

ADMINISTRATION OF DEPARTMENT OF JUSTICE GRANTS AWARDED TO NATIVE AMERICAN AND ALASKA NATIVE TRIBAL GOVERNMENTS

EXECUTIVE SUMMARY

The Department of Justice (DOJ) provides leadership and support to tribal governments to develop their capacity to prevent and control crime and administer justice fairly and effectively through various grant, training, technical assistance, and research programs. Within the DOJ, the Office of Community Oriented Policing Services (COPS Office), Office of Justice Programs (OJP), and Office on Violence Against Women (OVW) are the primary agencies responsible for providing criminal justice grant funding to tribal governments. These components provide funding through the following programs intended specifically for tribal governments.

TRIBAL-SPECIFIC GRANT PROGRAMS		
<i>COPS Office</i>	<i>OJP</i>	<i>OVW</i>
<ul style="list-style-type: none"> • <i>Tribal Resource Grant Program</i> • <i>Tribal Hiring Renewal Grant Program</i> • <i>Mental Health and Community Safety Initiative</i> • <i>Tribal Courts Pilot Program</i> 	<ul style="list-style-type: none"> • <i>Indian Alcohol and Substance Abuse Program</i> • <i>Tribal Courts Assistance Program</i> • <i>Correctional Facilities on Tribal Lands Program</i> • <i>Tribal Youth Program</i> • <i>Tribal Victim Assistance Program</i> • <i>Children's Justice Act Partnerships for Indian Communities Program</i> 	<ul style="list-style-type: none"> • <i>S•T•O•P Violence Against Indian Women Program</i>

In an effort to enhance the DOJ's communication and coordination with tribal governments, in 1995 the Attorney General established the Office of Tribal Justice (OTJ). The OTJ coordinates DOJ policies and positions on Native American issues; maintains a liaison with the federally recognized tribes; and works on Native American issues with appropriate federal, state, and local officials, professional associations and public interest groups.

Background

According to the 2000 Census, 4.1 million people,¹ or 1.5 percent of the total population, identified themselves as American Indians or Alaska Natives (Native Americans).² Despite the relatively small Native American population, a 2001 study conducted by the Bureau of Justice Statistics (BJS) indicated that Native Americans are more likely to experience rape or sexual assault, robbery, aggravated assault, and simple assault than people of any other race.³ Therefore, the enhancement of tribal criminal justice systems is essential.

This audit by the Office of the Inspector General (OIG) primarily reviewed grants awarded to tribal governments by the COPS Office, OJP, and OVW during FYs 2000 through 2003. During this 4-year period, the COPS Office, OJP, and OVW budgets for grant programs to improve criminal justice systems totaled \$18.8 billion, of which \$424.2 million (2.3 percent) was awarded to tribal governments. The grant programs addressed issues of law enforcement, domestic violence, child abuse, juvenile justice, and victims' services.

The COPS Office, OJP, and OVW provided \$77.4 million in funding to tribal governments through competitive programs and mandatory set-asides, and an additional \$346.8 million through programs intended specifically for tribal governments.⁴

¹ This statistic includes 2.5 million individuals in the United States who identify themselves as Native American, and another 1.6 million who identify themselves as part Native American.

² Throughout this report, the term "Native Americans" is used to indicate American Indians and Alaska Natives.

³ BJS Special Report, *Violent Victimization and Race, 1993-98*, March 2001.

⁴ Mandatory set-asides are requirements established through the legislation funding grant programs that require the granting agencies to ensure that a specified amount or percentage of the total program funding is awarded to tribal governments.

TABLE 1. TRIBAL FUNDING AWARDED (Dollars in Millions)

COMPONENT	FY 2000	FY 2001	FY 2002	FY 2003	TOTAL
COPS Office	\$37.15	\$37.11	\$35.69	\$37.18	\$147.13
OJP	63.45	49.41	88.82	50.04	251.72
OVW	5.92	7.65	4.84	6.90	25.31
Total	\$106.52	\$94.17	\$129.35	\$94.12	\$424.16

Source: COPS Office, OJP, and OVW

Audit Objectives

For the last 5 years, grant management has been identified by the OIG as one of the DOJ's top 10 management challenges.⁵ Specifically, the OIG has reported that grant management continues to be a challenge for the following reasons:

- reviews continue to find that many grantees do not submit financial and progress reports;
- numerous deficiencies continue to be found in the COPS Office monitoring of grantee activities;
- audits found that grant funds were not regularly awarded in a timely manner and grantees were slow to spend available monies; and
- more than 375 OIG audits of COPS Office grants have resulted in significant dollar-related findings.

The OIG conducted this audit at the request of OJP to review the administration of DOJ grants awarded to tribal governments. Our audit included grants awarded by the COPS Office, OJP, and OVW. In developing the objectives of the audit, we also considered the concerns identified in the OIG's report on the DOJ's top 10 management challenges. As a result, the objectives of this audit were to evaluate:

- the adequacy of monitoring and administration of tribal-specific grant programs;

⁵ Since 1998, the OIG has created a list of the top management challenges facing the DOJ. Initially, the report was created in response to congressional requests. By statute this list is now required to be included in the DOJ's annual Performance and Accountability Report.

- whether costs charged to the tribal-specific grants are allowable and in accordance with applicable laws, regulations, guidelines, and terms and conditions of the grants; and
- the effectiveness of the DOJ's overall strategy for awarding grants to tribal governments.

Summary of Findings and Recommendations

Adequacy of Grant Monitoring

Grant monitoring is an essential management tool to ensure that grant programs are implemented, objectives are achieved, and tribal grantees are properly expending funds. To this end, federal regulations require that grantees be monitored throughout the life of the grant to ensure that: 1) the grantee complies with the programmatic, administrative, and fiscal requirements of the relevant statutes, regulations, policies, and guidelines; 2) programs initiated by the grantee are carried out in a manner consistent with the relevant statutes, regulations, policies, and guidelines of the program; 3) the grantee is provided guidance on policies and procedures, grant program requirements, general federal regulations, and basic programmatic, administrative, and financial reporting requirements; and 4) any problems that may impede the effective implementation of grant programs are identified and resolved.

Formal grant monitoring techniques include on-site monitoring and office-based desk reviews. On-site monitoring provides grant managers with the opportunity to observe and discuss with the grantee specific issues related to implementation plan progress, observe grant activities, and provide on-site technical assistance. Office-based desk reviews involve a review of the grant file in order to: 1) ensure that files are complete, 2) determine if the grantee is in compliance with the program guidelines, 3) determine if grant special conditions are being implemented and properly cleared, and 4) assess the progress of the program and identify any administrative or budgetary problems. In addition, grant managers make periodic telephone contacts with grantees to monitor grant activities and project status.

The COPS Office, OJP, and OVW officials stated that in monitoring tribal grantees they rely on required periodic financial and progress reports. Financial reports contain information on the actual grant expenditures and

unliquidated obligations, while progress reports provide information on grant activities and accomplishments during the reporting period. The accuracy of financial and progress reports can only be assessed through on-site monitoring since grantees are not required to provide accounting records and other documentation supporting the information included in their reports.

To assess the adequacy of tribal-specific grant program monitoring, we judgmentally selected a sample of 102 grants awarded by the COPS Office, OJP, and OVW. For each grant selected, we examined the grant file(s) for compliance with reporting requirements and monitoring activities. Based on the results of our review, we found that:

- Only 4 percent of the 102 grant files reviewed contained on-site monitoring reports, only 12 percent contained office-based desk reviews, and none contained evidence that telephone monitoring was conducted. OJP and OVW policy requires that grant managers conduct quarterly office-based desk reviews.
- Out of the 900 COPS Office grants totaling \$165.47 million awarded to tribal governments during FYs 1999 through 2003, the COPS Office had conducted only 4 office-based desk reviews and 35 on-site program monitoring visits. No on-site monitoring visits were conducted in FY 2001 and only one was conducted in FY 2003.
- Most of the OJP and OVW grant files reviewed did not contain required program monitoring plans, which include the type and timing of monitoring activities anticipated (e.g., quarterly office-based desk reviews and annual on-site monitoring visits). The COPS Office does not require monitoring plans for its grants.
- Eighty-one percent of the grant files reviewed were missing one or more financial reports, and financial reports were not submitted in a timely manner for 97 percent of grants. Additionally, the COPS Office, OJP, and OVW generally did not follow up with grantees on missing or late financial reports.
- Despite the fact that financial guidelines prohibit grantees from drawing down grant funds if required financial reports are not current, OJP and OVW grantees were able to draw down funds totaling \$1.26 million during periods for which a current financial report had not been submitted.

- The COPS Office progress reporting requirements are inadequate for effectively monitoring grant activities. Although grantees are to be monitored primarily through periodic progress reports, the COPS Office has only sporadically required progress reports for its grants and no progress reports were required for grants awarded after FY 2001.
- Eighty percent of the grant files reviewed were missing one or more progress reports and progress reports were not submitted in a timely manner for 88 percent of the grantees required to submit such reports. Additionally, the COPS Office, OJP, and OVW generally did not follow up with grantees on missing or late progress reports.
- Despite the fact that guidelines prohibit grantees from drawing down grant funds if required progress reports are not current, COPS Office, OJP, and OVW grantees were able to draw down funds totaling \$9.43 million during periods for which a current progress report had not been submitted.

Based on the significance of the findings detailed above, in our judgment the COPS Office, OJP, and OVW are not effectively monitoring grants awarded to tribal governments. Consequently, the DOJ has no assurances that the objectives of its tribal-specific grant programs are being met or that expenditures of grant funds are in accordance with applicable laws, regulations, guidelines, and terms and conditions of the grants.

Utilization of Grant Funds

To ensure the effectiveness of the DOJ grant programs in meeting the criminal justice needs of tribal governments, it is essential that grant funding be made available and utilized in a timely manner. To determine the effectiveness of the COPS Office, OJP, and OVW's administration of tribal-specific grant programs, we reviewed grant obligations and drawdowns for all tribal-specific grants. We realize that while the rate of drawdowns is not the only definitive indicator of grant activity, drawdowns can be an important indicator of overall grantee progress toward achieving the grant objectives. Our review included 900 COPS Office grants totaling \$165.47 million, 495 OJP grants totaling \$204.09 million, and 140 OVW grants totaling \$41.78 million. Based on the results of our review, we found that:

- Funds were not obligated until more than 6 months after the award start date for 128 OJP grants (26 percent) totaling \$29.50 million, and

71 OVW grants (51 percent) totaling \$29.43 million. If grant funds are not obligated in a timely manner, tribal governments may encounter significant delays in implementing essential criminal justice programs.

- No funds had been drawn down for more than 2 years after the obligation date for 52 COPS Office grants totaling \$17.22 million, 23 OJP grants totaling \$20.84 million, and 3 OVW grants totaling \$0.15 million. These amounts include 29 COPS Office grants totaling \$2.28 million, 9 OJP grants totaling \$0.63 million and 2 OVW grants totaling \$0.10 million that had expired, indicating the grant programs had not been implemented at all.
- The initial drawdown did not occur for over 1 year after the funds were obligated for 200 COPS Office grants totaling \$31.90 million, 71 OJP grants totaling \$71.89 million, and 10 OVW grants totaling \$1.96 million, indicating that the grant programs were not implemented in a timely manner.
- The last drawdown occurred more than 1 year prior to our review for 126 COPS Office grants with remaining funds totaling \$2.80 million, 34 OJP grants with remaining funds totaling \$1.71 million, and 11 OVW grants with remaining funds totaling \$1.09 million. These amounts include 112 COPS Office grants, 28 OJP grants, and 8 OVW grants that had expired, indicating the grant programs were not fully implemented.
- For expired grants, based on a comparison of grant expenditures included in grantee financial reports to grant drawdowns, tribal grantees were allowed to draw down funds totaling \$0.93 million that exceeded grant expenditures; as a result, we are questioning this amount.⁶

Based on the findings detailed above, we found that OJP and OVW are not ensuring that funds for tribal-specific grant programs are made available to tribal grantees in a timely manner. Additionally, the COPS Office, OJP, and OVW are not monitoring the utilization of grant funds. If grant funds are not obligated timely, tribal governments may encounter delays in providing essential criminal justice services. Further, failure to utilize grant

⁶ **Questioned Costs** are expenditures that do not comply with legal, regulatory, or contractual requirements, or 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 may be an indication that the grantee encountered problems implementing the grant program or that the programs are not meeting the criminal justice needs of tribal governments.

Administration of Expired Grants

An important aspect of grant monitoring and administration is timely and proper grant closeout. As a part of the closeout process, grant managers are required to ensure that grant objectives have been achieved. Therefore, timely grant closeout is essential to determine whether grant programs are effectively meeting the criminal justice needs of tribal governments. Pursuant to policy, OJP and OVW are required to close out grants within 180 days after the award end date. Although the COPS Office does not have a specific timeframe in which expired grants should be closed, in our judgment 180 days after the award end date is a reasonable timeframe.

To determine whether the COPS Office, OJP, and OVW were closing out grants timely and properly, we reviewed all expired tribal-specific grants included in our audit. Our review included 507 COPS Office grants totaling \$62.08 million, 177 OJP grants totaling \$51.11 million, and 74 OVW grants totaling \$19.58 million. Based on the results of our review, we found that the COPS Office, OJP, and OVW are not closing out grants or are not closing out grants in a timely manner, resulting in questioned costs totaling \$6.06 million and funds put to better use of \$10.95 million.⁷ Specifically,

- Only 16 COPS Office grants, 11 OJP grants, and 5 OVW grants were closed within 180 days after the grant end date. Further, from our analysis of the closed grants, we identified COPS Office grant funds totaling \$200.38 thousand and OVW grant funds totaling \$6.87 thousand that should have been deobligated and put to better use prior to closing the grants.
- We identified 337 COPS Office grants, 91 OJP grants, and 32 OVW grants that had not been closed, despite the fact that the grants were more than 180 days past the grant end date.

⁷ ***Funds Put to Better Use*** are funds not yet expended that could be used more efficiently if management took actions to implement and complete audit recommendations.

- According to policy, grant funds must be drawn down within 90 days after the end of the grant period. We identified questioned costs totaling \$3.08 million for COPS Office grants, \$2.31 million for OJP grants, and \$0.68 million for OVW grants related to drawdowns occurring more than 90 days past the grant end date.
- Further, according to policy, any funds not drawn down within 90 days after the end of the grant period will lapse and revert to the awarding agency. We identified funds put to better use totaling \$6.49 million for COPS Office grants, \$3.01 million for OJP grants, and \$1.25 million for OVW grants related to funds remaining on expired grants that are more than 90 days past the grant end date.

Allowability of Costs Charged to Grants

After the grant award has been accepted, the COPS Office, OJP, and OVW are responsible for managing and administering the programmatic and financial aspects of the award. As stated in the Background section of this report, from FYs 1998 through 2003 the OIG performed 27 individual audits of grants awarded to tribal governments by the COPS Office and OJP.⁸ For the 27 prior grant audits, the OIG identified \$4.19 million in questioned costs and \$3.04 million in funds put to better use.⁹

The results of these prior audits indicate that the COPS Office and OJP are not effectively managing the DOJ's grant programs for tribal governments.¹⁰ Therefore, as a part of our audit, we conducted audits of selected COPS Office, OJP, and OVW grantees to determine whether costs charged to the grant programs are allowable and in accordance with applicable laws, regulations, guidelines, and terms and conditions of the grants. We selected a total of 41 COPS Office grants totaling \$16.80 million, 21 OJP grants totaling \$36.64 million, and 6 OVW grants totaling \$3.69 million. Eighteen separate audit reports were issued for the grantees and grants selected.

Based on the results of the individual grant audits, we found that unallowable and unsupported costs totaling \$4.57 million were charged to

⁸ Executive summaries of these audits are available at www.usdoj.gov/oig.

⁹ See Appendices VII and VIII for a listing of audits, including dollar-related findings, of COPS Office and OJP tribal grantees conducted by the OIG.

¹⁰ No OVW grants were included in the 27 prior audits conducted by the OIG.

the grants. Further, we identified funds put to better use totaling \$0.97 million related to grant funds that will not or should not be used. As a result, these costs were not used to meet the criminal justice needs funded under the grant program. We also found that essential grant requirements were not met. Specifically,

- Financial reports were not submitted in a timely manner and were not always accurate.
- Progress reports were not submitted or not submitted in a timely manner.
- Grantees were allowed to draw down grant funds during periods when required reports had not been submitted.
- Grantees did not properly account for equipment purchased.
- COPS Office grantees did not have formal plans to retain grant-funded positions and used grant funds to supplant local funds.
- OJP grantees charged unallowable or unsupported matching costs and did not adequately monitor subgrantees.

Based on the individual grant audits, we found that costs charged to the grant programs were not always allowable and in accordance with applicable laws, regulations, guidelines, and terms and conditions of the grants. Further, the frequency and magnitude of issues identified in our individual grant audits indicate that critical grant requirements are not being met. In our judgment, these findings support our conclusion that the COPS Office, OJP, and OVW are not adequately monitoring the tribal-specific grant programs, resulting in significant numbers of tribal grantees who are not administering their grant(s) in accordance with applicable laws, regulations, guidelines, and terms and conditions of the grant(s).

DOJ Strategy for Awarding Grants to Tribal Governments

Our audit was initiated at the request of OJP who asked that the OIG conduct a review of the DOJ criminal justice funding awarded to tribal governments. Among the issues that OJP suggested we address were the effectiveness of various funding mechanisms in meeting short-term and long-term objectives and in having a long-term impact in the way criminal justice issues are addressed by tribal governments. During our audit, we

determined that the audit request was initiated by the Bureau of Justice Assistance (BJA) in part because of a proposal to restructure its tribal-specific grant programs into a combined criminal justice program. However, because of the ineffective monitoring and administration of the current tribal-specific grant programs noted previously in our report, we were unable to fully evaluate the effectiveness of the current DOJ strategy. Therefore, in our judgment, changes to the current funding strategy are premature because there is no indication at this time that such changes in the funding strategy will enhance tribal-specific grant programs.

The BJA has proposed consolidating the Tribal Courts, Indian Alcohol and Substance Abuse, Tribal Drug Courts, and Tribal Youth programs “in an effort to streamline funding” that would allow tribal governments increased flexibility in prioritizing criminal justice needs and determining how the grant funds will be utilized. According to the BJA, the proposed Tribal Justice Assistance Grant (TJAG) Program would also streamline the application process and grant requirements, and attempt to eliminate duplication of monitoring efforts.

The proposed TJAG Program is in line with the DOJ policy on tribal sovereignty, in that it would allow tribal governments to assess their criminal justice priorities and determine how the grant funds will be utilized. However, any proposed strategy must balance accountability with flexibility. In Findings I through IV of this audit, we found that current grant programs have not been adequately monitored or effectively administered by the granting agencies. Further, we found that tribal grantees were not always in compliance with grant requirements and did not always expend grant funds in accordance with laws, regulations, and the terms and conditions of the grant. In light of the many issues identified in Findings I through IV, the proposed TJAG Program may not best strike the balance between ensuring that criminal justice needs of tribal governments are met, while balancing the need for accountability.

Our audit also disclosed that the COPS Office, OJP, and OVW did not ensure that the grantees are providing basic information necessary to determine whether grant programs have been implemented and grant objectives have been achieved. Specifically, for the majority of the grants reviewed one or more required financial and progress reports, which contain the minimum information necessary to determine whether grant programs have been implemented and grant objectives are being achieved (especially final reports), were not submitted or were not submitted in a timely manner. Further, grant closeout should include a review to determine whether grant objectives were achieved. However, we found that grants were not closed

out in a timely manner, which limited our ability to determine the effectiveness of grant programs.

As a result, our audit focused on the utilization of grant funding as an indicator of whether the grants have been fully implemented and program objectives have been achieved. Our review of the obligation and utilization of grant funds found that the tribal-specific grant programs were not always fully implemented in a timely manner, an indication that grant objectives have not been achieved and that the current programs are not fully effective in meeting the criminal justice needs of tribal governments. To more fully evaluate tribal grant effectiveness, the OIG is also planning to initiate a separate follow-on audit of a tribal-specific grant program that will examine grantee performance information to determine whether grant objectives are being achieved.

Historically, the DOJ implemented a series of initiatives designed to improve law enforcement and the administration of criminal and juvenile justice in Indian Country. These initiatives also attempted to address some of the problems that significantly impact the federal government's ability to effectively implement grant programs that provide funding to tribal governments, discussed in the Background section of this report.

Currently, the DOJ funds criminal justice needs in Indian Country through mandatory set-asides or programs intended specifically for tribal governments. Tribal governments benefit from the DOJ's current practice because they are not required to compete with state and local governments for limited criminal justice funding.

Based on the successful practices identified by the National Institute of Justice (NIJ) from research conducted on past initiatives, coordination and information sharing are an essential part of any strategy for effectively providing assistance to tribal governments and addressing the wide range of unique issues specific to Indian Country. The DOJ grants to tribal governments are administered by various DOJ components, bureaus, and offices, including the COPS Office, BJA, Office of Juvenile Justice Delinquency Prevention (OJJDP), Office of Victims of Crime (OVC), and OVW. The OJP is responsible for policy coordination and general management of the BJA, OJJDP, OVC, and the American Indian and Alaska Native Affairs Desk (AI/AN Affairs Desk).¹¹ Additionally, the OTJ coordinates DOJ policies and positions

¹¹ The AI/AN Affairs Desk is designed to enhance access to information by federally recognized American Indian and Alaska Native tribes regarding funding opportunities, training and technical assistance, and other relevant information.

on Indian Country issues. As a result, any comprehensive strategy to improve the responsiveness of the DOJ to criminal justice needs in Indian Country must start with the development of a formal process for coordination and training.

We found that there is no formal mechanism in place for coordination and information sharing within OJP and among the DOJ components. Generally, each component had an informal mechanism in place for coordination and information sharing. However, these coordination efforts appear to be ad hoc, occurring only when one of the participants initiates efforts for specific activities. A formal mechanism for coordination and information sharing could require grant managers to provide copies of monitoring reports to the other components, bureaus, and offices.

We also found the DOJ has not effectively implemented a training program to deal with the unique issues related to tribal governments. In our judgment, the DOJ should establish a formal process to train staff responsible for administering and monitoring tribal-specific grant programs. Training should focus on: 1) the wide range of unique issues specific to tribal governments; 2) cultural awareness, including the history of the relationship between the federal and tribal governments; 3) the sovereign status of tribal governments; and 4) the jurisdictional complexities and limitations in Indian Country.

Recommendations

Our report contains 53 recommendations that focus on specific steps that the COPS Office, OJP, and OVW should take to improve the monitoring and administration of tribal-specific grant programs and enhance the DOJ strategy for grants awarded to tribal governments. Specifically, our recommendations seek to ensure that:

- monitoring by grant managers, including on-site visits and desk reviews, systematically occur;
- required financial and progress reports are submitted in a timely manner;
- grant funds are withheld during periods when required financial and progress reports have not been submitted;
- grant funds are made available to grantees in a timely manner;

- grantees utilize grant funds in a timely manner;
- funds drawn down by grantees do not exceed immediate needs for active grants and excess funds are not drawn down for expired grants;
- expired grants are closed in a timely manner;
- grantees are not allowed to draw down grant funds more than 90 days after the grant end date;
- remaining grant funds for expired grants are deobligated and put to better use;
- a formal process for coordinating and sharing information related to tribal-specific grant programs is implemented; and
- staff responsible for monitoring and administering tribal grants receive adequate training.

**ADMINISTRATION OF DEPARTMENT OF JUSTICE GRANTS
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ALASKA NATIVE TRIBAL GOVERNMENTS**

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INTRODUCTION

According to the 2000 Census, 4.1 million people,¹ or 1.5 percent of the total population, identified themselves as American Indians or Alaska Natives (Native Americans).² Despite the relatively small Native American population, a 2001 study conducted by the Bureau of Justice Statistics (BJS) indicated that Native Americans are more likely to experience rape or sexual assault, robbery, aggravated assault, and simple assault than people of any other race.³ Another study conducted by the BJS indicated that:⁴

- Native Americans experience per capita rates of violence that are more than twice those of the United States resident population.
- Rates of violence in every age group are higher among Native Americans than that of all other races.
- Nearly a third of all Native American victims of violence are between ages 18 and 24, the highest per capita rate of violence of any racial group considered by age - approximately 1 violent crime for every 4 persons of this age range.
- The arrest rate among Native Americans for alcohol-related offenses was more than double that found among all races.
- On a per capita basis, Native Americans had a rate of prison incarceration about 38 percent higher than the national rate.

One strategic objective of the Department of Justice (DOJ) is to improve the crime fighting and criminal justice administration capabilities of tribal governments.⁵ This objective is incorporated in the DOJ Strategic

¹ This statistic includes 2.5 million individuals in the United States who identify themselves as Native American, and another 1.6 million who identify themselves as part Native American.

² Throughout this report, the term "Native Americans" is used to indicate American Indians and Alaska Natives.

³ BJS Special Report, *Violent Victimization and Race, 1993-98*, March 2001.

⁴ BJS, *American Indians and Crime*, February 1999.

⁵ U.S. Department of Justice, Fiscal Years 2003 - 2008, Strategic Plan, (DOJ Strategic Plan).

Plan, which includes the goals, objectives, and strategies for achieving its mission. The DOJ's strategies for achieving this objective include:

- providing resources to states, tribes, and local jurisdictions to enhance law enforcement efforts;
- providing direct technical support to state, local, and tribal law enforcement;
- facilitating the prosecution and adjudication of federal, state, tribal, and local laws;
- enhancing the human and technological capability of state, tribal, and local jurisdictions to share information and resources to combat crime; and
- providing funding, information, training, and technical assistance to state, local, and tribal governments to prevent juvenile delinquency and improve the juvenile justice system.

Although the federal government's role in crime-fighting has expanded in recent years, most of the responsibility for crime control and prevention rests with our state and local governments, including tribal governments. To this end, the DOJ seeks to provide leadership and support to further develop their capacity to prevent and control crime and administer justice fairly and effectively by providing various grant programs, training, technical assistance, research, and statistics.

Within the DOJ, the Office of Community Oriented Policing Services (COPS Office), Office of Justice Programs (OJP), and Office on Violence Against Women (OVW) are the primary agencies responsible for providing grant funding to enhance and support the efforts of tribal governments to address crime, violence, and victimization in Native American communities and villages.⁶ The COPS Office, OJP, and OVW also provide funding for research and evaluation projects, and training and technical assistance. These components provide funding to tribal governments mostly through mandatory set-asides or programs intended specifically for tribal governments.

⁶ Under a provision in the 2002 Justice Department reauthorization bill, enacted in October 2002, OVW became a permanent and independent office within the DOJ.

DOJ Grant Funding Agencies

During FYs 2000 through 2003, the COPS Office, OJP, and OVW funding for grant programs to improve criminal justice systems totaled \$18.8 billion, of which \$424.2 million (2.3 percent) was awarded to tribal governments. These components provided funding to tribal governments totaling \$77.4 million through competitive programs and mandatory set-asides and \$346.8 million through programs intended specifically for tribal governments.

Office of Community Oriented Policing Services

The mission of the COPS Office is to advance community policing in jurisdictions of all sizes across the country. To this end, the COPS Office provides grants to state, local, and tribal law enforcement agencies to hire and train community-policing professionals, acquire and deploy new crime-fighting technologies, and develop and test innovative policing strategies.

Our audit generally included, but was not limited to, grants awarded to tribal governments during FYs 2000 through 2003. During the period covered by our audit, the COPS Office budget totaled \$4.1 billion, of which \$147.13 million (3.6 percent) was awarded to tribal governments, as shown in Table 1.

TABLE 1. TRIBAL FUNDING AWARDED BY THE COPS OFFICE
(Dollars in Millions)

	FY 2000	FY 2001	FY 2002	FY 2003	TOTAL
Total Budget	\$595.00	\$1,037.12	\$1,050.44	\$1,381.03	\$4,063.59
Tribal Resource Grant Program	\$35.23	\$34.10	\$31.63	\$29.33	\$130.29
Tribal Hiring Renewal Grant Program	0.00	0.55	1.18	6.83	8.56
Tribal Mental Health and Community Safety Initiative	0.24	0.80	0.92	0.00	1.96
Other Programs	1.68	1.66	1.96	1.02	6.32
Total Funding Awarded to Tribal Governments, All Programs	\$37.15	\$37.11	\$35.69	\$37.18	\$147.13

Source: DOJ Budget Summaries for FYs 2001 – 2003 and the COPS Office

The COPS Office awards funding to tribal governments through programs that are open to all state, local, and tribal governments, and through the following programs that are intended specifically for tribal governments.⁷

- Tribal Resource Grant Program (TRGP) is a broad grant program designed to meet law enforcement needs in Native American communities and villages. This program offers a wide variety of funding in areas such as hiring additional officers, law enforcement training, uniforms, basic issue equipment, emerging technologies, and police vehicles.
- Tribal Hiring Renewal Grant Program (THRGP) is designed to assist fiscally distressed tribal governments by renewing previous COPS hiring grant positions that have been exempted from the retention requirement on recently expired COPS hiring grants.⁸ The THRGP provides 100 percent of allowable salary and benefit costs for renewed officer positions with no local funding match requirement for an additional 2-year period. This program focuses on Native American communities and villages which have limited resources, many of which are affected by high rates of crime and violence.
- Tribal Mental Health and Community Safety Initiative (MHCSI) provides funding directly to tribal jurisdictions with established law enforcement agencies. The MHCSI offers a variety of funding options, including entry-level salaries and benefits of newly hired officers, training, uniforms, basic issue equipment, officer-related technology, and vehicles for new and existing police officers. The MHCSI was designed to expand the implementation of community policing and meet the most serious needs of law enforcement in Native American communities and villages through a broadened comprehensive program. All officers hired under the MHCSI grant program (or an equal number of veteran, locally funded officers) must serve as school resource and/or community resource officers. The MHCSI grant program is intended to strengthen the overall law enforcement infrastructure in Native American communities and villages.

⁷ See Appendix IV for a listing of other COPS Office grant programs awarded to tribal governments.

⁸ The COPS Office provides grants to state, local, and tribal law enforcement agencies to hire and train sworn officers and enhance community policing efforts.

- Tribal Court Pilot Program (TCPP) funding is intended to provide assistance to address the increase in caseloads associated with increased arrests anticipated from grant funding to support tribal law enforcement. Specifically, this program funds 100 percent of the total costs to implement one or more of the following: 1) salaries and benefits to hire additional court personnel (e.g., probation officers, process servers); 2) additional training for new and existing court personnel; 3) additional technology to improve and enhance case management (e.g., computer hardware, software); and 4) any other measure that may provide a significant improvement in case management and is not otherwise funded with tribal, state, or local funds.

Office of Justice Programs

The OJP administers grant programs, supports research and evaluation projects, and provides training and technical assistance for state, local, and tribal governments.⁹ Our audit generally included, but was not limited to, grants awarded to tribal governments during FYs 2000 through 2003. During the period covered by our audit, the combined OJP and OVW budget totaled \$15.4 billion of which \$277.03 million (1.8 percent) was awarded to tribal governments, as shown in Table 2.¹⁰

⁹ See Appendix III for a listing of the OJP bureaus, program offices, and agency-wide support offices.

¹⁰ Under a provision in the 2002 Justice Department reauthorization bill, enacted in October 2002, OVW became a permanent and independent office within the DOJ; however, funding was not reported separately from OJP until the FY 2005 proposed budget.

TABLE 2. TRIBAL FUNDING AWARDED BY OJP AND OVW
(Dollars in Millions)

	FY 2000	FY 2001	FY 2002	FY 2003	TOTAL
Total Combined OJP and OVW Budget	\$3,919.61	\$4,175.72	\$4,636.63	\$1,960.68	\$14,692.64
OJP - Indian Alcohol and Substance Abuse Program	\$0.00	\$0.00	\$0.00	\$7.60	\$7.60
OJP - Tribal Courts Assistance Program	3.91	0.00	7.91	11.58	23.40
OJP - Correctional Facilities on Tribal Lands Program	28.84	19.45	42.67	0.00	90.96
OJP - Tribal Youth Program	7.73	10.04	20.28	9.82	47.87
OJP - Tribal Victim Assistance Discretionary Grant Program	0.92	1.36	1.64	2.11	6.03
OJP - Children's Justice Act Partnerships for Indian Communities Program	0.56	1.22	1.44	1.56	4.78
OJP - Other Programs	21.49	17.34	14.88	17.37	71.08
Total OJP Funding Awarded to Tribal Governments	\$63.45	\$49.41	\$88.82	\$50.04	\$251.72
OVW - S•T•O•P Violence Against Indian Women Program	\$5.92	\$7.65	\$4.84	\$6.90	\$25.31
Total OJP and OVW Funding Awarded to Tribal Governments	\$69.37	\$57.06	\$93.66	\$56.94	\$277.03

Source: DOJ Budget Summaries for FYs 2001 – 2003, OJP, and OVW

The OJP awards funding to tribal governments through its programs that are open to all state, local, and tribal governments, and through the following programs that are intended specifically for tribal governments.¹¹

- Indian Alcohol and Substance Abuse Program is designed to reduce crimes associated with the distribution and abuse of alcohol and controlled substances in tribal communities. The program seeks to mobilize Native American communities and villages to implement or enhance innovative, collaborative efforts to address public safety issues related to alcohol and substance abuse.
- Tribal Courts Assistance Program is designed to support the implementation, enhancement, and continuing operation of tribal justice systems.

¹¹ See Appendix V for a comprehensive listing of OJP grant programs offered to tribal governments.

- Correctional Facilities of Tribal Lands Program is designed to support the construction of jails on tribal lands for the incarceration of offenders subject to tribal jurisdiction.
- Tribal Youth Program is designed to support and enhance tribal efforts to prevent and control delinquency and improve the juvenile justice system for Native American youth. A major focus of the program is providing Native American youth with mental health services. Up to 10 percent of the allocation will be invested in program-related research, evaluation, and statistics on tribal activity.
- Tribal Victim Assistance Discretionary Grant Program is designed to create accessible and responsive victim assistance services on tribal lands and reservations where federal prosecution of major crimes occurs.
- Children's Justice Act Partnerships for Indian Communities Discretionary Grant Program is designed to help tribal justice systems address serious child abuse cases by developing specialized services and procedures to address the needs of Native American child victims and strategies to handle cases of child sexual abuse.

Office on Violence Against Women

The OVW is responsible for managing the DOJ's legal and policy issues regarding violence against women and coordinating DOJ efforts in this area by providing national and international leadership, receiving international visitors interested in learning about the federal government's role in addressing violence against women, and responding to requests for information regarding violence against women. The OVW administers the following tribal-specific grant program.

- S●T●O●P Violence Against Indian Women Discretionary Grant Program is intended to develop and strengthen tribal law enforcement and prosecution efforts to combat violence against Native American women and to develop and enhance services for victims of such crimes.

Issues Affecting Federal Grant Programs for Tribal Criminal Justice Systems

According to a study funded by Office of Victims of Crime (OVC), there are a wide range of concerns that significantly impact the federal government's ability to effectively implement grant programs that provide funding for tribal criminal justice systems.¹² These concerns include:

- The critical issue of cultural differences must be addressed in any effort to promote a strong relationship between the tribal government and the federal government.
- As stated previously, the crime rate, especially the violent and juvenile crime rates, has been increasing in Indian Country while crime rates have declined nationwide.
- There are numerous jurisdictional complexities and limitations in Indian Country that present overwhelming difficulties in any effort to improve the relationship between tribal governments and the federal government. The confusing jurisdiction among tribal, federal, and state governments has resulted in jurisdictional gaps and disputes.¹³ The difficulty of determining jurisdiction, and provisions for concurrent jurisdiction of certain cases, can cause conflict and confusion for law enforcement, prosecution, courts, service providers, and crime victims in Indian Country.
- There is a lack of understanding and contact by the federal government with tribal criminal justice systems, including tribal court systems.
- Tribal justice systems are inadequately funded and the lack of adequate funding impairs their operation.
- The lack of facilities and resources available to most criminal justice systems is complicated by the isolated, rural location of most Indian reservations.

