi-billion-dollar Office of Justice Programs today.¹

Over its nearly four decades and across many Administrations, the program has provided leadership on an issue—crime—that is as central as any to the foundations of a civil society. These contributions range from the work of the Law Enforcement Assistance Administration (LEAA) in the 1970s in professionalizing law enforcement through LEEP (the Law Enforcement Education Program); to development of bullet-proof vests and forensic applications of DNA technology in the 1980s; to community-based initiatives like Weed & Seed and drug courts in the 1990s.

During my tenure as Assistant Attorney General, on my way over to Main Justice every day, I used to pass the National Archives building and ponder the quote on the front that reads, "What is Past is Prologue." Prompted by that, in the summer of 1996, I invited past leaders of the federal assistance program to join me in Washington for a day to reflect on their own experiences and share their best thinking on the program's future directions. Representation included individuals from both Republican and Democratic administrations and from virtually every era since 1965. Two themes emerged that day: First, that despite the different periods of the program they represented, the participants shared a common optimism and belief that the federal government *can* make a difference in helping states and localities address the problems of crime affecting our country. And, second, that virtually all attendees, across both parties, believed OJP should be reorganized as a single agency under one presidential appointee, with an integrated program, a "customer service" model, and strong emphasis on knowledge building through research and statistics. That recommendation on a hot July day six years ago served as a catalyst in our efforts to start exploring what we could do, through structural change, to make the federal criminal justice assistance program of today more effective and stronger.

¹It is worth noting, however, that, even with the current high levels of federal grant assistance, federal support constitutes only 4% of state and local spending relating to crime.

INITIAL OBSERVATIONS

Three preliminary points: First, from my own experience in working 30 years in the criminal justice field, I should state at the outset that I am a very strong supporter of the federal law enforcement/criminal justice assistance program. It is my view that the federal government has a significant—and unique—role to play in providing impetus, leadership, and resources to assist state and local governments in addressing crime problems and to help move forward the “state of the art” in criminal and juvenile justice. The federal government is uniquely positioned, in my opinion, to build knowledge through research and statistical work and to provide funding and technical assistance to develop, test, evaluate, and replicate innovative approaches to preventing and controlling crime—in sum, to provide leadership as an innovator and catalyst in this important area of public policy.

Second, whatever the need for structural changes and streamlining at OJP—and there is great need for both—it is important to recognize that the agency’s career ranks include a great many motivated and knowledgeable professionals who are dedicated to the agency’s work and have made significant contributions toward the mission of reducing crime in this country.

And third, in approaching the issue of OJP’s future structure, it is important to recognize that, in fundamental ways, program work differs from research and statistics functions. While looking for ways to achieve needed consolidation and centralization across OJP, it is crucial, as well, to preserve sufficient arms length relationships to ensure that research and statistics work is viewed as objective, credible, and not politically driven. A natural tension clearly exists between integrating knowledge-building functions into the agency’s program development side, on the one hand, and ensuring that their integrity is maintained and some independence preserved, on the other. This requires careful balancing.

WHAT ARE THE PROBLEMS?

In contrast to the LEAA program in the 1970s—an integrated organization with clear functional divisions, centralized authority, and a limited number of funding streams—OJP has evolved over time to operate with six presidential appointees (probably unique across the government in such a small agency), decentralization of policymaking and administrative responsibilities, and enormous statutory overlap in mission and responsibilities among its many bureaus and offices. Thinking of the U.S. Army slogan “Be all that you can be,” it is clear that the federal criminal justice assistance program today is *not* “all that it can be.”

The program’s decentralized structure has created problems that play out principally in four areas:

- *Difficulty in developing a “corporate vision” for advancing the mission of the agency:* Despite the tremendous amount of money that Congress has put into state and local criminal justice, it is difficult, under OJP’s structure, to implement a comprehensive plan for directing funds at key problems. Multiple offices and bureaus have pieces of responsibility, for example, in addressing issues like drugs or gangs. Mounting one comprehensive, integrated program to address these problems requires greater centralization of authorities and a change in the culture of balkanized turf that currently exists in OJP;
- *Often overlapping, substantive criminal justice program initiatives administered by the presidentially appointed heads of those program components:* OJP’s history provides too many examples of individual “fiefdoms” operating independently, uncoordinated in their work, and frequently competitive (or, at times, in “open warfare” with each other). During my tenure at OJP, we put tremendous energy into effecting better coordination through staff working groups, inter-bureau planning efforts, and other devices. However, despite good intentions, these efforts were not enough. Fundamental problems remain. As I described in a 1997 report to Congress, for example, four OJP bureaus and one office worked on corrections; five bureaus were addressing hate crimes; four bureaus and one office were tackling domestic violence, five bureaus and one office were addressing child abuse, and, for a period of years, it seemed every OJP entity was addressing youth violence. In some instances, a specialized function—e.g., statistics collection by BJS—accounts for the involvement of a bureau or office (and it is critical to OJP’s mission that this niche be filled). But even accounting for that, enormous programmatic overlap remains, causing confusion to the field and potentially defusing the impact of limited grant dollars. Even where functional responsibilities appear to be clearly assigned, they are not: the Bureau of Justice Assistance has funded program evaluations; the Bureau of Justice Statistics (BJS) runs a grant pro-

gram; a full research and statistics operation exists in the Office of Juvenile Justice & Delinquency Prevention (OJJDP)—separate from the National Institute of Justice (NIJ) and BJS; law enforcement-related programs are run by BJA, the COPS Office, the Police Corps Office, NIJ, and OJJDP—and this list could go on! And too often in the past, the work of individual bureaus rests on the individual interests of those at the helm, rather than being parts of an overall, coordinated plan.

- *Need for more effective means for resolving internal management issues:* Again, because of decentralized authorities (including in administrative areas, like personnel) and the presence of a large number of presidential appointees in a small agency, if conflicts arise over internal management issues, they are often difficult to resolve. Good management in that situation rests on the diplomacy, “people skills,” and personalities of the individuals involved; that is not a sound way to manage an agency responsible for billions of taxpayer dollars;
- *A confusing labyrinthine structure presents a daunting challenge for state and local officials and criminal justice professionals:* OJP is a difficult organization to navigate—even with the help of a good Web site, programs plans and other guides. During my time as Assistant Attorney General, I conducted a number of constituency focus groups. Over and over, criminal and juvenile justice practitioners and state and local officials articulated frustrations concerning the absence of a central point of contact. The state or local agency administrator in search of funding for a particular initiative may find it necessary to contact each bureau or office of OJP individually to determine the most promising source of support for the effort.

What is the impact of all this? Most fundamentally, it comes down to lost opportunities for responding to crime, such as working to

- Quickly respond to emerging crime challenges (e.g., like methamphetamine);
- Target comprehensive help to a particular jurisdiction facing special needs;
- Amass resources to undertake the important scientific process of demonstrating and evaluating new ideas—with evaluation considered at the front end of program development; and
- Fund programs grounded in research about “what works.”

What is needed is to move OJP from a confusing, decentralized agency to a more *cohesive centralized management structure comprised of coherent components with distinct functions and competencies that share a common mission.*

HAVE ANY STEPS ALREADY BEEN TAKEN TO ADDRESS THESE PROBLEMS?

In fiscal year 1998 Congress, through the appropriations process, directed OJP’s Assistant Attorney General to report on the extent of coordination within the agency and steps being taken to reduce duplication. I submitted a report in December, 1997 to Congress describing the steps that were being taken to reduce fragmentation and develop coordination strategies—such as joint publication of bureau program plans, coordination working groups, and more frequent cross-OJP leadership meetings. The report also spelled out options for potential remedial action, including amendment of OJP’s statutes to consolidate grant-making in the assistant attorney general and, more radically, authorization of a new integrated federal criminal justice assistance program.

In October, 1998, as part of the fiscal year 1999 appropriations for the Department of Justice, Congress directed OJP’s assistant attorney general to develop a plan for a new organizational structure for OJP “. . . with streamlined, consolidated authorities.” In addition, it amended OJP’s statutes to place programmatic grant-making authority for the first time in the assistant attorney general. In response to the directive, OJP conducted outreach to over 50 constituent organizations and practitioners and consulted with persons with the Department, OJP and its bureaus. A report detailing a proposed reorganization was submitted to Congress on March 10, 1999.

A MORE RATIONAL STRUCTURE FOR THE FEDERAL ASSISTANCE PROGRAM

The goals of the reorganization plan submitted to Congress in 1999 were, in many ways, simple. They reflected basic “Management 101” principles of accountability, defined lines of authority, and clarity in definition of component functions. Specifically, the report recommended:

- *Consolidating programmatic work by topical area to avoid duplication and overlap and provide focused thinking—and policy leadership—on key issues* (e.g., administering all corrections grants in one office);
- *Placing all research in one component and all statistical work in another;*
- *Centralizing authorities;*
- *Reducing the number of presidential appointees* so there are not six separate decision makers and policymakers in one small agency;
- *Setting up a “one stop shop” point of contact in OJP* for state and local practitioners to provide information about best practices and available publications, technical assistance, training, and grants—in sum, to serve as a “traffic cop” or “triage point” in helping customers access help from throughout OJP; and
- *Creating “state desks” for grant management* to handle grant monitoring and provide customer assistance on a geographically-organized basis (e.g., an “Iowa desk” where Des Moines’ mayor can learn about all the OJP funding coming into his state). I understand that Assistant Attorney General Deborah Daniels and BJA Director Richard Nedelkoff are moving ahead to structure BJA to set up grant management on a state-by-state basis. I applaud that. However, this needs to be done OJP-wide. Right now, as an illustration, 10 or 12 different OJP staffers separately travel to one New Hampshire state agency to monitor grants there. This makes no sense.

There is no particular magic about the specific organizational boxes we suggested in the March ’99 report or the names we gave them. What is important, however, are the underlying principles of an integrated, centrally managed organization that they reflect.

POTENTIAL NEXT STEPS

The job of overhauling an agency’s structure is daunting. Bureaucracies resist change and are skilled in slowing its pace. Interest groups are frequently invested in the status quo and many receiving substantial funding through long-established relationships with agency staff. Many practitioners express concerns about organizational change, fearing that attention to their issue area will be diminished. But even recognizing those hurdles, attention to the problems—and action—is needed.

Where to start? Let me share several recommendations:

- *Review the specific proposals, and the commentary supporting them, that have already been advanced*, including the March ’99 report and the recommendations Assistant Attorney General Daniels recently announced. The 1999 report, for example, addresses at some length steps that could be taken to better integrate research into the overall agency mission, while still preserving the integrity of research and statistical work;
- *Reach out to experienced state and local practitioners—preferably front line people who are not necessarily current direct OJP grantees—as well as representatives from the academic research community and other past leaders of the federal assistance program* over the last four decades for their perspectives;
- *Undertake a legislative action plan consisting of two steps: First, on a faster track, provide OJP’s Assistant Attorney General with additional statutory authority* to continue consolidation of subject area offices and administrative authorities for areas like personnel. *Second, on a longer term track, consider the option of developing—from the ground up—a new federal criminal justice assistance program.* Here I would recommend you go back to the original 1968 Omnibus Crime Control and Safe Streets Act (Pub. L. 90–351 (Jun. 19, 1968)) to look at the potential structure of a much simpler federal assistance program with limited funding streams and clear division of authorities.
- *As you proceed, I would also recommend focusing particular attention on funding streams and OJP work in the area of technology.* This may be the area of the single greatest confusion in the field about what funding streams exist, how they fit with each other, and how to access them. Right now, that work is scattered through a number of OJP’s bureaus and offices.
- *Keep in mind the importance of maintaining centers of leadership/knowledge in key practice areas.* Practitioners need to feel they have a home “point of contact” in a large federal program—staff who understand and are knowledgeable about their issues and who are responsive to their needs. This is true whether for law enforcement professionals, corrections, the courts, victim assistance providers, or juvenile justice practitioners. This is an important

part of ensuring that OJP is a truly customer-oriented agency. And there are effective ways to provide this kind of “home” within the agency in different areas and yet still operate under a much more cohesive and rational structure.

- *Recognize the natural tensions in a federal program of this kind:* Throughout the history of the federal criminal justice assistance program, healthy tensions have existed: For example, over who makes decisions on funding (Federal agency officials in Washington, based on knowledge about “what works”? Or people “on the ground” at the state and local level who see, close at hand, their real needs?); and between states and localities (Should all funding to cities and counties be passed through the state?). These debates are part of the backdrop for the federal criminal justice assistance program, as they have been for nearly 40 years. Important values are represented by each “side.” Resolving those issues will continue, as in the past, to require delicate balancing.
- *Examine the impact that “earmarking” has had on the federal assistance program in recent years.* Discretionary grant funding is critical if the federal criminal justice assistance program is going to test innovations and evaluate the results—probably a uniquely federal function. Yet, in recent years, most of the central discretionary grant programs for both criminal justice and juvenile justice in OJP have been Congressionally earmarked for specific projects. While many of the programs funded through this process are worthy ones, the extent of earmarking has diminished greatly the agency’s capacity to fulfill central pieces of its statutorily created mission.

Mr. Chairman, thank you for the opportunity to present views to the Subcommittee about the federal criminal justice assistance program. Despite the challenges in tackling the set of issues before you, the gravest mistake, in my view, would be to sidestep the need for change altogether.

I would be happy to respond to any questions you or the Subcommittee Members may have.

Mr. SMITH. Thank you, Ms. Robinson.

Mr. Kelly.

**STATEMENT OF RALPH E. KELLY, COMMISSIONER,
DEPARTMENT OF JUVENILE JUSTICE, FRANKFURT, KY**

Mr. KELLY. Thank you, Mr. Chairman.

My name is Dr. Ralph E. Kelly, and I’m the commissioner of Juvenile Justice for the Commonwealth of Kentucky. One of the great things about being last whenever you make a presentation is that you can decide what you shouldn’t repeat and say again.

And even though—one of the differences, I think, in my testimony this afternoon, is that I’m a consumer of services on behalf of the State of Kentucky. And my major concern is, in whatever reorganization takes place, is keeping a strong and effective Office of Juvenile Justice and Delinquency Prevention (OJJDP).

I go back 35 years in this business, and I can remember the early days of Law Enforcement Assistance Administration (LEAA) and the beginning of funding coming down from the Federal Government. And I can also remember back in those days that juvenile justice issues were never, ever paid attention too.

Yet, when juvenile crime began to rise to the proportions that it was several years ago, we all began to pay more attention. And many States took the initiative to separate their juvenile justice programs from either the larger adult correctional system or the larger sometimes overburdened child welfare system. And, New Jersey under Governor Whitman’s leadership, and Florida and North Carolina and, of course, Kentucky and Ohio and Nebraska are just a few that have gone to separate juvenile justice systems

because they recognize the need to have a system that paid greater attention to juvenile justice issues.

Juvenile Justice is not a subcomponent of correction, although we do share some of the same issues. But it can't be viewed as just another correctional kind of thing. And so our concern, people in my position around the country and certainly the Council of Juvenile Correctional Administrators, is that whatever reorganization occurs, that it needs to pay attention to having a separate system of juvenile justice, because with reorganization comes reduction sometimes in the abilities to sustain a comprehensive system of support and assistance that is currently available. Many members of the juvenile justice field believe that one of OJJDP's strength is that includes within its operational structure all the key functions needed to support them in their work: demonstration; training; technical assistance; and above and beyond, research and evaluation.

The reorganization plan put forth so far seems to fly in the face of this.

Effective research and evaluation must involve—must involve—the coordination and direction of the practice and operation varies. You simply can't have good research unless it is somehow linked to the field itself. I mean, what's the point of having research if it doesn't help you change programs and make programs go in different directions? That's the whole purpose of evaluation.

Research cannot be accomplished in a vacuum, nor can it be effective without a complete understanding of the day-to-day issues facing juvenile justice practitioners. Research and evaluation must be coordinated with the many functions of OJJDP to make it viable, effective, and meaningful.

Now I, like any manager in government, don't like to see duplication, overlapping programs, and waste of taxpayers' dollars. And certainly, as a head of an agency in the State of Kentucky, I work every day to make sure that we coordinate and make sure we don't have that kind of overlapping. But one of the things I would implore you to consider, as you consider various reorganization proposals, is that juvenile justice over the last decade has made significant changes to the effect that juvenile crime has gone down. To send a message to the juvenile justice field that you need not have a separate agency of some type or separate approach at the Federal level to help us move ahead is the wrong message to send.

Somewhere along the line, I think that we can deal with the duplication of effort, we can deal with the overlapping, we can deal with the other things that both the current Assistant Attorney General and the former Assistant Attorney General have pointed out, which certainly will make some sense.

But I believe that we have to do that in such a way that we protect the ability of the juvenile justice focus at the Federal level we at the State level depend upon and need, and not so much in terms of dollars and cents, but more so in terms of technical assistance, research and evaluation, and demonstration. Certainly, OJJDP and Kentucky were great partners when we came into being as a separate department in Kentucky. We had a consent decree from the Civil Rights Division of Justice, which we had to adhere to and get into compliance with. And it was the tremendous assistance from

OJJDP that helped guide us and provided us technical assistance in making many of those changes.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Kelly follows:]

PREPARED STATEMENT OF RALPH E. KELLY

Members of the Subcommittee, good afternoon and thank you for this opportunity to speak to you about the juvenile justice system and my experiences in Kentucky over the past 5 ° years. My name is Dr. Ralph E. Kelly, and I am the Commissioner of the Department of Juvenile Justice for the Commonwealth of Kentucky.

It's an honor and a pleasure to offer my thoughts to you as you consider ways to improve the federal role in juvenile justice and delinquency prevention.

I fully support the federal responsibility in juvenile justice as you have affirmed in the 'purpose' section of H.R. 1900, which you passed last year:

“to support State and local programs that prevent juvenile involvement in delinquent behavior, to encourage accountability for acts of juvenile delinquency, and to assist State and local governments in addressing juvenile crime through technical assistance, research, training, evaluation and dissemination of information.”

The juvenile court was founded one hundred years ago. Over the course of this century of progress there have been many positive developments in the juvenile justice field.

In the last quarter century, probably the most significant improvement has come in the area of implementing protections to make sure young people who come in contact with law enforcement do not become victims of abuse or assaults or other maltreatment.

In the past 30 years, in which I have had direct experience as a state juvenile justice administrator, I have seen much progress in the partnership between federal and state efforts, more coordination and communication between federal and state officials, and much more constructive research and information on effective strategies and approaches.

The challenges facing our juvenile justice system heading into the next century are multi-faceted. Although the juvenile violent crime arrest rate is declining and is at its lowest level in many years, the consensus is that it is still too high. The increase in the arrest rates for girls and young juvenile offenders has changed the composition of violent offenders entering the system. Also, the number of offenders entering the system with multiple mental health problems has been dramatic.

Recent research gives us a compelling picture that the better we are able to intervene at earlier ages the better we will be at reducing incidences of both delinquency and victimization. For instance, we know that juveniles who are known to the juvenile justice system before attaining 13 years of age are responsible for a disproportionate share of serious crimes and violence. Also, there is a significant connection between child maltreatment and juvenile delinquency. We know that people who experience any type of maltreatment in childhood are more likely than people who were not maltreated to be arrested later in life.

At the same time there is a growing body of research demonstrating the effectiveness of community based delinquency prevention strategies such as mentoring, family therapy, and prenatal and infancy home visitation programs.

Our experience in Kentucky is illustrative. Over the past 5 years we have made a concerted effort to develop a comprehensive system that has seen much success. We are proud of the progress we have made. Here are some examples:

Early intervention—we fund more than 100 early intervention and prevention programs in the counties with the highest number of juvenile arrest.

Alternatives to incarceration—Through our Title II and Title V grants, along with state general fund dollars, we have developed a significant number of alternatives to detention programs.

Our graduated sanctions and intensive in home services, along with a growing treatment foster home program has reduced our need for expensive residential beds.

As a result, during my administration, we have seen a significant drop in violent crime among juveniles.

This progress could not have been possible without the Office of Juvenile Justice and Delinquency Prevention.

OJJDP has been an ally of ours every step along our path to establishing our current system which ranks as one of the best in the country, I'm proud to say.

Although we struggled a few years ago to come into compliance with the OJJDP regulations, we have eliminated the number of status offenders illegally in detention and eliminated any juvenile from being held in a jail.

In Kentucky, it was OJJDP that provided valuable support, technical assistance, research, and funding to launch us in this direction and to sustain our progress.

Over the years we have come to rely on OJJDP as an active and integral partner in the multi year process we instituted to transform our system. Kentucky went from a state facing many challenges to a model to hold up across the nation as exemplary of what is possible with a clear focus, unambiguous goals, and federal support and leadership.

I am concerned that the reorganization being considered today would lessen the ability of this office to offer the level of support we have come to expect and appreciate in our state.

Without OJJDP at our side these past few years we never would have been able to achieve the progress we have seen. If that support is diminished my fear is the progress will be much harder to sustain or even may stop altogether. That would be a tragedy.

While Kentucky will do our utmost to continue to make improvements, I worry about other states and communities. If the progress stops in other communities, perhaps in places that have not seen the success we have seen, or that do not have institutions in place to carry on, or that are only just beginning to put in place proper systemic changes; in these places there may be tragic consequences without the support of a comprehensive organization such as OJJDP.

It would be tragic if effective, community-based alternatives to incarceration would wither from lack of support, or if newly implemented strategies for prevention would end for lack of resources, support, or federal guidance or technical assistance.

My concern is that with reorganization comes reduction in the ability to sustain a comprehensive system of support and assistance that is available now, and that is so desperately needed in the field.

Many members of the juvenile justice field believe that one of OJJDP strengths is that it includes within its operational structure all of the key functions needed to support them in their work—e.g. demonstration, training and technical assistance, research, evaluation, data, and publications. The reorganization plan put forward by both this administration and the previous one, seems to fly in the face of this position. Effective research and evaluation must involve the coordination and direction of the practice and operational areas. Research cannot be accomplished in a vacuum nor can it be effective without a complete understanding of the day to issues facing Juvenile Justice Practitioners. Research and evaluation must be coordinated with the many functions of OJJDP to make it viable, effective, and meaningful to the field.

If, as is being proposed, these functions will be split up between different offices, and no longer housed within OJJDP, it will create fragmentation and lessen coordination, which would seem to be at odds with the purpose of the reorganization.

By dismantling a strong and effective federal agency you will also be sending a disheartening message to the field. The message will be that the federal government no longer sees juvenile crime as a priority but rather only as another sub group of adult crime.

To summarize, let me assure you, I am one who is fully committed to do my utmost to support you in your efforts to continue to improve the system.

The challenges to the field are many and varied. We must continue to seek better and more effective ways to reduce juvenile crime and to prevent children and young people from engaging in delinquency in the first place.

I am concerned, however, that the proposed reorganization would not bring the desired results. A comprehensive approach fostered by OJJDP has served us well in recent years. Dividing some functions among many different offices is a recipe for disorganization and ineffectiveness, and generally will weaken the Juvenile Justice effort at the federal level. I urge you to consider keeping a strong and united focus on juvenile delinquency through the OJJDP.

Thank you again for this opportunity and I look forward to working with you as we continue to strive to achieve our goals of reducing juvenile delinquency. Our children deserve no less.

Mr. SMITH. Thank you, Mr. Kelly.

Ms. Daniels, let me address my initial questions to you first. And actually, on this first one, I might ask you to respond and also Ms. Robinson to respond as well, and that is that you are aware of the suggestion that we transfer the Office of Domestic Preparedness to

FEMA, out of the Department of Justice, and I expressed the concerns that I think are the Committee's concerns in my opening statement. Would you agree with those concerns about the transfer of that department out of DOJ?

Ms. DANIELS. Thank you, Mr. Chairman, for the question. I know this is something that has raised concerns on the part of some Members, and I'm happy to have the opportunity to address it.

First of all, we're very pleased with the work that the Office for Domestic Preparedness has done. It's a very young entity. It was—it only really began its functions in 1998. And it has collaborated very closely with FEMA and many other Federal agencies in attempting to serve the needs of training and equipping first responders around the country.

Now, the Justice Department's primary mission is that of law enforcement. And so, our primary focus must always be on law enforcement.

There are, however, tens of millions of first responders throughout the country, from law enforcement to medical technicians to public works employees to firefighters. So there is a vast panoply of entities needing to be served.

The Office of—

Mr. SMITH. So, let me—I'm not sure I understand your answer. Do you have concerns about that proposed transfer or not?

Ms. DANIELS. No, sir. Actually—

Mr. SMITH. You don't. Okay. That answers my question—

Ms. DANIELS. The purpose of this hearing is to address issues such as duplication and overlap, and I think the very purpose of the proposal in the 2003 budget request from the President is to minimize duplication and overlap by centralizing first responder training, as opposed as to prevention, disruption, intervention, investigation training.

Mr. SMITH. I want to get back to that in just a minute.

Ms. Robinson, what about you? Do you have concerns about that proposed transfer?

Ms. ROBINSON. Yes, I do, Mr. Chairman. One of the nice things about being outside government is you can have your own opinions and proceed. [Laughter.]

I'm concerned about it for a couple of reasons. And, admittedly, I'm not there on the front lines in government at this point. But understanding the culture of law enforcement is a very key aspect of making that office's work effective.

I set up that office in 1998. I worked directly with them because it was such a priority area for Congress and for the department.

And I worry about FEMA's ability to engage effectively with 18,000 State and local law enforcement agencies. FEMA's normal approach, as I understand it, is working through governors. Governors don't control local law enforcement. And that would be the first point.

And the second point, it seems to me in the post-9-11 era, when State and local law enforcement is trying so hard to engage more closely with Federal law enforcement, the FBI and others, moving this program out of the Department of Justice to me, as an individual, does not make sense.

Mr. SMITH. Thank you, Ms. Robinson.

Ms. Daniels, let me go back to your testimony. You make the point, which is amazing, that in 2002, OJP operates under the same structure that existed in 1997. That's fairly incredible to me that there haven't been some changes or improvements, given all the proposals that have been made. As Mr. Scott pointed out in his opening statement, in fact, I think the budget's gone from \$1.5 billion to \$4 billion during that same period of time.

You mentioned in your opening statement eight objectives that ought to be met. The obvious question is, when do you think any of those objectives are going to be implemented?

Ms. DANIELS. Mr. Chairman, actually some of them are well underway. We think that many of the things we are attempting to do, we can actually accomplish, short of, for example, statutory change. There are some things that I've mentioned that require that.

But for example, at this point, given the current statutory setting in which we find ourselves after the passage, in particular, of the Patriot Act, the Assistant Attorney General now can control the functions of all of OJP to the extent that we can address such things as standardizing our management practices.

I think it was Dr. Jones who mentioned that there's this disparity in similar programs across subentities within OJP. We are now capable and are moving toward standardizing our grant application process, standardizing our grant monitoring, standardizing our evaluation processes, such that we can achieve many of these things, and I think can move forward to do so.

There will be certain structural changes that we'll want to move forward in collaboration with this Subcommittee on, and we'd like to continue to work with you toward that end. There are various things that we can do now.

Mr. SMITH. Thank you, Ms. Daniels.

Let me say to the Members who are present that we will have a second round of questions. And with that, I'll recognize the gentleman from Virginia, Mr. Scott, for his questions.

Mr. SCOTT. Thank you, Mr. Chairman.

Ms. Robinson, you mentioned LEAA?

Ms. ROBINSON. Yes, sir.

Mr. SCOTT. Were you describing that as a good or a bad model?

Ms. ROBINSON. I think that looking back at the 1968 Safe Streets Act as a starting point is a good thing to do. It doesn't mean, in any way, that we should buy into every aspect of it, but I do think that going back to essentials—in 1974, the juvenile justice delinquency act was passed, so that, too, could be looked at.

So it's a question of going back to original building blocks.

Mr. SCOTT. You mentioned the idea of a State desk. Let me let the others comment on whether that's a good idea or a bad idea.

Anybody have a comment on the idea of having a State desk within—for each State?

Mr. JONES. From a State perspective, at least it seems that the States would have a place that they could get information, and wouldn't have to sort of doing a lot of shopping around the offices and things, so that would be sort of a coordinating force. I'm not sort of endorsing it one way or the other, but just for an answer I would say that at least when they call, if the desk is set up appropriately, so that they could give answers to all kinds of ques-

tions and understand all the kinds of funding streams that come down from and come to each station, it might be an appropriate thing that should be looked into. I don't know. That's not an endorsement, however.

Mr. SCOTT. Well, let me, while you're answering, Dr. Jones, let me clarify your testimony. You were somewhat critical of the funding coming directly from the Federal to the local without any coordination, comments, by the State governments. You indicated—let me make sure I've got this right—that you're not asking to run those programs or redirect the money, but you would like an opportunity to comment so the money is being used as effectively as possible. Is that accurate?

Mr. JONES. And in some instances, according to the program, we would say that the funding perhaps should come through the States, because it could be directed more to the appropriate entity, where it's—we want to go or add State money to it appropriately. So that would depend upon the type of program.

Mr. SCOTT. Ms. Daniels, you indicated computerization of the—to help you track the grants. You had 40,000 grants. Are you suggesting that they're not tracked now by computer?

Ms. DANIELS. Actually, Congressman, we have a situation in which while we can track financially pretty well by computer, and we can track what's happening with the money; we have a good system for that. We don't have as good a system for tracking for what's happening with the programs.

And, I might suggest that with respect to your prior question, if we can clean up some of these problems, we will have less of a problem with the constituency out there trying to negotiate a very difficult system. So we think that if we can clarify some of those things, there will be less of a problem, although we do agree that we should coordinate our monitoring as well, whether it's geographically or subject matter, but coordinate grant monitoring.

Finally, I think—

Mr. SCOTT. How do you evaluate the programs if you're not tracking them? How do you evaluate the programs to know whether or not people wasted the money?

Ms. DANIELS. Well, you know, that's a very good question, Congressman.

Mr. SCOTT. I'm not sure I want to get the answer.

Ms. DANIELS. And that's, I think, an ongoing problem.

What we are doing now is utilizing the Government Performance and Results Act to build in at the front end of all our outgoing grants, solicitations and grant awards, a baseline measurement and then an ongoing measurement, so that we'll be able to determine outcomes, because we really believe that we ought to be sending more money to fund what works. And we'll have to take that money from somewhere, and the idea would be to take it from things that are not working so well or to improve the things that are not working so well.

I'd also suggest that one of the things that may help Dr. Jones and the State constituency is that the Attorney General has begun, in 2001, and we'll be doing this annually—sending out a report to the States, because it is really problem that the States don't know

what money is coming into their State. And this will help them be more informed on that issue.

Mr. SCOTT. One of the problems on duplication is that some of the root causes of some problems—like drug abuse, teen pregnancy, dropout prevention, crime—have the same root causes, so some programs would naturally fit in any of those categories. So, to some extent, there has to be some, I imagine, some overlap.

I had one other question for Ms. Daniels, that is on the prison transition programs, transitioning people out of prison. Virginia, right now, is cutting many of those programs, because our budget is in such a mess. What opportunities are there for Federal funding of those programs?

Ms. DANIELS. Congressman, we're pretty excited about our re-entry program, so I'm pleased that you asked the question, and thank you for that.

We—this is, we think, an unprecedented way to approach providing and making accessible Federal funding to communities while assisting them in building sustainable programs. I think that's been a conundrum that has faced the Federal Government and State and local governments for years.

What we have done is, actually, a number of things. First, we've pooled some funds among the Federal partners. Secondly, we have created a Web site that directs potential grant applicants to broader availability of funding that is ongoing funding that they can use to set up something that might be more sustainable. And then we are going to assist them in identifying the things that they really have ongoing in their communities but which are not done in a collaborative fashion, so that they really are stovepiped and don't complement each other.

And by bringing all those things together, we think they can create a sustainable program. We can direct them to the Federal funding that they need. And in the long run, they can achieve some very good results.

Mr. SCOTT. Thank you, Mr. Chairman.

Mr. SMITH. Thank you, Mr. Scott.

The gentleman from Florida, Mr. Keller, is recognized for his questions.

Mr. KELLER. Thank you, Mr. Chairman.

Ms. Daniels, let me ask you, who is the head, currently, of the COPS program?

Ms. DANIELS. Carl Peed from the great State of Virginia, as a matter of fact, I might say to Mr. Scott. Carl Peed is a former sheriff from Virginia, and he and I worked very closely to collaborate. As you know, COPS is not part of OJP, but we work very closely together.

Mr. KELLER. Do you think it should be part of OJP?

Ms. DANIELS. Carl and I are—we do a lot of things that are very similar. And we are coming to recognize how many of those things there are.

OJP, actually, collaborates with COPS probably to a far greater degree than most people know. We do—we manage many of their grant programs. We provide financial monitoring for them and assist them with those functions so that we can reduce overhead costs.

Mr. KELLER. Is part of this reorganization to put COPS under OJP?

Ms. DANIELS. No, sir. Our reorganization proposal does not address COPS.

Mr. KELLER. Okay. Let me switch gears and ask you about an announcement today from Attorney General Ashcroft about the formation of the National Security Coordination Council of the Department of Justice. The President's budget described the responsibilities of this council as coordinating all functions of the Department of Justice relating to national security, particularly the department's effort to combat terrorism directed against the United States. And he announced that you, as the Assistant Attorney General for this Office of Justice Programs, would serve on the council.

Given that the President's budget proposal would zero out all the counterterrorism grant funding at the Office of Justice Programs and transfer that function to FEMA, what will be your responsibilities on the council?

Ms. DANIELS. I appreciate that question, Mr. Keller, because I think there is a misunderstanding about what OJP can continue to do in this area.

We do a number of things with respect to counterterrorism. We do State and local anti-terrorism training in the area of prevention, disruption, intervention, prosecution of terrorism. That is a separate function from the Office for Domestic Preparedness, which does first responder training; what do you do when it's already hit, and what do you do at the scene, and how do you deal with the scene?

What we will be doing is continuing to actually increase our training throughout the Department of Justice, and that's through OJP and its various components, through COPS and through other entities, including the FBI, of course, to increase our prevention, disruption, investigation functions. We'll be doing additional research. We already do a substantial amount of technological research to try to adapt technologies to this particular use.

And NIJ's Office of Science and Technology will continue to do that in close collaboration with those out in the field.

Mr. KELLER. So even though the money has been transferred to FEMA, you still think you've got a role to play on this council and have valuable advice for them?

Ms. DANIELS. Only the first responder activities are to be transferred to FEMA. We also are very involved in information and intelligence sharing through the regional information system—I'm sorry, the regional information-sharing system, which is a close partnership with State and local law enforcement.

So there are a number of things that the Office of Justice Programs continues to do, not to mention the Department of Justice as a whole—

Mr. SMITH. Would the gentleman from Florida yield for a minute?

Mr. KELLER. Yes, I will yield.

Mr. SMITH. Ms. Daniels, I just wanted to make sure I understood.

I thought that the Administration was proposing to zero out all counterterrorism funding with OJP. And if that's the case—that is not the case?

Ms. DANIELS. No, sir. There is a single office, whose funding would be moved to FEMA and actually enhanced once it's over there, and that's the Office for Domestic Preparedness, which specifically is first responder training and equipping grants.

Mr. SMITH. So they're not zeroing out the funding for the counterterrorism?

Ms. DANIELS. No, sir. The other aspects of what we do.

Mr. SMITH. Okay, thank you, Mr. Keller.

Mr. KELLER. Ms. Robinson, let me just ask you, since you used to be in charge there at OJP, what do you think about this idea of keeping the COPS program kind of independent there and not under OJP? Is that a good idea or a bad idea or are you indifferent one way or the other?

Ms. ROBINSON. Well, I saw the COPS office do some tremendous work over a number of years in really getting community policing established around the country. I think I would go back to my recommendation that as we look down the road, to create—I would urge you to consider creating a new integrated Federal assistance program that all of these pieces eventually should be together.

Mr. KELLER. Thank you, Ms. Robinson.

And, Mr. Chairman, I'll yield back.

Mr. SMITH. Thank you, Mr. Keller.

The gentlewoman from Texas, Ms. Jackson Lee, now the Ranking Member of the Subcommittee, is recognized for her questions.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman.

And I thank you for what I think is a very important hearing. It's particularly important because we are the authorizing Committee, and I noticed that a report was submitted to the appropriators, Ms. Daniels, on January 29th, 2002. I believe we have a copy, but I hope the same sense of importance is given to the authorizing Committee.

I'm not sure if I agree with the reorganizational plan, and I was sharing my concerns with the Chairman. I am not sure, though I know that White House budget reflects the reorganization plan, I'm not sure whether the appropriators' response—obviously, they are securing a report that they asked for. But I am concerned as to whether they will then proceed in an amending forum—to take this plan and make it a reality without the combined insight of the authorizers that have been working—I guess with the responsibilities of the Department of Justice throughout its tenure. That's what we do, the Judiciary Committee. So I hope that reflects on the record.

And I'll proceed to say that I raised some of the concerns of those who oppose the reorganizational plan, though I am very comfortable with the concept of competency, efficiency, and effectiveness, which I know that you're concerned about with your particular office. And I assume that is the concern of those who want to reorganize.

But I do know that you still have the responsibility of reviewing the particular budgets of both your bureaus and programs. Is that my understanding?

Ms. DANIELS. Yes, ma'am.

Ms. JACKSON LEE. And so my assumption is that when you review those budgets, you obviously would look, with your expertise and Ms. Robinson's expertise, would look for conflicts, duplication, in those circumstances.

So I put that on the record, and I'm going to proceed with my questions. I do have one yes or no question for you.

I noticed your Office for Victims of Crime. What happened with the New York victims fund? Did that not come—because I know there is a special master. Did that come under your office?

Ms. DANIELS. Actually, that's being handled by the Civil Division within the Department of Justice. Our—

Ms. JACKSON LEE. Was that a decision by the Attorney General or was—wasn't your department the normal department for that?

Ms. DANIELS. Well, not really, Congresswoman. It's not a grant program, as our agency is accustomed to dealing with. This is really a—it involves a special master who is going to ascertain in negotiation with people who are punitive plaintiffs in potential lawsuits.

Ms. JACKSON LEE. So you did not lose power by that—

Ms. DANIELS. Oh, no.

Ms. JACKSON LEE. I don't need you to defend it. That's okay. I just wanted to make sure that was not a losing of power. You are in a grant arena with respect to the victims issues; is that my understanding?

Ms. DANIELS. Don't mind at all. Thank you.

Ms. JACKSON LEE. Let me then proceed with my question to Commissioner Kelly. I have the same interests that you have dealing with juvenile justice issues.

When I first came to Congress, we spent about a year traveling across the country, visiting with States about their emphasis in juvenile programs. We visited those States that had "three strikes, you're out" at the juvenile level, incarcerating juveniles with adults and those issues, and hopefully we made a difference.

In this reorganizational potential plan, I would ask you the question, though this is not exactly how they proposed it, what do you see as a value to having the juvenile justice program and research of juvenile issues combined together? There is a separate entity that deals with research. Would it be helpful to put research of juvenile issues along with juvenile justice programmatic dollars together?

Mr. KELLY. Well, I believe currently, Congresswoman, that research is part of OJJDP's current mandate. And although I'm not a researcher per se—but I've had enough experience in doing research and reading research to understand fully that you've got to have a very clear linkage between the field and the research effort.

It would do Kentucky no good, for example—we have State police keep statistics and do research, mental health does research, child welfare does research, and a host of other agencies in State government. It would make no sense to put that all into one department of State government called the research and evaluation department, because it would lose sight of research being focused on what the needs of juvenile justice are, for example, because research and evaluation, the benefit of it, is to tweak programs, and to make programs more effective. That's why today we've been a victim of

bad practice—in the past were we haven't really paid attention to research.

And I think over the last decade, many of our State legislatures, particularly the one in Kentucky, is concentrating now on saying, "Prove to me that this is effective." Well, if I'm going to prove it to you, then I've got to be able to have a research piece that is viable and that is effective. And having it someplace out there is not always the best way to do it.

Ms. JACKSON LEE. You need the practical along with the research, so that you can feed off of each other.

Mr. KELLY. Otherwise the researchers don't know what to concentrate on. I mean, research is pure in one respect. But on the other side of the coin, you've got to have a field for the practice.

And most researchers are not practice people. I mean, very rarely do you get somebody in academia who has come up through the ranks and earned their doctorate degree, but they also worked in the field at one time; that's a rare thing. Most academicians are not people who know the fields. They've got to have the benefit of that relationship with people doing the practice every day.

Ms. JACKSON LEE. Thank you.

There'll be a second round?

Mr. SMITH. Yes. Thank you, Ms. Jackson Lee.

Ms. JACKSON LEE. Thank you, Mr. Kelly.

Mr. SMITH. Dr. Jones, in your testimony, you mentioned five suggestions that you had. What I'd really like to know is what duplication did you have in mind that would address those five suggestions toward?

Mr. JONES. I would love to get back to the field and talk to some of the State people and get back to you, to get you a more coherent answer. I couldn't sort of come up at the top my head with some at this point in time.

But we were talking basically about how the programs come to the State and whether they come from different areas. And some of the similar things that Ms. Daniels was talking about, where we—when we were asked for certain accountability, certain guidance that this was clear about it, that the agencies were clear with what they wanted, that there was consistency with one or the other who was given similar grants to the States. That's the kind of thing that we had in mind.

Mr. SMITH. Okay, on those five suggestions, it seems to me that there was an overlap between them and the suggestions or objectives, I guess, that Ms. Daniels had and some of the suggestions that Ms. Robinson had. When we talk about duplication and the need to make these programs more responsive, do you feel that there is room for shall we say substantial improvement within the OJP area?

Mr. JONES. Well, yes, in terms of organization, I would say—I'd have to say yes, in terms of that there should be some kind of improvement in that area.

Mr. SMITH. Okay, thank you.

Ms. Robinson, let me go to you, if I may. Again, I have a habit of reading everybody's testimony, so my questions usually are based upon that. I thought it was remarkable the meeting that you called in 1996, now 6 years ago, where you pulled in people from

various agencies, departments, Republicans, Democrats, everybody, and there was unanimous agreement on the need to make OJP more efficient, more responsive, and more effective. And yet, really nothing has been done since then. And that's over two administrations, so we can be bipartisan in that, to some extent, as well.

But what's been the problem? Why have we not made the improvements we should have concerning the great expansion of the number of programs? And what can be done to implement the suggestions that you have and the others have today?

Ms. ROBINSON. Mr. Chairman, I think that, as I alluded to in my oral statement, that bringing change in a large program like this is just very, very difficult. There are Members up here, to be candid, who are invested in different funding streams, who care deeply about them. There are people in the field—and that's as it should be. It's a very complex area, criminal and juvenile justice. It obviously requires a great deal of thought to approach the question of how to organize it in a way that it is rational and effective and can get the mission accomplished.

Mr. SMITH. Let me—I meant to further add—and, by the way, I think I was wrong when I said “over two administrations.” This Administration is actually trying to change things for the better, in my judgment.

But you mentioned a report detailing proposed reorganization that was submitted to Congress in 1999, so we've had the blueprints, we've had the outlines, we've had the proposals, and still haven't done much.

Ms. ROBINSON. Well, actually, maybe I look at the world more optimistically. I think we at least have gotten proposals out there.

In the fall of 2000, Congress, through the appropriations statute for the Department of Justice, did put its imprimatur on several parts of the reorganization: the State desks, organizing the offices by topic, and having one central information point. And they asked the department to proceed with those plans.

Through that—I left as Assistant Attorney General in February of 2000. And in the following months, before the Administration ended, there were planning groups and reports put out, but no concrete steps, as I understand it, were taken. And at that point, the Administration changed.

I'm encouraged by—

Mr. SMITH. Are you more optimistic now?

Ms. ROBINSON. I am optimistic that it's getting attention from Ms. Daniels and others, yes. And I know that tackling this kind of thing is difficult. There are very many legitimate concerns and interests about the juvenile area, about how to deal with victims of crime, about the research and statistics, ensuring that they remain credible and objective. So it's not a simple process, but it is one that needs to be tackled.

Mr. SMITH. Thank you, Ms. Robinson.

Mr. Kelly, let me direct my last question to you, and I think it comes, appropriately enough, after the remarks by Ms. Robinson. And that is that there's an acknowledgement that a lot of these programs are worthwhile. At the same time, I hope you would admit that there's probably duplication and inefficiency in these programs as well.

And I got the feeling, in your testimony, you were trying to walk a very fine line between saying that there was—what you couldn't say, that there was no duplication, and yet making a case for the programs themselves.

In fact, though, don't you feel that there is duplication? Isn't there fairly substantial room for improvement in the way these programs are run, administered, and implemented?

Mr. KELLY. After reading the testimony of Ms. Daniels and Laurie Robinson, I'm sure there is duplication. I'd be shocked, the size of the Justice Department, if there wasn't duplication.

So I'd be the first one to say that we certainly want to try and correct as much duplication and get the greatest bounce for our buck as possible.

The thing I want to see is that, as we look to change the system, to avoid the overlapping, the duplication, and the lack of coordination, that we protect the viability of an agency in State government—in Federal Government that focuses on juvenile justice issues. That's paramount.

If we do that, then we lose, I'm afraid, many of the gains that we've made in keeping the focus on the need of juvenile justice. And like I said earlier, there are many, many States have begun to see and make changes so that juvenile justice has a single focus in their State by making it a separate department, a separate agency.

And I think there's a way to eliminate much of the duplication and keep that focus there. And obviously, I don't know as much about OJP as Ms. Daniels and Ms. Robinson, but I'm sure there's got to be a way, if one is committed, to the fact that there's got to be a juvenile justice focus.

Mr. SMITH. I think that makes it unanimous that there's room for improvement, there's too much duplication, and we should eliminate that, but eliminate that by keeping the worthwhile programs, too.

Thank you, Mr. Kelly.

Ms. Jackson Lee, do you have any more questions?

Ms. JACKSON LEE. I would like a second round, Mr. Chairman?

Mr. SMITH. Excuse me?

