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An Overview and Funding History of Select Department of Justice (DOJ) Grant Programs

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An Overview and Funding History of Select Department of Justice (DOJ) Grant Programs

Summary

The Department of Justice (DOJ) was created in June 1870, with the Attorney General as its head. Since its establishment, DOJ has expanded to include 40 agencies. The Office of Justice Programs (OJP), the Community Oriented Policing Services Office (COPS), and the Office of Violence Against Women, provide grant funds to state, local, and tribal governments for crime prevention and intervention programs as well as funding for criminal justice system improvement programs. This report discusses several DOJ grant programs administered through OJP and COPS, including the Weed and Seed program, Drug Courts, Prisoner Re-entry Initiative, the DNA Initiative, the Paul Coverdell Grant Program, Assistance to Indian Tribes, the Tribal Resource Grant Program, and the Tribal Youth Program.

In recent years, Congress has questioned the effectiveness of many DOJ grant programs. As Congress continues to cut appropriations for many discretionary grant programs, there may be greater scrutiny of these programs. This report discusses this issue as well as issues concerning the effective management and accounting of DOJ grant programs. This report will be updated as warranted.

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An Overview and Funding History of Select Department of Justice (DOJ) Grant Programs

Department of Justice

The Department of Justice (DOJ) was created in June 1870, with the Attorney General as its head. Since its establishment, DOJ has expanded to include 40 agencies.¹ The United States Attorneys Office prosecutes offenders and represents the federal government in court. The major investigative agencies — the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA), and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) — prevent and deter crime and arrest offenders. The U.S. Marshals Service (USMS) provides protection to the federal judiciary, apprehends fugitives, and detains people in federal custody. The Bureau of Prisons (BOP) provides confinement and supervision for convicted federal offenders. The litigating divisions in DOJ (the criminal division, the civil division, the anti-trust division, the tax division, and the civil right division) enforce federal criminal and civil laws. The Office of Justice Programs (OJP), the Community Oriented Policing Services (COPS) Office, and the Office of Violence Against Women (OVW), provide grant funds to state, local, and tribal governments for crime prevention and intervention programs as well as funding for criminal justice system improvement programs. This report focuses on select DOJ grant programs administered through OJP and COPS.²

Office of Justice Programs

In 1984, Congress created OJP by passing the Justice Assistance Act of 1984.³ The Assistant Attorney General (AAG) oversees OJP, which has approximately 700 employees.⁴ OJP is the main agency within DOJ that awards grants to states, local governments, and nonprofit organizations to help develop the country's capacity to

¹ A complete DOJ organizational chart can be found at [<http://www.usdoj.gov/jmd/mps/manual/ag.htm#orgchart>], accessed May 1, 2006.

² For a discussion of OVW grant programs, see CRS Report RL30871, *Violence Against Women Act: History and Federal Funding*, by Garrine P. Laney.

³ Title II, §603(a) of P.L. 98-473, 98 Stat. 2077.

⁴ U.S. Department of Justice, Office of the Inspector General, *Semiannual Report to Congress Apr. 1, 2004-Sept. 30, 2004*, The Office of Justice Programs, p. 18, at [<http://www.usdoj.gov/oig/semiannual/0411/final.pdf>], accessed May 22, 2006.

prevent and control crime, improve states' criminal justice systems, increase knowledge about crime, and assist victims of crime.⁵

OJP is overseen and managed by the AAG. The AAG coordinates the efforts of OJP's five bureaus and two program offices to ensure that OJP's mission is met. OJP's five bureaus are the Bureau of Justice Assistance (BJA), the National Institute of Justice (NIJ), the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the Bureau of Justice Statistics (BJS), and the Office of Victims of Crime (OVC). OJP's two program offices are the Community Capacity Development Office (CCDO), and the Office of the Police Corps and Law Enforcement Education.

Bureau of Justice Assistance⁶

The BJA provides leadership and assistance in support of local criminal justice strategies intended to achieve safer communities. BJA's purpose is to provide "funding, training, and technical assistance to state and local governments, Indian tribes, and public and private organizations to combat violent and drug-related crime and help improve the criminal justice system."⁷ BJA awards formula grants to state and local governments (including U.S. territories and the District of Columbia) through its Justice Assistance Grant (JAG) program. BJA also administers a variety of discretionary grant programs as well as payment and benefit programs such as the Bulletproof Vest Partnership Program and the Public Safety Officers' Benefits Program.⁸ BJA also makes a variety of competitive awards through open solicitations for applications.⁹

National Institute of Justice¹⁰

The NIJ is the research, evaluation, and development agency for the DOJ.¹¹ The mission of NIJ is to "advance scientific research, development, and evaluation to enhance the administration of justice and public safety."¹² Major NIJ programs include

- social science research and evaluation;

⁵ Office of Justice Programs, *About OJP*, at [<http://www.ojp.usdoj.gov/about.htm>], accessed May 3, 2006.

⁶ 42 U.S.C. §3741.

⁷ From OJP's Grant Manager's Manual, Section 2.1.1.1.

⁸ Office of Justice Programs, *Office of Justice Programs Resource Guide, Fiscal 2005 Edition*, p. 1, at [<http://www.ojp.usdoj.gov/ocom/docs/OJPResourceGuide05.pdf>], accessed May 22, 2006.

⁹ See [<http://www.ojp.usdoj.gov/BJA/grant/index.html>] for a list of the programs BJA funds.

¹⁰ 42 U.S.C. §3722.

¹¹ National Institute of Justice, *About NIJ*, at [<http://www.ojp.usdoj.gov/nij/about.htm>], accessed May 3, 2006.

¹² *Ibid.*

- technology development;
- forensic laboratory capacity development;
- technology assistance for state and local public safety agencies; and
- dissemination of information through publications, websites, and conferences.

NIJ sponsors research and development and technology assistance by awarding grants to external organizations. NIJ also conducts internal evaluations of programs, policies, and technologies for the DOJ. NIJ indicates that it actively solicits the views of criminal justice professionals and researchers in its efforts to develop knowledge and tools that can inform policy and practice.

Office of Juvenile Justice and Delinquency Prevention¹³

The OJJDP awards grants to states and localities to help them improve their juvenile justice system. OJJDP awards formula grants to states, U.S. territories, and the District of Columbia through the Juvenile Accountability Block Grant (JABG) program and through its Title V grant program. OJJDP also makes awards through open solicitations. In addition, OJJDP sponsors innovative research, demonstration, evaluation, statistics, technical assistance, and training programs to promote delinquency prevention and response to juvenile violence and delinquency.¹⁴

Bureau of Justice Statistics¹⁵

The BJS collects, analyzes, publishes, and disseminates data on crime, criminal offenders, victims of crime, and the operation of the criminal justice system at all levels of government.¹⁶ The data is made available to federal, state, and local governments, as well as the public, to assist in combating crime and to help ensure the improved administration of justice throughout the country. BJS also provides technical assistance to state, local, and tribal governments to help them develop their criminal justice statistical capabilities. While BJS does administer grant programs, like the National Criminal History Improvement Program (NCHIP), the administration of grants is not the primary function of the office.¹⁷

Office for Victims of Crime¹⁸

The OVC provides federal funds for victim compensation and assistance programs across the country. OVC also provides training for professionals who work

¹³ 42 U.S.C. §5611.