¹² The Center on Child Abuse and Neglect, *Improving the Relationship between Indian Nations, the Federal Government, and State Governments: Developing and Implementing Cooperative Agreements or Memorandums of Understanding*, March 2000.

¹³ See Appendix VI for an analysis of criminal jurisdiction in Indian Country.

Efforts to Improve Relations Among Federal and Tribal Governments

In April 1994, during a meeting with the heads of tribal governments, former President Clinton made a commitment to improve the federal government's relationship with tribal governments and issued a directive to all executive departments and agencies of the federal government to:

- operate within a government-to-government relationship with federally recognized tribes;
- consult, to the greatest extent practicable and permitted by law, with tribal governments before taking actions that affect federally recognized tribes;
- assess the impact of agency activities on tribal trust resources and assure that tribal interests are considered before the activities are undertaken;
- remove procedural impediments to working directly with tribal governments on activities that affect trust property or governmental rights of the tribes; and
- work cooperatively with other agencies to accomplish the goals established by the President.

In an effort to enhance the DOJ's communication and coordination with tribal governments, in 1995 the Attorney General established the Office of Tribal Justice (OTJ). The OTJ coordinates DOJ policies and positions on Native American issues; maintains a liaison with the federally recognized tribes, and works on Native American issues with appropriate federal, state and local officials, professional associations and public interest groups.

In June 1995, the DOJ issued policy on *Indian Sovereignty and Government-to-Government Relations With Indian Tribes*. The policy reaffirms the DOJ's recognition of the sovereign status of federally recognized tribes as domestic dependent nations, and provides guidance on Indian affairs.

Prior Reviews

The Office of the Inspector General (OIG) has conducted several reviews of the COPS Office and OJP's grant monitoring activities that addressed concerns related to those identified in this audit. Specifically,

- *Police Hiring and Redeployment Grants, Summary of Audit Findings and Recommendations, October 1996 - September 1998*, Report No. 99-14, April 1999, found that the COPS Office did not always ensure that its grant recipients complied with critical grant requirements.
- *Management and Administration of the Community Policing Services Grant Program*, Report No. 99-21, July 1999, found that the COPS Office: 1) did not always ensure that unaccepted grants funds were deobligated in a timely manner, 2) needed to improve guidance for grantees in critical areas of compliance, 3) needed to increase the level of monitoring efforts of grantee compliance with critical grant requirements; and 4) needed to improve financial controls.
- *Office of Justice Programs, State and Local Domestic Preparedness Grant Programs*, Report No. 02-15, March 2002, found that grant funds were not awarded quickly and grantees were very slow to spend available monies.
- *The Office of Justice Programs Convicted Offender DNA Sample Backlog Reduction Grant Program*, Report No. 02-20, May 2002, found that financial and progress reports were not always filed or were not filed in a timely manner.
- *The No Suspect Casework DNA Backlog Reduction Program*, Report No. 05-02, November 2004, found that there were significant delays in drawing down grant funds for DNA backlog reduction efforts, and unallowable and unsupported costs were charged to the grants.
- *U.S. Department of Justice Annual Financial Statement, Fiscal Year 2004*, Report No. 05-03, December 2004, found significant issues with OJP's overall control environment for financial reporting, and grant accounting and monitoring.

From FYs 1998 through 2003, the OIG conducted 27 audits of COPS Office and OJP grants awarded to tribal grantees.¹⁴ These audits resulted in questioned costs totaling \$4.19 million and funds put to better use totaling \$3.04 million, and identified weaknesses in the following areas.¹⁵

- Unallowable and unsupported costs were charged to the grants.
- Financial and progress reports were missing, late, and inaccurate.
- Grant activities were not fully implemented.
- Drawdowns occurred after the grant end date.
- Grants funds awarded were not used.
- Grant funds in excess of grant expenditures were drawn down.

These findings are consistent indications that the COPS Office and OJP are not effectively monitoring and administering the DOJ's grants awarded to tribal governments.

The Government Accountability Office (GAO) has also conducted reviews of the COPS Office and OJP grant monitoring activities which are related to our audit. Although these reports were not related to any tribal-specific grant programs, each addressed concerns similar those identified in our audit. Specifically,

- *Community Policing: Issues Related to the Design, Operation, and Management of the Grant Program*, Report No. GAO/GGD-97-167, September 1997, found that on-site and telephone monitoring by grant managers did not systematically occur.
- *Justice Discretionary Grants: Byrne Program and Violence Against Women Office Grant Monitoring Should Be Better Documented*,

¹⁴ See Appendices VII and VIII for a listing of audits, including dollar-related findings, of COPS Office and OJP tribal grantees conducted by the OIG.

¹⁵ **Questioned Costs** are expenditures that do not comply with legal, regulatory or contractual requirements, or 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 Put to Better Use are funds not yet expended that could be used more efficiently if management took actions to implement and complete audit recommendations.

Report No. GAO-02-25, November 2001, found that: 1) grant monitoring plans were not always developed for each award and monitoring was not always documented, 2) progress reports were not always filed for the majority of awards reviewed, 3) financial status reports were not always filed for about half the awards reviewed, and 4) based on a limited review, grant files did not contain required closeout materials.

- *Juvenile Justice: Better Documentation of Discretionary Grant Monitoring is Needed*, Report No. GAO-02-65, October 2001, found that: 1) telephone monitoring contacts were not documented for almost all awards reviewed, 2) there was no documentation supporting that on-site monitoring requirements were met for almost all awards reviewed, 3) progress reports were not always filed for the majority of awards reviewed, 4) grant manager compliance with grant monitoring requirements was not systematically reviewed by the program office, and 5) various closeout materials were missing from the grant files.

DOJ Top Management Challenges

Since 1998, the OIG has created an annual list of the top 10 management challenges for the DOJ. For the last 5 years, grant management has been identified by the OIG as one of the DOJ's top management challenges. The OIG reported that grant management continues to be a challenge for the following reasons:

- reviews continue to determine that many grantees do not submit financial and progress reports;
- numerous deficiencies continue to be found in monitoring COPS Office grants;
- audits found that grant funds were not always awarded quickly and grantees were slow to spend available monies; and
- more than 375 OIG audits of COPS Office grants have resulted in significant dollar-related findings.

Audit Objectives

The OIG conducted this audit at the request of OJP to review the administration of DOJ grants awarded to tribal governments by the COPS Office, OJP, and OVW. In developing the objectives of the audit, we also considered the concerns identified in past grant audits and in the OIG's report on the DOJ's top 10 management challenges. As a result, the objectives of this audit were to evaluate:

- the adequacy of monitoring and administration of tribal-specific grant programs;
- whether costs charged to the tribal-specific grants are allowable and in accordance with applicable laws, regulations, guidelines, and terms and conditions of the grants; and
- the effectiveness of the DOJ's overall strategy for awarding grants to tribal governments.

FINDINGS AND RECOMMENDATIONS

I. EFFECTIVENESS OF GRANT MONITORING

The COPS Office, OJP, and OVW are not effectively monitoring the tribal-specific grant programs. We found that only 4 percent of the 102 grant files reviewed contained on-site monitoring reports, only 12 percent contained office-based desk reviews, and none contained evidence that telephone monitoring was conducted. Officials in the COPS Office, OJP, and OVW stated that they rely on required financial and progress reports, which do not generally contain documentation supporting the information reported, to monitor tribal grantees. However, 81 percent of the grant files reviewed were missing one or more required financial reports and 80 percent were missing one or more required progress reports. Moreover, financial reports were not submitted in a timely manner for 97 percent of grants and progress reports were not submitted in a timely manner for 88 percent of the grants. Further, the COPS Office has only sporadically required progress reports for its grants and no progress reports have been required for grants awarded after FY 2001. We also found that, despite the fact that required financial and progress reports are not being submitted for certain grants, the COPS Office, OJP, and OVW did not prohibit those grantees from drawing down funds totaling \$10.69 million.

Grant monitoring is an essential management tool to ensure that grant programs are implemented, objectives are achieved, and tribal grantees are properly expending funds. To this end, federal regulations require that grantees be monitored throughout the life of the grant to ensure that:

- 1) the grantee complies with the programmatic, administrative, and fiscal requirements of the relevant statutes, regulations, policies, and guidelines;
- 2) programs initiated by the grantee are carried out in a manner consistent with the relevant statutes, regulations, policies, and guidelines of the program;
- 3) the grantee is provided guidance on policies and procedures, grant program requirements, general federal regulations, and basic programmatic, administrative and financial reporting requirements; and
- 4) any problems that may impede the effective implementation of the program are identified and resolved.

To assess the adequacy of monitoring related to tribal-specific grant programs, we judgmentally selected a sample of 102 grants totaling

\$82.74 million awarded to tribal governments. Our sample consisted of 59 COPS Office grants totaling \$32.16 million, 34 OJP grants totaling \$47.43 million, and 9 OVW grants totaling \$3.15 million.¹⁶ For each grant selected, we reviewed the grant file(s) to determine whether the COPS Office, OJP, and OVW were monitoring grants awarded to tribal governments, and whether required financial and progress reports were submitted in a timely manner.

Based on the results of our review, we determined that the COPS Office, OJP, and OVW are not effectively monitoring grants awarded to tribal governments. As a result, the DOJ has no assurances that the objectives of its tribal-specific grant programs are being met or that expenditures of grant funds are in accordance with applicable laws, regulations, guidelines, and terms and conditions of the grants. Specifically, we found that:

- only 4 percent of the 102 grant files reviewed contained on-site monitoring reports, only 12 percent contained office-based desk reviews, and none contained evidence that telephone monitoring was conducted;
- 81 percent of the grant files reviewed were missing one or more financial reports, and financial reports were not submitted in a timely manner for 97 percent of grants;
- 80 percent of the grant files reviewed were missing one or more progress reports, and progress reports were not submitted in a timely manner for 88 percent of the grants;
- the COPS Office has only sporadically required progress reports for its grants and no progress reports have been required for grants awarded after FY 2001; and
- the COPS Office, OJP, and OVW allowed grantees to draw down funds totaling \$10,689,765 during periods when required financial and progress reports had not been submitted.

¹⁶ It should be noted that although OVW is currently a permanent and independent office within the DOJ, at the time the grants were awarded the OVW was still within the OJP; as a result, the OVW grants reviewed were originally included as a part of the OJP sample.

Formal Grant Monitoring

Tribal-specific grant programs should be monitored through formal methods such as on-site monitoring and office-based desk reviews. Grant managers in the COPS Office, OJP, and OVW are responsible for conducting on-site programmatic monitoring for their respective grants. On-site programmatic monitoring provides grant managers with the opportunity to observe and discuss with the grantee specific issues related to implementation plan progress, observe grant activities, and provide on-site technical assistance. The OJP Office of the Comptroller (OC) is responsible for conducting on-site financial monitoring reviews for the COPS Office, OJP, and OVW. The OC develops an annual monitoring plan for conducting on-site financial reviews that takes into account risk-based factors such as new grantees, new grant programs, and discretionary grants of \$1 million or more. In addition, the OJP's National Institute of Justice is responsible for conducting evaluations of the long-term impact that grant programs have on crime control and criminal justice issues.

Office-based desk reviews involve a review of the grant file in order to: 1) ensure that files are complete, 2) determine if the grantee is in compliance with the program guidelines, 3) determine if grant special conditions are being implemented and properly cleared, and 4) assess the progress of the program and identify any administrative or budgetary problems. Office-based desk reviews often require grant managers to make direct contact with the grantee in order to obtain documentation to demonstrate whether the grantee is in compliance with grant requirements.

The COPS Office has a monitoring division that is responsible for conducting on-site monitoring and office-based desk reviews. The COPS Office prioritizes monitoring using a three-tiered system based on population served and grant funding received. Each year, the COPS Office Monitoring Division selects grantees for both on-site monitoring and office-based desk reviews. Generally, only grantees servicing a population greater than 150,000 or receiving funding of \$1 million or more are selected for on-site monitoring. Grantees that would not normally be selected for an on-site review may be selected for an office-based desk review.

The OJP and OVW require that grant managers conduct office-based desk reviews for all grants at least quarterly. Further, OJP and OVW require grant managers to develop monitoring plans that includes on-site monitoring based on the assessed risk of the grantee. The timing and frequency of on-site reviews is determined by each bureau or program office.

For each of the 102 grants selected, we reviewed the grant file(s) to determine whether: 1) a monitoring plan was developed, 2) telephone monitoring contacts were documented, 3) office-based desk reviews were conducted, and 4) on-site program monitoring visits were conducted. Based on the results of our review, we found that formal program and financial monitoring generally did not occur.¹⁷

TABLE 3. FORMAL MONITORING ANALYSIS

	COPS OFFICE	OJP	OVW
Percentage of grant files that contained monitoring plans	N/A	26%	22%
Percentage of grant files that contained on-site program monitoring reports	2%	6%	11%
Percentage of grant files that contained on-site financial monitoring reports	5%	6%	11%
Percentage of grant files that contained one office-based desk review report	2%	18%	56%
Percentage of grant files that contained evidence that office-based desk reviews were conducted quarterly	N/A	0%	0%
Percentage of grant files that contained evidence that telephone monitoring was conducted	0%	0%	0%

Source: COPS Office, OJP, and OVW grant files

As shown in Table 3, most of the OJP and OVW grant files reviewed did not contain the required program monitoring plans, which should establish the type and timing of monitoring activities anticipated, including quarterly desk reviews or annual on-site monitoring visits. The COPS Office does not require monitoring plans for its grants. Although the COPS Office, OJP, and OVW grant managers stated that they made periodic telephone contacts with grantees to discuss grant activities and project status, we found no evidence of routine telephone contacts documented in the grant files. We also found that OJP and OVW grant managers did not conduct quarterly office-based desk reviews; however, the OVW had conducted at least one office-based desk review for 56 percent of the grants reviewed. Both program and

¹⁷ During this review, the COPS Office initially did not provide the OIG timely access to its grant monitoring files. After repeated requests, the COPS Office finally provided its grant monitoring files; however, it was clear that during the period that access was withheld from the OIG, the COPS Office had updated the files to add: 1) issue reports, 2) site visit checklists, and 3) other information related to work that was conducted 2 years previously. This matter was addressed in a memorandum from the OIG to the COPS Office, dated March 3, 2004.

financial on-site monitoring reviews were not conducted for the majority of grants reviewed.

We discussed the lack of formal monitoring with grant managers from the COPS Office, OJP, and OVW. The COPS Office grant managers stated that formal program monitoring is conducted by the COPS Office Monitoring Division. Officials in the COPS Office Monitoring Division stated that they do not specifically target tribal grantees for on-site monitoring reviews. Grantees are generally selected for monitoring based on population, funding, and additional factors including the location of the grantee. COPS Office officials stated they will conduct site visits of multiple grantees within selected geographical areas, which generally would exclude tribal grantees because they are often located in remote locations.

Officials from the OJP Bureau of Justice Assistance (BJA) stated that they are in the process of developing a risk assessment tool to select grantees for on-site visits. The risk assessment will include the amount of the award, compliance with grant requirements, and number of other OJP awards. Additionally, BJA officials are working on a formalized process that would require desk reviews of all grantees. Other OJP officials stated that only grantees with extreme problems are selected for site visits. OVW officials stated that they have not conducted any site visits since August 2002 because of high staff turnover.

We also determined the number of office-based desk reviews and on-site monitoring visits conducted by the COPS Office Monitoring Division for tribal grantees during FYs 2000 through 2003. We found that out of the 900 grants awarded during that period, the COPS Office had only conducted 4 office-based desk reviews and 35 on-site program monitoring visits. For the 35 on-site monitoring visits, 15 were conducted in FY 2000 and 19 in FY 2002. No on-site monitoring visits were conducted in FY 2001 and only one was conducted in FY 2003. Officials from the COPS Office Monitoring Division stated that on-site monitoring has decreased because of budgetary constraints.

The limited on-site monitoring reviews are currently selected based on factors including the award amount, type of program, and population, rather than past performance and compliance. In our judgment, the COPS Office, OJP, and OVW should conduct a risk assessment of each grantee based on past performance and compliance with grant requirements to determine the relative priority, timing, and frequency of office-based and on-site monitoring.

In the absence of formal monitoring, the COPS Office, OJP, and OVW officials stated that to monitor tribal grantees they rely on required financial and progress reports. However, the accuracy of financial and progress reports can only be assessed through on-site monitoring since grantees are not required to provide accounting records and other documentation supporting the information included in their reports. However, we found that the COPS Office, OJP, and OVW did not ensure that these financial and progress reports were submitted or submitted in a timely manner.

Financial Reports

Pursuant to federal regulations, grantees must submit quarterly financial reports that include actual and cumulative expenditures, and unliquidated obligations for the reporting period (calendar quarter) for each grant. As stated previously, according to the COPS Office, OJP, and OVW, grantees are monitored primarily through these quarterly financial reports. However, our audit found that 81 percent of the grant files did not contain all required financial reports. In addition, financial reports were not submitted in a timely manner for 97 percent of the grants. We also found that the COPS Office, OJP, and OVW generally did not follow up with grantees to request missing and late financial reports. In our judgment the COPS Office, OJP, and OVW cannot adequately monitor grantees if required financial reports are not submitted or are not submitted in a timely manner. As a result, the COPS Office, OJP, and OVW do not have any assurances that tribal grant funds are being properly administered.

For each of the 102 grants selected, we reviewed the grant file(s) to determine whether: 1) all required financial reports were submitted, 2) financial reports were submitted in a timely manner, and 3) the granting agency followed-up with grantees to request missing and late financial reports.¹⁸

¹⁸ The COPS Office was unable to locate the financial file for one of the grants selected; therefore, our review of financial reports was based on 58 COPS Office grants rather than 59.

TABLE 4. FINANCIAL REPORT ANALYSIS

	COPS OFFICE	OJP	OVW
Percentage of grant files missing one or more financial reports	83%	76%	89%
Percentage of grant files where one or more financial reports were not submitted in a timely manner	97%	100%	89%
Percentage of grants files that contained documentation requesting missing and late financial reports	21%	0%	13%

Source: COPS Office, OJP, and OVW grant files

As shown in Table 4, more than 75 percent of the COPS Office, OJP, and OVW grants files reviewed were missing one or more financial reports and almost all grants had one or more reports that were not submitted in a timely manner.

We discussed the issue of missing and late financial reports with COPS Office and OJP financial officials. COPS Office financial officials stated that they generate a delinquency report quarterly. If financial reports are not received, COPS Office officials stated that they make telephone contact with grantees to request the delinquent reports. In June 2003, the COPS Office stated that they started sending "dunning letters" to follow up with grantees that are delinquent. However, we found that the telephone contacts and "dunning letters" generally were not documented in the sample case files. OJP financial officials stated that there are controls in place to ensure that financial reports are received. For example, pursuant to OJP policy, grantees are prohibited from drawing down grant funds if required financial reports are not filed. However, based on our audit results, we found these controls do not appear to be working and that the policy to withhold funds has not been fully enforced.

OJP financial officials stated that on the 46th day after the end of each quarter, its system automatically places a hold on grant drawdowns until the financial report is submitted. However, as discussed in Finding IV of this report, we determined that for 31 percent of the OJP grants and 25 percent of the OVW grants audited, grantees were able to draw down funds totaling \$1,263,942 during periods for which a current financial report had not been submitted.

Progress Reports

According to federal regulations, grantees are required to submit periodic progress reports that provide information on grant activities and

accomplishments during the reporting period. Unlike financial reporting requirements, the reporting period and due dates for progress reports are set by the granting agency. The OJP and OVW required semi-annual progress reports for the tribal-specific grant programs included in our audit. For most COPS Office grants, prior to the 2003 awards, the grant guidelines required that grantees submit progress reports for its grant programs annually. However, as shown in Table 5, we found that the reporting periods for the required “annual” reports generally covered more than 1 year. The required reports for the tribal-specific grant programs are shown in Table 5.

TABLE 5. COPS OFFICE PROGRESS REPORT REQUIREMENTS

	PROGRAM	REPORTING PERIOD	NO. OF DAYS IN REPORTING PERIOD	REPORT DUE DATE
1999	TRGP – Hiring	9/1/99 – 12/31/00	488	6/29/01
	TRGP – Hiring	1/1/01 – 12/31/02	730	3/21/03
	TRGP – Equipment	9/1/99 – 12/31/00	488	6/29/01
2000	TRGP – Hiring	9/1/00 – 12/31/02	852	3/14/03
	TRGP – Equipment	9/1/00 – 12/31/02	852	3/14/03
	TMHCSI – Hiring	9/1/00 – 12/31/01	487	11/29/02
	TMHCSI – Equipment	9/1/00 – 12/31/01	487	11/29/02
2001	TRGP – Hiring	8/1/01 – 12/31/03	883	3/12/04
	TRGP – Equipment	8/1/01 – 12/31/03	883	3/12/04

Source: COPS Office

In our judgment, the COPS Office progress reporting requirements are not adequate for effectively monitoring grant activities. As shown in Table 5, the COPS Office has only required one progress report for the 2000 Tribal Resource Grant Program, 2000 Tribal Mental Health and Community Safety Initiative, and 2001 Tribal Resource Grant Program Hiring grants. No other progress reports have been required for these 3-year grant programs. Further, the required progress reports covered more than a 2-year period for the 2000 and 2001 Tribal Resource Grant Program Hiring and Equipment grants. As a result, in the absence of a grant extension, the 1-year 2000 and 2001 Tribal Resource Grant Program Equipment grants had expired long before the COPS Office received any information on grant activities and accomplishments necessary to determine whether grant programs were being implemented and objectives were being achieved.

Further, the COPS Office changed its progress reporting criteria for most grants awarded after 2002 and now only requires periodic progress reports (to be defined by the COPS Office). Under this revised approach, the COPS Office has not yet required any progress reports for the tribal-specific grant programs shown on the following page.

**COPS OFFICE GRANTS FOR WHICH
NO PROGRESS REPORTS HAVE BEEN REQUIRED**

- *2001 Mental Health and Community Safety Initiative – Hiring*
- *2001 Mental Health and Community Safety Initiative – Equipment*
- *2002 Tribal Resource Grant Program – Hiring*
- *2002 Tribal Resource Grant Program – Equipment*
- *2002 Mental Health and Community Safety Initiative– Hiring*
- *2002 Mental Health and Community Safety Initiative – Equipment*
- *2002 Tribal Hiring Renewal Grant Program*
- *2003 Tribal Hiring Renewal Grant Program*
- *2003 Tribal Resource Grant Program – Hiring*
- *2003 Tribal Resource Grant Program – Equipment*

In the absence of formal monitoring, COPS Office officials stated that they rely on periodic progress reports. However, it is not possible to rely on progress reports for monitoring purposes if the COPS Office does not require reports to be submitted. In our judgment, the COPS Office must require, at a minimum, annual progress reports for the 3-year hiring grants and semi-annual progress reports for the 1-year equipment grants, which should be submitted within 30 days after the end of the reporting period.

We discussed the changes to the progress report requirements with COPS Office officials. They stated that the changes were made to ease the reporting burden on both the tribal grantees and COPS Office grant managers. The COPS Office officials also stated that it is difficult enough to get grantees to fill out the currently required paperwork without adding more frequent progress reports. In our judgment, the COPS Office progress reporting requirements are inadequate for effectively monitoring grant activities. Especially, since in the absence of formal monitoring, the COPS Office officials stated that to monitor tribal grantees they rely on required progress reports.

For each of the 102 grants selected, we reviewed the grant file(s) to determine whether: 1) all required progress reports were submitted, 2) progress reports were submitted in a timely manner, and 3) the granting agency followed-up with grantees to request missing and late progress reports, and 4) progress reports were annotated to document that the report was reviewed by the grant manager. Our audit found that 80 percent of the grant files did not contain all required progress reports and progress reports were not submitted in a timely manner for 88 percent of the grants. We also found that the COPS Office, OJP, and OVW generally did not follow up

with grantees to request missing and late progress reports, and that progress reports were not annotated to document that they were reviewed by the grant manager.

TABLE 6. PROGRESS REPORT ANALYSIS

	COPS OFFICE	OJP	OVW
Percentage of grant files missing one or more progress reports	62% ¹⁹	97%	100%
Percentage of grant files for which no progress reports have been required	24%	N/A	N/A
Percentage of grant files where one or more progress reports were not submitted in a timely manner	76%	100%	100%
Percentage of grant files that contained documentation requesting missing progress reports	33%	3%	33%
Percentage of grant files that contained documentation requesting late progress reports	32%	0%	0%
Percentage of grant files that contained evidence that the progress reports had been reviewed	31%	0%	0%

Source: COPS Office, OJP, and OVW grant files

As shown in Table 6, most of the COPS Office, OJP, and OVW grant files reviewed were missing one or more required progress reports and almost all grants had one or more progress reports that were not submitted in a timely manner. Progress reports were not required for 24 percent of the COPS Office grant files we reviewed. COPS Office, OJP, and OVW officials stated that they follow up with grantees and request any missing progress reports. However, we found that the COPS Office, OJP, and OVW generally did not document efforts to follow up with grantees on missing or late progress reports. Financial guidelines effective for reporting periods ending on or after June 30, 2002, require that grantees be prohibited from drawing down grant funds if required progress reports are not filed. However, although OJP program officials stated that they threaten to withhold funding if required progress reports are not submitted, they also stated that they do not prohibit grantees from drawing down funds, a position that contradicts their policy.

¹⁹ This percentage only includes the 45 grants in our sample for which the COPS Office had required progress reports. The COPS Office had not yet required progress reports for the 14 2002 and 2003 TRGP Hiring and Equipment grants or the 2001 and 2002 TMHCSI Hiring and Equipment grants included in our sample.

Further, as shown in Table 6, less than a third of the COPS Office and none of the OJP and OVW grant files reviewed contained evidence that the progress reports submitted had been reviewed by the grant manager. COPS Office officials stated that they use a checklist to review progress reports for both equipment and hiring grants. However, we found no evidence in the grant files that the progress reports were reviewed for 69 percent of the grants reviewed. Additionally, some of the OJP and OVW grant managers stated that not all progress reports received are reviewed due to the heavy workload.

As stated previously, OJP's system automatically places a hold on grant drawdowns until the most recent required financial report is submitted; however, OJP officials stated that there is no automatic hold on grant funds for grantees who fail to file required progress reports. As discussed in Finding IV of this report, grantees were able to draw down funds totaling \$9,425,823 during periods for which a current progress report had not been submitted, \$484,975 for COPS Office grants audited, \$7,668,811 for OJP grants audited, and \$1,272,037 for OVW grants audited. These figures do not include the 24 percent of COPS Office grants audited for which progress reports had not been required.

Conclusion

Grant monitoring is an essential management tool to ensure that grant programs are implemented appropriately, objectives are achieved, and tribal grantees are properly expending funds. However, only 4 percent of the 102 grant files we reviewed contained on-site monitoring reports, and only 12 percent contained office-based desk reviews. Additionally, none of the grant files contained evidence that telephone monitoring was conducted.

In the absence of formal monitoring, the COPS Office, OJP, and OVW monitor grantees primarily through required financial and progress reports. We found that the COPS Office has not routinely required progress reports for all of its grants and has not required any progress reports for grants awarded after FY 2001. For those COPS grants for which progress reports were required, we found a significant period of time during which the COPS Office did not have the information necessary to adequately monitor its tribal-specific grant programs.

Additionally, our review of a sample of tribal-specific grants revealed that the majority of grant files were missing one or more of the required financial and progress reports and almost all grants had one or more

financial and progress reports that were not submitted in a timely manner. Nevertheless, we found that the COPS Office, OJP, and OVW generally did not follow up with grantees to request missing reports. We also found that, despite the fact that required financial and progress reports are not being submitted, the COPS Office, OJP, and OVW allowed grantees to draw down funds totaling \$10,689,765 over the life of the grants.

Based on the significance of the findings noted above, in our judgment the COPS Office, OJP, and OVW are not effectively monitoring grants awarded to tribal governments. Therefore, the DOJ has no assurances that the objectives of its tribal-specific grant programs are being met or that expenditures of grant funds are in accordance with applicable laws, regulations, guidelines, and terms and conditions of the grants.

Recommendations

We recommend that the COPS Office:

1. Ensure that monitoring plans are developed for each grantee that includes a risk assessment of each grantee based on past performance and compliance with grant requirements to determine the timing and frequency of office-based and on-site monitoring.
2. Ensure that required financial and progress reports are submitted in a timely manner.
3. Ensure that grant managers follow up with grantees if required financial and progress reports are not submitted or are not submitted in a timely manner.
4. Ensure that grantees do not draw down grant funds if required progress reports are not filed.
5. Ensure that periodic progress reports are required to be submitted at least annually for the 3-year hiring grants and semi-annually for the 1-year equipment grants. These reports should be due within a reasonable period of time after the end of the reporting period.

We recommend that OJP:

6. Ensure that monitoring plans are developed for each grantee that includes a risk assessment of each grantee based on past performance and compliance with grant requirements to determine the timing and frequency of office-based and on-site monitoring.
7. Ensure that required financial and progress reports are submitted in a timely manner.
8. Ensure that grant managers follow up with grantees if required financial and progress reports are not submitted or are not submitted in a timely manner.
9. Ensure that grantees do not draw down grant funds if required financial or progress reports are not filed.

We recommend that OVW:

10. Ensure that monitoring plans are developed for each grantee that includes a risk assessment of each grantee based on past performance and compliance with grant requirements to determine the timing and frequency of office-based and on-site monitoring.
11. Ensure that required financial and progress reports are submitted in a timely manner.
12. Ensure that grant managers follow up with grantees if required financial and progress reports are not submitted or are not submitted in a timely manner.
13. Ensure that grantees do not draw down grant funds if required financial or progress reports are not filed.

II. UTILIZATION OF GRANT FUNDS

We determined that OJP and OVW are not ensuring that funds for tribal-specific grant programs are made available to tribal grantees in a timely manner. Additionally, the COPS Office, OJP, and OVW are not monitoring the utilization of grant funds. We reviewed 1,535 tribal-specific grants, including 900 COPS Office grants, 495 OJP grants, and 140 OVW grants. We found that grant funds totaling \$58.93 million were not obligated until more than 6 months after the beginning of the award period for 199 OJP and OVW grants. As a result, during this time grantees could not receive reimbursement for grant expenditures, which could result in significant delays in the implementation of grant programs. We also found that for the COPS Office, OJP, and OVW grants, no grant funds had been drawn down for 78 grants awarded prior to FY 2003, totaling \$38.21 million. These amounts included 40 grants which had expired totaling \$3 million. Grant funds were not drawn down for more than 1 year after funds were obligated for 281 grants totaling \$105.75 million. Finally, for expired grants, grantees were allowed to draw down funds totaling \$0.93 million that based on financial reports exceeded cumulative grant expenditures. As a result of the significant deficiencies identified, the DOJ cannot ensure that the grantees are properly utilizing grant funds and implementing grant programs in a timely manner.

To ensure the effectiveness of the DOJ grant programs in meeting the criminal justice needs of tribal governments, it is essential that grant funding is both made available and utilized in a timely manner. To determine the effectiveness of the COPS Office, OJP, and OVW's administration of tribal-specific grant programs, we reviewed grant obligations and drawdowns for all tribal-specific grants. We recognize that drawdowns are not the only definitive indicator of grant activity; however, in our judgment drawdowns are an important indicator of overall grantee progress toward achieving the grant objectives. Our review included 900 COPS Office grants totaling \$165.47 million, 495 OJP grants totaling \$204.09 million, and 140 OVW grants totaling \$41.78 million. Based on the results of our review, we found that:

- grant funds totaling \$58,928,223 were not made available to grantees in a timely manner (i.e., within 6 months of the award start date);

- for more than 2 years after the obligation date, grantees had not yet utilized \$38,210,363, including \$3,003,616 related to expired grants;
- grantees were slow to utilize grant funds totaling \$105,748,735 (i.e., more than 1 year after the funds were obligated);
- grantees had not utilized available grant funds totaling \$5,601,557 (i.e., more than 1 year prior to our review); and
- for expired grants, grantees drew down funds in excess of cumulative grant expenditures, for which we are questioning \$930,248.²⁰

Availability of Grant Funds

For each tribal-specific grant, we obtained and reviewed the grant payment history to determine whether grant funds were made available (obligated) to the grantee in a timely manner. We found that the COPS Office generally obligated grant funds within 60 days of the award start date, the beginning of the grant period; however, OJP and OVW did not obligate grant funds totaling \$58,928,223, more than 20 percent of total grant funds; within 6 months of the award start date.

TABLE 7. OBLIGATION OF GRANT FUNDING (Dollars in Millions)

NO. OF MONTHS TO OBLIGATE FUNDS	COPS OFFICE		OJP		OVW	
	NO. OF GRANTS	GRANT FUNDING	NO. OF GRANTS	GRANT FUNDING	NO. OF GRANTS	GRANT FUNDING
< 2 Months	863	\$160.64	279	\$162.14	31	\$3.87
3 to 5 Months	14	2.10	88	12.45	38	8.48
6 to 11 Months	23	2.73	121	27.84	25	7.82
12 to 23 Months	-	-	-	-	36	14.71
24 to 35 Months	-	-	7	1.67	-	-
> 36 Months	-	-	-	-	10	6.90
TOTAL²¹	900	\$165.47	495	\$204.09	140	\$41.78

Source: COPS Office, OJP, and OVW listing of tribal-specific grants awarded and the grant payment histories

²⁰ **Questioned Costs** are expenditures that do not comply with legal, regulatory or contractual requirements, or 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.

²¹ Differences in the total amounts are due to rounding, e.g., the sum of individual numbers prior to rounding reported may differ from the sum of the individual numbers rounded.

As shown in Table 7, grant funds were obligated within 60 days for 863 of the 900 COPS Office grants (96 percent), which we consider timely. However, grant funds were not obligated until more than 6 months after the award start date for 128 OJP grants totaling \$29,501,235 and 71 OVW grants totaling \$29,426,988. As a result, during this time grantees could not receive reimbursement for grant expenditures, which could result in significant delays in the implementation of tribal-specific grant programs that provide essential criminal justice services in Indian Country.

We discussed this issue with OJP financial officials to determine the amount of time it should take for grant funds to be obligated and possible reasons for the delays in obligating grant funds. The financial officials stated that it can take up to a year from the award start date until funds are obligated. The financial officials stated that delays in obligating grant funds could be caused by problems encountered in finalizing the grant budget. The financial officials further stated that delays in obligating grant funds can be caused by the grantees' failure to submit current financial and progress reports for prior grants. This statement is contradictory to financial guidelines which required that future grant awards be withheld if the grantee has not provided current financial and progress reports for all prior grants.

In our judgment, OJP and OVW should ensure that grant funds are obligated in a timely manner to avoid delays in the implementation of grant programs in Indian Country. The OJP and OVW should consider withholding awards if the proposed grant budget requires significant adjustments, and withholding the award as required if the applicant is delinquent in reporting requirements on prior grants so that limited grant funds can be utilized by other tribal governments.

Utilization of Grant Funds

For each tribal-specific grant, we obtained and reviewed the grant payment history to determine whether: 1) grant funds had been drawn down, 2) the length of time between the date the grant funds were obligated and the date of the initial drawdown, and 3) the length of time between the date of the last drawdown and the date of our review. During our review of the grant drawdowns, we identified:

- grants totaling \$38,210,363 awarded more than 2 years prior to our review for which no funds had been drawn down, indicating that the grant program had not yet been implemented;

- grants totaling \$105,748,735 for which the initial drawdown occurred more than 1 year after the funds were obligated, indicating that the grantee may have encountered problems implementing the grant program; and
- grants with available funds totaling \$5,601,557 for which the last drawdown occurred more than 1 year prior to our review, indicating that the grantee may have encountered problems after the grant was initiated and that the grant program was not fully implemented.

As detailed in the following sections, we found that the COPS Office, OJP, and OVW are not monitoring the utilization of grant funds awarded to tribal governments. Based on our review of grant drawdowns, we identified 78 tribal-specific grants awarded prior to FY 2003, totaling \$38,210,363, for which no grant funds had been drawn down.