Ms. JACKSON LEE. I would like to—

Mr. SMITH. Okay. The gentlewoman is recognized for her questions.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman.

Mr. Kelly, just to comment, the Members of this Committee, most of them are lawyers and will have a tendency to cross-examine. When they do that, you don't have to agree with us. [Laughter.]

I will just comment that's all—

Mr. SMITH. It's too late. He already agreed. [Laughter.]

Ms. JACKSON LEE. I was trying to interject or object, but I knew that we were in a hearing.

I will just add, for the record, that all change is not progress.

We have a common interest, though, and that is, of course, the juvenile justice issues. But I have a common—not a common, but a perspective of this particular program. I think Ms. Daniels and Ms. Robinson probably had one of the better or best jobs in govern-

ment or, at least, in the Department of Justice. Why do I say that? Because your particular area was an area that was very people-directed and orientated, if you will. The different areas, both bureaus and programs, really related to outside the beltway. And I applaud you for your commitment to what these particular disparate programs and bureaus stand for.

So that's why I make an argument that I will review the proposal but all may not be good to merge and to, if you will, diminish the independence of these particular areas.

For example, the victims programs, the Violence Against Women—who are now very concerned that with merger or with combining you, lessen their prominence on some of their issues.

And, Mr. Kelly, Commissioner Kelly, I would commend to you the perspective of that with respect to juvenile justice issues. We have come a mighty long way with juvenile justice issues, and my Ranking Member, Mr. Scott, started with me—he was here before me. But we were into the “three strikes, you're out,” we were into locking them up; that was the call of the day. And I do believe that this particular program and bureau has helped to give grants to help local communities be more openminded and more creative with how they deal with juvenile issues.

So I am not enthusiastic about the approach. And let me raise these questions, then, to Ms. Robinson: What about my perspective, the kind of presence that these particular bureaus have had to have, as relates to Violence Against Women, Office for State and Local Domestic Preparedness, the—I guess I'm going over the ones—let me look at the ones—the Bureau of Justice Assistance, Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile—and then Office for Victims of Crime. And then the program offices, I was reading them as well.

But they had topical substance to them, and I think that's important to the communities to be able to understand that these are important.

Ms. ROBINSON. Yes, I absolutely agree with you. And in my written testimony, one of the points that I made was that it is important to preserve what I called kind of centers of leadership, policy, knowledge around areas like domestic violence, law enforcement, corrections, and that list could go on.

But there are ways of structuring the program that can make them work more closely together, more effectively together. But I in no way recommend eliminating focus in these important issues.

And I would also, back on your first comment, say it was the best job in government anyone could have.

Ms. JACKSON LEE. I can imagine.

Have you read the January 29th, 2002, proposed reorganizational plan? Have you had that before you?

Ms. ROBINSON. Yes, I have.

Ms. JACKSON LEE. Are you giving us any opinion on that?

Ms. ROBINSON. I have not commented in detail on it. It has many consistent themes, but I'd have to go back and look to—

Ms. JACKSON LEE. So you're not—this is—your testimony is not a seal of approval on this proposal.

Ms. ROBINSON. No, but I would say that the general principles announced in it are very consistent with what I was trying to forward, and that I would support them.

Ms. JACKSON LEE. But there are many ways of getting toward your principles?

Ms. ROBINSON. Absolutely.

Ms. JACKSON LEE. With respect to the merger or movement of the Office for Domestic Preparedness, let me offer a counterproposal. I believe that the purpose with first responders, particularly police, have a great basis in the Department of Justice, just as police, law enforcement. I am well-aware of the greatness of FEMA.

I have as a resident of Texas, as my State, know that we could not have survived over the past couple of years without the excellent work of our FEMA directors, plural, and their staff.

But FEMA is a fluid organization. It moves with the tide. It goes to emergency and crisis areas. And I don't understand the reasoning, except for another budget line to FEMA, that would have taken a law enforcement-directed effort out of the Department of Justice and moved to FEMA.

Ms. Daniels?

Ms. DANIELS. Thank you, Congresswoman. And I appreciate you bringing that up.

You may recall that FEMA actually started as the civil defense agency in the Cold War days. And times changed, and it needed to be a fluid agency, and it became more of a natural disaster agency.

I think everyone agrees, including the director of FEMA, that FEMA now needs to undergo, in light of the terrorist threat to this country, a certain mission shift in order to effectively do this. I would simply say that the purpose of this is to consolidate a lot of activities that are geared in many agencies toward first response training into a single agency. The idea is to consolidate those things. We'll continue to collaborate closely with FEMA and other agencies, as we all must under the current threatening circumstances.

Ms. JACKSON LEE. Well, maybe that—and I thank the Chairman for his indulgence.

Maybe that was where we should start first, which is the reordering and the understanding of where Governor Ryan is going and where the Administration is going on reordering our fight against terrorism.

FEMA has—it did start that way. But we've known it in current years and decades as hurricanes, storms and various other type natural disasters.

So, you know, this kind of lateral movement doesn't give us a sense that the mission is prominent. It's moving little pieces. And I'd be interested in a more unified focus of what we're doing.

But I appreciate your explanation of that.

Mr. Chairman, I would just simply close my line of questioning by saying two points. Part of the fallout of the mergers, the Violence Against Women Office's advocates being very concerned that they will be, if you will, diminished in status. And they're looking to be put outside the Department of Justice, and I don't know if

that's always the best approach. But they are frightened that they will lose their status, and that's why I'm concerned about the re-organizational plan.

And then, lastly, I would say that I'm delighted that Dr. Jones is here. I'm a great advocate of States. But likewise, coming from local government, I would make the point that I am a proponent of getting grants directly to local entities who can utilize the dollars quickly and benefit neighborhoods and blocks and cities and various small entities where the people actually are.

With that, I'll yield back.

Mr. SMITH. Thank you, Ms. Jackson Lee.

Ms. Daniels, I want to follow up briefly on what the Congresswoman just mentioned as an issue, and that was proposed, by some people, transfer of the Office of Violence Against Women outside of OJP.

Ms. JACKSON LEE. I'm sorry, I didn't hear you, Mr. Chairman.

Mr. SMITH. The question I asked Ms. Daniels was that you had made reference to the Office of Violence Against Women, and some have proposed transferring that out of OJP.

And I was going to ask Ms. Daniels if she supported or opposed that proposal.

Ms. DANIELS. Thank you, Mr. Chairman.

And I appreciate the opportunity to address this issue, because I want to make it very clear that in no way does our proposal for reorganization suggest any change in terms of the Violence Against Women Office. We think it has a very important function and should continue as an entity within the Office of Justice Programs.

Having said that, I would reemphasize the last part of that statement. We think there are a lot of synergies between the Violence Against Women Office and a number of the other operations that we have at OJP. And it's essential to us that the Violence Against Women Office work very closely with the juvenile justice office, with the Office for Victims of Crime.

Those three in particular do a lot of work in protecting victims of child abuse, children who have witnessed violence between adults and that sort of thing. And we think that it is essential that they work very closely together. Moving VAWO out would make that difficult.

And we also enjoy a number of economies of scale on the basis of the work that we do closely together.

Mr. SMITH. So, Ms. Daniels, the answer to my question was that that is not in your proposal?

Ms. DANIELS. It is not in our proposal to either merge it with anything else in OJP—

Mr. SMITH. Okay.

Ms. DANIELS [continuing]. Or certainly not to move it out.

Mr. SMITH. Transfer it out. Okay.

Speaking of transfers, Ms. Robinson, tell me whether you are supportive of or opposed to transferring the Office of Science and Technology to OJP.

Ms. ROBINSON. Mr. Chairman, you mean out of NIJ?

Mr. SMITH. Yes, correct.

Ms. ROBINSON. That's an issue that I did not have to tackle during my tenure as Assistant Attorney General. But sitting outside

government, as I do now, there are many things that do make sense about such a transfer.

One of the things I'd reflect on, and I was very familiar with the work of the office during my time there, is that much of it is technical assistance like in its nature. And whether that should belong in a research institute I think is a very good and open question.

Secondly, and I did mention this in my written statement, if there is any area across criminal justice where there is confusion in the field about the different funding streams, and how to access them, it is in the area of technology. And having some greater combination of that and, I would say, reporting directly to the Assistant Attorney General, makes a lot of sense. But at least to combine those together.

Right now, BJS, BJA, NIJ, various offices and the COPS office have parts of the technology issue. There is such potential there. It is so important that trying to get a greater handle on comprehensive integrated work with States and localities on technology is really crucial.

Mr. SMITH. Thank you, Ms. Robinson.

Let me ask you, which I probably should have asked you personally first, you're down as a former Assistant Attorney General. You ought to be a consultant. And I'm sure that Ms. Daniels would welcome that.

What do you do now? We know what you were a former of. Are you practicing law now?

Ms. ROBINSON. I am more than a "former." I'm currently senior fellow with the University of Pennsylvania's Jerry Lee Center of Criminology here in Washington, working on crime policy issues and happy to be of whatever assistance.

Mr. SMITH. Okay. Well, thank you all for your testimony today. It was very helpful, very useful. And as you know, this begins the—this is the first part of a three-part series on the general subject of oversight, which we think is so important, both to the Committee and to Congress.

So thank you again. And I thank you, Ms. Jackson Lee, for being the Ranking Member.

Ms. JACKSON LEE. Thank you.

Mr. SMITH. We stand adjourned.

[Whereupon, at 5:30 p.m., the Subcommittee was adjourned.]

OFFICE OF JUSTICE PROGRAMS: EVALUATION OF EFFECTIVENESS

THURSDAY, MARCH 7, 2002

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Subcommittee met, pursuant to notice, at 11:35 a.m., in Room 2237, Rayburn House Office Building, Hon. Lamar Smith [Chairman of the Subcommittee] presiding.

Mr. SMITH. The Subcommittee will come to order, and the first thing to do is to thank our witnesses for their patience. I think you all know we had a markup in the full Judiciary Committee and it just was finished and that is why we are running about 30 minutes late. However, if you think this was bad, the alternative was meeting at 2:30 this afternoon, so you are probably grateful to go on now, even if we are running a little bit late.

I have to also say that when we get to your testimony, I'm going to be very strict about the 5-minute rule, which in the past I have not been, and the reason for that is, first, that we're expecting a vote in about 40 minutes and I'd like to get as much done as we can before then, and second of all, several Members have luncheon commitments starting at 12 or 12:30, so we are going to try to expedite and adhere to the rules as much as possible.

I appreciate the attendance of all the Members who are here and I will recognize myself and other Members for opening statements and then we'll proceed.

Today, the Crime Subcommittee holds our second hearing on the Justice Department grant programs administered primarily by the Office of Justice Programs. We are here to examine the quality of evaluations of the effectiveness of over \$4 billion of Federal grant funds for State and local law enforcement officials.

The use of Federal grant funds to accomplish law enforcement objectives is subject to legal requirements that determine whether those objectives are achieved. Regular evaluations using valid methodologies are essential to the President and Congress in assessing where Federal resources can be used most effectively.

The Office of Justice Programs was established to provide funds for State and local governments to develop innovative ways to fight crime. Evaluations of the programs are essential to determine what works and what doesn't.

In recent years, evaluations seem to have become less important as Congress began to earmark certain programs and other programs became politically charged. We will examine the manage-

ment and evaluation procedures at OJP to determine whether grant programs are being operated as they were intended by Congress and whether the programs are effective in reducing crime.

The goal of this hearing is to gather information about OJP's performance and how Congress might assist the OJP. The Committee on the Judiciary is responsible for oversight of all Justice Department grant programs, including those administered by OJP and the Office of Community Policing Services, COPS. It is our responsibility to ensure that taxpayers' dollars are being wisely spent.

To that end, this Committee has begun to examine studies and evaluations prepared by the agency regarding these programs. It has become apparent that the evaluations and data collected by OJP left many unanswered questions. The testimony provided at this hearing will help the Committee to determine how and when OJP should apply performance standards to measure the effectiveness of grants and grant programs.

Since Federal funds will continue to be provided to State and local governments for crime prevention programs, it is reasonable for Congress to require accountability from OJP for grant management. It is also appropriate that Congress require OJP to establish criteria for distributing grants as well as for measuring the effectiveness of grants. Congress should be able to answer questions from taxpayers about who has received Federal dollars and how those Federal dollars improved communities by reducing crime.

That concludes my opening statement. The gentleman from Virginia, the Ranking Member, Mr. Scott, is recognized for his.

Mr. SCOTT. Thank you, Mr. Chairman. I am pleased to join you in convening the second oversight hearing in the series of hearings you have scheduled on the Office of Justice Programs. At our hearing this past Tuesday, we focused on the issue of duplication of programs in OJP and heard varying views on the need for consolidation of programs versus the need for continued and even further separation of programs in OJP.

I suspect, Mr. Chairman, that we may hear more of the same today with respect to whether a particular program operates better in a consolidated context or in a separate program, and from what we have heard so far, I am beginning to think that some of the issue of the value of consolidation versus separation may be in the eye of the beholder and that we may do better to focus on ways to ensure that OJP operations achieve their legislated purposes and mandates and not worry so much about their organizational structure.

I don't form to serve to prevent or hamper substance, but we also don't want to focus on changing the organizational structure if the real problem is failure of the people responsible for oversight of the programs to implement appropriate management, monitoring, and evaluation. No matter what the organizational structure we have, if we don't enforce it, it won't be effective.

Mr. Chairman, the issue of today is evaluation of effectiveness of programs funded through OJP. Frankly, I'm not as concerned about the organizational structure of OJP as I am concerned about funding effective programs and not wasting money on programs which do not work. We know, for example, that some prevention programs are effective in reducing crime, so effective, in fact, that

they save more money than they cost. Other programs are called prevention programs or they're popular, so they get funding, but, in fact, they have no effect at all on crime. Evaluations will help us know the right programs to fund, and this is more important than the organizational structure.

So, Mr. Chairman, I am looking forward to the testimony of the witnesses on the question of how much of the problem is form as opposed to failing to implement the proper management, monitoring, and evaluation to ensure program effectiveness. Thank you, Mr. Chairman.

Mr. SMITH. Thank you, Mr. Scott.

Are there other Members who wish to make opening statements? [No response.]

Mr. SMITH. If not, let me introduce the witnesses. They are David B. Muhlhausen, political analyst, Center for Data Analysis, The Heritage Foundation of Washington, D.C.; The Honorable John Cary Bittick, president, National Sheriff's Association, Washington, D.C.; Laurie Ekstrand, director, Justice Issues, General Accounting Office in Washington, D.C.; and the Honorable David B. Mitchell, executive director, National Council of Juvenile and Family Court Judges, Reno, Nevada.

We welcome you all, look forward to your testimony. We'll look forward first to hearing from Mr. Muhlhausen. Thank you.

**STATEMENT OF DAVID B. MUHLHAUSEN, POLICY ANALYST,
CENTER FOR DATA ANALYSIS, THE HERITAGE FOUNDATION,
WASHINGTON, DC**

Mr. MUHLHAUSEN. Thank you. Mr. Chairman, of course, my name is David Muhlhausen and I'm a policy analyst at The Heritage Foundation specializing in crime policy and program evaluation. In beginning my testimony, I must emphasize that the views I express are entirely my own and should not be construed as representing any official position of The Heritage Foundation. With that understanding, I am honored to be asked by the Subcommittee on Crime to testify today on reforming the evaluation process at the Office of Justice Programs.

In 1996, Congress directed the Attorney General to conduct a review of State and local crime prevention programs funded by the Department of Justice. The resulting report by the University of Maryland examined 500 evaluations of crime prevention programs. Of particular interest, the report concluded that policing activities with clear strategies of targeting crime risk factors, such as high-crime hot spots, can be effective in reducing crime. The report also noted that many of the Department of Justice crime prevention programs either were evaluated as ineffective or escaped scrutiny altogether. The report called on Congress to devote more resources to evaluating crime programs.

It is still the case that Congress needs to mandate that the Office of Justice Programs needs to evaluate its programs and disseminate its findings to the public. For instance, or exactly, by determining impact evaluation, I mean a study design to measure a program's outcomes on the social conditions that it is intended to improve.

To improve the ability of OJP to evaluate the effectiveness of its programs, Congress should take the following steps: First, Congress needs to specifically direct OJP to measure the effect of crime reduction programs. Second, recipients of OJP grants should be required to demonstrate through scientific means the effectiveness of their programs; before grants are awarded, applicants need to develop a clear plan on how they are going to use the funds to prevent crime; a system to measure and evaluate the effectiveness of the grants must be in place before the awarding of funds; and third, as originally proposed by the University of Maryland report, a minimum of 10 percent of OJP grant funding should be earmarked for evaluations.

In conclusion, impact evaluations offer significant benefits for society because they measure how programs affect the social conditions they are designed to improve. Impact evaluations offer two improvements over process evaluations that agencies typically produce.

First, impact evaluations reduce uncertainty in deciding which programs should be funded. Funding only those programs that are effective will save taxpayer funds by freeing up resources for programs that actually work. If an OJP program is found to be ineffective, then its elimination has only a limited effect on its intended beneficiaries. An ineffective program does not make your constituents safer. In fact, continuing an ineffective program can harm grant recipients because of their continued participation wastes time and resources that could be better spent elsewhere.

Second, impact evaluations can improve the quality of public debate about the factors that are responsible for various social problems. Too often, when a community receives Federal funding and crime simultaneously declines, it is asserted that the funding caused the decline. Simply observing that the crime rates dropped when Federal grants flowed to a particular community does not help us understand the reasons why crime rates declined. Socio-economic factors need to be considered in understanding why crime rates change.

To accomplish this task, Congress should boost the ability of OJP to conduct its evaluations. Thank you.

Mr. SMITH. Thank you, Mr. Muhlhausen.

[The prepared statement of Mr. Muhlhausen follows:]

PREPARED STATEMENT OF DAVID B. MUHLHAUSEN

Mr. Chairman, my name is David Muhlhausen. I am a policy analyst at the Heritage Foundation Center for Data Analysis specializing in crime policy and program evaluation. In beginning my testimony I must emphasize that the views I express are entirely my own, and should not be construed as representing any official position of The Heritage Foundation. With that understanding, I am honored to be asked by the Subcommittee on Crime, to testify today on reforming the evaluation process at the Office of Justice Programs (OJP).

EVALUATIONS OF CRIME-PREVENTION PROGRAMS

In 1996, Congress directed the U.S. Attorney General to conduct a review of state and local crime-prevention programs funded by the U.S. Department of Justice (DOJ). The resulting 1997 report by the University of Maryland looked at 500 evaluations of the crime-prevention programs.¹ While the study did not evaluate specific

¹Lawrence Sherman, Denise Gottfredson, Doris Mackenzie, John Eck, Peter Rueter, and Shawn Bushway, University of Maryland Department of Criminology and Criminal Justice, *Pre-*

programs, it reviewed scientific studies of programs and judged them on their scientific merit. Congress can use this report as a starting point for identifying effective and ineffective programs.

What Works

Given my time constraints, I will concentrate on the 1997 report's findings on what works in policing. Policing activities with clear strategies of targeting crime-risk factors are effective in reducing crime.² Some effective strategies include: (1) targeting crime "hot spots," (2) targeting illegal possession of firearms by criminals, and (3) the proactive targeting of repeat offenders, which increases the likelihood of the arrest and incarceration of dangerous criminals.³ When the police develop clear strategies, they can make a difference in reducing crime.

The 1997 report suggested that problem-oriented policing is a promising approach. Since the report was published, new evaluations, sponsored by the National Institute of Justice (NIJ), have become available which indicate that some types of problem-oriented policing are effective in reducing crime. A 1999 randomized study found that where specific plans developed to reduce crime in Jersey City, such as aggressive order maintenance and changes to the physical environment, produced significant reductions in crime.⁴ Another study, published in 2001, found that Boston's Operation Ceasefire led to a dramatic drop in the number of the city's youth homicides.⁵ Operation Ceasefire successfully reduced youth homicides by targeting a small number of chronically offending youth gang members.

What we have learned from problem-oriented policing and other policing strategies is that local law enforcement can make a difference. Developing a clear plan for using local resources to solve problems is more effective than having local law enforcement agencies spend federal dollars.

What Doesn't Work

The 1997 report concluded that neighborhood watches where volunteers watch their neighborhoods in an effort to deter criminals are ineffective.⁶ In addition, community policing with no clear strategy for targeting crime-risk factors has been ineffective in reducing crime.⁷ While the federal government has encouraged community policing the report states, "there is no evidence that community policing *per se* reduces crime without a clear focus on a crime risk factor objective."⁸

What's Unknown

The 1997 report noted that many of DOJ's crime-prevention programs either were evaluated as ineffective or escaped scrutiny altogether. It added: "By scientific standards, there are very few 'programs of proven effectiveness.'"⁹ The 1997 report called for Congress to devote more resources to evaluating crime prevention programs.¹⁰ Yet Congress still has not given sufficient attention to this request to ensure that federally funded crime prevention efforts are in fact preventing crime. It is still the case that our understanding of which OJP programs work can be significantly increased through the use of evaluation research.

venting Crime: What Works, What Doesn't, What's Promising (Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, 1997).

²Lawrence W. Sherman, "Policing for Crime Prevention," in Lawrence W. Sherman *et al.*, *Preventing Crime*, p. 37.

³Lawrence W. Sherman and David Weisburd, "General Deterrent Effects of Police Patrol in Crime 'Hot Spots': A Randomized, Controlled Trial," *Justice Quarterly*, Vol. 12, No. 4 (1995), pp. 625-648; Lawrence Sherman, James Shaw, and Dennis P. Rogan, *The Kansas City Gun Experiment* (Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, January 1995); and Susan E. Martin and Lawrence W. Sherman, "Selective Apprehension: A Police Strategy for Repeat Offenders," *Criminology*, Vol. 24, No. 1 (1986), pp. 155-173; and Allan F. Abrahamse, Patricia A. Ebener, Peter A. Greenwood, Nora Fitzgerald, and Thomas E. Kosin, "An Experimental Evaluation of the Phoenix repeat Offender Program," *Justice Quarterly*, Vol. 8, No. 2 (1991), pp. 141-168.

⁴Anthony A. Braga, David L. Weisburd, Elin J. Waring, Lorraine Green Mazerolle, William Spelman, and Francis Gajewski, "Problem-Oriented Policing in Violent Crime Places: A Randomized Controlled Experiment," *Criminology*, Vol. 37, No. 3 (1999), pp. 541-580.

⁵Anthony A. Braga, David M. Kennedy, Elin J. Waring, and Anne Morrison Piehl, "Problem-Oriented Policing, Deterrence, and Youth Violence: An Evaluation of Boston's Operation Ceasefire," *Journal of Research in Crime and Delinquency*, Vol. 38, No. 3 (2001), pp. 195-225.

⁶Lawrence W. Sherman, "Policing for Crime Prevention," in Lawrence W. Sherman *et al.*, *Preventing Crime*, p. 37.

⁷*Ibid.*

⁸*Ibid.*, pp. 41-42.

⁹Lawrence Sherman, "Conclusion: The Effectiveness of Local Crime Prevention Funding," in Sherman *et al.*, *Preventing Crime*, p. 1.

¹⁰Lawrence Sherman *et al.*, *Preventing Crime*.

THE HERITAGE FOUNDATION'S RELATED RESEARCH

The Heritage Foundation has recently begun to evaluate the effectiveness of federal programs. While The Heritage Foundation has not individually studied OJP grants, its evaluation of the Office of Community Oriented Policing Services (COPS) has shed light on the program's success.¹¹ Some observers claim that the COPS program is a proven success because crime has declined every year since the program's creation.¹² This assertion does not account for the fact that the nation's violent crime rate began to decline before the program was created.

In May 2001, The Heritage Foundation published an impact evaluation of COPS, which found that grants to hire additional officers and purchase technology were ineffective in reducing violent crime.¹³ The analysis suggests that simply continuing funding for the COPS program will be ineffective in reducing violent crime.

In contrast to hiring and redeployment grants, which were not shown to be effective, the analysis found that COPS grants which were targeted on reducing specific problems—like domestic violence, youth firearm violence, and gangs—were somewhat effective in reducing violent crime. Narrowly focused COPS grants are intended to help law enforcement agencies tackle specific problems, while COPS hiring and redeployment grants are intended simply to pay for operational costs of police departments. The Heritage Foundation analysis builds on research that shows how the police are deployed is more important in reducing crime than the number of officers funded.

RESEARCH BY THE UNIVERSITY OF NEBRASKA

Approximately six months after the publication of The Heritage Foundation COPS evaluation, the University of Nebraska at Omaha published a federally funded evaluation of COPS.¹⁴ The University of Nebraska report was financed through a COPS office grant of over \$116,000.¹⁵

The University of Nebraska study found that two types of COPS grants—hiring and narrowly focused grants—reduced crime rates in cities with populations over 10,000.¹⁶ The study also found that redeployment grants failed to reduce crime. In addition, for cities between 1,000 and 10,000 residents, the study shows that COPS hiring grants are associated with an increase in violent and property crime while redeployment grants are associated with an increase property crime. The results of the COPS-funded study have been used to support claims about the program's effectiveness.¹⁷

The University of Nebraska study was critical of research that did not “control for extraneous factors that may be correlated with both increases in the number of police officers and increases in crime rates, such as local politics, or fluctuation in the local economy of cities.”¹⁸ Unfortunately, data limitations did not permit the authors to make significant improvements to the existing research. For example, city-level data for five out of six socioeconomic variables in the study was not available on a yearly basis.¹⁹ Instead of using data for each year between 1994 and 1999, the following control variables were held constant at 1990 levels: minority population percent, single parent household percent, young people percent, homeownership percent, and percent of people in the same house since 1985.²⁰

Given that the University of Nebraska study covers the period 1994 to 1999, the use of data exclusively from 1990 for most of their control variables is inappropriate

¹¹David B. Muhlhausen, “Do Community Oriented Policing Services Grants Affect Violent Crime Rates?” Heritage Foundation *Center for Data Analysis Report* No. CDA01-05, May 25, 2002.

¹²Senator Joseph R. Biden, Jr., “Bush: Don't Cut COPS,” *The Baltimore Sun*, April 16, 2001, p. A7.

¹³David B. Muhlhausen, “Do Community Oriented Policing Services Grants Affect Violent Crime Rates?”

¹⁴Jihong “Solomon” Zhao and Quint Thurman, “A National Evaluation of the Effect of COPS Grants on Crime From 1994 to 1999,” University of Nebraska at Omaha, December 2001.

¹⁵See Quint Thurman's vita at <http://www.cj.swt.edu/Thurman/VITAswt.htm> (February 19, 2002).

¹⁶Jihong “Solomon” Zhao and Quint Thurman, “A National Evaluation of the Effect of COPS Grants on Crime From 1994 to 1999.” The narrowly-focused grants, which Zhao and Thurman call innovative grants, fund specific activities that address such problems as gang violence, domestic violence, and illegal youth firearms possession.

¹⁷Senator Joseph R. Biden, Press release, December 5, 2001, at <http://biden.senate.gov/biden/press/release/01/12/2001C05740.html> (February 19, 2002).

¹⁸Jihong “Solomon” Zhao and Quint Thurman, “A National Evaluation of the Effect of COPS Grants on Crime From 1994 to 1999,” p. 6.

¹⁹*Ibid.*, p. 11, Table 1.

²⁰*Ibid.*

and likely to reduce the validity of the findings. Holding control variables constant at 1990 levels ignores important changes that occurred on a yearly basis between 1994 to 1999. For example, from 1990 to 1999, the nation's minority population grew from 24.3 percent to 28.1 percent of the total population.²¹ The University of Nebraska study's use of 1990 data means that it cannot account for many of the important changes during the last decade that influenced crime rates.

Perhaps the most surprising aspect of the University of Nebraska analysis is that state and local law enforcement efforts are assumed not to influence crime rates. The statistical model used by the researchers only considers the effect that federal funding has on crime rates. The impact of omitting state and local expenditures can be seen by examining the size of the COPS program in comparison to state and local police expenditures. During the period of 1994–1999, the COPS program had a combined budget of \$6.9 billion, while during the same period state and local governments devoted over \$280 billion for police agencies.²² For every \$1 spent on COPS, over \$40 was spent by state and local governments for police protection.

An alternative approach can be found in The Heritage Foundation study where the statistical model accounts for state and local policing. In order to take account of the state and local expenditures, The Heritage Foundation used county-level data, which has more complete information on local spending (and important socio-economic factors that are available on a yearly basis). The Heritage Foundation study found that state and local police expenditures significantly reduce crime. The approach taken in the University of Nebraska study tends to bias the results towards a finding that COPS is more effective than the program may be.

WHAT CONGRESS SHOULD DO

Advancing the evaluation capability of OJP is important to the promotion of public safety. Congress should take the following steps to improve the evaluation of OJP programs: (1) mandate impact evaluations, (2) require grant recipients to collect data and evaluate their programs, (3) make NIJ an independent agency within OJP, (4) reserve 10 percent of all OJP grant funding for impact evaluations and have the agency review the research design before approving grants. These steps are explained more fully in the sections below.

Mandate Impact Evaluations

If Congress wants OJP to evaluate the effectiveness of its programs, it will have to mandate it. There is no substitute for Congress making its intentions clear. Congress must specifically direct OJP to measure the effect of its programs on crime.

Too frequently, process evaluations, which answer questions about the operation of a program and service delivery, are substituted for impact evaluations. Process measures that report how much funding was dispersed and how many people were served are not measures of a program's effectiveness in improving the targeted social condition.

A case in point is the Violent Crime Control and Law Enforcement Act of 1994 which required an evaluation of the COPS program. The law suggested that the effectiveness of COPS in reducing crime should be evaluated, but the law left open the possibility of the Department of Justice not doing an impact evaluation.²³ The resulting *Nation Evaluation of the COPS Program* failed to determine the program's effectiveness in reducing crime. Instead, the study looked at process measures, such as how many officers were hired. Some of the study's findings were informative. For example, the study concluded that a program goal of adding 100,000 additional officers would not be met. However important questions about the program's effectiveness were never even considered.

The *National Evaluation of the COPS Program* and the University of Nebraska studies illustrate a larger problem with bureaucracies. In general, given the opportunity, bureaucracies will emphasize those aspects of administrative operations that put them in the best light. In cases where they are forced into measuring their effectiveness, bureaucracies will tend to conduct process evaluations or studies designed to produce the most favorable results. From an administrator's perspective, process data are the most readily available type of information about a program, so it receives the closest attention.

²¹U.S. Census Bureau, *Current Population Reports*, P25–1095.

²²Calculations based on Table 2 in Sidra Lea Gifford, "Justice Expenditure and Employment in the United States, 1999," Bureau of Justice Statistics Bulletin, February 2002, NCJ 191746, (U.S. Department of Justice, Office of Justice Programs).

²³The Violent Crime Control and Law Enforcement Act of 1994, P.L. 103–322, 108 STAT. 1813.

To counteract the natural tendency to avoid impact evaluations by government agencies, Congress should clearly mandate OJP to evaluate the impact of its programs on crime rates. An example of this type of legislative language mandating an impact evaluation is contained in the Coats Human Services Amendments of 1998.²⁴ The amendment specifically mandates a randomized impact evaluation of Head Start. Today, the Department of Health and Human Services (HHS) is moving toward determining if Head Start is an effective program based on rigorous social science methods. Without the congressional mandate, it is very likely that the HHS research would be more process-oriented rather than focused on the impact of Head Start.

Require Grant Recipients to Evaluate Their Federally Funded Programs

Recipients of OJP grants should be required to demonstrate through scientific means the effect that the programs have had on crime. Anecdotal examples or measures other than actual changes in crime should not be substituted for rigorous impact evaluations that include control variables.²⁵

First, before grants are awarded, applicants need to develop a clear plan on how they intend to use the funds to prevent crime. Second, a system to measure and evaluate the effectiveness of the grants must be in place before the awarding of funds. Third, after the funds have been spent, the OJP-funded activities should be evaluated for their effect on crime. Finally, the results of the evaluation should be submitted to OJP for dissemination to Congress and the public.

To summarize these steps: Devise a plan that includes measuring the outcomes of the plan. Implement the plan. Then evaluate the program. Plan. Implement. Evaluate. If grantees cannot take these responsible steps, then they should not receive federal funding.

Make NIJ an Independent Agency Within OJP

NIJ is uniquely situated to be the impact evaluation arm of the Justice Department. To become an independent and truly effective agency, NIJ's budget needs to be directly funded. Currently, NIJ's budget is derived from contributions from its sister bureaus within OJP. NIJ's ability to objectively evaluate OJP programs is seriously jeopardized, because NIJ could suffer budget retaliations if the agency's findings are not favorable to its sister agencies. Direct funding of NIJ will help inoculate it from pressure not to evaluate the effectiveness of OJP programs.

Reserve 10 Percent of All OJP Funding for Impact Evaluations

As originally proposed by the University of Maryland report, a minimum of 10 percent of OJP grant funding should be earmarked for impact evaluations.²⁶ The implementation of these impact evaluations should be done through a mix of in-house NIJ studies and out-source grants to academic researchers and independent research firms.

Determining the impact of a program requires a rigorous study design. The net outcomes of a program can be determined when the conditions of the intervention group are compared to a similar group that has not received the intervention. Studies based on experimental design, or random assignment, are preferred because their results are less ambiguous.

Because the criminal justice system operates in the context of legal constraints—namely, individual rights and due process—true random experiments are frequently impossible. In these cases, quasi-experimental designs are required, where the intervention and control groups are selected nonrandomly, but some controls are used to minimize threats to the validity of the findings.²⁷ The inclusion of proper control variables is crucial to the validity of findings of studies that are not based on random assignment.

CONCLUSION

Impact evaluations offer significant benefits for society because they measure how programs effect the social conditions they are designed to improve. Impact evaluations offer two improvements over the process evaluations that agencies typically

²⁴ 42 USC 9801 et seq. For more information, see <http://www2.acf.dhhs.gov/programs/hsb/hsreac/legis.htm> (March 3, 2002).

²⁵ Congressional Budget Office, Budget Options, Appendix A, February 2001, at <http://www.cbo.gov/showdoc.cfm?index=2731&sequence=33> (April 16, 2001).

²⁶ This recommendation was made originally by Professor Lawrence Sherman, now with the University of Pennsylvania. See Sherman et al., *Preventing Crime: What Works, What Doesn't, What's Promising*.

²⁷ Peter H. Rossi, Howard E. Freeman, and Mark W. Lipsey, *Evaluation: A Systematic Approach*, (Thousand Oaks, Cal.: Sage Publications, 1999), pp. 309–310.

produce. First, impact evaluations reduce uncertainty in deciding which programs should be funded. Funding only effective programs will save taxpayer funds by freeing up resources for programs that actually work. If an OJP program is found to be ineffective, then its elimination has only a limited effect on the intended beneficiaries, because the program failed to reduce crime. An ineffective crime reduction program does not make your constituents safer. In fact, continuing an ineffective program can harm grant recipients because their continued participation wastes time and resources that could be better spent elsewhere.

Second, impact evaluations can improve the quality of public debate about the factors that are responsible for various social problems. Too often when a city receives federal funding and crime simultaneously declines, it is asserted that the funding caused the decline. Simply observing that the crime rates dropped when federal grants flowed to a particular community does not help us understand the reasons why crime rates declined. As the Congressional Budget Office has noted, socioeconomic factors need to be considered in understanding why crime rates change.²⁸

Mr. SMITH. Sheriff Bittick.

STATEMENT OF JOHN CARY BITTICK, PRESIDENT, NATIONAL SHERIFF'S ASSOCIATION, WASHINGTON, DC

Mr. BITTICK. Thank you, Mr. Chairman. I'm Sheriff John Cary Bittick from Georgia and I appear before you as President of the National Sheriff's Association. The National Sheriff's Association is surprised and deeply concerned about the proposal by OMB to eliminate the Office of Domestic Preparedness at the U.S. Department of Justice and to shift these responsibilities to the Federal Emergency Management Agency.

This is a time when the American people need continuity and coordination, not the disruption of unnecessary reorganization. For this reason, I appear before you today to add the voice of the nation's sheriffs to other law enforcement organizations that likewise oppose this OMB proposal. While we appreciate the efforts of OMB to consolidate functions and enhance efficiency, this proposal would unintentionally undermine the efforts of American law enforcement.

I will submit for the record a formal resolution adopted by the National Sheriff's Association last week in which we set forth the reasons for opposition for this proposed reorganization. Let me explain each of these reasons for opposition to the OMB proposal.

Sheriffs have worked with the Department of Justice on funding for anti-crime efforts since the Safe Streets Act of 1968. Over these 34 years, the Department of Justice has established expertise that cannot be replicated by an agency that is new to law enforcement. Nothing more need be said here, but it is apparent that there is no substitute for these 34 years of relationships and experience.

The sheriffs of our nation applaud your courage and leadership in passing the Patriot Act, but we are confused by the OMB proposal since it seems to repeal sections of the Patriot Act even before some of those provisions have been implemented. For example, the OMB proposal seems to rewrite sections 1005 and 1014, which direct the Attorney General, not FEMA, to make grant to sheriffs for first responders, terrorism prevention, and anti-terrorism training.

Look at the record of terrorist attacks around the globe. Terrorists attack with automatic weapons, bombs, and often take hos-

²⁸ Congressional Budget Office, *Budget Options*, Appendix A, February 2001, at <http://www.cbo.gov/showdoc.cfm?index=2731&sequence=33> (April 16, 2001).

tages. Side by side with Federal law enforcement, we will face these terrorists, most probably with deadly weapons. We will never ask nor can we expect our fire, EMS, or health personnel to face gunfire, explosives, or other deadly assaults. That is the job of the police and sheriffs and it is ours alone.

Once the threat has been addressed and public safety has been restored, only then is it possible to turn the scene over to FEMA agencies. To do anything else would be contrary to a sheriff's oath of office and contrary to the laws of his State. To subordinate our crisis response to FEMA would compromise the statutory obligation of law enforcement officials to protect their community.

Mr. Chairman, we are grateful that your Committee has rightfully acknowledged that this is the reality of both policy and practices across the nation. I quote from the Subcommittee on Crime's views and estimates on the budget. "The Committee is concerned that FEMA is not the appropriate agency for these responses. A terrorist attack is a criminal event, not a national disaster."

The prevention, detection, and apprehension of terrorists are law enforcement functions. It is not appropriate for training or coordination to be assigned to the FEMA regime where there are no such responsibilities. If there were to be another terrorist attack, responding to the immediate crisis would be a law enforcement responsibility. Sheriffs and police chiefs are shocked that OMB would propose that FEMA should assume responsibility in these areas, where there is neither experience nor legal authority to act.

Perhaps most confusing is the contradiction of the January 2001 CLECs Government Interagency Domestic Terrorism Concept of Operations Plan, known as the CONPLAN, which states, "Crisis management is predominately a law enforcement function and includes measures to identify, acquire, and plan the use of resources needed to anticipate, prevent, and/or resolve a threat or act of terrorism. In a terrorist incident, a crisis management response may include traditional law enforcement missions, such as intelligence, surveillance, tactical operations, negotiations, forensics, and investigations, as well as technical support such as agent identification, search, render safe procedures, transfer and disposal, and limited decontamination. In addition to the traditional law enforcement missions, crisis management also includes assurance of public safety and health."

Presidential Decision Directives 39, 62, and 63 direct the Attorney General, not FEMA, to assume the lead responsibility for the Federal Government. It is the U.S. Department of Justice, not FEMA, that serves as the central agency in a crisis.

Mr. SMITH. Sheriff Bittick, are you getting to the end of your testimony?

Mr. BITTICK. Just about, sir.

Mr. SMITH. You can't see that red light because a water pitcher is in the way, but—

Mr. BITTICK. Yes, sir. I am just about through it.

Mr. SMITH. Okay. You had me worried when I saw six more pages, so— [Laughter.]

Mr. BITTICK. No, that is mostly notes. I apologize.

Mr. SMITH. Okay.

Mr. BITTICK. At this time of national crisis, sheriffs want to support the efforts of the President and Governor Ridge. However, we cannot support the OMB recommendation to remove the Office of Domestic Preparedness from the U.S. Department of Justice and transfer this function from FEMA. While this plan may appear to serve the interest of efficiency, it fails to recognize the reality of law enforcement responsibilities at the time of a terrorist attack.

Mr. Chairman, let me conclude by offering my assurances that the National Sheriff's Association strongly endorses the words of your Committee, and I quote, "A case has neither been made for current proposed transfer of the Office of Domestic Preparedness nor for the prior transfer of the National Domestic Preparedness Office." Thank you, sir.

Mr. SMITH. Sheriff Bittick, it was worth waiting for that endorsement. Thank you. [Laughter.]

[The prepared statement of Mr. Bittick follows:]

PREPARED STATEMENT OF JOHN CARY BITTICK

INTRODUCTION:

Mr. Chairman, I am Sheriff John Cary Bittick and I appear before you as President of the National Sheriffs Association. The National Sheriffs' Association is surprised and deeply concerned about the proposal by OMB to eliminate the Office of Domestic Preparedness (ODP) at the U.S. Department of Justice, and to shift these responsibilities to the Federal Emergency Management Agency (FEMA).

This is a time when the American people need continuity and coordination, not the disruption of unnecessary reorganization. For this reason, I appear before you today to add the voice of the Nation's Sheriffs to other law enforcement organizations that likewise oppose this OMB proposal. While we appreciate the efforts of OMB to consolidate functions and enhance efficiency, this proposal would unintentionally undermine the efforts of American law enforcement.

I will submit for the record a formal resolution adopted by the National Sheriffs' Association last week, in which we set forth the reasons for our opposition to the proposed reorganization.

Let me explain each of the reasons for our opposition to the OMB proposal:

Experience With Counterterrorism:

Sheriffs have worked with the Department of Justice on funding for anti-crime efforts since the Safe Streets Act of 1968. Over these 34 years, the Department of Justice has established expertise that cannot be replicated by an agency that is new to law enforcement. Nothing more need be said here, as it is apparent that there is no substitute for these 34 years of relationships and experience.

Contradiction of the Patriot Act:

The Sheriffs of our Nation applaud your courage and leadership in passing the Patriot Act. But we are confused by the OMB proposal, since it seems to repeal sections of the Patriot Act even before some of those provisions have been implemented. For example, the OMB proposal seems to re-write Sections 1005 and 1014, which direct the Attorney General, not FEMA, to make grant to Sheriffs for first responders, terrorism prevention and anti-terrorism training.

Law Enforcement Responds to a Deadly Threat, Not FEMA Agencies:

Look at the record of terrorist attacks around the globe. Terrorists attack with automatic weapons, bombs, and often take hostages. Side-by-side with Federal law enforcement, we will face the terrorists, most probably with deadly weapons. We will never ask nor can we expect our Fire, EMS or Health personnel to face gunfire, explosives or other deadly assaults. That is the job of police and sheriffs, and it is ours alone. Once the threat has been addressed and public safety has been restored, only then it is possible to turn over the scene to the FEMA agencies. To do anything else would be contrary to a Sheriff's oath of office and contrary to the laws of the States. To subordinate our crisis response to FEMA would compromise the statutory obligation of law enforcement officials to protect their communities. Mr. Chairman, we are grateful that your committee has rightly acknowledged that this is the reality of both policy and practices across the Nation.

“The Committee is concerned that FEMA is not the appropriate agency for these responsibilities. A terrorist attack is a criminal event, not a natural disaster.”¹

FEMA Role is Limited to Consequences Management:

The prevention, detection and apprehension of terrorists are law enforcement functions, and it is not appropriate for training and coordination to be assigned to the FEMA regime, where there are no such responsibilities. If there were to be another terrorist attack, responding to the immediate crisis would be a law enforcement responsibility. Sheriffs and Chiefs of Police are shocked that OMB would propose that FEMA should assume responsibility in these areas, where there is neither experience nor legal authority to act. Perhaps most confusing is the contradiction of the January 2001 United States Government Interagency Domestic Terrorism Concept of Operations Plan, known as the CONPLAN, which states:

“Crisis management is predominantly a law enforcement function and includes measures to identify, acquire, and plan the use of resources needed to anticipate, prevent, and/or resolve a threat or act of terrorism. In a terrorist incident, a crisis management response may include traditional law enforcement missions, such as intelligence, surveillance, tactical operations, negotiations, forensics, and investigations, as well as technical support missions, such as agent identification, search, render safe procedures, transfer and disposal, and limited decontamination. In addition to the traditional law enforcement missions, crisis management also includes assurance of public health and safety.”²

Contradiction of Presidential Decision Directives:

Presidential Decision Directives 39, 62 and 63 direct the Attorney General, not FEMA, to assume lead responsibility for the Federal Government. It is the U.S. Department of Justice, and not FEMA, that serves as the central agency in a crisis. This is what our local laws now reflect and this is how our personnel have been trained. The Nation’s Sheriffs and Police have established operational agreements with ODP and the FBI at the Department of Justice, and we should not be asked to scrap all of our policies, plans, and agreements so that we can work under the authority of an agency that has no law enforcement role.

Disruption of Current Programs Threatens the Public:

Last year, the House raised the funding for the ODP from \$250 Million to \$650 Million, and we are now engaged in the planning for allocation of these funds to law enforcement. Just as we are launching these new programs, OMB would have us terminate the effort and move everything over to FEMA. The disruption that such a shift would cause is nothing less than catastrophic at a time when the safety of the American people is at risk. As elected Sheriffs sworn to protect the public, we cannot support a recommendation that may cause enormous disruption and a potential hiatus during this period of unprecedented threats to public safety in America.

Department of Justice Should be Commended:

The National Sheriffs’ Association believes that Congress should commend the Attorney General, the FBI and ODP for a job well done, and not consider the transfer of their duties to agencies that lack the experience, training and authority to get the job done. As directed by Congress, the Department of Justice has worked with all 50 states on preparedness plans, and I am advised that 44 have been received. Relying upon decades of experience with review and approval of such State plans, ODP has already approved 40 of these State Strategy documents. I asked the Department of Justice to provide me with a listing of what they have done to assist law enforcement and first responders, and I am pleased to submit these figures for the record.