¹⁴ OJP's Grant Manager's Manual, Sect. 2.1.1.1.

¹⁵ 42 U.S.C. §3732.

¹⁶ Bureau of Justice Statistics, *About the Bureau of Justice Statistics*, at [<http://www.ojp.usdoj.gov/bjs/aboutbjs.htm>], accessed May 3, 2006.

¹⁷ See [<http://www.ojp.usdoj.gov/bjs/aboutbjs.htm>] for a list of programs that BJS provides funding for.

¹⁸ 42 U.S.C. §10605.

with victims, develops and disseminates publications, supports projects to enhance victims' rights and services, and educates the public about victim issues.¹⁹ Funds for OVC programs come from the Crime Victims Fund established by the Victims of Crime Act (VOCA).²⁰ The Crime Victims Fund is authorized to accept donations from private entities, bequests, or private gifts by the USA-PATRIOT Act.²¹ OVC uses discretionary funds to fund training and technical assistance and demonstration initiatives to enhance the knowledge, skills, and abilities of victim service providers.

Community Capacity Development Office (Weed and Seed Program)

The CCDO is responsible for overseeing and managing the Weed and Seed Program. Until 2004, CCDO was known as the Executive Office of Weed and Seed. CCDO was created in March of 2004 to work with local communities to develop programs that deter crime and promote neighborhood revitalization.²² CCDO's current mission is to develop, evaluate, and implement policies to serve as models for community capacity development efforts, providing counseling for federal, state, and local governments and the private sector on a variety of justice-related community issues.²³ OJP is in the process of creating an Office of Weed and Seed Strategies within CCDO, as required by the Violence Against Women and Department of Justice Reauthorization Act of 2005 (P.L. 109-162).²⁴ CCDO also hosts OJP's American Indian and Alaska Native Affairs Desk, which was created to enhance access to information about funding opportunities for federally recognized tribes, the availability of training and technical assistance, and other information.

Office of the Police Corps and Law Enforcement Education

The Office of the Police Corps and Law Enforcement Education funds state police corps programs to combat crime by providing state and local law enforcement with a greater pool of highly qualified candidates. To this end, the office awards competitive scholarships to students that agree to be a law enforcement officer for

¹⁹ Office for Victims of Crime, *Fact Sheet: What is the Office for Victims of Crime*, at [http://www.ojp.usdoj.gov/ovc/publications/factshts/what_is_ovc/fs_000307.html#1], accessed May 3, 2006.

²⁰ P.L. 98-473, as amended.

²¹ See P.L. 107-56.

²² Department of Justice, Office of Justice Programs, "Office of Justice Programs Announces New Office to Help Communities Prevent Crime, Promote Revitalization," press release, Mar. 18, 2004, at [<http://www.ojp.usdoj.gov/pressreleases/OJP04011.htm>], accessed May 3, 2006.

²³ Community Capacity Development Office, *CCDO FAQs*, at [<http://www.ojp.usdoj.gov/ccdo/about/faq.html>], accessed May 3, 2006.

²⁴ Telephone conversation with Summer Larson, Office of Justice Programs, Office of Communications, on Apr. 28, 2006.

four years after they complete a four-year degree.²⁵ Police Corps programs also award noncompetitive scholarships to dependent children of law enforcement officers killed in the line of duty who are enrolled in accredited universities.

Community Oriented Policing Services Office

The COPS program was created by Title I of the Violent Crime Control and Law Enforcement Act of 1994²⁶ (the ‘94 Crime Act). The mission of the COPS program is to advance community policing in all jurisdictions across the United States. The COPS program awards grants to state, local, and tribal law enforcement agencies throughout the United States so they can hire and train law enforcement officers to participate in community policing, purchase and deploy new crime-fighting technologies, and develop and test new and innovative policing strategies.²⁷

Select DOJ Grant Programs

This section discusses the following DOJ grant programs: Weed and Seed, the Drug Court Discretionary Grant program, the Prisoner Re-entry Initiative, the DNA Initiative, the Paul Coverdell Grant program, assistance to Indian tribes (Indian Country Prison grants, Tribal Courts Grant program, Indian Country Alcohol and Crime Demonstration program), Tribal Law Enforcement Assistance, and the Tribal Youth Program. This report does not discuss any other discretionary grant programs administered by OJP and COPS, nor does it discuss the Justice Assistance Grant Program (JAG), any grant program administered by the Office on Violence Against Women (OVW), any grant program administered by the Office of Victims of Crime (OVC), or OJP and COPS grant programs that have traditionally received funding through earmarks. See the **Appendix** for a list of CRS products that have a more extensive discussion of some of these other grant programs.

Weed and Seed

The Weed and Seed program was recently authorized by Section 1121 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (P.L. 109-162). Section 1121 established an Office of Weed and Seed Strategies within the Office of Justice Programs to oversee and manage the Weed and Seed program. Despite the fact that the program was just recently authorized, the Weed and Seed program has been receiving funding since FY1993 through appropriations

²⁵ Office of the Police Corps, *About the Office of the Police Corps*, at [<http://www.ojp.usdoj.gov/opclea/about.html>], accessed May 3, 2006.

²⁶ P.L. 103-322; 42 U.S.C. §3796dd(d).

²⁷ DOJ COPS Office, “About Community Oriented Policing Services Office,” at [<http://www.cops.usdoj.gov/Default.asp?Item=35>].

actions.²⁸ As shown in **Table 1**, funding for the Weed and Seed program has remained fairly consistent over the past five fiscal years. The Weed and Seed program received approximately \$58 million in funding for FY2002 to FY2004. In FY2005, funding for the program increased to \$62 million, an increase in funding of 7% compared with FY2004. In FY2006, funding for the program decreased to \$50 million, a decrease in funding of 19% compared with FY2005. The Administration has requested \$49 million in funding for the Weed and Seed program for FY2007.

**Table 1. Funding for the Weed and Seed Program,
FY2002-FY2006**
(in thousands of dollars)

FY2002	FY2003	FY2004	FY2005	FY2006
\$58,925	\$58,925	\$58,542	\$62,000	\$50,000

Source: CRS presentation of funding in annual appropriations acts (P.L. 107-77, P.L. 108-7, P.L. 108-199, P.L. 108-447, and P.L. 109-108).

Note: Funding amounts do not include any rescissions Congress might have imposed.

Any urban, rural, Indian tribe or Tribal community with a persistent high level of serious violent crime (Uniform Crime Report Part I offenses) that has not previously received Weed and Seed Official Recognition²⁹ is eligible to apply for FY2007 Weed and Seed funding. The Weed and Seed program provides funding to Weed and Seed Communities (WSCs) to help them implement their Weed and Seed strategy. The Weed and Seed strategy is overseen by a steering committee that includes residents from the community and decision-makers with the authority, responsibility, and control of existing resources that the community will draw upon to implement its strategy.³⁰ The Weed and Seed strategy aims to prevent, control, and reduce violent crime, drug abuse, and gang activity through the use of (1) law enforcement; (2) community policing; (3) prevention, intervention, and treatment;

²⁸ See Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations bill for FY1993 (P.L. 102-395).