TABLE 8. INACTIVE GRANT ANALYSIS (Dollars in Millions)

NO. OF MONTHS SINCE FUNDS OBLIGATED ²²	COPS OFFICE		OJP		OVW	
	NO. OF GRANTS	GRANT FUNDING	NO. OF GRANTS	GRANT FUNDING	NO. OF GRANTS	GRANT FUNDING
12 to 23 Months	19	\$4.60	17	\$10.54	3	\$0.15
24 to 35 Months	21	11.26	2	10.13	-	-
36 to 47 Months	12	1.36	3	0.13	-	-
> 48 Months	-	-	1	0.04	-	-
TOTAL	52	\$17.22	23	\$20.84	3	\$0.15

Source: COPS Office, OJP, and OVW listing of tribal-specific grants awarded and the grant payment histories

As shown in Table 8, we identified 52 COPS Office grants totaling \$17,222,013, 23 OJP grants totaling \$20,838,805, and 3 OVW grants totaling \$149,545, for which no funds had been drawn down as of the date of our review. Generally, these grants were awarded between FYs 1999 through 2002, more than 2 years prior to our review. Further analysis of the 78 grants shown in Table 8 revealed that 29 COPS Office grants totaling \$2,278,520, 9 OJP grants totaling \$625,551, and 2 OVW grants totaling \$99,545 had expired, indicating that the grant programs had not been

²² To be conservative, we used the date the funds were obligated instead of the award start date when determining the delays on the part of the grantee in drawing down grant funds identified in this section of the report. In the previous section of this report, we noted that OJP and OVW did not always ensure that grant funds were obligated in a timely manner.

implemented. Unused funds related to expired grants are detailed further in Finding III of this report.

Failure to draw down grant funds is not a definitive indicator of grant activity since it is possible that funds have been expended but not yet drawn down as a reimbursement. To further analyze this condition, we selected a sample of 75 grants for which no grant funds had been drawn down, consisting of 41 COPS Office grants, 29 OJP grants, and 5 OVW grants. For each of the grants in our sample we obtained and reviewed financial reports to determine whether the grantees reported financial activity. We found that 61 percent of the COPS Office grants, 31 percent of the OJP grants, and 40 percent of the OVW grants reported no financial activity. Further, for those grants that did report financial activity, the amounts reported were generally minimal. For example, on average only 23 percent of the total award had been expended after more than 2 years since the funds were obligated, indicating that the grantee may have encountered problems implementing the grant program.

As discussed in Finding IV of this report, we conducted audits of tribal grantees to determine whether costs charged to the grant programs were allowable and in accordance with applicable laws, regulations, guidelines, and terms and conditions of the grants. For each grant included in our audit for which no funds had been drawn down, we interviewed grantee officials to determine whether the grant program had been implemented and the reasons for any delays in implementation. Based on these interviews, we determined that the majority of the grants audited had not yet been implemented. Tribal officials were frequently unable to provide a reason for the delay in implementing grant programs, citing turnover in tribal staff. However, some of the reasons cited for the delays in implementing the grant programs were:

- delays in hiring positions awarded under the grant;
- grant funds from prior grants awarded for the same program had not yet been fully utilized; and
- grant funds were being withheld by the granting agency for failure to comply with the Single Audit Act or other requirements on prior grants.

We also identified 281 grants totaling \$105,748,735, for which the initial drawdown occurred more than 1 year after the funds were obligated,

indicating that the grantee may have encountered problems implementing the grant program.

TABLE 9. INITIAL DRAWDOWN ANALYSIS (Dollars in Millions)

No. of Months Since Funds Obligated	COPS OFFICE		OJP		OVW	
	No. of Grants	Grant Funding	No. of Grants	Grant Funding	No. of Grants	Grant Funding
12 to 23 Months	157	\$26.22	59	\$64.85	6	\$0.87
24 to 35 Months	36	5.24	10	6.79	1	0.36
36 to 47 Months	6	0.36	2	0.25	2	0.54
> 48 Months	1	0.07	-	-	1	0.19
TOTAL²³	200	\$31.90	71	\$71.89	10	\$1.96

Source: COPS Office, OJP, and OVW listing of tribal-specific grants awarded and the grant payment histories

As shown in Table 9, we identified 200 COPS Office grants totaling \$31,899,822, 71 OJP grants totaling \$71,887,908, and 10 OVW grants totaling \$1,961,005, for which the initial drawdown did not occur for over 1 year after the funds were obligated. Generally, these grants were awarded between FYs 1999 through 2002, indicating the grantee encountered problems implementing the grant program.

Finally, we identified 171 grants, with remaining grant funds totaling \$5,601,557, for which the last drawdown occurred more than 1 year prior to our review, indicating that the grantee encountered problems after the grant was initiated and that the grant program was not fully implemented.

²³ Differences in the total amounts are due to rounding, e.g., the sum of individual numbers prior to rounding reported may differ from the sum of the individual numbers rounded.

TABLE 10. LAST DRAWDOWN ANALYSIS (Dollars in Millions)

NO. OF MONTHS SINCE LAST DRAWDOWN	COPS OFFICE		OJP		OVW	
	NO. OF GRANTS	REMAINING GRANT FUNDING	NO. OF GRANTS	REMAINING GRANT FUNDING	NO. OF GRANTS	REMAINING GRANT FUNDING
12 to 23 Months	68	\$1.97	19	\$1.11	-	-
24 to 35 Months	48	0.76	10	0.47	5	\$0.30
36 to 47 Months	10	0.07	5	0.13	5	0.75
> 48 Months	-	-	-	-	1	0.05
TOTAL²⁴	126	\$2.80	34	\$1.71	11	\$1.09

Source: COPS Office, OJP, and OVW listing of tribal-specific grants awarded and the grant payment histories

As shown in Table 10, we identified 126 COPS Office grants with remaining grant funds totaling \$2,800,735, 34 OJP grants with remaining grant funds totaling \$1,706,726, and 11 OVW grants with remaining grant funds totaling \$1,094,096 for which the last drawdown occurred more than 1 year prior to our review. Additionally, based on further analysis of these grants, we determined that 112 COPS Office grants, 28 OJP grants, and 8 OVW grants had expired, indicating that the grant program was not fully implemented. Unused funds related to expired grants are detailed further in Finding III of this report.

Overall, we identified:

- grants totaling \$38,210,363 for which no funds had been drawn down, indicating that the grant program had not been implemented;
- grants totaling \$105,748,735 for which the initial drawdown occurred more than 1 year after the funds were obligated, indicating that the grantee may have encountered problems implementing the grant program; and
- grants with available funds totaling \$5,601,557 for which the last drawdown occurred more than 1 year prior to our review, indicating that the grantee encountered problems after the grant was initiated and that the grant program was not fully implemented.

We discussed these issues with officials from the COPS Office, OJP, and OVW and found that grant managers do not routinely monitor grant

²⁴ Differences in the total amounts are due to rounding, e.g., the sum of individual numbers prior to rounding reported may differ from the sum of the individual numbers rounded.

drawdowns for indications that the grant programs have not yet been implemented or implemented fully. In our judgment, failure to draw down grant funds is an indication that the grantee is experiencing difficulties in implementing the grant program. Therefore, grant managers should be required to monitor grant drawdowns and follow up with grantees to identify and resolve any problems. Further, if it is determined that the grantee cannot or will not implement the grant program in a timely manner, grant funds should be deobligated and made available to other grant recipients.

Drawdowns in Excess of Cumulative Grant Expenditures

Financial guidelines require that grantee drawdowns should be based on immediate disbursement requirements. Grantees are required to time the drawdown requests to ensure that federal cash on hand is the minimum needed for grant disbursements to be made immediately or within a few days. As a part of our review of grant drawdowns, we selected a sample of grants to determine whether grantees were drawing down funds in excess of grant expenditures. For each grant in our sample, we obtained the most recent financial report submitted and compared reported grant expenditures to grant drawdowns to identify if grantees had drawn down grant funds in excess of expenditures. Our sample included 116 COPS Office grants totaling \$23.04 million, 81 OJP grants totaling \$35.57 million, and 29 OVW grants totaling \$6.22 million. Based on our review, we found that grantees were allowed to draw down funds in excess of reported cumulative grant expenditures. This could be an indication that rather than using grant funds to provide essential criminal justice services, grantees may be using grant funds for other purposes. For expired grants, we identified questioned costs totaling \$930,248 for which drawdowns exceeded reported cumulative grant expenditures. Specifically, for expired grants we identified:

- excess grant funds totaling \$713,567 were drawn down by 18 COPS Office grantees,
- excess grant funds totaling \$145,818 were drawn down by 9 OJP grantees, and
- excess grant funds totaling \$70,863 were drawn down by 2 OVW grantees.

The expired grants for which we are questioning costs totaling \$930,248 related to excess drawdowns are detailed in Appendices IX through XI.

Conclusion

Overall, we identified grant funds totaling \$58,928,223 that were not obligated until more than 6 months after the beginning of the award period (award start date). Some of the reasons cited for the delays in obligating grant funds included problems encountered in finalizing the grant budgets and failure of grantees to provide current financial and progress reports.

We also determined that the COPS Office, OJP, and OVW do not systematically monitor grant drawdowns to determine whether grant funds are utilized and grant programs are being implemented. Our review of grant drawdowns for the tribal-specific grants identified: 1) grant funds totaling \$38,210,363 which had not been drawn down; 2) grant funds totaling \$105,748,735 for which the initial drawdown occurred more than 1 year after the grant funds were obligated; and 3) grants with available funds totaling \$5,601,557 for which the last drawdown occurred more than 1 year prior to our review. Each of our findings related to grant drawdowns are an indication that the grantee may have encountered problems in implementing the grant programs or that the grant programs were not fully implemented.

Finally, for expired grants tribal grantees were allowed to draw down funds totaling \$930,248 that exceeded cumulative grant expenditures as listed on grantee financial reports; as a result, we are questioning this amount.

In sum, OJP and OVW are not ensuring that funds for tribal-specific grant programs are made available to tribal grantees in a timely manner. Additionally, the COPS Office, OJP, and OVW are not monitoring the utilization of grant funds. If grant funds are not obligated in a timely manner, tribal governments may encounter delays in providing essential criminal justice services. Further, failure to utilize grant funds in a timely manner may be an indication that the grant programs are not meeting the criminal justice needs of tribal governments.

Recommendations

We recommend that the COPS Office:

14. Ensure that grant drawdowns are monitored to determine if grant funds are being utilized in a timely manner.

15. Follow up with grantees that have not drawn down any grant funds to determine whether the grantees have encountered difficulties in implementing the grant program, and provide assistance as necessary.
16. Ensure that grant funds are deobligated and the grants are closed if grantees are unable or unwilling to implement grant programs in a timely manner.
17. Ensure that grantees are not allowed to draw down grant funds in excess of reported cumulative grant expenditures.
18. Remedy the \$713,567 in questioned costs related to excess drawdowns on expired grants.

We recommend that OJP:

19. Ensure that grant funds are obligated in a timely manner.
20. Withhold grant awards if the applicant is delinquent in complying with prior grant requirements.
21. Establish procedures to ensure that adjustments to the grant application budget are completed timely, including revoking grant awards if the applicant is delinquent in complying with budget revision requests.
22. Ensure that grant drawdowns are monitored to determine if grant funds are being utilized in a timely manner.
23. Follow up with grantees that have not drawn down any grant funds to determine whether the grantees have encountered difficulties in implementing the grant program, and provide assistance as necessary.
24. Ensure that grant funds are deobligated and the grants are closed if grantees are unable or unwilling to implement grant programs in a timely manner.
25. Ensure that grantees are not allowed to draw down grant funds in excess of reported cumulative grant expenditures.
26. Remedy the \$145,818 in questioned costs related to excess drawdowns on expired grants.

We recommend that OVW:

27. Ensure that grant funds are obligated in a timely manner.
28. Withhold grant awards if the applicant is delinquent in complying with prior grant requirements.
29. Establish procedures to ensure that adjustments to the grant application budget are completed timely, including revoking grant awards if the applicant is delinquent in complying with budget revision requests.
30. Ensure that grant drawdowns are monitored to determine if grant funds are being utilized in a timely manner.
31. Follow up with grantees that have not drawn down any grant funds to determine whether the grantees have encountered difficulties in implementing the grant program, and provide assistance as necessary.
32. Ensure that grant funds are deobligated and the grants are closed if grantees are unable or unwilling to implement grant programs in a timely manner.
33. Ensure that grantees are not allowed to draw down grant funds in excess of reported cumulative grant expenditures.
34. Remedy the \$70,863 in questioned costs related to excess drawdowns on expired grants.

III. GRANT CLOSEOUT

The COPS Office, OJP, and OVW are not closing out expired grants, and the small percentage of grants that have been closed were generally not closed in a timely manner, resulting in questioned costs of \$6.06 million and funds put to better use of \$10.95 million.²⁵ We reviewed 758 expired tribal-specific grants and found that only 149 grants (20 percent) had been closed. For the 149 closed grants, only 32 grants (21 percent) were closed in a timely manner (within 180 days after the grant expired). The closed grants included COPS Office and OVW grants with remaining funds totaling \$207.25 thousand that should have been deobligated and put to better use. We also identified 460 expired grants more than 180 days past the end of the award period (grant end date) that had not been closed, of which 112 had been expired for more than 2 years. Further, we identified questioned costs totaling \$6.06 million related to drawdowns that occurred on expired grants more than 90 days past the grant end date and funds put to better use totaling \$10.75 million associated with expired grants more than 90 days past the grant end date.

An important aspect of grant monitoring and administration is timely and proper grant closeout. As a part of the closeout process, grant managers are required to ensure that grant objectives have been achieved. Therefore, timely grant closeout is essential to determine whether grant programs are effectively meeting the criminal justice needs of tribal governments. According to federal regulations, official closeout of a grant should occur when the awarding agency determines that the grantee has completed all applicable administrative actions and work required under the grant.²⁶ Grants should be closed out when the grant has expired (reached the award end date) and all open administrative, compliance, legal, and audit issues have been resolved. An awarding agency may choose to close a grant administratively if the grantee fails to provide the required documents, is no longer a valid operating entity, is nonresponsive, or fails to cooperate during the closeout process.

²⁵ **Funds Put to Better Use** are funds not yet expended that could be used more efficiently if management took actions to implement and complete audit recommendations.

²⁶ 28 CFR, Part 66, *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*.

Additionally, OJP and OVW policy requires that grants should be closed within 180 days after the award end date. The COPS Office does not have a specific timeframe in which expired grants should be closed. In our judgment, 180 days after the award end date is a reasonable timeframe for closing out expired grants.

To determine the effectiveness of the COPS Office, OJP, and OVW closeout process for tribal-specific grant programs, we reviewed all 758 expired tribal-specific grants. Our review included 507 COPS Office grants totaling \$62.08 million, 177 OJP grants totaling \$51.11 million, and 74 OVW grants totaling \$19.58 million. Based on the results of our review, we found that:

- only 149 grants (20 percent) had been closed, including the COPS Office and OVW grants with remaining funds totaling \$207,249 that should have been deobligated and put to better use;
- of the 149 closed grants, only 32 grants (21 percent) were closed in a timely manner (within 180 days after the grant expired);
- despite the fact that financial guidelines require that grant funds must be drawn down within 90 days after the end of the grant period, grantees were allowed to draw down grant funds totaling \$6,063,471 more than 90 days after the grant end date; and
- unused grant funds for expired grants totaling \$10,745,048, which should have reverted back to the granting agency pursuant to financial guidelines, had not been deobligated.

Grant Closeout

We analyzed all 758 expired tribal-specific grants to determine whether they were properly closed. Based on the results of our audit, we found that 337 COPS Office grants, 91 OJP grants, and 32 OVW grants had not been closed. Overall, only 15 percent of expired COPS Office grants, 29 percent of expired OJP grants, and 27 percent of expired OVW grants had been closed. We determined that the COPS Office and OVW failed to deobligate remaining grant funds totaling \$207,249 prior to closing the grants.

TABLE 11. CLOSED GRANT ANALYSIS

	COPS OFFICE	OJP	OVW
NO. OF MONTHS TO GRANT CLOSEOUT	NO. OF GRANTS	NO. OF GRANTS	NO. OF GRANTS
< 6 Months	16	11	5
6 to 11 Months	4	20	6
12 to 23 Months	30	15	6
24 to 35 Months	27	5	3
> 36 Months	1	-	-
TOTAL²⁷	78	51	20

Source: COPS Office, OJP, and OVW listing of tribal-specific grants awarded and the grant payment histories

As shown in Table 11, only 16 COPS Office grants, 11 OJP grants, and 5 OVW grants were closed within 180 days after the grant expired. We identified 28 COPS Office grants, 5 OJP grants, and 3 OVW grants that were not closed until more than 2 years after the grant expired. Further, we identified 8 COPS Office grants with funds totaling \$200,380 and 1 OVW grant with funds totaling \$6,869 that should have been deobligated and put to better use prior to closing the grants. The closed COPS Office and OVW grants for which funds totaling \$207,249 should be deobligated and put to better use are detailed in Appendices XII and XIII.

We also analyzed all remaining expired tribal-specific grants that had not been closed to determine the number of these grants that were more than 180 days past the grant end date. Our review disclosed that the COPS Office, OJP, and OVW failed to close 460 expired tribal-specific grants that were more than 180 days past the grant end date.

TABLE 12. EXPIRED GRANTS THAT HAVE NOT BEEN CLOSED

	COPS OFFICE	OJP	OVW
NO. OF MONTHS	NO. OF GRANTS	NO. OF GRANTS	NO. OF GRANTS
6 to 11 Months	134	55	15
12 to 23 Months	119	14	11
24 to 35 Months	66	22	6
> 36 Months	18	-	-
TOTAL	337	91	32

Source: COPS Office, OJP, and OVW listings of tribal-specific grants awarded and closed grants

²⁷ Differences in the total amounts are due to rounding, e.g., the sum of individual numbers prior to rounding reported may differ from the sum of the individual numbers rounded.

As shown in Table 12, we identified a total of 337 COPS Office grants, 91 OJP grants, and 32 OVW grants that had not been closed, despite the fact that the grants were more than 180 days past the grant end date. Further, 84 COPS Office grants, 22 OJP grants, and 6 OVW grants have been expired more than 2 years but had not been closed.

As a part of the grant closeout, the COPS Office, OJP, and OVW are required to ensure that grant objectives and special conditions have been met. Based on the results of our review, the COPS Office, OJP, and OVW are not closing out grants or are not closing grants in a timely manner. As a result, the granting agencies cannot determine whether grant programs are effectively meeting the criminal justice needs of tribal governments.

Analysis of Drawdowns on Expired Grants

According to policy, grant funds must be drawn down within 90 days after the end of the grant period, and any funds not drawn down within the required timeframe will lapse and revert to the awarding agency. However, we found that the COPS Office, OJP, and OVW allowed grantees to draw down funds totaling \$6,063,471 from 188 expired grants more than 90 days past the grant end date. This funding should have reverted back to the awarding agency and made available for other purposes.

TABLE 13. DRAWDOWNS OCCURRING 90 DAYS PAST THE GRANT END DATE (Dollars in Millions)

No. of Months Past End Date	COPS OFFICE		OJP		OVW	
	No. of Grants	Amount Drawn Down	No. of Grants	Amount Drawn Down	No. of Grants	Amount Drawn Down
3 to 11 Months	94	\$2.28	39	\$2.20	20	0.51
12 to 23 Months	19	0.57	4	0.11	3	0.17
> 24 Months	9	0.23	-	-	-	-
TOTAL	122	\$3.08	43	\$2.31	23	\$0.68

Source: COPS Office, OJP, and OVW listing of tribal-specific grants awarded and the grant payment histories

As shown in Table 13, we determined that:

- For 122 tribal-specific grants, the COPS Office allowed grantees to make 174 drawdowns totaling \$3,077,157 more than 90 days past the grant end date; as a result, we are questioning this amount. It should be noted that 57 drawdowns totaling \$792,951 occurred more than 1 year after the grant expired. The expired COPS Office grants for

which we are questioning costs related to drawdowns occurring more than 90 days after the grant end date are detailed in Appendix XIV.

- For 43 tribal-specific grants, OJP allowed grantees to make 73 drawdowns totaling \$2,305,298 more than 90 days past the grant end date; as a result, we are questioning this amount. It should be noted that 9 drawdowns totaling \$105,872 occurred more than 1 year after the grant expired. The expired OJP grants for which we are questioning costs related to drawdowns occurring more than 90 days after the grant end date are detailed in Appendix XV.
- For 23 tribal-specific grants, OVW allowed grantees to make 32 drawdowns totaling \$681,016 more than 90 days past the grant end date; as a result, we are questioning this amount. It should be noted that 3 drawdowns totaling \$166,641 occurred more than 1 year after the grant expired. The expired OVW grants for which we are questioning costs related to drawdowns occurring more than 90 days after the grant end date are detailed in Appendix XVI.

Additionally, for expired tribal-specific grants we identified a significant amount of unused grant funds that had not been drawn down within 90 days after the grant end date. Pursuant to DOJ policy, these funds should have reverted back to the awarding agency and made available for other purposes.

**TABLE 14. GRANT FUNDS REMAINING FOR EXPIRED GRANTS
90 DAYS PAST THE GRANT END DATE** (Dollars in Millions)

NO. OF MONTHS PAST END DATE	COPS OFFICE		OJP		OVW	
	NO. OF GRANTS	REMAINING GRANT FUNDING	NO. OF GRANTS	REMAINING GRANT FUNDING	NO. OF GRANTS	REMAINING GRANT FUNDING
3 to 11 Months	121	\$4.65	48	\$2.28	21	\$1.04
12 to 23 Months	64	1.37	12	0.43	6	0.09
24 to 35 Months	24	0.34	15	0.30	3	0.12
> 36 Months	8	0.13	-	-	-	-
TOTAL	217	\$6.49	75	\$3.01	30	\$1.25

Source: COPS Office, OJP, and OVW listing of tribal-specific grants awarded and the grant payment histories.

As shown in Table 14, we identified a total of 322 grants that were 90 days past the grant end date with total funds remaining of \$10,745,048, which had not been deobligated and put to better use. This is also an indication that tribal-specific grant programs in Indian Country may not have been fully implemented. Specifically, we identified:

- 217 COPS Office grants 90 days past the grant end date with remaining grant funds totaling \$6,487,356; as a result, these funds should be deobligated and put to better use. The expired COPS Office grants for which funds should be deobligated are detailed in Appendix XVII.
- 75 OJP grants 90 days past the grant end date with remaining grant funds totaling \$3,006,770; as a result, these funds should be deobligated and put to better use. The expired OJP grants for which funds should be deobligated are detailed in Appendix XVIII.
- 30 OVW grants 90 days past the grant end date with remaining grant funds totaling \$1,250,922; as a result, these funds should be deobligated and put to better use. The expired OVW grants for which funds should be deobligated are detailed in Appendix XIX.

Further, of these amounts, 32 COPS Office grants with funds remaining of \$465,255, 15 OJP grants with funds remaining of \$296,549, and 3 OVW grants with funds remaining of \$116,614 have been expired more than 2 years. We discussed this issue with OJP financial officials, who stated that tribal grantees are allowed to draw down grant funds for expenditures incurred during the grant period until the grant is fiscally and programmatically closed, a position that is contrary to their own financial guidelines. The COPS Office financial officials stated that grants with unused funds are not identified until the closeout process has begun; therefore, prior to closeout, grantees may be drawing down funds more than 90 days after the grant end date. However, as stated in previous sections of this report, the COPS Office, OJP, and OVW are not closing out grants in a timely manner.

As stated in Finding II, the COPS Office, OJP, and OVW should monitor grant drawdowns to ensure that grant programs are fully implemented. In our judgment, the COPS Office, OJP, and OVW should also review grant drawdowns prior to the end of the grant period to determine if all grant funds have been drawn down. The COPS Office, OJP, and OVW should follow up on any grants with remaining funds to determine if the grantee has expended or plans to expend remaining funds prior to the end of the award period. Based on the results, of our review, the failure of the COPS Office, OJP, and OVW to monitor grant drawdowns has resulted in \$6,063,471 in questioned costs and \$10,745,048 in funds put to better use, which should have been used by tribal governments to improve criminal justice services.

Conclusion

An important aspect of grant monitoring and administration is timely and proper grant closeout. As a part of the closeout process, grant managers are required to ensure that grant objectives have been achieved. Therefore, timely grant closeout is essential to determine whether grant programs are effectively meeting the criminal justice needs of tribal governments. We found that the COPS Office, OJP, and OVW are not closing out grants or are not closing grants in a timely manner.

We found that out of the 758 expired tribal-specific grants, only 149 grants had been closed, including COPS Office and OVW grants with remaining funds totaling \$207,249 that should have been deobligated and put to better use prior to closeout. We also identified 460 grants more than 180 days past the grant end date that had not been closed.

Further, we identified questioned costs totaling \$6,063,471 related to tribal grantees that were allowed to make 279 drawdowns more than 90 days past the grant end date. We also identified funds put to better use totaling \$10,745,048 associated with unused funds for 322 expired grants that were more than 90 days past the grant end date.

Recommendations

We recommend that the COPS Office:

35. Ensure that expired grants are closed in a timely manner and that remaining grant funds are deobligated prior to closing grants.
36. Deobligate and put to better use the \$200,380 in remaining funds related to grants that have been closed.
37. Review grant drawdowns prior to the end of the grant period to determine if all grant funds have been drawn down, and follow up on any grants with remaining funds to determine if the grantee has expended or plans to expend remaining funds prior to the grant end date.
38. Ensure that grantees are not allowed to draw down funds more than 90 days after the grant end date and that all funds remaining on grants that have been expired for more than 90 days are deobligated.

39. Remedy the \$3,077,157 in questioned costs related to drawdowns occurring more than 90 days past the grant end date.
40. Deobligate and put to better use the \$6,487,356 in remaining funds related to expired grants that are more than 90 days past the grant end date.

We recommend that OJP:

41. Ensure that expired grants are closed in a timely manner.
42. Review grant drawdowns prior to the end of the grant period to determine if all grant funds have been drawn down, and follow up on any grants with remaining funds to determine if the grantee has expended or plans to expend remaining funds prior to the grant end date.
43. Ensure that grantees are not allowed to draw down funds more than 90 days after the grant end date and that all funds remaining on grants that have been expired for more than 90 days are deobligated.
44. Remedy the \$2,305,298 in questioned costs related to drawdowns occurring more than 90 days past the grant end date.
45. Deobligate and put to better use the \$3,006,770 in remaining funds related to expired grants that are more than 90 days past the grant end date.

We recommend that OVW:

46. Ensure that expired grants are closed in a timely manner and that remaining grant funds are deobligated prior to closing grants.
47. Deobligate and put to better use the \$6,869 in remaining funds related to grants which have been closed.
48. Review grant drawdowns prior to the end of the grant period to determine if all grant funds have been drawn down, and follow up on any grants with remaining funds to determine if the grantee has expended or plans to expend remaining funds prior to the grant end date.

49. Ensure that grantees are not allowed to draw down funds more than 90 days after the grant end date and that all funds remaining on grants that have been expired for more than 90 days are deobligated.
50. Remedy the \$681,016 in questioned costs related to drawdowns occurring more than 90 days past the grant end date.
51. Deobligate and put to better use the \$1,250,922 in remaining funds related to expired grants that are more than 90 days past the grant end date.

IV. ALLOWABILITY OF COSTS CHARGED TO TRIBAL-SPECIFIC GRANT PROGRAMS

We conducted audits of tribal-specific grants, including a total of 41 COPS Office grants totaling \$16.80 million, 21 OJP grants totaling \$36.64 million, and 6 OVW grants totaling \$3.69 million. Based on the results of the individual grant audits, we found that unallowable and unsupported costs totaling \$4.57 million were charged to the grants. Further, we identified funds put to better use totaling \$0.97 million related grant funds that will not or should not be used. As a result, these costs were not used to meet the criminal justice needs funded under the grant program. We also found that essential grant requirements were not met. The frequency and magnitude of issues identified in our individual grant audits indicate that critical grant requirements are not being met. These findings indicate that the COPS Office, OJP, and OVW are not adequately monitoring the tribal-specific grant programs, resulting in significant numbers of tribal grantees that are not administering their grant(s) in accordance with applicable laws, regulations, guidelines, and terms and conditions of the grant(s).

After the grant award has been accepted, the COPS Office, OJP, and OVW are responsible for managing and administering the programmatic and financial aspects of the award. As stated in the Background section of this report, from FYs 1998 through 2003 the OIG performed individual audits of 14 COPS Office grants and 13 OJP grants awarded to tribal governments.²⁸ For the 27 prior grant audits, the OIG identified \$4.19 million in questioned costs and \$3.04 million in funds put to better use.²⁹ Specifically, the prior audits disclosed that:

- Unallowable costs were charged to the COPS Office grants by 43 percent of the COPS Office grantees and 77 percent of OJP grantees audited. Additionally, unsupported costs were charged to the grants by 21 percent of the COPS Office grantees and 31 percent of the OJP grantees audited.

²⁸ Executive summaries of these audits are available for public review at www.usdoj.gov/oig.

²⁹ See Appendices VII and VIII for a listing of audits, including dollar-related findings, of COPS Office and OJP tribal grantees conducted by the OIG.

- Financial reports were not submitted or submitted in a timely manner by 79 percent of the COPS Office grantees and 54 percent of OJP grantees audited. Further, financial reports were inaccurate for 36 percent of the COPS Office grantees and 23 percent of OJP grantees audited.
- Progress reports were not submitted or were not submitted in a timely manner by 57 percent of the COPS Office grantees and 69 percent of OJP grantees audited. Further, progress reports were inaccurate for 21 percent of the COPS Office grantees audited.
- There was no formal plan to retain grant funded positions for 36 percent of COPS Office grantees audited, while grant funded positions were not retained for 14 percent of the COPS Office grantees.
- Grant funds were used to supplant local funds by 29 percent of the COPS Office grantees audited.
- Grant activities were not implemented in a timely manner by 7 percent of the COPS Office grantees audited. Additionally, grant activities were not implemented or fully implemented by 8 percent of the OJP grantees audited.
- The COPS Office failed to deobligate remaining grant funds for expired grants for 7 percent of the grantees audited.
- Grant funds were drawn down after the expiration of the grant for 7 percent of the COPS Office grantees audited.
- Reimbursements in excess of grant expenditures were received by 8 percent of OJP grantees audited.

The results of these prior audits indicate that the COPS Office and OJP are not effectively managing the DOJ's grant programs for tribal governments.³⁰ Therefore, as a part of our audit, we conducted additional audits of selected COPS Office, OJP, and OVW tribal grantees to determine whether costs charged to the grant programs are allowable and in accordance with applicable laws, regulations, guidelines, and terms and conditions of the grants.

³⁰ No OVW grants were included in the 27 prior audits conducted by the OIG.

We selected a total of 41 COPS Office grants totaling \$16.80 million, 21 OJP grants totaling \$36.64 million, and 6 OVW grants totaling \$3.69 million. Eighteen separate audit reports were issued for the grantees and grants selected.

The individual grantee audits disclosed costs charged to the grant programs that were not allowable and in accordance with applicable laws, regulations, guidelines, and terms and conditions of the grants. Additionally, the individual grantee audits disclosed that grantees were not always in compliance with grant conditions and reporting requirements. Specifically, these audits disclosed that:

- Unallowable and unsupported costs were charged to the grants.
- Grant funds in excess of grant expenditures were drawn down.
- Financial and progress reports were missing, late, and inaccurate.
- Drawdowns occurred after the grant end date.
- Grants funds awarded were not used.

Dollar-Related Findings

Allowable costs are those costs identified in the Office of Budget and Management (OMB) Circulars and in the grant program's authorizing legislation. Grantees are only allowed reimbursement for those costs that are reasonable in nature and permissible under the specific guidance of the grant. For each grant award, the COPS Office, OJP, and OVW issue a financial clearance memorandum to the grantee. The financial clearance memorandum includes: 1) the approved budget, budget categories, and budget period; 2) statements regarding the results of the fiscal integrity and financial capability reviews; 3) matching requirements; 4) verification of correct name, address and vendor number of the award recipient; and 5) any special conditions to the award.

For each grant audited, we determined whether costs charged to the grant programs were allowable and in accordance with applicable laws, regulations, guidelines, and terms and conditions of the grants. Based on the results of the individual grant audits, we found that unallowable and unsupported costs were charged to the grants. Further, we identified funds put to better use related grant funds that will not or should not be used. As

a result, these costs were not used to meet the criminal justice needs funded under the grant program. In summary, the individual grant audits identified \$5,542,540 in dollar-related findings, as shown in Table 15.

TABLE 15. DOLLAR-RELATED FINDINGS FOR AUDITS OF GRANTS AWARDED TO TRIBAL GOVERNMENTS

GRANTEE NAME	REPORT No.	QUESTIONED COSTS	FUNDS PUT TO BETTER USE
Passamaquoddy Tribe and Pleasant Point Reservation ³¹	GR-70-05-006	\$1,332,906	-
Blackfeet Tribal Council	GR-60-04-010	1,173,045	\$597,465
Oglala Sioux Tribe	GR-60-05-004	1,046,176	-
Navajo Nation Division of Public Safety	GR-60-05-001	237,445	-
Lummi Indian Nation	GR-90-05-007	173,040	-
Mississippi Band of Choctaw Indians	GR-40-05-003	191,872	-
Eastern Band of Cherokee Indians	GR-40-05-004	109,457	-
Chickasaw Nation	GR-80-05-003	103,518	-
Chickasaw Nation	GR-80-05-004	52,711	20,701
Sault Ste. Marie Tribe of Chippewa Indians	GR-50-05-006	50,890	-
Chickasaw Nation	GR-80-05-002	47,371	-
St. Regis Mohawk Tribe	GR-70-05-008	20,479	15,284
Blackfeet Fish and Wildlife Department	GR-60-04-008	18,375	-
Lummi Indian Nation	GR-90-05-004	9,805	-
Navajo Nation Department of Resource Enforcement	GR-60-04-011	6,272	115,632
Choctaw Nation Law Enforcement	GR-80-05-001	-	220,096
Columbia River Inter-Tribal Fisheries Enforcement	GR-90-04-014	-	-
White Earth Reservation Tribal Council	GR-50-05-005	-	-
TOTALS		\$4,573,362	\$969,178

Source: OIG Audit Division

The dollar-related findings for the individual grant audits included \$4,573,362 in questioned costs and \$969,178 in funds put to better use consisting of the following.

- The grantee failed to provide auditable accounting records for one of the sites selected; therefore, we were unable to conduct the audit.
- The grantee charged unallowable costs to the grant for 65 percent of the audits conducted, including: 1) costs that were not allowable per statutory or grant requirements; 2) costs that were not allowable per

³¹ The Passamaquoddy Tribe was unable to provide auditable accounting records for the grants selected for audit; as a result, we questioned all drawdowns for the grants.

the financial clearance memorandum; and 3) salaries and fringe benefits in excess of approved amounts or for positions that were not approved for the grant.

- The grantee charged costs that were not supported by adequate documentation for 59 percent of the audits conducted.
- The grantee received drawdowns in excess of grant expenditures for 35 percent of the audits conducted.
- The grantee received funding in excess of grant program needs resulting in funds put to better use for 35 percent of the audits conducted, e.g., the grantee did not intend to fill all positions approved under the grant; the grantee overestimated grant costs and funds that remained unspent after a reasonable amount of time.
- The grantee transferred costs between budget categories in excess of 10 percent for which prior approval was not obtained from the granting agency for 50 percent of the OJP audits conducted.
- The grantee failed to retain grant-funded positions for 13 percent of the audits conducted for COPS Office grants.