¹House Committee on the Judiciary, Subcommittee on Crime. “Amended Views and Estimates”

²January 2001 United States Government Interagency Domestic Terrorism Concept of Operations Plan

Equipment

ODP has made \$607.04 million dollars available to state and local jurisdictions for the procurement of specialized WMD equipment.

ODP developed a Pre-positioned Equipment Program (PEP) to strategically locate emergency response equipment around the nation for response to terrorist incidents.

Training

From FY97 through FY01, ODP has trained over 96,600 state and local emergency responders from more than 1,548 different jurisdictions.

A total of 33 training courses are offered through ODP including a range of specialized courses, from basic awareness to discipline-specific advanced level training and directed toward a variety of disciplines including fire, hazardous materials, law enforcement, emergency medical services, public health, emergency management, and public works.

At its Center for Domestic Preparedness (CDP) in Anniston, Alabama, ODP operates the nations only state and local live agent training facility, where emergency responders can test their skills in a live contaminated environment.

Working in partnership with the Combating Terrorism Technology Support Office/Technical Support Working Group and the FEMA Emergency Education Network (EENET), ODP provides regular awareness level training to the emergency response community through two satellite broadcast programs: Consequence Management News, Equipment and Training (CoMNET) and Live Response.

Exercises

In May 2000, ODP National Exercise Program conducted the Top Officials (TOPOFF) exercise, the largest Federal, state and local full-scale exercise that simulated chemical, biological and radiological attacks around the country. ODP has begun planning for the Congressional mandated TOPOFF II Full-Scale exercise, to be conducted in the spring of 2003.

A total of 93 exercises have been conducted by ODP to date. It is estimated that ODP will complete 220 exercises in FY02, including the NLD DP Program Exercises.

Working with the Department of Energy, ODP has established a Center for Exercise Excellence at the Nevada Test Site (NTS), creating a national WMD exercise training program which assists state and local emergency response agencies with the planning and conduct of domestic preparedness exercises.

Technical Assistance

ODP has reconstituted the Domestic Preparedness Helpline, a non-emergency, toll-free, 1-800 number resource available for use by state and local emergency responders. The Helpline provides general information on the characteristics and control of WMD materials, technical information on response equipment, mitigation techniques, ODP programs and services, and available Federal assets.

Partnering with the U.S. Army's Pine Bluff Arsenal, ODP offers mobile technical assistance teams that provide on-site assistance and training to ODP grantees with the calibration, operation and maintenance of WMD response equipment.

Nunn-Lugar-Domenici Domestic Preparedness Program

ODP is responsible for completing the Nunn-Lugar-Domenici Domestic Preparedness Program that was transferred from DoD, effective December 21, 2000. As of January 31, 2002, ODP has completed: 22 Biological Weapons Tabletop Exercises (BWTTX)

- 6 Chemical Weapons Full Scale Exercises (CWFSE)
- All NLD DP final 15 cities Initial Meetings
- 13 of 15 Senior Officials Workshops for the remaining cities
- 12 of 15 Program Implementation Meetings for NLD cities 106-120
- 36 training courses for 8 of the final 15 NLD cities

CONCLUSIONS:

For all the reasons set forth here, the National Sheriffs' Association commends the Committee for your position that these functions must remain at the Department of Justice.

"The Department of Justice is clearly authorized to provide grants to states and locals for crisis and consequence management training, equipment and technical assistance. FEMA does not appear to have the same authorization. More importantly, FEMA is not in the business of crisis management and the Department of Justice is. Because of the primacy of crisis management, the Department of Justice has been designated the lead agency in establishing a single entity to oversee both crisis and consequence management in the event of a terrorist attack."¹

At this time of national crisis, Sheriffs want to support the efforts of the President and Governor Ridge. However, we cannot support the OMB recommendation to remove the Office of Domestic Preparedness from the U.S. Department of Justice and transfer this function to FEMA. While this plan may appear to serve the interests

¹House Committee on the Judiciary, Subcommittee on Crime. "Amended Views and Estimates"

of efficiency, it fails to recognize the reality of law enforcement responsibilities at the time of a terrorist attack. This sort of forced consolidation can only lead to confusion, and that is not what our Nation needs right now.

Mr. Chairman, let me conclude by offering my assurance that the National Sheriffs' Association strongly endorses the words of your Committee,

“A case has neither been made for the current proposed transfer of the Office of Domestic Preparedness nor for the prior transfer of the National Domestic Preparedness Office. Accordingly, the Committee believes it would be appropriate to direct the \$3.5 billion to the Department of Justice for coordination, training, technical assistance and equipment for state and local first responders.”¹

Mr. SMITH. Ms. Ekstrand.

STATEMENT OF LAURIE EKSTRAND, DIRECTOR, JUSTICE ISSUES, GENERAL ACCOUNTING OFFICE, WASHINGTON, DC

Ms. EKSTRAND. Thank you, sir. Mr. Chairman and Members of the Subcommittee, as you know, during the last 5 years, GAO has reported on a number of programs run by OJP bureaus and offices. One overarching theme over these reviews is the need for improvement in monitoring and evaluating their grant programs.

Monitoring and evaluation identify whether programs are operating as intended, whether they are reaching those who should be served, and ultimately whether they are making a difference in the fight against crime and delinquency, and these are major elements of assessing results. Our recent work has focused on the Bureau of Justice Assistance, the Violence Against Women Office, the Office of Juvenile Justice and Delinquency Prevention, the Executive Office of Weed and Seed, and the Drug Court program.

Let me start by discussing our findings concerning monitoring. Site visits, phone contacts, and reviews of grantee progress reports are all examples of the kinds of monitoring activities that are intended to ensure that grants are spent as they are supposed to be.

Since 1996, we have testified and reported on grant monitoring problems in some of OJP's bureaus. Most recently, we reported that grant files for discretionary awards granted by OJJDP, VAWO, and under BJA's Byrne program did not always contain required documentation of monitoring activities. As a result, neither OJP, OJJDP, VAWO, BJA, nor we were able to determine what level of monitoring had occurred.

These are problems similar to those we identified in 1996 testimony on OJJDP and in a 1999 report on the Weed and Seed program. OJP itself has identified similar problems, and the DOJ Inspector General has recently declared OJP grant management a major management challenge.

Now let me turn to impact evaluations. These are studies that are intended to assess the impact of a program compared to what might have happened—had the program never existed. They are not easy to design and carry out, but they are vital to determining whether a program works or not.

At the request of Senators Sessions and Grassley, we recently reviewed the soundness of the sole Byrne grant impact evaluation and three VAWO impact evaluations that were undertaken since 1995. We found the Byrne evaluation to be well designed and im-

¹House Committee on the Judiciary, Subcommittee on Crime. “Amended Views and Estimates”

plemented. However, all three VAWO impact evaluations suffer from major sampling and design problems that compromise their ability to provide definitive results. Data collection and analytic problems were also evident. We are releasing this report today in conjunction with this hearing.

We also recently reported on the soundness of ten impact evaluations of OJJDP funded programs. Of the five that had passed the early stages, two had design issues and three had experienced data collection problems that could also compromise the validity of their findings.

Finally, our preliminary review of an effort to design a national impact evaluation to assess the effectiveness of Drug Court programs is showing that that effort has not yielded its intended evaluation plan. A new national impact evaluation effort for Drug Courts is planned, but it is unlikely that it will provide the needed information on results until 2007.

OJP is a \$4 billion operation. We have not reviewed all of OJP's program areas, but our work to date raises serious questions about the quantity and the quality of information OJP has available to gauge results. In relation to monitoring and evaluation, OJP has plans to reorganize and to develop a new management information system and cites these as the foundation for positive changes in grants management. Reorganization and information systems are only tools and they are only as good as the management that wields them. Commitment to improvement and oversight is needed to ensure progress.

Chairman Smith, we are looking forward to starting work on a broad review of the National Institute of Justice's impact evaluations as you have requested as part of your oversight. Thank you.

Mr. SMITH. Thank you, Ms. Ekstrand.

[The prepared statement of Ms. Ekstrand follows:]

PREPARED STATEMENT OF LAURIE E. EKSTRAND

GAO

United States General Accounting Office

Testimony

Before the Subcommittee on Crime, Committee on the
Judiciary, House of Representatives

For Release on Delivery
Expected at 10:00 a.m.,
Thursday, March 7, 2002

**OFFICE OF JUSTICE
PROGRAMS**

**Problems with Grant
Monitoring and Concerns
about Evaluation Studies**

Statement of Laurie E. Ekstrand, Director, Justice Issues



Mr. Chairman and Members of the Subcommittee:

I am pleased to be here today to discuss our work on the Office of Justice Programs (OJP). During the last 5 years, we have reported on a number of programs run by OJP bureaus and offices. An overarching theme of these reviews is a need for improvements in monitoring and evaluating the myriad grant programs that OJP oversees. Our work has shown longstanding problems with OJP grant monitoring and has begun to raise questions about the methodological rigor of some of OJP's impact evaluation studies. Monitoring and evaluation are the activities that identify whether programs are operating as intended, whether they are reaching those that should be served, and ultimately whether they are making a difference in the fight against crime and delinquency. In other words, these are major elements of assessing results. Our recent work has focused mostly on discretionary grant programs administered by the Bureau of Justice Assistance (BJA), the Violence Against Women Office (VAWO), the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the Executive Office for Weed and Seed (EOWS), and the Drug Courts Program Office (DCPO). We have also examined National Institute of Justice (NIJ) impact evaluations of some of these programs.

Background

OJP, the grant making arm of the Department of Justice (DOJ), provides grants to various organizations, including state and local governments, universities, and private foundations, that are intended to develop the nation's capacity to prevent and control crime, administer justice, and assist crime victims. OJP's assistant attorney general is responsible for overall management and oversight of OJP through setting policy and ensuring that OJP policies and programs reflect the priorities of the president, the attorney general, and the Congress. The assistant attorney general promotes coordination among OJP's five bureaus—including BJA, NIJ, and OJJDP—as well as its seven program offices, including VAWO, the Executive Office for Weed and Seed (EOWS), and the Drug Courts Program Office.¹

¹ OJP's five bureaus are Bureau of Justice Assistance, Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and Office for Victims of Crime. OJP's seven program offices are American Indian and Alaska Native Affairs Desk, Violence Against Women Office, Executive Office for Weed and Seed, Corrections Program Office, Drug Courts Program Office, Office for Domestic Preparedness, and Office of Police Corps and Law Enforcement Education. Appendix I shows OJP's current organizational structure.

OJP bureaus and program offices award two types of grants: formula and discretionary. Formula grants are awarded to state governments, which then make subawards to state and local units of government. Discretionary grants can be awarded on a competitive and non-competitive basis directly to states, local units of government, Indian tribes and tribal organizations, individuals, educational institutions, private nonprofit organizations, and private commercial organizations. Bureaus and program offices, like BJA, VAWO, and OJJDP are, together with OJP's Office of the Comptroller, responsible for monitoring OJP's discretionary grants to ensure that they are being implemented as intended, responsive to grant goals and objectives, and compliant with statutory regulations and other policy guidelines. NIJ is OJP's principal research and development agency and awards grants for the research and evaluation of many of OJP's grant programs. OJJDP also funds research and evaluation efforts associated with the juvenile justice system.

Between fiscal years 1990 and 2000, OJP's budget grew, in constant fiscal year 2000 dollars, by 323 percent, from about \$916 million in fiscal year 1990 to nearly \$3.9 billion in fiscal year 2000.²

OJP's Efforts to Resolve Continuing Grant Monitoring Problems

The monitoring of grant activities is a key management tool to help ensure that funds awarded to grantees are being properly spent. Over the last few years, we and others, including OJP, have identified various grant monitoring problems among OJP's bureaus and offices. OJP has begun to work with its bureaus and offices to address these problems, but it is too early to tell whether its efforts will be enough to resolve many of the issues identified.

Problems with OJP Grant Monitoring Are Not New

Since 1996, we have testified and issued reports that document grant monitoring problems among some of OJP's bureaus and offices. In November 2001, in response to a request by Senators Sessions and Grassley, we reported that grant files for discretionary grants awarded by VAWO and under BJA's Byrne Program often lacked the documentation necessary to ensure that required monitoring activities occurred.³ In

² Appendix II shows the growth of OJP's budget between fiscal years 1990 and 2000, and Appendix III shows OJP's fiscal year 2000 budget broken out by Bureaus and Program Offices.

³ U.S. General Accounting Office, *Justice Discretionary Grants: Byrne Program and Violence Against Women Office Grant Monitoring Should Be Better Documented*, GAO-02-025 (Washington, D.C.: Nov. 28, 2001).

October 2001, at the request of Congressman Schaffer, we cited similar problems with the monitoring of OJJDP discretionary grants—problems consistent with the lack of OJJDP monitoring documentation we reported in May 1996.¹ For example, our review of grant files for a representative sample of OJJDP, BJA Byrne, and VAWO discretionary grants active in all of fiscal years 1999 and/or 2000 showed the following:

- BJA and VAWO grant files did not always contain requisite grant monitoring plans, whereas OJJDP grant files generally did. When monitoring plans were in the files, grant managers from the three organizations did not consistently document their monitoring activities, such as site visits, according to the monitoring plans they developed.
- A substantial number of OJJDP, BJA Byrne, and VAWO grant files did not contain progress and financial reports sufficient to cover the entire grant period, contrary to OJP guidelines. Furthermore, Byrne and VAWO grantee progress and financial reports were often submitted late by grantees. These reports are an important management tool to help managers and grant monitors determine if grantees are meeting program objectives and financial commitments.
- BJA Byrne, VAWO, and OJJDP grant files did not always contain the required closeout documents—key documents by which OJP ensures that, among other things, the final accounting of federal funds have been received.

We concluded that neither OJP, OJJDP, BJA, VAWO, nor GAO can determine the level of monitoring performed by grant managers as required by OJP and the comptroller general's internal control standards, which call for documentation of all transactions and other significant events to ensure that management directives are being carried out.² We recommended that OJJDP, BJA, and VAWO review why documentation problems occurred and take steps to improve their documentation of grant monitoring. We also recommended that OJP (1) study and recommend ways to establish an approach to systematically test or review grant files to ensure consistent documentation across OJP and (2) explore ways to electronically compile and maintain documentation of monitoring

¹U.S. General Accounting Office, *Juvenile Justice: Better Documentation of Discretionary Grant Monitoring is Needed*, GAO 02-65 (Washington, D.C.: Oct. 10, 2001) and *Juvenile Justice: Selected Issues Relating to OJJDP's Reauthorization*, GAO/T-GGD-96-103 (Washington, D.C.: May 8, 1996).

²U.S. General Accounting Office, *Internal Control: Standards for Internal Control in the Federal Government*, GAO/AIMD-00-213.1 (Washington, D.C.: Nov. 1999).

activities to facilitate more consistent documentation, more accessible management oversight, and sound performance measurement.

Also, in 1999, our report on the management of the Weed and Seed Program showed similar results.⁶ Among other things, EOWS did not always ensure that local Weed and Seed sites met critical requirements—almost one half of 177 sites funded in fiscal year 1998 had not submitted all of the required progress reports. Furthermore, while EOWS was to conduct site visits at all Weed and Seed sites, EOWS monitors did not always document the results of these visits. We concluded that EOWS lacked adequate management controls over its grant monitoring process and recommended that EOWS improve program monitoring to ensure that sites meet grant requirements for submitting progress reports and EOWS document site visits.

Our work has also shown that others, including OJP itself and the DOJ Office of the Inspector General, have identified problems with grant monitoring. Our November 2001 report discussed that, in 1996, an OJP-wide working group reported on various aspects of the grant process, including grant administration and monitoring. Among other things, the working group found that grant monitoring was not standardized in OJP; given available resources, monitoring plans were overly ambitious, resulting in failure to achieve the level of monitoring articulated; and an OJP-wide tracking system was needed to facilitate control of the monitoring process. The working group recommended that OJP establish another working group to develop detailed operating procedures, giving special attention to grant monitoring.

Almost 4 years later, in February 2000, an independent contractor delivered a report to OJP containing similar findings.⁷ The report stated that OJP lacked consistent procedures and practices for performing grant management functions, including grant monitoring, across the agency. For example, the contractor found that (1) no formal guidance had been provided grant managers about how stringent or flexible they should be with grantees in enforcing deadlines, due dates, and other grant requirements and (2) grant files were often not complete or reliable. The

⁶U.S. General Accounting Office, *Federal Grants: More Can Be Done to Improve Weed and Seed Program Management*, GAO/GGD-99-110 (Washington, D.C.: July 16, 1999).

⁷Dougherty and Associates, *Final Report of Finding & Recommendations for Improvement of the Grant Management Process* (Alexandria, VA, 2000).

contractor recommended that, among other things, OJP develop an agencywide, coordinated and integrated monitoring strategy; standardize procedures for conducting site visits and other monitoring activities; and mandate the timeliness and filing of monitoring reports.

Finally, the DOJ Office of the Inspector General has identified and reported on OJP-wide monitoring problems and has identified grant management as one of the 10 major management challenges facing DOJ. In December 2000, the inspector general stated that DOJ's multibillion-dollar grant programs are a high risk for fraud, given the amount of money involved and the tens-of-thousands of grantees. Among other things, the inspector general said that past reviews determined that many grantees did not submit the required progress and financial reports and that program officials' on-site reviews did not consistently address all grant conditions.

Too Early to Gauge
Effectiveness of OJP's
Efforts to Resolve Grant
Monitoring Problems

We reported in November 2001 that OJP had begun to work with bureaus and offices to resolve some of the problems it and others have identified, but it was too early to tell how effective these efforts will be in resolving these issues. In its Fiscal Year 2000 Performance Report and Fiscal Year 2002 Performance Plan developed under the Government Performance and Results Act of 1993, OJP established a goal to achieve the effective management of grants. Among other things, DOJ plans to achieve this goal by continued progress toward full implementation of a new grant management system as a way of standardizing and streamlining the grant process. According to the performance report and performance plan, the grant management system will assist OJP in setting priorities for program monitoring and facilitate timely program and financial reports from grantees.

At the time of our review, the new system covered grants for some organizations up to the award stage. Since then, OJP has created a chief information officer position charged with planning and implementing an agency-side grant management system. According to the assistant attorney general, the new system is envisioned to produce reports in response to informational requests, provide information pertaining to grantees and all resources provided by OJP, and maintain information from the opening to the closing of a grant award. Although the assistant attorney general said that OJP will consider the comptroller general's internal control standards in taking these steps, it is unclear whether the new system will include the full range and scope of monitoring activities.

We also reported that OJP had been working on two other key efforts. One of these initiatives, "Operation Closeout," was a pilot project announced in February 2000 by OJP's Working Group on Grant Administration that was to, among other things, accelerate the grant closeout process through revising closeout guidelines and elevating the importance of the closeout function as a required procedure in the administration of grants. By November 2000, OJP reported that this operation closed out 4,136 outstanding grants over a 6-month period, resulting in over \$30 million in deobligated funds. As of September 2001, OJP had plans to initiate another closeout operation based on the success of the pilot.

Another OJP initiative involved the issuance of new OJP-wide guidance for grant administration, including grant monitoring. In January 2001, OJP released its Grant Management Policies and Procedures Manual to update and codify OJP's policies and procedures regarding its business practices.⁶ According to OJP officials, the new guidance was developed to reengineer the grant management process based on the best practices of bureaus and offices throughout OJP. At the time of our review, OJP had trained over 300 grant managers and had plans to train supervisors about the new guidance. OJP also had planned to send a similar questionnaire to recently trained grant managers and supervisors, respectively, to identify any issues or problems with using the new manual and to identify potential training interest and topics. However, there were no plans to test or systematically monitor compliance with the new guidelines to ensure that grant managers were fulfilling their responsibilities.

OJP's bureaus and program offices have told us that they recognize that they need to take some steps to respond to our recent recommendations, but it is too early to tell if these actions will be effective. For example, in response to our November 2001 report on the monitoring of Byrne and VAWO discretionary grants, BJA said that it had, among other things, (1) modified its internal grant tracking system to include tracking of events such as site visits, phone contacts involving staff and grantees, and grant closeouts and (2) developed more specific guidance for grantees on completing progress reports to ensure more specific performance data are obtained. VAWO said it had begun to develop both an internal monitoring manual that would include procedures for development of monitoring plans using a risk-based assessment tool and a management information

⁶ This document superseded *OJP Handbook: Policies and Procedures for the Administration of OJP Grants* (Washington, D.C., 1992).

system that will eventually track the submission of progress and financial reports.

Likewise, in response to our October 2001 report on OJJDP grant monitoring, OJJDP officials said they conducted an internal assessment of grant monitoring activities and established an OJJDP standard for grant administration and monitoring; a protocol for adhering to the standard; and a set of tools for grant administration and monitoring. OJJDP said that it anticipates OJJDP-wide implementation during fiscal year 2002. Finally, with respect to our 1999 Weed and Seed report, EOWS said it recognizes the need to improve program monitoring—citing that it has a chronic problem of grantees not submitting programmatic progress reports in a timely manner—and acknowledged the need to document all monitoring visits. In a July 2000 letter, EOWS officials said that EOWS had taken steps to improve program monitoring, including documentation of site monitoring visits.

Concerns about Impact Evaluation Studies

We have also issued reports questioning the methodological rigor of impact evaluation studies of various OJP grant programs. Impact evaluations are intended to assess the net effect of a program by comparing program outcomes with an estimate of what would have happened in the absence of the program.

Today, we are issuing a report on work undertaken at the request of Senators Sessions and Grassley concerning the methodological rigor of impact evaluations of a Byrne grant program and three VAWO discretionary grant programs.³ During fiscal years 1995 through 2001, NJ awarded about \$6 million for 5 Byrne and 5 VAWO discretionary grant program evaluations. Of the 10 program evaluations, all 5 VAWO evaluations were intended to measure the impact of the VAWO programs. One of the 5 Byrne evaluations was designed as an impact evaluation. Our in-depth review of the 4 impact evaluations that have progressed beyond the formative stage showed that only 1 of these, the evaluation of the Byrne Children at Risk (CAR) Program, was methodologically sound.

³U.S. General Accounting Office, *Justice Impact Evaluations: One Byrne Evaluation Was Rigorous; All Reviewed Violence Against Women Office Evaluations Were Problematic*, GAO-02-309 (Washington, D.C.: Mar. 7, 2002).

The other 3 evaluations, all of which examined VAWO programs, had methodological problems that raise concerns about whether the evaluations will produce definitive results. Although program evaluation is an inherently difficult task, in all 3 VAWO evaluations, the effort is particularly arduous because of variations across grantee sites in how the programs are implemented. In addition, VAWO sites participating in the impact evaluations have not been shown to be representative of their programs, thereby limiting the evaluators' ability to generalize results. Further, the lack of nonprogram participant comparison groups hinders their ability to minimize the effects of factors that are external to the program and isolate the impact of the program alone. In some situations, other means (other than comparison groups) can be effective in isolating the impact of a program from other factors. However, in these evaluations, effective alternative methods were not used. In addition, data collection and analytical problems (e.g. related to statistical tests, assessment of change) compromise the evaluators' ability to draw appropriate conclusions from the results.

We have made a recommendation in relation to the two VAWO impact evaluations in the formative stage of development, and for all future impact evaluations, to ensure that potential methodological design and implementation problems are mitigated. The assistant attorney general commented that she agreed with the substance of our recommendations and has begun or plans to take steps to address them. It is still too early to tell whether these actions will be effective in preventing or resolving the problems we identified, but they appear to be steps in the right direction.

Our in-depth review of 10 of OJJDP's impact evaluations of its own programs undertaken since 1995 also raised some concerns about whether many of the evaluations would produce definitive results. We reported these concerns in an October 2001 report, requested by Congressman Schaffer, on OJJDP grantee reporting requirements and evaluation studies.¹⁰ At the time of our review, all of the 10 evaluations were ongoing, with 5 in their formative stages and 5 well into implementation. As in the report cited above, we noted that some of the evaluations we reviewed were particularly difficult to design because sites varied in how they implemented the same program. While these variations were intended to

¹⁰U.S. General Accounting Office, *Juvenile Justice: OJJDP Reporting Requirements for Discretionary and Formula Grantees and Concerns About Evaluation Studies*, GAO-02-23 (Washington, D.C.: Oct. 30, 2001).

allow communities to tailor programs to meet their unique needs, they will make it difficult to interpret evaluation results when the studies are completed. Two of the evaluations that were in their later stages and 3 of those that were in their formative stages at the time of our review lacked specific plans for comparison groups, which would aid in isolating the impacts of the program from the effects of other factors that may have influenced change. Furthermore, 3 of the 5 evaluations that were well into implementation at the time of our review had developed data collection problems.

We recommended in our report that OJJDP assess the 5 impact evaluations that were in their formative stages to address potential comparison group and data collection problems and initiate any needed interventions to help ensure the evaluations produce definitive results. In commenting on a draft of our report, the assistant attorney general said the report is an important tool that OJP would use to improve the quality of its evaluations and to design programs to achieve greater impact. Furthermore, OJP will assess the five impact evaluations in their formative stages, as we recommended. Two months after our report's issuance, OJP reported to us on the status of these evaluations. OJP informed us that OJJDP had decided to discontinue 1 evaluation that had planned to use a comparison group because of delays and difficulties in identifying a comparison site. In addition, OJJDP is considering scaling back and refocusing the scope of another evaluation because the program being studied did not lend itself to an impact evaluation with comparison groups.

We have also reported on problems with evaluation studies of federally funded drug court programs.¹¹ In our 1997 report to the House and Senate Judiciary Committees,¹² we found, among other things, that differences and methodological limitations in existing drug court evaluation studies did not permit firm conclusions to be made on the overall impact or

¹¹The main purpose of a drug court program is to use the authority of the court to reduce crime by changing defendants' substance abuse or risk behavior. Under this concept, in exchange for the possibility of dismissed charges or reduced sentences, defendants are diverted to drug court programs in various ways and at various stages in the judicial process. Judges preside over drug court proceedings; monitor the progress of defendants; and prescribe sanctions and rewards as appropriate in collaboration with prosecutors, defense attorneys, treatment providers, and others.

¹²U.S. General Accounting Office, *Drug Courts: Overview of Growth, Characteristics, and Results*. GAO/GGD-97-106 (Washington, D.C.: July 31, 1997).

effectiveness of drug court programs. We recommended that future drug court program impact evaluations, funded by DOJ and others, be required to include post-program data and comparison groups within their scope. The preliminary results of our ongoing follow-up work on drug court programs for Senators Grassley and Sessions indicate that various administrative and research factors have hampered NIJ's efforts to complete a national impact evaluation study, and that alternative plans for addressing the impact of federally funded drug court programs, if implemented, are not expected until year 2007. As a result, DOJ will continue to lack near term information that the Congress, the public, and other program stakeholders may need to determine the overall impact of federally funded drug court programs and to assess whether these programs are an effective use of federal funds. We expect to issue a report on this issue in April 2002.

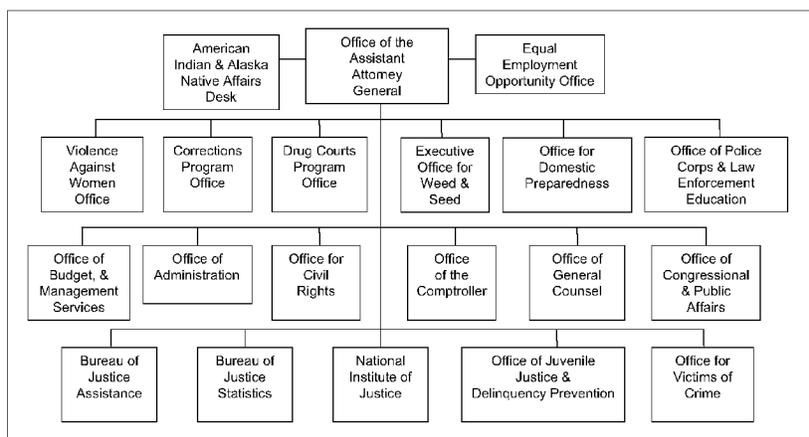
In summary, OJP's grant programs have grown rapidly during the last decade, increasing the importance of ensuring that they are achieving intended results. Yet, repeated GAO reviews of grant monitoring and impact evaluations across a variety of OJP entities have shown a need for improvement. OJP itself and the DOJ Office of the Inspector General have identified a need for improvements in grant management as well.

Despite past commitments to shore up grant monitoring and better assess program results, we have still found problems in very recent reports. The recent reorganization plans and the anticipated management information system have been cited as the foundation for positive changes in grants management, including monitoring and evaluation. But, reorganization and management information systems are only tools and are only as good as the management that wields them. Commitment to improvement and oversight are needed to ensure progress. Chairman Smith has recently requested an assessment of NIJ's impact evaluation studies. This work may lead to additional recommendations related to OJP grant evaluations.

Mr. Chairman, this concludes my prepared statement. I would be pleased to answer any questions that you or other members of the subcommittee may have.

For further information regarding this testimony, please contact Laurie E. Ekstrand or John F. Mortin at (202) 512-5777. Individuals making key contributions to this testimony included James Blume, Dan Harris, Charles Johnson, Weldon McPhail, Wendy Simkalo, Lori Weiss, Jared Hermalin, Rochelle Burns, Jenna Battcher, and Kimberly Hutchens.

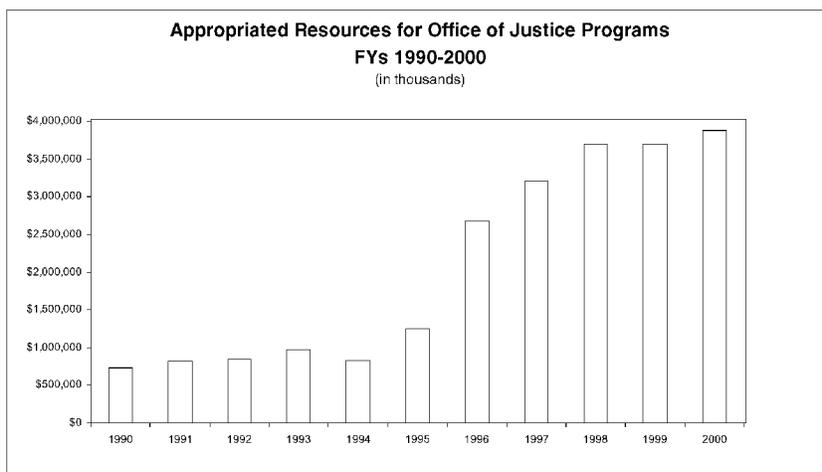
Appendix I: OJP Organization Chart



Note: The organization chart is current as of March 2002.

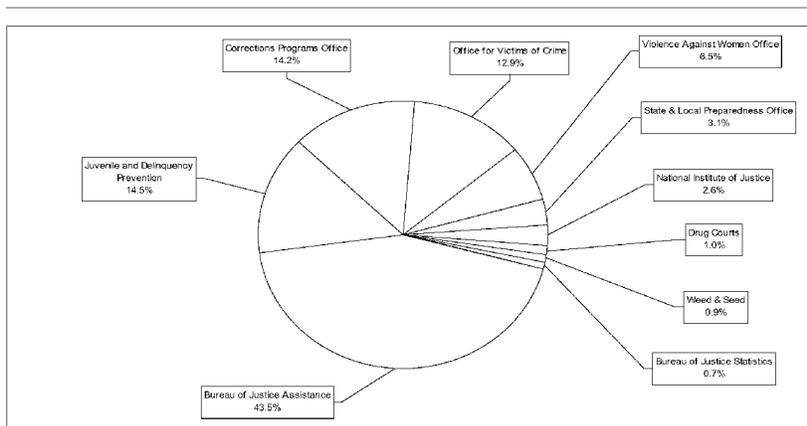
Source: Prepared by GAO based on OJP documentation.

Appendix II: OJP's Budget



Note: Annual totals include Crime Victims Fund collections and Public Safety Officers' Benefits Program and exclude Management and Administration.
Source: OJP Office of Budget and Management Services.

Appendix III: OJP's FY 2000 Budget by Program Office and Bureau



Source: OJP Office of Budget and Management Services

Related GAO Products

Justice Impact Evaluations: One Byrne Evaluation Was Rigorous; All Reviewed Violence Against Women Office Evaluations Were Problematic, GAO-02-309 (Washington, D.C.: March 7, 2002).

Justice Discretionary Grants: Byrne Program and Violence Against Women Office Grant Monitoring Should Be Better Documented, GAO-02-25 (Washington, D.C.: November 28, 2001).

Juvenile Justice: OJJDP Reporting Requirements for Discretionary and Formula Grantees and Concerns About Evaluation Studies, GAO-02-23 (Washington, D.C.: October 30, 2001).

Juvenile Justice: Better Documentation of Discretionary Grant Monitoring Is Needed, GAO-02-65 (Washington, D.C.: October 10, 2001).

Internal Control: Standards for Internal Control in the Federal Government, GAO/AIMD-00-21.3.1 (Washington, D.C.: November 1999).

Federal Grants: More Can Be Done to Improve Weed and Seed Program Management, GAO/GGD-99-110 (Washington, D.C.: July 16, 1999).

Drug Courts: Overview of Growth, Characteristics, and Results, GAO/GGD-97-106 (Washington, D.C.: July 31, 1997).

Juvenile Justice: Status of Delinquency Prevention Program and Description of Local Projects, GAO/GGD-96-147 (Washington, D.C.: August 13, 1996).

Juvenile Justice: Selected Issues Relating to OJJDP's Reauthorization, T-GAO/GGD-96-103 (Washington, D.C.: May 8, 1996).

OJJDP Discretionary Grant Programs, GAO/GGD-96-111R (Washington, D.C.: May 7, 1996).

Drug Courts: Information on a New Approach to Address Drug-Related Crime, GAO/GGD-95-159BR (Washington, D.C.: May 22, 1995).

Office of Justice Programs: Discretionary Grants Reauthorization, GAO/GGD-93-23 (Washington, D.C.: November 20, 1992).

Mr. SMITH. Judge Mitchell.

**STATEMENT OF DAVID B. MITCHELL, EXECUTIVE DIRECTOR,
NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT
JUDGES, RENO, NV**

Judge MITCHELL. Chairman Smith, Ranking Member Scott, and Members of the Subcommittee, the National Council of Juvenile and Family Court Judges appreciates the opportunity to testify at your request on the proposed reorganization of the Justice Department's Office of Justice Programs.

The National Council addressed this issue in the past at the request of the Subcommittee and will respond in the future to assist

the Committee in its review of this topic. The subject of the reorganization and the impact we anticipate it having on the Office of Juvenile Justice and Delinquency Prevention, the programs administered by OJJDP, and the juvenile and family courts of the nation makes us anxious to discuss this matter.

My name is David B. Mitchell. To my rear and with me today is Judge Ernestine Gray, the Chief Judge of the Juvenile Court in Orleans Parish in New Orleans, Louisiana. Judge Gray is President of the National Council of Juvenile and Family Court Judges, the nation's oldest and largest voluntary organization of judges. I am the Executive Director of the National Council. I assumed that position on January 3, 2002, after serving 17 years in the State of Maryland as a trial judge on a court of general jurisdiction.

I appreciate the need for organization and elimination of duplicative efforts that prove ineffective and wasteful and waste precious public resources. I came from the private sector to the court and now return to that venue. Those experiences make me quite conscious of duplication, lack of efficiency, the customer, and above all, the bottom line.

The National Council does not take a position on the need to reorganize OJP relative to the questions of line of authority or Presidential appointments or the process of centralization of the process of management. We certainly are sympathetic to the espoused goals.

I struggle with the notion of what I could say today to convey the concerns of juvenile court judges with the concept of reorganization of OJP and why it sends shock waves through us. The juvenile court in your districts represents an entire court system whose jurisdiction encompasses so much more than criminal acts by children, yet that limited work of the court appears as the only concept of what we do.

Judges in juvenile court address challenging determinations of whether a child is dependent because of the acts of his caretaker, the issues of abuse and neglect. We determine whether this child should be placed back with that caretaker, a relative, or into the foster care system because of abuse or neglect. Difficult decisions such as determination of parental rights are daily experiences of juvenile court judges. We decide adoptions and emergency medical procedures for children.

The work of the court is not limited to criminal behavior. We work with children to prevent them becoming disaffected, sullen, and angry because of violence perpetrated upon them. Young people who commit violent acts today too often trace the origin of that anger toward society back to their experiences as abused children. Each judge faces children whose life facts shock the conscience. We see children, as I did, where visitation arrangements for the incarcerated child and parents involved producing all in guard under court because all were in custody.

I am not confident that the Bureau of Justice Statistics or any other entity that we are discussing today will devote its energy to research and analysis of children justice matters, that is juvenile justice matters, in competition with the need to focus on crime by adults. Crime will rule the day and consideration of justice for chil-

dren, juveniles, will receive short shrift. It has always been that way. It will not change despite assurances to the contrary.

It is true today as it was under LEAA in the 1960's that the horse that eats all the oats in the barn is the criminal justice system. Juvenile justice matters are not as important in the minds of many as the latest information on what criminals do and why they do it.

We implore you to leave OJJDP inviolate in this process because juvenile justice, justice for children, is so much more than adult criminal behavior. The analysis and treatment of children must receive support from this body and not be carved up in the name of efficiency.

We submitted more lengthy remarks, which I request at this time be inserted into the record, and thank you, sir.

Mr. SMITH. Thank you, Judge Mitchell. Without objection, both the complete testimony of yourself and the other witnesses will be inserted into the record, as well as the resolution that Sheriff Bittick mentioned in his testimony, as well.

Judge MITCHELL. We appreciate that.

[The prepared statement of Judge Mitchell follows:]

PREPARED STATEMENT OF DAVID B. MITCHELL

CHAIRMAN SMITH, MR. SCOTT, MEMBERS OF THE SUBCOMMITTEE, THE NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES ("NATIONAL COUNCIL") IS PLEASED TO TESTIFY TODAY ON THE PROPOSED REORGANIZATION OF THE JUSTICE DEPARTMENT'S OFFICE OF JUSTICE PROGRAMS ("OJP").

MY NAME IS DAVID MITCHELL. I AM THE EXECUTIVE DIRECTOR OF THE NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES. FOR 17 YEARS, PRIOR TO JOINING THE NATIONAL COUNCIL AS EXECUTIVE DIRECTOR, I WAS A JUDGE IN THE BALTIMORE CITY CIRCUIT COURT, BALTIMORE, MARYLAND. I SERVED AS THE JUDGE-IN-CHARGE OF THE COURT'S JUVENILE DIVISION FROM 1984 TO 1995.

ON BEHALF OF THE NATIONAL COUNCIL, I THANK YOU FOR THIS OPPORTUNITY TO ADDRESS OUR CONCERNS ABOUT THE EFFECT THAT THIS REORGANIZATION WOULD HAVE ON OJP AND ITS PROGRAM OFFICES, INCLUDING THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION ("OJJDP").

THE NATIONAL COUNCIL IS THE LARGEST ORGANIZATION OF JUDGES THAT DEALS WITH JUVENILE DELINQUENCY, CHILD ABUSE AND NEGLECT, FAMILY VIOLENCE, DOMESTIC RELATIONS, AND CHILD SUPPORT. OUR MEMBERS COME FROM 49 STATES, THE DISTRICT OF COLUMBIA, AND SEVERAL TERRITORIES.

FROM THE FOUNDING OF NCJFCJ IN 1937, TRAINING AND TECHNICAL ASSISTANCE HAVE BEEN AMONG THE ORGANIZATION'S MOST IMPORTANT MISSIONS. THE NATIONAL COUNCIL IS THE ONLY ORGANIZATION THAT PROVIDES THE VAST ARRAY OF TRAINING PROGRAMS NEEDED BY JUVENILE AND FAMILY COURT JUDGES AND EMPLOYEES OF THEIR RELATED ORGANIZATIONS. NO SINGLE STATE IS CAPABLE OF PROVIDING THIS TRAINING. IN A TYPICAL YEAR, TRAINING SPONSORED, CO-SPONSORED OR ASSISTED BY THE NATIONAL COUNCIL IS PROVIDED TO MORE THAN 20,000 INDIVIDUALS. MANY OF OUR OVER 150 TRAINING PROGRAMS ARE ASSISTED BY FEDERAL GRANT FUNDING.

OVER 100 YEARS AGO, THE FIRST JUVENILE AND FAMILY COURT WAS ESTABLISHED IN RECOGNITION THAT THE REALM OF CRIME AND CRIMINALS IS A WORLD APART FROM THAT OF DELINQUENCY AND CHILDREN. WHILE THE LINES BETWEEN THESE WORLDS HAVE BEGUN TO BLUR IN THE LAST DECADE, ALL OF THE REFORMS THAT HAVE PASSED IN THE STATES TO EXPAND THE JURISDICTION OF CRIMINAL COURTS OVER JUVENILES HAVE AFFECTED LESS THAN 3% OF THE WORKLOAD OF THE JUVENILE JUSTICE SYSTEM IN THE UNITED STATES. THERE ARE STILL 1.7 MILLION COURT CASES REMAINING IN THAT SYSTEM, PLUS A HUGE AND

GROWING WORKLOAD OF ABUSED AND NEGLECTED CHILDREN, A POPULATION THAT THOSE CONCERNED WITH CRIME AND CRIMINALS SELDOM, IF EVER, ADDRESS.

THE JUVENILE JUSTICE SYSTEM OFTEN PRESENTS SOCIETY WITH ITS LAST MEANINGFUL OPPORTUNITY TO TURN A JUVENILE AWAY FROM A CAREER OF CRIME. IT IS FOR THAT OVERARCHING REASON THAT THE JUVENILE JUSTICE SYSTEM DIFFERS FROM THE CRIMINAL JUSTICE SYSTEM IN ITS MISSION AND APPROACH TO DEALING WITH THE JUVENILES THAT COME WITHIN ITS JURISDICTION.

IN ORDER TO DEAL WITH ITS MISSION, THE JUVENILE AND FAMILY COURTS OF THE NATION DIRECTLY AND THROUGH THE NATIONAL COUNCIL DEPEND ON THE FINANCIAL AND TECHNICAL ASSISTANCE PROVIDED BY THE DEPARTMENT OF JUSTICE WITH FUNDS APPROPRIATED BY YOU AND OTHER MEMBERS OF CONGRESS. THIS ASSISTANCE HAS ENABLED US TO MAKE IMMEASURABLE IMPROVEMENTS IN THE LAST DECADE DEALING WITH THE PROBLEMS OF OUR NATION'S CHILDREN AND FAMILIES. WE AND OUR CONSTITUENTS ARE GRATEFUL TO YOU AND THE DEPARTMENT OF JUSTICE FOR THIS ASSISTANCE.

THE JUVENILE JUSTICE PROGRAMS AUTHORIZED AND APPROPRIATED BY CONGRESS HAVE TO CONTINUE TO BE REASONED, TARGETED, MONITORED AND EVALUATED. TO DO SO, THE PERSONS STRUCTURING, MONITORING, AND EVALUATING THESE PROGRAMS MUST BE COMPLETELY CONVERSANT WITH THE BODY OF KNOWLEDGE THAT UNDERLIES THE RATIONALE AND STRUCTURE OF JUVENILE AND NOT CRIMINAL JUSTICE.

THE CONTINUING AND GROWING NEED FOR THIS ASSISTANCE SHAPES MY TESTIMONY TODAY. WHILE THE NATIONAL COUNCIL SUPPORTS THE OVERALL PURPOSE OF THE REORGANIZATION, THE NATIONAL COUNCIL HAS DEEP CONCERNS ABOUT THE IMPACT OF THE PROPOSED REORGANIZATION OF OJP ON ITS PROGRAM OFFICES.

THE NATIONAL COUNCIL HAS FOLLOWED THE PROPOSED REORGANIZATION FOR SEVERAL YEARS AND BELIEVE THAT IN ITS CURRENT FORM IT WILL SERIOUSLY ERODE THE FOCUS ON JUVENILE AND FAMILY ISSUES MANDATED BY THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974 AND OTHER ACTS THAT HAVE A SPECIFIC PROGRAM EMPHASIS. UNDER THE REORGANIZATION, VITAL EXPERTISE AND FOCUS WILL BE LOST, AND THE DEGREE OF SUPPORT THAT IS BEING PROVIDED TODAY WILL BE GREATLY ERODED.

OUR MEMBERS HAVE GAINED SUBSTANTIAL VALUE FROM THE CURRENT INTEGRATION OF SUBSTANTIVE FUNCTIONS WITHIN OJJDP INCLUDING BASIC AND APPLIED RESEARCH; STATISTICS; PROGRAM DEVELOPMENT; TESTING AND DEMONSTRATION; EVALUATION; TRAINING; TECHNICAL ASSISTANCE; AND REPLICATION AND INFORMATION DISSEMINATION. IT IS NOT EFFICIENT FOR US TO HAVE TO GO TO THREE (OR MORE) OJP OFFICES IN THE FUTURE WHEN WE ARE ABLE TO ACCESS THE FULL RANGE OF SERVICES FROM ONE OFFICE NOW.

THE ORGANIZATIONAL STRUCTURE THAT EXISTS WITHIN OJP TODAY WAS CREATED BECAUSE CONGRESS RECOGNIZED THAT IMPORTANT ISSUES LIKE JUVENILE CRIME, DOMESTIC VIOLENCE, AND VICTIMS RIGHTS WERE NOT RECEIVING THE PRIORITY AND ATTENTION THEY MERITED. THE CONGRESSIONAL RESPONSE WAS TO CREATE SPECIALIZED OFFICES WITHIN THE LARGER AGENCY, STAFFED BY PROGRAM EXPERTS AND HEADED BY PRESIDENTIAL APPOINTEES TO PROVIDE ACCOUNTABILITY AND VISIBILITY.