²⁹ A weed and seed site receives Official Recognition when CCDO approves the weed and seed strategy developed by the site's steering committee. Before FY2007, a weed and seed site was not eligible to receive weed and seed funding until it received Official Recognition. For a discussion of the "Official Recognition" process see, CRS Report RL32827, *Selected Federal Crime Control Assistance to State and Local Governments*, by Cindy Hill.

³⁰ The steering committee must include representatives from city government, community residents, the U.S. Attorney's Office, local law enforcement, prosecutors, and the DEA. The steering committee can also include members from nonprofit organizations, foundations/corporations, faith-based organizations, social services agencies, planning commissions, community corrections, parole/probations offices, the judiciary, the school board, mental health organizations, employment agencies, housing organizations, and remedial education groups.

and (4) neighborhood restoration.³¹ The four elements of the Weed and Seed strategy are implemented in the community through “weeding” and “seeding” activities.³² The weeding and seeding activities must complement each other, and they should be part of an overall strategy that will reduce crime, increase public safety, and improve the neighborhood.³³ The Weed and Seed strategy should focus on integrating the weeding and seeding activities developed and implemented by the steering committee into existing public and private organizations in the community.³⁴

In FY2007, CCDO changed the way it funds WSCs. WSCs have to submit a notice of intent to CCDO stating that they intend to apply for Weed and Seed funding.³⁵ After the notice of intent is submitted, the site has one year to form a steering committee and develop a strategy. If a site is selected for funding after submitting their application, the site will receive up to \$1 million in funding for the five-year grant period. The funding per year is not uniform. The funding follows a bell curve design, with increasing and decreasing funding levels over the five-year grant period.³⁶ Also, funding for the five years is not guaranteed. Continued funding is contingent upon the site meeting established Weed and Seed performance measures as approved by CCDO.³⁷

Drug Courts

OJP’s Drug Court program was established by Title V of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322). As shown in **Table 2**, funding for the Drug Court program has been decreasing since FY2002. In FY2002, the Drug Court program received \$50 million in funding. Funding for the program decreased to \$45 million in FY2003, a 10% decrease from FY2002. Funding for the program in FY2004 was \$38.5 million, a 4% decrease from FY2003. Funding for the

³¹ Community Capacity Development Office, *FY2007 Weed and Seed Communities Competitive Program Guideline and Application Kit*, p. 7-8, at [<http://www.ojp.usdoj.gov/ccdo/ws/2007guideln.pdf>], accessed May 1, 2006.

³² “Weeding” activities focus on crime control involving traditional law enforcement tactics, corrections-related ex-offender supervision activities, and community policing. “Seeding” activities focus on community revitalization involving prevention, intervention, and treatment services and neighborhood restoration.

³³ *Ibid.*, p. 10.

³⁴ *Ibid.*, p. 4.

³⁵ The notice of intent indicates that the United States Attorney for the district supports the designation of the site for Weed and Seed funding, describes the conditions that warrant consideration, and includes proposed street boundaries encompassing the proposed focus area, along with a map of the area.

³⁶ For example, if a site received \$1 million in funding for the five-year grant period, the site would get \$175,000 in funding the first year, \$250,000 in the second year, \$275,000 in the third year, \$200,000 in the fourth year, and \$100,000 in the final year.

³⁷ For a list of the performance measures that WSCs are required to collect data on and submit to CCDO, see Community Capacity Development Office, *FY 2007 Weed and Seed Communities Competitive Program Guideline and Application Kit*, pp. 13-14, at [<http://www.ojp.usdoj.gov/ccdo/ws/2007guideln.pdf>], accessed May 22, 2006.

program increased to \$40 million in FY2005, a 4% increase over FY2004. However, funding for the program decreased to \$10 million in FY2006, a 75% decrease from FY2005. The Administration has requested \$69.2 million in funding for the Drug Court program for FY2007, which would be the largest amount of funding the program has received in the past five years if Congress appropriates that amount.

Table 2. Funding for the Drug Court Program, FY2002-FY2006
(in thousands of dollars)

FY2002	FY2003	FY2004	FY2005	FY2006
\$50,000	\$45,000	\$38,500	\$40,000	\$10,000

Source: CRS presentation of funding in annual appropriations acts (P.L. 107-77, P.L. 108-7, P.L. 108-199, P.L. 108-447, and P.L. 109-108).

Note: Funding amounts do not include any rescissions Congress might have imposed.

Drug courts are designed to achieve a reduction in recidivism and substance abuse among nonviolent substance-abusing offenders and to increase the offenders' likelihood of successful habilitation through early, continuous, and intense judicially supervised treatment, mandatory periodic drug testing, and use of appropriate sanctions and other rehabilitation services.³⁸ Drug Court program funding is divided between three different programs: the Adult Drug Court program, administered by BJA, the Family Drug Court Program and the Juvenile Drug Court program, both of which are administered by OJJDP.

The Adult Drug Court program helps states, state courts, local courts, local governments, and Indian tribal governments develop and establish drug courts for substance-abusing non-violent offenders.³⁹ There are three different types of awards that BJA makes to adult drug court grantees. Adult Drug Court Implementation grants are awarded to eligible grantees that have completed a substantial amount of planning, have developed a plan, and are ready to implement a drug court program. Awards for Adult Drug Court Implementation grant awards are for \$450,000 for a three-year grant period.⁴⁰ Adult Drug Court Enhancement grants are awarded to jurisdictions that already have active drug courts and want to improve the delivery of services by offering additional services. Funds are to be used to (1) expand

³⁸ Bureau of Justice Assistance, *Drug Court Discretionary Grant Program: FY2005 Resource Guide for Drug Court Applicants*, p. 3, at [<http://www.ojp.usdoj.gov/BJA/grant/05DrugCtResGuide.pdf>], accessed May 2, 2006; Office of Juvenile Justice and Delinquency Prevention, *Family Drug Court Implementation Program*, p. 1; Office of Juvenile Justice and Delinquency Prevention, *Juvenile Drug Court Implementation Program*, p. 1.

³⁹ Bureau of Justice Assistance, *Drug Court Discretionary Grant Program: FY2005 Competitive Grant Announcement*, p. 1, at [<http://www.ojp.usdoj.gov/BJA/grant/05DrugCourtSol.pdf>], accessed May 2, 2006.

⁴⁰ Bureau of Justice Assistance, *Drug Court Discretionary Grant Program: FY2005 Competitive Grant Announcement*, p. 4, at [<http://www.ojp.usdoj.gov/BJA/grant/05DrugCourtSol.pdf>], accessed May 2, 2006.

capacity or improve services, (2) develop training programs for drug court practitioners, (3) send drug court practitioners to training programs, and (4) complete a process or outcome evaluation. Awards for Adult Drug Court Enhancement grant awards are for \$200,000 for a two-year grant period.⁴¹ Statewide Drug Court Enhancement Grant program grants are awarded to state-level agencies⁴² to establish evaluation and automated data-collection systems, or to provide statewide training and technical assistance. Funds are to be used to (1) develop training programs for drug court practitioners, (2) send drug court practitioners to training programs, (3) complete a process or outcome evaluation, and (4) develop and implement an automated management information system. Awards for Statewide Drug Court Enhancement grant awards are for \$200,000 for a two-year grant period.⁴³

The Family Drug Court program helps states, state courts, local courts, units of local government, and Indian tribal governments to develop and establish drug courts for substance-abusing adults who are involved with the family court because of child abuse or neglect issues.⁴⁴ The Juvenile Drug Court Program helps states, state courts, local courts, units of local government, and Indian tribal governments to develop and establish drug courts for substance-abusing juvenile offenders.⁴⁵ Grant awards under both programs are for \$450,000 for a three-year grant period.