Periodic Grantee Reports

Financial and progress reports provide the awarding agency basic information regarding the status of the funds, the status of the project, a comparison of actual accomplishments to the grant's objectives, and other pertinent information. For each individual grant audit, we reviewed the grantee's compliance with financial and progress reporting requirements. Specifically, we: 1) determined if the last four financial reports and all progress reports were submitted in a timely manner; 2) determined if the financial and progress reports were not submitted or were submitted late, determined if the grantee received reimbursement(s) during the period(s) that the reports were overdue and the total amount of federal funding reimbursed to the grantee during these period(s); and 3) verified the accuracy of all financial and progress reports by comparing the reports to the source documentation maintained by the grantee.

Based on the results of the individual grant audits, we found that periodic financial and progress reports were not regularly submitted or submitted in a timely manner. Specifically, we found that:

- Not all required financial reports were submitted in a timely manner for 80 percent of the grantees audited.
- Grantees were able to draw down funds totaling \$1,263,942 during periods for which a current financial report had not been submitted.
- Financial reports submitted were not accurate for 67 percent of the grantees audited.
- Not all required progress reports were submitted for 53 percent of the grantees audited.³²
- Not all required progress reports were submitted in a timely manner for 73 percent of the grantees audited.
- Grantees were able to draw down funds totaling \$9,425,823 during periods for which a current progress report had not been submitted.

Other Findings Reported

- The grantee did not properly account for equipment purchased for 24 percent of the audits conducted.
- The grantee did not have a formal plan to retain grant-funded positions for 25 percent of the audits conducted for COPS Office grants.
- The grantee used grant funds to supplant local funds for 13 percent of the audits conducted for COPS Office grants.
- The grantee charged unallowable or unsupported matching costs to the grant for 56 percent of audits conducted for OJP and OVW grants.
- The grantee did not adequately monitoring subgrantees for 11 percent of the audits conducted for OJP and OVW grants.

³² The COPS Office had not yet required progress reports for the 2001 through 2003 THRGP grants, and the 2002 and 2003 TRGP Hiring and Equipment grants.

Conclusion

Based on the results of the individual grant audits, we found that unallowable and unsupported costs totaling \$4,573,362 were charged to the grants. Further, we identified funds put to better use totaling \$969,178 related grant funds that will not or should not be used. As a result, these costs were not used to meet the criminal justice needs funded under the grant program. We also found that essential grant requirements were not met. Specifically,

- Financial reports were not submitted in a timely manner and were often inaccurate.
- Progress reports were not submitted or not submitted in a timely manner.
- Grantees were allowed to draw down grant funds during periods when required reports had not been submitted.
- Grantees did not properly account for equipment purchased.
- COPS Office grantees did not have formal plans to retain grant funded positions and used grant funds to supplant local funds.
- OJP grantees charged unallowable or unsupported matching costs and did not adequately monitor subgrantees.

Based on the individual grant audits, we found that costs charged to the grant programs that were not allowable and in accordance with applicable laws, regulations, guidelines, and terms and conditions of the grants. Further, the frequency and magnitude of issues identified in our individual grant audits indicate that critical grant requirements are not being met. In our judgment, these findings support our conclusion that the COPS Office, OJP, and OVW are not adequately monitoring the tribal-specific grant programs, resulting in significant numbers of tribal grantees who are not administering their grants in accordance with applicable laws, regulations, guidelines, and terms and conditions of the grants.

We are not offering any recommendations related to the individual grant audits since recommendations were included in the separate audit reports. Additionally, recommendations related to the failure of the COPS Office, OJP, and OVW to adequately monitor tribal-specific grant programs are included in Findings I and II of this report.

V. DOJ STRATEGY FOR AWARDING GRANTS TO TRIBAL GOVERNMENTS

The BJA proposed to restructure its tribal-specific grant programs into a combined criminal justice program. Currently, the DOJ provides funding to tribal governments primarily through mandatory set-asides or programs intended specifically for tribal governments. This approach benefits tribal governments because they are not required to compete with state and local governments for limited funding. We found that the COPS Office, OJP, and OVW did not ensure that tribal grantees submitted the information necessary to assess grant implementation and the achievement of grant program objectives. However, based on other measures, we determined that the tribal-specific grant programs were not always fully implemented in a timely manner or adequately monitored. Consequently, officials from the COPS Office, OJP, and OVW could not fully assess whether grant objectives have been achieved or whether current grant programs are effective in meeting the criminal justice needs of tribal governments. From past DOJ initiatives, we identified that coordination and training are critical to the success of any DOJ grant funding strategy. However, based on interviews with the granting agency and other DOJ officials, we found that the DOJ does not currently have a formalized process for coordination, information sharing, and training staff responsible for monitoring and administering grants awarded to tribal governments.

A 1999 study found that from 1992 through 1996 the crime rate, especially the violent and juvenile crime rates, increased in Indian Country while crime rates declined nationwide. According to a 2001 study conducted by the BJS, Native Americans are more likely to experience rape or sexual assault, robbery, aggravated assault, and simple assault than people of any other race.³³ The DOJ recognizes that most of the responsibility for crime control and prevention rests with state and local governments, including tribal governments. To this end, the DOJ provides leadership and support to state, local, and tribal governments to further develop their capacity to prevent and control crime and administer justice fairly and effectively through various grant programs, training, technical assistance, research, and statistics.

³³ BJS Special Report, *Violent Victimization and Race, 1993-98*, March 2001.

Our audit was initiated at the request of OJP who asked that the OIG conduct a review of the DOJ criminal justice funding awarded to tribal governments. In its request, OJP stated that “. . . a review should be conducted to determine how effective the various approaches [funding mechanisms] are in meeting short-term and long-term objectives and in having a long-term impact in the way criminal justice issues are handled by tribal governments.” During our audit, we learned that the audit request was initiated by the BJA in part because of a proposal to restructure its tribal-specific grant programs into a combined criminal justice program.

Proposed Funding Strategy

The BJA has proposed consolidating the Tribal Courts, Indian Alcohol and Substance Abuse, Tribal Drug Courts, and Tribal Youth programs “in an effort to streamline funding” that would allow tribal governments increased flexibility in prioritizing criminal justice needs and determining how the grant funds will be utilized. According to the BJA, the proposed Tribal Justice Assistance Grant (TJAG) Program would also streamline the application process and grant requirements, and attempt to eliminate duplication of monitoring efforts. In its proposal, the BJA states that the design of the TJAG Program will:

- Broaden the flexibility of tribal governments to use their funding by blending purpose areas to create a wider range of options that will more fully support the funding decisions made by tribal grantees.
- Streamline funding initiatives and improve communication and cooperation among federal, tribal, state, and local partners.
- Support a structured and intensive assessment and planning process that leads to the development and implementation of comprehensive justice system planning.
- Provide efficient and effective services that make the most of limited program funding.
- Implement strategies that reflect the values and culture of the people being served.
- Maintain focus on sustainability from the program’s start.

In our judgment the BJA proposal does not provide support that the TJAG Program will accomplish the objectives listed above. The TJAG Program may provide more flexibility to tribal governments in assessing their criminal justice priorities and determining how the grant funds will be utilized. However, the proposal also does not provide any details on how the TJAG Program will improve: 1) the development and implementation of comprehensive justice system planning, 2) provide efficient and effective services with limited funding, or 3) maintain sustainability from the program start.

The proposed TJAG Program is in line with the DOJ policy on tribal sovereignty, in that it would allow tribal governments to assess their criminal justice priorities and determine how the grant funds will be utilized. However, any proposed strategy must balance accountability with flexibility. Our audit identified several concerns that should be addressed to ensure that any planned or future strategy, including the TJAG Program, is successful. In Findings I through IV, we found that current grant programs have not been adequately monitored or effectively administered by the granting agencies. Further, we found that tribal grantees were not always in compliance with grant requirements, and did not always expend grant funds in accordance with laws, regulations, and the terms and conditions of the grant.

Effectiveness of the Current DOJ Funding Strategy

Currently, the DOJ provides funding to tribal governments mostly through mandatory set-asides or programs intended specifically for tribal governments. The approach benefits tribal governments because they are not required to compete with state and local governments for limited funding. For example, at least 5 percent of criminal justice funding is set aside specifically for grants to tribal governments for the: 1) Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program, 2) Rural Domestic Violence and Child Victimization Enforcement Grants Program, and 3) Safe Havens for Children Pilot Program.³⁴ Additionally, The COPS Office, OJP, and OVW administer the following tribal-specific grant programs designed to address issues of law enforcement, domestic violence, child abuse, juvenile justice, and victims' services.³⁵

³⁴ See Appendices IV and V for a detailed description of mandatory set-asides and nontribal-specific grants awarded to tribal governments.

³⁵ See the Background section of this report for a detailed description of the tribal-specific grant programs.

TRIBAL-SPECIFIC GRANT PROGRAMS		
<i>COPS Office</i>	<i>OJP</i>	<i>OVW</i>
<ul style="list-style-type: none"> • <i>Tribal Resource Grant Program</i> • <i>Tribal Hiring Renewal Grant Program</i> • <i>Mental Health and Community Safety Initiative</i> • <i>Tribal Courts Pilot Program</i> 	<ul style="list-style-type: none"> • <i>Indian Alcohol and Substance Abuse Program</i> • <i>Tribal Courts Assistance Program</i> • <i>Correctional Facilities on Tribal Lands Program</i> • <i>Tribal Youth Program</i> • <i>Tribal Victim Assistance Program</i> • <i>Children's Justice Act Partnerships for Indian Communities Program</i> 	<ul style="list-style-type: none"> • <i>S•T•O•P Violence Against Indian Women Program</i>

Grant Program Effectiveness

To adequately evaluate the effectiveness of the current tribal-specific grant programs, it is necessary to assess whether the grants have been fully implemented and whether program objectives have been achieved. We found that the COPS Office, OJP, and OVW did not ensure that tribal grantees submitted the information necessary to assess grant implementation and the achievement of grant program objectives. Additionally, there was no consistency in the information provided in the required progress reports that were submitted. As a result, our audit focused on the utilization of grant funding as an indicator of whether the grants have been fully implemented and program objectives have been achieved. The OIG is also planning to initiate a separate follow-on audit of a tribal-specific grant program to obtain grant performance information directly from the grantees and evaluate whether grant objectives are being achieved.

Required financial and progress reports contain the minimum information necessary to determine whether grant programs have been implemented and grant objectives are being achieved. Financial reports include actual and cumulative expenditures, while progress reports provide information on grant activities and accomplishments during the reporting period. However, these reports generally do not contain documentation supporting the information reported and there was no consistency in the information provided in the required progress reports that were submitted. Additionally, we found that 81 percent of the grant files reviewed were

missing one or more financial reports and financial reports were not submitted in a timely manner for 97 percent of grants. Additionally, 80 percent were missing one or more progress reports and progress reports were not submitted in a timely manner for 88 percent of the grants. Further, the COPS Office has only sporadically required progress reports for its grants and no progress reports have been required for grants awarded after FY 2001. As a result, the COPS Office, OJP, and OVW do not have the most basic information necessary to determine whether grant programs have been implemented and grant objectives have been achieved.

Further, timely closure of expired grants is important in determining whether grant programs have been effective in meeting the needs of tribal governments. As a part of the closeout process, grant managers are required to ensure that final financial and progress reports are submitted. They then review the reports to determine if grant objectives have been achieved. As discussed in Finding III of this report, we found that the COPS Office, OJP, and OVW are not closing grants in a timely manner.

Since the COPS Office, OJP, and OVW did not ensure that the grantees are providing the most basic information necessary to determine whether grant programs have been implemented and grant objectives have been achieved, DOJ grant managers cannot currently assess the effectiveness of tribal-specific grant programs. However, as a part of our audit we identified several measures that may help evaluate the effectiveness of the tribal-specific grant programs. Specifically, our review of the obligations and drawdowns of grant funds provides an indication of whether the grants were fully implemented in a timely manner and the overall grantee progress toward achieving the grant objectives. We realize that while the rate of drawdowns is not a definitive indicator of grant activity, drawdowns can be an important indicator of overall grantee progress toward achieving the grant objectives.

Based on our review, we determined that the tribal-specific grant programs were not always fully implemented in a timely manner. This is an indication that grant objectives have not been achieved and that the current programs are not effective in meeting the criminal justice needs of tribal governments. Based on the results of our review, we found that:

- Funds were not obligated (made available) until more than 6 months after the award start date for 128 OJP grants totaling \$29.50 million, and 71 OVW grants totaling \$29.43 million. If grant funds are not obligated in a timely manner, tribal governments may encounter significant delays in implementing essential criminal justice programs.

- For more than 2 years after grant funds were obligated, no funds had been drawn down for 52 COPS Office grants totaling \$17.22 million, 23 OJP grants totaling \$20.84 million, and 3 OVW grants totaling \$0.15 million, indicating the grant programs had not been implemented.
- The initial drawdown did not occur for over 1 year after the funds were obligated for 200 COPS Office grants totaling \$31.90 million, 71 OJP grants totaling \$71.89 million, and 10 OVW grants totaling \$1.96 million, indicating that the grant programs were not implemented in a timely manner.
- The last drawdown occurred more than 1 year prior to our review for 126 COPS Office grants with remaining funds totaling \$2.80 million, 34 OJP grants with remaining funds totaling \$1.71 million, and 11 OVW grants with remaining funds totaling \$1.09 million, indicating the grant programs were not fully implemented.

In sum, our audit disclosed that the COPS Office, OJP, and OVW did not ensure that the grantees are providing the most basic information necessary to determine whether grant programs have been implemented and grant objectives have been achieved. Specifically, for the majority of the grants reviewed one or more required financial and progress reports, which contain the minimum information necessary to determine whether grant programs have been implemented and grant objectives are being achieved (especially final reports), were not submitted or were not submitted in a timely manner. Further, despite the fact that grant closeout includes a review to determine whether grant objectives were achieved, we found that grants were not closed out in a timely manner.

Impairments to the Current Funding Strategy

Our audit identified several concerns that could be impairments to the effectiveness of any strategy for providing criminal justice funding to tribal governments. These concerns must be addressed to ensure that any planned or future strategy is successful.

In Finding I, we reported that the COPS Office, OJP, and OVW did not adequately monitor tribal-specific grant programs. All required financial and progress reports that are essential for effective monitoring generally were not submitted or were not submitted in a timely manner. Further, the COPS Office has not routinely required grantees to submit progress reports and

has not required any progress reports for grants awarded since FY 2001. If grant programs are not adequately monitored, the awarding agency cannot ensure that programs are meeting the criminal justice needs of tribal governments. Further, early identification and follow up with concerns related to tribal-specific grants is essential to the successful implementation of the grant programs to ensure that the needs of tribal governments are met.

In Finding II, we reported that OJP and OVW did not always ensure that funds were obligated in a timely manner due to inadequacies in proposed grant budgets and delays in grantees complying with single audit requirements or other conditions of prior grants. In our judgment, any future strategy should ensure that OJP and OVW improve the grant award and funding process.

In Finding II, we also reported that the COPS Office, OJP, and OVW do not monitor grant drawdowns. We recognize that failure to draw down funds is not a definitive indicator that grant funds are not being utilized and grant programs have not been implemented. However, in our judgment, monitoring grant drawdowns is an effective tool for identifying potential problems encountered by grantees in implementing grant programs. Early detection of potential problems in implementing grants is essential in ensuring the success of tribal-specific grant programs. Any successful strategy for funding tribal governments should ensure that grant managers are required to monitor grant drawdowns and follow up with grantees that are not drawing down grant funds in a timely manner.

Finally, in Finding IV we reported that grantees are not always using grant funds in accordance with laws, regulations, and the terms and conditions of the grants. In our judgment, future funding strategies should ensure that grant programs are adequately monitored and that grantees are held accountable for complying with grant requirements. The successful implementation of the grant program, meeting grant objectives, and expending grant funds in accordance with laws, regulations, and the terms and conditions of the grant is essential to any successful funding strategy.

Analysis of Current Tribal-Specific Grant Programs

The BJA also requested that our audit identify areas to better administer grants. Based on the results of our audit, we have identified several tribal-specific grant programs that appear to be less effectively administered and, therefore, less effective in improving criminal justice in

Indian Country. Our conclusions are based on the weaknesses identified previously in Findings II and III of this report.

In Finding II, we identified 199 OJP and OVW grants totaling \$58,928,223, for which grant funds were not always obligated in a timely manner. Delays in obligating grant funds could result in significant delays in the implementation of the grant programs. As shown in Table 16, concerns related to timely obligation of grant funds were most frequently identified for the following grant programs.

TABLE 16. GRANT PROGRAMS MOST FREQUENTLY IDENTIFIED FOR WHICH OBLIGATIONS WERE NOT TIMELY (Dollars in Millions)

PROGRAM	NO. OF GRANTS	% OF PROGRAM AWARDS	GRANT FUNDING	% OF PROGRAM FUNDING
Indian Alcohol and Substance Abuse Program	13	52%	\$3.71	49%
S•T•O•P Violence Against Indian Women Program	71	51%	\$29.43	70%
Tribal Youth Program	90	46%	\$20.69	43%
Children’s Justice Act Partnerships for Indian Communities Program	5	16%	\$1.42	24%
Tribal Courts Assistance Program	20	12%	\$3.67	16%

Source: OIG Audit Division

In Finding II, we identified 78 COPS Office, OJP, and OVW grants totaling \$38,210,363 for which no grant funds had been drawn down. We recognize that failure to draw down funds is not a definitive indicator that grant funds are not being utilized and grant programs have not been implemented. However, failure to draw down grant funds may be an indication that the grant program is not meeting the criminal justice needs of tribal governments. As shown in Table 17, concerns related to grant funds not being drawn down were most frequently identified for the following grant programs.

TABLE 17. GRANT PROGRAMS MOST FREQUENTLY IDENTIFIED FOR WHICH GRANT FUNDS HAD NOT BEEN DRAWN DOWN
(Dollars in Millions)

PROGRAM	NO. OF GRANTS	% OF PROGRAM AWARDS	GRANT FUNDING	% OF PROGRAM FUNDING
Correctional Facilities on Tribal Lands Program	2	13%	\$16.76	15%
Tribal Resource Grant Program - Hiring	22	9%	\$12.56	19%
Indian Alcohol and Substance Abuse Program	2	8%	\$0.52	7%
Tribal Youth Program	11	6%	\$3.10	6%
Tribal Resource Grant Program - Equipment	29	5%	\$4.62	6%

Source: OIG Audit Division

In Finding II, we identified 281 COPS Office, OJP, and OVW grants totaling \$105,748,735 for which the initial drawdown occurred more than 1 year after the funds were obligated, indicating that the grantee may have encountered problems implementing the grant program. As shown in Table 18, concerns related to the initial drawdown were most frequently identified for the following grant programs.

TABLE 18. GRANT PROGRAMS MOST FREQUENTLY IDENTIFIED FOR WHICH THE INITIAL DRAWDOWN OCCURRED MORE THAN ONE YEAR FROM THE DATE GRANT FUNDS WERE OBLIGATED (Dollars in Millions)

PROGRAM	NO. OF GRANTS	% OF PROGRAM AWARDS	GRANT FUNDING	% OF PROGRAM FUNDING
Correctional Facilities on Tribal Lands Program	9	56%	\$60.38	54%
Tribal Mental Health and Community Safety Initiative - Hiring	3	27%	\$0.31	28%
Tribal Resource Grant Program - Hiring	65	26%	\$15.52	23%
Tribal Mental Health and Community Safety Initiative - Equipment	4	21%	\$0.15	18%
Tribal Resource Grant Program - Equipment	125	21%	\$15.08	18%
Tribal Hiring Renewal Grant Program	2	17%	\$0.31	4%
Tribal Youth Program	32	16%	\$8.31	17%
Tribal Victim Assistance Discretionary Grant Program	8	14%	\$1.02	15%
Tribal Courts Assistance Program	20	12%	\$1.82	8%

Source: OIG Audit Division

In Finding III, we identified 322 grants that are 90 days past the grant end date with total funds remaining of \$10,745,048, indicating that grant funds had not been fully utilized and that the grant program may not have been fully implemented. As shown in Table 19, concerns related to expired grants that are 90 days past the grant end date with funds remaining were most frequently identified for the following grant programs.

TABLE 19. GRANT PROGRAMS MOST FREQUENTLY IDENTIFIED FOR WHICH GRANT FUNDS REMAINED FOR EXPIRED GRANTS 90 DAYS PAST THE GRANT END DATE (Dollars in Millions)

PROGRAM	NO. OF GRANTS	% OF EXPIRED PROGRAM AWARDS	GRANT FUNDING
Tribal Mental Health and Community Safety Initiative - Equipment	16	94%	\$0.26
Tribal Victim Assistance Discretionary Grant Program	18	69%	\$0.62
Tribal Courts Assistance Program	33	69%	\$0.93
S•T•O•P Violence Against Indian Women Program	30	56%	\$1.25
Children’s Justice Act Partnerships for Indian Communities Program	5	56%	\$0.31
Tribal Youth Program	16	47%	\$0.51
Tribal Resource Grant Program - Equipment	172	42%	\$4.33
Correctional Facilities on Tribal Lands Program	2	40%	\$0.46
Tribal Resource Grant Program - Hiring	27	36%	\$1.83

Source: OIG Audit Division

Tribal Response to Current Funding Strategy

As a part of our audit, the BJA also requested that we determine the tribal grantee’s opinion of the DOJ tribal-specific grant programs. For the 15 grantees we conducted interviews to determine the grantee’s opinion of the DOJ grant programs audited.

For the COPS Office grants overall, we found that the tribal grantees generally were satisfied with the DOJ strategy for awarding grants because they did not have to compete with state and local governments for funding. However, several tribal grantees told the OIG that the COPS Office monitoring of its grant programs is inadequate. For example, they said that grant managers did not routinely contact them to determine if the grant program was being implemented as planned. The tribal grantees stated that they are only contacted by grant managers after a mistake has been identified. Further, one grantee stated that the COPS Office does not seem

to understand the uniqueness of tribal structure and tribal systems, including procurement and record maintenance.

We found that the grantees generally were satisfied with the COPS Office equipment grants. Grantees stated that the equipment grants were very helpful in bringing the tribal police department up-to-date technologically. Further, the equipment grants allow the tribal grantees to purchase much-needed equipment for the entire police department. However, grantees had concerns related to the TRGP hiring grants because the programs only provide funding for a 3-year period which does not meet long-term personnel needs.

Generally, grantees also were satisfied with OJP and OVW grant programs. Grantees stated that the programs were effective in meeting immediate funding needs. According to the grantees, the grant programs provide the funding necessary to get new programs started and continue existing programs. The OJP and OVW grant programs also provide funding for equipment and technology needs. One grantee stated that she did not have any concerns since there were so many options available for obtaining grant funding for programs.

However, several grantees identified concerns that criminal justice programs will have to be discontinued if the DOJ funding for the program is not approved for future years. One grantee had concerns that the overall funding strategy appeared to be a piecemeal approach to meeting criminal justice needs and that funding is limited. Another grantee stated that the turnover of OJP employees responsible for monitoring grants appears to be high.

Prior DOJ Funding Strategies

Historically, the DOJ implemented a series of initiatives designed to improve law enforcement and the administration of criminal and juvenile justice in Indian Country. These initiatives also attempted to address some of the problems (discussed in the Background section of this report) that significantly impact the federal government's ability to effectively implement grant programs that provide funding to tribal governments.

- Indian Country Justice Initiative - In November 1995, the DOJ launched the Indian Country Justice Initiative to improve the responsiveness of the DOJ to the criminal justice needs in Indian Country. The intent of this initiative was to: 1) improve coordination

among federal and tribal justice systems as well as relevant service providers; 2) encourage and develop innovative approaches to justice; 3) improve existing systems including communications and procedures; 4) strengthen offender supervision and treatment; 5) expand prevention, intervention and training activities; and 6) enforce laws against major crimes, especially those involving violence.

- Comprehensive Indian Country Law Enforcement Initiative - In October 1999, the DOJ announced the Comprehensive Indian Country Law Enforcement Initiative. This initiative was a 4-year joint project between the DOJ and the Department of Interior designed to improve law enforcement and the administration of criminal and juvenile justice in Indian Country. The initiative also addressed the need for additional resources to respond to crime in tribal communities, including increased funding for police officers, courts, detention facilities, and prevention and intervention programs.
- Comprehensive Indian Resource for Community and Law Enforcement (CIRCLE) Project - The CIRCLE project was one component of the 1999 Comprehensive Indian Country Law Enforcement Initiative. The CIRCLE Project was a 3-year program designed to empower tribal governments to more effectively fight crime, violence, and substance abuse. The goal of the CIRCLE project was to assist tribal governments in addressing local problems in a comprehensive way through effective planning and appropriate funding. The CIRCLE project required tribal governments to develop a comprehensive strategy that incorporated coordinated and multi-disciplinary efforts for developing and implementing crime, violence, and drug control efforts.

In 2000, the National Institute of Justice (NIJ) initiated an evaluation of the effectiveness of the CIRCLE project, including the development and use of the comprehensive strategy, and coordination of the individual components. The CIRCLE project evaluation is a multi-phased 4-year evaluation. The first phase of the evaluation found that the CIRCLE project made significant contributions to the participating tribes' efforts to design and build stronger justice systems.³⁶ Specifically, the first phase of the evaluation recommended that:

³⁶ The second phase of the CIRCLE Project evaluation is now in process and is planned for completion in FY 2005.

- Efforts should be continued to support comprehensive justice system planning and improve communication and cooperation among federal agencies and between the federal and tribal governments.
- Future initiatives should be supported only with a structured and intensive period of assessment and planning. Strategies that are implemented should result from this process. The notion that strategies will likely vary within the tribal setting should be built into any future initiative.
- Future projects should focus on sustainability from the start. A critical investment in such an initiative is high quality, culturally competent technical assistance. This investment will increase the likelihood that a project will result in system change. At the least, such a project will leave behind human capital, data, or procedural tools.
- The project coordinator position was found to be vital in promoting an emphasis on system planning and should be included in any future DOJ initiatives.

Based on the results identified above, two key practices critical to the success of any DOJ funding strategy are training and coordination.

Coordination and Training

Based on discussions with the COPS Office, OJP, OVW, and Office of Tribal Justice (OTJ) officials, we found that agencies administering tribal-specific grant programs are faced with a wide range of unique issues specific to Indian Country. These issues include the following:

- Granting agencies and staff generally have little understanding of tribal culture.
- There tends to be a high turnover in tribal leadership and tribal staff responsible for managing the grant programs.
- There is a lack of adequate technology within Indian Country. Many tribal governments do not have funding necessary for advanced office automation, including accounting systems and training for staff.

- There is a lack of comprehensive statistical data on crime committed in Indian Country, which is required in applications for many criminal justice grant programs.

Further, the DOJ grants are administered by various DOJ components, bureaus, and offices, including the COPS Office, BJA, Office of Juvenile Justice and Delinquency Prevention (OJJDP), Office for Victims of Crime (OVC), and OVW.³⁷ The OJP is responsible for policy coordination and general management of the BJA, OJJDP, OVC, and the American Indian and Alaska Native Affairs Desk (AI/AN Affairs Desk).³⁸ Additionally, the OTJ coordinates DOJ policies and positions on Indian Country issues. As a result, any comprehensive strategy to improve the responsiveness of the DOJ to criminal justice needs in Indian Country must start with the development of a formal process for coordination and training.

To identify the extent of coordination and information sharing related to the DOJ efforts to address criminal justice needs in Indian Country, we interviewed program officials for each of the tribal-specific grant programs and supporting agencies. Based on our review, we determined that each component generally has an informal mechanism in place for coordination and information sharing. However, these coordination efforts appear to be ad hoc, occurring only when one of the participants initiates efforts for specific activities. There is currently no formal mechanism in place for ongoing coordination and information sharing within OJP and among the DOJ components. Nonetheless, all of the components, bureaus, and program offices stated that it would be beneficial to meet on a regular basis with representatives who are involved in the DOJ efforts to address criminal justice needs in Indian Country.

In our judgment, coordination is essential in developing funding strategies and administering and monitoring grant activities. As stated previously, the first phase of the CIRCLE project evaluation conducted by the NIJ found that efforts should be continued to improve communication and cooperation among federal agencies and between the federal and tribal governments. The evaluations also found any future initiatives should be supported only with a structured and intensive period of assessment and

³⁷ See Appendix III for a detailed description of the OJP bureaus, program offices, and agency-wide support offices.

³⁸ The AI/AN Affairs Desk is designed to enhance access to information by federally recognized American Indian and Alaska Native tribes regarding funding opportunities, training and technical assistance, and other relevant information.

planning. Any such effort would require systematic coordination among the DOJ components that provide criminal justice funding in Indian Country.

Coordination and information sharing are also essential for effectively providing assistance to tribal governments and dealing with the wide range of issues specific to Indian Country. If a formalized mechanism for coordination and information sharing was in place, all granting agencies would be informed in a timely manner of changes in tribal leadership or staff. Further, if one grant manager has useful information related to new contacts within the tribe, that information could be shared with all of the grant managers administering grants for the same tribe.

As noted in Findings I through IV of this report, our audit revealed that the DOJ's monitoring and administration of tribal-specific grant programs is ineffective. Frequently, monitoring related issues identified by one grant manager impact more than one grant. If grant managers were to meet on a regular basis to coordinate and share information, then other grant managers responsible for monitoring and administering grants for the same tribe could be alerted to look for similar problems. This process could be further enhanced by requiring grant managers to provide copies of monitoring reports to the other DOJ components, bureaus, and offices.

In addition to a formalized process for coordinating and sharing information related to the administration of DOJ grants awarded to tribal governments, a formal process for training staff is also essential. To identify the extent and need for training staff responsible for administering and monitoring grants awarded to tribal governments, we interviewed program officials for each of the tribal-specific grant programs and supporting agencies. Officials from the BJA and OJJDP stated that they provide training to new grant managers on tribal-specific issues; however, the DOJ has not effectively implemented a formal process for training staff responsible for administering tribal-specific grants. Officials from all of the components, bureaus, and program offices stated that it would be beneficial to develop such a training program.

In our judgment, training for staff responsible for administering and monitoring tribal-specific grants should focus on: 1) cultural awareness, including the history of the relationship between the federal and tribal governments, 2) the sovereign status of tribal governments, and 3) the jurisdictional complexities and limitations in Indian Country. Further, the training should provide the grant manager with techniques for assisting tribal governments with concerns related to grant administration. Specifically, training should include information related to:

- High turnover of tribal leadership. Turnover in tribal leadership may require that the grant managers consult with tribal leaders each time there is a change in the tribal leadership to ensure that new tribal leaders understand and “buy into” the existing grant programs.
- High turnover in tribal staff. Turnover in tribal staff may result in new personnel who are not aware of the fact that the tribe has DOJ grants. Grant managers should be prepared to answer questions, provide grant documentation and reports, and refer new staff for training.
- Technological issues. Many tribal governments have limited technology, including accounting systems or staff who are not trained to use available technology. Some tribes may still be using hand-written accounting records. Grant managers should be aware of technological issues and be prepared to refer tribes to funding sources for new technology and training.

Conclusion

During our audit, we learned that the audit request was initiated by the Bureau of Justice Assistance (BJA) in part because of a proposal to restructure its tribal-specific grant programs into a combined criminal justice program. Currently, the DOJ provides funding to tribal governments primarily through mandatory set-asides or programs intended specifically for tribal governments. This approach benefits tribal governments because they are not required to compete with state and local governments for limited funding. We found that the COPS Office, OJP, and OVW did not ensure that tribal grantees submitted the information necessary to assess grant implementation and the achievement of grant program objectives. However, based on other measures, we determined that the tribal-specific grant programs were not always fully implemented in a timely manner, indicating that grant objectives have not been achieved and that the current programs are not effective in meeting the criminal justice needs of tribal governments. We also identified the areas where the tribal-specific grant programs that appear to be less effectively monitored and administered and therefore, possibly less effective in improving criminal justice in Indian Country.

Based on the successful practices identified from past tribal grant funding initiatives, coordination and information sharing are an essential part of any strategy for effectively providing assistance to tribal governments and addressing the wide range of unique issues specific to Indian Country. The DOJ grants to tribal governments are administered by various DOJ

components, bureaus, and offices. Additionally, the OTJ coordinates DOJ policies and positions on Indian Country issues. As a result, any comprehensive strategy to improve the responsiveness of the DOJ to criminal justice needs in Indian Country must start with the development of a formal process for coordination and training within and among the DOJ components.

We found that there is no formal mechanism in place for coordination and information sharing within OJP and among the DOJ components. While, each component had an informal mechanism in place for coordination and information sharing, these efforts appear to be ad hoc, occurring only when one of the participants initiates efforts for specific activities. A formal mechanism for coordination and information sharing could, for example, require grant managers to provide copies of monitoring reports to the other components, bureaus, and offices.

We also found the DOJ has not effectively implemented a training program to deal with the unique issues related to tribal governments. In our judgment, the DOJ should establish a formal process to train staff responsible for administering and monitoring tribal-specific grant programs. Training should focus on: 1) the wide range of unique issues specific to tribal governments, 2) cultural awareness including the history of the relationship between the federal and tribal governments, 3) the sovereign status of tribal governments, and 4) the jurisdictional complexities and limitations in Indian Country.

Recommendations

We recommend that the COPS Office, OJP, and OVW:

52. Work with OTJ to develop a formalized mechanism for coordinating and sharing information, including monitoring reports, related to a DOJ strategy, administration, and monitoring of grants awarded to tribal governments.
53. Work with OTJ to develop a formalized process for training staff responsible for administering and monitoring tribal-specific grant programs.

STATEMENT ON INTERNAL CONTROLS

In planning and performing our audit of the administration of DOJ grants awarded to tribal governments, we considered the COPS Office, OJP, and OVW's internal controls for the purpose of determining our auditing procedures. The evaluation was not made for the purpose of providing assurance on the internal control structure as a whole; however, we noted certain matters that we consider reportable conditions under generally accepted government auditing standards.³⁹

Finding I

- The COPS Office, OJP, and OVW did not ensure that grantees submitted or submitted in a timely manner all required financial and progress reports.
- The COPS Office, OJP, and OVW did not prohibit grantees from drawing down grant funds during periods where required financial and progress reports had not been submitted.
- The COPS Office did not require that periodic progress reports be submitted at least annually for the 3-year hiring grants and semi-annually for the 1-year equipment grants, which are due within a reasonable period of time after the end of the reporting period.
- The COPS Office, OJP, and OVW did not ensure that monitoring plans were developed for each grantee that included a risk assessment of each grantee based on past performance and compliance with grant requirements to determine the timing and frequency of office-based and on-site monitoring.

Finding II

- The OJP and OVW did not ensure that grant funds were obligated in a timely manner.

³⁹ Reportable conditions involve matters coming to our attention relating to significant deficiencies in the design or operation of the management control structure that, in our judgment, could adversely affect the ability of the COPS Office, OJP, and OVW to administer its grants awarded to tribal governments.

- The OJP and OVW did not withhold grant awards if the grant application budget required significant adjustments or if the applicant was delinquent in complying with prior requirements.
- The COPS Office, OJP, and OVW did not ensure that grant managers monitor grant drawdowns to determine if grant funds were being utilized.
- The COPS Office, OJP, and OVW did not ensure that grant managers follow up with grantees that had not drawn down any grant funds to determine whether the grantee had encountered any difficulties in implementing the grant program.
- The COPS Office, OJP, and OVW did not ensure that grant funds were deobligated and the grants closed for grantees unable or unwilling to implement grant programs in a timely manner.
- The COPS Office, OJP, and OVW did not ensure that grantees were not allowed to draw down grant funds in excess of immediate needs.

Finding III

- The COPS Office, OJP, and OVW did not ensure that expired grants were closed in a timely manner and that remaining grant funds were deobligated prior to closing the grant.
- The COPS Office, OJP, and OVW did not always review grant drawdowns prior to the end of the grant to determine if all grant funds had been drawn down, or follow up on any grants with remaining grant funds to determine if the grantee had expended or planned to expend remaining funds prior to the grant end date.
- The COPS Office, OJP, and OVW did not ensure that grantees were not allowed to draw down funds more than 90 days after the grant end date and that all funds remaining on grants that had expired for more than 90 days were deobligated.