IT IS BECAUSE THE REORGANIZATION PLAN DIVIDES THE AGENCY BY FUNCTIONS RATHER THAN BY PROGRAM SUBJECT MATTER THAT THERE WILL BE DILUTED EMPHASIS ON CRITICAL SPECIALIZED SUBJECT AREAS LIKE JUVENILE JUSTICE. TO THE EXTENT DUPLICATION IN PROGRAMS IS OF CONCERN, DUPLICATION CAN BE SOLVED IN THE JUVENILE JUSTICE AREA BY TRANSFERRING THE DUPLICATIVE PROGRAMS TO THE OJJDP WHERE THE JUVENILE JUSTICE EXPERTISE CURRENTLY RESIDES.

IN CONCLUSION, THE NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES HAS CONSISTENTLY OPPOSED THE TRANSFER OF RESPONSIBILITY FOR JUVENILE JUSTICE RESEARCH AND EVALUATION, TRAINING AND TECHNICAL ASSISTANCE, OR STATISTICS TO ANY OTHER OFFICE OR BUREAU OUTSIDE OJJDP. WE BELIEVE THAT SUCH A TRANSFER WOULD BE:

- LESS EFFICIENT FOR PRACTITIONERS SEEKING FEDERAL SERVICES AND FUNDING;
- LESS LIKELY TO MAINTAIN THE EXISTING EMPHASIS AND EXISTING FUNDING FOR SPECIALIZED SUBJECT MATTERS LIKE JUVENILE CRIME, CHILD ABUSE, AND DOMESTIC VIOLENCE;

ANY PROPOSED REORGANIZATION OF OJP NEEDS THOROUGH STUDY IN THE HOUSE AND SENATE AUTHORIZING COMMITTEES AND SUBCOMMITTEES BEFORE ANY CONGRESSIONAL ACTION IS TAKEN. AT YOUR REQUEST, WE ARE AVAILABLE TO PROVIDE ADDITIONAL INFORMATION OR APPROPRIATE ASSISTANCE.

Mr. SMITH. May I ask you all if you can give very brief responses to my questions just so we can get through as many questions as possible, and Mr. Muhlhausen, let me begin with you.

First of all, I want to ask you what you think the essential elements are of a credible evaluation and whether those elements were in the evaluations that were made, for example, by the University of Nebraska, by the Heritage Foundation, and by the Thurmond Study, as well.

Mr. MUHLHAUSEN. All right. I believe that some of the essential elements, the best studies include a random assignment of the treatment groups and the control groups. Unfortunately, the COPS office, after 7 years, failed to set up a study to evaluate its own effectiveness, even though Congress did instruct the Department of Justice to evaluate the program in the 1994 crime bill. In that case, we cannot do a random assignment. You have to take cases where money flowed to different areas and control for various factors that account. You need to build in proper controls.

For instance, the Heritage study controlled for the efforts of State and local law enforcement agencies and accounts for socio-economic factors that changed during the COPS office's first four to 5 years, while the University of Nebraska study did not control for efforts of State and local officers and it just assumed that Federal funding only fights crime.

And also, the socio-economic data was held constant. Most of the data was held constant in 1990. For instance, throughout the country, the minority population has grown from 24 percent to 28 percent from 1990 to 1999 and the University of Nebraska report fails to account for this.

Mr. SMITH. What do you think that OJP should require of the grant recipients in order to be able to evaluate the programs?

Mr. MUHLHAUSEN. It should require grant recipients to—and these are major grant recipients—to evaluate their own programs. First, when they apply for funding, if it's a juvenile prevention program, they should have some system set up in place before the program is started that they know how they are going to evaluate the program. They should look at kids who receive the treatment and compare them to kids who did not, and if they cannot do random assignment, they need to control for several factors that could influence the child's recidivism, and when the evaluation is over, it needs to be submitted to Congress and that data needs to be available for other people to scrutinize.

Mr. SMITH. Thank you, Mr. Muhlhausen.

Sheriff Bittick, you mentioned in your written testimony, I believe in your oral testimony, as well, that you thought it was a dis-

ruption to move the Office of Domestic Preparedness to FEMA, but would you elaborate just briefly on that?

Mr. BITTICK. Yes, sir. One of my concerns, one of our concerns here is that the money, if we move that money now at this time, that some—there's a myriad of things that could happen here. FEMA has historically had little or no relationship with law enforcement and our concern is that FEMA is response oriented and that if the money is moved now, law enforcement is concerned with prevention and detection and FEMA has and is responsive to—not responsive to law enforcement in the past.

I can just think of a recent incident in Georgia with the crematoriums, where we've requested assistance from FEMA and not been able to get that assistance, and so we've got some concerns with how FEMA reacts to us.

Mr. SMITH. Sheriff Bittick, another question is that you have, and your department have been connected to a number of grant programs. What kind of evaluation has OJP made of the grant programs that you're involved with?

Mr. BITTICK. I can think of one circumstance just right off the top of my head, Mr. Chairman, where we've been required to do a domestic preparedness plan, a State—each State has been required to do a domestic preparedness plan, and with that plan, what's happened is the Georgia emergency management unit has worked with the local emergency management directors like myself and the sheriffs and we've each prepared a plan which has been thorough and comprehensive to turn into the State and they've done a State plan, and I think some 44 of those plans have been done.

I personally have also received grant funding from the Byrne grant money and those grants are regularly evaluated by the Georgia Criminal Justice Coordinating Council.

Mr. SMITH. Okay. Thank you.

Ms. Ekstrand, my time is up. I have a number of questions for you and a few for Judge Mitchell, as well, but I'll save them for the next round and yield to the gentleman from Virginia, Mr. Scott, for his questions.

Mr. SCOTT. Thank you, Mr. Chairman.

Mr. Muhlhausen, you mentioned the COPS program. Do you know anything about the study of Project EXILE and whether or not that has been effective in reducing crime?

Mr. MUHLHAUSEN. I have not read any specific evaluations, though I do believe that it's a program that should be evaluated before funding of it expanded across the country.

Mr. SCOTT. Sheriff Bittick, what experience do you know that FEMA has in law enforcement issues like training, arrest procedures, and things like that?

Mr. BITTICK. I know of very little experience that FEMA has with law enforcement issues. They generally work with emergency management personnel, such as fire fighters or ambulance persons, people.

Mr. SCOTT. Would that be a problem in moving the functions to FEMA?

Mr. BITTICK. Yes, sir. Obviously, this relationship that we've got with Justice is built on the fact that you have law enforcement people dealing with law enforcement people.

Mr. SCOTT. Okay. Ms. Ekstrand, you mentioned the difference between monitoring evaluations to see if they are spending the money the way they said they were going to spend the money and impact evaluation, did the program make a difference. What kind of evaluations are you aware of about criminal justice initiatives like mandatory minimums, increasing sentences that may go from 20 years up, like the three strikes and you're out kind of things? Do you know of any evaluations of those kinds of initiatives, the sentencing, incarceration initiatives, as opposed to programs that would prevent crime before they occur?

Ms. EKSTRAND. There have been some evaluations, but we have not reviewed them.

Mr. SCOTT. Of what?

Ms. EKSTRAND. There have been some evaluations looking at mandatory minimum sentences and trying to assess the relationship between mandatory minimums and other more severe sentencing strategies and crime rates. It's very, very difficult to do that kind of assessment because there are so many other factors in the environment that can affect crime rates—age cohorts, layoffs, booming economy, all kinds of different measures that could also have an impact. So they're very difficult to do.

Mr. SCOTT. The ones that have been—and you said you haven't reviewed the ones that have—

Ms. EKSTRAND. We have not reviewed the studies in that area.

Mr. SCOTT. Would this be part of the evaluation if we did more impact evaluation?

Ms. EKSTRAND. We intend to look at a broad picture of what the National Institute of Justice is doing in relation to impact evaluation. We're anticipating that they would have funded some studies along those lines and so they would be potentially included in this new work.

Mr. SCOTT. Judge Mitchell, what OJP programs were you aware of when you were a State court judge, or were you aware of any?

Judge MITCHELL. Well, that's a difficult question to answer because I was a member of the Board of Trustees of the National Council for 7 years while I was a State trial court judge. I was, therefore, very much aware of a number of the Office of Juvenile Justice and Delinquency Prevention programs as it affected the organization of the National Council of Juvenile and Family Court Judges.

Mr. SCOTT. And were any of those programs evaluated to determine which ones worked and which ones didn't?

Judge MITCHELL. I was not aware of that procedure then. I'm becoming aware now that there, of course, is a requirement for evaluation for our programs. We welcome that process, I want to say that clearly for the record, and there have been some evaluations of the work that we have done. We also would welcome any constructive comments—

Mr. SCOTT. But what is the status of those—tell us a little bit about those evaluations, which programs came out well, which didn't, what elements there may be of good programs.

Judge MITCHELL. I cannot give you that information at this time, but I will be more than happy to supply that to you.

Mr. SCOTT. Okay. Can somebody, if we set 10 percent aside for evaluations, can somebody say what we should use that money for?

Mr. MUHLHAUSEN. Congressman Scott, I think the money should be used to examine the major programs that the Office of Justice Programs funds. For instance, we need to know more about what prevents delinquency. Frequently in the research, the Office of Juvenile Justice and Delinquency Prevention sponsored a book-length report and looked at 56 evaluations of various delinquency prevention programs, and of those 56 evaluations, only nine looked at whether or not official acts of crime were actually prevented. Other measures were whether or not the teachers thought the person behaved better.

It's more important to find out if future acts of crime were prevented than somebody's opinion, because I think we need to make sure that the evaluations are done right, and then once you find out when something works, then you can replicate it on a larger scale.

Mr. SMITH. Thank you, Mr. Scott.

The gentleman from Florida, Mr. Keller, is recognized for his questions.

Mr. KELLER. Thank you, Mr. Chairman.

Sheriff, let me start with you. I know the gist of your testimony was not to shift the Office of Domestic Preparedness from Justice to FEMA, but let me ask you a line of questions on another subject. Do you receive back in Georgia, any funding from the COPS program?

Mr. BITTICK. Yes, sir. I don't personally, but—and I can explain why, but other agencies do.

Mr. KELLER. Tell me why you don't personally.

Mr. BITTICK. There's a matching grant requirement that comes along with the COPS funding—

Mr. KELLER. Right.

Mr. BITTICK [continuing]. And my commissioners have been reluctant to participate in the matching grant.

Mr. KELLER. So when the—in other words, when the funding runs out after 3 years, you would have that obligation to pick up their salaries and you all don't know if you have the money to do that?

Mr. BITTICK. And they've been reluctant for some reason over the years too.

Mr. KELLER. Do you know how your fellow sheriffs and chiefs of police think about the COPS program?

Mr. BITTICK. I know that there have been a lot of participation Statewide in the COPS program and there have been a lot of officers that have been added to the street because of the COPS program.

Mr. KELLER. What do you think of the program? Think it's a good program or a program—

Mr. BITTICK. Yes, sir. I think it's been an excellent program for putting law enforcement officers on the street. Obviously, if you've got four corners of a street and there are cops on three of those four corners, the crime is not going to be committed on those three corners.

Mr. KELLER. Okay. Mr. Muhlhausen, let me ask you, and I'm a big fan of The Heritage Foundation, let me just say that, and I appreciate all the good work you all do, but I see a kind of a split in opinion between what you all think of the effectiveness of the COPS program and what the sheriffs and chiefs of police back in Orlando, Florida, think about it. They think the world of it.

They think it's a good program, and I think the gist of your report is while there's a lot of folks that think that, you think that reduction in crime rate may not necessarily be due to the additional cops. Some folks think that the reduction in crime rate is due to additional cops. Other experts think it's due to the economy being stronger, so there's less crime, and still others think there's been a decline in crack cocaine-related crimes and that resulted in the reduced crime rate since 1994. What do you attribute the decrease in the crime rate since 1994 to?

Mr. MUHLHAUSEN. Well, I can assure you that it had little to do with the COPS program. I do believe that the economy helped and other factors going on. But one of the most important things I think we need to recognize as distinguishing what types of policies work, it is more important what the officer does than whether or not he's funded from Washington, D.C. I think that targeting crime hot spots is effective.

The National Institute of Justice has recently sponsored some evaluations of problem oriented policing in Jersey City and Boston and these programs, the officers went in, identified problems going on. They attacked the problem, went after it, and crime went down. It is more important what the officers do with their time than how many you hire. It's deployment versus numbers.

Mr. KELLER. You're familiar with the broken windows theory—

Mr. MUHLHAUSEN. Yes.

Mr. KELLER [continuing]. That Professor Wilson and others, that Rudy Giuliani kind of employed that practice in—along with they had a police department there—that they put a significant amount of police officers in a crime hot spot and crime went down. But if you wouldn't have the officers in the first place, you couldn't put them in that hot spot, right?

Mr. MUHLHAUSEN. Well, it is a fundamental role of State and local governments to fill this position—

Mr. KELLER. Sure.

Mr. MUHLHAUSEN [continuing]. And I think that what happened with the COPS program, a lot of the money was used for supplanting. For instance, the process evaluation of the program by National Institute of Justice says that, at most, 57,000 officers were hired. That's the most optimistic example. It's well under the 100,000 goal that it was supposed to reach.

Mr. KELLER. Mr. Chairman, I yield back.

Mr. SMITH. Thank you, Mr. Keller.

The gentleman from California, Mr. Schiff, is recognized for his questions.

Mr. SCHIFF. I thank the Chairman.

Mr. Mitchell, or Judge Mitchell, I wanted to thank you for your testimony today and for being here. I really feel that you have the most important job there is in the court system and it's one that is not often recognized. You've got one of the most difficult one, and

both in the dependency area and in delinquency area, and probably the decisions you make in the dependency area are even more difficult than the delinquency area.

I wanted to ask you about your testimony. I certainly concur, I think, with the sentiment of the Subcommittee that each of the programs ought to be rigorously assessed, and indeed, I offered an amendment last year to the Justice Department bill that required grant applications to have an assessment device in it and that became part of the Justice Department bill. But I'm still not sure that I get the gist of the concern over the reorganization. Certainly, on the surface, having an office devoted to a particular area with its own director with a certain status connotes a priority in that area, yet there are, it seems to me, great inefficiencies in the way the DOJ grant process works now.

For one thing, I frequently have communities asking what funding opportunities there are, whether it is the juvenile courts or whether it is probation departments or local community-based organizations and they are scattered throughout Justice. They are actually scattered throughout many other departments, as well. And just even finding out what grant opportunities are out there is a hurdle and there does seem to be duplication of effort, and even worse, the left hand not always knowing what the right hand is doing or working on.

Is there a way that these inefficiencies can be attacked and yet preserving the real priority on juvenile justice and juvenile dependency issues?

Judge MITCHELL. I believe there is. I believe the National Council supports that process. We want communities to know what is available and what are opportunities to combat crime in their communities as well as improve the system of delivery of service within the juvenile justice process.

Duplication is something we all abhor, as well as waste, and we ought to continually examine our procedures as well as the process of the Office of Juvenile Justice or any OJP process to determine where there are efficiencies that we can import. We do not oppose that process. We speak to the phrase of remaining inviolate for the Office of Juvenile Justice and Delinquency Prevention. We are not saying, leave it as it is and don't touch it ever. There are efficiencies that obviously can be implemented and should be. We don't oppose that.

What we are—our point is that when you deal with, for example, statistical gathering and analysis, it goes beyond crime issues to also deal with the issue of the impact of violence within the family upon children and it deals with the issues of the effectiveness of child abuse programs that we implement in terms of being able to improve outcomes, improve results, and save money in the long run, as well as deal with saving the lives of those children.

We support those kinds of efforts, of the core issues of research, development, training of judges, which is supported by the Office of Juvenile Justice and Delinquency Prevention. Training of other professionals should remain within the ambit of the Office of Juvenile Justice as opposed to being scattered throughout the Department in other areas.

Mr. SCHIFF. Is there a potential problem, though, even in areas of research or statistics where you might have the office focused on juvenile justice issues pursuing research along the lines of recidivism among early offenders, and then you have another research project going on in another part of Justice that focuses on violent offenders and some of the causes of their violent behavior and the one is not aware of the work the other is doing. They both come back to a common conclusion, potentially, or worse, you don't find a common conclusion because they're being undertaken separate parts of Justice and not coordinating with each other.

Judge MITCHELL. We certainly support a concept of communication and coordination. We do not support a concept of the elimination of the research and statistical analysis capability within OJJDP, transfer it to other entities within the Office of Justice Programs. There is no reason why the left hand should not know what the right hand is doing. That seems like a management issue. That seems like an internal organizational structure process, and it seems like there should be some level of coordination of the gathering of the information, the dissemination of that information, even the analysis of that information. There is no—I just don't see it possible to have a justifiable excuse for not being in a position to discuss the issues at the time of the development of the script, the plan, as well as the preparation of the report.

Mr. SMITH. Mr. Schiff, are you finished? Do you want to squeeze in one more question? I couldn't tell if you were finished or not.

Mr. SCHIFF. No. The red light is on. I appreciate your—

Mr. SMITH. All right. Thank you, Mr. Schiff.

Let me recognize myself for questions, and Ms. Ekstrand, first, I want to say we appreciate what the GAO does. You're sort of an objective official calling it as you see it, which is always helpful to Congress.

You have evaluated a number of discretionary grant programs, and what I would like to do is read you five of them and ask you to grade them for me, if you will. These are the Bureau of Justice Assistance, Violence Against Women, Office of Juvenile Justice and Delinquency Prevention, Executive Office of Weed and Seed, and Drug Courts program offices. If you can, just very briefly say why you are grading them high or low. Are you comfortable with doing that, or—

Ms. EKSTRAND. Not very, but—

Mr. SMITH. Well, I shouldn't have given you that as a matter of fact. [Laughter.]

Ms. EKSTRAND. First, let me say that we have only looked at part of the role of the grants management and not the whole picture, but in terms of monitoring—

Mr. SMITH. Yes.

Ms. EKSTRAND [continuing]. We probably would give a poor grade to all of these except the Executive Office of Weed and Seed and we'd ask for maybe a pass on that one since we looked at them in 1999. They have indicated that they've made some changes for improvement and we have not been back to visit them. But the first three, the Bureau of Justice Assistance, the Violence Against Women Office, and OJJDP, we have looked at very recently, and

as we just indicated, have found some fairly substantial problems in relation to—

Mr. SMITH. That's why you give them a poor rating, okay. Just the answer I was looking for. Thank you for saying that.

In regard to the evaluation methods used by OJP, at least in the past, what do they leave to be desired?

Ms. EKSTRAND. We found in many cases it didn't look like enough up-front planning had been done in terms of how to collect the data. In some cases, for example, there was a plan to collect data from schools and local law enforcement, but when it came time to do that, all of those plans fell through, which perhaps indicates that they weren't solid enough to start with.

But a major problem, and Mr. Muhlhausen alluded to it, as well, is that many of these studies are designed with a lack of any kind of comparison base, and without that, we can't really ferret out what the program contributed to any change versus what all the other things in the environment might have contributed to change.

Mr. SMITH. So not good methodology, among other things.

Ms. EKSTRAND. Methodology is weak.

Mr. SMITH. Okay. Good. What do you think that we should be requiring from grant recipients in the way of data or information that would help us evaluate those programs?

Ms. EKSTRAND. It's difficult to make a blanket statement because so many of the grant programs are so different, but right now in the monitoring reports, a lot of what gets reported is in narrative and it's very hard to roll that up to say anything across programs. It does seem like asking them for basic output and outcome information would be a good step in the right direction. At least having very basic information about what they're accomplishing would help.

Mr. SMITH. Do you feel that sometimes the OJP skews the results of their evaluations just to justify the continuation of those programs?

Ms. EKSTRAND. I honestly don't think that we found any evidence of that. In fact, if anything, we might say that they had rather loose controls over their grantees, their research grantees.

Mr. SMITH. You just released, what, today or yesterday, a new GAO report on Justice impact evaluations. One Byrne evaluation was rigorous, all reviewed, Violence Against Women Office evaluations were problematic. Maybe that says it all. Anything you want to add to that title?

Ms. EKSTRAND. Only that the problems were, you know, just as we talked about, lack of control group, poor data collection and analysis, you know, the one Byrne evaluation was very solid, but I would point out that there was only one impact evaluation for a very large program.

Mr. SMITH. Okay. Thank you, Ms. Ekstrand.

Judge Mitchell, a couple of questions for you. You mentioned you had concerns about the reorganization proposal. Were you referring to the past reorganization proposal of a year or two ago or were you referring to the current Administration's proposal?

Judge MITCHELL. The current Administration proposal.

Mr. SMITH. Okay. But that hasn't been completely released yet, so you haven't seen all the details, have you?

Judge MITCHELL. No, we have not, sir.

Mr. SMITH. Okay. So we'll hopefully evaluate that and maybe that'll reflect some of the recommendations that you and others have made.

Judge MITCHELL. We would look at that and make comments at that time.

Mr. SMITH. I assume that you do feel, though, that all grant programs need to be assessed, need to be evaluated, and need to be looked at in the light of whether they're effective and whether the taxpayers are getting their money's worth?

Judge MITCHELL. Absolutely.

Mr. SMITH. Okay. Thank you, Mr. Mitchell. I don't have any other questions.

Mr. SCOTT, do you have any other questions?

Mr. SCOTT. No, thank you.

Mr. SMITH. If not, then thank you all for your testimony. It's been very, very helpful and we stand adjourned.

[Whereupon, at 12:26 p.m., the Subcommittee was adjourned.]

**OFFICE OF JUSTICE PROGRAMS:
WASTE, FRAUD AND ABUSE**

THURSDAY, MARCH 14, 2002

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Subcommittee met, pursuant to call, at 2 p.m., in Room 2237, Rayburn House Office Building, Hon. Lamar Smith [Chairman of the Subcommittee] presiding.

Mr. SMITH. I think we are going to start. The Subcommittee on Crime will come to order. It is, of course, that the Ranking Member Mr. Scott is not here. He is actually on his way. We expect him to be here in 5 minutes, and with his agreement, I am going to go on and make my opening statement and then wait for his arrival.

I will have to confess to you all that part of this is an effort to allow Members, which, I guess, means Mr. Scott and me, to get on an airplane before too much longer this afternoon. But because the House has already adjourned for the day, that is why unfortunately we are probably going to have a pretty sparse attendance by other Members.

But let me recognize myself for purposes of an opening statement. Today the Crime Subcommittee holds its third in a series of oversight hearings to look at the administration of law enforcement grants by the Office of Justice programs, OJP, especially grants to State and local agencies that resulted in mismanagement or have been used for questionable purposes. Of particular interest to the Subcommittee are grants under the local law enforcement block grant program and the burn formula grant program administered by the Office of Justice programs.

Another major grant program we will examine today is the Community Oriented Policing Services, or COPS program. This program was established during the Clinton Administration with a stated goal of putting 100,000 new police officers on the street by fiscal year 2000. The COPS office is a separate entity within the Justice Department and administers its grants apart from OJP.

According to the Congressional research service, the COPS program has been awarded more than \$8 billion since 1992. As we will hear, the expenditure of billions of tax dollars for the COPS program has had mixed results. The COPS program has encouraged community policing by increasing officer levels, but it is not come without controversy.

There are questions about the actual number of COPS funded positions that have been added by local police departments. This

points to two major problems with the COPS program: The failure of local governments to hire new officers instead of using the Federal funds to pay for officers previously funded locally; and the failure to retain COPS-funded officers and redeploy officers on to the street. More troublesome than the low retention rates of COPS officers after this significant investment of Federal dollars is the amount of mismanagement, waste, and, in a few cases, fraud that has occurred in the COPS program.

Programs, simply have failed to demonstrate a clear impact on the reduction of crime as was pointed out by the witness from the Heritage Foundation last week.

The President's budget for 2003 also reflects the concern for the overall effectiveness of the COPS program. The President has recommended that a significant level of COPS funding be redirected to address the needs of our Nation's State and local law enforcement officers who assist in counterterrorism and homeland security measures. The purpose of this hearing is, first, to identify some of the past problems with grant programs administered by both OJP and the COPS office; and second, to explore ways to correct these problems and to ensure that Federal law enforcement funds are used effectively to address both the traditional and expanded mission of our State and local law enforcement agencies.

Now, that concludes my opening statement. I am glad that the Ranking Member has arrived, and Mr. Scott is recognized for his opening statement.

Mr. SCOTT. Thank you, Mr. Chairman. I appreciate you waiting to the exact minute that—as soon as I could get here, and I apologize for being late and appreciate you accommodating the schedule.

Thank you, Mr. Chairman. I am pleased to join you in convening a third oversight hearing on the Office of Justice Programs. In the prior hearings, we were told about OJP's duplication and ineffectiveness. We are now getting down to brass tacks, getting them to tell us where their fraud waste and abuse is. Mr. Chairman, while we are looking at these issues, I am continuing to hear from a growing spectrum of OJP customers that they are concerned about the prospects of OJP operations losing their independence.

I have two letters from the social science organizations expressing their support for looking at streamlining operations, but their concerns that did not go so far as to jeopardize the independence of the statistical and research functions, and I would like to have these letters made a part of the record.

Mr. SMITH. Without objection, they will be made a part of the record.

Mr. SCOTT. Thank you, Mr. Chairman. I certainly think we should identify and eliminate clear fraud and abuse and other kinds of wastes, but like duplication and effectiveness, what is waste, fraud or abuse may be, in a large part, in the eye of the beholder. What I am hearing is that there is concern that some of the cures we may be proposing may be worse than the disease. So I look forward to the testimony of the witnesses for additional light they may share on the issues of pros and cons of the OJP re-organizational proposals. Thank you.

Mr. SMITH. Thank you, Mr. Scott. Let me introduce the witnesses. They are the honorable Glenn A. Fine, Inspector General,

U.S. Department of Justice; Tracy A. Henke, principal deputy assistant attorney general, Office of Justice Programs, U.S. Department of Justice. Mr. Karl Peed, director, COPS program, U.S. Department of Justice. And Ms. Bonnie Campbell, former director, Violence Against Women Office, Office of Justice Programs.

Mr. SMITH. And we welcome you all, look forward to your testimony, and Mr. Fine, we will begin with you.

**STATEMENT OF GLENN A. FINE, INSPECTOR GENERAL, U.S.
DEPARTMENT OF JUSTICE**

Mr. FINE. Thank you. Mr. Chairman, Congressman Scott, Members of the Subcommittee on Crime, thank you for inviting me to testify about the Office of the Inspector General's oversight of grant programs in the Department of Justice. The amount of grants awarded by the Department has grown rapidly over the last several years to nearly \$5 billion, almost 20 percent of the Department's total budget.

In recognition of this growth, the last 3 years the OIG has listed grant management as one of the Department's top 10 management challenges. The OIG has conducted numerous audits and informations related to the grants issued by COPS and OJP. We have also investigated a variety of fraud allegations involving Department grant funds.

In my remarks this afternoon, I will discuss the work of the OIG in reviewing COPS and OJP grant programs, and describe examples of our recent audits and investigations. I also will offer some general observations about oversight of COPS and OJP grants.

With regard to COPS in 1999, we issued two reports summarizing the results from our first 2 years of auditing COPS grants. There are 149 audits up to that time identified approximately \$52 million in questioned costs and approximately \$71 million in funds that could be better used or 24 percent of the total funds awarded to the 149 grantees.

Among our findings were that most auditees either could not demonstrate that they had redeployed officers or could not demonstrate that they had a system in place to track the redeployment of officers into community policing. A large percentage of auditees also showed indicators of using Federal funds to supplant local funding instead of using grant funds to supplement local funding.

In the second report in 1999, we reviewed the overall administration of the program by COPS. Among other findings, we determined that many grantees did not submit the required program monitoring and financial reports, and that COPS on-sight monitoring reviews did not consistently cover all grant conditions.

We also concluded the deficiencies found in the on-site reviews were not adequately followed up on or corrected. Since our 1999 reports, we have issued an additional 185 audit reports on COPS grants. These audits identified more than \$63 million in questioned costs and \$32 million in funds to better use. Our audits contain some findings similar to those discussed in our 1999 report. For example, the District of Columbia's Metropolitan Police Department received a COPS grant to hire 56 civilians and purchase equipment that was to result in the redeployment of 364 officer positions. Despite our repeated requests, the DC Police Department was unable

to provide us with its deployment plan or with an accurate list of all civilians who were reported to have been hired with COPS grant funds. We therefore questioned more than \$6 million based on these grant violations.

Another continuing issue is COPS' monitoring of corrective actions to our audit findings. We are concerned by the length of time it has taken the COPS office to respond to our findings and recommendations. For example, in September 1998 we issued a report on the police department in Oxford, Michigan. We found that Oxford violated the nonsupplanting requirement and failed to maintain the locally required staffing level. As a result, we questioned \$177,000 that Oxford had been reimbursed and recommended deobligating \$370,000 in remaining grant funds.

In February 2000, we received correspondence from COPS stating that the Oxford Police Department had been disbanded. However, despite repeated requests and the passage of 3 years since we made the recommendations, we have not received documents demonstrating that any of the funds in question have been returned or that the remaining grant funds have been deobligated.

Mr. Peed, the new director of COPS, has expressed his interest in addressing the untimely audit follow-up and resolution process. He expressed it again today to me. We are encouraged by this, although we remain concerned about the length of time involved for corrective action to take place. Of the 155 completed audit reports with open recommendations, 94 were issued more than 2 years ago.

Over the years, the OIG has audited a variety of OJP grant programs, which I describe in my written statement. The OIG also has several ongoing reviews that are relevant to the administration of OJP and COPS.

In January 2002, we began an audit examining whether administrative activities and grant functions could be streamlined in OJP and COPS. Because of the possible duplication of efforts, particularly in developing grant criteria, awarding grants, monitoring grants and following up on audits, we plan to assess whether activities and functions can be improved or combined to increase operational efficiency.

In addition, the OIG will soon issue an audit of OJP's State and Local Domestic Preparedness Support grant program, which provides money to State and local police and fire departments who serve as first responders in most emergencies. We are finding that these grant funds were not awarded quickly and that grantees were slow to spend available money.

In addition to audits and inspections of grant programs, the OIG investigates allegations of misconduct, fraud, waste or abuse in the Department, including grant programs. Examples of such cases include an OIG investigation, which led to the arrest and conviction of a former Missouri chief of police who had falsified COPS paperwork to claim he hired and paid one additional officer, when, in fact, he used the grant money to pay his own salary, including a \$6,000 annual raise.

In another case, a town clerk in North Carolina submitted a fraudulent COPS grant application and received grant funds that he transferred to his own use, even though the town did not have a police department.

I want to make several observations about continuing concerns regarding COPS and OJP grants. More aggressive oversight. We have found that monitoring activities were not being documented in grant files; on-site inspections did not include visits to project sites; financial and progress reports were not submitted or not submitted timely; and grant managers were not reviewing carefully the information they received. We believe that COPS and OJP need to better monitor their grantees by performing more site visits and by more fully reviewing grantee financial and programmatic status reports.

Increased emphasis on timely corrective action: In addition, COPS and OJP should require prompt corrective action on OIG audit findings. Many of the reports remain open for far too long. We believe the COPS and OJP should take more aggressive and more timely corrective action against grantees who did not comply with grant terms.

In sum, we believe that COPS and OJP need to focus more attention on thorough monitoring of grant awards, ensuring that grant requirements are met; and pursuing a corrective action when the requirements are not met. While we have seen some improvement in these areas, we believe that these programs need continuing scrutiny and oversight. That concludes my statement, and I would be pleased to answer any questions.

Mr. SMITH. Thank you, Mr. Fine.

[The prepared statement of Mr. Fine follows:]

PREPARED STATEMENT OF GLENN A. FINE

Mr. Chairman, Congressman Scott, and Members of the Subcommittee on Crime: Thank you for inviting me to testify about the work of the Office of the Inspector General (OIG) in auditing and investigating grant programs in the Department of Justice (Department). The number and amount of grants the Department awards have grown rapidly, increasing from \$849 million in 1994 to nearly \$5 billion in each of the past five years. Grants now account for almost 20 percent of the Department's total budget. They are primarily awarded by the Department's Office of Community Oriented Policing Services (COPS) and the Office of Justice Programs (OJP).

Over the years, the OIG has conducted numerous audits and inspections relating to the grants issued by these two Department components. In addition, we have investigated a variety of fraud allegations involving Department grant funds.

In my remarks this morning, I will first discuss the work of the OIG in reviewing COPS and OJP grant programs by briefly describing several of our recent audits and inspections. In addition, I will highlight several ongoing OIG reviews in COPS and OJP. Next, I will provide examples of OIG investigations of fraud in these programs. Finally, I will offer several general observations about the COPS and OJP grant programs based on our audits, inspections, and investigations.

I. OIG AUDITS OF COPS GRANTS

The COPS grant program was created by the Violent Crime Control and Enforcement Law Act of 1994, which authorized the Attorney General to implement over six years an \$8.8 billion grant program for state and local law enforcement agencies to hire or redeploy 100,000 additional officers to perform community policing. The Department established the COPS Office in 1994 to administer the grant program and advance community policing throughout the country.

The OIG has been involved with the COPS program in various advisory and oversight capacities since its inception. Before grants were awarded, we reviewed program announcements and grant application kits. Since COPS began dispersing grants, we have completed more than 330 audits of grant recipients.

A. OIG's 1999 Summary Report and Audit of the COPS Office

In April 1999, the OIG issued a report summarizing the audits it conducted during its first two years of auditing COPS grant recipients.¹ During fiscal years (FY) 1997 and 1998, the OIG performed 149 grant audits of COPS and OJP hiring and redeployment grants totaling \$511 million, or about 10 percent of the \$5 billion in grants COPS had obligated up to that time.

Our individual audits focused on: (1) the allowability of grant expenditures; (2) whether local matching funds were previously budgeted for law enforcement; (3) the implementation or enhancement of community policing activities; (4) hiring efforts to fill vacant officer positions; (5) plans to retain officer positions at grant completion; (6) grantee reporting; and (7) analyses of supplanting issues.

Our audits identified weaknesses in each of these areas. For the 149 grant audits, we identified approximately \$52 million in questioned costs and approximately \$71 million in funds that could be better used.² Our dollar-related findings amounted to 24 percent of the total funds awarded to the 149 grantees.

Among the findings of our April 1999 report:

- Approximately half of the grantees we audited included unallowable costs in their claims for reimbursement.
- Most auditees either could not demonstrate that they redeployed officers or could not demonstrate that they had a system in place to track the redeployment of officers into community policing.
- A large percentage of auditees showed indicators of using federal funds to supplant local funding instead of using grant funds to supplement local funding. When grantees use grant funds to replace local funds rather than to hire new officers, additional officers are not added to the nation's streets to perform community policing. Instead, federal funds are used to pay for existing police officers. We found that grantees budgeted for decreases in local positions after receiving COPS grants, used COPS funds to pay for local officers already on board, did not fill vacancies promptly, or did not meet the requirements of providing matching funds.
- A majority of auditees either did not develop a good-faith plan to retain officer positions or said they would not retain the officer positions at the conclusion of the grant.
- More than three-quarters either failed to submit COPS initial reports, annual reports, officer progress reports, or submitted them late.
- Over 90 percent did not submit all required Financial Status Reports or submitted them late.

In July 1999, we issued another audit report describing our review of the COPS Office's overall administration of the grant program.³ We evaluated: (1) COPS' ability to meet the stated goal of putting 100,000 additional police officers on the street, (2) COPS' monitoring of grantees, and (3) the quality of the guidance COPS provided to grantees to assist them in implementing essential grant requirements.

We found that COPS grants would not result in 100,000 additional officers on the streets by the end of FY 2000. We attributed this shortfall to various factors, including law enforcement agencies not accepting grant funds, grantees terminating many grants, grantees not being able to demonstrate they had or would redeploy officers from administrative duties to the streets, and indications that COPS grant funds were used to supplant local funds, which could result in fewer additional officers on the street.

We also determined that many grantees did not submit the required program monitoring and financial reports and that COPS' on-site monitoring reviews did not consistently cover all grant conditions. Moreover, we concluded that COPS and OJP did not adequately follow up on deficiencies found in on-site reviews to ensure that the deficiencies were corrected.

In response to our July 1999 audit, the COPS Office and OJP agreed with many of our recommendations and reported that they had created specific monitoring divi-

¹Police Hiring and Redeployment Grants, Summary of Audit Findings and Recommendations October 1996—September 1998 (Audit Report No. 99-14, issued April 1999).

²"Questioned costs" are expenditures that do not comply with legal, regulatory, or contractual requirements, are not supported by adequate documentation at the time of the audit, or are unnecessary or unreasonable. Questioned costs may be remedied by offset, waiver, recovery of funds, or the provision of supporting documentation. "Funds to better use" are expenditures that would be better used if management acts on and implements our audit recommendations.

³Management and Administration of the Community Oriented Policing Services Grant Program (Audit Report No. 99-21, issued July 1999).

sions dedicated to grant-monitoring efforts. The COPS Office, however, disagreed with many of the findings in our individual grant reports and appealed them to the Deputy Attorney General. In August 1999, the Department hired a mediator to resolve the dispute, using a sample of 40 OIG findings. In the vast majority of the sampled issues, either the mediator found or COPS concluded that the grantees were in violation of grant conditions.

G. Recent OIG Audits of COPS Grants

Since our 1999 reports, the OIG has issued an additional 185 audit reports of COPS hiring and redeployment grants. These audits identified more than \$63.9 million in questioned costs and \$32.2 million in funds to better use. Our audits contained some findings similar to those discussed in our April 1999 summary report, such as grant recipients:

- Not hiring and retaining additional officers, and using federal funds to supplant local funds

For example, our audit of the El Paso, Texas, Police Department found that it violated COPS' non-supplanting requirement. We found that the El Paso Police Department did not increase its police force by the 231 officers funded by the COPS grants and did not retain the required number of officer positions. We questioned more than \$7 million paid to the grantee.

- Including unallowable or unsupported costs in reimbursement requests

Our audit of COPS grants made to the City of Camden, New Jersey, found excess police officer salary and fringe benefit costs in Camden's reimbursement requests. We questioned more than \$1 million for these grant violations.

- Not demonstrating redeployment of officers to community policing.

The District of Columbia's Metropolitan Police Department (MPD) received a redeployment grant to hire 56 civilians and purchase equipment that was to result in the total redeployment of 364 officer positions. Despite our repeated requests, the MPD was unable to provide the OIG with its redeployment plan or with a complete and accurate list of all grant-funded civilians who were reported to have been hired with COPS grant funds. We questioned more than \$6 million based on these grant violations.

In our judgment, based on our recent audit work, the Making Officer Redeployment Effective (MORE) grant program continues to be the COPS Office's highest risk program. The MORE grants fund technology or the hiring of civilians to allow existing officers to be redeployed from administrative activities to community policing. Although grants under the MORE program are intended to last for one year, we found numerous instances where COPS extended grant periods several additional years. For example, when police departments buy computers or mobile data terminals and fail to install them in a timely manner, they may become obsolete by the time they are operational. Importantly, we rarely found that MORE grant recipients could demonstrate that they had redeployed the required number of officers to community policing as a result of the MORE grants.

We continue to believe that the COPS Office's on-site monitoring efforts can be improved. Depending on the size of the grantee, COPS site visits are usually one to two days in length and concentrate mainly on the grantee's community policing activities, rather than on ensuring that grant requirements are met, including hiring, budgeting, and tracking redeployment.

Another continuing issue is the COPS Office's monitoring of corrective actions to our audit findings. In the past, we have been concerned by the length of time it has taken the COPS Office to respond to our findings and recommendations.

For example, in September 1998 we issued a report on the Oxford Emergency Safety Authority (OESA) in Oxford, Michigan. We found that Oxford violated the COPS grant non-supplanting requirement and failed to maintain the locally required staffing level. As a result, we questioned \$177,920 that the grantee had been reimbursed at the time of the audit and recommended deobligation of \$370,108 in remaining grant funds. In addition, we recommended that the COPS Office deobligate redeployment grant funds of \$46,875 if the OESA failed to develop the grant-required redeployment plan within 60 days of the report date.

In February 2000, we received correspondence from the COPS Office stating that the grantee's police department had been disbanded and that the COPS Office agreed that the OESA violated the grant's non-supplanting requirement. Accordingly, the COPS Office suspended funding of the COPS grants associated with the OESA. However, despite repeated requests and the passage of three years since we made the recommendations, we have not received any documents demonstrating

that any of the funds in question have been returned or that the remaining grant funds have been deobligated.

We also have seen that the COPS Office has sometimes not taken aggressive action against grantees for grant violations. Leniency in the administration of the grant program, and failure to take timely action when the grantee does not comply with the grant conditions, can encourage other grantees to ignore or circumvent program requirements. As the responsible program office, COPS is the OIG's primary point of contact on tracking corrective action by grant recipients. While we recognize that there may be instances where prompt corrective action cannot always be achieved, many of our audit reports contain findings and recommendations that could have been addressed quite some time ago.

In September 2001, we informed Carl Peed, the new Director of COPS, that approximately 170 COPS grant audit reports were still open and that the COPS Office had not responded to many of these reports for more than a year. In October 2001, Director Peed advised us that he would dedicate additional staff to audit resolution activities. In addition, Director Peed has contacted OIG staff and expressed interest in addressing the untimely audit follow-up and resolution process. However, our auditors report that many recent responses from COPS provided information that could not be used to close the audit reports. While we are encouraged by the increased awareness and actions on COPS' part related to our open audit findings, we remain concerned about the length of time involved for corrective action to take place. Of the 155 audit reports currently open, 94 of the reports were issued more than two years ago.

IV. OIG AUDITS OF OJP GRANTS

OJP, established in 1988, administers approximately \$4 billion in grant programs each year. OJP consists of five bureaus and six program offices that administer a myriad of grant programs designed to reduce crime, improve the criminal justice system, and assist crime victims.

Over the years, the OIG has audited a variety of OJP grant programs. We describe below several of our more recent reviews.

1. *State Criminal Alien Assistance Grant Program (SCAAP)*

Under the SCAAP program, OJP provides grants to state and local governments to help defray the cost of incarcerating undocumented criminal aliens convicted of state or local felonies. In an audit report issued in May 2000, we found that OJP had overcompensated state applicants approximately \$19.3 million for unallowable inmate costs and ineligible inmates who were included in grant applications. We found that OJP's methodology for compensating states was over-inclusive and needed improvement, because OJP overpaid states for many inmates whose immigration status was unknown. OJP relied on the Immigration and Naturalization Service (INS) to determine the immigration status of inmates, but INS files were not complete, current, or accurate. We recommended that OJP should improve its methodology for compensating applicants for inmates whose immigration status is unknown by the INS.

2. *Combined DNA Index System*

The Combined DNA Index System (CODIS) is a national DNA information repository maintained by the Federal Bureau of Investigation (FBI) that allows state and local crime laboratories to store and compare DNA profiles from crime-scene evidence and convicted offenders. The goal of the system is to match case evidence to other previously unrelated cases or to persons already convicted of other crimes. Our audit report on the CODIS system, issued in September 2001, reviewed the FBI's implementation and management of CODIS. It also examined awards dispensed by the National Institute of Justice—a component of OJP—of Laboratory Improvement Program grants totaling \$30.7 million to improve the capacity and capability of forensic laboratories in performing forensic DNA testing. We found that the grantees generally complied with the matching fund and indirect cost requirements; however, we noted some areas that OJP could improve to ensure that grantees met the requirements of the grant awards. For example, we saw that OJP did not require one grantee to provide matching funds, as required by law.

3. *Safefutures: Partnerships to Reduce Youth Violence and Delinquency*

Partnerships to Reduce Youth Violence and Delinquency (Safefutures) is a five-year demonstration grant program administered by OJP to help six competitively selected communities reduce juvenile delinquency. OJP's Office

of Juvenile Justice and Delinquency Prevention (OJJDP) administers the grants. The grants help communities implement a continuum of care consisting of prevention, intervention, treatment, and graduated sanctions programs for at-risk and delinquent youth. Each grantee can receive up to \$1.4 million per year, for a total of about \$7 million, to implement nine specific programs and help reform its existing service delivery system. Total program costs are expected to be about \$42 million. Our audit report, issued in April 1999, found that OJJDP program managers were not adhering to the grant-monitoring plans, and their monitoring efforts were neither consistent nor consistently documented. As a result, we found it difficult to determine the level of monitoring that actually occurred. We found that a lack of current policies and procedures, unclear expectations, and insufficient accountability contributed to the monitoring problems.

In addition, we found weak controls over fiscal monitoring of the program. Quarterly financial reports, which often were untimely and inaccurate, were not reviewed or corrected routinely. Based on our review of a grantee in Boston, for example, we found that the OJP's Office of the Comptroller lacked a systematic approach to follow up on identified deficiencies. Additionally, grantees did not submit financial reports by fund source, even though they were required to account for each source separately. We found that incomplete official grant files were a continuing problem. All of the files reviewed by the OIG in this audit were missing some of the required documents that were needed to record the activity of each grant.

4. *Management of the OJP Regional Information Sharing System (RISS) Program*

The RISS project was established to help state and local law enforcement agencies identify and target criminal activity that extends across jurisdictions. At the time of our audit in 1998, six RISS projects serve member agencies in all 50 states, the District of Columbia, Puerto Rico, and the Canadian provinces. These projects are funded through grants provided by OJP.

Our audit found that the RISS program could save \$3.2 million annually by consolidating overhead and management positions from six locations into one. Each of the six RISS projects generally offered the same services to member agencies. Further, the structure and operations of the projects were virtually identical, including the methods by which services were provided to member agencies. In FY 1997, the individual databases maintained by each project were consolidated into a single database, known as RISSNET II, to allow sharing of information. We concluded that staffing levels could be reduced with implementation of RISSNET II because the new system allowed each member agency to directly input and access information without going through their local RISS project.

This audit also found that OJP did not ensure that the RISS projects operated according to grant requirements. For example, RISS projects inappropriately spent more than \$300,000 on computer hardware upgrades, lunches at conferences, over-reimbursing a local law enforcement agency, and unnecessary travel expenses.