Prisoner Re-entry Initiative⁴⁶

The Prisoner Re-entry Initiative was authorized by Section 2421 of the 21st Century Department of Justice Appropriations Authorization Act (P.L. 107-273). The 21st Century Department of Justice Appropriations Authorization Act authorized appropriations for the initiative for FY2003-FY2005. However, the initiative has received funding since FY2001.⁴⁷ Historically, funding for the initiative has been appropriated under the COPS appropriation, but the funds have been transferred to OJP, where they are administered by BJA. As shown in **Table 3**, funding for the Prisoner Re-entry Initiative was approximately \$15 million for FY2002 and FY2003.

⁴¹ Ibid.

⁴² This would include the State Administering Agency (SAA), the state's Administrative Office of the Courts, or the Alcohol and Other Drug Agency for the state.

⁴³ Bureau of Justice Assistance, *Drug Court Discretionary Grant Program: FY2005 Competitive Grant Announcement*, p. 4, at [<http://www.ojp.usdoj.gov/BJA/grant/05DrugCourtSol.pdf>], accessed May 2, 2006.

⁴⁴ Office of Juvenile Justice and Delinquency Prevention, *Family Drug Court Implementation Program*, p. 1.

⁴⁵ Office of Juvenile Justice and Delinquency Prevention, *Juvenile Drug Court Implementation Program*, p. 1.

⁴⁶ H.R. 1704 and S. 1934, both titled the "Second Chance Act of 2005" would reauthorize the adult and juvenile offender reentry demonstration projects. H.R. 4202, the "Re-entry Enhancement Act" would also reauthorize the adult and juvenile offender reentry demonstration projects.

⁴⁷ See H.R. 5548, as introduced in the 106th Congress, which was enacted into law by P.L. 106-553.

Funding for the initiative decreased in FY2004 to \$5 million, a 66% decrease in funding compared with FY2003. In FY2005, funding for the initiative increased to \$10 million, a 100% increase in funding over FY2004 funding. In FY2006, funding decreased to \$5 million, a 50% decrease in funding compared with FY2005. The Administration has requested \$14.9 million in funding for the initiative for FY2007.

**Table 3. Funding for the Prisoner Re-entry Initiative,
FY2002-FY2006**
(in thousands of dollars)

FY2002	FY2003	FY2004	FY2005	FY2006
\$14,934	\$14,934	\$5,000	\$10,000	\$5,000

Source: CRS presentation of funding in annual appropriations acts (P.L. 107-77, P.L. 108-7, P.L. 108-199, P.L. 108-447, and P.L. 109-108).

Note: Funding amounts do not include any rescissions Congress might have imposed.

The Re-entry Initiative is a collaborative effort between OJP, the Department of Education, the Department of Health and Human Services, the Department of Housing and Urban Development, and the Department of Labor.⁴⁸ The Prisoner Re-entry Initiative provides funding to states and federally recognized tribes to develop, implement, enhance, and evaluate re-entry strategies. The strategy targets individuals 18 or older that have not been convicted of a violent or sex-related offense and assists them with returning to their communities after having been incarcerated for a significant amount of time. The Prisoner Re-entry Initiative attempts to create a re-entry program model that begins in the correctional institution and continues through an offender's transition and stabilization in the community. Programs provide each offender with an individual re-entry plan, which is carried out in three phases. Programs in phase one begin while the offender is still incarcerated and help prepare the offender to re-enter society. Programs in phase one might include education, substance abuse and mental health treatment, job training, mentoring, and risk assessment.⁴⁹ Programs in phase two work with the offender prior to, and immediately after, release from a correctional institution. Programs in phase two might include education, monitoring, mentoring, life-skills training, assessment, job-skills development, and substance abuse and mental health treatment.⁵⁰ Programs in phase three connect people who have left the supervision of the justice system with a network of social services agencies and community-based organizations so they can continue to receive support and ongoing services.⁵¹

⁴⁸ Bureau of Justice Assistance, *Programs: Re-entry Initiative*, at [<http://www.ojp.usdoj.gov/BJA/grant/reentry.html>], accessed May 2, 2006.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Ibid.

The DNA Initiative⁵²

On March 11, 2003, President Bush announced his DNA Initiative, “Advancing Justice Through DNA Technology,” which provides “funds, training, and assistance to ensure that DNA technology reaches its full potential to solve crimes, protect the innocent, and identify missing persons.”⁵³ The President proposed to provide \$1 billion in funding over five years for the DNA Initiative.⁵⁴ The DNA initiative has received approximately \$100 million in funding each fiscal year since FY2004, as shown in **Table 4**. Funding for the initiative in FY2004 was \$100 million, but it increased to \$110 million in FY2005. In FY2005, funding for the initiative decreased to \$108.5 million, a 1% decrease compared with FY2005. The Administration has requested \$175.6 in funding for the initiative in FY2007.

Table 4. Funding for the DNA Initiative, FY2002-FY2006
(in thousands of dollars)

FY2002	FY2003	FY2004	FY2005	FY2006
—	—	\$100,000	\$110,000	\$108,531

Source: CRS presentation of funding in annual appropriations acts (P.L. 108-199, P.L. 108-447, and P.L. 109-108).

Note: Funding amounts do not include any rescissions Congress might have imposed.

The President’s DNA initiative has the following goals:

- Eliminate the current backlog of unanalyzed DNA samples from the most violent offenses (murders, rapes, and kidnappings) and the current backlog of DNA samples collected from convicted offenders;
- Improve crime labs’ capacity to analyze DNA samples in a timely manner;
- Stimulate research and develop new DNA technologies and advances in all areas of forensic sciences;
- Develop training for, and provide assistance to, a wide variety of criminal justice professionals about the collection and use of DNA evidence;
- Provide access to DNA testing of crime scene evidence that has not been tested at the time of the trial;

⁵² More information about the President’s DNA Initiative can be found at [<https://www.dna.gov>]. See also, CRS Report RL32247, *DNA Testing for Law Enforcement: Legislative Issues for Congress*, by Lisa Seghetti and Nathan James.

⁵³ U.S. Department of Justice, *President’s DNA Initiative as Announced on March 11, 2002: Executive Summary*, at [http://www.dna.gov/info/e_summary], accessed May 4, 2006.

⁵⁴ U.S. Department of Justice, *About the Initiative*, at [<http://www.dna.gov/info/>], accessed May 4, 2006.

- Ensure that DNA testing technology is used to its full potential in missing persons cases and identifying human remains; and
- Using DNA technology to protect the innocent.

The funding appropriated by Congress for the DNA Initiative is used to achieve these goals. Appropriated funds are administered and awarded by NIJ. DNA Initiative grant funds are awarded to state and local governments in four program areas: capacity enhancement, convicted offender DNA backlog reduction, forensic casework DNA backlog reduction, and solving cold cases with DNA.⁵⁵ Each program area is discussed below.