Finding V

- The COPS Office, OJP, and OVW had not developed a formalized mechanism for coordinating and sharing information related to a DOJ

strategy, administration, and monitoring of grants awarded to tribal governments.

- The COPS Office, OJP, and OVW had not developed a formalized process for training staff responsible for administering and monitoring tribal-specific grant programs.
- The COPS Office, OJP, and OVW did not ensure that monitoring reports were provided to other components, bureaus, and offices responsible for administering and monitoring tribal-specific grant programs.

PricewaterhouseCoopers LLP (PwC) performed the FY 2004 financial statement audit of the Office of Justice Programs (OJP). During this audit they evaluated the general controls over OJP's financial systems, mixed feeder systems, and general support systems to determine if the internal controls over these systems were sufficient to provide reasonable assurance that transactions processed by these systems could be relied upon by the auditors in performing the financial statement audit testing. However, as a result of the work performed, PwC identified material weaknesses in internal controls over computerized information systems at OJP. Weaknesses identified included inadequate controls over changes to applications and program changes in these systems, over the integrity of data passed between the feeder and core financial systems, and over access to systems and data. PwC concluded OJP did not have effective internal controls over the computerized information systems it uses to process grant transactions and as a result it could not rely upon the internal controls over these systems. PwC also identified material weaknesses in OJP's overall control environment, grant accounting and monitoring, documentation of adjusting journal entries, and the financial reporting process. Accordingly, PwC was unable to complete the financial statement audit and issue a disclaimer of opinion on OJP's financial statements.

Because we are not expressing an opinion on the overall management control structure of the COPS Office, OJP, or OVW, this statement is intended solely for the information and use by the COPS Office, OJP, and OVW in managing its grant programs awarded to tribal governments.

STATEMENT ON COMPLIANCE WITH LAWS AND REGULATIONS

As required by the *Government Auditing Standards*, we tested the COPS Office, OJP, and OVW records and documents pertaining to each tribal-specific grant program and audited tribal-specific grants to obtain reasonable assurance that each component complied with laws and regulations that, if not complied with, in our judgment could have a material effect on the administration of its grant programs awarded to tribal governments. Compliance with laws and regulations applicable to the administration grant programs awarded to tribal governments is the responsibility of the COPS Office, OJP, and OVW management. An audit includes examining, on a test basis, evidence about compliance with laws and regulations. At the time of our audit, the pertinent legislation and the applicable regulations were:

- Omnibus Crime Control and Safe Street Act of 1968
- Missing Children's Assistance Act
- Victims of Crime Act of 1984
- Violent Crime Control and Law Enforcement Act of 1994
- Victims of Child Abuse Act of 1990
- Victims of Trafficking and Violence Protection Act of 2000
- Juvenile Justice and Delinquency Prevention Act of 1974

Except for the issues discussed in the Findings and Recommendations section of this report, nothing came to our attention that caused us to believe that the COPS Office, OJP, and OVW management was not in compliance with the laws listed above.

SCHEDULE OF DOLLAR-RELATED FINDINGS

QUESTIONED COSTS: ⁴⁰	AMOUNT	PAGE
Excess drawdowns on expired grants	\$930,248	34
Drawdowns occurring more than 90 days past the grant end date	\$6,063,471	41
TOTAL QUESTIONED COSTS	\$6,993,719	
FUNDS PUT TO BETTER USE:⁴¹		
Grant funds remaining for closed grants	\$207,249	39
Grant funds remaining for expired grants that are more than 90 days past the grant end date	\$10,745,048	42
TOTAL FUNDS PUT TO BETTER USE	\$10,952,297	
TOTAL DOLLAR-RELATED FINDINGS	\$17,946,016	

⁴⁰ **Questioned Costs** are expenditures that do not comply with legal, regulatory, or contractual requirements, or 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.

⁴¹ **Funds Put to Better Use** are funds not yet expended that could be used more efficiently if management took actions to implement and complete audit recommendations.

OBJECTIVES, SCOPE, AND METHODOLOGY

We reviewed the administration of DOJ grants awarded to tribal governments. Our audit included the COPS Office, OJP, and OVW.⁴² The objectives of the audit were to evaluate: 1) the adequacy of monitoring and administration of tribal-specific grant programs; 2) whether costs charged to the tribal-specific grants are allowable and in accordance with applicable laws, regulations, guidelines, and terms and conditions of the grants; and 3) the effectiveness of the DOJ's overall strategy for awarding grants to tribal governments.

We conducted our audit in accordance with *Government Auditing Standards*. We included such tests as were necessary to accomplish the audit objectives. The audit generally covered, but is not limited to, tribal-specific grants awarded during the period of FYs 2000 through 2003. Audit work was conducted at the COPS Office, OJP, and OVW, and selected tribal grantees.

To determine whether the COPS Office, OJP, and OVW were adequately monitoring their tribal-specific grant programs, we judgmentally selected a sample of tribal-specific grants in order to examine the grant files for compliance with reporting requirements and monitoring activities. For each grant selected, we reviewed the grant file to determine whether: 1) all required financial and progress reports were submitted, 2) financial and progress reports were submitted in a timely manner, 3) the granting agency followed-up with grantees to request missing and late financial and progress reports, 4) progress reports were annotated to document that the report was reviewed by the grant manager, 5) a monitoring plan was developed, 6) telephone monitoring was documented, 7) office-based desk reviews were conducted, and 8) on-site program monitoring visits were conducted. It should be noted that the COPS Office did not provide timely access to its grant monitoring files. After repeated requests the COPS Office finally provided its grant monitoring files; however, it was clear that the COPS Office had updated the files during the period that access was withheld from the OIG. Information that was added to the files included: 1) Issues Reports, 2) Site Visit Checklists, and 3) other information related to work

⁴² Under a provision in the 2002 Justice Department reauthorization bill, passed in October 2002, OVW became a permanent, separate and independent office within the DOJ.

that was conducted up to 2 years previously. This matter was addressed in a memorandum from the OIG to the COPS Office, dated March 3, 2004.

To determine whether the COPS Office, OJP, and OVW were ensuring that grant funds were made available to grantees in a timely manner, we compared the award start date to the date the grant funds were obligated as shown on the grant payment history to determine whether grant funds were being obligated within 6 months of the award start date. For a sample of tribal-specific grants for which funds were not obligated more than 6 months after the award start date, we requested: 1) copies of all documentation related to the grant budget from the initial budget review memorandum through the final financial clearance memorandum, 2) documentation supporting any issues that may have caused delays in obligating the grant funds, and 3) any explanation as to why the obligation of grant funds was delayed.

To determine whether the COPS Office, OJP, and OVW were monitoring the utilization of grant funds awarded to tribal governments, we analyzed the total payments for each tribal-specific grant as shown on the grant payment history in order to determine all tribal-specific grants for which no grant funds had been drawn down. For a sample of tribal-specific grants for which no grant funds had been drawn down within 1 year of the award start date, we requested all financial and progress reports for the tribal-specific grants to determine whether the grantees had reported financial or programmatic activity.

To determine whether the COPS Office, OJP, and OVW were monitoring the utilization of grant funds awarded to tribal governments, we compared the award start date to the date of the initial drawdown to determine the length of time between the date the grant funds were obligated and the date of the initial drawdown. For a sample of tribal-specific grants where the initial drawdown occurred 1 year from the date grant funds were obligated, we requested all financial and progress reports submitted prior to the initial drawdown to determine whether the grantees reported financial or programmatic activity prior to the initial drawdown.

Additionally, we compared the date of the last drawdown to the date of the grant payment history to determine the length of time between the date of the last drawdown and the date of our review. For a sample of tribal-specific grants where the last drawdown occurred 1 year prior to our review, we requested all financial and progress reports submitted after the last drawdown to determine whether the grantee reported financial or programmatic activity since the last drawdown.

To determine whether grantees were drawing down funds in excess of grant expenditures, for a sample of grants we compared the most recent financial report to the grant payment history. For each grant with excess drawdowns, we reviewed the grant end date to determine if the grant had been expired. For all expired tribal-specific grants, we questioned the excess drawdown amount.

To determine the effectiveness of the COPS Office, OJP, and OVW closeout process for tribal-specific grant programs we requested a listing of grants that had been closed. We compared the listing of closed grants to expired grants to determine whether grants had been closed. For grants which had been closed, we reviewed the closeout date to determine whether the grant was closed within 6 months of the grant expiration. For a sample of tribal-specific grants where the grant had been expired for more than 6 months that had not been closed, we requested the final financial and progress report in order to determine whether the final reports had been submitted.

To determine whether the COPS Office, OJP, and OVW allowed tribal grantees to draw down funds more than 90 days past the grant end date, we compared the grant end date with the date of the last drawdown as reported on the grant payment history. For all tribal-specific grants where the date of the last drawdown was made after the grant end date, we reviewed the grant payment history to determine the number of grant drawdowns made and the amount of those drawdowns. We questioned all grant drawdowns occurring more than 90 days after the grant end date.

To determine whether any grant funds remained on expired tribal-specific grants administered by the COPS Office, OJP, and OVW, we compared the grant end date with the date of the grant payment history to determine all tribal-specific grants that had been expired for more than 90 days. For all expired tribal-specific grants more than 90 days past the grant end, we reviewed the grant payment history to determine the amount of remaining grant funds. We recommended that all remaining tribal-specific grant funds be deobligated and be put to better use.

We also conducted external audits of the grantees and grants shown in the following chart.

MISSISSIPPI BAND OF CHOCTAW INDIANS, PHILADELPHIA, MISSISSIPPI
<ul style="list-style-type: none"> • <i>Correctional Facilities on Tribal Lands Program, Grant No. 1999IPVX0001</i> • <i>Tribal Victims Assistance Program, Grant No. 1999VRGX0011</i> • <i>Tribal Youth Program, Grant No. 2001TYFX0038</i> • <i>S•T•O•P Violence Against Indian Women Program, Grant No. 97WIVX0024</i>
EASTERN BAND OF CHEROKEE INDIANS, CHEROKEE, NORTH CAROLINA
<ul style="list-style-type: none"> • <i>Tribal Youth Program, Grant No. 2000TYFX0030</i> • <i>Tribal Youth Program, Grant No. 2002TYFX0069</i> • <i>S•T•O•P Violence Against Indian Women Program, Grant No. 1997WIVX0028</i>
WHITE EARTH RESERVATION TRIBAL COUNCIL, WHITE EARTH, MINNESOTA
<ul style="list-style-type: none"> • <i>Tribal Hiring Renewal Grant Program, Grant No. 2003HRWX0005</i> • <i>Tribal Resource Grant Program - Equipment, Grant No. 2000HEWX0041</i> • <i>Tribal Resource Grant Program - Equipment, Grant No. 2002HEWX0043</i> • <i>Tribal Resource Grant Program - Hiring, Grant No. 2000HHWX0019</i>
SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS, SAULT. STE. MARIE, MICHIGAN
<ul style="list-style-type: none"> • <i>Correctional Facilities on Tribal Lands Program, Grant No. 2001IPBX0004</i> • <i>Tribal Victim Assistance Program, Grant No. 1999VRGX0006</i> • <i>Drug Court Program, Grant No. 2000DCVX0111</i> • <i>Tribal Courts Assistance Program, Grant No. 2002ICBX0027</i> • <i>Tribal Youth Program, Grant No. 2001TYFX0047</i> • <i>S•T•O•P Violence Against Indian Women Program, Grant No. 1996WINX0010</i>
Choctaw Nation Law Enforcement, Durant, Oklahoma
<ul style="list-style-type: none"> • <i>Tribal Resource Grant Program - Equipment, Grant No. 1999HEWX0120</i> • <i>Tribal Resource Grant Program - Equipment, Grant No. 2001HEWX0078</i> • <i>Tribal Resource Grant Program - Equipment, Grant No. 2003HEWX0084</i> • <i>Tribal Resource Grant Program - Equipment, Grant No. 2002HEWX0079</i> • <i>Tribal Resource Grant Program - Equipment, Grant No. 2000HEWX0077</i> • <i>Tribal Resource Grant Program - Hiring, Grant No. 2002HHWX0032</i>
CHICKASAW NATION, ADA, OKLAHOMA
<ul style="list-style-type: none"> • <i>Tribal Courts Assistance Program, Grant No. 2002ICBX0011</i> • <i>Tribal Youth Program, Grant No. 2001TYFX0007</i> • <i>S•T•O•P Violence Against Indian Women Program, Grant No. 1996WINX0042</i>

ST. REGIS MOHAWK TRIBE, AKWESASNE, NEW YORK

- *Tribal Resource Grant Program - Equipment, Grant No. 2003HEWX0021*
- *Tribal Resource Grant Program - Equipment, Grant No. 2002HEWX0072*
- *Tribal Hiring Renewal Grant Program, Grant No. 2001HRWX0001*
- *Tribal Resource Grant Program - Equipment, Grant No. 2001HEWX0074*
- *Tribal Resource Grant Program - Equipment, Grant No. 2000HEWX0069*

COLUMBIA RIVER INTER-TRIBAL FISHERIES ENFORCEMENT, HOOD RIVER, OREGON

- *Tribal Resource Grant Program - Equipment, Grant No. 1999HEWX0126*
- *Tribal Resource Grant Program - Equipment, Grant No. 2000HEWX0079*
- *Tribal Resource Grant Program - Equipment, Grant No. 2001HEWX0084*
- *Tribal Resource Grant Program - Equipment, Grant No. 2002HEWX0087*

LUMMI INDIAN NATION, BELLINGHAM, WASHINGTON

- *Tribal Victim Assistance Program, Grant No. 2001VRGX0001*
- *Tribal Victim Assistance Program, Grant No. 1999VRGX0012*
- *Children's Justice Act Partnerships for Indian Communities Program, Grant No. 2001VIGX0002*
- *Drug Court Program, Grant No. 2002DCBX0066*
- *Tribal Courts Assistance Program, Grant No. 2002ICBX0019*
- *Tribal Youth Program, Grant No. 2002TYFX0004*
- *S•T•O•P Violence Against Indian Women Program, Grant No. 1996WINX0007*

PASSAMAQUODDY TRIBE AND PLEASANT POINT RESERVATION, PERRY, MAINE

- *Tribal Resource Grant Program - Hiring, Grant No. 1999HHWX0018*
- *Tribal Resource Grant Program - Equipment, Grant No. 1999HEWX0018*
- *Tribal Resource Grant Program - Equipment, Grant No. 2000HEWX0033*
- *Tribal Resource Grant Program - Equipment, Grant No. 2003HEWX0116*
- *Tribal Resource Grant Program - Equipment, Grant No. 2002HEWX0030*
- *Tribal Resource Grant Program - Hiring, Grant No. 2003HHWX0040*
- *Tribal Resource Grant Program - Hiring, Grant No. 2002HHWX0013*

BLACKFEET TRIBAL BUSINESS COUNCIL, BROWNING, MONTANA

- *Tribal Resource Grant Program - Hiring, Grant No. 1999HHWX0025*
- *Tribal Resource Grant Program - Equipment, Grant No. 1999HEWX0025*
- *Tribal Resource Grant Program - Hiring, Grant No. 2000HHWX0031*
- *Tribal Resource Grant Program - Equipment, Grant No. 2000HEWX0071*
- *Tribal Resource Grant Program - Equipment, Grant No. 2001HEWX0059*
- *COPS In Schools, Grant No. 2002SHWX0671*

BLACKFEET FISH AND WILDLIFE DEPARTMENT, BROWNING, MONTANA
<ul style="list-style-type: none"> • <i>Tribal Resource Grant Program - Hiring, Grant No. 2002HHWX0021</i> • <i>Tribal Resource Grant Program - Equipment, Grant No. 2002HEWZ0051</i>
NAVAJO NATION DIVISION OF PUBLIC SAFETY, WINDOW ROCK, ARIZONA
<ul style="list-style-type: none"> • <i>Tribal Resource Grant Program - Equipment , Grant No. 1999HEWX0076</i> • <i>Tribal Resource Grant Program - Equipment, Grant No. 2000HEWX0011</i> • <i>Tribal Resource Grant Program - Equipment, Grant No. 2001HEWX0015</i> • <i>Tribal Resource Grant Program - Equipment, Grant No. 2002HEWX0008</i>
NAVAJO NATION DEPARTMENT OF RESOURCE ENFORCEMENT, WINDOW ROCK, ARIZONA
<ul style="list-style-type: none"> • <i>Tribal Resource Grant Program - Hiring, Grant No. 2002HHWX0010</i> • <i>Tribal Resource Grant Program - Hiring, Grant No. 2003HHWX0021</i> • <i>Tribal Resource Grant Program - Equipment, Grant No. 2002HEWX0016</i> • <i>Tribal Resource Grant Program - Equipment, Grant No. 2003HEWX0043</i>
OGLALA SIOUX TRIBE, PINE RIDGE, SOUTH DAKOTA
<ul style="list-style-type: none"> • <i>Tribal Youth Program, Grant No. 2002TYFX0002</i> • <i>Correctional Facilities on Tribal Lands Program, Grant No. 2002IPBX0002</i> • <i>Tribal Victim Assistance Program, Grant No. 2002VRGX0011</i> • <i>S•T•O•P Violence Against Indian Women Program, Grant No. 95WINX0007</i>

For each of these audits listed above, we assessed compliance with the critical grant requirements to ensure that costs charged to the grant programs were allowable and in accordance with applicable laws, regulations, guidelines, and terms and conditions of the grants. Additionally, we interviewed tribal officials to determine any concerns regarding the DOJ's current funding strategy meeting their short-term and long-term criminal justice needs.

Finally, to determine the effectiveness of the DOJ's overall strategy for awarding grants to tribal governments and the extent to which the DOJ components coordinate and share information about program activities, we interviewed program officials from the COPS Office, OJP, including the AI/AN Affairs Desk, OVW, and OTJ.

**OFFICE OF JUSTICE PROGRAMS
BUREAUS, PROGRAM OFFICES, AND
AGENCY-WIDE SUPPORT OFFICES**

OJP consists of the following five bureaus, two program offices, and seven offices that provide agency-wide support.

OJP Bureaus

- Bureau of Justice Assistance (BJA) provides funding, training, and technical assistance to state, local, and tribal governments to reduce and prevent crime, violence, and drug abuse and to improve the function of the criminal justice system.
- Bureau of Justice Statistics (BJS) is responsible for the collection, analysis, publication, and dissemination of statistical information on crime, criminal offenders, victims of crime, and the operations of justice systems at all levels of government.
- National Institute of Justice (NIJ) supports scientific research, development, and evaluation to enhance the administration of justice and public safety.
- Office of Juvenile Justice and Delinquency Prevention (OJJDP) supports states, local communities, and tribal jurisdictions in their efforts to develop and implement effective programs for juveniles. The OJJDP also strives to enable the juvenile justice system to better protect public safety, hold offenders accountable, and provide services tailored to the needs of youth and their families.
- Office for Victims of Crime (OVC) works to enhance the capacity to assist crime victims and to provide leadership in changing attitudes, policies, and practices to promote justice and healing for all victims of crime.

OJP Program Offices

- Community Capacity Development Office (CCDO) assists communities around the United States as they seek to prevent crime, increase community safety, and revitalize neighborhoods. The CCDO includes the American Indian and Alaska Native Affairs Desk, and Weed and Seed.
- Office of the Police Corps and Law Enforcement Education (OPCLEE) addresses violent crime by helping state and local law enforcement agencies increase the number of officers with advanced education and training assigned to community patrol.

OJP Agency-wide Support Offices

- Office of Communications (OCOM) is responsible for working with congressional members, committees, and staff on legislation, policies, and issues affecting OJP, its bureaus and program offices, as well as keeping Congress, the criminal justice community, the news media and the public informed.
- Office of Administration (OA) is responsible for matters involving human resources recruitment and management; labor relations; contracting and procurement; property and space management; and the maintenance, safety, and security of facilities.
- Equal Employment Opportunity Office (EEO) promotes full realization of equal employment opportunity through a continuing affirmative employment program that aims to eliminate discrimination based on factors irrelevant to job performance.
- Office of Civil Rights (OCR) ensures that recipients of financial assistance from OJP, its component organizations, or the COPS Office are not engaged in prohibited discrimination.
- Office of Budget and Management Services (OBMS) manages a wide variety of budget execution, formulation, and presentation activities, as well as management and planning, correspondence analysis, and coordination activities within OJP.
- Office of the Comptroller (OC) is responsible for matters involving fiscal policy guidance and control, and supports accounting, financial

and grants management, and claims collection services. The OC oversees: (1) the Financial Management Division, (2) the Accounting Division, (3) the Monitoring Division, and (4) the Training and Policy Division, which are responsible for assessing grantee and OJP financial management policies, procedures, and practices; and contributes to overall financial integrity and achievement of goals and objectives of OJP and its bureaus and program offices.

- Office of General Counsel (OGC) provides legal advice and guidance to the Office of Justice Programs and its components.

OTHER GRANT PROGRAMS OFFERED TO TRIBAL GOVERNMENTS BY THE COPS OFFICE

In addition to the tribal-specific grant programs, the COPS Office also awarded grants under the following programs to tribal governments during FYs 1999 through 2003:⁴³

- COPS In Schools (CIS) was designed to provide assistance to law enforcement agencies to build collaborative relationships with schools, and to use community policing efforts to help combat violence and reduce the fear of crime in the schools by deploying officers as school resource officers. The CIS grant program provides grant funding directly to local, state, and tribal jurisdictions for the hiring and deployment of new, additional, career law enforcement officer positions in and around primary and secondary schools.
- Homeland Security Overtime Program (HSOP) was designed to supplement grantee agencies' state or locally funded officer overtime budgets, thereby increasing the amount of overtime funding available to support community policing and homeland security efforts. The HSOP grant program provides funding directly to local, state, and tribal jurisdictions to pay officer overtime during homeland security training sessions and other law enforcement activities that are designed to help prevent acts of terrorism and other violent or drug-related crimes. The HSOP grant funding also supports the overtime efforts of non-supervisory, sworn personnel such as intelligence officers, crime analysts, undercover officers, and others who work on homeland security or terrorism task forces.
- Methamphetamine Grants (METH) was designed to assist state and local law enforcement agencies in reducing the production, distribution, and use of methamphetamine. The METH grant program provides funding directly to state, local, Indian tribal, and other public law enforcement agencies that plan to utilize community policing strategies to address methamphetamine problems in their local and surrounding jurisdictions.

⁴³ Grant funding under the grant programs listed are available to local, state, and tribal jurisdictions.

- Making Officer Redeployment Effective (MORE) was designed to expand the amount of time current law enforcement officers can spend on community policing by funding technology, equipment, and support staff, including civilian personnel. The MORE grant program requires that grantees demonstrate that the items they request would increase the number of current law enforcement officers deployed into community policing by an equal or greater measure than would a COPS grant for hiring new officers.
- Universal Hiring Program (UHP) is designed to help law enforcement agencies partner with their communities to develop creative and innovative ways to deal with long-standing problems by providing funding to local, state, and tribal jurisdictions for the salaries and benefits of newly hired officers engaged in community policing. The UHP grant program provides federal funding for 75 percent of a newly hired entry-level officer's salary and benefits, up to a maximum amount of \$75,000 per officer, over the course of the 3-year grant period.

OTHER GRANT PROGRAMS OFFERED TO TRIBAL GOVERNMENTS BY OJP

In addition to the tribal-specific grant programs, OJP administers the following formula and discretionary grant programs that can be used to enhance and support the ability of tribal governments to address crime, violence, and victimization.⁴⁴

Formula Grant Programs

- The Edward Byrne Memorial State and Local Law Enforcement Assistance formula grant program is administered by the BJA and provides funding to assist states and units of local government in controlling and preventing drug abuse, crime, and violence, and in improving the function of the criminal justice system. The Byrne Formula grant program has 29 designated purpose areas that include: prosecution, adjudication, community crime prevention, and development of criminal justice information systems.
- The Local Law Enforcement Block Grants Program (LLEBG) provides formula-based funding to units of local government to help reduce crime and improve public safety. Each year, BJA contacts local governments that are eligible to apply for direct awards under the program. Award amounts are determined by each local government's crime rate, as reported to the Federal Bureau of Investigation's Uniform Crime Reporting System. Local governments that qualify for awards over \$10,000 receive direct awards from BJA. Each state receives LLEBG funds that can be used to hire or pay overtime to police officers, establish multi-jurisdictional task forces, purchase basic law enforcement equipment, and a number of other purpose areas.

⁴⁴ Formula grants are awarded directly to state and local governments, including tribal governments and nonprofit organizations, based on a predetermined formula that is often based upon a jurisdiction's crime rate, population, or some other factor. States generally are required to pass a significant portion of formula awards to local agencies and organizations in the form of subgrants. Discretionary awards may be awarded to states, units of local government, Indian tribes and tribal organizations, individuals, educational institutions, hospitals, and both private nonprofit and commercial organizations at the discretion of the awarding agency.

- OJJDP’s Formula Grants Program, Title V Incentive Grants for Local Delinquency Prevention Programs, Enforcing the Underage Drinking Laws Program, and Part E State Challenge Grants programs support state and local efforts to improve the juvenile justice system to prevent delinquency.
- The Juvenile Accountability Incentive Block Grants program supports state and local efforts to address juvenile crime by encouraging reforms that hold all offenders accountable for their crimes.
- The Residential Substance Abuse Treatment program supports individual and group substance abuse treatment activities for offenders in residential facilities operated by state and local correctional agencies.
- The Violent Offender Incarceration/Truth in Sentencing grant programs help states build or expand correctional facilities for adult or juvenile offenders. The Violent Offender Incarceration grant program is administered on a three-tiered formula basis, while the Truth in Sentencing awards are distributed as an incentive to states for enhancing sentencing reform to ensure that violent offenders serve longer portions of their sentences.
- The S•T•O•P Violence Against Women Formula Grants program supports improvements in law enforcement response to violence against women, development of more effective strategies and programs to prevent crimes against women, and improvements in data collection and tracking systems. By law, at least a quarter of S•T•O•P funds must be dedicated to enhancing direct services to crime victims.
- The Victim Assistance and Victim Compensation grant programs are funded through the Crime Victims Fund, which is derived from fines, penalty assessment, and bail forfeitures collected from federal criminal offenders (not from taxpayers). Victim Assistance subgrants provide funding for approximately 3,300 victims’ assistance programs, including rape crisis centers, battered women’s shelters, children’s advocacy centers, and victim services units within law enforcement agencies. Together, these organizations service more than 2 million crime victims each year. State victim compensation programs serve an additional 200,000 victims annually by providing financial assistance to victims to help defray some of the economic costs of crime.

Discretionary Grant Programs

- The Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program is designed to encourage state, local, and tribal governments, and state, local, and tribal courts to treat domestic violence as a serious violation of criminal law requiring the coordinated involvement of the entire criminal justice system. At least 5 percent of the funding for this program must be available for grants to Indian tribal governments.
- The Rural Domestic Violence and Child Victimization Enforcement Grants Program is designed to enhance services available to rural victims and children by encouraging community involvement in developing a coordinated response to domestic violence, dating violence, and child abuse. Eligible applicants include tribal governments in rural and nonrural states. At least 5 percent of the funding for this program must be available for grants to Indian tribal governments.
- The Legal Assistance for Victims Grants Program is designed to strengthen legal assistance programs for victims of domestic violence, sexual assault, and stalking. Five percent of the funding for this program is set aside for grants to programs that assist victims of domestic violence, sexual assault, and stalking on lands within the jurisdiction of an Indian tribe.
- The Safe Havens for Children Pilot Program is designed to help create safe places for visitation with and exchange of children in cases of domestic violence, child abuse, sexual assault, or stalking. At least 5 percent of the funding for this program is available for grants to Indian tribal governments.

CRIMINAL JURISDICTION IN INDIAN COUNTRY

As stated previously, there are numerous jurisdictional complexities and limitations in Indian Country, which contribute to the overwhelming difficulties in any effort to improve the relationship between tribal governments and the federal government. For example, crimes committed in Indian Country could fall under the jurisdiction of the federal, state, or tribal governments, depending on the identity of the victim and suspect, (i.e., Indian or non-Indian), the seriousness of the offense, and the state in which the offense was committed. There are three federal statutes that affect criminal jurisdiction in Indian Country, including:

- Title 18, Chapter 53, Section 1152 – Law governing (18 USC § 1152).
- Title 18, Chapter 53, Section 1153 – Offenses committed within Indian Country (18 USC § 1153);
- Title 18, Chapter 53, Section 1162 – State jurisdiction over offenses committed by or against Indians in Indian Country (18 USC § 1162); and

The first federal code provision relating to crimes committed in Indian Country is 18 USC § 1152. Under 18 USC § 1152, all crimes committed by non-Indians against Indians in Indian Country are subject to exclusive federal jurisdiction regardless of the seriousness of the offense.

Jurisdiction in Indian Country is further complicated by the definition of what constitutes Indian Country. Indian Country as defined by 18 USC § 1151, includes:

- all land within the limits of any Indian reservation under the jurisdiction of the federal government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;
- all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and

- all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

The second federal code provision regarding jurisdiction over crimes committed in Indian Country is 18 USC § 1153. Pursuant to 18 USC § 1153, crimes committed in Indian Country, with the exception of crimes committed in the states granted jurisdiction under 18 USC § 1162, are subject to federal jurisdiction when the offense is committed by, or against, a Native American. The crimes subject to federal jurisdiction under 18 USC § 1153, include: murder, manslaughter, kidnapping, maiming, incest, assault with intent to commit murder, assault with a dangerous weapon, assault resulting in serious bodily injury, an assault against an individual who has not attained the age of 16 years, arson, burglary, and robbery.

Additionally, pursuant to 18 USC § 1153, all non-major crimes (those not listed in 18 USC § 1153) committed by Indians against other Indians within Indian Country, are subject to the jurisdiction of tribal courts. Further, all crimes committed by non-Indians against other non-Indians, in Indian Country, are subject to prosecution under state law. Table 20 illustrates jurisdiction over criminal offenses committed in states not covered by 18 USC § 1162.

TABLE 20. CRIMINAL JURISDICTION OVER CRIMES COMMITTED IN INDIAN COUNTRY

SUSPECT IDENTITY	VICTIM IDENTITY	TYPE OF OFFENSE	JURISDICTION
Indian	Indian or Non-Indian	Major Crimes	Federal
Indian	Indian or Non-Indian	Non-major Crimes	Tribal
Non-Indian	Indian	Any Offense	Federal
Non-Indian	Non-Indian	Any Offense	State

Source: 18 USC § 1152 and 18 USC § 1153

Finally, the third federal code provision concerning Indian Country jurisdiction is 18 USC § 1162. Under 18 USC § 1162, certain states were granted jurisdiction over crimes committed in all or part of Indian Country within the state, except those specifically designed as matters of jurisdiction. Table 21 illustrates those states granted jurisdiction pursuant to 18 USC § 1162.

**TABLE 21. STATES GRANTED JURISDICTION OVER CRIMES
COMMITTED IN INDIAN COUNTRY UNDER 18 USC § 1162**

STATE	INDIAN COUNTRY AFFECTED
Alaska	All Indian Country within the state, except that on Annette Islands; the Metlakatla Indian community may exercise jurisdiction over offenses committed by Indians in the same manner in which such jurisdiction may be exercised by Indian tribes in Indian country over which state jurisdiction has not been extended.
California	All Indian Country within the state.
Minnesota	All Indian country within the state, except the Red Lake Reservation.
Nebraska	All Indian country within the state.
Oregon	All Indian country within the state, except the Warm Springs Reservation.
Wisconsin	All Indian country within the state.

Source: 18 USC § 1162

APPENDIX VII

**PRIOR AUDITS CONDUCTED BY THE OIG OF COPS OFFICE
GRANTS AWARDED TO TRIBAL GOVERNMENTS**

During FYs 1998 through 2004, the OIG conducted 14 audits of COPS Office grants awarded to tribal grantees. Based on the results of the 14 audits, the OIG identified questioned costs totaling \$1,593,386 and funds put to better use totaling \$2,930,130.

GRANTEE NAME	REPORT No.	QUESTIONED COSTS	FUNDS PUT TO BETTER USE
Housing Authority of the Sac and Fox Tribe of Missouri	GR-50-98-004	-	-
Rosebud Sioux Police Department	GR-80-98-007	\$427,357	\$1,301,323
Hoopa Valley Tribal Police Department	GR-90-98-007	-	-
Standing Rock Sioux Tribe	GR-80-98-010	52,122	933,319
Mescalero Apache Tribe	GR-80-98-016	105,620	-
Iowa Tribe of Kansas and Nebraska	GR-50-98-022	-	436,054
Las Vegas Paiute Tribal Police	GR-90-98-027	-	-
Red Lake Band of Chippewa Indians	GR-50-98-031	156,842	161,004
Kickapoo Tribe of Oklahoma Police Department	GR-80-98-035	36,413	9,553
Pyramid Lake Pauite Tribal Police Department	GR-90-99-018	48,208	59,274
Osage Tribe of Oklahoma	GR-80-00-002	9,249	18,659
Osage Tribe of Oklahoma	GR-80-00-012	87,361	10,944
Umatilla Tribal Police Department	GR-90-01-003	48,300	-
Crow Creek Sioux Tribe	GR-60-02-001	621,914	-
TOTALS		\$1,593,386	\$2,930,130

Source: OIG Audit Division

APPENDIX VIII

**PRIOR AUDITS CONDUCTED BY THE OIG OF
OJP GRANTS AWARDED TO TRIBAL GOVERNMENTS**

During FYs 1998 through 2004, the OIG conducted 13 audits of OJP grants awarded to tribal grantees. Based on the results of the 13 audits, the OIG identified questioned costs totaling \$2,593,591 and funds put to better use totaling \$114,303.

GRANTEE NAME	REPORT No.	QUESTIONED COSTS	FUNDS PUT TO BETTER USE
Inter-Tribal Council of Nevada, Inc.	GR-90-98-014	\$27,633	-
Torres-Martinez Desert Cahuilla Indian Tribe	GR-90-98-032	2,515	-
Yavapai-Apache Indian Nation	GR-90-98-034	-	-
South Puget Intertribal Planning Agency	GR-90-98-037	3,858	-
Lac Courte Oreilles Tribal Government	GR-50-99-002	27,347	-
Osage Tribal Council	GR-80-99-006	4,054	-
Osage Tribal Council	GR-80-99-007	197	-
Southern Ute Indian Tribe	GR-80-00-004	32,921	-
Confederated Tribes of the Chugachmiut Indian Reservation	GR-90-00-011	14,601	-
Confederated Tribes of the Umatilla Indian Reservation	GR-90-00-012	11,872	-
Red Lake Band of Chippewa Indians	GR-50-03-003	1,831,866	\$114,303
National American Indian Court Judges Association, National Tribal Justice Resource Center	GR-60-04-001	31,921	-
Turtle Mountain Band of Chippewa Indians	GR-60-04-003	604,806	-
TOTALS		\$2,593,591	\$114,303

Source: OIG Audit Division.

APPENDIX IX

COPS OFFICE TOTAL QUESTIONED COSTS RELATED TO EXCESS DRAWDOWNS ON EXPIRED GRANTS⁴⁵

No.	GRANT NO.	GRANTEE NAME	QUESTIONED COSTS
1	1999HEWXK001	Washington State University	\$411,012.04
2	1999HHWX0032	Picuris Pueblo	71,194.00
3	1999HEWX0039	Walker River Paiute Tribe	68,828.00
4	1999HEWX0023	Bois Forte Reservation	34,556.00
5	1999HHWX0043	Citizen Potawatomi Nation	28,708.91
6	2000HHWX0058	Alakanuk Tribal Council	27,927.39
7	2000HHWX0023	Picuris Pueblo	20,000.00
8	2000HEWX0009	Tuluksak Native Community	13,765.64
9	2000HEWX0049	Picuris Pueblo	13,374.30
10	1999HEWX0045	Ponca Tribe of Oklahoma	8,507.79
11	2000HHWX0055	Wells Band Council	4,606.21
12	2001HEWX0079	Kaw Nation of Oklahoma	4,301.71
13	1999HEWX0134	Shoalwater Bay Indian Tribe	2,594.00
14	1999HEWX0042	Cheyenne and Arapaho Tribe	1,835.00
15	1999HEWX0063	Native Village of Kwinhagak	1,190.32
16	2000HEWX0120	Alakanuk Tribal Council	886.15
17	2000HEWX0123	Seneca Nation Conservation Department	177.00
18	2000HEWX0092	Kalispel Tribe of Indians	102.80
TOTAL QUESTIONED COSTS			\$713,567.26

⁴⁵ To identify if grantees had drawn down grant funds in excess of expenditures, we compared cumulative grant expenditures on the most recent financial report submitted to grant drawdowns.