5. *Residential Substance Abuse Treatment for State Prisoners Formula Grant (RSAT) Program*

The OIG Inspections Division reviewed RSAT grants in six states from March 1999 through June 1999 and issued a summary report in September 2000. The purpose of the RSAT grant program is to develop or enhance residential drug and alcohol abuse treatment programs for adult and juvenile offenders in state and local correctional facilities. Funding for RSAT grants from FY 1996 through FY 2002 has ranged from \$27 million to \$63 million. OIG site visits assessed the states' adherence to grant guidance and progress toward implementing residential substance abuse treatment programs.

The OJP Corrections Program Office (CPO) is responsible for this program. In the September 2000 summary report, we concluded that the CPO's monitoring and oversight of the grant program needed strengthening. States received grant funds through a formula grant. The states had responsibility for monitoring any sub-awards and providing the required monitoring reports to the CPO. We found that the CPO was not diligent in ensuring that states provided the required reports (such as financial status reports, semi-annual progress reports, and individual project reports) on the use of grant funds and the progress of projects. We found that all six RSAT grantees did not submit accurate or timely reports. These reports are an important tool

to help managers and grant monitors determine if grantees are meeting program objectives and financial commitments. We found that even when states provided the reports, the quality of the CPO review was not consistent. Further, the CPO failed to ensure that conflicting or missing information in a state's reports are clarified or obtained.

We found that the CPO conducted limited site visits, citing insufficient staff resources. When visits were conducted, subgrantees—the organizations that actually implement the projects or programs—were not targeted and visits were generally limited to the state office designated to receive grant awards. Therefore, the CPO did not assess the actual programs for compliance with grant requirements. We also found that on-site monitoring reports were not completed or included in the official grant file.

Finally, we found that the CPO's overall record keeping needed improvement. Official grant files were missing applications, award documents, state reports, and CPO site visit reports so that the life cycle of a state's grant compliance could not be tracked readily.

VI. ONGOING OIG REVIEWS OF COPS AND OJP GRANT PROGRAMS

The OIG has several ongoing reviews that are relevant to the administration of COPS and OJP grants. In January 2002 we began an audit examining whether administrative activities and grant functions could be streamlined in OJP and COPS. While OJP historically has administered the Department's grant programs, the COPS Office was created in 1994 as a separate, single function grant-making agency. Because of possible duplication of efforts in COPS and OJP—particularly in developing grant criteria, awarding grants, monitoring grants, and following up on audits—we plan to assess whether activities and functions can be improved or combined to increase operational efficiency.

In addition, the OIG will soon issue an audit of OJP's State and Local Domestic Preparedness Support Grant Program. This review is especially timely given the emphasis on homeland security since the September 11 terrorist attacks and the critical role state and local agencies play as "first responders" in such crises. Under this 1998 program, OJP awards grants to help state and local police and fire departments obtain training and equipment to respond to acts of terrorism. The OJP's Office of Domestic Preparedness (ODP) is responsible for implementing the program.

In this audit, we reviewed ODP operations and performed on-site reviews at 13 grantees and 3 training organizations. We found that since inception of the program, grant funds were not awarded quickly and grantees were very slow to spend available monies. We found that as of January 15, 2002, more than half of the total funds (\$250 million) appropriated for the grant program from FY 1998 through FY 2001 still had not been awarded. In addition, more than \$60 million in grant funds that were awarded was still unspent by the grantees. Further, we found that nearly \$1 million in equipment purchased with Department grants was unavailable for use because grantees did not properly distribute the equipment, could not locate it, or had been inadequately trained on how to operate it.

Finally, we are in the final stages of an audit of OJP's Convicted Offender DNA Sample Backlog Reduction Grant Program. In early 2001, state and local DNA laboratories estimated that, at the end of 2000, they held over 745,000 convicted offender DNA samples that had been collected and were awaiting analysis. To aid in reducing the backlog of convicted offender DNA samples, OJP's National Institute of Justice (NIJ) administers a grant program that dispensed approximately \$14.5 million to 21 states in FY 2000. States used the funds to hire contractor laboratories to analyze their convicted offender DNA samples so that backlogged DNA profiles could be entered into the National DNA Index System, part of the network of state and local DNA profile databases maintained by the FBI. Our audit examined NIJ's oversight of the grant program and whether the program was helping states reduce and eliminate their backlogs of convicted offender DNA samples.

VII. OIG INVESTIGATIONS OF DEPARTMENT GRANT PROGRAMS

In addition to OIG audits and inspections of grant programs, the OIG's Investigations Division investigates allegations of misconduct, fraud, waste, or abuse in Department programs, including grant programs. Within the Investigations Division, the OIG has established a Fraud Detection Office to investigate fraud in Department operations. Although the number of allegations of fraud in Department grant programs that we have substantiated is not large in comparison to the number of grants awarded by the Department, we have found some fraud in the use of grant funds. Examples of cases that we have substantiated include:

- An OIG investigation led to the arrest and conviction of a former Missouri chief of police for false statements and theft. The OIG established that the former police chief in Novinger, Missouri, falsified COPS Universal Hiring Grant paperwork to claim he hired and paid one additional officer when, in fact, he used the grant to pay his own salary, including a \$6,000 annual raise. When confronted by OIG special agents, the former police chief admitted falsifying grant applications. He was sentenced on January 3, 2002, to two years' probation and ordered to pay \$53,190 in restitution.
- A former acting chief of the Town of Navajo Department of Law Enforcement was convicted at trial in the District of New Mexico on charges of wire fraud. He was sentenced to 30 months' incarceration and ordered to pay \$102,877 in restitution. A joint investigation by the OIG's Fraud Detection Office and the FBI determined that the acting chief fraudulently applied for and received a COPS Problem-Solving Partnership Grant to establish a "Crime Busters" program targeting burglaries. The acting chief diverted more than \$100,000 in grant funds to personal use by making illegal sub-awards to members of his immediate family, who used some of the money to purchase a used pickup truck and other vehicles.
- As a result of an OIG investigation, the Clerk of a North Carolina town pleaded guilty to submitting a fraudulent COPS grant application and receiving COPS funds—which he transferred to his own use—even though the town did not have a police department. The Clerk was sentenced to 12 months' incarceration and ordered to pay \$24,692 in restitution as a result of the OIG's investigation.
- Based on an investigation by the OIG's Fraud Detection Office and the North Carolina Governor's Crime Commission, Hoke County repaid the state of North Carolina \$93,467 in Byrne Formula grant funds awarded by the Department. The county manager was alleged to have purposefully submitted false documentation relating to police vehicle purchases under the grant and then diverted the funds to other uses. Although no proof of intent to defraud was sustained, the supplanted funds were recovered and returned to the state.

It is important to point out that the COPS Office has cooperated fully with our investigative efforts and in several cases has referred suspicious activities by grantees to the OIG. In addition, we have conducted joint training programs with COPS officials to ensure that OIG agents are familiar with COPS program requirements.

V. CONCLUDING OBSERVATIONS

Based on our oversight work, we have several continuing concerns and recommendations regarding COPS and OJP grant programs:

- *Monitoring.* Grant monitoring is an essential management tool to ensure that grantees are properly expending funds and that the objectives of the grant program are being implemented. Generally, each grant manager is required to prepare a monitoring plan that includes on-site visits, review of financial and progress reports, telephonic contacts, and review of audit reports. In some cases, however, we found that monitoring activities were not being documented in grant files, reports for on-site visits were not prepared, on-site inspections did not include visits to project sites, financial and progress reports were not submitted or not submitted timely, and grant managers were not reviewing carefully the information they received. As a result, grant managers failed to catch inconsistent or incorrect information on project activities. We believe that COPS and OJP need to better monitor their grantees by performing more site visits and by reviewing more aggressively grantee financial and programmatic status reports.
- *Failure to Adequately Review Grant Applications.* In one significant OIG investigation in the SCAAP grant program, we saw an undue emphasis by some program managers on dispensing grant funds without sufficient regard to ensuring that grantees met eligibility standards. Our investigation of fraud allegations in SCAAP found that OJP employees failed to apply eligibility rules in making the FY 1999 award of more than \$500 million. OJP managers told us they felt pressured to award SCAAP funds before the close of the fiscal year, so rather than examine the FY 1999 data they used FY 1998 submissions as the basis for re-awards. Our investigation also found that OJP did not ensure that key program eligibility requirements had been checked. Specifically, OJP did not check to ensure that an alien's minimum period of in-

carceration had been met, which is a key trigger to award or denial of SCAAP funds. We have encountered a few similar problems in some of our audits of COPS grants, where grant finds were dispersed by the COPS Office without adequate review of grantee applications.

- *More Aggressive and Timely Corrective Action.* As discussed earlier, COPS and OJP should require prompt corrective action on OIG audit findings. Although we have seen improvement in the responsiveness of the COPS Office to resolving our audit findings, many of the reports remain open for far too long. We believe that COPS and OJP should take more aggressive and more timely corrective action against grantees who do not comply with grant terms. The sense among some grantees is that COPS and OJP rarely require repayment of funds, even when the grantees do not comply with the grant terms. Stricter enforcement of grant terms would send a strong deterrent message that failure to comply with program guidelines will result in the Department seeking repayment of the funds.

In sum, the COPS Office and OJP administer many important and valuable grant programs. But the rapid growth of grant funds in the Department brings with it the increased risk that these funds could be wastefully or fraudulently used. We believe that COPS and OJP need to focus more attention on thorough monitoring of grant awards, ensuring that grant requirements are met, and pursuing timely and aggressive corrective action when the grant requirements are not met. While we have seen some improvement in these areas, we believe that these programs need continued scrutiny and oversight.

This concludes my written statement. I would be pleased to answer any questions.

Mr. SMITH. Ms. Henke.

STATEMENT OF TRACY A. HENKE, PRINCIPAL DEPUTY ASSISTANT ATTORNEY GENERAL, OFFICE OF JUSTICE PROGRAMS, U.S. DEPARTMENT OF JUSTICE

Ms. HENKE. Chairman Smith, Congressman Scott, I am pleased to have the opportunity to discuss this Administration's efforts to improve the operations and management of the Office of Justice Programs. Last week, Assistant Attorney General Deborah Daniels appeared before this Subcommittee to describe the Administration's efforts to streamline OJP structure and operations, eliminate duplication and overlap and maximize efficiency.

Today, Mr. Chairman, I would like to describe our efforts to measure the effectiveness of the programs we fund, meeting the goals of the Government Performance Results Act and to implement recommendations resulting from Inspector General and General Accounting Office audits.

I first want to assure this Subcommittee that the OJP leadership team is committed to the effective and efficient utilization of taxpayer dollars so that we can make real progress and improvement in the criminal justice field. As President Bush has directed all Federal agencies, we are working to ensure through accountability that OJP is results-oriented, not process-oriented. One part of this effort is an increased emphasis on evaluation to measure the results of the programs we fund and to focus OJP resources on what works.

Through evaluation and the wide dissemination of evaluation results, OJP strides to ensure that criminal justice policymakers at all levels of government, in the field, those of us in the executive branch and those in Congress have the critical information they need to make the decisions on how best to invest limited public dollars.

At OJP we have taken several steps to build evaluations into our programming. First, we now require evaluation components in all

OJP discretionary programs and are setting aside 10 percent of program funding for that purpose. Second, we now make participation in a national or local program evaluation a part of the grant conditions for every OJP discretionary grant recipient. Third, we are working with the State agencies that administer OJP formula grants to ensure that all programs supported with block grant funding have evaluation components.

We know that our performance measurement activities do not yet fully capture the impact of our programs nationally, but the changes I have mentioned on our evaluation efforts will now focus our evaluation activities on outcomes, not outputs. At OJP, our emphasis is not on measuring process but on determining impacts and results.

Because we want to concentrate on results, last year for the first time ever, OJP also prepared a report summarizing OJP and COPS formula and discretionary grants awarded to each State during the fiscal year. This information was made available to every Governor, every U.S. Attorney, every U.S. Senator and every U.S. Representative to serve as a tool for future planning and resource allocation. This will be an annual report that we provide.

In addition, this year we will be adding crime statistic information on that State and also national information so it can see how it compares nationally. As you are aware, OJP's programs and evaluation efforts have been the subject of several recent reviews by the General Accounting Office, including one released last week. These reviews have raised serious concerns, primarily in two areas: monitoring and evaluation.

While we have not yet had the opportunity to fully review the GAO report released last week, you may be sure that we have and will continue to carefully assess all of GAO's recommendations so that we can ensure the sound design of OJP evaluations and have confidence that we are accurately measuring program effectiveness.

OJP has already taken a number of steps to improve our evaluations and grant monitoring process. For example, as a result of the GAO recommendation, our executive office for Weed and Seed is working with the Bureau of Justice Statistics and the Justice Research and Research Association to improve data collection, and to work with local sites to more accurately measure the effectiveness of the Weed and Seed strategy. To further improve the accountability of OJP's grant management and monitoring efforts, we recently hired a chief information officer who is working to create a comprehensive grant management system for the entire agency. This will greatly increase the efficiency of our grant monitoring process by, for instance, fining grantees who are late in submitting required reports or that fail to comply with grant conditions.

In addition to taking corrective actions in response to GAO reviews, OJP has already implemented, or is working to implement recommendations resulting from annual audits of OJP's financial management that are conducted by the Office of the Inspector General. For example, we have upgraded our financial management software and improved the security of our databases. To further improve the effectiveness and operations of OJP programs, we are also working to meet the mandates of the Government Performance Results Act. As you know, GPRA requires Federal agencies to re-

quire standards measuring the performance and effectiveness of their programs. For each OJP program, we set goals and measure our performance in meeting those goals.

In addition, starting last fall, we require all OJP grant solicitations to include at least one GPRA performance result or outcome measure. Our goal is to put grantees on notice that performance and results are OJP requirements.

This Administration firmly believes that if we are to hold our grantees accountable for their spending, OJP also must be held to high standards of accountability regarding the stewardship of public funds. Through these and other efforts, OJP is working to ensure the effective use of grant funds, prevent fraud and abuse and measure the impact of the programs we fund. We appreciate the Subcommittee's continued interest in eliminating duplication and waste and improving the operations of Federal grant programs. We look forward to working with you to accomplish our mutual goals.

Mr. SMITH. Thank you, Ms. Henke.

[The prepared statement of Ms. Henke follows:]

PREPARED STATEMENT OF TRACY A. HENKE

Mr. Chairman and Members of the Subcommittee: I am pleased to have the opportunity to discuss this Administration's efforts to improve the operations and management of the Office of Justice Programs (OJP). We appreciate this Subcommittee's continued interest in eliminating duplication and waste and in improving the operations of federal grant programs.

Last week, Assistant Attorney General Deborah Daniels appeared before this Subcommittee to describe the Administration's efforts to streamline OJP's structure and operations, eliminate duplication and overlap, and maximize efficiency. Today, Mr. Chairman, I would like to describe our efforts to measure the effectiveness of the programs we fund to ensure the wise investment of taxpayer dollars, to meet the goals of the Government Performance Results Act (GPRA) of 1993, and to implement recommendations resulting from Inspector General (IG) and General Accounting Office (GAO) audits.

MEASURING EFFECTIVENESS

This Administration has a new vision for the role of the federal government in providing criminal justice assistance. Part of that new vision is an increased emphasis on measuring the results of the programs we fund and on focusing OJP resources on "what works." OJP is committed to increased analyses of what works and what doesn't so that criminal justice policy makers at all levels of government—including those in the field, those of us in the Executive Branch, and the Congress—can better decide how to invest limited public dollars.

To this end, we now require evaluation components in all OJP discretionary grant programs and are setting aside 10 percent of program funding to ensure evaluations are built into OJP programs from the outset. Moreover, OJP discretionary grant recipients now are required, as part of their grant conditions, to participate in a national or local program evaluation. In addition, we are working with the state agencies that administer OJP formula grants to ensure that all programs supported with block grant funding have evaluation components so that the effectiveness of these programs also will be measured.

The results of these evaluations will build on the significant body of research that has already been completed—or is underway—on a wide variety of OJP and other Department of Justice (DOJ) programs. As you know, Mr. Chairman, one of the principal missions for our National Institute of Justice (NIJ) is to perform evaluations of the OJP and other criminal justice programs. Over the past several years, NIJ has undertaken a total of 24 major evaluations of OJP programs. Seven of these have been completed, and another 17 are currently underway. NIJ also has completed evaluations of three programs supported by the Office of Community Oriented Policing Services (COPS), and is currently evaluating COPS' School Resource Officer Program. In addition, six NIJ evaluations are in the planning stages, including an evaluation of aspects of Project Safe Neighborhoods, the Administration's major gun violence reduction initiative.

Results from completed evaluations are already having an impact on OJP policy and programs. For example, results from NIJ evaluations of implementation of the STOP (Services, Training, Officers, and Prosecutors) Violence Against Women program demonstrated the importance of coordinated community responses and the impact of victims' services in response to the serious problem of violence against women. The STOP evaluations showed that increasing numbers of women victims of violence are now being served and more perpetrators of domestic and sexual violence are now being arrested and convicted as a result of STOP programming. Results from this evaluation have led to numerous program modifications, such as: additional requirements for further collaborations among law enforcement, prosecutors, victims service providers, and others in the community; funding for specific types of program activities; increased flexibility in distribution of funds; an expanded time frame for spending STOP dollars; increased funding for sexual assault projects; projects for women from under-served communities; and efforts to develop better data for further evaluation.

Other NIJ evaluations also have shown the positive impact OJP programs can have. For example, an NIJ evaluation of Operation Weed and Seed showed that the program resulted in improved law enforcement efforts, including increases in arrests and convictions, and new levels of cooperation among law enforcement, area residents, prosecutors, and social services personnel. As you know, Mr. Chairman, Weed and Seed is a community-based, multi-agency strategy that helps communities combat crime and revitalize crime-plagued neighborhoods. In addition to reducing crime and increasing collaboration, the evaluation also showed that Weed and Seed contributed to the development of innovative crime control approaches, including cross-training of patrol officers in community policing and enforcement, use of civil remedies in neighborhood conflicts, application of new technologies, and inclusion of non-traditional partners in strategic planning and program development. Because of the success of the Weed and Seed strategy, Weed and Seed programs have expanded to almost 300 communities throughout America, and the Administration plans to expand the number of Weed and Seed programs in operation in Fiscal Year 2003.

Evaluations also have revealed programs or approaches that are not effective. In cooperation with OJP's Corrections Program Office, NIJ has supported a number of evaluations of correctional boot camps. These programs use a military-style, boot camp approach to rehabilitating offenders who would otherwise be incarcerated in a traditional correctional facility. Results from a multi-site NIJ evaluation found no consistent differences in recidivism between adult boot camp graduates and comparison groups of offenders with normal prison sentences. As a result of these findings, OJP no longer funds correctional boot camps.

The OJP leadership is committed to continuing to use the results of research and evaluation to measure the effectiveness of the programs we fund and to ensure that federal taxpayer dollars are invested both wisely and well. If we are to hold our grantees accountable for their spending, OJP also must be held to high standards of accountability regarding the stewardship of public funds. In addition, Mr. Chairman, this Administration will focus its evaluations on measuring outcomes not outputs. Our emphasis is not on measuring process, but on determining impact and results.

IMPLEMENTING IG AND GAO RECOMMENDATIONS

As you are aware, Mr. Chairman, OJP's programs and evaluation efforts have been the subject of several recent reviews by the General Accounting Office (GAO). In addition, each year the Department of Justice's Office of the Inspector General (IG) conducts audits of OJP's financial management. These reviews and audits have resulted in a number of GAO and IG recommendations for improvement in OJP programs and management, which OJP either has implemented or is working to implement.

GAO's reviews have raised concerns primarily in two areas: monitoring and evaluation. I have already described this Administration's absolute commitment to performing evaluations to gauge the effectiveness and impact of OJP programs. We are no less committed, Mr. Chairman, to ensuring that those evaluations are grounded in sound research methodology. The OJP leadership is reviewing the GAO report released last week on impact evaluations of a number of Byrne and Violence Against Women Office (VAWO) programs. You may be sure that we will carefully assess GAO's recommendations and work to ensure the sound design of OJP evaluations so that we can be sure we have accurate measures of program effectiveness. As Assistant Attorney General Daniels stated before this Subcommittee last week, we will use the most recent GAO report as an important tool to improve the quality of our evaluations and to design programs to achieve greater impact. We have already

agreed to assess the five impact evaluations in their formative stages, as the GAO recommended.

OJP also is working to address problems GAO has identified in evaluation studies of OJP funded drug court programs. As a result of our interactions with GAO auditors during their review, we are aware of the concerns they have raised. However, because GAO has not yet issued its report on this matter, we have not seen GAO's recommendations for corrective action. Nevertheless, Mr. Chairman, you may be sure that we will carefully assess the GAO's recommendations and work diligently to ensure that we have accurate methods of determining drug courts' impact and effectiveness. We will, of course, thoroughly respond to GAO's specific recommendations as soon as it releases its report.

OJP has already implemented a number of corrective actions in response to other GAO reports. For example, GAO examined OJP's Weed and Seed program and recommended that the Executive Office for Weed and Seed (EOWS) develop additional performance measures to better track program outcomes. To meet this recommendation, EOWS has taken a number of steps:

First, it worked with the Bureau of Justice Statistics and the Justice Research and Statistics Association (JRSA) to develop surveys that could be fielded in Weed and Seed sites to measure crime victimizations. The survey is currently being tested in several Weed and Seed sites before refinement and eventual dissemination to all sites. Over time, the survey will provide a more accurate and objective measure of crime reductions resulting from Weed and Seed strategy implementation.

Second, EOWS commissioned the principal investigator for the National Process Evaluation of Weed and Seed, which was conducted in 1995, to develop a guide to help individual sites evaluate the impact of their Weed and Seed strategies. The guide was developed and distributed to Weed and Seed sites in February at the 2002 Application Kit Workshop.

Third, EOWS included GPRA forms in the FY 2002 Weed and Seed Application Kits for continuation and competitive funding. The forms, which must be filed as part of the grant application, request information on how sites will use OJP grants to leverage funding from other federal, state, and local agencies, as well as private organizations, to maximize the impact of taxpayer dollars. In addition, the forms require the submission of drug arrest data, which JRSA will use as part of a data collection effort to measure Weed and Seed's impact on drug use and related crime.

Another GAO review of our discretionary grant programs recommended that OJP's Bureau of Justice Assistance (BJA) and Violence Against Women Office (VAWO) improve documentation of grant monitoring efforts. To address this problem, BJA expanded its grants tracking system to include grantee contacts; developed and implemented a rating system to determine the need for on-site visits to grantees; developed a monitoring plan for all grantees that is updated monthly; implemented standardized procedures for documenting on-site monitoring visits; instituted a policy that a desk review be conducted twice each year for all grants; and developed more specific guidance for grantees on completing progress reports to ensure that more specific performance data is obtained. VAWO also has developed a management information system that, when fully implemented, will track the submission of progress and financial status reports to flag grantees that are delinquent in meeting reporting requirements.

In addition to these efforts, OJP's new Chief Information Officer is working to identify all automated systems within OJP as the first step in creating a comprehensive grant management system for the entire agency. This will ensure consistency in grant management policies and procedures throughout OJP and serve as a tool to better measure the performance of OJP grantees.

Further, OJP has already taken corrective actions that respond to all the recommendations for improved financial grants management resulting from the Annual Financial Statement Audits for FY 1999 and 2000 conducted by the Justice Department's Office of the Inspector General. For example, the Office of the Comptroller (OC) revised its policies to use a more appropriate methodology for recording audit adjustments. OC also updated procedures to validate the results of the year-end closing process and prior year adjustments and to ensure the accuracy of general ledger balances. In addition, OC upgraded its financial management software to address a number of other IG recommendations. Further, to address security concerns raised by the IG, OC conducted a risk assessment of its Financial Management Information System and took a number of steps to ensure that unauthorized users cannot obtain access to the system and to provide backups in the event of a system failure. The FY 2001 audit has not yet been conducted.

MEETING GPRA GOALS

To further improve the effectiveness and operations of OJP programs, we are also working to meet the mandates of the Government Performance Results Act (GPRA) of 1993. As you know, Mr. Chairman, GPRA requires federal agencies to establish standards measuring the performance and effectiveness of their programs by: (1) identifying annual goals and measures for program activities; (2) describing strategies and resources needed to achieve goals; and (3) identifying the means through which performance data are verified and validated.

OJP's strategy for accomplishing its mission and developing its GPRA performance measures are based on Goals 3 and 8 in the Department of Justice Strategic Plan. Goal 3 is to prevent and reduce crime and violence by assisting state, tribal, local, and community-based programs. Goal 8 is to ensure professionalism, excellence, accountability, and integrity in the management and conduct of Department of Justice activities and programs.

To reach these goals, OJP has developed strategic objectives in six areas. The following describes these objectives and related OJP program activity for each one in Fiscal Year 2001.

—Law enforcement/public safety—Improve the crime-fighting and criminal justice administration capabilities of state, tribal, and local governments.

In FY 2001, OJP's Office for Domestic Preparedness (ODP) provided counterterrorism training in the identification, detection, and management of incidents involving Weapons of Mass Destruction to a total of 19,175 state and local emergency response personnel. This exceeded ODP's FY 2001 target of providing training to 13,000 first responders.

Under the Grants to Combat Violent Crimes Against Women on Campus program, the Violence Against Women Office (VAWO) awarded FY 2001 funding to 26 campuses across the country to adopt violent crimes against women programs, matching the FY 2001 target of 26. In FY 2001, VAWO also funded 30 legal services organizations (matching the FY 2001 target of 30) and 73 victim services organizations (exceeding the FY 2001 target of 70) to provide civil legal assistance to victims of domestic violence.

In FY 2001, the National Institute of Justice (NIJ) restructured its Convicted Offender DNA Backlog Reduction Program to better serve states submitting offender DNA data and to take full advantage of economies of scale. This program is helping states to reduce the backlog of convicted offender DNA samples awaiting analysis and entry into the Combined DNA Index System (CODIS). As you may know, Mr. Chairman, CODIS can help solve old crimes and prevent new ones from occurring by matching crime scene evidence with stored DNA samples. By pooling several smaller groups of state DNA samples into larger batches, NIJ was able to reduce the cost to DNA vendor labs for analysis of convicted offender DNA samples by about 30 percent, for a savings of more than \$2.5 million nationwide.

—Juvenile justice—Reduce youth crime and victimization through assistance that emphasizes both enforcement and prevention.

In FY 2001, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) exceeded its targets in several areas. Programs supported through OJJDP's Juvenile Mentoring Program (JUMP) enrolled 17,721 youth in programs that provide wholesome adult role models as mentors to keep young people in school and out of trouble. This exceeded OJJDP's FY 2001 nationwide target of 14,000 enrolled youth. In addition, OJJDP provided technical assistance to 4,624 jurisdictions, exceeding its goal of 2,500 jurisdictions, and trained 62,356 practitioners in implementing promising juvenile justice practices, exceeding the FY 2001 target of 40,000.

—Drug abuse—Break the cycle of drugs and violence by reducing the demand for and use and trafficking of illegal drugs.

By the end of FY 2001, 10,546 offenders had either completed or begun treatment as a result of funding for prison-based treatment programs supported through OJP's Residential Substance Abuse Treatment (RSAT) for State Prisoners Program. This exceeds the FY 2001 target of 7,293 offenders in treatment.

OJP's Drug Court Program Office (DCPO) funded the implementation of 49 new drug courts, just one short of its FY 2001 target of 50. The remaining drug court was funded early in FY 2002. In addition, to further build drug court capacity at the state and local level, DCPO implemented a comprehensive four-step strategy that guides its efforts to help communities implement drug courts. The four steps include:

- Providing direct funding to local courts to implement or enhance a drug court;
- Providing an array of training and technical assistance opportunities to implement best practices;
- Supporting the evaluation of drug courts to demonstrate effectiveness; and
- Partnering with the drug court field to integrate the drug court movement into the mainstream court system.

—*Victims of crime—Uphold the rights of and improve services to America’s crime victims.*

The Office for Victims of Crime (OVC) met its two principal goals for its National Academy initiative: (1) to develop a comprehensive, research-based course of academic instruction providing current and cutting-edge knowledge about victim assistance and the field of victimology; and (2) to encourage the adaptation and integration of victim services instruction into institutions of higher learning and other venues. Because of OVC’s leadership in this area, over the past few years, the National Academy has educated and offered graduate and undergraduate academic credit to almost 1,700 victim service professionals, including federal victim-witness coordinators. In 2001, 250 people attended the National Victim Assistance Academy, with one-third of those receiving academic credit for Academy attendance.

—*Community services—Support innovative, cooperative community-based programs aimed at reducing crime and violence and promoting resolution of racial tension.*

In FY 2001, the Executive Office for Weed and Seed (EOWS) reviewed over 103 applications for Official Recognition. Official recognition is important in that it validates a site’s strategy and coalition development and makes it eligible to apply for Weed and Seed grant funding. In FY 2001, EOWS awarded 215 grants to a combination of new and continuation sites. Many of these sites saw significant improvements as a result of Weed and Seed strategy implementation. For example, as a result of stepped up “weeding” efforts in the Edison neighborhood of Kalamazoo, Michigan, law enforcement officials seized illegal drugs worth over \$500,000, almost double the amount seized in the entire City of Kalamazoo the previous year. Weed and Seed participants also removed of hundreds of junk autos from the Edison neighborhood’s streets to improve the neighborhood environment.

—*Grant management—Develop and maintain grant management accountability mechanisms to ensure proper disbursement and monitoring of funds.*

In FY 2001, OJP managed \$5.9 billion in new resources—most of which were disbursed in the form of grants, cooperative agreements, and contracts. As the number and complexity of OJP’s programs have grown, so has the need to more carefully account for, award, and monitor billions of taxpayer dollars. OJP addressed this grant-related management challenge, which was also identified by the DOJ Office of the Inspector General, by developing and implementing an automated grants management system. When operational throughout OJP, this system will allow OJP to electronically track and process grants from initial application to closeout. This paperless system will allow grantees to receive and submit applications and receive awards electronically, which will reduce the paperwork required by the grantees, speed the award of grant funds, and standardize the grant award process across OJP.

Also during FY 2001, the Office of the Comptroller’s Monitoring Division conducted financial reviews of 1,604 grants, exceeding its FY 2001 target of 1,600. These reviews assist grantees in managing their federal funds and also reveal any specialized training or assistance the grantee may need. The results of financial monitoring are used in OJP’s nationwide Regional Financial Management Training Seminars, which provide training to law enforcement officers, OJP program monitors, and grant recipients on how to avoid grant financial problems. In FY 2001, 97 percent of the approximately 2,700 recipients of Financial Training reported they were satisfied with the training they received, exceeding the target for FY 2001 by 2 percent.

OJP will continue to use the guidance provided through GPRA to set annual goals for its programs, measure performance, and verify results.

CONCLUSION

Through these and other efforts, Mr. Chairman, OJP is working to ensure the effective use of grant funds, prevent fraud and abuse, and measure the impact of the programs we fund. This concludes my statement, Mr. Chairman. I would welcome

the opportunity to answer any questions you or Members of the Subcommittee may have.

Mr. SMITH. Mr. Peed.

STATEMENT OF CARL PEED, DIRECTOR, COPS PROGRAM, U.S. DEPARTMENT OF JUSTICE

Mr. PEED. Mr. Chairman, Congressman Scott, good afternoon. I am very pleased to appear before you today on behalf of the Office of Community Police Organizations, or COPS. For me, it has not been only a career, but a way of life. My father, grandfather, father-in-law, brother and brother-in-law have all served in law enforcement. I served 25 years in Fairfax County Sheriff's Office, the last 10 as a sheriff. Most recently, I served as Virginia's director of Juvenile Justice. As a result of this legacy of law enforcement service, I am proud to be in an organization whose mission is to reduce crime and advance community policing by supporting State and local law enforcement.

I am pleased to be here today with my colleagues from the Office of Justice programs and the Inspector General. COPS enjoys a strong working relationship with both of these components. In fact, both offices are part of our comprehensive strategy. COPS takes seriously its commitment to support State and local law enforcement. We also take seriously our obligation to the American taxpayer. To safeguard the investment made by Congress and the American public, COPS has developed a comprehensive monitoring strategy to ensure that all COPS 32,700 grants are being implemented within the statutory guidelines set forth under the 1994 Crime Act as well as grant program guidelines.

This includes progress reports, on-site visits, comprehensive desk reviews, they can check and regular audits from the office of the Inspector General. As you know, COPS is a product of a bipartisan effort to invest in the safety of our Nation's neighborhoods. More than two-thirds of the law enforcement agencies in the Nation have utilized COPS funding to advance community policing, make our schools safer and purchase time-saving technology.

Shortly after September 11th, Attorney General John Ashcroft called for a national neighborhood watch to combat terrorism. Two months ago, President Bush announced the USA Freedom Corps, a key element of which is the volunteers and policeman service. The President and Attorney General are correct in trying to harness the tremendous benefits that can be derived from a strong partnership between law enforcement and informing an engaged community.

Local law enforcement agencies practiced in community policing long ago recognized these benefits and have worked successfully in their communities to fight crime. The community policing philosophy fund by COPS has been a great assistance in our fight on crime. The Bureau of Justice Statistics reported that 86 percent of law enforcement agencies now practice community policing, and the number of community policing officers increased 400 percent between 1997 and 1999. In addition to increasing the number of community policing officers on the beat and in our schools, COPS continues to respond to the pressing technology needs of American law enforcement.

More than 1 billion in COPS technology funding has enabled 4,000 State and local law enforcement agencies to purchase state of the art crime-fighting technology. This technology not only assists law enforcement in combatting traditional crime. It is also enabled law enforcement to meet the many new challenges they have confronted since September 11th.

For example, Austin, Texas received a COPS grant to create a 311 nonemergency phone system that became fully operational just days after the terrorist attack. Citizens responded by calling 311 for information rather than flooding the 911 system with calls.

Ed Harris, Austin Police Department's director of emergency communication said 311 saved us from not only having our 911 system swamped, but saved our systems who had emergencies, such as heart attack and crimes in progress, from getting a busy signal. 311 has been a miracle.

In addition to funding for crime-fighting technology, we provide training and technical assistance on innovative crime reduction strategies, ranging from community policing training to ending racial profiling, and since September 11th to focusing on terrorism. This vital law enforcement training has provided throughout our national network of regional community policing institutes and has been delivered to over 170,000 law enforcement officials and community leaders.

Additionally, COPS has contributed to combatting crime and disorder in native American communities across the Nation with 171 million funding to 241 Federally recognized tribes. Similarly, COPS has dedicated 223 million in resources to battle the proliferation of methamphetamine . One of the things law enforcement officials have truly appreciated about the COPS program is its flexibility and user friendliness. The President's 2003 budget enhances flexibility through the creation of a new 800 million justice systems grant program. COPS has the flexibility to meet the public safety needs of big cities, small towns and everything in between. We have made user friendliness a top priority by simplifying our application process and by giving chiefs, mayors and sheriffs just one point of contact to do all the business at the COPS office.

We look forward to providing continued funding, flexibility and efficiency to State and local law enforcement in the future. Since September 11th, America has gained an even greater appreciation for the men and women in uniform. I was reminded of this when I attended the memorial service for Officer John Perry to represent the COPS' office and show our solidarity with the NYPD and all those in law enforcement.

On the day he was to turn in his retirement papers, officer Perry gave his life protecting others at the World Trade Center. His body was recovered from Ground Zero just last week.

Thank you for giving me opportunity to testify about the contributions COPS has made to American law enforcement. Each day I come to the COPS office, I am reminded that service in the men and women in uniform, like Officer Perry, and his colleagues, have selflessly given to this Nation. I am happy to answer any questions, and I ask that I may submit my full statement for the record.

Mr. SMITH. Thank you, Mr. Peed.

[The prepared statement of Mr. Peed follows:]

PREPARED STATEMENT OF CARL PEED

Mr. Chairman, Mr. Scott and members of the subcommittee:

I am very pleased to appear before you today on behalf of the Office of Community Oriented Policing Services—or COPS. For me law enforcement has not simply been a career, it's been a way of life. My father, grandfather, father-in-law, brother, and brother-in-law have all served in law enforcement. I served 25 years in the Fairfax County Sheriff's Department, the last ten as the Sheriff. Most recently, I served as Virginia's Director of Juvenile Justice. As a result of this legacy of law enforcement service, I am proud to lead an organization whose mission it is to reduce crime and advance community policing by supporting state and local law enforcement.

I am pleased to be here today with my colleagues from the Office of Justice Programs and the Office of the Inspector General. COPS enjoys a strong working relationship with both of these components of the Department of Justice. In fact, both offices are part of our comprehensive grant-monitoring strategy.

COPS takes seriously its commitment to support state and local law enforcement. We also take seriously our obligation to the American taxpayer. To safeguard the investment made by Congress and the American public, COPS has developed a comprehensive monitoring strategy to ensure that all of COPS 32,700 grants are being implemented within the statutory guidelines set forth under the 1994 Crime Act as well as grant program guidelines. This includes yearly progress reports, financial monitoring by the Office of the Comptroller, and regular audits from the Office of the Inspector General, as well as on-site visits and comprehensive desk reviews. Office based desk reviews are intended to provide grant monitoring oversight to a specific and large population of grantees that may never qualify for an on-site monitoring visit due to their location and/or amount of grant funding. Desk reviews include collecting, gathering, and reviewing grant documentation and are a way to reach out to grantees to ensure that they adhere to compliance standards.

As you know, COPS is the product of a bipartisan effort to invest in the safety of our nation's neighborhoods. More than two-thirds of the law enforcement agencies in the nation have utilized COPS funding to advance community policing, make our schools safer, and purchase time saving technology.

Shortly after September 11, Attorney General John Ashcroft called for a national neighborhood watch to combat terrorism. Six weeks ago in his State of the Union Address, President Bush announced the USA Freedom Corps, a key element of which is the Volunteers in Policing Service or VIPS. President Bush and Attorney General Ashcroft are correct in trying to harness the tremendous benefits that can be derived from a strong partnership between law enforcement and an informed and engaged community. Local law enforcement agencies practicing community policing, long ago recognized these benefits, and have worked successfully with their communities to fight crime.

Congress has made a significant investment in community policing through \$8.6 billion in COPS grants since 1994. The community policing philosophy funded by COPS has been of great assistance in our fight on crime. The Bureau of Justice Statistics reported that 86% of law enforcement agencies now practice community policing and the number of community policing officers increased by 400% between 1997 and 1999.

In addition to increasing the number of community policing officers on the beat and in our schools, COPS continues to respond to the pressing technology needs of American law enforcement. More than \$1 billion in COPS technology funding has enabled 4,000 state and local law enforcement agencies to purchase state-of-the-art, crime fighting technology. This technology not only assists law enforcement in combating traditional crime, it has also enabled law enforcement to meet the many new challenges they confront since September 11.

For example, Austin, Texas received a COPS grant to create a 311 non-emergency phone system that became fully operational just days after the terrorist attacks. Citizens responded by calling 311 for information, rather than flooding the 911 system with calls. Ed Harris, Austin Police Department's Director of Emergency Communications said, "311 saved us from not only having our 911 center swamped, but saved our citizens who had true emergencies, such as heart attacks and crimes in progress, from getting a busy signal. 311 has been a miracle."

Like Austin, the City of Chicago used COPS grants to enhance public safety. With COPS funds, the Chicago Police Department deployed a web-based data management system called Community and Law Enforcement Analysis and Reporting (CLEAR). The CLEAR technology contributes to operational readiness, intelligence gathering, and target hardening by providing access to real time data from emergency rooms, universities, public housing, motor vehicles, and other criminal justice system data.

The system was put to use after the terrorist attacks of September 11, when the Chicago Police Department was able to immediately map and analyze the locations of 2500 critical facilities and then effectively deploy officers to those locations.

In addition to funding for crime-fighting technology, the COPS Office also supports the creation of new strategies to reduce crime and increase public safety and provides training and technical assistance on these new strategies. This vital law enforcement training is provided through our national network of Regional Community Policing Institutes (RCPIs) and has been delivered to over 170,000 law enforcement officials and community leaders.

One of these institutes, located at Wichita State University, delivers essential training on law enforcement intelligence integration and community policing. In December 2001, this institute delivered a training program entitled "Integrating Law Enforcement Intelligence and Community Policing". This training program was established to focus on issues such as assessing possible terrorist targets, identifying individuals and groups who might be involved in terrorist acts, and developing and sharing terrorism related intelligence. At the request of the FBI, this training was recently delivered at their academy in Quantico.

COPS has also sought to address critical issues that relate to police integrity, such as use of force and racial profiling. Recognizing that excessive use of force and racial profiling—which is when law enforcement uses race or ethnicity, rather than behavior—undermines community trust, and is a barrier to community policing, COPS has developed model problem solving programs, technical assistance initiatives, and police integrity training that is being delivered to law enforcement and community members throughout the nation.

Additionally, COPS has contributed to combating crime and disorder in Native American communities across the Nation with over \$171 million in funding to 241 federally recognized tribes. Similarly, COPS has dedicated \$223 million in resources to battle the proliferation of methamphetamine.

One of the things law enforcement officials have truly appreciated about the COPS program is its flexibility. The President's 2003 Budget enhances flexibility through the creation of a new \$800 million Justice Assistance Grant program. In this Nation, there are a wide array of crime problems affecting communities of all shapes and sizes. COPS has the flexibility to meet the public safety needs of big cities, small towns, and everything in between. Local chiefs, sheriffs, and mayors get officers to implement programs they deem necessary in their communities. We look forward to providing continued funding and flexibility to state and local law enforcement in the future.

Since September 11th, America has gained an even greater appreciation for the men and women of law enforcement. I was reminded of this when I attended the memorial service for Officer John Perry to represent the COPS Office and show our solidarity with the NYPD and all those in law enforcement. On the day he was to turn in his retirement papers, Officer Perry gave his life protecting others at the World Trade Center. His body was recovered from Ground Zero just last week.

Thank you for giving me the opportunity to testify today about the contributions COPS has made to American law enforcement. Each day I come to the COPS Office I am reminded of the service the men and women in uniform—like Officer Perry and his colleagues—have selflessly dedicated to this Nation.

I am happy to answer any questions you may have.

Mr. SMITH. Ms. Campbell.

STATEMENT OF BONNIE CAMPBELL, FORMER DIRECTOR, VIOLENCE AGAINST WOMEN OFFICE, OFFICE OF JUSTICE PROGRAMS

Ms. CAMPBELL. Thank you, Mr. Chairman, and Mr. Scott, good afternoon. Congress has recently passed, on both the Senate and House sides, bills to create a Statutory Violence Against Women office in the U.S. Department of Justice. This, in my view, is a wonderful development. One that can help further the progress already made since the Violence Against Women Act passed in 1994 and following its reauthorization in 2000.

As you know, the passage of the VAWA in 1994 was the catalyst for the administrative creation of the Violence Against Women Office. I was fortunate to have served as its first director. The cre-

ation of the Violence Against Women Office had an enormous impact on the work done in the States to address domestic violence, stalking and sexual assault.

For the first time, a clear voice of leadership was heard coming from the Federal Government. That voice, the voice of the Violence Against Women Office, lent guidance and support to the courts, prosecutors, law enforcement officers and victim service organizations engaged in reducing the impact of violence against women.

Immediately following the President's announcement of the creation of the Violence Against Women Office, I was asked by numerous State leaders, including governors and attorneys general, to come to their jurisdictions, to help initiate and guide their new initiatives in response to the challenge of the VAWA. I cannot convey how hungry they were for guidance and help from our office. What they needed went far beyond grant funding. They wanted real help in interpreting and implementing the new Federal laws regarding inner-State crimes of domestic violence and stalking. They wanted my help as the liaison to other components of the Justice Department, such as the U.S. attorneys offices and the INS, which were also involved in the implementation and enforcement of VAWA.

They looked to us for guidance in the form of AG memos and departmental policies, to figure out how to implement VAWA in the context of existing State law.

As the director of the office, I learned that simply cutting a check was not enough to meet and support the needs of the State players engaged in carrying out the mandates of the Federal Act. Grantees needed policy guidance, help in the implementation and interpretation of law and assistance in identifying the best practices and protocols in use around the country. The Violence Against Women Office has worked hard, frankly harder than we have a right to expect, and continues to work hard to meet the various needs of the grantees.

The policy implementation and programmatic guidance demanded of the Violence Against Women Office by the grantees is answered by Congress's passage of bills that would create a statutory Violence Against Women Office. I and all others doing work to respond to domestic violence, sexual assault, stalking and trafficking across the country thank you for recognizing the importance of creating a permanent office to undertake the duties I have described above.

I know that the differences between the Senate and House versions of these two bills raises the question of the placement of this statutory office. This is a very significant issue for Congress to undertake. The Senate version creates an independent office within the main area of justice. The House version is silent on the issue of placement and may therefore suggest that the Violence Against Women Office remain in the Office of Justice programs.

Let me discuss this issue from my experience as the former director of the Violence Against Women Office. The Violence Against Women Office has responsibilities that go far beyond the simple act of writing checks to grantees. The VAWA's substantive laws create responsibilities, as I have outlined, within the office, to assist grantees in carrying out the clear purpose and conditions of the violence against women act.

Additionally, that Federal law in both its 1994 and 2000 incarnations creates new Federal crimes and significant protections for immigrant victims of domestic violence, tracking and sexual assault. Those changes in substantive law require expertise and coordination within the Department of Justice in order to ensure that they are carried out properly. A grant-focused office does not have the clout within DOJ, nor the authority to take on this crucial work.

Let me give you two examples of policy and implementation work that occurred during my tenure as director of the Violence Against Women Office.

The full faith and credit provision of the VAWA, the original VAWA and its later amendments, requires States to enforce sister jurisdictions protection orders. In order to carry out this provision, State courts and law enforcement have to build partnerships with the U.S. attorneys offices. Additionally, the department had to promulgate implementation guidelines and policies to guide the work of the States.