Capacity Enhancement. NIJ awards grant to state and local governments with existing crime laboratories that conduct DNA analysis that either (1) are accredited by a nonprofit professional organization that is actively involved in forensic science and is nationally recognized in the forensic science community; (2) undergo external audits, not less than once every two years, that demonstrate compliance with the DNA Quality Assurance Standards established by the FBI; or (3) will undergo external audits to seek to demonstrate compliance with the DNA Quality Assurance Standards established by the FBI by the end of the award period with the intent of seeking accreditation within two years of the date that the grant is awarded. Capacity enhancement grant funds can be used for

- purchasing, upgrading, or replacing laboratory equipment or computer software for forensic DNA analysis;
- purchasing convicted offender-related evidence collection kits, laboratory supplies for validation studies, and other expenses directly attributable to the validation of new DNA analysis technologies;
- renovations to laboratory facilities that improve the efficiency or effectiveness of forensic DNA laboratory analysis;
- assisting state or local governments with crime laboratories that currently conduct DNA analysis with the process of gaining accreditation;
- paying for appropriate internal or external training, continuing education, or applicable graduate-level coursework that is directly related to the program; and

⁵⁵ In 2004, Congress passed, and the President signed into law, the Justice for All Act of 2004 (P.L. 108-405). According to Jill Meldon, Office of Justice Programs, Office of Budget and Management Services, even though the Justice for All Act authorized grant programs, or expanded existing programs, to accomplish many of the goals outlined in the President's DNA Initiative, funding for the DNA Initiative is not made pursuant to the Justice for All Act. The only funding under the DNA initiative that was made pursuant to the Justice for All Act was \$4 million in FY2006 for the Kirk Bloodsworth Post-conviction DNA Testing Grant program. For more information on the Justice for All Act, see CRS Report RL32247, *DNA Testing for Law Enforcement: Legislative Issues for Congress*, by Lisa Seghetti and Nathan James.

- hiring new full- or part-time employees who directly engage in handling, screening, or analyzing forensic evidence that may contain DNA, and for validating new methodologies.⁵⁶

Convicted Offender DNA Backlog Reduction. NIJ awards grants to state governments so the state can accelerate its analysis of convicted offender DNA samples. All offender profiles generated with NIJ funds must be included in the Combined DNA Index System (CODIS).⁵⁷ States can use the funds to pay for sending the convicted offender DNA samples to private labs for analysis (outsourcing), or the states can pay to have the convicted offender samples analyzed in their own labs (in-house). If the state chooses to analyze the convicted offender DNA samples in-house, the funds can only be used to pay for supplies directly attributable to the analysis of convicted offender DNA samples (including quality assurance samples), paying for overtime for in-house laboratory staff that are directly involved in the handling and analyzing of convicted offender DNA samples (including quality assurance samples), and administrative expenses directly related to the project (only 3% of the total award can be used on administrative expenses).⁵⁸

Forensic Casework DNA Backlog Reduction. NIJ awards grants to state and local governments that have crime laboratories that conduct DNA analysis that are either (1) accredited by a nonprofit professional organization that is actively involved in forensic science and is nationally recognized in the forensic science community; or (2) undergo external audits, not less than once every two years, that demonstrate compliance with the DNA Quality Assurance Standards established by the FBI. Forensic Casework DNA Backlog Reduction grants are used to analyze backlogged forensic DNA casework samples from sexual assaults, murders, and kidnappings. The analysis can be done either by a government-owned lab or an accredited fee-for-service lab. Funds can also be used to conduct post-conviction DNA testing pursuant to a court order. All eligible forensic DNA profiles obtained with program funding must be included in CODIS.⁵⁹ Forensic Casework DNA Backlog Reduction funds can be used for

- purchasing laboratory supplies for conducting forensic DNA analyses and for other expenses directly attributable to forensic DNA analyses;

⁵⁶ National Institute of Justice, *DNA Laboratory Capacity Enhancement Program*, at [<http://www.ojp.usdoj.gov/nij/topics/forensics/dna/capacity/welcome.html>], accessed May 4, 2006.

⁵⁷ National Institute of Justice, *Convicted Offender DNA Backlog Reduction Program*, at [<http://www.ojp.usdoj.gov/nij/topics/forensics/dna/convicted/welcome.html>], accessed May 4, 2006.

⁵⁸ National Institute of Justice, *Convicted Offender DNA Backlog Reduction Program: In-house Analysis*, at [<http://www.ojp.usdoj.gov/nij/topics/forensics/dna/convicted/inhouse.htm#eligibility>], accessed May 4, 2006.

⁵⁹ National Institute of Justice, *Forensic Casework DNA Backlog Reduction Program*, at [<http://www.ojp.usdoj.gov/nij/topics/forensics/dna/casework/welcome.html>], accessed May 4, 2006.

- paying overtime for laboratory staff directly engaged in the handling, screening, or analyzing of forensic evidence that might contain DNA;
- hiring consultants or temporary contract staff to assist in the handling, screening, or analyzing of forensic evidence that might contain DNA, or to contract with accredited fee-for-service vendors to conduct DNA analyses; and
- hiring full- or part-time laboratory staff that will be directly involved in the handling, screening, or analyzing of forensic evidence that might contain DNA.⁶⁰

Solving Cold Cases With DNA. NIJ awards grants to state and local governments to support law enforcement agencies trying to search, evaluate, select, and conduct DNA analysis on violent crime “cold cases” that have the potential to be solved through DNA testing. All eligible DNA profiles developed with program funds must be included in CODIS.⁶¹ Applicants for grants submit a proposal to NIJ detailing how they would select and test DNA evidence from cold cases. Grant funds for this program can be used to pay for

- personnel and necessary contractors or consultants;
- travel related to the investigation of cold cases;
- purchasing laboratory supplies for conducting forensic DNA analyses; and
- DNA analysis, conducted by an accredited or certified laboratory.

Paul Coverdell Grant Program

The Paul Coverdell Grant program (hereafter referred to as “Coverdell grants”) was authorized by Section 2(c) of the Paul Coverdell National Forensic Sciences Improvement Act of 2000 (P.L. 106-561). As shown in **Table 5**, funding for Coverdell grants has increased since FY2002. In FY2002 and FY2003, Congress appropriated \$5 million in funding for Coverdell grants. In FY2004, Congress increased the funding for Coverdell grants to \$10 million, a 100% increase over FY2003. In FY2005, Congress appropriated \$15 million for Coverdell grants, a 50% increase over FY2004. Congress increased funding for Coverdell grants to \$18.5 million in FY2006, a 23% increase over FY2005. The Administration has not requested any funding for Coverdell grants for FY2007.

⁶⁰ Ibid.

⁶¹ National Institute of Justice, *Solicitation: Solving Cold Cases with DNA*, p. 4, at [http://www.ncjrs.gov/pdffiles1/nij/sl000671.pdf], accessed May 4, 2006.