APPENDIX X

**OJP TOTAL QUESTIONED COSTS RELATED TO
EXCESS DRAWDOWNS ON EXPIRED GRANTS⁴⁶**

No.	GRANT No.	GRANTEE NAME	QUESTIONED COSTS
1	1999VRGX0021	Navajo Nation	\$58,734.98
2	2000ICVX0043	Klamath Tribes of Oregon	28,704.24
3	2002ICBX0013	Kickapoo Traditional Tribe of Texas	14,449.00
4	2001VRGX0001	Lummi Indian Nation	13,512.39
5	1999VRGX0003	Osage Tribe of Oklahoma	9,404.04
6	2000ICVX0059	Northway Village Council	7,060.25
7	1999VRGX0005	Prairie Island Indian Community	5,519.00
8	2000ICVX0032	Aleknagik Traditional Council	4,339.05
9	2000ICVX0023	Chefornak Traditional Council	4,095.00
TOTAL QUESTIONED COSTS			\$145,817.95

⁴⁶ To identify if grantees had drawn down grant funds in excess of expenditures, we compared cumulative grant expenditures on the most recent financial report submitted to grant drawdowns.

APPENDIX XI

**OVW TOTAL QUESTIONED COSTS RELATED TO
EXCESS DRAWDOWNS ON EXPIRED GRANTS⁴⁷**

No.	GRANT No.	GRANTEE NAME	QUESTIONED COSTS
1	1995WINX0001	Jicarilla Apache Nation	\$66,801.36
2	1996WINX0043	Leech Lake Band of Ojibwe	4,061.29
TOTAL QUESTIONED COSTS			\$70,862.65

⁴⁷ To identify if grantees had drawn down grant funds in excess of expenditures, we compared cumulative grant expenditures on the most recent financial report submitted to grant drawdowns.

APPENDIX XII

**COPS OFFICE TOTAL FUNDS PUT TO BETTER USE RELATED
TO REMAINING GRANT FUNDS ON CLOSED GRANTS**

No.	GRANT No.	GRANTEE NAME	FUNDS PUT TO BETTER USE
1	2001HHWX0020	Sault Ste. Marie Tribe of Chippewa	\$78,888.49
2	1999HEWX0088	Sac and Fox Tribe of Missouri	64,954.00
3	2003HEWX0066	Lac Vieux Desert Band of Lake Superior Chippewa	26,168.00
4	2002HEWX0041	Little River Band of Ottawa Indians Police Department	21,639.00
5	1999HHWX0035	Taos Pueblo	5,563.00
6	2002HEWX0037	Lac Vieux Desert Band of Lake Superior Chippewa	1,337.00
7	2002HEWX0040	Hannahville Indian Community	1,178.26
8	2000HEWX0092	Kalispel Tribe of Indians	652.36
TOTAL FUNDS PUT TO BETTER USE			\$200,380.11

APPENDIX XIII

**OVW TOTAL FUNDS PUT TO BETTER USE RELATED TO
REMAINING GRANT FUNDS ON CLOSED GRANTS**

No.	GRANT NO.	GRANTEE NAME	FUNDS PUT TO BETTER USE
1	1998WIVX0001	Oneida Tribe of Indians of Wisconsin	\$6,869.22
TOTAL FUNDS PUT TO BETTER USE			\$6,869.22

APPENDIX XIV

**COPS OFFICE TOTAL QUESTIONED COSTS RELATED
TO DRAWDOWNS ON EXPIRED GRANTS OCCURRING
MORE THAN 90 DAYS PAST THE GRANT END DATE**

No.	GRANT No.	GRANTEE NAME	QUESTIONED COSTS
1	2002HEWX0049	Fort Peck Tribes	\$168,389.41
2	2002HEWX0014	Fort McDowell Yavapai Nation	95,765.99
3	2002HNWX0003	Crow Tribe of Indians	92,118.00
4	1999HHWX0001	Akiachak Native Community	91,080.00
5	1999HEWX0098	Grand Traverse Band of Ottawa and Chippewa Indians	89,643.00
6	2000HEWX0082	Chehalis Tribal Police Department	83,675.00
7	2000HEWX0068	Isleta Police Department	76,593.00
8	1999HHWX0013	Yavapai and Apache Nation	75,000.00
9	2002HEWX0070	Washoe Tribe of Nevada and California	73,430.49
10	1999HEWX0039	Walker River Paiute Tribe	68,828.00
11	2002HEWX0030	Passamaquoddy Tribe and Pleasant Point Reservation	67,000.00
12	2002HEWX0009	San Carlos Apache Tribe	62,362.00
13	2002HEWX0035	Houlton Band of Maliseet Indians	61,680.00
14	1999HEWX0014	Coyote Valley Band of Pomo Indians	61,408.00
15	2002HEWX0038	Sault Ste. Marie Tribe of Chippewa	58,725.43
16	1999HEWX0053	Colville Tribal Police Services	55,438.21
17	2002HEWX0100	Nisqually Indian Tribe	55,000.00
18	2000HEWX0047	Ramah Navajo Chapter	53,894.35
19	1999HEWX0060	Eastern Shoshone Tribe	52,197.00
20	2000HEWX0019	Hualapai Indian Tribe	52,041.00
21	2000HHWX0026	Yerington Paiute Tribe	50,000.00
22	2001HEWX0024	Hopland Band of Pomo Indians	49,917.78
23	2000HHWX0008	Salt River Pima-Maricopa Indian Police Department	49,602.00
24	2000HEWX0073	Cherokee Nation Marshal Service	44,926.20
25	2000HEWX0040	Red Lake Band of Chippewa Indians	44,342.30
26	2000HNWX0001	Nisqually Indian Tribe	43,562.60
27	1999HEWX0108	Tesuque Pueblo	43,251.00
28	1999HHWX0037	Lovelock Paiute Tribe	42,910.00
29	2001HEWX0044	Grand Traverse Band of Indians Conservation Department	41,997.52
30	2002HEWX0053	Ft. Belknap Indian Community	40,000.00
31	1999HEWX0110	Reno-Sparks Indian Colony	40,000.00
32	1999HEWXK002	Western Oregon University	39,503.79
33	1999HEWXK001	Washington State University	39,064.79
34	2000HEWX0109	Yurok Tribe	38,496.58

No.	GRANT NO.	GRANTEE NAME	QUESTIONED COSTS
35	2002HEWX0018	Hopland Band of Pomo Indians	37,646.69
36	1999HEWX0063	Native Village of Kwinhagak	35,790.56
37	1999HEWX0009	Fort Mojave Tribal Police	35,245.00
38	1999HEWX0129	Jamestown S'Klallam Tribe	33,618.62
39	2002HEWX0093	Lower Brule Sioux Tribe Department of Wildlife	32,514.00
40	1999HEWX0062	Village of Chickaloon	32,395.00
41	2000HEWX0084	Lummi Indian Business Council	31,988.50
42	2002HEWX0068	Pyramid Lake Paiute Tribe	29,117.00
43	2002HEWX0084	Coquille Tribal Police Department	28,748.00
44	2000HEWX0106	Fort Peck Tribes Department of Fish and Wildlife	27,884.70
45	1999HEWX0065	Village of Manokotak	27,428.00
46	2000HEWX0079	Columbia River Inter-Tribal Fisheries Enforcement	27,343.00
47	2002HEWX0040	Hannahville Indian Community	26,150.60
48	2002HEWX0050	Confederated Salish and Kootenai Tribes	25,595.85
49	2000HHWX0046	Chefornak Traditional Council	25,018.22
50	2002HEWX0115	Lac Courte Oreilles Conservation Department	24,660.00
51	2000HEWX0033	Passamaquoddy Tribe and Pleasant Point Reservation	21,778.00
52	2001HEWX0106	St. Croix Tribal Police Department	20,417.61
53	1999HEWX0114	Kickapoo Tribe of Oklahoma	20,238.00
54	2001HEWX0095	Colville Tribal Police Services	19,603.00
55	1999HEWX0093	Bay Mills Indian Community	18,869.00
56	2000HNWX0003	Pyramid Lake Paiute Tribe	18,736.00
57	2000HEWX0004	Native Village of Gambell	16,866.00
58	1999HHWX0036	Las Vegas Paiute Tribe	16,487.71
59	2001HEWX0071	Washoe Tribe of Nevada and California	15,878.79
60	1999HEWX0083	Pascua Yaqui Police Department	15,000.00
61	1999HEWX0102	Fond du Lac Reservation	14,383.00
62	2002HEWX0111	Red Cliff Band of Lake Superior Chippewa Indians	14,002.77
63	2000HEWX0005	Village of Napakiak	14,000.00
64	2000HEWX0009	Tuluksak Native Community	13,765.64
65	2000HNWX0004	Eagle Village Council, IRA	12,111.35
66	1999HEWX0111	Fallon Paiute-Shoshone Tribes	11,981.30
67	2001HEWX0034	Iowa Tribe of Kansas and Nebraska	11,632.03
68	1999HEWX0015	Hopland Band of Pomo Indians	11,442.51
69	2002HEWX0019	Coyote Valley Band of Pomo Indians	10,509.00
70	1999HEWX0043	Citizen Potawatomi Nation	10,447.00
71	2000HEWX0083	Lower Elwha Klallum Tribe Police Department	9,493.00
72	1999HHWX0048	Narragansett Indian Tribe	9,086.00
73	1999HEWX0080	Hopi Tribe	8,915.06
74	1999HEWX0133	Suquamish Tribe	8,856.00

No.	GRANT NO.	GRANTEE NAME	QUESTIONED COSTS
75	1999HEWX0028	Fort Peck Tribes	7,985.00
76	1999HEWX0040	Yerington Paiute Tribe	7,381.00
77	1999HEWX0044	Otoe-Missouria Tribe of Indians	7,179.00
78	2000HHWX0003	Village of Napakiak	6,700.00
79	1999HEWX0103	Fort Belknap Indian Community	6,664.00
80	1999HHWX0053	Colville Tribal Police Services	6,150.59
81	2001HEWX0094	Stillaguamish Tribe of Indians	5,762.97
82	2001HEWX0093	Nisqually Indian Tribe	5,440.20
83	2000HEWX0034	Penobscot Indian Nation Warden Service	5,369.00
84	2000HEWX0111	Tetlin Tribal Council	5,031.00
85	1999HEWX0023	Bois Forte Reservation	4,938.10
86	2001HEWX0061	Mescalero Apache Tribe	4,904.92
87	2000HHWX0037	Puyallup Tribe of Indians	4,855.85
88	1999HEWX0140	Red Cliff Band of Lake Superior Chippewa Indians	4,688.00
89	2000HEWX0098	Stillaguamish Tribe of Indians	4,366.25
90	1999HEWX0077	Colorado River Indian Tribes	4,216.00
91	2000HEWX0124	Lac Courte Oreilles Conservation Department	4,004.00
92	2002HEWX0032	Passamaquoddy Police Department	4,000.00
93	2001HEWX0045	Grand Traverse Band of Ottawa and Chippewa Indians	4,000.00
94	2001HEWX0065	Pueblo of Sandia	3,827.86
95	1999HEWX0016	Shoshone-Bannock Tribes	3,540.87
96	1999HEWX0106	Ramah Navajo Chapter	3,472.00
97	2001HEWX0040	Bay Mills Indian Community	3,105.00
98	1999HHWX0018	Passamaquoddy Tribe and Pleasant Point Reservation	3,000.00
99	1999HEWX0134	Shoalwater Bay Indian Tribe	2,594.00
100	1999HEWX0109	Isleta Police Department	2,400.00
101	2001HEWX0021	Pascua Yaqui Police Department	2,249.56
102	2000HEWX0119	Elko Band Council	2,219.41
103	2001HEWX0026	Coyote Valley Band of Pomo Indians	2,213.00
104	1999HHWX0030	Turtle Mountain Band of Chippewa Indians	2,200.00
105	2000HEWX0108	Chefornak Traditional Council	2,114.08
106	2002HEWX0047	Fond du Lac Band of Lake Superior Chippewa	1,924.92
107	2000HEWX0103	Cabazon Band of Mission Indians	1,650.89
108	1999HEWX0034	Pojoaque Tribal Police Department	1,589.00
109	2001HEWX0066	Isleta Police Department	1,467.00
110	2001HNWX0003	Isleta Police Department	1,432.40
111	2000HEWX0118	Mille Lacs Band of Ojibwe Natural Resources	1,246.00
112	1999HHWX0005	Newtok Traditional Council	724.00
113	2000HEWX0121	Lower Brule Sioux Tribe Department of Wildlife	670.00
114	1999HEWX0116	Muscogee Creek Nation Tribal Police Department	669.88

No.	GRANT No.	GRANTEE NAME	QUESTIONED COSTS
115	2000HEWX0089	Puyallup Tribe Of Indians	641.79
116	2000HEWX0126	Hopi Tribe	394.00
117	1999HHWX0031	Omaha Tribe Police Department	388.00
118	2001HEWX0069	Pyramid Lake Paiute Tribe	145.00
119	2000HEWX0092	Kalispel Tribe of Indians	108.05
120	1999HEWX0030	Turtle Mountain Band of Chippewa Indians	36.00
121	2002HEWX0067	Isleta Police Department	8.00
122	2001HEWX0008	Kasigluk Traditional Council	4.00
TOTAL QUESTIONED COSTS			\$3,077,156.54

APPENDIX XV

**OJP TOTAL QUESTIONED COSTS RELATED TO
DRAWDOWNS ON EXPIRED GRANTS OCCURRING
MORE THAN 90 DAYS PAST THE GRANT END DATE**

No.	GRANT No.	GRANTEE NAME	QUESTIONED COSTS
1	1999IPVX0008	Three Affiliated Tribes of Fort Berthold Reservation	\$1,323,154.22
2	1996VIGX0013	Standing Rock Sioux Tribe	211,027.65
3	2001TYFX0016	Knik Tribal Council	72,572.00
4	2000ICVX0019	Swinomish Indian Community/Northwest Intertribal Court System	67,000.00
5	2001TYFX0030	Rosebud Sioux Tribe	59,645.00
6	2000TYFX0001	Lower Elwha Klallam Tribe	53,042.65
7	2002ICBX0008	Fallon Paiute-Shoshone Tribe	50,766.60
8	2000ICVX0073	Pueblo of San Ildefonso	44,934.89
9	2000ICVX0002	Winnebago Tribe of Nebraska	42,051.19
10	1999IPVX0004	Shonshone-Paiute Tribes	37,331.00
11	2001TYFX0037	South Puget Sound Intertribal Agency	26,420.00
12	2002VRGX0006	Pueblo of Zuni	25,192.00
13	2000TYFX0034	College of Menominee Nation	25,141.68
14	2002VRGX0011	Oglala Sioux Tribe	24,671.74
15	2000ICVX0046	Round Valley Tribal Council	23,661.94
16	1999VRGX0007	Pueblo of Taos	19,606.00
17	2000ICVX0049	Morongo Band of Mission Indians	18,529.00
18	2000ICVX0035	Coyote Valley Band of Pomo Indians	16,455.00
19	2000VRGX0014	Pascua Yaqui Tribe of Arizona	13,857.01
20	2000ICVX0043	Klamath Tribes of Oregon	13,704.24
21	2001VRGX0001	Lummi Indian Nation	13,512.39
22	2000ICVX0062	Native Village of South Naknek	11,966.69
23	2000TYFX0025	Hannahville Indian Community	11,891.43
24	2000ICVX0058	Native Council of Port Heiden	11,127.36
25	2000ICVX0077	Bad River Band of Lake Superior Tribe of Chippewa Indians	10,000.00
26	2000ICVX0039	Samish Indian Nation	9,200.00
27	2000ICVX0050	Pala Band of Mission Indians	8,706.50
28	2000ICVX0015	Orutsararmut Native Council	8,302.00
29	1999VRGX0019	Three Affiliated Tribes of Fort Berthold Reservation	8,293.00
30	1999VIGX0002	Chugachmiut	7,808.77
31	2000ICVX0068	Turtle Mountain Band of Chippewa Indians	6,918.87
32	2000TYFX0014	Winnebago Tribe of Nebraska	6,412.77
33	1999VRGX0012	Lummi Indian Nation	5,555.14
34	2000ICVX0014	Native Village of Eyak	5,408.98

No.	GRANT No.	GRANTEE NAME	QUESTIONED COSTS
35	2000VRGX0004	Menominee Indian Tribe of Wisconsin	3,462.30
36	2000ICVX0066	Wyandotte Tribe of Oklahoma	3,000.00
37	2000TYFX0019	Nisqually Indian Tribe	1,559.26
38	1999VIGX0001	Wiconi Wawokiya, Inc.	1,197.94
39	1999VRGX0018	Nez Perce Tribe	1,099.95
40	1999VRGX0017	Red Lake Band of Chippewa Indians	527.72
41	2000ICVX0054	Kickapoo Traditional Tribe of Texas	311.00
42	2002ICBX0010	National Institute for Trial Advocacy	252.50
43	2000ICVX0060	Chickasaw Nation	20.00
TOTAL QUESTIONED COSTS			\$2,305,298.38

APPENDIX XVI

**OVW TOTAL QUESTIONED COSTS RELATED TO
DRAWDOWNS ON EXPIRED GRANTS OCCURRING
MORE THAN 90 DAYS PAST THE GRANT END DATE**

No.	GRANT No.	GRANTEE NAME	QUESTIONED COSTS
1	1997WIVX0028	Eastern Band of Cherokee Indians	\$106,879.00
2	1997WIVX0007	Round Valley Tribal Council	85,176.00
3	1998WIVX0026	Tulalip Tribes	75,000.00
4	1997WIVX0011	Ho-Chunk Nation	53,519.00
5	1999WIVX0010	Shoshone and Arapaho Joint Business Council	50,574.00
6	1996WINX0035	Lac Courte Oreilles/Chippewa Tribe	42,408.00
7	1999WIVX0008	Quinault Indian Nation	40,000.00
8	1998WIVX0003	Pyramid Lake Paiute Tribe	35,463.00
9	1999WIVX0004	Lower Elwha Klallam Tribe	31,492.68
10	1998WIVX0012	Spokane Tribe of Indians	30,000.00
11	1997WIVX0032	Sac and Fox Nation	27,946.00
12	1998WIVX0016	Tonkawa Tribe of Oklahoma	27,725.00
13	1996WINX0023	Ketchikan Indian Corporation	19,825.82
14	1996WINX0025	Fort Mojave Indian Tribe	16,500.00
15	1997WIVX0025	Sac and Fox Tribe of Missouri	15,000.00
16	1998WIVX0006	Yavapai-Prescott Indian Tribe	8,787.98
17	1998WIVX0017	Trenton Indian Service Area	8,223.00
18	1996WINX0051	Mille Lacs Band of Ojibwe	1,686.00
19	1995WINX0003	Salt River Pima Maricopa Indian Community	1,391.00
20	1997WIVX0001	Sitka Tribe of Alaska	1,237.19
21	2001WIBX0007	Wichita and Affiliated Tribe	1,109.08
22	1996WINX0014	Confederated Salish and Kootenai Tribe	907.04
23	1998WIVX0028	Northern Plains Intertribal Court of Appeals	166.00
TOTAL QUESTIONED COSTS			\$681,015.79

APPENDIX XVII

**COPS OFFICE TOTAL FUNDS PUT TO BETTER USE FOR
EXPIRED GRANTS 90 DAYS PAST THE GRANT END DATE⁴⁸**

No.	GRANT NO.	GRANTEE NAME	FUNDS PUT TO BETTER USE
1	1999HHWX0028	Fort Peck Tribes	\$419,201.00
2	2000HEWX0011	Navajo Division of Public Safety	391,069.20
3	2000HHWX0052	Barona Band of Mission Indians	300,000.00
4	2000HHWX0067	Tonto Apache Tribe	202,319.00
5	2000HHWX0013	Wampanoag Tribe of Gay Head	196,675.00
6	2001HEWX0054	Blackfeet Tribal Business Council	166,473.00
7	2001HEWX0020	Tonto Apache Tribe	152,167.00
8	2000HHWX0069	Chehalis Tribal Police Department	150,420.00
9	2002HEWX0107	Swinomish Tribal Community	142,500.00
10	1999HHWX0033	Pueblo of Laguna	142,247.63
11	2001HEWX0053	Northern Cheyenne Fish, Wildlife and Recreation	132,644.00
12	2001HEWX0030	Bishop Paiute Tribe	110,454.00
13	2001HEWX0073	Te-Moak Tribe of Western Shoshone	106,958.00
14	2002HEWX0004	Mount Sanford Tribal Consortium	95,631.00
15	2001HEWX0017	Hualapai Indian Tribe	95,488.00
16	2001HEWX0016	Salt River Pima-Maricopa Indian Police Department	93,750.00
17	1999HEWX0107	Pueblo of Santa Clara	93,485.00
18	2001HEWX0027	Yurok Tribe	92,277.00
19	2000HEWX0129	Tonto Apache Tribe	83,952.00
20	1999HEWX0053	Colville Tribal Police Services	77,035.79
21	2001HEWX0018	Fort Mojave Tribal Police	72,477.00
22	2002HEWX0018	Hopland Band of Pomo Indians	65,328.31
23	2001HEWX0060	Pueblo of Jemez	55,836.00
24	2000HEWX0009	Tuluksak Native Community	54,552.36
25	2002HEWX0023	Nez Perce Tribe	53,463.00
26	2001HEWX0067	Picuris Pueblo	53,415.00
27	2000HHWX0023	Picuris Pueblo	52,988.00
28	2002HEWX0010	Hualapai Indian Tribe	52,815.00
29	2002HEWX0096	Kickapoo Traditional Tribe of Texas	52,813.75
30	2002HEWX0091	Crow Creek	52,015.00
31	2002HEWX0060	Mescalero Apache Tribe	51,975.00
32	1999HHWX0018	Passamaquoddy Tribe and Pleasant Point Reservation	50,802.00

⁴⁸ Our listing includes all grants, regardless of the materiality of the funds remaining, because all funds must be deobligated prior to closing the grant.

No.	GRANT NO.	GRANTEE NAME	FUNDS PUT TO BETTER USE
33	2002HEWX0027	Sac and Fox Tribe of Missouri	50,000.00
34	1999HEWX0012	Tohono O'Odham Nation Police Department	49,217.60
35	2000HEWX0021	Hoopa Valley Tribal Police Department	47,850.00
36	2002HEWX0097	Confederated Tribes of the Goshute Reservation	47,501.00
37	2000HHWX0026	Yerington Paiute Tribe	44,080.00
38	2002HEWX0011	Fort Mojave Tribal Police	43,161.00
39	1999HEWX0049	Cheyenne River Law Enforcement Department	43,046.00
40	2002HNWX0003	Crow Tribe of Indians	42,682.00
41	1999HEWX0028	Fort Peck Tribes	42,268.57
42	2001HEWX0090	Rosebud Sioux Tribe Natural Resource Program	41,678.28
43	2002HEWX0002	Metlakatla Police Department	40,169.00
44	2002HNWX0005	Turtle Mountain Band of Chippewa Indians	39,975.00
45	2002HEWX0029	Wampanoag Tribe of Gay Head	38,663.00
46	2001HEWX0028	Barona Band of Mission Indians	38,624.00
47	2002HNWX0006	Ponca Tribe of Oklahoma	37,794.00
48	2001HNWX0002	Fort Peck Tribes	37,356.78
49	1999HEWX0066	Asa'carsarmiut Tribal Council	37,156.00
50	2001HEWX0026	Coyote Valley Band of Pomo Indians	36,303.00
51	2000HMWX0001	Pyramid Lake Paiute Tribe	36,130.00
52	2001HEWX0004	Kipnuk Traditional Council	36,090.00
53	1999HEWX0073	Native Village of Koyuk, IRA Council	35,256.00
54	1999HEWX0052	Ute Indian Tribe	34,790.00
55	2002HEWX0049	Fort Peck Tribes	33,149.59
56	2001HEWX0082	Comanche Indian Tribe	33,139.25
57	2000HHWX0046	Chefornak Traditional Council	32,990.11
58	1999HEWX0061	Kwigillingok Department of Public Safety	32,559.00
59	1999HHWX0038	Pyramid Lake Paiute Tribe	30,236.00
60	1999HEWXK001	Washington State University	29,772.52
61	2002HEWX0026	Iowa Tribe of Kansas and Nebraska	29,733.69
62	1999HEWX0070	Huslia Tribal Council	29,400.00
63	2001HEWX0013	Native Village of Barrow	28,974.00
64	2001HEWX0031	Mashantucket Pequot Tribal Police Department	28,688.84
65	2000HHWX0057	Elko Band Council	28,553.08
66	2000HHWX0058	Alakanuk Tribal Council	28,486.00
67	2002HEWX0035	Houlton Band of Maliseet Indians	27,285.00
68	2001HEWX0092	Jamestown S'Klallam Tribe	27,196.11
69	1999HHWX0040	Yerington Paiute Tribe	25,594.00
70	1999HHWX0053	Colville Tribal Police Services	25,388.41
71	2001HEWX0099	Lummi Indian Business Council	25,325.95
72	2001HEWX0087	Crow Creek	25,078.00
73	2001HEWX0056	Fort Peck Tribes Department of Fish and Wildlife	24,744.00

No.	GRANT NO.	GRANTEE NAME	FUNDS PUT TO BETTER USE
74	1999HEWX0033	Pueblo of Laguna	24,740.15
75	2000HEWX0123	Seneca Nation Conservation Department	24,662.00
76	2002HEWX0036	Bay Mills Indian Community	23,606.00
77	2000HHWX0037	Puyallup Tribe of Indians	23,229.21
78	2002HEWX0068	Pyramid Lake Paiute Tribe	22,549.00
79	2002HEWX0080	Kaw Nation of Oklahoma	22,111.00
80	2001HEWX0022	Fort Mojave Indian Nation Ranger Department	20,937.00
81	2001HNWX0007	Lummi Indian Business Council	20,904.11
82	2002HEWX0070	Washoe Tribe of Nevada and California	20,898.35
83	1999HHWX0020	Hannahville Indian Community	20,499.72
84	2001HEWX0105	Lac Courte Oreilles Conservation Department	19,865.00
85	1999HEWX0072	Native Village of Napaskiak	19,553.87
86	2002HNWX0004	Coeur d' Alene Tribe	19,270.44
87	2001HEWX0029	Sycuan Department of Public Safety	19,243.00
88	2001HEWX0094	Stillaguamish Tribe of Indians	19,139.66
89	2001HNWX0006	Comanche Indian Tribe	19,016.00
90	1999HEWX0007	Tuluksak Native Community	18,254.09
91	1999HEWX0058	Sauk-Suiattle Police Department	18,220.00
92	1999HEWX0112	Washoe Tribe of Nevada and California	17,287.74
93	2000HEWX0128	Passamaquoddy Warden Service at Pleasant Point	17,076.00
94	2000HEWX0015	Pascua Yaqui Police Department	16,877.00
95	2000HHWX0060	Caddo Tribe of Oklahoma	16,615.26
96	1999HEWX0026	Chippewa-Cree Tribe	16,402.74
97	1999HHWX0017	Kickapoo Tribe of Kansas	16,363.00
98	1999HEWX0038	Pyramid Lake Paiute Tribe	15,483.00
99	2000HEWX0108	Chefornak Traditional Council	15,353.92
100	1999HEWX0004	Metlakatla Police Department	14,508.42
101	1999HEWX0059	Squaxin Island Tribe	14,432.49
102	1999HEWX0009	Fort Mojave Tribal Police	14,411.00
103	2002HEWX0088	Narragansett Indian Tribe Natural Resources Department	14,122.00
104	2000HEWX0023	Table Mountain Rancheria	14,113.92
105	1999HEWX0036	Las Vegas Paiute Tribe	13,626.78
106	2000HEWX0103	Cabazon Band of Mission Indians	13,064.90
107	1999HEWX0022	Little Traverse Bay Bands of Odawa Indians	12,992.00
108	2000HHWX0008	Salt River Pima-Maricopa Indian Police Department	12,744.00
109	2002HEWX0093	Lower Brule Sioux Tribe Department of Wildlife	12,474.00
110	2002HEWX0030	Passamaquoddy Tribe and Pleasant Point Reservation	12,460.00
111	2001HEWX0006	Metlakatla Police Department	12,105.24
112	2000HEWX0084	Lummi Indian Business Council	11,807.04
113	2000HEWX0055	Keweenaw Bay Tribal Police Department	11,589.05

No.	GRANT No.	GRANTEE NAME	FUNDS PUT TO BETTER USE
114	1999HEWX0131	Puyallup Tribe of Indians	11,582.10
115	2000HEWX0016	Salt River Pima-Maricopa Indian Police Department	11,397.00
116	2000HEWX0098	Stillaguamish Tribe of Indians	11,211.10
117	2000HEWX0122	Caddo Tribe of Oklahoma	11,017.73
118	2002HEWX0061	Jicarilla Apache Tribe	10,992.45
119	2000HEWX0126	Hopi Tribe	10,952.32
120	2000HNWX0003	Pyramid Lake Paiute Tribe	10,678.00
121	2002HEWX0090	Catawba Indian Nation	10,630.79
122	2000HEWX0022	Hopland Band of Pomo Indians	10,349.91
123	1999HEWX0138	Oneida Police Department	10,002.95
124	2000HEWX0017	Yavapai and Apache Nation	9,852.12
125	2001HEWX0040	Bay Mills Indian Community	9,500.93
126	2002HEWX0024	Coeur d' Alene Tribe	9,457.39
127	2001HEWX0034	Iowa Tribe of Kansas and Nebraska	9,444.14
128	2001HEWX0059	Pueblo of Santa Ana	9,389.00
129	2000HEWX0005	Village of Napakiak	9,379.00
130	2000HEWX0004	Native Village of Gambell	9,250.00
131	2002HEWX0111	Red Cliff Band of Lake Superior Chippewa Indians	8,931.23
132	1999HEWX0123	Seminole Nation of Oklahoma	8,726.00
133	1999HEWX0093	Bay Mills Indian Community	8,626.00
134	2000HEWX0054	Bay Mills Indian Community	8,100.07
135	2000HEWX0093	Yakama Nation Police Department	8,036.62
136	2000HEWX0010	Poarch Creek Tribal Police Department	7,978.00
137	2001HEWX0069	Pyramid Lake Paiute Tribe	7,561.00
138	2000HNWX0001	Nisqually Indian Tribe	7,452.40
139	2001HNWX0004	Pyramid Lake Paiute Tribe	7,359.00
140	1999HEWX0063	Native Village of Kwinhagak	7,289.44
141	1999HHWX0032	Picuris Pueblo	7,289.00
142	2001HEWX0076	Miami Tribe of Oklahoma	7,268.00
143	2002HEWX0085	Burns Paiute Tribe	7,122.45
144	2000HEWX0120	Alakanuk Tribal Council	6,467.00
145	2000HEWX0114	Barona Band of Mission Indians	6,258.00
146	2002HEWX0075	Absentee and Shawnee Tribe of Indians	6,189.00
147	2002HEWX0047	Fond du Lac Band of Lake Superior Chippewa	5,948.08
148	2000HEWX0049	Picuris Pueblo	5,683.00
149	2001HEWX0003	Newtok Traditional Council	5,628.37
150	2002HEWX0082	Comanche Indian Tribe	5,601.25
151	2001HEWX0011	Ruby Tribal Council	5,568.99
152	2001HEWX0041	Lac Vieux Desert Band of Lake Superior Chippewa	5,425.00
153	2002HEWX0100	Nisqually Indian Tribe	5,275.00
154	2002HEWX0020	Sycuan Department of Public Safety	5,236.00
155	2001HNWX0005	Kaw Nation of Oklahoma	5,097.00

No.	GRANT No.	GRANTEE NAME	FUNDS PUT TO BETTER USE
156	2000HNWX0002	Elko Band Council	4,862.99
157	2001HNWX0003	Isleta Police Department	4,715.69
158	2000HEWX0069	Regis Mohawk Tribal Police Department	4,565.00
159	2001HEWX0044	Grand Traverse Band of Indians Conservation Department	4,542.97
160	2001HEWX0024	Hopland Band of Pomo Indians	4,482.22
161	2002HEWX0071	Yomba Shoshone Tribe	4,339.00
162	2002HEWX0073	Otoe-Missouria Tribe of Indians	3,998.00
163	2000HEWX0029	Wampanoag Tribe of Gay Head	3,939.00
164	2000HEWX0121	Lower Brule Sioux Tribe Department of Wildlife	3,426.00
165	1999HEWX0096	Keweenaw Bay Tribal Police Department	3,322.56
166	1999HEWX0006	Scammon Bay Traditional Council	3,177.00
167	1999HHWX0014	Coyote Valley Band of Pomo Indians	3,171.00
168	1999HEWX0051	Confederated Tribes of the Goshute Reservation	2,897.00
169	2001HEWX0083	Caddo Tribe of Oklahoma	2,647.97
170	2000HEWX0070	Comanche Indian Tribe	2,540.00
171	1999HEWX0029	Devils Lake Sioux Tribe	2,382.83
172	2002HEWX0050	Confederated Salish and Kootenai Tribes	2,240.21
173	2002HEWX0101	Stillaguamish Tribe of Indians	2,101.68
174	2000HEWX0073	Cherokee Nation Marshal Service	1,985.75
175	2002HEWX0053	Fort Belknap Indian Community	1,982.00
176	2001HEWX0071	Washoe Tribe of Nevada and California	1,892.47
177	2000HHWX0003	Village of Napakiak	1,880.00
178	1999HEWX0014	Coyote Valley Band of Pomo Indians	1,690.00
179	2002HEWX0094	Oglala Sioux Tribe Parks and Recreation Authority	1,494.95
180	1999HEWX0002	Anvik Tribal Council	1,430.00
181	2000HEWX0089	Puyallup Tribe of Indians	1,409.34
182	2000HEWX0078	Umatilla Tribal Police Department	1,276.90
183	1999HEWX0045	Ponca Tribe of Oklahoma	1,251.00
184	2000HEWX0096	Oneida Police Department	1,074.42
185	2001HEWX0077	Wyandotte Tribe of Oklahoma	1,021.00
186	2000HEWX0057	Pueblo of Santa Ana	1,006.18
187	2000HEWX0086	Swinomish Tribal Community	987.98
188	2000HNWX0005	Miami Tribe of Oklahoma	903.00
189	2001HEWX0061	Mescalero Apache Tribe	870.08
190	2000HHWX0062	Lac Courte Oreilles Conservation Department	727.00
191	2000HEWX0002	Eagle Village Council, IRA	685.00
192	2000HEWX0047	Ramah Navajo Chapter	519.65
193	2000HNWX0006	Bay Mills Indian Community	441.00
194	2002HEWX0113	Menominee Indian Tribe of Wisconsin	399.14
195	2002HEWX0038	Sault Ste. Marie Tribe of Chippewa	392.12

No.	GRANT NO.	GRANTEE NAME	FUNDS PUT TO BETTER USE
196	2000HEWX0124	Lac Courte Oreilles Conservation Department	369.00
197	2002HEWX0032	Passamaquoddy Police Department	320.00
198	2001HEWX0045	Grand Traverse Band of Ottawa and Chippewa Indians	238.95
199	2002HEWX0005	Sleetmute Traditional Council	225.00
200	2000HEWX0117	Wells Band Council	143.00
201	2001HEWX0042	Sault Ste. Marie Tribe of Chippewa	80.16
202	2001HEWX0081	Sac and Fox Nation	51.00
203	2002HEWX0077	Wyandotte Tribe of Oklahoma	50.00
204	2000HHWX0017	Sault Ste. Marie Tribe of Chippewa	43.22
205	2002HEWX0003	Kasigluk Traditional Council	20.00
206	2000HEWX0007	Newtok Traditional Council	8.00
207	1999HEWX0119	Sac and Fox Nation	4.00
208	2000HHWX0055	Wells Band Council	4.00
209	2001HEWX0089	Lower Brule Sioux Tribe Department of Wildlife	2.00
210	2001HEWX0005	Village of Manokotak	1.00
211	2000HHWX0002	Native Village of Gambell	1.00
212	2000HEWX0046	Lovelock Paiute Tribe	1.00
213	2000HEWX0104	Kickapoo Tribe of Kansas	0.81
214	2002HEWX0102	Suquamish Tribe	0.80
215	2000HNWX0004	Eagle Village Council, IRA	0.30
216	2000HEWX0119	Elko Band Council	0.08
217	2000HEWX0095	Menominee Indian Tribe of Wisconsin	0.02
TOTAL FUNDS PUT TO BETTER USE			\$6,487,356.19

APPENDIX XVIII

**OJP TOTAL FUNDS PUT TO BETTER USE FOR EXPIRED
GRANTS 90 DAYS PAST THE GRANT END DATE⁴⁹**

No.	GRANT No.	GRANTEE NAME	FUNDS PUT TO BETTER USE
1	1999IPVX0008	Three Affiliated Tribes of Fort Berthold Reservation	\$429,374.48
2	2003ACBX1012	Kenaitze Indian Tribe, IRA	174,746.00
3	2001TYFX0030	Rosebud Sioux Tribe	172,881.18
4	2000TYFX0036	Fort Mojave Indian Tribe	141,870.00
5	2001VIGX0007	Eastern Band of Cherokee Indians	129,000.00
6	2000VRGX0008	Shoshone Bannack Tribal Court	101,716.01
7	1999VRGX0021	Navajo Nation	84,922.00
8	2000ICVX0077	Bad River Band of Lake Superior Tribe of Chippewa Indians	77,569.00
9	1997VIGX0001	Pueblo of Laguna	76,856.00
10	2000ICVX0007	Clarks Point Village Council	76,361.50
11	2002ICBX0035	White Mountain Apache Tribe	69,013.26
12	2000VRGX0010	Confederated Tribes of Warm Springs	62,612.67
13	2000ICVX0006	Nunakauyak Traditional Council	60,118.74
14	2002ICBX0006	Prairie Island Indian Community	60,000.00
15	2002VRGX0010	Northern Cheyenne Tribe, Inc.	60,000.00
16	2002VRGX0006	Pueblo of Zuni	55,883.00
17	2002ICBX0041	Crow Tribe of Indians	55,171.87
18	1999VRGX0019	Three Affiliated Tribes of Fort Berthold Reservation	50,839.00
19	2000ICVX0025	Quileute Tribal Council	50,000.00
20	2001VIGX0012	Shoshone and Arapaho Joint Business Council	49,853.00
21	2000ICVX0036	Colorado River Indian Tribes	49,455.00
22	2002ICBX0008	Fallon Paiute-Shoshone Tribe	46,889.86
23	2000VRGX0001	Lac Vieux Desert Band of Lake Superior Chippewa Indians	44,362.00
24	2000ICVX0003	Tonto Apache Tribe	42,350.00
25	2002VRGX0011	Oglala Sioux Tribe	41,322.16
26	2002VIGX0001	Suquamish Tribe	41,241.50
27	2000TYFX0014	Winnebago Tribe of Nebraska	40,131.19
28	2001TYFX0025	Prairie Band Potawatomi Nation	37,976.00
29	2000VRGX0011	Sisseton Wahpeton Sioux Tribe - Women's Circle	37,781.00

⁴⁹ Our listing includes all grants, regardless of the materiality of the funds remaining, because all funds must be deobligated prior to closing the grant.