As director, I had to coordinate a continuum of work, ranging from the award of grants to jurisdictions, pilot testing protocols for implementation of the full faith and credit mandate, to developing agreements among other interested DOJ entities like the U.S. attorneys office. I had to also coordinate efforts with the Office of Policy Development and Main Justice and the Office of Legislative Affairs as amendments to the full faith and credit provisions arose in the VAWA reauthorization of 2000. Even the Attorney General became involved in this process when she issued memoranda offering guidance as to the interpretation of the full faith and credit provision.

The enforcement of out-of-State protection orders has greatly improved in the past 5 years. Grant money alone, however, could not have made those improvements happen. The policy and implementation activities of the Violence Against Women Office were significant contributions to the success of this process.

Similarly, when the original VAWA created new access to the immigration petition process for battered immigrant women, the Violence Against Women Office was there helping the INS to interpret, implement and enact these provisions. We help the INS understand the importance of having a specialized office to receive VAWA self-petitions.

That office now exists in Vermont, and I am proud of the role our office played in getting that set up. What I hope is becoming clear through my testimony is that compacting grant offices together isn't necessarily the best way to make programs effective and efficient and expert at what they are doing. The States supported the Violence Against Women Act because they were looking for leadership and partnership, not just financial support, which I will grant they do appreciate.

Mr. SMITH. Ms. Campbell, are you getting to the end of your remarks?

Ms. CAMPBELL. I am.

Mr. SMITH. You are a couple minutes over and I would like to keep us on schedule, if we could.

Ms. CAMPBELL. I would be happy to stop and insert them as—

Mr. SMITH. Okay. Without objection, all of your complete opening statements will be made a part of the record, as well your written testimony you submitted to us earlier.

[The prepared statement of Ms. Campbell follows:]

PREPARED STATEMENT OF BONNIE J. CAMPBELL

Congress has recently passed, both on the Senate and House sides, bills to create a statutory Violence Against Women Office in the U.S. Department of Justice. This is a wonderful development, one that can help further the progress already made since the Violence Against Women Act passed in 1994 and following its reauthorization in 2000.

As you know, the passage of VAWA in 1994 was the catalyst for the administrative creation of the Violence Against Women Office. I served as its first Director. The creation of VAWO had an enormous impact on the work done in the States to address domestic violence, stalking, and sexual assault. For the first time, a clear voice of leadership was heard coming from the federal government. That voice—the voice of the Violence Against Women Office—lent guidance and support to the courts, prosecutors, law enforcement officers, and victim service organizations engaged in reducing the impact of violence against women.

Immediately following the President's announcement of the creation of VAWO, I was asked by numerous state leaders, including Governors and Attorneys General, to come to their jurisdictions, to help initiate and guide their new initiatives in response to the challenge of VAWA. I cannot convey how hungry they were for guidance and help from VAWO. What they needed went far beyond grant funding. They wanted real help in interpreting and implementing the new federal laws regarding interstate crimes of domestic violence and stalking. They wanted my help as a liaison to other components of the Justice Department, such as the U.S. Attorneys Offices and the INS, which were also involved in the implementation and enforcement of VAWA. They looked to us for guidance, in the form of AG memos and departmental policies, to figure out how to implement VAWA in the context of existing state law.

As the Director of VAWO, I learned that simply cutting a check was not enough to meet and support the needs of the State players engaged in carrying out the mandates of VAWA. Grantees needed policy guidance, help in the implementation and interpretation of law, and assistance in identifying the best practices and protocols in use around the country. VAWO has worked hard, and continues to work hard, to meet the various needs of the grantees.

The policy, implementation, and programmatic guidance demanded of VAWO by the grantees is answered by Congress' passage of bills that would create a statutory Violence Against Women Office. I—and all others doing work to respond to domestic violence, sexual assault, stalking, and trafficking across the country—thank you for recognizing the importance of creating a permanent office to undertake the duties I've described above.

I know that the differences between the Senate and House versions of these two bills raises the question of the placement of this statutory Office. This is a very significant issue for Congress to undertake. The Senate version creates an independent Office within the main area of Justice. The House version is silent on the issue of placement, and may therefore suggest that the Violence Against Women Office remain in the Office of Justice Programs. Let me address this issue from my experience as the former Director of VAWO.

The Violence Against Women Office has responsibilities that go far beyond the simple act of writing checks to grantees. VAWA's substantive laws create responsibilities (as I've outlined earlier) within VAWO to assist grantees in carrying out the clear purpose areas and conditions of VAWA. Additionally, VAWA, in both its 1994 and 2000 incarnations, creates new federal crimes and significant protections for immigrant victims of domestic violence, trafficking, and sexual assault. Those changes in substantive law require expertise and coordination within the Department of Justice in order to ensure that they are carried out properly. A grants-focused Office does not have the clout within DOJ nor the authority to take on this crucial work.

Let me give you two examples of policy and implementation work that occurred during my tenure as Director of VAWO.

The Full Faith and Credit provision of VAWA 1994 (and its amendment in 2000) requires states to enforce sister jurisdictions' protection orders. In order to carry out this provision, state courts and law enforcement had to build partnerships with the U.S. Attorneys Office. Additionally, the Department had to promulgate implementa-

tion guidelines and policies to guide the work of the States. As Director, I had to coordinate a continuum of work, ranging from the award of grants to jurisdictions pilot-testing protocols for implementation of the Full Faith and Credit mandate, to developing agreements among other, interested DOJ entities (like the U.S. Attorneys Office). I had to also coordinate efforts with the Office of Policy Development in Main Justice and the Office of Legislative Affairs (as amendments to the FFC provision arose in the VAWA reauthorization of 2000). Even the Attorney General became involved in this process, when she issued memoranda offering guidance as to the interpretation of the FFC provision.

The enforcement of out of state protection orders has greatly improved in the past five years. Grant money alone could not have made those improvements happen. The policy and implementation activities of VAWO were significant contributions to the success of this process.

Similarly, when VAWA 1994 created new access to the immigration petition process for battered immigrant women, VAWO was there, helping the INS to interpret, implement, and enact these provisions. We helped the INS understand the importance of having a specialized office to receive VAWA self-petitions; that office now exists in Vermont and I am proud of the role our office played in getting that set up.

What I hope is becoming clear through my testimony is that compacting grant offices together isn't necessarily the best way to make programs effective and efficient and expert at what they are doing. The States supported the VAWA because they were looking for leadership and partnership, not just financial support. Congress was very careful and deliberate in crafting the laws and grant programs that constitute the work of VAWO; they have many special conditions and purpose areas included in the statutory language to ensure that grant money is well spent, efficiently spent, and spent in a way that will serve victims of domestic violence, sexual assault, stalking, and trafficking. If you consolidate the VAWA funding streams with other OJP funding streams, you will pit the purpose areas of VAWA against the differing, and sometimes conflicting, purpose areas of the other OJP programs. Congress, in defining VAWA's provisions so exactly, said that subject matter expertise was crucial in carrying out the meaning of the statute. Let us have a Violence Against Women Office that has ALL of that expertise and capacity.

The Senate version would create an independent Office in Main Justice. That is incredibly crucial to the policy and implementation functions I've described above. If you believe that Violence Against Women is a serious issue, then give it the priority and authority it needs to do its work. At the same time, I ask that you include the House language describing the responsibilities and authority of the Director. It is important to have these duties articulated clearly. The combination of these two elements of the two bills will give you just what you need—an Office capable of advancing the legal protections and rights of the Violence Against Women Act together with an Office capable of funding that work.

Let us continue to use leadership to change the culture.

Mr. SMITH. I have a couple questions, all of which have to do with the COPS program and Mr. Fine, I would like to direct my initial questions to you, and I am tempted to follow up on Mr. Scott's use of the word whether some of these problems might be in the eye of the beholder, which is biblical. And there is another biblical reference to "thy eye is full of light," meaning full of understanding.

So the question is which are you? Is it in the eye of the beholder, or are you full of understanding when it comes to some of these problems with the COPS program? And let me ask you a couple of questions in that regard.

The first, as you mentioned a while ago in your verbal testimony, you said in regard to the COPS program, that deficiencies were not corrected; and then in the various audits that we read, both about the OJP and the COPS programs, you used phrases like questioned costs, unsupported cost and funds that could be put to better use. You mentioned some examples, but I specifically would be interested in hearing more about what deficiencies were not corrected. What were you specifically referring to then?

Mr. FINE. We found that in many cases, the response to our findings was a paper exercise and that the COPS program did not take sufficient action to either bring the grantee in compliance, to offset the funds, to recoup the funds or to waive the funds. We found that there had to be a hard-nosed approach to this, but instead, it was back and forth, back and forth without bringing it to resolution, and that was the main concern that we had.

And these funds, when we questioned them, many times there was the initial questioning of our work, but in the end when it was accepted, we still did not reach resolution or the audit findings. That is what most concerned us.

Mr. SMITH. Let me ask you about one other COPS problem and that deals with the computer security system that you found you had concerns about, and I wondered what corrective actions have been taken and if you still have the same concerns you did.

Mr. FINE. Computer security is a very important issue, we find that throughout the department. We had concerns about the COPS offices policies on passwords, for example, for disabling accounts for separated employees, for warning banners on all servers, for account lockout options, administrator account privileges, a whole range of security issues that we found were not being taken. We have been told that they have been taken, and we have not done a follow-up review on that, but it is an important issue that needs to be addressed on a constant basis. We are finding these kinds of problems throughout the department, and we found it in COPS as well.

Mr. SMITH. Okay. Thank you, Mr. Fine.

Ms. Henke, let me address a couple questions to you. The first is who decides the National Institute of Justice would be evaluating some of these OJP programs? And do you think that we need more evaluations than just those done by the National Institute of Justice?

Ms. HENKE. First of all, sir, evaluations is an important component and responsibility of the National Institute of Justice, and that has been determined in working with Congress. As far as whether or not evaluations beyond the National Institute of Justice should occur, they do occur. We do encourage them to occur to ensure that the findings and the research and the methodology that we use at the National Institute of Justice is sound.

Mr. SMITH. And therefore the answer to my question is, are there more evaluations that are going to take place other than by the National Institute of Justice?

Ms. HENKE. Certainly, yes.

Mr. SMITH. Okay. The other is do you feel that the proposed reorganization of OJP will be beneficial? Do you think it will reduce some of the waste or some of the mismanagement of funds that we see?

Ms. HENKE. Yes.

Mr. SMITH. Those are good short answers and I appreciate it, thank you.

Mr. Peed, let me address the question about COPS to you, and that is, what specific steps are being taken by your office to address some of the problems that Mr. Fine and others have found in their audits?

Mr. PEED. Mr. Chairman, I have been here about 6 months and 28 years experience working in large law enforcement organizations. I think it takes leadership and I think it takes accountability, accountability not only of our employees, but also the grantees. We have an IG unit, or at least when I was director of Justice, I created an IG unit. I consolidated our monitoring compliance division, our audit functions, our hotline complaints and our investigations under one leader, so that we made sure that we addressed all those issues that Mr. Fine is raising today.

In the COPS office we take monitoring very seriously. We have a comprehensive monitoring strategy. We have yearly progress reports and quarterly reports. We use financial reports, and we depend upon the Office of Comptroller and the Inspector General to help us in many issues.

Mr. SMITH. Mr. Peed, my question was what specific steps are you taking?

Mr. PEED. Okay. I take it very seriously, and what I have done is basically I have taken not only a personal interest in it, but I review every IG audit that comes into our agency. I underline and highlight the issues of concern. I bring it to the attention of our executive management team, and I made a visit to Mr. Fine's office along with our local counsel and our assistant director for monitoring and compliance to, again, show my interest and support for making sure that we address all of those issues.

In addition, personally called some of the auditors in the field to talk about those issues. What I intend to do also is to develop a more aggressive approach about inquiring to the localities to meet deadlines and make sure we get the information to respond to the IG concerns. Sometimes the chiefs or the localities don't provide the information as quickly as they can, and I intend to be much more aggressive in pursuing that documentation to resolve those cases.

Mr. SMITH. Okay. Thank you, Mr. Peed.

Ms. Campbell, a question for you about the COPS—not COPS program, but about the Violence Against Women's office. Part of the problem with the COPS program, as I understand it, is it was a separate office within the Department, and that has resulted in a lot of the concerns that many of us have. Why wouldn't the same concerns arise if we put the violence against Women's office as a separate entity as well? It seems to me if we have problems with one, we would have problems with the other.

Ms. CAMPBELL. Well, I don't know that I would make the assumption that the same errors would be made. In fact, as I read the various GAO reports evaluating the Violence Against Women Act, most of the concerns had to do with OJP-wide problems rather than problems specific to the Violence Against Women office.

I would also point out that—

Mr. SMITH. I wasn't talking about concerns about the Violence Against Women Office. I was talking about the proposal to make it separate as the COPS program was separate and other problems related to the COPS—

Ms. CAMPBELL. That is my point, that the concerns that were raised against the violence against women office were mostly related to OJP. So I don't know that evaluating COPS versus being within OJP is the proper distinction. But I would make the point

that, for example, both the FBI and the DEA have grants programs, and no one would seriously think of folding them into OJP, because the Violence Against Women Act specifically identified systemic changes, changes in the Federal law that have a profound impact on State governments, on State law enforcement, and I think that just writing a check won't cut it.

So much of what we did had to do with defining the policy, helping to interpret the law, get the word out, which I can't see being done if you are simply a grants office.

Mr. SMITH. Okay. Thank you, Ms. Campbell. Let me give Mr. Fine the last word on my last question. And which is, do you think—and I don't know the answer myself, that is why I was asking you—do you think it would be a good idea or not be a good idea to the Office of Violence Against Women as a separate entity like we have done with COPS?

Mr. FINE. Well, that is a hard question. We haven't done work recently in the Violence Against Women Office. So I can't answer specifically about the record of that office. Having a single purpose entity would focus attention on a problem. I would caution and would be concerned about whether there would be problems of duplication, coordination, communication, and before that happened and before there was a proliferation of single-issue offices, I would think very carefully about it.

Mr. SMITH. Okay. Thank you, Mr. Fine. Thank you all for answering my questions and the gentleman from Virginia, Mr. Scott, is recognized for his.

Mr. SCOTT. Thank you, Mr. Chairman. You asked many of the questions that I had to ask. So I will just ask a couple of questions to Mr. Fine.

In your audit you showed—found a lot of problems with audits. Did I understand you to say that you audited 300 grants?

Mr. FINE. 330 COPS grants, correct.

Mr. SCOTT. And they were a total of how many?

Mr. FINE. There were a total of how many grants?

Mr. SCOTT. Thousands.

Mr. FINE. 10, 20,000—30,000. Yes.

Mr. SCOTT. How did you select the 300? Were there any indicia of problems there, or were they just randomly selected?

Mr. FINE. Initially the COPS office would refer cases of concern, cases that they thought there would be a problem. We also picked ones, picked other ones, additional ones that we thought would—should be audited. We tried to have a mix of large and small—

Mr. SCOTT. Well, I guess that answers my question. We can't—we should not extrapolate the problems of the 300 to the 30,000.

Mr. FINE. No. I don't think you could point-by-point extrapolate and say it is going to be the same percentages. We were concerned about the scope of the problem, the breadth of the problem, the amount of the problem we were finding, even in the ones we had picked. So we didn't think there would be reason to think that the problems were confined solely to these grantees that we picked, but you are right that you could not statistically extrapolate.

Mr. SCOTT. You mentioned the fact that some were supplanting, notwithstanding the direction not to supplant. Is that a problem in other grant programs?

Mr. FINE. Supplanting is a difficult issue to address. I know the GAO has done studies on it and they have found in other programs supplanting as well. We found about 40 percent of the grantees had a problem with supplanting in the COPS program. So I would guess that it is not limited to the COPS program, but that is where the majority of our work has been done.

Mr. SCOTT. Now, the waste and problems with the audit, would they be cured with a different—would it be improved with a different structure or are these just inherent problems that any grant program would suffer?

Mr. FINE. Grant programs need to be carefully monitored. They need to have careful scrutiny. Whether the COPS program would have less problems if they were streamlined or consolidated with OJP, that is a difficult question to answer. We are currently doing an audit to try and determine whether consolidation and streamlining might prevent some of the problems that we are finding.

Mr. SCOTT. Well, if you streamline, would you have less oversight or more oversight?

Mr. FINE. It depends how strong an oversight body there is in the consolidated entity and how carefully and concentrated an effort they make on that. You could have fewer problems if they had a very thorough and aggressive monitoring effort, or you could have more problems if they didn't take it seriously.

Mr. SCOTT. Ms. Henke, you mentioned evaluations. You require, as a condition of getting a grant, the fact that in evaluation of the program has to take place. Is that right?

Ms. HENKE. Yes.

Mr. SCOTT. Did I understand you to say that that is an NIJ evaluation or some independent evaluation?

Ms. HENKE. A combination of both.

Mr. SCOTT. And how long has this requirement been there?

Ms. HENKE. We just put this requirement in place last fall.

Mr. SCOTT. So do you have any evaluations back yet?

Ms. HENKE. No, sir we do not, not on the new process that we put in place.

Mr. SCOTT. Have programs previously been evaluated, whether it was required or not?

Ms. HENKE. Yes, sir, some have.

Mr. SCOTT. So a few?

Ms. HENKE. I can't give you a specific number, but whether it be the GAO or other independent evaluations or some through NIJ, they have occurred.

Mr. SCOTT. And when you get these evaluations, will you store them away where no one can find them? Or will they be available so someone could benefit from the evaluations?

Ms. HENKE. Sir, we want to widely disseminate the information. That is something that OJP, and especially the new leadership, takes very seriously. It is one of the reasons why we established our State reports, which I am not certain if you have seen, but we have done State reports—individual State reports. For instance, I have the State of Virginia here and we break down and provide once again to every governor, U.S. attorney, House Member, Senator, a list—the total amount of money received from OJP and COPS, as well as every single grantee in your State, and that

should hopefully help determine future resource allocation. Because in addition, what we are going to add to it this year is the statistic section. So a comparison can be done by the State on these are the resources that the State is getting, but this is where we rank nationally.

Mr. SCOTT. Did you say OJP in COPS or OJP and COPS?

Ms. HENKE. This is OJP and COPS.

Mr. SCOTT. So you have all the OJP grants to the Commonwealth of Virginia listed there?

Ms. HENKE. Right. And it is also available on our Web site.

Mr. SCOTT. And in a few months we should have evaluations of all of those programs to see whether or not the taxpayer got the money's worth?

Ms. HENKE. No, not necessarily, sir. Evaluations take a period of time, and so to say that we are going to have them in a couple of months, no. Evaluations, we have to first gather the information, and that is why we have as part of our grantee requirements specific things, specific information they should gather, a combination of both outputs and outcomes so we can comply both with GPRA requirements as well as to determine what works, so then we can widely disseminate the information to the field.

Mr. SCOTT. Now, will the evaluations be somehow evaluated to help us determine what elements of programs are helpful? Will the NIJ be doing that?

Ms. HENKE. Sir, NIJ, that is something that, once again, we are certainly working on but, yes, we want NIJ to be informed in the evaluation. We also are not afraid to have outside entities also evaluate, and whether it be GAO or the IG or other charities. I know the Heritage Foundation testified pertaining to some evaluations that they have done.

Mr. SCOTT. Well, we look forward to that, because in a lot of initiatives that frankly waste the taxpayers' money and a lot of other ones, we get more than our money's worth. So we need to know what to do.

Ms. HENKE. Yes, sir.

Mr. SCOTT. My last question, I guess, is to Ms. Campbell. You got cut off. Did you have anything more that you wanted to add?

Ms. CAMPBELL. Yes. I was hoping someone would give me the opportunity to say that, since you have before you two different options, at least two different options for creating a statutory office at the Department of Justice. I thought I would share my opinion, probably as informed as anyone, since I did spend some time at the Violence Against Women Office.

The Senate version creates an independent office in Main Justice, and from my perspective, that is very important, because policy, by and large, is not done in OJP. I lived in both places. I initially was at Main Justice reporting to the associate and then moved to OJP, and I can tell you there is an enormous difference. You just don't have the clout if you are not in main justice to deal with the offices where major policy decisions are made, and not to be unkind to the folks from OJP because the situation was exactly the same when I was there, but here we are discussing the future of the Violence Against Women Office, and the director of that office is not at the table.

I think that is unusual in any other forum. It happens when I was there. It is happening now. If that individual were a Senate confirmed presidential appointee, I think that person would be here having this discussion with you, I also like the House language which delineates the responsibilities of the director of office, and I think together we had a wonderful opportunity to create an office with the capacity to do all that Congress seemed to expect of it when the Violence Against Women Office was passed originally and reauthorized in 2000.

Mr. SCOTT. Thank you, Mr. Chairman.

Mr. SMITH. Thank you, Mr. Scott. Ms. Henke, I have one final question for you, and this goes to what actions OJP takes when you have a grantee or a program manager who has failed to provide you with proper documentation upon which—or which you can use to make evaluations? What do you do when you don't get cooperation from the grantees or the program managers?

Ms. HENKE. Well, first of all from our grantees, sir, we have instituted several different things. For instance, if our grantees have not submitted, for instance, their financial reports, they cannot draw down on future funds. Their funds are frozen until they comply. As far as with OJP staff—

Mr. SMITH. Just on that one score, so there are instances where you have frozen funds?

Ms. HENKE. Yes, sir.

Mr. SMITH. From uncooperative respondees?

Ms. HENKE. From grantees who are not in compliance with submitting. Yes, sir, we have. As far as individual staff, that is part of their individual performance evaluation as far as their employment at OJP in ensuring that they are doing their job. And supervisors hold the individual program managers accountable.

Mr. SMITH. Okay. I am not sure that that is really enough of a sanction or enough of an incentive for individuals to change their behavior, depending on what is done with those performance recommendations or standards.

Ms. HENKE. Sir, we are instituting several different things to ensure that, first of all, our grantees comply as well as ensuring internally at OJP the proper paperwork documentation and monitoring is done. On our financial monitoring, we are doing semi-annual internal audits to make sure that the information is there. We are instituting new evaluations. We are going to be in negotiations with our union to move forward.

Mr. SMITH. It sounds to me like you are making some efforts.

Mr. FINE. do you think the efforts are sufficient to try to get us back on course to be able to make evaluations that are complete and detailed?

Mr. FINE. I think there has been some improvement. I don't think they are where they need to be in terms of careful monitoring of the financial statements, the progress reports and the aggressive, effective action when grantees are not in compliance. They try to bring them in compliance, which is a good effort. But when they are not in compliance, you have to take a firm line with that and we would like to see a more aggressive and firmer line taken with both programs.

Mr. SMITH. Good. That concludes our questions. We would like to submit some additional questions to you—I'm sorry; I did not see Ms. Jackson Lee arrive. We would like, after we conclude, to submit some additional questions to you all and if you could respond within 7 days, that would be appreciated.

The gentlewoman from Texas, Ms. Jackson Lee, is recognized for questions.

Ms. JACKSON LEE. I have not heard your testimony, I will not prolong this. But I thank Ms. Campbell for her presence here today, since I am very interested in the Violence Against Women Office, and to ensure that some of the thrust of combining some of the programs does not cause loss of status and prominence and recognition as well as the ability to do the job. And in the course of answering that, would you then also add for me any thoughts that you have about waste and fraud that is either to be avoided by the suggested combining or whether or not you sense that there is any and that we have a serious enough problem that we have to address it from some of the proposals that have been presented.

Ms. CAMPBELL. Well, I certainly do not think there is any waste or fraud in the work of the Violence Against Women Office. People across the Justice Department worked very hard to get that very substantial grants program up and running.

I will tell you is that over the years, I lamented and to be extraordinary steps to try to get more staff. I do think many of the criticisms are legitimate, perhaps about program monitoring and so forth, but we were simply understaffed, and that is one of the concerns I have about leaving the office within OJP. Otherwise, if we had had an independent office with statutory authority headed by a Senate-confirmed presidential appointee, decisions about staffing could have been made according to the need that exists within that office, not necessarily across the whole of OJP, which is rather vast.

I did have the opportunity to state that I have looked at the Senate version and the House version of creating a statutory office, and I feel very strongly from my experience, having been both at Main Justice originally when I took the position as director, and then in OJP later, that if you are in OJP, you just do not have the clout to be at the table when major decisions are made that affect women who are victims of violence. They do not do policy. And I am very concerned that there is already a dismantling of the policy development team within the Violence Against Women Office. The money is nice. Clearly, you hear from the field how much they appreciate the support that Republicans and Democrats have given the Violence Against Women funding.

But they look for so much more. They look for partnership with us. They look for leadership. They look for the bully pulpit. I know you saw me in Texas more than once talking about the importance of this issue. They look for interpretation of the statute, which is complicated. Just to give one example: In order to properly analyze the full faith and credit provision, which requires States to honor protective orders from other States, you have to consider the Parental Kidnapping Prevention Act and the interplay there. The UCCJA which most States have adopted, it is very complicated stuff. You just cannot have somebody whose main job it is to make

sure the money gets out the door and that it is properly spent handling or asking questions about that.

What if the Dallas Police Department calls a State desk which is being proposed and says I have a battered woman with a police officer and a protective order from Iowa. What shall I do with it? You do not have time to say, well, gee, I will get back to you in 3 or 4 days.

Ms. JACKSON LEE. You need interpretation. You support the Senate version?

Ms. CAMPBELL. I support the Senate version in terms of the placement of the office in Main Justice, but I think the House version delineates the responsibilities of that office. I think that is helpful.

Ms. JACKSON LEE. I appreciate that. Mr. Peed, with the COPS program of which I am a strong advocate for that, might I just find out, are you comfortable with the gist of what is planned for the COPS program? It is my understanding that it is being moved.

Mr. PEED. I do not know. I haven't had any specific information about it being moved. In the 2003 budget, there was no recommendation that it be moved.

Ms. JACKSON LEE. So you are happy with its present structure?

Mr. PEED. I am working just fine there, and if anything develops, I will be happy wherever I am organized.

Mr. SMITH. Thank you, Mrs. Jackson Lee. And thank you all again for your testimony today. It is very, very helpful and we appreciate your being here. As you all know, this is a third in a series of three hearings on the general subject of oversight of the OJP. All three hearings have add up to a great deal of good information for us to consider as we go forward with the authorization process. Thank you all again. And the Subcommittee stands adjourned.

[Whereupon, at 3:05 p.m., the Subcommittee was adjourned.]

A P P E N D I X

STATEMENTS SUBMITTED FOR THE HEARING RECORD

MARCH 5, 2002

PREPARED STATEMENT OF THE HONORABLE ROBERT C. SCOTT, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF VIRGINIA

Thank you Mr. Chairman. I am pleased to join you in convening this oversight hearing on the Office of Justice Programs (OJP), United States Department of Justice (DOJ). We are all aware of the important role the Office of Justice Programs plays in administering its more than fifty grant programs for the benefit of state and local law enforcement, juvenile justice, victims of crime and others.

OJP's organizational structure is unique. It has developed over the years as a direct response to Congressional funding, including earmarks and other mandates. The bureaus, offices and programs in OJP are numerous and complex in their design and operation. The substantive functions of the bureaus are vested by law in their directors, rather than the Attorney General or the OJP Assistant Attorney General. These statutes have provided that the directors have final authority over all grants, cooperative agreements, and contracts awarded by their respective agencies. As a result, OJP operates to a large degree as a network of independent agencies which share a common infrastructure. Funding for OJP programs exceed \$4 billion annually, up from \$1.1 billion in 1995.

As a result of this rapid growth in size and complexity of operation, inefficiencies, duplications, and difficulties began to be noted by some of those observing or negotiating the maze of grant, research, and technical assistance programs under OJP. So, in 1997, Congress, through the appropriations process, directed OJP and DOJ to develop a proposal for reorganization which would clarify and streamline its operations. On March 10, 1999, DOJ responded with a report which proposed changes to the present OJP structure in an effort to accomplish these objectives. It proposed various changes, such as focusing authority in the Assistant Attorney General for OJP through the elimination of presidentially appointed bureau chiefs, eliminating some bureaus, consolidating some program offices, and consolidating all research within NIJ.

During the oversight hearing, we heard from a variety of "customers" of OJP, including researchers, practitioners, administrators and advocates of OJP programs. Two of the seven witnesses expressed support for the proposal or parts thereof; the others expressed criticisms and opposition to the proposal or parts thereof. I expect that we will hear a divergence of views on the issue of OJP reorganization in this series of hearings, as well.

One of the issues I want to focus on during the hearings, Mr. Chairman, is from where we are hearing concerns and proposals as well as what we are hearing. Certainly, it is appropriate for Congress, through its appropriations process, to raise issues about efficiencies wherever there are duplications in program focus and complexities in operations. And certainly DOJ has to respond to directives in its appropriations to address such concerns. As the authorizers, have to look at the questions raised and the proposals for solutions to make a determination as to whether changes are needed, and if so what changes. One thing we learned from the hearing was that the interest in reorganization was not coming from a wide berth of the customers or users of OJP programs and services, and this was taken into account in considering what should be done on the reorganization proposals.

The primary concerns expressed during the hearings were from researchers who thought that consolidation of the research activities of the bureaus under NIJ would improve efficiencies as well quality in research products. However, other researchers and customers of the bureaus disagreed that either efficiency or quality would im-

prove when the history of dedicated research and researchers connected to the particular subject area in OJP was taken into account. Indeed, their concern was that consolidation into a general research context with general researcher might jeopardize the high level of quality in research the field had become accustomed to from the particular bureau or office. We heard the same kind of concerns expressed by customers of services and assistance from a system of dedicated bureaus or offices as to what problems could arise from going to a more general service operation in OJP capacity. As a result of what we heard, we, as the authorizing entity, did not feel at the time that the proposals were justified or that further action was needed on them. We addressed a great part of the concern with how the funds were managed by requiring approval of all bureau and office budgets by the Director of OJP before they can become operative. That requirement remains today.

And, Mr. Chairman, I note that while we are considering possible elimination of duplications and complexities in operations under OJP, we are also looking at further separations of OJP functions to improve program functions. For example, we have a proposal from the Administration to separate out of OJP the Office on Domestic Preparedness and send it to FEMA. I know you have raised questions about what, and how it, is to be done, and I expect that we might want hold some hearings on the issue. I am also aware of the bi-partisan effort in the Senate, and now in the general DOJ reauthorization bill, to separate out of OJP entirely the VAWA Office. And, of course, Mr. Chairman, there is the provision in your Cyber Security Enhancement bill, requested by the science and technology community, to separate the Office on Science and Technology out of NIJ, though it will remain in OJP. I asked at our Subcommittee markup last week that we take a look at this during this hearing as a part of the OJP reorganization issues on the whole, before proceeding to full committee markup on it. I suspect that all of these proposals recognize the effectiveness, and other values, of separate operation of important functions in OJP, despite suggestions of duplications or inefficiencies.

So, I look forward to hearing from our witnesses on the issues and concerns about, as well as the need for, OJP reorganization. Thank you Mr. Chairman.

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF TEXAS

Thank you, Mr. Chairman. This hearing is an important oversight opportunity for this committee and the Office of Justice Programs ("OJP") because it allows us to examine, once again, the reorganization plan for the OJP.

An oversight hearing was held by this body on July 22, 1999, regarding a plan submitted by DOJ pursuant to the Appropriations language in the Conference Report that accompanied the 1999 DOJ Appropriations Act. Since that hearing, however, OJP has not moved forward with the implementation of the new organizational structure. As a result, OJP's structure has remained essentially the same, and so have my concerns.

The OJP is the principal federal grant-making agency that supports state and local law enforcement. The objective of the reorganization plan, as indicated in the January 29 report from OJP, is to streamline the operations of the Office into a centralized administration structure.

The new organizational structure seeks to address duplication and overlap in the performance of OJP by consolidating agency programs and administrative functions.

Currently, the OJP consists of five bureaus, which include the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention and the Office for Victims of Crime.

There are six program offices which include the Violence Against Women Office, the Corrections Program Office, the Drug Courts Program Office, the Executive Weed and Seed, the Office of the Police Corps and Law Enforcement Education and the Office of State and Local Domestic Preparedness Support. There is also an American Indian and Alaska Native Affairs Office as well as six administrative offices.

The reorganization plan proposes that the OJP be comprised of a centralized structure that includes a research institute, a statistical office, four program offices and six administrative offices.

I applaud the efforts of the OJP to reorganize to make its operations more "user-friendly." More so than ever, we must constantly refine our methods of providing service to the law enforcement community especially as we deal in a world that is dependent on technology. The new organization plan is a step in the right direction.

However, I must agree with some of the concerns that have been raised by the advocacy groups and crime prevention groups concerning some of the suggested changes in the OJP structure. I am concerned that some changes, in the name of efficiency, may not be as effective.

After various school violence tragedies and the contentious juvenile justice debate, I believe that we must pay special attention to the needs of the juvenile justice system. Some witnesses here today have expressed concern about the reorganization of the Office of Juvenile Justice and Delinquency Prevention ("OJJDP").

I share their concern about this new plan, especially as it pertains to the consolidation of all of the research into one National Institute of Justice. This may send an erroneous message to practitioners in the field that juvenile justice is no longer a high priority if it no longer has a distinct research component.

Also of importance to me is the administration of programs and grants under the Violence Against Women Act. VAWA is not just a grant program and we must ensure that policy making functions will still be viable.

I hope that this hearing will give us a clearer picture of the steps OJP intends to take in this reorganization effort and their effects on various programs. I look forward to the testimony of the witnesses and I hope that we come to some resolution of the OJJDP and VAWA issues.

Thank you.

PREPARED STATEMENT OF SHAY BILCHIK, PRESIDENT/CEO, THE CHILD WELFARE LEAGUE OF AMERICA

Mr. Chairman and Members of the Subcommittee:

My name is Shay Bilchik and I am the President and Chief Executive Officer of the Child Welfare League of America (CWLA). CWLA is the nation's oldest and largest membership-based child welfare organization, with over 1,170 member agencies and organizations nationwide, committed to engaging people everywhere in promoting the well-being of children, youth, and their families, and protecting every child from harm. I am pleased to have the opportunity to submit this written testimony on the issue of the proposed Office of Justice Programs Reorganization Plan. During my tenure as the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and in my current capacity as President/CEO of the Child Welfare League of America, I have had the opportunity to discuss the component parts and overarching tenets of the Plan with a broad range of professional colleagues, including practitioners, researchers, service providers, and advocates in the areas of juvenile justice, child welfare, mental health, juvenile detention and corrections, and substance abuse. My testimony is a reflection of that invaluable input and my 25 years of professional experience.

As you are aware, in 1997 the Congress took the first of several steps toward developing a new organizational structure for the Office of Justice Programs (OJP), initiating an examination of the OJP infrastructure and the statutory framework that has shaped that infrastructure for the past 14 years. The Assistant Attorney General for OJP was asked to submit a report that "outlines the steps OJP has taken and which recommends additional actions to ensure coordination and reduce the possibility of duplication and overlap among the various OJP divisions." The primary functions and responsibilities of the five bureaus, six program offices, and seven administrative support offices of OJP include administration and management of formula and discretionary programs; funding, management and delivery of training and technical assistance; collection and analysis of statistics; to generate and conduct research and evaluation of programs and projects; monitoring of grant-funded programs and projects; and dissemination of information. The proposed OJP reorganization plan is based on OJP's analysis of these functions and responsibilities and represents a thoughtful approach to improving the management and administrative structure of OJP. The Plan would go a long way in achieving the goal of establishing an organization that reflects one "corporate vision", eliminates duplication and overlap in efforts across OJP, and institutes a coherent organizational structure that serves all of OJP's constituencies. The current proposal recognizes the most critical problem that currently contributes to duplication of effort, confusion in the field, and a lack of coordination of OJP activities—that of the absence of a centralized management structure. I concur with the strategy to vest overall authority in the Attorney General and for the Assistant Attorney General (AAG) to carry out OJP's program authority under the general authority and delegation of the Attorney General. This single, important step, giving the AAG for OJP both final grant approval authority and line authority over OJP program Bureaus will help coordinate programs and resolve existing management issues. The objective of adopting stand-

ardized management policies and procedures will be well served by this single action. This would result in significant improvements, such as the implementation of an OJP-wide automated, state-of-the-art, grant management system. While there are other elements of the Plan that would assist in realizing the articulated goals of the OJP reorganization, the effort goes too far in some respects. It is in this regard that the reorganization plan before you would have a deleterious effect on some of the constituencies served by the Bureaus and Offices of OJP, particularly with regard to constituencies served by the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

The present strategies which are proposed to achieve the objective to "consolidate and coordinate currently overlapping functions" includes strategies to consolidate all OJP research and evaluation activities in the National Institute of Justice (NIJ) and all statistical functions in the Bureau of Justice Statistics (BJS), whether criminal or juvenile justice system related. Additionally, the objective of "centralized communication" contemplates creation of a "Publishing Central" office, which would oversee the timing and management of the distribution of all OJP publications. While these components of the reorganization plan support the belief that the needs of the criminal justice field are best met through an organization that can provide a full range of support, the plan fails to recognize that the juvenile justice system is a separate system of justice and not a subset or component of the criminal justice system.

The field of juvenile justice has a different set of practitioners who have very different needs that reflect a unique juvenile justice practice in state and local jurisdiction across the country. The reorganization plan fails to take into account that OJP administers programs that impact these two unique, but interrelated systems. Consequently, a plan to reorganize OJP primarily by function will serve, in my opinion, to fragment juvenile justice programming to the detriment of both the concept of a separate justice system for children and the needs of juvenile justice practitioners across the country. The ultimate loser would be the nation's children.

There are a number of strengths to the current organization of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) that should be retained in the new OJP structure. Currently, OJJDP is an integrated office focusing on all aspects of juvenile justice, including program development and demonstration, research and evaluation, statistics, juvenile justice information and publications, training and technical assistance and direct Federal-State relationships involved with juvenile justice planning and programming through formula and discretionary grants. These strengths are already achieving many of the articulated goals of the OJP Reorganization Plan for the juvenile justice field. It is critical to understand that despite vigorous debate and restructuring of juvenile justice systems in states across the country over the past decade, the juvenile justice system remains a viable, civil-based justice system that is separate from the criminal justice system in every state. It has a distinct history, mandate, and jurisprudence. The system deals with youth not only as criminal and noncriminal (status) offenders but also as victims of abuse and neglect, and as dependents. Also, unlike the criminal justice system, the juvenile justice system has critical linkages to a unique set of other state and local systems, including child welfare, mental health, child protection, social services, and education.

The functional approach recommended in the current OJP Reorganization Plan runs the risk of creating a lack of attention, focus, receptivity, and proper interpretation of research, statistics, demonstration projects, and subsequent program replication in the juvenile justice system, and would ultimately be harmful to our unique and distinct system of juvenile justice.

The strong synergistic relationship between statistics, research and evaluation, and program development and demonstration is a unique and beneficial aspect of the current OJJDP organizational structure. One of this Bureau's significant accomplishments has been to integrate these functions so that research and evaluation findings inform program development and identified program needs guide research agendas in practical and beneficial ways. OJJDP's success in integrating research and evaluation, program development, training and technical assistance, and information dissemination, has long been recognized and applauded in many quarters, including the Congress. The fragmentation of these functions through a function-based reorganization would be highly disruptive and harmful to the juvenile justice system.

With regard to serving information needs, the current OJJDP integrated program structure means that juvenile justice practitioners at the state, local, and federal levels can access a single source of information for all juvenile justice matters. That is a great advantage to the broad juvenile justice field. Centralizing all OJP research and evaluation in NIJ and statistics in BJS, while perhaps more efficient for the broader research and statistics communities would, ironically, be less efficient

for the primary consumers of OJJDP's work. The practitioners' needs in this regard should be served first—as should the children, youth, families and systems of care they serve—and they are best served through an integrated juvenile justice program.

OJJDP is an example of how an office can grow to serve its state, local, and private sector constituents when nurtured in an environment providing for daily interaction between research, evaluation and statistics; program development and demonstration; training and technical assistance; replication; and information dissemination—all contributing to and learning from its formula/block grant component. It also serves as an example of how issue areas, when developed in this kind of integrated program office, can grow in the same way: restitution into balanced and restorative justice; gang research into a comprehensive national gang program with a National Youth Gang Center; parole into intensive aftercare; and analysis of program research and statistics into comprehensive community based approaches, such as OJJDP's Comprehensive Strategy for Serious, Violent and Chronic Juvenile Offenders. These are but a few examples of the positive products that this existing integrated office approach has yielded. It is therefore my recommendation that the current Reorganization Plan be modified to recognize and maintain an integrated, full-service juvenile justice program. As the OJP Plan currently stands, the reorganization would create a confusing and onerous process that would not adequately serve the important field of juvenile justice. It would, instead, create a confusing bureaucracy consisting of splintered points of contact and functions for juvenile justice practitioners, a result directly contrary to the goals of the OJP Reorganization effort. This change would be a disservice to both juvenile justice practitioners and policy makers. Let me walk you through the confusing maze that juvenile justice practitioners would face under the current Reorganization Plan:

- go to *Bureau of Justice Statistics* to obtain information on juvenile justice statistics;
- go to *National Institute of Justice* to obtain information on research and program evaluation;
- go to *Formula Grants/State Desk* to apply for formula and block grants;
- go to the *OJP Grant Administration Unit* on grant monitoring and compliance matters;
- go to the *Office of Juvenile Justice Programs* to seek policy guidance on formula and block grants and to apply for demonstration funding
- go to the *Office of State and Local Information Transfer* to obtain information on a variety of topics, such as effective programs and to determine the availability of training and technical assistance; and
- back to *Office of Juvenile Justice Programs* to receive the training and technical assistance.

I must strongly advocate for the preservation of the current structure that allows OJP and OJJDP to build the knowledge about the distinct and separate juvenile justice system and the developmental pathways our children and youth follow into delinquency, including the prevention systems and services that are essential for long-term crime reduction and healthy, productive adults. The contrary notion expressed in the current proposal demonstrates a lack of understanding of the fundamental differences between the juvenile and criminal justice systems. This point is illustrated by the position articulated in the current Reorganization Plan that a consolidated research function within NIJ can address the continuity of offending between teen and adult years. This narrow area of focus relates to less than 10 percent of juvenile offenders, and to none of our at-risk children and youth or those who are victims of child abuse and neglect. We need to learn more about these populations through targeted research and evaluation funding. This perspective further supports the need to maintain separate juvenile and criminal justice programs that are responsive to the needs of these separate and distinct systems and their respective constituencies. At the same time, OJP should use its program authority to ensure communication, coordination, and cooperation in overlapping areas, such as the impact of transferring juveniles to the criminal justice system.

As OJP Assistant Attorney General, Deborah J. Daniels, stated on November 27, 2001, the reorganization effort is designed “to improve [OJP's] operational efficiency, improve the accountability, reliability and efficiency of our grant programs, and improve our ability to serve and inform our constituencies.”

The existence of a separate and distinct juvenile justice system began with the creation of the first juvenile court in Cook County, Illinois over 100 years ago. Its goal was to protect the rights of children through a mix of accountability and treat-

ment for this distinct population. This court became the prototype for juvenile courts across the country. Currently, there exists a national network of State Juvenile Justice agencies, State Advisory Groups, and State Juvenile Specialists (which have grown from the Congressional affirmation of this need through the Juvenile Justice and Delinquency Prevention Act of 1974) and thousands of local agencies and courts dedicated to juvenile justice and serving the needs of the millions of delinquent and status offenders, abused, neglected, and dependent juveniles. These organizations and individuals have been partnering effectively with OJJDP to maintain and strengthen the basic services and protections youth need to benefit from their experience in the juvenile justice system. I am hopeful that the critical recommendations put forth in my testimony can be adopted to preserve the distinct and unique needs of the juvenile justice system and thereby achieve the desired outcomes articulated by the Assistant Attorney General. The Reorganization of OJP must contribute to, not interrupt, the tremendous advances in knowledge of “what works” in serving our children’s needs and the significant reductions in juvenile delinquency that we have witnessed over the past decade. Our Nation’s children, youth, families, and communities deserve nothing less.

MATERIAL SUBMITTED FOR THE HEARING RECORD

MARCH 5, 2002



**U.S. House of Representatives
Committee on the Judiciary
F. James Sensenbrenner, Jr., Chairman**

www.house.gov/judiciary

News Advisory

For immediate release
March 4, 2002

Contact: Jeff Lungren/Terry Shawn
202-225-2492

**Smith Subcommittee to Hold Oversight Hearing Tomorrow on
Justice Department Grant Programs**

What: Oversight hearing entitled, "The Office of Justice Programs, Part One – Coordination and Duplication"
Who: House Judiciary Crime Subcommittee – Rep. Lamar Smith (R-Tex.), Chairman
When: 4:00 p.m., Tuesday, March 5, 2002
Where: 2237 Rayburn Building

The Department of Justice, through the Office of Justice Programs and the COPS Office, administers nearly five billion dollars annually in grants to assist state and local law enforcement. These programs arose from numerous Congressional authorizations over the last 35 years. The Office of Justice Programs, not including the COPS Office, currently has five program bureaus and six program offices to carry out its responsibilities.

The Crime Subcommittee will examine the lack of coordination and duplication that results from OJP's current structure. Specifically, the Subcommittee will examine lack of coordination and duplication when:

- ☞ Grant programs are funded through as many as seven different bureaus and offices within the Department of Justice alone.
- ☞ Similar grant programs are funded through offices at the Departments of Defense, Education, Health and Human Services, and Treasury.
- ☞ State governments, unaware of direct federal grants to local law enforcement, use their federal grant money to fund programs similar to programs funded by direct federal grants to local law enforcement.