Table 5. Funding for Coverdell Grants, FY2002-FY2006
(in thousands of dollars)

FY2002	FY2003	FY2004	FY2005	FY2006
\$5,000	\$5,000	\$10,000	\$15,000	\$18,500

Source: CRS presentation of funding in annual appropriations acts (P.L. 107-77, P.L. 108-7, P.L. 108-199, P.L. 108-447, and P.L. 109-108).

Note: Funding amounts do not include any rescissions Congress might have imposed.

Coverdell grants are awarded to state and local governments to help improve the timeliness and quality of forensic sciences in state and local forensic laboratories.⁶² Of the total funding appropriated by Congress each fiscal year for Coverdell grants, 75% is awarded to eligible states using a formula based on the state's percentage of the total U.S. population.⁶³ Each state receives a minimum allocation of not less than 0.6% of the total funds available.⁶⁴ The remaining funds are awarded on a competitive basis. Both eligible state and local governments can apply for competitive awards. In order for a state or local government to be eligible to receive Coverdell grant funds, the state or local government must submit a certification that (1) the state or local government has developed a plan for forensic science laboratories under a program intended to improve the quality and timeliness of forensic science or medical examiner services in the state, including such services provided by the laboratories operated by the state and those operated by units of local government within the state; (2) any forensic laboratory system, medical examiner's office, or coroner's office in the state, including any laboratory operated by a unit of local government within the state, that receives any portion of the grant funds uses generally accepted laboratory practices and procedures, established by accrediting organizations or appropriate certifying bodies; (3) the amount of the grant used for the costs of any new facility constructed as part of a program to improve the quality and timeliness of forensic science or medical examiner services will not exceed certain limitations set forth in the Coverdell law (chapter 46, subchapter XV, 42 U.S.C.); and (4) a government entity exists and an appropriate process is in place to conduct independent external investigations into allegations of serious negligence or misconduct substantially affecting the integrity of forensic results committed by employees or contractors of any forensic laboratory system, medical examiner's office, coroner's office, law enforcement storage facility, or medical facility in the state that will receive a portion of the grant funds.

⁶² National Institute of Justice, *Paul Coverdell Forensic Science Improvement Grants Program*, p. 3, at [<http://www.ncjrs.gov/pdffiles1/nij/sl000745.pdf>], accessed May 18, 2006.

⁶³ See 42 U.S.C. §3797l.

⁶⁴ See 42 U.S.C. §3797l(3).

Coverdell grant funds must be used by state and local governments for one or more of the following three purposes:

- To carry out a program intended to improve the quality and timeliness of forensic science or medical examiner services in the state, including such services provided by the laboratories operated by the state and those operated by local governments in the state;
- To help eliminate the backlog of forensic science evidence, including firearms examination, latent prints, toxicology, controlled substances, forensic pathology, questionable documents, and trace evidence; and
- To train, assist, and employ forensic laboratory personnel, as needed, to eliminate such a backlog.⁶⁵

Assistance to Indian Tribes

Since FY2002, Congress has appropriated funding for assistance to Indian tribes, which provides funding for three different programs: Correctional Facilities on Tribal Lands, Indian Alcohol and Substance Abuse, and Tribal Courts Assistance. Assistance to Indian tribes decreased from FY2002 to FY2004, but funding has increased since then, though it is less than what was appropriated in FY2002. Assistance to Indian tribes decreased from \$48.2 million in FY2002, to \$18 million in FY2003, a decrease in funding of 63%. Assistance to Indian tribes decreased to \$15 million in FY2004, a decrease in funding of 17% compared with FY2003. Assistance to Indian tribes increased in FY2005 to \$18 million, an increase in funding of 20% compared with FY2004. Assistance for Indian tribes increased again in FY2005 to \$22 million, an increase of 22% compared with FY2004. The Administration is not requesting any funding for any of the three programs for FY2007.

The variation in assistance to Indian tribes funds is a result of the variation in funding for the Correctional Facilities on Tribal Lands program. While funding for the Indian Alcohol and Substance Abuse and Tribal Courts Assistance programs has remained relatively constant since FY2002 (see **Table 6**), funding for the Correctional Facilities on Tribal Lands program decreased from FY2002 to FY2004, but the funding started to increase again in FY2005.

⁶⁵ National Institute of Justice, *Paul Coverdell Forensic Science Improvement Grants Program*, p. 8, at [<http://www.ncjrs.gov/pdffiles1/nij/sl000745.pdf>], accessed May 18, 2006.

**Table 6. Funding for Assistance to Indian Tribes,
FY2002-FY2006**
(in thousands of dollars)

	FY2002	FY2003	FY2004	FY2005	FY2006
Correctional Facilities on Tribal Lands	\$35,191	\$5,000	\$2,000	\$5,000	\$9,000
Tribal Courts	\$7,982	\$8,000	\$8,000	\$8,000	\$8,000
Indian Alcohol and Substance Abuse	\$4,989	\$5,000	\$5,000	\$5,000	\$5,000
Total Assistance to Indian Tribes	\$48,162	\$18,000	\$15,000	\$18,000	\$22,000

Source: CRS presentation of funding in annual appropriations acts (P.L. 107-77, P.L. 108-7, P.L. 108-199, P.L. 108-447, and P.L. 109-108).

Note: Funding amounts do not include any rescissions Congress might have imposed.

Correctional Facilities on Tribal Lands Program. The Correctional Facilities on Tribal Lands program was authorized by Section 20109 of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (P.L. 104-134). The Correctional Facilities on Tribal Lands program has provided grants to 23 Native American and Alaska Native tribes to assist them with the planning and construction of correctional facilities for people convicted under and subject to tribal law.⁶⁶ Grantees must demonstrate the ability to fully support, maintain, and operate a correctional facility constructed with grant funds.⁶⁷ FY2005 funding was awarded to existing grantees for the purpose of completing construction activities, receiving training in correctional facility administration and maintenance, and completing certification with the Bureau of Indian Affairs (BIA), Department of the Interior.⁶⁸

Indian Alcohol and Substance Abuse Program. The Indian Alcohol and Substance Abuse program competitively awards grants to Native American and Alaskan Native tribes to plan and implement system-wide strategies for decreasing crime associated with alcohol and substance abuse by tribal members.⁶⁹ Tribes use grant funds to

⁶⁶ Bureau of Justice Assistance, *Correctional Facilities on Tribal Lands Program*, at [http://www.ojp.usdoj.gov/BJA/grant/tribal_correction.html], accessed May 19, 2006.

⁶⁷ Corrections Program Office, *Correctional Facilities on Tribal Lands: FY2001 Program Guidance and Application Kit*, p. 1, at [http://permanent.access.gpo.gov/lps9890/lps9890/www.ojp.usdoj.gov/cpo/grants2001/tribal01.pdf], accessed May 19, 2006.

⁶⁸ Bureau of Justice Assistance, *Correctional Facilities on Tribal Lands Program*, at [http://www.ojp.usdoj.gov/BJA/grant/tribal_correction.html], accessed May 19, 2006.

⁶⁹ Bureau of Justice Assistance, *Indian Alcohol and Substance Abuse Program: Fact Sheet*, p. 1, at [http://www.ojp.usdoj.gov/BJA/grant/IASAPBrief.pdf], accessed May 19, 2006.