No.	GRANT No.	GRANTEE NAME	FUNDS PUT TO BETTER USE
30	2002ICBX0005	Pueblo of Isleta	35,000.00
31	2000ICVX0002	Winnebago Tribe of Nebraska	30,050.95
32	2000ICVX0009	Native Village of Tatitlek	30,000.00
33	2000ICVX0012	Native Village of Chenega	30,000.00
34	2000ICVX0074	Pueblo of Jemez	28,299.54
35	1998IPVX0001	Fort Peck Assiniboine and Sioux Tribes	26,234.00
36	2002VRGX0001	Pueblo of Taos	24,443.00
37	2000ICVX0016	Confederated Tribes of the Chehalis Reservation	23,682.00
38	1999VRGX0005	Prairie Island Indian Community	21,170.00
39	2000ICVX0076	Pueblo of Acoma	20,922.49
40	2002ICBX0013	Kickapoo Traditional Tribe of Texas	20,000.00
41	2000ICVX0018	Te-Moak Tribe of Western Shoshone	19,613.00
42	2001TYFX0029	Hydaburg Cooperative Association	18,572.93
43	2000ICVX0062	Native Village of South Naknek	18,033.31
44	2000TYFX0017	Hopi Tribe	17,917.78
45	2000ICVX0059	Northway Village Council	15,914.98
46	2000TYFX0028	Ak-Chin Indian Community	15,855.50
47	1996VIGX0006	Winnebago Tribe of Nebraska	15,477.21
48	2000ICVX0024	Native Village of Point Hope	15,318.51
49	2000ICVX0014	Native Village of Eyak	14,298.00
50	2000TYFX0002	Big Valley Rancheria	13,474.00
51	2000TYFX0034	College of Menominee Nation	12,636.28
52	2000TYFX0026	Hualapai Indian Tribe	12,288.00
53	2000ICVX0021	Skokomish Indian Tribe	12,000.00
54	2000TYFX0025	Hannahville Indian Community	11,835.18
55	2000VRGX0004	Menominee Indian Tribe of Wisconsin	8,336.69
56	1999VRGX0003	Osage Tribe of Oklahoma	8,171.00
57	2001TYFX0012	Jamestown S'Klallam Tribe	7,929.67
58	2000ICVX0072	Pueblo of Nambe	7,800.00
59	2000ICVX0023	Chefornak Traditional Council	7,173.00
60	1999VRGX0009	Grand Traverse Band of Ottawa and Chippewa Indians	6,893.78
61	1999VRGX0006	Sault Ste. Marie Tribe of Chippewa Indians	5,820.10
62	2000ICVX0055	Native Village of Napaskiak	5,436.00
63	2002ICBX0010	National Institute for Trial Advocacy	5,284.00
64	2000ICVX0068	Turtle Mountain Band of Chippewa Indians	4,317.13
65	2000VRGX0007	Bay Mills Indian Community	4,073.69
66	1999VRGX0018	Nez Perce Tribe	3,951.17
67	2000ICVX0032	Aleknagik Traditional Council	2,985.00
68	2001TYFX0004	Nez Perce Tribe	2,450.35
69	2002ICBX0029	Confederated Tribes of Siletz Indians	1,595.53
70	2000TYFX0006	Grand Traverse Band of Ottawa and Chippewa Indians	955.14
71	2000TYFX0030	Eastern Band of Cherokee Indians	260.00
72	2001VRGX0001	Lummi Indian Nation	2.40

No.	GRANT No.	GRANTEE NAME	FUNDS PUT TO BETTER USE
73	2002ICBX0038	Inupiat Community of the Artic Slope	0.80
74	2000ICVX0020	Sitka Tribe of Alaska	0.61
75	2000TYFX0005	Stockbridge-Munsee Community	0.54
TOTAL FUNDS PUT TO BETTER USE			\$3,006,769.68

APPENDIX XIX

**OVW TOTAL FUNDS PUT TO BETTER USE FOR EXPIRED
GRANTS 90 DAYS PAST THE GRANT END DATE¹**

No.	GRANT NO.	GRANTEE NAME	FUNDS PUT TO BETTER USE
1	1995WINX0001	Jicarilla Apache Nation	\$244,815.06
2	1995WINX0014	Tanana Chiefs Conference, Inc.	146,933.02
3	1995WINX0008	Saginaw Chippewa Indian Tribe of Michigan	71,431.00
4	1996WINX0003	Pueblo of Santa Ana	69,022.00
5	1996WINX0044	Menominee Indian Tribe of Wisconsin	62,614.04
6	1995WINX0010	Hannahville Indian Community	58,842.10
7	1998WIVX0008	Winnebago Tribe of Nebraska	54,092.30
8	1997WIVX0028	Eastern Band of Cherokee Indians	53,398.00
9	2002WIBX0005	Hualapai Indian Tribe	50,000.00
10	2002WIBX0006	Alatna Tribal Council	49,545.00
11	1996WINX0051	Mille Lacs Band of Ojibwe	48,332.00
12	1999WIVX0009	Upper Skagit Indian Tribe	46,207.00
13	1999WIVX0001	Central Council of Tlingit and Haida Indian Tribes	45,472.51
14	1997WIVX0001	Sitka Tribe of Alaska	44,892.99
15	1996WINX0045	Santee Sioux Tribe of Nebraska	37,761.00
16	1998WIVX0003	Pyramid Lake Paiute Tribe	33,462.00
17	1997WIVX0016	Fort Belknap Indian Community	26,720.00
18	1998WIVX0012	Spokane Tribe of Indians	23,715.00
19	2002WIBX0004	Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians	22,599.00
20	1996WINX0025	Fort Mojave Indian Tribe	21,000.00
21	2001WIBX0004	Lac Vieux Desert Band of Lake Superior Chippewa Indians	9,274.00
22	1996WINX0043	Leech Lake Band of Ojibwe	7,792.63
23	1997WIVX0033	Lower Brule Sioux Tribe	7,530.00
24	1997WIVX0034	Forest County Potawatomi Community	4,149.59
25	1996WINX0049	Confederated Tribes of the Umatilla Indian Reservation	3,508.13
26	1997WIVX0022	Bad River Band of Lake Superior Tribe of Chippewa Indians	3,448.00
27	1999WIVX0008	Quinault Indian Nation	2,057.16
28	1997WIVX0006	Coeur D'Alene Tribe	2,008.58
29	1996WINX0017	Ponca Tribe of Indians of Oklahoma	300.00
30	1995WINX0007	Oglala Sioux Tribe	0.10
TOTAL FUNDS PUT TO BETTER USE			\$1,250,922.21

¹ Our listing includes all grants, regardless of the materiality of the funds remaining, because all funds must be deobligated prior to closing the grant.



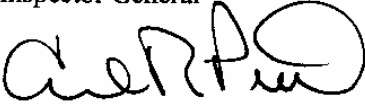
U.S. Department of Justice

Office of Community Oriented Policing Services (COPS)

MEMORANDUM

VIA FACSIMILE and U.S. MAIL

To: Guy K. Zimmerman
Assistant Inspector General
for Audit
Office of the Inspector General

From: Carl R. Peed 
Director
Office of Community Oriented Policing Services (COPS)

Date: March 15, 2005

Subject: Draft Audit Report on Administration of Department of Justice Grants Awarded to Native American and Alaska Native Tribal Governments

This memorandum is in response to the Office of the Inspector General's (OIG) above-referenced draft audit report dated February 11, 2005. The COPS Office thanks the OIG for the opportunity to respond to the auditors' recommendations. We are pleased that the results of the OIG audit show that COPS obligates grants in a timely manner, thus getting needed grant money out to tribal agencies quickly. COPS is also pleased that tribes stated they were satisfied with COPS grants, and that the equipment grants were very helpful in bringing their departments up-to-date by helping them purchase much-needed equipment.

The COPS Office has been providing grants to Federally Recognized Tribes since 1995 through the FAST, AHEAD, Universal Hiring Program, and tribal-specific grant programs. Since 1995, the COPS Office has provided 296 Federally Recognized Tribes in 32 states with \$260 million to hire additional officers and improve law enforcement infrastructure. Over 1,800 new law enforcement officer positions have been awarded to tribal law enforcement through COPS grants, significantly increasing the number of officers policing in Indian Country.

The COPS Office is one of the major contributors to improving safety in Indian Country by enhancing existing tribal police departments and empowering tribes to start their own police departments. Since 1999, COPS tribal-specific grant programs have provided much needed equipment, technology and officers to police departments that would have otherwise gone without.

Guy K. Zimmerman

Draft Audit Report on Administration of Department of Justice Grants Awarded to Native American and Alaska Native Tribal Governments

March 15, 2005

Page 2

The COPS Indian Country appropriation of 1999 was the direct result of the Report of the Executive Committee for Indian Country Law Enforcement Improvements, a report directed by the Attorney General and Secretary of the Interior, released in October of 1997. The report stated that there was a public safety crisis in Indian Country, and the single most glaring problem was a lack of law enforcement resources in Indian Country. COPS' interaction with tribes confirmed this finding, with tribal agencies reporting that many tribal police departments were operating under dreadful conditions, serving the community without the most basic policing equipment, training, or an adequate number of officers. Some tribal police departments had no standard uniform for their officers because their law enforcement budget could not cover uniform costs. Many departments did not have a fleet of reliable patrol vehicles, often having to purchase used high-mileage vehicles that would break down frequently because those were all the department could afford. Mobile radios were old and inadequate in Indian Country, leaving officers unable to communicate with dispatch when they left their vehicles. It is for these reasons that the rate of officers killed in the line of duty in Indian Country is higher than the rate of officers killed in the most dangerous urban areas. (American Indians and Crime, BJS, 1999.)

To meet some of these glaring needs in Indian Country, the COPS Office consulted with the Bureau of Indian Affairs, and designed a grant program with a flexible menu of options that would allow tribal agencies to meet their most pressing unfunded law enforcement needs. This program is the COPS Tribal Resources Grant Program (TRGP).

Since 1999 the COPS Office has funded patrol and dress uniforms, increasing the professional presence and identification of the officers, and has provided funding for fully equipped patrol vehicles as well as special conveyance vehicles to patrol remote areas of reservations. Some agencies received their first set of bulletproof vests from the TRGP, dramatically increasing officer safety. The COPS Office has seen technology requests from tribal agencies expand from a few desktop computers to complex interoperable communications technology as the quality of data sharing and the technological expertise of the departments has increased. An unexpected benefit of this technology increase was the improved relations with neighboring police jurisdictions as they began to recognize the tribal department as a legitimate police force and a useful ally in the fight against crime. Agencies started sharing crime data among themselves, officers were cross-deputized, and mutual aid agreements were signed, marking a huge improvement in the relationship between the tribal police departments and the local county sheriffs.

In an effort to enhance compliance and successful implementation of our grant programs, the COPS Office developed a set of risk criteria that is used for making funding decisions for awarding tribal grants. In so doing, our intention was to avoid funding those agencies at the highest risk for failure, while still allowing the neediest of agencies an opportunity to receive grant awards. In a further effort to ensure success for agencies funded under a tribal grant, each awarded agency was required to send at least two representatives to Grant Management Training to learn how to properly implement their COPS grant. In addition, each agency awarded funding

was required to send at least two representatives to COPS' Community Policing Training. This training is a culturally sensitive training held especially for COPS tribal grantees to assist them in implementing or enhancing their community policing efforts. The COPS Office mandated these two training classes in an effort to give our tribal grantees the greatest chance of success with their COPS funding.

Although the COPS Office has a high volume of grants, over 1,000 of which are to tribal agencies, we are proud of the excellent customer service we provide to our tribal grantees. The small dedicated group of Grant Program Specialists (GPS) that make up the Tribal Team spend countless hours each day assisting tribal grantees with questions related to their grants regarding program implementation, compliance, and grant administration, in addition to providing technical assistance with application submission.

The overall impact of the COPS tribal grants cannot be measured solely through grant files, but must also be measured in the increased safety and quality of life for Native people since the beginning of the COPS grants. After visiting our tribal grantees, it is apparent that the COPS Office has achieved its goals of providing needed law enforcement resources to Indian Country, improving the training and professionalism of tribal police, and increasing the safety of law enforcement officers working in Indian Country.

For ease of review, the draft audit recommendations pertaining to the COPS Office are stated in bold and underlined, followed by the COPS Office's response to each recommendation.

Recommendation 1: Ensure that monitoring plans are developed for each grantee that includes a risk assessment of each grantee based on past performance and compliance with grant requirements to determine the timing and frequency of office-based and on-site monitoring.

The Grant Monitoring Division (GMD) of COPS assesses program compliance, provides technical assistance, and makes recommendations for improvements to COPS grantees through on-site visits and office-based desk reviews. GMD has a monitoring strategy for determining the timing and frequency of on-site monitoring and office-based desk reviews that includes the following risk-based criteria: grantees with awards totaling more than one million dollars, grantees with a waiver of the local match requirement, grantees with additional awards totaling more than one million dollars since the last monitoring review, grantees with multiple numbers of grants and positions funded, grantees with active grants and withdrawals from previous grants, and grantees delinquent in filing financial and programmatic reports.

The COPS Office will conduct a risk assessment for each grantee based on the current risk-based criteria as well as additional criteria to include: geographic isolation, multiple active grants, prior compliance and/or grant administrative problems, and internal or external referrals.

Given the additional criteria, these enhanced risk-based criteria will be used to determine a population of eligible grantees for site visits and office-based grant reviews. From this population, a sampling of grantees, to include tribal grantees, will be selected for site visits and office-based grant reviews. Twenty percent of the total number of site visits and office-based grant reviews will be conducted for tribal grantees. The COPS Office has already initiated ten percent of the office based grant reviews in FY 2005 for tribal grantees.

Recommendation 2: Ensure that required financial and progress reports are submitted in a timely manner.

Recommendation 3: Ensure that grant managers follow up with grantees if required financial and progress reports are not submitted or are not submitted in a timely manner.

Recommendation 4: Ensure that grantees do not draw down grant funds if required progress reports are not filed.

Recommendation 5: Ensure that periodic progress reports are required to be submitted at least annually for the three-year hiring grants and semi-annually for the one-year equipment grants. These reports should be due within a reasonable period of time after the end of the reporting period.

The following statements address Recommendations 2, 3, 4, and 5.

The COPS Office is in agreement with the OIG regarding the importance of timely annual progress reporting on three-year hiring grants. To improve the rate of compliance with submission of programmatic progress reports for hiring grants, the COPS Office has put in place over the past few years a process for contacting grantees that are delinquent in submitting their reports. Grant managers follow up with grantees to ensure required progress reports are submitted by sending a series of two delinquency letters to the agency. Agencies would be barred from receiving additional COPS funding if they did not resolve the delinquent progress report issue.

A change in the collection of progress reports has been in the planning stages for over a year and will be implemented this summer. We believe this change in collection will enhance the COPS Office's ability to ensure that progress reports are submitted in a timely manner. The following change in collection will take place: All Department Annual Progress Reports (DAPR's), including those reports used for tribal hiring grants, will be merged with the COPS Count Survey used in past years. Through 2004, COPS Count was a survey conducted annually by COPS to ascertain, among other things, the number of officers hired, whether the grantee intended to hire additional officers, or whether the grantee had completed hiring. The survey questions have now been updated to collect the information COPS needs on the annual progress report. COPS will also continue our procedure of contacting delinquent agencies at regular

intervals until the information has been received. This procedure has been very effective for COPS, producing a near 100% submission compliance rate for progress reports in previous years. Therefore, we believe the streamlining of these two separate surveys will ensure timely submission of reports by all hiring grantees. This will also ensure that progress reports are submitted at least annually for the three-year hiring grants and are due within a reasonable period of time after the end of the reporting period.

The COPS Office ensures that grantees do not draw down grant funds if required progress reports are not filed pursuant to a detailed enforcement protocol for the failure to provide timely progress reports, dated November 22, 2000. Generally, the protocol calls for the grantee to receive two delinquency notices, providing the grantee with the opportunity to voluntarily comply with the reporting requirement and notifying the grantee of the consequences for failing to do so. Thereafter, if the grantee fails to file a required report, the grantee is found in noncompliance and the grant account is suspended. The suspension means that grantees cannot draw down grant funds unless and until a required progress report is filed. The continued failure to file a progress report results in grant termination and the grantee being barred from receiving any new, additional COPS grant awards for a minimum of one year.

The enforcement protocol has been systematically applied to progress reports for all hiring grants – which includes tribal hiring grants – since 2000. The protocol has proved to be overwhelmingly successful in obtaining progress reports for hiring grants and enforcing the grant requirement if a progress report is not filed. At the same time, however, the protocol balances the need for a reasonable and prudent amount of notice and time for a grantee to submit a delinquent report, without unnecessarily and needlessly stopping the flow of important law enforcement funds and jeopardizing the safety of the community the grant serves. In addition, all hiring grantees – including tribal hiring grantees – have been contacted annually through COPS Count. As such, even though a required progress report may be temporarily delinquent, the COPS Office nevertheless has been obtaining an annual status on the grantee's progress through COPS Count.

Given the COPS Office's success with the delinquent progress report protocol being applied to hiring grants, as a result of this audit, COPS will ensure that the procedures in the protocol are also applied to *all other* tribal grants, such as technology, equipment and training grants. Although many TRGP Equipment and Training (ET) grants do not have significant amounts of funds left in their grant at the time they are delinquent with their progress report, the COPS Office will apply the suspension protocol to non-hiring grantees. If the notices of delinquency are unsuccessful, then the grantee will be found in noncompliance and its funds suspended until a progress report is filed. This will ensure that grantees cannot draw down funds if required progress reports are not filed for *all* tribal programs, including both hiring and other tribal grants. The COPS Office believes that the diligent application of the protocol described above to all tribal grants should sufficiently address the OIG's concerns about suspending funds pending submission of a progress report.

The COPS Office disagrees with the recommendation to require semi-annual progress reports for Equipment and Training grants. The COPS Office continues to improve our reporting process for the one-year TRGP ET grants while, at the same time, trying to lessen the grantee's reporting burden. However, we believe requiring the TRGP ET grantees to submit a progress report twice per year would dramatically increase the reporting burden on the grantee. For example, a grantee with three TRGP ET grants would be required to submit six progress reports per year. We recognize that implementation delays are not unusual for equipment and training grants; therefore the increase in the number of progress reports would not supply COPS with enough substantive information on the grants to warrant the increased reporting.

To ensure that reports are due within a reasonable period of time after the reporting period, the COPS Office will mail ET programmatic progress reports in conjunction with extension requests prior to the end of the grant period.

The COPS Office believes that we ensure financial reports are submitted by grantees in a timely manner. During FY 2003, the COPS Office closed a reportable condition on its financial statement audit for delinquent Financial Status Reports (Standard Form-269A) and has maintained an average SF-269A compliance rate of 92%. Our Finance Office will continue to follow up with grantees that are delinquent in submitting their SF-269A's by initiating phone calls and/or writing letters to ensure financial reporting compliance. In addition, we will review and update our delinquent SF-269A policy as necessary.

Recommendation 14: Ensure that grant drawdowns are monitored to determine if grant funds are being utilized in a timely manner.

Recommendation 15: Follow up with grantees that have not drawn down any grant funds to determine whether the grantees have encountered difficulties in implementing the grant program, and provide assistance as necessary.

The following statements address Recommendations 14 and 15.

Grantees are required to submit SF-269A's on a quarterly basis. The COPS Office monitors drawdowns through the continuous review and analysis of these reports and, based on their responses, grantees are contacted if they require any technical assistance.

The COPS Office created a policy to waive the submission of SF-269A's in September 2003 based on specific criteria. (A copy of this policy has been provided to the OIG.) This policy seeks to identify grantees that have had awards for at least six months and have not yet submitted their SF-269A's. (Grantees cannot draw down funds unless a current report is on file.) A questionnaire is faxed to these grantees requesting the status of their grant implementation and whether the grantees wish to withdraw from the program. If grantees have not implemented their programs, they are not required to report. However, if grantees state that the program has been

implemented, SF-269A's are requested by the COPS Office. If no reply to the fax is received, a follow-up phone call is placed to request the documentation from the grantee.

Recommendation 16: Ensure that grant funds are deobligated and the grants are closed if grantees are unable or unwilling to implement grant programs in a timely manner.

The COPS Office ensures that grant funds are deobligated and follows the proper procedures to close grants due to lack of implementation, as appropriate.

It must be noted, however, that there are many valid reasons for implementation delays. Equipment and Training grants often involve a large volume of equipment, complex technology projects, and specialized training that may not be offered with any frequency. Due to their remote locations and inability to provide a competitive salary, tribes are often faced with recruitment challenges, which can easily delay a hiring grant two years or more.

On rare occasions do we find agencies that do not wish to implement tribal grants. Those grantees are asked to voluntarily withdraw from the grant program, and are required to follow the COPS Office's normal withdrawal procedures.

The COPS Office works within its controls to assist those agencies unable to implement grants in a timely manner. When appropriate, the COPS Office approves time extensions to help agencies in overcoming any obstacles to grant implementation.

The COPS Office will continue to ensure proper deobligation and closure of expired grants by following the procedures as outlined in the COPS Closeout Policy and Finance reconciliation process as described below:

- (1) COPS Management System (CMS) queries are run on a quarterly basis to determine which grants have expired and are ready for closeout.
- (2) On a quarterly basis the COPS Finance Office also identifies which grants have expired and are ready for closeout through review of the grantees' final SF-269A's. An Expired Grants list is then developed and forwarded to the Grants Administration Division (GAD) for a final determination.
- (3) As the final step in the closeout review process, the COPS Finance Office completes a financial review of each grant. The purpose of the financial closeout review is to a) verify the approved federal share amount based on the completed project; b) account for non-federal share amounts; c) determine unobligated amounts under the grant; and d) determine and make payment available for unliquidated balances owed to the grantee. In this process the Finance Office ensures that the grantee has submitted a final SF-269A and that the financial records are reconciled according to federal guidelines.

- (4) COPS Finance Office verifies and reconciles the information reported on the final SF-269A against the programmatic checklist, which certifies full or partial completion of the project. If necessary, grantees will be contacted to verify financial information reported.
- (5) In addition to checking the required local match, the SF-269A is reconciled to the grant expenditures, disbursements, and obligations.
- (6) If the Finance Office's reconciliation of the SF-269A and payment history determines that the grantee has been underpaid the grantee is allowed to draw down the remaining allowable funds. Otherwise, the COPS Finance Office deobligates the grant's unobligated balance.
- (7) The Finance Office also ensures that the grantee's SF-269A is entered into the IFMIS accounting system and placed in the financial file.

Recommendation 17: Ensure that grantees are not allowed to draw down grant funds in excess of reported cumulative grant expenditures.

The COPS Finance Office performs an excess of reported cumulated grant expenditures project annually to identify grantees that have drawn down unreported funds. We found that grantees do not have excess cash but rather a reporting issue due to a timing difference. The SF-269A is due 45 days after the end of the quarter. For example, a grantee that reports on September 30 is not required to report expenditures for October, November, and December until February 15. When comparing the disbursements for the 3rd Quarter of FY 2004 to the reported expenditures for the 4th Quarter of FY 2004 for all active grants, 76% of grantees were in compliance with respect to this issue. The COPS Finance Office will continue to perform an excess of reported cumulative grant expenditures project on a yearly basis.

Recommendation 18: Remedy the \$713,567 in questioned costs related to excess drawdowns on expired grants.

The COPS Office has found that \$542,552 of the \$713,567 in questioned costs related to expenditures and payments that occurred during the grant funding period. Several agencies, that still have open compliance issues, account for the balance of \$171,015 of the questioned costs. The COPS Office will continue to review and determine the best remedies to the respective compliance issues and associated questioned costs.

Recommendation 35: Ensure that expired grants are closed in a timely manner and that remaining grant funds are deobligated prior to closing grants.

The COPS Office will continue to contact agencies with outstanding balances on expired grants to determine the status of the remaining funds. More timely issuance of progress reports, as outlined in Recommendations #2 through #5, and the triggers to monitor drawdowns outlined in Recommendations #14-17, will also address this recommendation.

The COPS Office will establish an Expired Grant Policy that will address timely closure of expired grants and the deobligation of unliquidated balances.

Please refer to the COPS Office's response to Recommendation #16 for additional information.

Recommendation 36: Deobligate and put to better use the \$200,380 in remaining funds related to grants that have been closed.

The balance of \$200,380 was originally tied to eight grants, all of which have been corrected. Four grants were deobligated and four grants extended.

Recommendation 37: Review grant drawdowns prior to the end of the grant period to determine if all grant funds have been drawn down, and follow up on any grants with remaining funds to determine if the grantee has expended or plans to expend remaining funds prior to the grant end date.

The COPS Office will continue to contact agencies with outstanding balances on expired grants to determine the status of the remaining funds. More timely issuance of progress reports as outlined in Recommendations #2 through #5, and the triggers to monitor drawdowns outlined in Recommendations #14-17, will also address this finding. This issue will also be addressed in the Expired Grant Policy.

Prior to the end of the grant period, the COPS Office contacts all active grantees, asking if they plan to expend remaining funds and if they need more time to do so. If the grantee does not respond that it needs more time to expend remaining funds, then the grant is allowed to expire. If a grantee requests additional time to continue expending the funds, the COPS Office evaluates the responses, including the amount of time already used on the grant; whether prior extension approvals have been granted; the length of extended time necessary to fully implement the grant; the amount of money remaining on the grant; the justification for the additional time; the grantee's hiring history for each grant-funded officer position; and the amount of progress made thus far in implementing the grant. Based on the evaluation of these factors, the grantee is notified whether its extension request is granted and, if so, a new grant expiration date is established. If the extension request is denied, the grant is allowed to expire and proceeds to the closeout process.

Rather than limit our review to just those grants with remaining funds as suggested by the OIG, however, the COPS Office procedure is more comprehensive in that we contact all grantees with active grants to determine if the grantees plan to continue implementing the grants. We believe that this procedure should satisfy the OIG's recommendation that COPS follow up on any grants before they expire to determine if the grantee plans to expend remaining funds prior to the grant end date.

Recommendation 38: Ensure that grantees are not allowed to draw down funds more than 90 days after the grant end date and that all funds remaining on grants that have been expired for more than 90 days are deobligated.

The COPS Office ensures that funds remaining on expired grants are deobligated, but to do so within 90 days is not an absolute rule, as the OIG suggests. Rather, the Uniform Administrative Requirements allow for the agency to reconcile accounts after 90 days. Specifically, 28 CFR 66.23 (b) states that “[a] grantee must liquidate all obligations incurred under the award not later than 90 days after the end of the funding period. . .” but there is an exception where “[t]he Federal agency may extend this deadline at the request of the grantee.” Second, 28 CFR 66.50(b) states that “[w]ithin 90 days after the expiration or termination of the grant, the grantee must submit all financial, performance, and other reports required as a condition of the grant. . .”, but also provides the exception that “[u]pon request by the grantee, Federal agencies may extend this timeframe.” It is then 90 days after the receipt of such reports that the “Federal agency will make upward or downward adjustments to the allowable costs.” (See 28 CFR 66.50 (c).) As a result, based on the Department of Justice regulations, the COPS Office may extend the 90-day time period in order to make adjustments to and reconcile grant accounts. Accordingly, the COPS Office will ensure that funds remaining on expired grants are deobligated but must, and will, do so consistently with, and not contradictory to, Department regulations that allow for extensions of the time limit to draw down funds.

Recommendation 39: Remedy the \$3,077,157 in questioned costs related to drawdowns occurring more than 90 days past the grant end date.

Please see the COPS Office’s response to Recommendation #38.

Recommendation 40: Deobligate and put to better use the \$6,487,356 in remaining funds related to expired grants that are more than 90 days past the grant end date.

Please see the COPS Office’s response to Recommendation #38.

Recommendation 52: Work with OTJ to develop a formalized mechanism for coordinating and sharing information, including monitoring reports, related to a DOJ strategy, administration, and monitoring of grants awarded to tribal governments.

OTJ facilitates coordination between departmental components working on Indian issues, and provides a permanent channel of communication for Indian tribal governments with the Department of Justice. The COPS Office currently meets with OTJ and Office of Justice Programs (OJP) several times a year to coordinate and share information concerning funding strategies for Indian Country. In addition, COPS vets all grant award lists through OTJ before award announcements and regularly responds to requests for information from OTJ. COPS will continue its efforts to share information among DOJ components and the BIA and will continue

to work with OTJ as they maintain liaison between the Department and the various divisions and bureaus of the Department regarding tribal matters. In addition, it is the understanding of the COPS Office that OJP has a mechanism in place for information sharing through the Office of American Indian and Alaskan Native Affairs. The COPS Office will continue to coordinate and cooperate with this office on all matters relating to our tribal grants.

This year, the COPS Office will partner with the Bureau of Justice Assistance (BJA) and will fund applications from their Tribal Court Assistance Program. BJA's Tribal Court Assistance Program funds the same projects COPS would fund under our Tribal Court program and has nearly identical conditions and requirements to the COPS Tribal Court initiative. We believe this cooperative approach will strengthen the working relationship and coordination between COPS and OJP.

Additionally, the Grant Monitoring Division meets on a quarterly basis with the OJP, Office of the Comptroller, Monitoring Division (OC) to discuss grantees referred by COPS divisions for financial site visits. This promotes coordination, reduces duplication of work, and provides follow-up and closure to recommendations from the reviews. In fiscal years 2005 and 2006, GMD will also coordinate with OTJ and OJP offices regarding grants awarded to tribal governments.

Recommendation 53: Work with OTJ to develop a formalized process for training staff responsible for administering and monitoring tribal-specific grant programs.

COPS created a Tribal Team in 1996 to provide a group of GPS's in GAD who were trained in the unique needs of tribal grantees. Although additional training is always welcomed and appreciated, COPS does have formal tribal training in place for all GPS's that work on tribal grants. This training covers areas from Native Culture and Tribal Sovereignty to grant extensions and legal terms. (A copy of the Training material is attached.) In addition, Tribal Team members are sent to tribal training conferences each year, as the budget allows, so that they can better understand the issues affecting Indian Country. The COPS Tribal Team has a body of knowledge on Indian Country and tribal law enforcement issues necessary to administer and monitor tribal-specific grants. Although COPS has a formalized process for training staff responsible for tribal-specific programs, we agree to ensure that those staff members attend any formalized training offered by OTJ.

GMD has a formalized quarterly training process. In addition, Monitoring Specialists in GMD are given technical assistance before, during, and after a monitoring site visit to ensure the Monitoring Specialist has a complete understanding of the tribal-specific grants. Before a Monitoring Specialist conducts a site visit to a tribe, a meeting is held with the GAD Tribal Team member responsible for that tribe. Information is shared regarding tribal-specific grant programs, the history and culture of the tribe, and any potential issues that will need to be addressed on site. During the remainder of FY 2005, COPS will invite representatives from

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OTJ to this quarterly training at least once per year to make presentations on tribal culture, the unique issues specific to tribal governments, and the jurisdictional complexities of tribal agencies. We will also discuss current compliance issues that GMD has with tribal grantees.

The COPS Office would like to thank you for the opportunity to review and respond to the draft audit report. If you have any questions, please contact me at (202) 616-3291.

Attachments

cc: LeToya A. Johnson
Audit Liaison
Office of Justice Programs

Richard P. Thies
Acting Director
DOJ/JMD Audit Liaison Office

**OFFICE OF THE INSPECTOR GENERAL
COMMENTS ON THE COPS OFFICE
RESPONSE TO THE DRAFT REPORT**

The OIG has identified several issues in the COPS Office response to our draft report (see Appendix XX) that we believe should be addressed. As a result, we are providing the following comments on the COPS Office response to the draft report.

In Appendix XX, pages 120 through 121, the COPS Office provided the following statements in response to recommendations:

- 2. Ensure that required financial and progress reports are submitted in a timely manner.**
- 3. Ensure that grant managers follow up with grantees if required financial and progress reports are not submitted or are not submitted in a timely manner.**
- 4. Ensure that grantees do not draw down grant funds if required progress reports are not filed.**

To improve the rate of compliance with submission of programmatic progress reports for hiring grants, the COPS Office has put in place over the past few years a process for contacting grantees that are delinquent in submitting their reports. Grant managers follow up with grantees to ensure that required progress reports are submitted by sending a series of two delinquency letters to the agency. Agencies would be barred from receiving additional COPS funding if they did not resolve the delinquent progress report issue.