Witnesses: **The Honorable Deborah Daniels**, Assistant Attorney General for the Office of Justice Programs, U.S. Department of Justice; **The Honorable Laurie Robinson**, Distinguished Senior Scholar, University of Pennsylvania Jerry Lee Center of Criminology; **Dr. Nolan Jones**, Director, Human Resources Committee, National Governors Association; **Mr. Ralph E. Kelly**, Commissioner, Kentucky Department of Juvenile Justice.

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RESPONSES TO POST-HEARING QUESTIONS FROM LAURIE O. ROBINSON, FORMER ASSISTANT ATTORNEY GENERAL, OFFICE OF JUSTICE PROGRAMS

1. What do you think is the biggest impediment to effective administration of OJP?

The biggest impediment to effective administration of OJP is the existence of so many historically semi-independent components—with statutorily overlapping jurisdiction, presidentially appointed directors, and a longstanding culture in the bureaus that reinforces balkanization.

2. In your experience, if Congress could do just one thing to improve operations at OJP, what would it be?

As I indicated in my testimony, I would start over and develop a federal criminal justice assistance program “from the ground up.” That would help ensure a more rationally based and easy-to-access program for state and local customers. Short of taking that radical a step, the one thing I would encourage Congress to do is eliminate the statutory provision that makes the bureau heads presidential appointments. That PAS status—combined with the longstanding history of final grant-making authority resting with the bureau heads—has created over many years an organization too often fraught with “sibling rivalries” and separate agendas, rather than an agency with the capacity to implement a comprehensive, coherent vision.

3. You were the Assistant Attorney General when the Office of Domestic Preparedness was created. Could you describe the operations of that office and the contributions it makes to counterterrorism training for this Subcommittee?

The Office of Domestic Preparedness—initially called the Office of State and Local Domestic Preparedness Support—was set up in OJP in 1998. It is charged with assisting state and local law enforcement, fire, and emergency services personnel with planning for, and response to, events involving weapons of mass destruction (including chemical and biological weapons, as well as more conventional explosives). ODP’s budget has grown dramatically over the four years of its existence. Its work is focused on training, exercises, technical assistance, and provision of equipment grants. Importantly, it has—in coordination with the FBI, FEMA and others—worked directly with each state to help them develop threat and vulnerability plans and look at current capabilities and gaps. Completion of these plans is a prerequisite to their receiving equipment grants. ODP also runs a training center in Anniston, Alabama (which was opened in June of 1998), which is the only live chemical agent training facility in the world. It also funds and coordinates a training consortium of four first responder training centers around the country—at Texas A&M, the Nevada Test Site, New Mexico Tech, and Louisiana State University. Finally, ODP has played a central role in planning and carrying out exercises, which are a crucial part of domestic preparedness. The TOPOFF exercise in the spring of 2000 won wide praise, for example, for its involvement of not only federal agencies, but state and local players.

4. Do you think it has been effective to have the COPS program administered outside of the Office of Justice Programs?

The COPS Office has undertaken tremendously important work over the past eight years in encouraging adoption of community policing across the country, and, during my tenure at the Department, I worked very closely with the individuals who headed that office, including former Police Chiefs Joe Brann and Tom Frazier. As we look down the road to the future of the federal criminal justice assistance program, it would make most sense to integrate OJP and COPS together into a new organization, so that their work can be better coordinated. What is important, however, is—if that should happen down the road—that a COPS-type office be maintained. State and local law enforcement need a central “home” within the Department of Justice that can serve as a center of leadership—and be knowledgeable about, and responsive to, their needs. After all, when the original federal criminal justice assistance program was created in 1968, state and local law enforcement were perhaps its key constituents. As LEAA and OJP grew and evolved over succeeding years, the agency was probably not as attentive to that constituency as it might have been.

5. There have been proposals to transfer the Violence Against Women office outside of the Office of Justice Programs. What type of problems do you think this creates, if any?

Moving the grant-making operation of the Violence Against Women office elsewhere in the Department of Justice is a mistake. There are two reasons for this. First, ensuring sound fiscal stewardship of grant dollars requires an experienced grant-making operation. Having a small office elsewhere in DOJ handle all its own grants will be a recipe for down-the-road audit and other problems. Second, from a substantive standpoint, the grant-making to state and local governments needs to be integrally tied in with all the other work on domestic violence and state and local

criminal justice generally being funded out of OJP. Further, the National Institute of Justice and the Bureau of Justice Statistics have worked closely with VAWO on domestic violence issues. I am not convinced those crucial research and statistics ties would continue if VAWO were moved elsewhere. The coordination, I suspect from experience, would be haphazard at best.

Moving the policy functions of VAWO elsewhere in the Department would be less problematic, but—from the experience we had with such a “divided office” between 1995 and 1999—that raises a different set of coordination problems.



John Engler
Governor of Michigan
Chairman

Paul F. Patton
Governor of Kentucky
Vice Chairman

Raymond C. Scheppach
Executive Director

April 8, 2002

The Honorable Lamar Smith
Chairman
Subcommittee on Crime, Terrorism and
Homeland Security
Committee on the Judiciary
U.S. House of Representatives
2138 Rayburn House Office Building
Washington, D.C. 20515-6216

Dear Mr. Chairman:

Thank you very much for the opportunity to testify. Please find enclosed the revised transcript and answers to your questions. Several of your questions are interrelated; therefore many of the answers are somewhat repetitive.

1. What has been your experience with the Office of Domestic Preparedness?

2. Do most of the states have positive impressions of the Office of Domestic Preparedness?

The states have had a very positive experience with the Office of Domestic Preparedness (ODP) at the Department of Justice. Since its inception, ODP has understood that states must play a very central role in coordinating the delivery of services to local governments and first responders. ODP has sponsored conferences and workshops through the National Governors Association (NGA) to educate state officials about the need to coordinate and plan responses to terrorist threats and attacks. They have provided individual technical assistance to states and worked with states in performing disaster response exercises. Also, ODP officials work with states in developing plans in order to obtain counterterrorism funding for preparedness, response and recovery activities.

I am not aware of any states complaints about ODP. States say that the Office is very responsive to their needs, particularly because it serves all emergency responders. This is very important in the case of terrorism, where police, fire, and medical personnel must work together to prevent and/or respond to emergencies and disasters.

Furthermore, DOJ has several training facilities for different types of first responders around the nation. Their facilities can train police and arson investigators as well as other first responder personnel.

3. Have you heard any concern expressed about moving the training duties of the Office of Domestic Preparedness over to FEMA as proposed in the Administration's budget?

The National Governors Association does not have a position on the agency or department that should administer the training duties of the Office of Domestic Preparedness (ODP). Currently, ODP administers the counterterrorism grants to states at 100 percent, along with technical assistance in planning and training. Sources report that if ODP is moved to the Federal Emergency Management Agency, there will be a 25 percent match requirement for the counterterrorism funds. This has caused great concern because states are facing budget shortfalls of at least \$40 billion, with an expectation they will rise to \$50 billion this fiscal year. Also, since the September 11th attacks states have and are paying a substantial price for homeland security. NGA estimates that the first year costs alone could reach \$7 billion nationwide. Therefore, in these difficult economic times, states would prefer programs that do not require a match in order to receive funding.

Furthermore, the Department of Justice has more facilities around the nation to assist first responders in training on equipment especially needed to prevent and/or respond to terrorist attacks. This includes the training of state and local crime scene investigators. Also since DOJ facilities are conveniently located, state and local responders can receive training with limited travel and time away from their duties.

4. How do the states adapt to the continuous changes and additions of new programs at OJP?

In new federal programs, states ask for flexibility in adapting and adhering to certain regulations and requirements. States do not like new programs or changes in programs that require them to establish new departments or agencies, or hire personnel at a cost not covered by the program. New programs should allow for the adoption in states consistent with the management process in place. In general, most new programs can be placed into an existing agency or department of a state.

As stated in the testimony, many new programs have occurred because of experimentation and innovations in the states. Programs such as community policing and drug courts are just a few popular examples among many. It is important for Congress to have confidence in states so that there will be maximum flexibility to continue innovation, as well as adapting new proven programs.

Overall, states work with OJP to develop consistent regulation and guidance pursuant to directives from Congress. There is always a need to not be over-prescriptive in any new program. States have different approaches to dealing with crime and other law enforcement problems. Congress should be very careful not to mandate programs or requirements for this may force states to abandon their search for more creative and innovative ways to deal with crime.

5. What type of problems does having several different grant streams for state and local governments create?

States have very serious concerns about different grant funding streams for local governments. First, it makes it very difficult to develop plans and standards needed for equipment and training, especially regarding terrorism. For example, a city received a grant from the Local Law Enforcement Block Grant (LLEBG) program to purchase communication equipment. Subsequently, the state developed a statewide plan for communications equipment across all jurisdictions. The system purchased by the city (at over \$2 million) was incompatible with the state system. This cost the state additional dollars to bring the city's system up to speed with the other state jurisdictions. Another example concerns a truck accident involving hazardous military material. In responding to the scene, state and local police and fire fighters were unable to

communicate with each other. Part of the reason was that the local jurisdiction purchased communications equipment with LLEBG funds without coordinating or consulting with the state, and the equipment was not compatible with the state's communication system.

Another reason is that a statewide strategy is needed to deal with many law enforcement problems, such as terrorism and drug trafficking. A statewide plan of attack is needed to mount and sustain an effective and coordinated war on drug trafficking and to prevent and respond to terrorism. For example, although the drug problem exists in many cities, drug enterprises are not limited to jurisdictional boundaries and responses by individual local entities alone are insufficient.

Finally, there is the courtesy and need for state buy-in. Local governments receive grants to establish programs such as drug courts and weed and seed in communities. When federal funds disappear, the citizens ask state government to pick up the tab. State officials may have only heard about the programs, but do not have any detailed knowledge to judge quality or credibility because they were not included during the development process.

Overall, different grant streams for local governments could cause duplication of efforts and poor administration. Most states do not know which jurisdictions are receiving funds. In some instances, states may have funded similar programs in the jurisdictions. The lack of notification and coordination can lead to inequitable allocations. The federal government should encourage state and local governments to work together in developing solutions to their problems.

Sincerely,



Nolan E. Jones
Director
Human Resources Committee



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 18, 2002

The Honorable Lamar S. Smith
Chairman
Subcommittee on Crime, Terrorism,
and Homeland Security
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Attention: Veronica Eligan

Dear Mr. Chairman:

Enclosed are responses to a series of questions you had sent to Deborah J. Daniels, Assistant Attorney General for the Department of Justice's Office of Justice Programs (OJP), as follow-up to her appearance as a witness before your Subcommittee's March 5, 2002, oversight hearing on the OJP's programs and activities.

I hope that this information is helpful. If you or any other Subcommittee Members have questions or require additional information, please contact this office at (202)514-2141.

Sincerely,

A handwritten signature in black ink that reads "Daniel J. Bryant".

Daniel J. Bryant
Assistant Attorney General

Enclosure

Office of Justice Programs
Responses to Questions Posed
by the
Subcommittee on Crime, Terrorism, and Homeland Security
to the
Honorable Deborah J. Daniels
Following a Hearing Held on March 5, 2002

Question Number 1:

Can you describe the strategic Plans that must be prepared by the states for the Office of Domestic Preparedness and the importance of these plans for first responders including law enforcement?

Answer:

In 1999, the U.S. Department of Justice, Office for Domestic Preparedness (ODP) implemented a Three-Year Statewide Domestic Preparedness Strategy Program nationwide, to develop comprehensive Statewide Strategies for all 50 states, the District of Columbia, and the five U.S. territories. The states, territories, and the District of Columbia were required by the Congress to submit these strategies in order to receive funds under ODP's domestic preparedness equipment program. This requirement was created by the Congress through the Justice Department's Fiscal Year 1999 appropriations act, to ensure that the states, territories, and the District of Columbia utilize ODP resources, including funding for equipment purchases, pursuant to well considered plans.

These strategies are based on an integrated suite of assessments conducted at the local level and developed in partnership with the Centers for Disease Control and Prevention (CDC) and the Federal Bureau of Investigation (FBI). Threat, vulnerability, and public health assessments are integrated to comprise an overall risk assessment identifying "most likely" scenarios facing individual jurisdictions. The assessments identify required levels of response capability needed to respond to those scenarios and compare them with current levels of response capability to determine overall unmet needs.

This information is then aggregated and analyzed at the state level, leading to development of the Three-Year Statewide Domestic Preparedness Strategies and their submission to ODP. Information is the currency for shaping investments in domestic preparedness programs and research. The Statewide Strategies represent the most robust domestic preparedness data set available. Once all 56 Strategies have been submitted and analyzed, they will provide a comprehensive picture of training, exercise, equipment, and technical assistance needs across the nation.

As of April 30, 2002, ODP has received Strategy submissions from 51 states and territories. ODP is currently reviewing these strategies, and working with each state and territory to develop and

implement tailored, individual training, exercise, equipment, and technical assistance programs, representing the most aggressive effort yet to tailor federal domestic preparedness assistance to the specific needs of state and local jurisdictions.

Question Number 2:

How much of the duplication within OJP do you believe is due to Congressional mandates and earmarking?

Answer:

Although Congressional earmarking does sometimes make funds available for purposes that duplicate another program's authority, or, in some instances, duplicate already existing projects, the major cause of duplication within OJP is primarily the result of newly enacted laws, which created new programs similar to programs already existing and operational within OJP. For example, in responding to the 1994 Crime Act, OJP created new programs, such as the Drug Courts Program, with separate authorities and funding that duplicated already authorized programs.

Question Number 3:

How does earmarking of the OJP budget create problems for your office in carrying out its duties?

Answer:

OJP is a grant making organization that administers a mix of discretionary and formula grant programs. Congressional earmarking of discretionary funds adversely impacts both the competitive process employed to determine the best grant applications and OJP's ability to fund on-going or new programs, both of which include the test and demonstration of innovative initiatives. Earmarking eliminates the competitive process. It also limits, or eliminates, all demonstrations and subsequent determination of "what works" in improving state and local criminal justice systems.

Question Number 4:

How can the House Subcommittee on Crime and the House Judiciary Committee assist you in your efforts to reorganize OJP?

Answer:

As the Subcommittee is aware, efforts to reorganize OJP have been underway for several years. These efforts began in 1997 when Congress began an examination of the OJP infrastructure and the statutory framework that has shaped that infrastructure. Since then there have been several exchanges between the Congress and OJP's leadership on the issue of reorganization including OJP's submission of a formal reorganization plan to the Congress in February 2000. Although that plan was approved by the Congress, the former OJP leadership did not move forward to implement the new structure. With the arrival of OJP's new leadership, the agency was still structured and operating as it had been for the past 4 years.

Further, both the current Department of Justice and OJP leadership recognize the need to restructure OJP's current organization and business practices. The restructuring and reorganization of the agency is among our top priorities. OJP's current leadership is committed to improving OJP's responsiveness, assistance, and accountability to its customers; to enhancing communication and cooperation both within the agency and with those it works with outside the agency; to eliminating duplication and overlap; to ensuring measurable grant and program outcomes; and to improving overall agency efficiency. Over the past several months, OJP's leadership has studied how best to achieve these goals, and has begun an incremental process of reorganizing the agency to realize them.

As the Subcommittee knows, OJP submitted a report to the Congress in December 2001 that outlined the broad objectives and goals of reorganization. This was followed by two specific requests for the Congress to consider and approve changes in OJP's infrastructure.

At this time, OJP's leadership looks forward to continuing an ongoing dialogue with the Congress, including the Subcommittee, in a mutual effort to improve OJP's ability to assist state and local jurisdictions. As part of that dialogue, OJP's leadership greatly appreciates Chairman Smith's leadership in holding hearings on OJP's operations, as well as the efforts of Subcommittee staff who have spent much of the last year examining OJP's programs and policies. OJP's leadership believes that mutual efforts and continued discussions will result in an improved OJP.

Question Number 5:

Do you believe that OJP duplication needs to be corrected through legislation or some other method?

Answer:

At this time OJP is not seeking specific legislation to assist with the agency's reorganization efforts, but that does not preclude discussion of this option with the Subcommittee in the future. Presently, OJP believes that the statutory authorities vested in the Attorney General and the Assistant Attorney General for OJP are sufficient to implement those structural changes necessary to improve OJP's operations. At the same time, it must be stressed that OJP's leadership is committed to working with and consulting the Congress on any proposed changes to OJP's structure and operations.

Further, OJP's leadership believes that this approach is already proving successful, and points to Congress' approval of the leadership's proposal to incorporate OJP's Drug Courts Program Office within the structure of OJP's Bureau of Justice Assistance (BJA). In approving this proposal, Congress has already assisted OJP in eliminating one specific area of program duplication, in streamlining OJP operations, in enhancing agency efficiency, and providing better service to OJP's customers.

Prior to merging the Drug Courts Program Office into BJA, both offices provided funds for the implementation and enhancement of drug courts. The Drug Courts Program Office did this through direct grant awards to jurisdictions. BJA did this through its formula awards to the states, which, in turn, provided sub-awards to fund individual court programs within the states. Further, even though both offices were involved in drug court development and implementation, any technical assistance to state and local jurisdictions was provided only through the Drug Courts Program Office. In addition, the sharing of the same mission, and the accompanying separation of decisionmaking, frustrated their ability to coordinate activities and policies. The merger of these offices has created one centralized source of funding, technical assistance, and policy guiding the establishment and improvement of drug courts. Moreover, by merging the Drug Courts Program Office within BJA, we have placed drug court activities within the same entity (BJA) that has responsibility for broader court, criminal justice, corrections, and drug control activities.

Question Number 6:

Do you think that it has been effective to have the COPS program administered by an office outside of OJP? What problems or issues have been created by having this office outside of OJP?

Answer:

Administration of COPS grants through OJP's existing grant-making infrastructure has saved significant federal funds that would have been expended to duplicate that system. Both organizations continue to closely collaborate and coordinate where possible. With respect to problems, because both organizations are grant-making bodies that deal with the same universe of grantees, there are situations where the field mistakes one organization for the other. Also, earmarks often are moved indiscriminately between OJP and COPS, further confusing grantees.

Question Number 7:

What specific criteria are you using in your office to find and eliminate duplication within the programs and the management of these programs?

Answer:

OJP's leadership has proposed reorganizing OJP's infrastructure to ensure better management of its programs. OJP's proposed plan places similar programs together, streamlines both administrative and grant-making processes and creates an Office of the Chief Information Officer, which is moving aggressively toward e-government throughout OJP.

In streamlining administrative and grant-making processes, OJP is re-engineering its business practices to ensure that its management, financial, and administrative functions are operating efficiently and effectively. For example, in regard to government-sponsored travel, OJP has examined closely both transient and conference travel to ensure that taxpayer resources are expended appropriately. OJP recently received the Travel Manager of the Year Award from Government Executive Magazine for improvements in conference management, which included significant reductions in cost. OJP has also been recognized for its work in electronic grant-making. OJP's leadership is now examining how it contracts for services in an effort to reduce costs and improve services. OJP's leadership is dedicated to streamlining operations with an eye toward economizing, while continuing to provide comprehensive and transparent services to its external and internal customers.

Question Number 8:

How are you evaluating these programs to ensure that reductions or streamlining do not result in cuts to programs necessary for law enforcement ?

Answer:

All OJP systems and functions are being analyzed and comprehensively evaluated for their appropriate placement within the organization. Law enforcement needs are always a major consideration whenever programmatic reductions are considered. OJP aims to improve overall responsiveness to the criminal justice field, states and localities, the general public, and the Congress through all proposed reorganization and streamlining efforts. In addition, these changes will allow OJP to leverage federal funds to the greatest extent possible to ensure the effective and prudent use of taxpayer resources.

Additionally, OJP is developing and refining performance evaluation measures for each of its programs. These measures will enable interested parties to consider validated data regarding the outcomes and outputs of OJP programs to determine effectiveness.

Question Number 9:

In your testimony, you indicated that you are not concerned about transfer of ODP to the Federal Emergency Management Agency (FEMA) because it will minimize duplication by centralizing training for first responders, including law enforcement. Are you aware, FEMA wrote this Subcommittee on March 13, 2002, and stated it would not assume any law enforcement functions, nor would it provide law enforcement training on investigative techniques, etc.? Since ODP does training on both crisis and consequence management, do you have concerns that law enforcement training, especially in the area of crisis management, will not receive the appropriate attention?

Answer:

If the Congress approves the President's Fiscal Year 2003 budget request moving ODP to FEMA, OJP is confident that FEMA will provide all required assistance to state and local emergency response personnel. FEMA has a long and successful history of assisting state and local jurisdictions to prepare for, respond to, and recover from numerous emergencies. The Department of Justice is confident this tradition will continue if FEMA assumes ODP's functions.

Question Number 10:

Do you support the move of ODP to FEMA if it does not plan to carry out the responsibilities of ODP? If so, please explain why and what entity within the federal government you believe will train law enforcement as ODP did?

Answer:

The President's Fiscal Year 2003 budget request, if approved by the Congress, designates FEMA to be the agency responsible for providing resources and training to state and local emergency first responders. The leadership of the Department of Justice and OJP fully support the President's request, and are confident that FEMA will provide the proper resources and support to state and local first responders, including law enforcement personnel and agencies. The Department of Justice believes FEMA will maintain and build on the relationships established by the Department of Justice and provide the necessary resources and support to assist the nation's emergency responders.

Question Number 11:

In your testimony, you indicated that OJP does training in the area of prevention, disruption, intervention, and prosecution of terrorism, which is separate from ODP. Which offices or entities at OJP currently provide this training? Is this training part of other law enforcement training or is it specifically related to terrorism? Where is the funding for this training allocated from?

Answer:

Several OJP components other than ODP, continue efforts to assist law enforcement prepare and respond to terrorist incidents.

An example is OJP's Bureau of Justice Assistance (BJA), which, since Fiscal Year 1997, has administered the State and Local Antiterrorism Training program (SLATT). Under SLATT state and local law enforcement personnel and prosecutors are trained in such areas as extremist activities, detection and investigation, early intervention, interdiction, and readiness.

In the aftermath of the September 11th attacks, OJP dedicated \$4 million in Fiscal Year 2000 resources to fund SLATT. BJA anticipates this funding is sufficient to meet the level of requests for SLATT training in both Fiscal Year 2002 and Fiscal Year 2003. OJP anticipates continuation of SLATT in Fiscal Year 2004.

In addition, BJA Director Richard Nedelkoff chairs the Anti-Terrorism Training Coordination Working Group. This group, which includes participation of Justice Department components from both within and outside of OJP, has identified and is coordinating various Justice

Department training offered to state and local law enforcement agencies in the area of preparing and responding to terrorism. Components participating in the working group include the Executive Office for United States Attorneys, the Office of Community Oriented Policing Services, the National Institute of Justice, the Bureau of Justice Assistance, the Office of Police Corps and Law Enforcement Education, and the Office for Domestic Preparedness.

In addition to BJA's efforts, OJP's National Institute of Justice (NIJ) has produced training tools to assist state and local law enforcement agencies investigate terrorist incidents, including evidence gathering and preservation. NIJ also assists in the development and testing of specialized equipment and equipment standards for law enforcement officers, including equipment to assist in responding to terrorist events. Information on new equipment, new technologies and standards is continually shared with state and local agencies.

Question Number 12:

Did the budget request include an increase for any training specifically targeted to law enforcement counterterrorism activities? Is there any funding for state and local law enforcement that is used exclusively for counterterrorism training and equipment grants?

Answer:

The President's Fiscal Year 2003 budget proposes the transfer of all counterterrorism training, exercise, and equipment programs activities within OJP's Office for Domestic Terrorism to FEMA. As a result, OJP's Fiscal Year 2003 budget request does not have a dedicated stream of funding for such counterterrorism activities. However, in Fiscal Year 2003, OJP has requested \$17 million under NIJ to continue on-going counterterrorism technology research and development, and intends to continue to provide BJA's SLATT training. It is important to note as well, that funds requested under the proposed Justice Assistance Grant (JAG) program may be used by state and locals to satisfy unmet counterterrorism training and equipment needs.

Question Number 13:

In your testimony you indicated that the President's budget request did not zero out the funding for counterterrorism at OJP. Please indicate specifically which office and which funding source state and local law enforcement would receive money for counterterrorism training and equipment at OJP under the FY 2003 budget request?

Answer:

The President's Fiscal Year 2003 budget does not eliminate funding for counterterrorism training and equipment. Rather, it proposes to transfer first responder program activities from OJP's ODP to FEMA. Additionally, the FEMA Fiscal Year 2003 request includes \$3.5 billion in counterterrorism resources. In OJP, \$17 million is retained under NIJ to continue current and implement new counterterrorism technology research and development. It is also our intention to continue the provision of SLATT training through the utilization of existing resources.

Question Number 14:

Do you believe FEMA will have the relationship with law enforcement and the resources that are necessary to make these training programs work effectively?

Answer:

As the Subcommittee is aware, FEMA has a long history of assisting state and local jurisdictions to respond to emergency situations. FEMA's assistance has been invaluable to state and local jurisdictions as these jurisdictions have responded to a wide array of natural disasters, as well as incidents of domestic terrorism. These include the 1995 attack on the Alfred P. Murrah Federal Building in Oklahoma City, the 1993 attack on the World Trade Center, and the attacks of September 11th.

MARCH 7, 2002



NATIONAL SHERIFFS' ASSOCIATION

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RESOLUTION

THOMAS N. FAUST
EXECUTIVE DIRECTOR

RECOMMENDING THAT CONGRESS CONTINUE FUNDING FOR THE OFFICE OF DOMESTIC PREPAREDNESS

- WHEREAS the National Sheriffs' Association represents the elected Sheriffs of the Nation; and
- WHEREAS Congress has authorized and funded ODP to provide assistance to the Nation's Sheriffs; and
- WHEREAS ODP operates a successful program and serves as the only Federal resource for assistance to Sheriffs with prevention and detection of terrorist acts; and
- WHEREAS elimination of this vital and successful program would represent an enormous setback to efforts by the Nation's Sheriffs to protect the American people from another terrorist attack; and
- ODP and the U.S. Department of Justice, not FEMA, have provided these critical assets to Sheriffs and other local law enforcement agencies across the Nation; and
- The National Sheriffs' Association has a long established law enforcement relationship with the U.S. Department of Justice; and
- WHEREAS the U.S. Department of Justice, not FEMA, is authorized to lead counterterrorism efforts by Congress under the Patriot Act and by the President under multiple Presidential Decision Directives; and
- WHEREAS the tragic events of September 11, 2001 require the Nation's Sheriffs to assume a greater role in prevention and detection of potential acts of terrorism;

NOW, THEREFORE, LET IT BE RESOLVED THAT THE NATIONAL SHERIFFS' ASSOCIATION DOES HEREBY

- COMMEND ODP and the Attorney General for their continued support and assistance to Sheriffs; and
- REQUEST that Congress continue at least the current level of funding for the Office of Domestic Preparedness (ODP) at the U.S. Department of Justice to provide counterterrorism assistance to Sheriffs; and
- REQUEST that ODP undertake expanded initiatives to enlist the participation of the Nation's Sheriffs in the struggle to stop terrorism.

Serving Our Nation's Sheriffs Since 1940



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THOMAS N. FAUST
EXECUTIVE DIRECTOR

ONDCP/CTAC

Action by The National Sheriffs' Association to Support ONDCP's Counterdrug Technology Assessment Center (CTAC) and Requesting Assist to Combat Terrorism

CTAC operates the Technology Transfer Program, and the application kits are here at the meeting. Many Sheriffs have already received technology and equipment from CTAC. Major County Sheriff should now urge Congress and the White House to make the CTAC program available for the dual use of terrorism as well as narcotics.

- A part of the Office of National Drug Control Policy (ONDCP), CTAC provides technology to Sheriffs across the Nation, but use of those devices is restricted to narcotics;
- CTAC's Technology Transfer Program has earned high marks from law enforcement, as equipment requires no match and can be provided within 90 days;
- For example, Sheriff Beary in Orange County as well as Sheriff Rice in Pinellas County have both received full wire rooms from CTAC;
- Many Sheriffs have received drug test kits, body wires and night vision devices;
- Intelligence devices include PenLink software, intelligence analysis systems and GPS devices for tracking suspects;
- Many of the items already given to Sheriffs can be used for work with the FBI on the Joint Terrorism Task Forces (JTTFs);
- CTAC will have 800 law enforcement personnel in Orlando on March 25 to 29 for training on use of CTAC devices and technology;

Dr. Al Brandenstein, Director of CTAC is available to describe the program, encourage Sheriffs to apply, and to take any questions we may have about his program



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FEMA and ODP

THOMAS N. FAUST
EXECUTIVE DIRECTOR

Action by The National Sheriffs' Association to Oppose OMB's Proposed Elimination of Federal Funding for Counterterrorism and Shift of Authority to FEMA

- OMB has released a proposed budget that completely eliminates the only program at the Dept. of Justice designed to assist Sheriffs to combat terrorism, the Office of Domestic Preparedness (ODP).
 - Sheriffs and NSA currently receive funding from this agency, and Congress actually increased the budget for this fiscal year.
 - Current funding available to assist State and local agencies is \$650 Million, and that would be cut to "\$0".
 - OMB has proposed that all responsibility should be transferred to FEMA, an action that was opposed by the Dept. of Justice.
 - If we are serious about preventing another attack, local law enforcement must take on a greater role than ever before and we were counting on ODP to help make this happen. We cannot count on FEMA.
 - Both the Patriot Act and the Presidential Decision Directives (PDD)'s give authority for prevention and detection of terrorism incidents to the Department of Justice, not FEMA.
 - IACP, Major City Chiefs and Major County Sheriffs have taken action to oppose this drastic cut in funding and inappropriate shift of responsibility to FEMA.
1. We need to maintain authority for law enforcement and continue to provide financial assistance to Sheriffs. Sheriffs should act now to stop the OMB proposal to wipe out ODP.
 2. Now that the budget has been submitted to Congress, the Dept. of Justice is obliged to support it, but we do not have to...and we will not go along with this...
- We will go to Congress and the White House to strongly oppose the elimination of ODP, the only program that provides financial assistance for counterterrorism to the Nation's Sheriffs.

Serving Our Nation's Sheriffs Since 1940

RESPONSES TO POST-HEARING QUESTIONS FROM JOHN CARY BITTICK, PRESIDENT, NATIONAL SHERIFF'S ASSOCIATION

1. Can you explain how the Office of Domestic Preparedness performs counterterrorism exercises? Can you provide an evaluation of these counterterrorism exercises from a law enforcement perspective?

To my understanding, the Office of Domestic Preparedness is actively engaged in exercises. In 2000, the ODP National Exercise Program conducted the Top Officials (TOPOFF) exercise. TOPOFF was the largest exercise of its kind and involved a chemical and biological attack simulation in two separate cities in the United States. In the spring of next year, TOPOFF II is scheduled to further test and exercise the government's capabilities.

Beyond the TOPOFF exercises, ODP has conducted 93 exercises across the Nation at all levels of government. It is estimated that ODP will complete 220 exercises in FY 2002. In conjunction with the Department of Energy, ODP has established a Center for Exercise Excellence at the Nevada Test Site. The Center is a national

WMD exercise-training program which assists state and local emergency response agencies with the planning and conduct of domestic preparedness exercises.

2. In your capacity as a law enforcement officer you have substantial experience in dealing with crisis situations and crime scenes. What would be the duties of law enforcement in a crisis situation—such as a bomb exploding or a release of hazardous material?

The duties of law enforcement in a crisis are vast. The sheriff and his deputies are the true first responders. They will arrive at the scene after the first emergency calls and establish a command center. Second, firefighters and EMS technicians will respond to care for the sick and injured. After local assets are exhausted, state and federal resources will be brought to the scene. Federal assistance in a chemical or biological attack is several hours away and that leaves the sheriff virtually alone to accept responsibility and control the scene.

Sheriffs' have a multidimensional response to an attack. They will have to care for the victims and their families, secure the crime scene, deal with media and press distractions, protect firefighters and EMS technicians from secondary devices, establish command and control, mobilize the disaster plan and coordinate all support efforts.

3. In your testimony you state, "This is a time when the American people need continuity and coordination, not the disruption of unnecessary reorganization."

The move of ODP to FEMA will cause significant disruption. As you know, the ODP budget was increased to \$250 million last year. ODP is currently engaged in the planning for allocation of funds and has been working with the states to complete the state plans. Just as ODP is moving funds, the OMB proposal would have them shudder operations and transfer them to FEMA. In our view, FEMA will have a significant learning curve to overcome as they deal with law enforcement for the first time. This move would dismantle the only agency within the federal government that is providing coordinated support and expertise to responders. It can't help but cause a massive disruption that would hinder the ability of law enforcement to meet our sworn obligations.

4. This committee has received suggestions that state and local officials have complained about the performance of ODP and this has been given as one reason for the switch to FEMA. Has your organization ever complained about the performance of the Office of Domestic Preparedness to anyone in Federal Government? What is your opinion of ODP?

NSA has an excellent working relation with ODP, OJP and the entire Department of Justice. We work very closely with ODP to ensure that sheriffs are prepared to fulfill their responsibilities in the event of an attack within their jurisdiction. To my knowledge, NSA has never had a reason to complain about ODP, as we find them to be one of the most responsive agencies in the federal government.

5. Has the proposed shift of counter terrorism training and grant responsibility to FEMA resulted in any confusion for first responders who are currently receiving training from ODP?

NSA is very confused by the potential for a move to FEMA. This proposal has greatly concerned local law enforcement because FEMA to this point has been unresponsive to law enforcement despite promises made by high-level officials to the contrary. FEMA has not returned phone calls and ignored an invitation to speak to NSA's Domestic Preparedness Committee about the potential move of ODP to FEMA. FEMA has made no outreach efforts to be proactive in addressing law enforcement concerns.

6. Is there a match requirement to receive grants and training from ODP?

Congress has not required matching grants funds for the programs under ODP. In our view, that is the strength of the domestic preparedness grant programs in the Department of Justice. It is our understanding that FEMA may intend to add a matching requirement to the program should it be transferred. NSA would oppose the matching requirement, as many sheriffs would be unable to participate in the grant program if matching funds are a condition of the grant.

7. What has been your experience with FEMA in providing counterterrorism training or consequence management? What about with crisis management? Did FEMA participate in the TOPOFF exercises?

I understand that FEMA reluctantly participated in TOPOFF; joining the exercise only in the final stages of the planning. FEMA does not provide counter-terrorism

training to law enforcement. That has been the congressionally mandated role of the U.S. Department of Justice. FEMA does not traditionally engage in crisis management. FEMA arrives at a disaster to deal with the consequences and aftermath not the crisis. A terrorist attack is a criminal event, not a natural disaster. The first response to such an incident is always crisis management not consequence management. Crisis management is predominantly a law enforcement function and includes measures to identify, acquire and plan the use of resources needed to anticipate, prevent and resolve a threat or act of terrorism. Crisis management is clearly the role of the Department of Justice, not FEMA.

RESPONSES TO POST-HEARING QUESTIONS FROM DAVID B. MUHLHAUSEN, POLICY ANALYST, CENTER FOR DATA ANALYSIS, THE HERITAGE FOUNDATION

Answer to Question 1:

In some cases, it might be possible to get an accurate assessment of effectiveness from an agency evaluating itself. However, agencies funding their own evaluations can be in the position to practice undue influence that may jeopardize the accuracy of the findings. For example, the findings of evaluations that were assigned through a noncompetitive process may be suspect. The agency funding an evaluation of itself may select an evaluator who is likely to produce the results desired by the agency.

To add credibility to evaluations of Office of Justice Programs, Congress should transform the National Institute of Justice (NIJ) into the Justice Department's chief evaluation agency. Elevating NIJ to a position similar to the Justice Department's Office of Inspector General will help make NIJ an independent agency. NIJ should have the authority and the necessary budget to evaluate OJP and other Justice Department programs.

Not only should NIJ conduct its own evaluations, but also the agency should be able to fund evaluations by academics and other professionals. These out-sourced evaluations should be awarded on a competitive basis. Further, all NIJ evaluations should be subject to a peer review. The peer review group should consist of academics and professionals with a strong background in evaluation research and criminal justice. In addition, the data and final results of the evaluation should be published by NIJ, regardless of the findings. Either way, Congress needs to know what works and what does not work.

Answer to Question 2:

In order to remedy the problematic tendency of bureaucracies to produce impact evaluations designed to generate favorable results, Congress could make NIJ an independent agency with its own authority to evaluate OJP programs. Agencies should be barred from evaluating their own programs. An additional way for Congress to ensure that OJP programs are properly evaluated is to mandate that NIJ conduct evaluations that fulfill high standards of scientific research.

Some basic indicators of a good evaluation include (1) the use of comparison or control groups, (2) random assignment, (3) the use of control variables to account for various factors that influence the social condition that the program is designed to improve, and (3) peer review and dissemination of data used in the evaluation. The use of comparison groups assists the evaluator in determining the impact of a program by comparing the condition of the intervention group with an equivalent comparison group. The best way to construct intervention and comparison groups is through the use of random assignment. Random assignment allows the evaluator to test for differences between the intervention and control groups that are due to the intervention and not due to discrepancies between the groups. When random assignment is not possible and selection bias is not present, then evaluators should control for as many variables as possible that can influence the difference in outcomes between the intervention and control groups. Last, peer review allows for a panel of social scientists to judge the evaluation on its scientific merits and allow other researchers the opportunity to conduct additional analysis.

Answer to Question 3:

Briefings on the progress of congressionally mandated evaluations will help ensure that the researchers are fulfilling Congress' intent. The initial stages of any evaluation are crucial to the content of the final report. In these early stages, the types of questions asked and how to measure the program's impact will be decided. At this point, Congress would benefit from a briefing on how the evaluators intend to measure the impact of the program. During this briefing, Congress can make sure that the evaluators are designing a study that will produce an impact evaluation and not a process evaluation.

Answer to Question 4:

The Coats Human Services Amendments of 1998 provided clear guidelines of how Head Start should be evaluated.¹ The amendment specifically mandated four components that are critical to determining the impact of Head Start on improving the lives of children served by it. First, the Department of Health and Human Services (HHS) is required to appoint a panel of experts in program evaluation and early childhood education. This panel is given the authority to recommend the proper methodological designs and scientific techniques needed to measure the impact of Head Start. Second, Congress specifically instructed HHS that the evaluation must examine the impact of Head Start programs in increasing the social competence and school readiness of children. Third, the progress of Head Start participants is to be compared to a comparable group of children who did not participate in Head Start. Comparing Head Start children to non-Head Start participants is essential to determining the impact of Head Start. If the program is effective, Head Start participants should experience greater gains in school readiness than non-participants. Fourth, Congress required that the study's design be based on random assignment. Studies based on random assignment, or experimental design, are preferred because their results are less ambiguous. Random assignment allows the evaluator to test for differences between the experimental and control groups that are due to the intervention and not due to discrepancies between the groups. While the Head Start impact evaluation has yet to be completed, Congress has set in motion a process that will help determine the program's effectiveness. Similar types of congressional mandates for OJP to evaluate its programs would constitute a substantial improvement.

Answer to Question 5:

In my studies of the COPS program, I have not found any requirements that grantees provide data to the COPS offices to allow for the evaluation of performance. The COPS grant application process appears to have little regard for setting up a system to measure performance. For example, the application form used for the 2000 Universal Hiring Program (UHP) grants is only four pages long.² Absent from the application is any indication that data will be collected for evaluative purposes.

Answer to Question 6:

A requirement that OJP receive a needs assessment, a proposed evaluation, and an agreement to collect performance-related data from grantees prior to grant approval would be a substantial improvement in accountability. Requiring grantees to conduct a needs assessment prior to grant approval will help grantees identify the problems that the OJP funding will address and develop a clear strategy to help ensure that funding is put to its most effective use. A needs assessment is defined as a study that answers questions about the social problems a program is intended to improve.³ The needs assessment should specifically identify how OJP funding will be used to reduce crime. OJP should be required to use the information contained in the needs assessment to judge the merit of the grant application.

A panel of experts appointed by NIJ should review the proposed evaluation. The panel should assess the evaluation proposal for its adherence to rigorous social science standards. To improve the quality of the proposed evaluations, the panel should have the authority to recommend to OJP that the proposals be accepted or rejected. To insure the integrity of the process, the recommendations of the panel should be publicly available through the Internet.

Requiring that grantees agree to collect relevant evaluation data before grant approval will significantly improve data collection for OJP. A system to measure and evaluate the effectiveness of OJP grants should be in place before the awarding of funds. After the funds have been spent, the OJP funded activities should be evaluated for their effectiveness in reducing crime. To help ensure integrity, OJP-related evaluations should be done by the National Institute of Justice.

Answer to Question 7:

While there are a few NIJ-sponsored impact evaluations that are important to informing policy makers about what works in criminal justice policy, NIJ has not been

¹42 USC 9801 et seq. For more information, see <http://www2.acf.dhhs.gov/programs/hsb/hsreac/legis.htm>. (March 3, 2002).

²This application was obtained from http://www.usdoj.gov/cops/pdf_gpa/uhp/uhp—pdfs/e022k0060.pdf (December 1, 2001).

³Peter H. Rossi, Howard E. Freeman, and Mark Lipsey, *Evaluation: A Systematic Approach*, (Thousand Oaks, Cal.: Sage Publications, 1999), p. 118.

effective in managing performance evaluations.⁴ As the recent General Accounting (GAO) report demonstrates, NIJ evaluations are too frequently process-oriented.⁵ When impact evaluations have been done, the GAO found that most of the studies were of such poor design that the findings were unreliable.

To improve ability of NIJ to produce rigorous impact evaluations, Congress' plan to reorganize OJP should consider the following step. First, NIJ should become an independent agency with its own budget. NIJ should have the ability to evaluate programs without the permission of other OJP agencies. This change will help insulate NIJ from pressure to not rigorously evaluate the impact of OJP programs. Second, Congress should specifically set the criteria for how the research will be conducted. Impact evaluations should use comparison groups and control for factors that may influence the evaluated program's outcomes. Third, NIJ should have an adequate budget to evaluate OJP programs.

⁴For examples of good impact evaluations, see Anthony A. Braga, David L. Weisburd, Elin J. Waring, Lorraine Green Mazerolle, William Spelman, and Francis Gajewski, "Problem-Oriented Policing in Violent Crime Places: A Randomized Controlled Experiment," *Criminology*, Vol. 37, No. 3 (1999), pp. 541–580 and Anthony A. Braga, David M. Kennedy, Elin J. Waring, and Anne Morrison Piehl, "Problem-Oriented Policing, Deterrence, and Youth Violence: An Evaluation of Boston's Operation Ceasefire," *Journal of Research in Crime and Delinquency*, Vol. 38, No. 3 (2001), pp. 195–225.

⁵Laurie E. Ekstrand, "Justice Impact Evaluations: One Byrne Formula Evaluation Was Rigorous; All Reviewed Violence Against Women Office Evaluations Were Problematic," *Report to Congressional Requesters*, GAO-02-309, (U.S. General Accounting Office, March 2002).

RESPONSES TO POST-HEARING QUESTIONS FROM LAURIE E. EKSTRAND, DIRECTOR,
JUSTICE ISSUES, GENERAL ACCOUNTING OFFICE

1. You mentioned that grant files did not always contain grant monitoring plans, financial reports, progress plans, or closeout documents, and discussed GAO recommendations to improve these shortcomings. Could you explain how serious these document shortcomings are, with regard to the taxpayer being assured that grant money is being well spent?

Response: In our work on grant monitoring, we have consistently pointed out that the comptroller general's internal control standards require that all transactions and other significant events be clearly documented and that the documentation be readily available for examination. Appropriate documentation is an internal control activity to help ensure that management's directives are carried out. The document shortcomings we discussed in our testimony represent serious internal control problems because without these documents, OJP and its bureaus (1) have no assurance that grants are meeting their goals and funds are being used properly and (2) are not positioned to systematically address grant performance problems.

2. This committee will very likely be drafting legislation to assist the OJP in its reorganization efforts. What suggestions do you have for us in drafting legislation to ensure that OJP will begin to do effective evaluation of these programs?

Response: Our work on OJP evaluations has focused on the methodological rigor of impact evaluations of specific grant programs—such as those discretionary grant programs managed by the Bureau of Justice Assistance (BJA) and the Violence Against Women Office (VAWO)—but we have not examined the full spectrum of evaluations done by OJP components, primarily the National Institute of Justice (NIJ). Furthermore, we have not examined OJP's plans for reorganizing, nor do we have a basis for determining whether OJP's recently announced plan to strengthen NIJ's capacity to manage evaluations is appropriate. Thus, we are not positioned to comment on what legislative actions might be needed to ensure more effective evaluations of OJP grant programs. However, it is important to note that, based on a February 8, 2002 request by the Chairman of this Subcommittee, we have begun a review of the impact evaluation work NIJ has performed over the last 5 years. This review will, among other things, examine what procedures and practices are used to ensure that these evaluations are methodologically sound, appropriately managed, and effectively used.

3. To what extent is data collection a problem for OJP in performing research effectively?

We have not examined OJP's overall efforts to collect data in the course of performing research and as a result, we are not positioned to comment on the full range of data collection problems OJP might encounter in doing this type of research. However, our work has shown that some OJP components have encountered problems or face barriers in collecting data while performing research.

4. Do the programs require any type of needs assessment or data collection as a condition of receiving a grant?

Response: Other than the drug court work mentioned previously, we have not reviewed what, if any, requirements for a needs assessment or data collection OJP or its component bureaus and offices might impose as a condition of receiving a grant. In fact, most of our work has focused on the monitoring of grants after they are awarded or, as mentioned earlier, the design and implementation of the evaluations of specific grant programs.

5. There is currently a proposal to move the Violence Against Women Office outside of OJP, similar to what has been done with the COPS office; do you think such a move makes sense for an office trying to improve efficiency?

Response: We have not examined OJP's plans for reorganizing and do not have a basis for judging whether a proposal to move VAWO outside of OJP makes sense or not.