- develop a project advisory team;
- identify, apprehend, and prosecute those who illegally transport, distribute, and use alcohol and controlled substances;
- prevent and reduce the number of alcohol and substance abuse-related crimes, traffic fatalities, and injuries;
- develop and enhance collaborations with federal, state, tribal, and local criminal justice agencies;
- integrate tribal and non-tribal services for offenders and their families; and
- make available culturally appropriate treatment and other services.⁷⁰

Grant funds can be used to develop new, or improve existing programs that prevent, interdict, and treat alcohol or substance abuse. A tribe's strategy for decreasing crime associated with alcohol and substance abuse should include collaboration between law enforcement, the courts, treatment providers, and the community.

Tribal Court Assistance Program. The Tribal Court Assistance program was authorized by the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (P.L. 106-559). Tribal Court Assistance program grants are competitively awarded and support the development, implementation, enhancement and continuing operation of tribal court systems.⁷¹ Tribal Court Assistance funds also provide training and technical assistance to tribal court staff.⁷² There are three categories of grants awarded under the Tribal Court Assistance program:

- **Planning and Implementing an Intertribal Court System for Smaller Service Populations:** These grants are awarded to consortia of tribal governments, each of which serves a population of less than 1,000, to plan, develop, and implement a tribal court system where one does not exist. Grants in this category focus on smaller tribes that are contiguous to or near other tribal governments, for which the creation of an inter-tribal court is economically and administratively feasible. Grant funds are used to facilitate the development and initial implementation of an inter-tribal court system that is designed to meet the needs of the consortia.
- **Planning and Implementing a Single-Tribe Court System:** These grants are awarded to tribal governments that serve more than 1,000 people. Grant funds are used for the development and initial implementation of a tribal court system that meets the tribe's needs. Funds awarded under this category would establish a tribal court for a tribe that does not currently have one.

⁷⁰ Ibid.

⁷¹ Bureau of Justice Assistance, *Tribal Court Assistance Program: FY2005 Competitive Grant Announcement*, p. 1, at [<http://www.ojp.usdoj.gov/BJA/grant/05TribalCtsSol.pdf>], accessed May 22, 2006.

⁷² Ibid.

- **Enhancing or Continuing the Operation of Tribal Courts:** These grants are awarded to any tribe, regardless of size, so that the tribe can enhance or continue the operation of an existing tribal court. Funds awarded under this category can be used to: establish a core structure for the tribal court; improve case management; train court personnel; develop a tribal code; acquire additional equipment and software; enhance prosecution and indigent defense; support probation diversion and alternative sentencing programs; access services, focusing on juvenile services and multi-disciplinary protocols for victims of child physical and sexual abuse; and structure inter-tribal or tribal appellate systems.⁷³

Tribal Resources Grant Program

The Tribal Resources Grant Program (TRGP) was authorized by Title I of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322). As shown in **Table 7**, funding for the program has decreased since FY2003. In FY2002 and FY2003, Congress appropriated \$35 million for TRGP. In FY2004, Congress appropriated \$25 million for TRGP, a 29% decrease in funding compared with FY2003. In FY2005, \$20 million was appropriated for TRGP, a 20% decrease in funding compared with FY2004. In FY2006, \$15 million was appropriated for the program, a 25% decrease in funding compared with FY2005. The Administration has requested \$31.065 million in funding for TRGP for FY2007.

Table 7. Funding for the TRGP, FY2002-FY2006
(in thousands of dollars)

FY2002	FY2003	FY2004	FY2005	FY2006
\$35,000	\$35,000	\$25,000	\$20,000	\$15,000

Source: CRS presentation of funding in annual appropriations acts (P.L. 107-77, P.L. 108-7, P.L. 108-199, P.L. 108-447, and P.L. 109-108).

Note: Funding amounts do not include any rescissions Congress might have imposed.

TRGP is administered by the COPS Office and provides funding to help tribes meet their law enforcement needs.⁷⁴ Grants are awarded to federally recognized Native American and Alaskan Native tribes with established police departments. Tribes that receive policing services from the Bureau of Indian Affairs (BIA) law enforcement can receive TRGP funding to supplement their existing policing services. TRGP funding can be used by tribes to hire additional officers;⁷⁵ provide

⁷³ Ibid, p. 2.

⁷⁴ Community Oriented Policing Services Office, *Tribal Resources Grant Program (TRGP)*, at [<http://www.cops.usdoj.gov/Default.asp?Item=1428>], accessed May 22, 2006.

⁷⁵ FY2006 TRGP funding cannot be used to hire additional officers.

law enforcement training; and purchase uniforms, basic-issue equipment, emerging technologies, and police vehicles.⁷⁶

Tribal Youth Program

The Tribal Youth Program (TYP) is authorized by Section 12102 of the 21st Century Department of Justice Appropriations Authorization Act (P.L. 107-273). TYP funding is taken from OJJDP's Title V funding. Funding for TYP has remained fairly constant since FY2002, as shown in **Table 8**. In FY2002 and FY2003, Congress appropriated \$12.5 million for TYP. In FY2004 through FY2006, Congress appropriated \$10 million for TYP, a decrease of 20% per fiscal year compared with funding per FY2002 and FY2003.

Table 8. Funding for TYP, FY2002-FY2006
(in thousands of dollars)

FY2002	FY2003	FY2004	FY2005	FY2006
\$12,472	\$12,472	\$10,000	\$10,000	\$10,000

Source: CRS presentation of funding in annual appropriations acts (P.L. 107-77, P.L. 108-7, P.L. 108-199, P.L. 108-447, and P.L. 109-108).

Note: Funding amounts do not include any rescissions Congress might have imposed.

TYP supports and enhances tribal efforts to prevent and control juvenile delinquency and improve the juvenile justice systems for Native American and Alaskan Native youth.⁷⁷ TYP grants are competitively awarded to federally recognized tribes. Grant awards for tribes with 6,000 or less members are \$300,000 for a four-year grant period and awards for tribes with more than 6,000 members are \$400,000 for a four-year grant period. TYP grant funds are used to develop and implement culturally sensitive delinquency prevention programs, alcohol and substance abuse prevention programs, interventions for court-involved youth, and improvements to the juvenile justice system.⁷⁸ TYP grantees' programs are required to focus on no more than two of the following categories:

- providing prevention services to impact risk factors for delinquency;
- providing interventions for court-involved tribal youth;
- improving the tribal juvenile justice system;
- providing alcohol and drug abuse prevention programs; and
- providing mental health program services.

⁷⁶ Community Oriented Policing Services Office, *Tribal Resources Grant Program (TRGP)*, at [<http://www.cops.usdoj.gov/Default.asp?Item=1428>], accessed May 22, 2006.

⁷⁷ Office of Juvenile Justice and Delinquency Prevention, *FY2006 Tribal Youth Program*, p. 1, at [<http://www.ojjdp.ncjrs.org/grants/solicitations/typ2006.pdf>], accessed May 22, 2006.

⁷⁸ *Ibid*, p. 3.

TYP recently made changes to the requirements for TYP grant programs. The program period has been extended a year, with the additional year being used for a planning year at the beginning of the program.⁷⁹ Grantees are now also required to submit a plan for evaluating the program and to set aside at least 10% of the funding to conduct an evaluation of the program. There also used to be a separate solicitation for TYP mental health programs. The TYP mental health program solicitation has been eliminated and tribes now apply for funding under one solicitation. Another program category (see above) was added to allow tribes to use TYP funds for mental health programs.

Select Issues

Program Effectiveness

For years, some have questioned the effectiveness of DOJ grant programs and have called for program evaluations. The Administration responded by requiring federal agencies to submit strategic and annual performance plans and report on program performance.⁸⁰ As a result, DOJ now requires grantees to collect and report output and outcome measurement data.

In addition to collecting output and outcome measures, DOJ has also conducted evaluations of some of its programs. The Government Accountability Office (GAO) assessed six evaluations of five drug courts and found mixed results.⁸¹ NIJ funded a national evaluation of eight Weed and Seed sites in the United States.⁸² As

⁷⁹ TYP grantees can choose whether or not they want to use the additional year as a planning year. During the planning year, grantees can request training and technical assistance to assist them in developing a comprehensive strategic plan and the capacity to collect and utilize program evaluation and performance management data. If a grantee chooses not to use the first year as a planning year, they will have a four-year implementation phase. Grantees that choose not to use the first year as a planning year must prove to OJJDP that they have successfully completed the planning process as required in the solicitation.

⁸⁰ See the Government Performance and Results Act of 1993, P.L. 103-62.

⁸¹ The GAO concluded that drug courts may have some beneficial effects, but the GAO notes that firm conclusions could not be drawn because of the study designs and the short time lapse between treatment and measurement of outcomes. Two of the evaluations assessed by the GAO showed less recidivism by drug court defendants. However, three other evaluations showed no significant differences in recidivism. Additionally, two evaluations of the same drug court showed contrasting recidivism results. Government Accountability Office, *Drug Courts: Information on New Approaches to Address Drug-related Crime*, GAO/GGD-95-159BR, May 1995.

⁸² The evaluation found that six target areas (some sites had more than one target area) saw a decrease in the number of Uniform Crime Report (UCR) Part I violent crimes from the year prior to weed and seed implementation to two years after implementation. However, three areas saw an increase in the number of UCR Part I violent crimes. The evaluation found that sites appeared to have greater success if they concentrated their efforts on smaller population groups, especially if they were awarded other public and private funds. National

(continued...)

Congress continues to make critical decisions on the amount and type of anti-crime assistance funding for state, local and tribal governments, the effectiveness of these programs is likely to continue to be an issue.

Effective Program Management and Accounting

Since 2000, DOJ OIG has identified grant management as one of DOJ's top ten management challenges.⁸³ DOJ OIG lists grant management as a management challenge because (1) OIG reviews continue to find that many grantees do not submit financial and progress reports; (2) numerous deficiencies continue to be found in the COPS Office's monitoring of grantee activities; (3) audits found that grants were not regularly awarded in a timely manner and grantees were slow to spend funds; and (4) more than 375 audits of COPS grants have resulted in significant dollar-related findings.⁸⁴ A series of reports from GAO and DOJ OIG raise concerns about whether OJP and COPS grants are being monitored effectively.

A 2003 OIG audit of OJP and COPS grant programs found (1) a structural overlap between the COPS Office and OJP; (2) an overlap in grant programs between the COPS Office and OJP; (3) a lack of on-line grant application processing in the COPS Office; (4) an overlap in OJP's organization structure; and (5) inefficiencies in OJP's automated grant management systems.⁸⁵ A 2004 report found that the Weed and Seed grant program experienced continued problems with effective grant monitoring, including problems with grantees not submitting progress reports in a timely manner, grant managers not documenting site visits, not ensuring that policy regarding the documentation of significant qualification and funding decisions was followed, and outcome performance measures to track progress towards program outcomes were not developed.⁸⁶ A 2005 report found that NIJ did not enforce the independent external investigation certification requirement as imposed by the Justice for All Act of 2004 (P.L. 108-405).⁸⁷ Another 2005 report found that OJP,

⁸² (...continued)

Institute of Justice, *National Evaluation of Weed and Seed: Research in Brief*, June 1999, at [<http://www.ncjrs.gov/pdffiles1/175685.pdf>], accessed June 2, 2006.

⁸³ U.S. Department of Justice, Office of the Inspector General, *Top Ten Management Challenges in the Department of Justice*, at [<http://www.usdoj.gov/oig/challenges/index.htm>], accessed June 2, 2006.

⁸⁴ U.S. Department of Justice, Office of the Inspector General, *Administration of Department of Justice Grants Awarded to Native American and Alaska Native Tribal Governments*, report number 05-18, March 2005, p. iii.

⁸⁵ U.S. Department of Justice, Office of the Inspector General, *Streamlining of Administrative Activities and Federal Financial Assistance Functions in the Office of Justice Programs and the Office of Community Oriented Policing Services*, Audit Report 03-27, Aug. 2003, pp. v-xi.

⁸⁶ Government Accountability Office, *Grants Management: Despite Efforts to Improve Weed and Seed Program Management, Challenges Remain*, GAO-04-425, March 2004.

⁸⁷ U.S. Department of Justice, Office of the Inspector General, *Review of the Office of Justice Programs' Forensic Science Improvement Grant Program*, report number I-2006- (continued...)

COPS, and OVW were not effectively monitoring grants awarded to tribal governments.⁸⁸ According to DOJ's Inspector General, OJP, COPS, and OVW did not ensure that tribal grantees submitted the reports necessary to assess grant implementation and achievement of grant objectives and did not effectively monitor utilization of grant funds.⁸⁹

Congress attempted to address some of these issues when it passed the Violence Against Women and Department of Justice Reauthorization Act of 2005 (P.L. 109-162). The act created an Office of Audit, Assessment, and Management in OJP. The Office of Audit, Assessment, and Management is responsible for ensuring that OJP grants are subjected to performance audits and that grants are in compliance with DOJ standards. The act also codified CCDO and assigned it the responsibility of providing training to actual and prospective grantees about the requirements for DOJ grant programs.

⁸⁷ (...continued)
002, Dec. 2005.

⁸⁸ U.S. Department of Justice, Office of the Inspector General, *Administration of Department of Justice Grants Awarded to Native American and Alaska Native Tribal Governments*, report number 05-18, Mar. 2005.

⁸⁹ Ibid.

Appendix. A List of Related CRS Reports

CRS Report RS22070, *Juvenile Justice: Overview of Legislative History and Funding Trends*, by Blas Nunez-Neto.

CRS Report RL32579, *Victims of Crime Compensation and Assistance: Background and Funding*, by Celinda Franco.

CRS Report RL32247, *DNA Testing for Law Enforcement: Legislative Issues for Congress*, by Lisa Seghetti and Nathan James.

CRS Report RS22416, *Edward Byrne Memorial Justice Assistance Grant Program: Legislative and Funding History*, by Nathan James.

CRS Report RL33308, *Community Oriented Policing Services (COPS): Background, Legislation, and Issues*, by Nathan James.

CRS Report RL33431, *Immigration: Frequently Asked Questions on the State Criminal Alien Assistance Program (SCAAP)*, by Karma Ester.

CRS Report RL30871, *Violence Against Women Act: History and Federal Funding*, by Garrine Laney.