6. In your testimony, you state "Byrne and VAWO grantee progress and financial reports were often submitted late by grantees and many of the Byrne, VAWO, and OJJDP files did not contain all the necessary grantee progress and financial reports." Just how serious is the problem? Did OJP do any type of follow-up to get these reports faster or penalize these grantees in any way?

Response: As I stated in my testimony, progress and financial reports are an important management tool to help managers and grant monitors determine if grantees are meeting program objectives and financial commitments. The comptroller general's internal control standards require that all transactions and other significant events be clearly documented and that the documentation be readily available for examination. Appropriate documentation is an internal control activity to help ensure that management's directives are carried out. Within that context, transactions should be promptly recorded to maintain their relevance and value to management in controlling operations and making decisions. As I stated earlier, the document shortcomings we discussed in our testimony, including those related to late or missing progress and financial reports, represent serious internal control problems because without these documents, OJP and its bureaus (1) have no assurance that grants are meeting their goals and funds are being used properly and (2) are not positioned to systematically address grant performance problems.

We did not examine what OJP did to follow-up to get financial and progress reports faster or penalize grantees in any way. However, OJP guidelines state that a grant manager can submit a request to his or her supervisor that the Office of the Comptroller (OC) withhold payment if a grantee's progress report is overdue. Likewise, according to current OJP guidelines, OJP is not to make new discretionary awards or payment on existing awards if a current financial report has not been submitted at the time the new discretionary award or payment is being processed.

For example, in our report on Justice Impact Evaluations, we found that three NJ impact evaluations of VAWO discretionary grant programs involved data collection and analytical problems that may affect the validity of the findings and conclusions. In one of these evaluations, less than half of the grantees responded to a mail survey—below the level that, according to OMB guidance, statistical errors begin to rise rapidly. In another evaluation, NJ reported that the evaluators experienced difficulty in collecting pre-grant baseline data from multiple grant sites and the quality of the data was oftentimes inadequate, which hindered their ability to analyze change over time.

Our report on evaluations carried out by the Office of Juvenile Justice and Delinquency Programs (OJJDP) showed similar results. Specifically, we found that data collection problems may affect the validity of results for three of the five evaluations that were either completing or had completed data collection. For one of those evaluations, we reported that the evaluation had experienced a survey response rate shortfall similar to that reported by NJ in one of its evaluations. Likewise, another OJJDP evaluation had difficulty obtaining adequate data at all or most sites.

Finally, our July 1997 report on Drug Courts showed that Justice guidelines required recipients of federal funds of the Violent Crime Act to demonstrate the capability to ensure adequate program management through ongoing monitoring, tracking, and program evaluation. The guidelines suggested that certain information—such as criminal justice history, history of substance abuse, and data on substance abuse relapse while in the program—be collected for drug court participants, and to the extent possible, similarly situated non-participants. In fact, most drug court programs reported that they were maintaining most of the suggested data, but nearly half were not maintaining follow-up data on rearrest, and about two-thirds were not maintaining data on relapse.

We concluded that, if meaningful impact evaluations are to be done in the future on the growing number of drug courts, more of them must collect and maintain data on factors affecting program operations and outcomes, including data on participants after they leave the program. Our report recognized Justice concerns that it did not have statutory authority to mandate that states or local jurisdictions collect specific program data for drug courts funded by its formula grants, but we recommended, among other things, that, where no statutory authority exists, grant guideline language suggest that drug court programs funded by formula grants collect and maintain such data. A new report on the Drug Courts will be released at the end of April 2002.

It is also important to note that grant monitoring information could be an important source of data for performance measurement purposes. However, as stated in my testimony, and also in response to these questions, these data are not consistently maintained in grant files.

7. Can you describe how "Operation Closeout" works to assist OJP in effectively managing its grants or the grant making process?

Response: As discussed in my testimony and report, Operation Closeout was an OJP initiative to enhance OJP's ability to better control grant administration. At the time that OJP announced the results of its initiative in November 2000, OJP was able to close a backlog of 4,136 grants that were eligible to be closed but had not been closed. As a result, according to OJP, it was able to (1) deobligate more than \$30 million, (2) heighten the importance of closeout functions as a routine procedure in the administration of grants, and (3) test pilot closeout guidelines and incorporate them into new grant administration guidelines that OJP issued in January 2001. By reducing the backlog of grants that were eligible to be closed but were not, OJP was able to finalize programmatic and financial activities on these grant awards in compliance with federal government requirements on grant administration, including the comptroller general's internal control standards, which among other things, calls for the timely recording of transactions. Also, to the extent that funds are deobligated within the original period of obligational availability, the funds are then available for new obligations just as if they had never been obligated in the first place.¹ We did not examine the extent to which the funds OJP deobligated were available for new obligations.

8. Some would argue that the absence of monitoring documentation in grant files has little effect in the overall scheme of things because OJP supervisors have regular discussions with grant managers to assure themselves that monitoring is being done as expected. How would you react to that argument?

Response: As I pointed out in my testimony, neither we nor OJP and the components we examined could determine the level of monitoring performed by grant managers as required by OJP and the comptroller general's internal control standards, which require that all transactions and other significant events be clearly documented and that the documentation be readily available for examination. Appropriate documentation is an internal control activity to help ensure that management's directives are carried out. The absence of monitoring documentation represents serious internal control problems because without these documents, OJP and its components (1) have no assurance that grants are meeting their goals and funds are being used properly and (2) are not positioned to systematically address grant performance problems.

¹ Conversely, funds that are deobligated after the expiration of the original period are not available for new obligations.

MARCH 14, 2002

THE NATIONAL ACADEMIES

National Academy of Sciences
National Academy of Engineering
Institute of Medicine
National Research Council

Advisers to the Nation on Science, Engineering, and Medicine

Division on Behavioral and Social Sciences and Education
Committee on Law and Justice

March 8, 2002

Deborah J. Daniels
Assistant Attorney General
Office of Justice Programs
810 Seventh Street NW
Washington DC 20531

Dear Ms. Daniels:

Your request for responses to the reorganization plan for OJP was forwarded to me by COSSA. Thank you for the opportunity to comment. This plan represents important improvements in the management of OJP, and so I congratulate you on its development. I do have two relatively predictable concerns. First, I am troubled about the apparent lack of independence featured in this plan for the Bureau of Justice Statistics, a federal statistical agency. In 1992 and again in 2001, the National Research Council's Committee on National Statistics issued reports emphasizing the importance of independence for federal statistical agencies as follows:

"A widely acknowledged position of independence is necessary for a statistical agency to have credibility and to carry out its function to provide an unhindered flow of useful, high-quality information for the public and policy makers. Without the credibility that comes from a strong degree of independence, users may lose trust in the accuracy and objectivity of the agency's data, and data providers may become less willing to cooperate with agency requests.

In essence, a statistical agency must be distinct from those parts of the department that carry out enforcement and policymaking activities. It must be impartial and avoid even the appearance that its collection, analysis, and reporting processes might be manipulated for political purposes or that individually identifiable data might be turned over for administrative, regulatory, or enforcement purposes."

The committee's report, "Principals and Practices for a Federal Statistical Agency" proposes many ways that independence can be established in a given department: legislation that establishes that the agency head be professionally qualified, be appointed by the president and confirmed by the Senate (the current form in this case), serve for a specific term not coincident with that of the administration, and/or have direct access to the secretary of the department in which the agency is located. The report specifically stresses that authority for professional decisions over the scope, content, and frequency of data compiled, analyzed, or published should reside with the statistical agency and *not* with policy officials, and that it should have recognized authority to release statistical information without prior clearance by those officials (though of course not without prior notice).

The best current examples of this kind of independence (with multiple protections) are the Bureau of Labor Statistics and the Bureau of Transportation Statistics. However, in addition to these two, the Bureau of the Census, the Energy Information Administration, and the National Center for Education Statistics all have legislation requiring that the director be appointed by the President. The current plan for BJS as written in the next to last paragraph of the plan appears to suggest procedures that are antithetical to these principles and standards. Crime and criminal justice system statistics comprise the crucial foundation for both policy and research. We hope that you will consider recommending some of the protections above in the legislation proposed for BJS.

Second, I think the plan would be stronger if the protections for the independence of research were more detailed. Of particular concern is the description of the overall coordination function for OJP for solicitations and reports, especially the statements about duplication and about raising "timely questions about the significance of potentially contradictory findings." How will this coordination function apply to research solicitations and publications? As I'm sure you know, duplication of studies is an important scientific process. Additionally, NIJ has a strong peer review process, the standard scientific procedure for ensuring the integrity and quality of research findings.

In future hands, less sensitive to the importance of independence, this type of function might evolve into a check on what questions can be asked, what studies duplicated, or whether or not peer reviewed findings that contradict publications without such quality controls get published. It is also a concern that such a coordination function applied to research solicitations could gradually bias the knowledge base in too specific a direction and toward a too-narrow set of issues. Most desirable is that research agencies have the freedom to think ahead to future issues rather than concentrating solely on current operational needs. A current study underway here on elder abuse, funded by the National Institute on Aging, is an example of this principle. Only recently has NIJ had the resources to take this kind of approach.

Research is only rarely the most important element in policy development, but specific findings may be crucial to a broad spectrum of concerns. There are instances where research questions and findings might even fundamentally contradict a given policy of an administration. A high profile example was the National Research Council's study on needle exchange programs, funded by HHS. The findings – that such programs save lives and do not encourage new drug use – were not in keeping with the policies of the previous administration or the current one. Both strongly believe that these programs send the wrong message and should not be supported by federal funds. This is a highly legitimate public policy stance regardless of the research findings (i.e. to believe that even the appearance of encouraging injection drug use does more damage in the end). Nevertheless, the study addressed an important specific health question, namely stemming the transmission of AIDS and hepatitis beyond drug users into the general population, and its findings were important to the health community and the public.

NIJ is the principal supporter of research on crime and criminal justice in the United States. Despite its importance, private foundations do not make anything like the same kinds of research investments in this policy area that they do in others such as health, economics, or education. Will the protections of independence referenced in the plan permit NIJ to recognize that some topics may be controversial or not necessarily of direct relevance or use to practitioners, but are nevertheless important scientific questions that deserve funding? This kind of independence is vital to the credibility of a research agency, and in this case, to the stature of the science in this policy area. The independence of statistical and research agencies, especially with regard to publications, also can be a protection for policy officials when a published finding partly calls the basis for a policy into question, but does not satisfy other overriding policy concerns, as was the case with the needle exchange report.

Again, congratulations on the overall plan and thank you for the opportunity to respond. I wish you all the best in your efforts to improve the management of OJP.

Sincerely,

Carol Petrie
 Director
 Committee on Law and Justice
 National Research Council


COSSA

Consortium of Social Science Associations

 Howard J. Silver, Ph.D.
 Executive Director

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 Suite 836
 Washington, DC 20005
 (202) 842-3525
 Fax: (202) 842-2788
 www.cossa.org

March 6, 2002

Deborah J. Daniels, Assistant Attorney General
 Office of Justice Programs
 810 Seventh St., NW
 Washington, DC, 20531

Dear Ms. Daniels:

Thank you for the opportunity to review the proposed reorganization plan for the Office of Justice Programs (OJP). I would like to offer several comments on behalf of the Consortium of Social Science Associations (COSSA) and the more than 100 member organizations we represent.

COSSA supports the goal of streamlining the functions of OJP if it increases efficiency and strengthens OJP's ability to perform its mission. However, **COSSA must firmly oppose the provision vesting all authority in the Attorney General.** Depriving the National Institute of Justice and Bureau of Justice Statistics directors of their sign-off authority to award grants and publish results **would seriously undermine the independence, integrity, and associated credibility of their research and statistics.** Increasing efficiency is desirable to a point, but becomes detrimental if it undermines the very operations the Justice Department is trying to improve.

Scientific research requires independence from the other functions of government. **If the research and statistics performed through the Department lose this legitimacy, any of the other programs and initiatives the Department tries to undertake could find themselves hampered.** With the new anti-terrorism focus outlined by the President and Attorney General, the ability of Congress and the President to have full faith in the findings on crime and terrorism is more crucial than ever.

Thank you for soliciting our input. If you have any questions about these topics, please do not hesitate to call me at 202/842-3525. COSSA is an advocacy organization supported by more than 100 professional associations, scientific societies, universities, and research institutes that promotes attention to and federal funding for the social and behavioral sciences. COSSA serves as a bridge between the academic research community and the Washington policymaking community. A list of our members is attached.

Sincerely,

Chris F. Ryan, M.S.
 Associate Director for Public Affairs

American Anthropological Association • American Economic Association • American Historical Association
 American Political Science Association • American Psychological Association • American Society of Criminology
 American Sociological Association • American Statistical Association • Association of American Geographers
 Association of American Law Schools • Law and Society Association • Linguistic Society of America
 National Communication Association • Rural Sociological Society • Society for Research in Child Development



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April 4, 2002

Bonnie Campbell
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campbellb@arentfox.com

VIA MESSENGER

The Honorable Lamar Smith
Chairman
Subcommittee on Crime, Terrorism
and Homeland Security
Committee on the Judiciary
House of Representatives
2138 Rayburn House Office Building
Washington, D.C. 20515-6216

Re: Comments to March 14, 2002 Oversight Hearing Concerning the Office of Justice Programs - Waste, Fraud & Abuse.

Dear Chairman Smith :

Thank you for the opportunity to provide you with additional comments subsequent to my recent testimony before the Subcommittee on Crime, Terrorism and Homeland Security.

1. President Bush's FY 2003 Budget fully funds the Violence Against Women program and provides more than \$12 million just for administrative resources. Is that amount inadequate to effectively administer this program?

The Violence Against Women Act of 1994 and the Violence Against Women Act of 2000 authorize funding for a number of programs. One function that the Violence Against Women Office has engaged in since its inception is the administration of the Violence Against Women Act (VAWA) programs funded in the Department of Justice budget each year. This grant administration is only one piece of the work that the Violence Against Women Office (VAWO) has traditionally done and must continue to do. VAWA 1994 and VAWA 2000 encompassed more than grant programs; the legislation also included changes to substantive federal statutes regarding a broad array of issues such as interstate federal crimes, full faith and credit requirements, and immigration. For this reason implementation of VAWA must take place throughout the Department of Justice and across a number of other federal agencies. An expert voice is needed at the Assistant Attorney General level to ensure systematic, consistent, good implementation of Congressional intent. Since its inception, VAWO has performed a crucial role in federal policy analysis, federal policy development, interpretation of federal statutes related to violence against women, provision of technical assistance and advice to other departments and offices within the Department of Justice as well as other federal agencies, provision of technical assistance and advice to state and local government agencies, and provision of technical assistance to VAWA grantees. Furthermore, the Director of the Violence Against Women Office has provided national and international leadership on violence against women, embodying and



The Honorable Lamar Smith
April 4, 2002
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demonstrating the national leadership and commitment that Congress intended with the passage and later reauthorization of VAWA. It is important that President Bush's FY 2003 Budget nearly fully funds the VAWA programs administered through the Department of Justice, and the \$12 million that would be available for administrative resources is sufficient to carry out the joint policy, technical assistance, and grant work in a separate office outside the Office of Justice Programs.

2. On page 2 of your testimony you state that technical assistance and policy guidance for the VAWA program cannot be delivered under the present structure without "conflicting" with other purpose areas of the Office of Justice Programs (OJP). Can you give the Subcommittee an example of how the VAWA programs are different from other OJP programs?

VAWA 1994 and VAWA 2000 reflect a broad multidisciplinary effort to address domestic violence, sexual assault, stalking and trafficking and the impact that these crimes have on the lives and livelihoods of the victims, their families and their communities. Indeed, a good portion of the programs and funding authorized by VAWA are administered through the Department of Health and Human Services. In addition to the criminal justice system, VAWA addresses concerns involved with the civil, juvenile, family and immigration law systems as well as victim services programs. No other program administered through OJP crosses the number of boundaries that VAWA can and must cross. Congress recognized the need for a broad, multidisciplinary, coordinated response to violence against women when it passed and reauthorized VAWA. It is ineffective and contrary to that Congressional intent to try to squash VAWA into a criminal justice box only that ends up making law enforcement and the criminal courts the primary recipients and shapers of this work that requires the involvement of so many other systems in order to succeed.

3. You give two examples in your statement where other DOJ entities were involved in working with the VAWO to implement new policies. Pending legislation to make the VAWO permanent has the director of VAWO reporting directly to the Attorney General. Doesn't this clear line of statutory authority between the Director and the Attorney General give this office an equal voice within the Department?

Policy discussion, policy decision-making, and implementation of policy within the Department of Justice is carried out in meetings that take place at the Assistant Attorney General level. The Assistant Attorneys General daily strategize with and inform the Attorney General on policy issues and strategy. Being able to participate in these meetings is critical to effective participation in the development and implementation of policies that adequately address violence against women concerns and that successfully integrate those concerns with other policy questions throughout DOJ. There is a world of difference between full participation in the highest levels of decision-making and being buried in a satellite grants office of DOJ, even with the ability to call the Attorney General to get a few minutes of his time.



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4. Can you give the Subcommittee any specific instances where the location of the VAWO within the Office of Justice Programs caused the office to be incapable of carrying out its statutory mandates?

The Violence Against Women Office currently does not have any statutory mandates. The pending legislation would create the statutory mandates that Congress wants the office to fulfill, rather than leave the office as an entity that rises and falls at the whim of the Attorney General, the Deputy Attorney General, or the Assistant Attorney General.

When I joined the Department of Justice as Director of the Violence Against Women Office, I was part of the leadership team of the Department, i.e., the VAWO was placed in the Associate Attorney General's Office, one of the three leadership offices in the Department. From that vantage point, it was expected that our staff would be "plugged into" all departmental activities which could and did benefit from the particular perspective that the expertise of our office brought to the table, e.g., how to educate the U.S. Attorneys about their role in local communities' efforts to stop violence against women; how to share with the INS our knowledge about the nuances of domestic violence as the INS was writing the regulations implementing the battered immigrant provisions of the VAWA; how to work with local law enforcement, prosecutors, and judges to enforce the full faith and credit provision of the VAWA; and how to insert our concerns and perspectives into considerations about whether to bring or appeal specific cases, to identify only a few of our initiatives. If the VAWO had not been in the leadership offices, none of those matters would have come to our attention.

I speak with the voice of experience; when the VAWO was moved to OJP, even though I still held the position of Director and Counsel to the Attorney General, none of these policy activities continued, at least without a great deal of "pushing and shoving" on my part. OJP simply does not do policy. When an office is physically (and/or bureaucratically) located in OJP, it is completely cut off from the day-to-day activities of Main Justice. Placing the Violence Against Women Office in the leadership level of the Department will give it the stature needed to really change the culture, both within the Department and externally, of the justice system (and other systems) relative to crimes of violence targeted toward women.

5. In a recent GAO Report (GAO-02-25, November, 2001), it was found that both BJA and VAWO were "not positioned to systematically oversee grant managers" compliance with monitoring requirements because documentation is not readily available on monitoring activities" (at p. 3). Assistant Attorney General Daniels has responded to GAO indicating new Desk Review Checklist procedures are being implemented for VAWO grants. Wouldn't making VAWO a separate office interfere with these grant management reforms within OJP?

Assistant Attorney General Daniels deserves to be congratulated on the new Desk Review Checklist procedures that she has designed to make OJP more efficient and accountable. Making



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the VAWO a separate office will not interfere with these grants management reforms because the reforms are part of the post-award function. VAWO currently administers the pre-award administration of the VAWA programs -- interpreting the statutory language of the programs, distributing the Request for Proposals, selecting the grantees, and providing technical assistance to grantees. However, the post-award financial monitoring of the VAWA grants is delegated to the Office of the Controller in OJP. Even with a separate VAWO outside of OJP, the post-award financial monitoring can be delegated to the Office of Controller in OJP, and Congress should add language to the pending legislation doing so. This allows the experts to oversee the substantive aspects of the grants and provide advice and assistance to grantees both pre- and post-award while still providing adequate monitoring and documentation through the commendable systems that Assistant Attorney General Daniels has worked so hard to create.

6. Your testimony suggested that you are unaware of any waste, fraud, or abuse in programs overseen by VAWO. Do you recall any instances of waste, fraud, or abuse during your tenure at VAWO? If so, what did you do about it?

A good percentage of the funding under VAWA is distributed to the states through the STOP formula grants. In monitoring these programs, we depended on the Urban Institute's evaluation of the states' progress in meeting their objectives and spending their funds in accordance with the purpose areas in VAWA. We provided as much monitoring as we could of the discretionary grant programs, given our staffing limitations, and advocated within the Department for more staffing to perform these functions.

It is also important to note that waste, fraud and abuse are concepts difficult to imagine in the context of VAWA grants. These grantees were almost without exception extremely devoted to the mission of ending violence against women and were providing high levels of service even though their funds were limited. These are not the kinds of programs where you find bloated salaries, fancy equipment, or frills. Anyone who has seen the requests for funding submitted under VAWA programs would be amazed at the amount of work being done and the number of women being served by organizations and entities that are severely understaffed and underpaid. For example, victim advocates are often paid less than \$23,000 per year. Attorneys may make \$32,000. Far from painting a picture of waste and abuse, it is truly remarkable what these grantees have been able to accomplish in their communities with so few dollars.



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Again, let me express my deep appreciation for the support of Congress for these important efforts to stop violence against women. This national focus on domestic and sexual violence makes our country unique in the world.

Sincerely,


 Bonnie Campbell

RESPONSES TO POST-HEARING QUESTIONS FROM GLENN A. FINE, INSPECTOR
GENERAL, U.S. DEPARTMENT OF JUSTICE

April 16, 2002

The Honorable Lamar Smith
Chairman
Subcommittee on Crime, Terrorism, and
Homeland Security
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Thank you for inviting me to testify at the Subcommittee's March 14, 2002, oversight hearing about the Office of the Inspector General's (OIG) reviews of grant programs in the Department of Justice, specifically the Office of Community Oriented Policing Services (COPS) and the Office of Justice Programs (OJP).

As I discussed at the hearing, the OIG has conducted numerous audits and inspections related to grants issued by COPS and OJP. In addition, we have investigated a variety of fraud allegations involving improper use of Department grant funds. We will continue to provide oversight in the important area of grant management in the years ahead, and we appreciate your interest in our work.

In response to your March 21, 2002, letter, I enclose answers to the Subcommittee's additional questions for the record. I can be reached at 514-3435 if you have any further questions.

Sincerely,

Glenn A. Fine
Inspector General

Enclosure

1. In a recent Semi-Annual Report to Congress your office noted that a few years ago the Office of Justice Programs (OJP) stopped processing reports under the Single Audit Act of 1996 for COPS-related grants in a dispute over reimbursement. As a result, a backlog developed. Has this matter been resolved and what corrective was taken to resolve it?

Yes, the matter has been resolved. The OJP agreed to process the COPS Office's Single Audit Act reports.

2. Mr. Fine, based on your experience with the COPS program, can you point to any specific reasons why COPS grants are so high risk? Is it because it is a separate office within Justice or are there other reasons?

There are several reasons why we believe COPS grants are high-risk grants. First, according to the COPS Office, a large number of its grantees are first-time recipients of federal grant monies. Inexperienced grantees may not know COPS' program requirements or understand basic grant management requirements. Second, these grants often are awarded to small communities that do not have sophisticated financial systems or structures to administer the grant.

Third, we believe that the COPS MORE grant program is inherently a high-risk program. MORE grants fund technology to free up existing officers for community policing. Through the end of fiscal year 2002, we estimate that the COPS Office will have awarded in excess of \$1 billion in MORE grants. In our audits, we rarely find that MORE grant recipients can demonstrate that they have redeployed the required number of officers to community policing. Further, we frequently find that MORE grants, which were intended to last for a period of one year, are extended for several additional years because grantees have not implemented the technologies purchased with the grant funds. Such extensions increase the likelihood that technology may become obsolete by the time it becomes operational.

3. In your statement (at p. 6) you express concern about the length of time it takes to resolve COPS grant audit reports and you recommend that the COPS Office should take more aggressive and timely action. You also state

that stricter enforcement should be taken. Does that mean collection actions by the Department and U.S. Attorneys or other similar measures?

Yes. When grantees are found to be non-compliant, they should be given a reasonable time frame in which to become compliant. If this does not occur, however, we believe a demand letter should be sent to the grantee from COPS. If a demand letter does not bring about necessary action by the grantee, referral for collection to the Department or U.S. Attorneys should be initiated. Too often we find that grant program offices are reluctant to pursue this course of action. We believe that aggressive enforcement action is needed when grantees do not comply with the terms of the grant in a timely fashion.

4. When the use of grant funds are brought into question by your office or the Office of Justice Programs what steps are normally taken to resolve these questions?

The OIG works with the applicable grant program office to resolve our findings, including dollar-related findings. The applicable program office is responsible, in turn, for working with the grantee. The grant office's first option is to bring the grantee into compliance with grant requirements. This process is generally very paper intensive and time consuming. During this process, the grantee is usually provided grant extensions to allow it time to demonstrate compliance. We find that grantees also are frequently allowed to continue to draw grant funds during this period. In our judgment, this practice does not sufficiently hold grantees accountable for their lack of compliance.

5. What steps, if any, does your office or the Department take to seek reimbursement or collection of OJP or COPS funds misused by grantees?

The OIG does not have the authority to directly seek reimbursement or collection of federal funds from grantees. We report "questioned costs" and "funds to better use" in accordance with the Inspector General Act. The decision to seek reimbursement or collection of funds is a management decision made by the program offices and the Department. The program office contacts the grant recipient and asks it to provide necessary documentation to address the OIG's findings. This process can take an extended period of time. Options available to the Department include temporarily withholding cash payments pending correction of the deficiency; disallowing all or part of the cost of the activity or action not in compliance; wholly or partly suspending or terminating the current award; and withholding further awards for the project or program. As a practical matter, we have found that the program office usually only demands repayment of grant funds in response to OIG findings as a last resort. According to OJP, once a debt has been established it gives the grantee several chances to repay the debt before referring the matter for collection.

6. Did you randomly select COPS and OJP grantees for audits? If so, wouldn't you expect to find the same percentage of "questioned costs" and "funds to better use" across all grant programs? Your auditors found that 24 percent of the funds audited fell into these categories. If you applied the 24 percent figure across all grants, that would be more than a billion dollars, not including amounts subject to further investigation for fraud and/or criminal prosecution. So isn't possible that the amount of fraud, waste, and abuse in the system could be well over a billion dollars?

Our audits were not selected randomly. About one-half of our COPS audits were referred to us by the COPS office, primarily because of indications of grantee non-compliance. The remaining audits are selected by us based on the size, location, and risk of the grantee. We therefore cannot statistically extrapolate the findings in our audits of grantees to the entire universe of grantees. That said, in general our findings in audits selected by us and audits referred to us by the COPS Office do not appear to show great variances. Although we cannot say for certain what percentage of total grant funds would fall into the categories "questioned costs" or "funds to better use," based on our experience we would expect it to be a very significant amount.

RESPONSES TO POST-HEARING QUESTIONS FROM CARL PEED, DIRECTOR, COPS
OFFICE, U.S. DEPARTMENT OF JUSTICE

1. The Inspector General's Office has devoted a significant amount of its time and resources in oversight of the COPS program. Among all of the Department's federal grant programs, by far the largest amount of questioned and unsupported costs have been found with COPS grants. Why do you think this is the case?

- COPS has put in place a comprehensive and multi-faceted approach to monitor more than 32,700 grants.
- First, we require every agency to submit yearly progress reports on the implementation of their COPS grant(s).
- Second, through our COPS Count process, we contact each grantee on a yearly basis to monitor and ensure that implementation and compliance are consistent with the terms and conditions of their grants.
- Third, we do more intensive monitoring for high-risk grantees, which includes comprehensive desk reviews of programmatic and financial reports as well as on-site visits.
- Fourth, the Office of the Comptroller assists COPS in financially monitoring COPS grantees.
- Fifth, the Office of the Inspector General includes as part of its regular audits of COPS grantees those agencies COPS perceives to be most at-risk.

In addition, the COPS Office vets all proposed grant lists through the Civil Rights Division, Office of Civil Rights, Office of the Inspector General Investigations Division, and all United States Attorneys. This pre-award vetting process allows the COPS Office to be aware of any pending investigations or potential compliance issues prior to making new grant awards.

At least one person is assigned to every state to answer any questions a grantee may have and ensure that grant compliance is met. With all of these monitoring activities, any irregularities and problems are referred to the appropriate division for further action, resolution, and recourse.

We appreciate the role that the OIG audits play as part of our comprehensive monitoring strategy. With over 32,700 active COPS grants, we depend on the OIG to help monitor our grantees. In fact, the COPS Office refers many of these grants to the OIG for audits.

The OIG audit findings, however, do not necessarily reflect grant violations by our grantees. First, questioned costs are only allegations—grantees usually provide documents to support the costs. Second, our reviews show that a high percentage of audited grantees are not in violation of their grant requirements. As a result of the high number of OIG audit findings from COPS grants, the Department previously hired an independent arbitrator to review a random sample of OIG audit findings from COPS grants. The arbitrator determined that approximately 38% of those findings were not accurate.

When the OIG's audit findings are accurate, the COPS Office takes enforcement action to ensure that grant violations are fully remedied.

1. Two findings of the OIG set forth in his most recent report to Congress related to the processing of Single Audits of grants and computer security within the COPS Office. You have heard both the IG and the Deputy Attorney General's testimony on these matters. Do you agree with their views on the resolution of them?

The Single Audit issue has been resolved between COPS and OJP. Single Audits are performed by OJP.

COPS addressed the OIG's computer security concerns shortly after their 2000 report was released. We strengthened our security measures by developing and implementing multiple written policies to improve internal controls to address specific circumstances like:

- Accounts that have never been logged into for a specific period of time.
- Accounts after a staff person leaves or is on extended leave.
- COPS has also finalized and implemented a written policy and procedure to address the auditing option, and the Security Event Log "Do Not Overwrite Events" option.

COPS continues to take the issue of computer security very seriously to safeguard our computer system against security violations.

1. Two of the biggest problems of abuse with the COPS grant program are the use of federal funds to supplant the pay of officers not hired under the COPS program and the low retention rate of police officers after the COPS funds expire. What is your recommendation for addressing these two problems?

COPS takes allegations of supplanting very seriously and devotes a great deal of resources to preventing and investigating it. In all the reviews we conduct of COPS grants, we have not discovered widespread supplanting. When we do discover sup-

planting, we require the grantee to repay the supplanted funds or to hire new officers with local funds.

COPS takes retention very seriously and monitors it closely. During the application process and again upon accepting a COPS grant award, the chief government executive and chief law enforcement official both sign documents to attest to their understanding of the requirements of the grant, including the retention of the officer positions. A recent report conducted by the COPS office as part of our comprehensive monitoring strategy indicates that 92% of grantees are retaining their COPS officers with local funds. The 1999 Inspector General report included a random survey of 191 COPS grantees, which confirmed that 96 percent of those surveyed intended to retain their additional COPS officers with state or local resources. Grantees that demonstrate severe fiscal distress, however, can be exempted from the retention requirement.

We will continue to make monitoring supplanting and retention violations a priority in the future.

2. The President's Budget for FY 2003 recommends redirecting a significant amount of COPS funding into a new Justice Assistance Grant Program. Do you support this shift of funding and what steps will you take to prevent some of the waste and mismanagement that has occurred with the COPS grant program?

The President's FY03 budget redirects funds to address new and critical Administration priorities, including counterterrorism. I support the President's budget. The President's budget includes \$800 million for a new Justice Assistance Grant program. Although this grant is listed in the COPS budget, the budget directs it to be administered by the Office of Justice Programs. The COPS FY03 budget request continues to fund community policing development activities, technology grants, methamphetamine grants, and police integrity. We will vigorously monitor these grant programs next year.

3. Again, in reference to the audit findings of the OIG, how many of these audits, especially with regard to questioned and unsupported costs listed in the most recent Inspector General's Seminannual Reports to Congress remain unresolved and what actions is your office taking to resolve them?

To date, COPS has just two unresolved OIG audits. We have made resolving and closing IG audits a top priority. Currently, approximately 72% of COPS staff are involved in grant monitoring to safeguard the taxpayer's investment against misuse. Some of the remedies we have taken include suspending grantee funds, recovering misused grant funds and/or prohibiting the grantee from obtaining future COPS grants.

We work closely with the IG on these audits and the IG plays an important role in our comprehensive grant monitoring strategy, which includes: yearly progress reports from grantees on the implementation of their COPS grant(s); contacting each grantee on a yearly basis to monitor and ensure that implementation and compliance are consistent with the terms and conditions of their grants; intensive monitoring for high-risk grantees, which includes comprehensive desk reviews of programmatic and financial reports as well as on-site visits; the Office of the Comptroller assists COPS in financially monitoring COPS grantees; the Office of the Inspector General includes as part of its regular audits of COPS grantees those agencies COPS perceives to be most at-risk.



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 18, 2002

The Honorable Lamar Smith
Chairman
Subcommittee on Crime, Terrorism, and Homeland Security
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

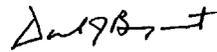
Attention: Veronica Eligan

Dear Mr. Chairman:

Recently, you forwarded a series of questions to Tracy A. Henke, Principal Deputy Assistant Attorney General for the Department of Justice's Office of Justice Programs (OJP), as follow-up to her appearance as a witness before the Subcommittee's March 14, 2002 oversight hearing on the OJP's programs and activities. The responses to those questions are enclosed.

I hope that this information is helpful. If you or any other Subcommittee Members have questions or require additional information, please contact this office at (202) 514-2141.

Sincerely,



Daniel J. Bryant
Assistant Attorney General

Enclosure

**Response to Questions for Principal Deputy Assistant Attorney General Henke
Submitted by the House Committee on the Judiciary, Subcommittee on Crime,
Terrorism, and Homeland Security**

1. The OIG has also recently identified problems with administration of the State Criminal Alien Assistance Program (SCAAP). Specifically several states and local governments received overpayments for unallowable inmate costs and ineligible inmates totaling \$19 million. Have these payments been recovered?

The reference is to an Office of the Inspector General (OIG) audit report closed out in 2000, which covered the SCAAP program as it operated in Fiscal Year(s) 1996 and 1997. The finding concerning unallowable costs was based on OIG's review of five SCAAP fund recipients. This over-computation of state incarceration costs eligible for recovery arose out of an interpretive difference, between the Office of Justice Programs' Bureau of Justice Assistance (BJA) and the OIG, regarding the proper application of the program statute.

Through a BJA recommendation, and OIG approval, it was determined that the most effective approach to resolving and closing this audit finding was a forward-looking adjustment to the SCAAP payment computation formula. BJA agreed to review its procedures and the guidance given to applicants; and to make changes in the program that would minimize the types of situations that lead to the over-computations. Based upon BJA's formula revision corrective action, the OIG closed this finding on September 26, 2000, noting "... the over-reimbursement (\$19.3) in FY 1996 will be recovered through lower reimbursements in future years."

BJA has implemented a variety changes over the past three years with great success. Among these changes are:

- **Calculation of incarceration costs:** Based directly on the auditors' suggestion, BJA simplified the basis upon which applicants calculated their incarceration costs. Instead of a list of allowable and unallowable cost elements, applicants now report only correctional officers' salaries. This factor alone makes up close to 90% of all costs that applicants bear (other than construction costs that were not allowed). Salaries are considered a fair and reliable indicator of relative costs differences among applicants.
- **Payment for Aliens:** In order to limit overcompensation to states because the status of inmates was unknown, a variety of changes were made to the system that was in place. BJA has worked with INS to refine its criteria to achieve a realistic estimate of what proportion of unidentified aliens are likely to be undocumented, and now requires all applicants to use the same identifier codes for foreign country of birth. These changes are discussed at length in response to question 6.

Pre-award Review Process: BJA has increased its pre-award review process in order to quickly identify, and address, errors in applications. This improved process includes the comparison of prior year data with data submitted used in the final formula calculation. Jurisdictions that might have problems or errors are then flagged for careful review. For the FY 2002 awards (announced March 28, 2002), this resulted in the identification of over 130 applications with possible errors that may have led to overpayment or underpayment. Due to this, drawdown of awarded funds is being held pending final explanation from the applicants in 65 jurisdictions. In addition, some prior year errors were identified through the cross year comparison and payments have been recouped.

2. Too often in federal grant programs, when grants remain active for too long a period, fraud and mismanagement can occur. Two years ago, OJP started a pilot project called "Operation Closeout" to speed up the grant closeout process and to deobligate funds unspent by local grantees. What is OJP doing to close outstanding grants?

Assistant Attorney General (AAG) Daniels found that prior efforts under Operation Closeout I had resulted in the closure of a significant number of end-date passed awards, but it was not a permanent solution to the recurring issue of lagging closures. As a result, on October 1, 2001 AAG Daniels launched Operation Closeout II. This improved system had some key additions to Operation Closeout I. Among them are:

- **Accountability:** Bureau and Office Heads are being held accountable for progress on routine closure of awards through periodic Office of the Comptroller status reports to AAG Daniels.
- **Improved Training:** The Office of the Comptroller provides instruction on timely and accurate award closeout through proactive financial management training. This training is provided to OJP and recipient staff on an ongoing basis.
- **Contractor Assistance:** The Office of the Comptroller has also procured contractor assistance in processing the resulting increased closeout workload.

By the conclusion of the program, on February 15, 2002, Operation Closeout II had resulted in the programmatic closing of 7,300 grants by OJP program offices and bureaus. The Office of the Comptroller has since processed, or financially closed, 1,155 of these grants. The procedures developed as part of Operation Closeout II have since been incorporated into OJP's standard grant management practices.

In addition, one of OJP's six strategic objectives is to develop and maintain grant management accountability mechanisms to ensure proper disbursement and monitoring of funds. To this end, we have developed and are implementing an automated grants management system. When operational, this system will allow OJP to electronically track and process grants from initial application to closeout. OJP looks forward to utilizing this system in its effort to close grants in a timely fashion, and to eliminate fraud and mismanagement in the grant process.

3. What steps are being taken to train grant managers to identify problem grants before fraud and waste of federal funds takes place?

As stated in the previous response, OJP is taking a very proactive approach to eliminate fraud and mismanagement. OJP management views proper training of grant managers as a key element in this effort, and have taken many steps to make this training as effective and productive as possible. OJP's comprehensive financial management includes policy and training components that deliver financial management training to OJP grant managers, as well as recipient financial managers.

OJP employs a number of strategies to determine the areas grant managers need the most training. For example, during FY 2001 the Office of the Comptroller's Monitoring Division conducted financial reviews of grants to assist grantees in managing their federal funds, and also to identify any specialized training or assistance the grantee may need. Other methods used included analyzing feedback from grantee financial reporting, automated OJP payment controls, grantee audits, and OC's risk-based financial monitoring of grantees.

The Office of the Comptroller's Training and Policy Division (TPD) uses this information to develop related financial policies and training programs tailored to the detection of, and protection against, fraud, waste, and abuse of federal assistance funds. TDP conducts nationwide Regional Financial Management Training Seminars to educate OJP, law enforcement officers, program monitors, and other OJP grant recipients.

Additionally, the automated grants management system will assist OJP in identifying, as well as preventing, problem grants to avoid fraud and waste of federal funds. This system will allow grantees to receive and submit applications and receive awards electronically, which will reduce the paperwork required by the grantees, speed the award of grant funds, and standardize the grant award process across OJP.

4. Earlier, Inspector General Fine was asked about a dispute between OJP and the COPS Office with regard to processing Single Audits on local grantees. In your view, has this matter been resolved satisfactorily? Are there other administrative problems like this of which the Subcommittee should be aware?

The Single Audit processing issue has been resolved. OJP resumed audit follow up related to COPS' grantee Single Audit Act reports in July 2001. By September, through the use of contractor assistance, the Office of the Comptroller had eliminated the backlog and continues to routinely process audit reports from COPS grantees.

There are no other administrative problems like this of which the Subcommittee should be aware. The Department continues to avoid duplicate administrative costs by relying on established OJP systematic grantee financial monitoring, financial management training, and payment systems to provide services to COPS and its recipients.

5. There are proposals to make the Violence Against Women Office (VAWO) a separate office similar to the COPS Office. What is your view of that proposal?

Both Attorney General Ashcroft and OJP leadership place a high priority on the policies and programs developed and administered by VAWO and its efforts to address violence against women.

The Department does oppose proposals to transfer VAWO out of OJP to an independent office. The Department opposes this because maintaining VAWO in OJP enables VAWO to concentrate on developing programs and policies to address violence against women, coordinate these initiatives with related programs and activities of other OJP bureaus and offices, particularly the Office for Victims of Crime and the Bureau of Justice Assistance, and to rely on OJP for financial management, administrative support, and other non-programmatic assistance.

In addition, the Department believes that this proposal runs counter to ongoing efforts of both Congress and this Administration to improve the coordination of OJP and its component programs. Congress has directed OJP to provide federal leadership and efficiently manage criminal justice grants to help states and local governments create policies and programs that prevent and control crime, including domestic violence, sexual assault, and stalking. The programs managed by VAWO are an integral part of this overall effort.

The Department is fully committed to the goals of the Violence Against Women Act and will continue to work to prevent violence that targets women and to improve the criminal justice system's response to these crimes. The Department believes that the best way to continue the success of the VAWA programs is to retain VAWO within the OJP structure.

6. The Inspector General's testimony indicates that under the SCAAP program, OJP had overcompensated states because the immigration status of inmates was unknown. If OJP is obligated to pay for aliens whose status cannot be confirmed, how does OJP later resolve these claims for payment for inmates ineligible for compensation?

SCAAP is designed to compensate jurisdictions for the financial burden they incur incarcerating undocumented aliens who commit crimes in their states or localities. Neither the local or state authorities nor the Immigration and Naturalization Service (INS) know the status of a portion of these undocumented aliens. Thus, the program does provide for payment for some claims based on unconfirmed alien status.

Over the period that SCAAP has been in existence, BJA has worked with INS to refine its criteria to achieve a realistic estimate of what proportion of unidentified aliens are likely to be undocumented. This percentage varies by types of applicant, based on the results that INS has experienced when they make final determinations about inmates interviewed and processed through these different types of applicant facilities. State prisoners are most likely to be identified, so the state payment percentage for unidentified aliens (65%) is lower than for counties (80%) where the length of stay makes it less likely that any interview can take place. Cities tend to process and release arrestees rapidly and move their longer-term detainees and their sentenced prisoners to county facilities, so cities have a much smaller pool of unidentified aliens and thus a low percentage (59%).

Another change in the program, fully implemented only in the FY 2000 application cycle, is to require all applicants to use the same identifier codes for foreign country of birth, a key screening factor for the applicants and an essential piece of information for INS as it attempts to verify status. This change should prevent some of the errors in misidentification that in prior years has prevented some claims from being accepted or has lowered payment because the inmate was classified as unknown instead of verified as undocumented. This change will encourage correctional facilities nationwide toward more standardization in the data they routinely collect on inmates, which can lead to better analyses related to both prisoner populations and immigration trends.

7. The Inspector General also found an instance where a grantee was not required by OJP to provide matching funds for a grant for the Combined DNA Index System. When did OJP discover that matching funds for a grant were not provided and what steps has OJP taken to require the grantee to provide matching funds?

With respect to two awards made under the DNA Identification Act and earmarked in the FY 1997 and FY 1999 appropriations acts, the Office of the Inspector General questioned why the University of Central Florida (UCF) failed to document that it had provided state matching funds for these awards. These awards totaled \$1,377,846, therefore, the required minimum state match would have been a total of \$459,282.

NIJ informed the OIG that, through discussions with UCF representatives at the time the federal funds were provided, NIJ understood that UCF had available to it state support for its project. NIJ did not require the grantee to declare that it had matching funds on hand as part of its application for federal funds because the federal funds were congressionally earmarked for UCF. NIJ officials believed, perhaps erroneously, that because of the earmark, UCF was exempt from the requirements of the Act, including the requirement that matching funds be certified as available. NIJ did ensure that UCF's proposed use of the funds met the purposes of the program, namely "to carry out ... a program or project intended to develop or improve the capability to analyze deoxyribonucleic acid ... in a forensic laboratory." A review of the support provided by the State of Florida for this program shows that for FY 1997 and FY 1999, the state provided \$1,347,157 to support the earmarked project. Because the actual amounts provided are nearly 3 times the amount that UCF would have been required to obtain in state funds to meet the matching requirement under the DNA Improvement Act for the amounts it received, no further action was deemed necessary.

8. Another program, the Residential Substance Abuse Treatment for State Prisoners Program suffers from insufficient documentation of grant activity. Has the Corrections Program Office strengthened its monitoring since the IG's September 200 report? Are all states up to date with their filings? What are the consequences for states failing to update their files?

The Corrections Program office has strengthened its monitoring since the report. Currently, upon return from a site visit CPO management requires grant managers to submit written reports within 5 business days. Copies of final reports are forwarded to the official file and copies are maintained in the grant managers personal files.

CPO continually strives to insure that every report is filed in a timely manner. CPO has developed an internal report to monitor reporting activity and continually notifies delinquent states, through email and phone calls, to submit late reports. If a state fails to submit the required reports, their ability to drawdown grant funds is suspended until the reporting requirements are brought into compliance.

[NOTE: Additional material submitted for the Hearing Record is not reprinted here but is on file with the House Judiciary Committee. The material referred to is listed below.

U.S. Department of Justice, Office of Justice Programs—

United States General Accounting Office—The Honorable Bob Schaffer, House of Representatives, *Juvenile Justice: Better Documentation of Discretionary Grant Monitoring Is Needed* (October 2001, GAO-02-65)

United States General Accounting Office—Report to the Honorable Bob Schaffer, House of Representatives, *Juvenile Justice: OJJDP Reporting Requirements for Discretionary and Formula Grantees and Concerns About Evaluation Studies* (October 2001, GAO-02-23)

United States General Accounting Office—Report to Congressional Requesters, Justice Discretionary Grants: *Byrne Program and Violence Against Women Office Grant Monitoring Should Be Better Documented* (November 2001, GAO-02-25)