COPS will also continue our procedure of contacting delinquent agencies at regular intervals until the information [progress report] has been received. This procedure has been very effective for COPS, producing a near 100% submission compliance rate for progress reports in previous years.

The COPS Office ensures that grantees do not draw down grant funds if required progress reports are not filed pursuant to a detailed enforcement protocol for the failure to provide timely progress reports, dated November 22, 2000.

The enforcement protocol has been systemically applied to progress reports for all hiring grants – which includes tribal hiring grants – since 2000. The protocol has proven overwhelmingly successful in obtaining progress reports for hiring grants and enforcing the grant requirement if a progress report is not filed.

The OIG disagrees with the assertion that the COPS Office has been effective in obtaining progress reports for hiring grants and enforcing the grant requirement if a progress report is not filed. Based on our audit, we determined that 62 percent of the COPS Office grant files we reviewed were missing one or more progress reports, as shown in Table 6, page 23. Therefore, the COPS Office's statements that their enforcement protocol for progress reports has proved to be "overwhelmingly successful" and that almost 100 percent of progress reports are submitted does not appear to be accurate. Additionally, we determined that progress reports had not been required for any grants awarded after FY 2001; as a result, progress reports were not required for an additional 24 percent of the COPS Office grant files we reviewed, as stated on page 23 of our report.

It should also be noted that the COPS Office allowed grantees to draw down \$484,975 during a period for which a current progress report had not been submitted, as stated on page 24 of our report. Therefore, it does not appear that the COPS Office is ensuring that grantees do not draw down funds when required progress reports are not filed.

In Appendix XX, page 121, the COPS Office provided the following statement in response to recommendations:

- 2. Ensure that required financial and progress reports are submitted in a timely manner.**
- 3. Ensure that grant managers follow up with grantees if required financial and progress reports are not submitted or are not submitted in a timely manner.**
- 4. Ensure that grantees do not draw down grant funds if required progress reports are not filed.**

Given the COPS Office's success with the delinquent progress report protocol being applied to hiring grants, as a result of this audit, COPS will ensure that the procedures in the protocol are also applied to all other tribal grants, such as technology, equipment and training grants.

In response to this statement, it should be noted that our audit revealed that 55 percent of the COPS Office grant files for hiring grants were missing one or more progress reports. We also found that one or more progress reports were not submitted in a timely manner for 76 percent of the COPS Office grant files reviewed, as shown in Table 6, page 23 of our report. Therefore, the COPS Office delinquent progress report protocol for hiring grants does not appear to be effective. As a result, applying this procedure to other tribal-specific grants would not ensure that progress reports are submitted timely and does not adequately address progress reports for hiring grants.

In Appendix XX, page 122, the COPS Office provided the following statement in response to recommendation:

- 5. Ensure that periodic progress reports are required to be submitted at least annually for the 3-year hiring grants and semi-annually for the 1-year equipment grants. These reports should be due within a reasonable period of time after the end of the reporting period.**

The COPS Office disagrees with the recommendation to require semi-annual progress reports for Equipment and Training grants. The COPS Office continues to improve our reporting process for the one-year TRGP ET grants while, at the same time, trying to lessen the grantee's reporting burden. However, we believe requiring the TRGP ET grantees to submit a progress report twice per year would dramatically increase the reporting burden on the grantee. For example, a grantee with three TRGP ET grants would be required to submit six progress reports per year. We recognize that implementation delays are not unusual for equipment and training grants; therefore the increase in the number of progress reports would not supply COPS with enough substantive information on the grants to warrant the increased reporting.

To ensure that reports are due within a reasonable period of time after the reporting period, the COPS Office will mail ET programmatic progress reports in conjunction with extension requests prior to the end of the grant period.

The OIG disagrees with the assertion that requiring the grantees to submit a semi-annual progress report for the 1-year equipment and training grants would dramatically increase the reporting burden on the grantee. It should be noted that OJP and OVW already require semi-annual progress reports for their grants. Further, there is nothing that prohibits the COPS Office from requiring one consolidated semi-annual progress report for all equipment and training grants awarded to a single grantee. The OIG recognizes that any policy should balance accountability with flexibility; however, progress reports are an essential management tool that the COPS Office should use to ensure that grant programs are implemented and objectives are achieved.

The OIG disagrees with the assertion that requiring progress reports be submitted semi-annually on 1-year equipment and training grants would not supply the COPS Office with enough substantive information on the grants to warrant the increased reporting. If progress reports are not required semi-annually for the 1-year equipment and training grants, the 1-year grants could expire before the COPS Office received any information on grant activities and accomplishments necessary to determine whether grant programs were being implemented and objectives were being achieved.

Finally, the OIG disagrees with the assertion that mailing progress reports in conjunction with grant extension is a proactive approach in helping the COPS Office monitor grant activities and accomplishments necessary to determine whether grant programs were being implemented and objectives were being achieved. By waiting until the original 1-year grant period has ended, the COPS Office cannot identify or resolve the barriers that impede the effective and timely implementation of its grant programs.

In Appendix XX, page 122, the COPS Office provided the following statement in response to recommendations:

- 2. Ensure that required financial and progress reports are submitted in a timely manner.**

3. **Ensure that grant managers follow up with grantees if required financial and progress reports are not submitted or are not submitted in a timely manner.**
4. **Ensure that grantees do not draw down grant funds if required progress reports are not filed.**

The COPS Office believes that we ensure financial reports are submitted by grantees in a timely manner. During FY 2003, the COPS Office closed a reportable condition on its financial statement audit for delinquent Financial Status Reports (SF-269A) and has maintained an average SF-269A compliance rate of 92 percent. Our Finance Office will continue to follow-up with grantees that are delinquent in submitting their SF-269As by initiating phone calls and/or writing letters to ensure financial reporting compliance. In addition, we will review and update our delinquent SF-269A policy as necessary.

The OIG disagrees with the COPS Office assertion that it is ensuring financial reports are submitted by grantees in a timely manner. Based on our audit, we found that the COPS Office grants files reviewed were missing one or more financial reports and almost all grants had one or more reports that were not submitted in a timely manner. Specifically, as shown in Table 4, page 20 of our report, we found that:

- Eighty-three percent of the COPS Office grant files reviewed were missing one or more financial reports.
- Financial reports were not submitted in a timely manner for 97 percent of the COPS Office grants reviewed.
- Only 21 percent of the COPS Office grant files contained documentation requesting missing and late financial reports.

On page 20 of our report, we noted that COPS Office officials stated that if financial reports are not received, COPS Office officials make telephone contact with grantees to request the delinquent reports. We also noted that the COPS Office started sending "dunning letters" to follow up with grantees that are delinquent in June 2003. However, we found that the telephone contacts and "dunning letters" generally were not documented in the case files reviewed. Therefore, based on the findings detailed above, the COPS Office response does not adequately address how it will ensure that required financial reports are submitted in a timely manner.

In Appendix XX, page 122, the COPS Office provided the following statement in response to recommendations:

- 14. Ensure that grant drawdowns are monitored to determine if grant funds are being utilized in a timely manner.**
- 15. Follow up with grantees that have not drawn down any grant funds to determine whether the grantees have encountered difficulties in implementing the grant program, and provide assistance as necessary.**

Grantees are required to submit SF-269As on a quarterly basis. The COPS Office monitors drawdowns through the continuous review and analysis of these reports and, based on their responses, grantees are contacted if they require any technical assistance.

The OIG disagrees with the COPS Office assertion that it is monitoring drawdowns through the continuous review and analysis of financial reports. Based on our audit, we found that the COPS Office was not monitoring the utilization of grant funds. Specifically, we found that:

- No funds had been drawn down for more than 2 years after the obligation date for 52 COPS Office grants totaling \$17.22 million, indicating the grant programs had not been implemented at all, as shown in Table 8, page 30 of our report.
- The initial drawdown did not occur for over 1 year after the funds were obligated for 200 COPS Office grants totaling \$31.90 million, indicating that the grant programs were not implemented in a timely manner, as shown in Table 9, page 32 of our report.
- The last drawdown occurred more than 1 year prior to our review for 126 COPS Office grants with remaining funds totaling \$2.80 million. These amounts include 112 COPS Office grants that had expired, indicating the grant programs were not fully implemented, as shown in Table 10, page 33 of our report.

Based on the findings detailed above, the COPS Office is not monitoring the utilization of grant funds and is not following up with grantees that have not drawn down any grant funds. Therefore, the COPS Office response does not adequately address how it will ensure that grant drawdowns are monitored to determine if grant funds are being utilized in a

timely manner. Further, the response does not address how the COPS Office will follow up with grantees that have not drawn down any grant funds.

In Appendix XX, page 122, the COPS Office also provided the following statement in response to recommendations:

- 14. Ensure that grant drawdowns are monitored to determine if grant funds are being utilized in a timely manner.**
- 15. Follow up with grantees that have not drawn down any grant funds to determine whether the grantees have encountered difficulties in implementing the grant program, and provide assistance as necessary.**

The COPS Office created a policy to waive the submission of SF-269As in September 2003 based on specific criteria. This policy seeks to identify grantees that have had awards for at least six months and have not yet submitted their SF-269As. A questionnaire is faxed to these grantees requesting the status of their grant implementation and whether the grantees wish to withdraw from the program. If grantees have not implemented their programs, they are not required to report. However, if grantees state that the program has been implemented; SF-269As are requested by the COPS Office. If no reply to the fax is received, a follow-up phone call is placed to request the documentation from the grantee.

The OIG disagrees with the COPS Office assertion that its policy is sufficient to follow up with grantees that have not drawn down any grant funds. Under the proposed COPS Office policy, follow up with grantees would occur only for those grantees that did not submit a financial report. Our review of 41 COPS Office grants revealed that the financial reports for 6 grantees (15 percent) indicated the grantee did not expend any grant funds. Additionally, the financial reports for 7 grantees (17 percent) indicated the grantee expended less than 4 percent of the total grant award.¹ In both instances, since a financial report was submitted the follow up policy would not apply. Although the OIG agrees that follow up with

¹ Expenditures reported by the 7 grantees ranged from 0.7 percent to 3.94 percent of the total award. Although, these grantees did report expenditures on their most recent financial report, the OIG believes that follow up with these grantees is essential to determine whether the grantees have encountered difficulties in implementing the grant program, and to provide assistance as necessary.

grantees who do not submit a financial report is important, the COPS Office policy fails to address how they will follow up with grantees that have submitted financial reports with zero or minimal expenditures.

In Appendix XX, page 123, the COPS Office provided the following statement in response to recommendation:

16. Ensure that grant funds are deobligated and the grants are closed if grantees are unable or unwilling to implement grant programs in a timely manner.

The COPS Office ensures that grant funds are deobligated and follows the proper procedures to close grants due to lack of implementation, as appropriate.

The OIG disagrees with the COPS Office assertion that it is ensuring that grant funds are deobligated and the grants are closed if grantees are unable or unwilling to implement grant programs in a timely manner. Based on our audit, we found that the COPS Office was not ensuring that grant funds are deobligated and the grants are closed if grantees are unable or unwilling to implement grant programs in a timely manner. Specifically, we found that:

- As stated on pages 30 through 31 of our report, 52 COPS Office grants totaling \$17.22 million, for which no funds had been drawn down as of the date of our review. Generally, these grants were awarded between FYs 1999 through 2002, more than 2 years prior to our review. Further analysis of the 52 grants revealed that 29 COPS Office grants totaling \$2.28 million had expired, indicating that the grant programs had not been implemented.
- As stated on page 32 of our report, 200 COPS Office grants totaling \$31.90 million, for which the initial drawdown did not occur for over 1 year after the grant funds were obligated. Generally, these grants were awarded between FYs 1999 through 2002, indicating the grantee encountered problems implementing the grant program.
- As stated on page 33 of our report, 126 COPS Office grants with remaining grant funds totaling \$2.80 million, for which the last drawdown occurred more than 1 year prior to our review. Additionally, based on further analysis of these grants, we determined that 112 COPS Office grants had expired, indicating that the grant program was not fully implemented.

Based on the findings detailed above, the COPS Office response does not adequately address how they will ensure that grant funds are deobligated and the grants are closed if grantees are unable or unwilling to implement grant programs in a timely manner.

In Appendix XX, page 124, the COPS Office provided the following statement in response to recommendation:

17. Ensure that grantees are not allowed to draw down grant funds in excess of reported cumulative grant expenditures.

The COPS Finance Office performs an excess of reported cumulated grant expenditures project annually to identify grantees that have drawn down unreported funds. We found that grantees do not have excess cash but rather a reporting issue due to a timing difference. The SF-269A is due 45 days after the end of the quarter. For example, a grantee that reports on September 30 is not required to report expenditures for October, November, and December until February 15. When comparing the disbursements for the 3rd quarter of FY 2004 to the reported expenditures for the 4th quarter of FY 2004 for all active grants, 76% of grantees were in compliance with respect to this issue. The COPS Finance Office will continue to perform an excess of reported cumulative grant expenditures project on a yearly basis.

The OIG disagrees with the COPS Office assertion that it is ensuring that grantees are not allowed to draw down grant funds in excess of reported cumulative grant expenditures. As stated on page 34 of our report, financial guidelines require that grantee drawdowns should be based on immediate disbursement requirements. Grantees are required to time the drawdown requests to ensure that federal cash on hand is the minimum needed for grant disbursements to be made immediately or within a few days. During our audit, we found that grantees were allowed to draw down funds totaling \$1.28 million in excess of reported cumulative grant expenditures. Our audit took into account any timing differences noted by the COPS Office by eliminating all grants which had not expired. Based on our audit, we identified and took exception to 18 expired COPS Office grants for which drawdowns exceeded reported cumulative grant expenditures by \$713,567.

Based on the findings detailed above, in our judgment the COPS Office response does not adequately address how it will ensure that grantees are

not allowed to draw down grant funds in excess of reported cumulative grant expenditures.

In Appendix XX, page 124, the COPS Office provided the following statement in response to recommendation:

18. Remedy the \$713,567 in questioned costs related to excess drawdowns on expired grants.

The COPS Office has found that \$542,552 of the \$713,567 in questioned costs related to expenditures and payments that occurred during the grant funding period. Several agencies, that still have open compliance issues, account for the balance of \$171,015 of the questioned costs. The COPS Office will continue to review and determine the best remedies to the respective compliance issues and associated questioned costs.

The OIG does not disagree with the COPS Office's statement that excess drawdowns occurred during the grant funding period. However, we questioned these amounts because the grants had expired and drawdowns exceeded reported expenditures.

In Appendix XX, page 125, the COPS Office provided the following statement in response to recommendation:

36. Deobligate and put to better use the \$200,380 in remaining funds related to grants that have been closed.

The balance of \$200,380 was originally tied to eight grants, all of which have been corrected. Four grants were deobligated and four grants extended.

The OIG disagrees with the action taken to extend the four grants previously identified by the COPS Office as closed. According to 28 CFR 66.50, a federal agency may close out an award when it determines that all applicable administrative actions and all required work under the grant have been satisfactorily completed. According to the COPS Office's own Grant Closeout Notification Toolkit, a grantee may have excess funds remaining in its grant account that are not necessary to complete the project, which should be deobligated at closeout.

In Appendix XX, page 125, the COPS Office provided the following statements in response to recommendation:

- 37. Review grant drawdowns prior to the end of the grant period to determine if all grant funds have been drawn down, and follow up on any grants with remaining funds to determine if the grantee has expended or plans to expend remaining funds prior to the grant end date.**

Prior to end of the grant period, the COPS Office contacts all active grantees, asking if they to plan expend remaining funds and if they need more time to do so. If the grantee does not respond that it needs more time expend remaining funds then the grant is allowed to expire. If the grantee requests additional time to continue expending the funds, the COPS Office evaluates their responses, . . . Based on the evaluation of these factors, the grantee is notified whether its extension request is granted and, if so, a new grant expiration date is established. If the extension request is denied, the grant is allowed to expire and proceeds to the grant closeout process.

We believe that this procedure should satisfy the OIG's recommendation that COPS follow up on any grants before they expire to determine if the grantee plan to expend remaining funds prior to the grant end date.

The OIG disagrees with the COPS Office assertion that its procedure satisfies our recommendation that the COPS Office follow up on any grants before they expire to determine if the grantee plans to expend remaining funds prior to the grant end date. As stated on page 43 of our report, we identified \$6,487,356 in remaining funds related to expired grants; therefore, the COPS Office procedures do not appear to be effective.

In Appendix XX, page 126, the COPS Office provided the following statement in response to recommendations:

- 38. Ensure that grantees are not allowed to draw down funds more than 90 days after the grant end date and that all funds remaining on grants that have been expired for more than 90 days are deobligated.**
- 39. Remedy the \$3,077,157 in questioned costs related to drawdowns occurring more than 90 days past the grant end date.**

40. Deobligate and put to better use the \$6,487,356 in remaining funds related to expired grants that are more than 90 days past the grant end date.

The COPS Office ensures that funds remaining on expired grants are deobligated, but to do so within 90 days is not an absolute rule, as the OIG suggests. Rather, the Uniform Administrative Requirements allow for the agency to reconcile accounts after 90 days. Specifically, 28 CFR 66.23 (b) states that 'a grantee must liquidate all obligations incurred under the award not later than 90 days after the end of the funding period. . .' but there is an exception where 'the federal agency may extend the deadline at the request of the grantee.' Second, 28 CFR 66.50 (b) states that 'within 90 days after the expiration of termination of the grant, the grantee must submit all financial, performance, and other reports required as a condition of the grant. . .', but also provides the exception that 'upon request by the grantee, federal agencies may extend this timeframe.' It is then 90 days after the receipt of such reports that the 'federal agency will make upward or downward adjustments to the allowable costs.' (See 28 CFR 66.50(c)) As a result, based on the Department of Justice regulations, the COPS Office may extend the 90-day time period in order to make adjustment to and reconcile grant accounts. Accordingly, the COPS Office will ensure that funds remaining on expired grants are deobligated but must, and will, do so consistently with, and not contradictory to, Department regulations that allow for extensions of the time limit to draw down funds.

The OIG disagrees with the COPS Office assertion that it ensures that funds remaining on expired grants are deobligated. Based on our audit, we identified \$6,487,356 in remaining funds related to 217 expired grants. Although the COPS Office may extend the 90-day liquidation period, the extension must be at the request of the grantee. We found that extensions had not been granted in any of the grants reviewed. We also found no evidence that grantees had requested an extension of the 90-day liquidation period. It should also be noted that 8 of these grants had been expired for more than 3 years. Our recommendation does not include a timeframe for how quickly the COPS Office should deobligate funds remaining on grants expired more than 90 days only that these funds should be deobligated. In our judgment, the COPS Office response does not adequately address how it will ensure that remaining grant funds are deobligated in a timely manner.

Additionally, the COPS Office response does not adequately address the \$3,077,157 in questioned costs related to drawdowns occurring more than 90 days past the grant end date. We found no evidence that the grantees requested extensions of the 90-day liquidation period for these grants and no extensions were provided.

The COPS Office response also does not adequately address the \$6,487,356 in funds to better use related to remaining funds for grants that are more than 90 days past the grant end date. Again, we found no evidence that the grantees requested extensions of the 90-day liquidation period for these grants and no extensions were provided.



U.S. Department of Justice

Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

MEMORANDUM TO: Guy K. Zimmerman
Assistant Inspector General for Audit

FROM: Tracy A. Henke *Tracy A. Henke*
Acting Assistant Attorney General

SUBJECT: Draft Audit Report on the Administration of Department of Justice
Grants Awarded to Native American and Alaska Native Tribal
Governments

This memorandum responds to report recommendations directed to the Office of Justice Programs (OJP) for action, included in the Office of the Inspector General's ("OIG's") draft audit report entitled "Administration of Department of Justice Grants Awarded to Native American and Alaska Native Tribal Governments." The draft report contains 53 recommendations and \$6.9 million in questioned costs; however, only Recommendations 6 through 9, 19 through 26, 41 through 45, 52 and 53 are applicable to OJP.

For ease of review, the 18 recommendations included in the draft report are restated in bold, followed by our response to the recommendation. In some cases, the recommendations were grouped together as our responses to those recommendations were similar.

6. ***Ensure that monitoring plans are developed for each grantee that includes a risk assessment of each grantee based on past performance and compliance with grant requirements to determine the timing and frequency of office-based and on-site monitoring.***
7. ***Ensure that required financial and progress reports are submitted in a timely manner.***
8. ***Ensure that grant managers follow up with grantees if required financial and progress reports are not submitted or are not submitted in a timely manner.***

We agree with the recommendations. The Office of Justice Programs is in the process of revising its Grant Manager's Manual (Manual), which details OJP's standard procedures for grant administration. We will incorporate appropriate procedures in the Manual to ensure that risk-based monitoring plans are developed for each grantee, grantees timely submit required financial and progress reports, and grant managers follow up with grantees when reports are not submitted timely. To enhance grant monitoring efforts, OJP encourages grant recipients to use the Grant Management System (GMS) to submit

semi-annual progress reports and the web-based SF-269 System to submit Financial Status Reports. Online submission of these reports will streamline the reporting process for grantees and the monitoring process for grant managers.

The Bureau of Justice Assistance's (BJA's) specific monitoring guidelines are detailed in their Monitoring Guide. BJA requires all grant managers to conduct semi-annual desk reviews for each grantee. The desk reviews include a risk assessment based on award amount, prior monitoring, past performance, and compliance. The desk reviews assist the grant managers in determining the level of monitoring necessary for that particular grant. Monitoring plans are developed post award based on the desk reviews. The monitoring plans include the grant programs that will be visited on site.

The Office for Victims of Crime (OVC) is in the process of developing new and updated monitoring procedures for Indian country grants and training grant managers in the use of the procedures. The updated procedures will be used to ensure that appropriate monitoring plans are developed for each grantee. The updated procedures will be developed and implemented by April 2005.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) will develop monitoring procedures that will include an assessment instrument that will be used to evaluate compliance with grant requirements and determine the timing and frequency of office-based and on-site monitoring. The new procedures will be developed and implemented by February 2006.

9. ***Ensure that grantees do not draw down grant funds if required financial or progress reports are not filed.***

We agree with the recommendation. However, grant recipients are restricted from drawing down on grants through the Phone Activated Paperless Request System (PAPRS) if a current Financial Status Report (SF-269) has not been submitted. Based on our review of the drawdowns where it appeared that grantees were able to drawdown without a current SF-269 on file, we determined that the OIG did not use the correct submission date in some cases. In other cases, the drawdown occurred prior to the due date of the SF-269, but the drawdown was posted in the Integrated Financial Management Information System (IFMIS) after the due date of the SF-269. Appendix I details our analysis of the drawdowns. At the request of the grant managers, drawdowns may be withheld if progress reports are not filed.

19. ***Ensure that grant funds are obligated in a timely manner.***

We agree with the recommendation. As stated in response to Recommendations 6-9, we are in the process of revising our Grant Manager's Manual, which details OJP's standard procedures for grant administration. We will incorporate appropriate procedures to

monitor grants to ensure that grant funds are obligated by grant recipients in a timely manner.

20. ***Withhold grant awards if the applicant is delinquent in complying with prior grant requirements.***

We agree with the recommendation. OJP already has procedures in place to restrict part or all grant funds if certain conditions have not been met on current grants. We will ensure that our current procedures are detailed in the revised Grant Manager's Manual.

21. ***Establish procedures to ensure that adjustments to the grant application budget are completed timely, including revoking grant awards if the applicant is delinquent in complying with budget revision requests.***

We agree with the recommendation. We will review our current business processes to determine how to better assist grant recipients in responding to budget revision requests.

22. ***Ensure that grant drawdowns are monitored to determine if grant funds are being utilized in a timely manner.***
23. ***Follow up with grantees that have not drawn down any grant funds to determine whether the grantees have encountered difficulties in implementing the grant program, and provide assistance as necessary.***
24. ***Ensure that grant funds are deobligated and the grants are closed if grantees are unable or unwilling to implement grant programs in a timely manner.***

We agree with the recommendations. As stated in response to Recommendations 6-9, we are in the process of revising our Grant Manager's Manual, which details OJP's standard procedures for grant administration. We will incorporate appropriate procedures to enhance our efforts to ensure that grant drawdowns and the progress of grants projects are monitored to determine if grant funds are being utilized in a timely manner.

25. ***Ensure that grantees are not allowed to draw down grant funds in excess of reported cumulative grant expenditures.***

We agree with the recommendation. In addition to the monitoring conducted by the grant managers, OJP's Office of the Comptroller conducts quarterly "excess cash" reviews. The "excess cash" review procedures are in the process of being revised. The revised procedures will be finalized by April 2005.

26. ***Remedy the \$145,818 in questioned costs related to excess drawdowns on expired grants.***

We agree with the recommendation. We will review the grants identified in the draft report, and provide appropriate technical assistance to the grant recipients, to remedy the questioned costs identified.

41. ***Ensure that expired grants are closed in a timely manner.***
42. ***Review grant drawdowns prior to the end of the grant period to determine if all grant funds have been drawn down, and follow up on any grants with remaining funds to determine if the grantee has expended or plans to expend remaining funds prior to the grant end date.***

We agree with the recommendations. OJP's business process improvement teams are in the process of redesigning the business rules for grant closeouts. We anticipate implementing a module in our Grants Management System (GMS) in Fiscal Year 2006 to streamline the grant closeout process and ensure that expired grants are closed in a timely manner. In addition, we will incorporate appropriate procedures in the revised Grant Manager's Manual to enhance our efforts to monitor the progress of grants projects to determine if grant funds are being utilized in a timely manner.

43. ***Ensure that grantees are not allowed to draw down funds more than 90 days after the grant end date and that all funds remaining on grants that have been expired for more than 90 days are deobligated.***
44. ***Remedy the \$2,305,298 in questioned costs related to drawdowns occurring more than 90 days past the grant end date.***
45. ***Deobligate and put to better use the \$3,006,770 in remaining funds related to expired grants that are more than 90 days past the grant end date.***

We agree in part with the recommendations. We will review the grants identified in the draft report, and provide appropriate technical assistance to the grant recipients, to remedy the questioned costs identified. However, grant recipients are permitted to drawdown grant funds until a grant is closed out. At grant closeout, the Office of the Comptroller reconciles the expenditures reported on the final SF-269 to grant drawdowns. Before a grant can be closed out, drawdowns must be equal to or greater than the Federal share of expenditures reported on the final SF-269.

52. *Work with OTJ to develop a formalized mechanism for coordinating and sharing information, including monitoring reports, related to a DOJ strategy, administration, and monitoring of grants awarded to tribal governments.*
53. *Work with OTJ to develop a formalized process for training staff responsible for administering and monitoring tribal-specific grant programs.*

We agree in part with the recommendation and will work with the Office of Tribal Justice to develop a manner to share information on grants awarded to tribal governments. OJP will work to improve training for staff responsible for administering and monitoring tribal-specific grant programs.

We appreciate the opportunity to comment on the draft report. If you have any questions, please feel free to contact me on 202-307-5933, or LeToya A. Johnson, OJP Audit Liaison, on 202-514-0692.

Attachment

cc: Beth McGarry
Senior Counsel to the Assistant Attorney General

Domingo R. Herraiz, Director
Bureau of Justice Assistance

John W. Gillis, Director
Office for Victims of Crime

J. Robert Flores, Administrator
Office of Juvenile Justice and Delinquency Prevention

LeToya A. Johnson
OJP Audit Liaison

Richard P. Theis
Acting Director
DOJ Audit Liaison Office

Office of the Assistant Attorney General
Program Review Office

OCG Audit: Administrations of DOJ Grants Awarded to Tribal Governments
Analysis of Grantees Financial Status Reports Filed and Draw Down Requests

Grantee	Grant Number	FSR Period in Question	OIG FSR Deadline	Date Submitted on Grantee FSR	Date FSR Received by OC		FSR Date Submitted, according to OIG	Date(s) of Draw Down	Amount of Draw Down	OIG's Analysis of the Drawdown Requests	
					OC Stamped Received Date	File Date					
Mississippi Band of Choctaw Indians	1999-TP-VX-0001	09/30/03	11/14/03	12/12/03	01/16/04	01/16/04	12/12/03	12/11/03	1,094,641.00	After consulting with OC's Customer Service, it was determined that OC staff received a FSR for the 9/30/03 period when the grantees had not submitted one.	
	2001-TY-FX-0038	09/30/03	11/14/03	12/23/03	12/24/03	12/24/03	12/23/03	12/09/03	15,000.00		
Sault Ste. Marie Tribe of Chippewa	1998-VR-03X-0006	03/31/02	06/21/02	02/20/03	None	None	06/19/04	06/05/02	12,874.58	Grantees had filed FSR for the period in question prior to drawing down funds. The analysis for this period by the OIG is incorrect.	
		09/30/02	11/14/02	11/14/02	03/10/03	02/20/03	02/20/03	01/06/03	519.47	After consulting with OC's Customer Service, records show that the grantee's request occurred five days, on 2/14/03, prior to the post date in IPMS, 2/19/03, which was before the cutoff date for the quarter.	
								01/21/03		722.00	
								02/03/03		529.74	
							02/19/03	1,209.13			
Sault Ste. Marie Tribe of Chippewa	2000-DC-VX-0111	12/31/02	03/04/03	02/26/03	03/03/03	03/03/03	02/19/03	02/19/03	1,877.84	After consulting with OC's Customer Service, records show that the grantee's request occurred five days, on 2/14/03, prior to the post date in IPMS, 2/19/03, which was before the cutoff date for the quarter.	
		09/30/03	11/14/03	10/16/03	10/23/03	None	11/24/03	11/24/03	719.52	Grantees had filed FSR for the period in question prior to drawing down funds. The analysis for this period by the OIG is incorrect.	
Chickasaw Nation	2000-IC-33X-0011	09/30/03	11/14/03	12/08/03	12/08/03	12/08/03	12/08/03	11/17/03	5,438.00	After consulting with OC's Customer Service, records show that payments made were as a result of a "suspend" request by the grantees on 11/13/03. OC's Accounting Division processed the manual request on 11/17/03.	
		03/31/01	06/14/01	06/14/01	06/16/01	07/09/04	07/09/04	06/21/01	28,122.01	Grantees had filed FSR after the period in question prior to drawing down funds. The analysis for this period by the OIG is incorrect.	
Lumbee Nation	1999-VR-03X-0012	09/30/01	11/14/01	None	01/24/02	01/24/02	07/03/04	02/12/02	555.14	Grantees had filed FSR for the correct period prior to drawing down funds. Grantees also filed an amended FSR for the period on 4/16/04. The analysis for this period by the OIG is incorrect.	
		12/31/03	02/14/04	01/10/03	01/29/04	04/01/04	04/01/04	02/27/04	5,463.11		
Ojibwa Sioux Tribe	2002-TY-FX-0002	12/31/03	02/14/04	04/01/04	04/28/04	04/28/04	05/16/04	05/16/04	5,534.37		
		12/31/03	02/14/04	Not submitted	N/A	N/A	Not submitted	05/24/04	24,871.71	Grantees was not required to file FSR for 12/31/03 period because it had filed a "Final" report for the 9/30/03 period on 1/18/04. The analysis for this period by the OIG is incorrect.	
Sault Ste. Marie Tribe of Chippewa	1996-WT-NX-0010	12/31/99	02/14/00	02/18/00	02/25/00	02/25/00	03/14/00	03/14/00	20,534.00	Grantees had filed FSR for the period in question prior to drawing down funds. Grantees also filed an amended FSR for the period on 3/24/00. The analysis for this period by the OIG is incorrect.	
		06/30/00	08/14/00	None	None	None	06/27/00	06/25/00	3,504.06		
				09/27/00	10/06/00	10/06/00	09/20/00	09/20/00	200.00	After consulting with OC's Customer Service, records show that the grantee's request occurred five days, on 2/14/03, prior to the post date in IPMS, 2/19/03, which was before the cutoff date for the quarter.	
Lumbee Nation	1996-WT-NX-0007	12/31/03	02/14/04	03/01/04	03/03/04	03/03/04	03/03/04	03/03/04	3,481.03	Grantees had filed FSR for the period in question prior to drawing down funds. Grantees also filed amended FSRs for the period on 6/14/04 and 7/12/04. The analysis for this period by the OIG is incorrect.	
								Total	1,241,942.56		

**OFFICE OF THE INSPECTOR GENERAL
COMMENTS ON THE OJP RESPONSE
TO THE DRAFT REPORT**

The OIG has identified several issues in the OJP response to our draft report, (see Appendix XXI), that we believe should be addressed. As a result, we are providing the following comments on the OJP response to the draft report.

In Appendix XXI, page 143, OJP provided the following statement in response to recommendation:

9. Ensure that grantees do not draw down grant funds if required financial or progress reports are not filed.

Grant recipients are restricted from drawing down on grants through the Phone Activated Paperless Request System (PAPRS) if a current Financial Status Report (SF-269) has not been submitted. Based on our review of the drawdowns where it appeared that grantees were able to drawdown without a current SF-269 on file, we determined that the OIG did not use the correct submission date in some cases. In other cases, the drawdown occurred prior to the due date of the SF-269, but the drawdown was posted in the Integrated Financial Management Information System (IFMIS) after the due date of the SF-269.

The OIG disagrees with the OJP assertion that grant recipients are restricted from drawing down on grants through PAPRS system when a current financial report has not been submitted. As shown in Appendix I of OJP's response on page 147, the OJP acknowledges that a financial report date submitted for the quarter ended September 30, 2003, was entered into its system when the grantee had not submitted the required report. In this instance an OJP official overrode the controls in the PAPRS system that should have prevented the grantee from drawing down funds during a period when the current financial report had not been submitted. As a result, OJP allowed this grantee to draw down \$1,094,641 during the period for which a current financial report had not been submitted.

Additionally, our analysis was based on financial reports provided by OJP officials. In some instances, it appears that OJP did not provide all

requested financial reports; as a result, the OIG was not provided the complete information necessary to conduct our analysis.

In Appendix XXI, page 145, OJP provided the following statement in response to recommendations:

- 43. Ensure that grantees are not allowed to draw down funds more than 90 days after the grant end date and that all funds remaining on grants that have been expired for more than 90 days are deobligated.**
- 44. Remedy the \$2,305,298 in questioned costs related to drawdowns occurring more than 90 days past the grant end date.**
- 45. Deobligate and put to better use the \$3,006,770 in remaining funds related to expired grants that are more than 90 days past the grant end date.**

Grant recipients are permitted to drawdown grant funds until the grant is closed out. At grant closeout, the Office of the Comptroller reconciles the expenditures reported on the final SF-269 to grant drawdowns. Before a grant can be closed out, drawdowns must be equal to or greater than the Federal share of expenditures reported on the final SF-269.

The OIG disagrees with the OJP assertion that grant recipients are permitted to drawdown grant funds until the grant is closed out. Specifically, 28 CFR 66.23 (b) states that,

A grantee must liquidate all obligations incurred under the award not later than 90 days after the end of the funding period (or as specified in a program regulation) to coincide with the submission of the annual Financial Status Report (SF-269). The Federal agency may extend this deadline at the request of the grantee.

Although OJP may extend the 90-day liquidation period, the extension must be at the request of the grantee. We found that extensions had not been granted in any of the grants reviewed. We also found no evidence that grantees had requested an extension of the 90-day liquidation period. It should also be noted that 15 of these grants had been expired for more than 2 years. In our judgment, the OJP response does not adequately address

how they will ensure that remaining grant funds are deobligated in a timely manner.

Additionally, the OJP response does not adequately address the \$2,305,298 in questioned costs related to drawdowns occurring more than 90 days past the grant end date. We found no evidence that the grantees requested extensions of the 90-day liquidation period for these grants and no extensions were provided.

The OJP response also does not adequately address the \$3,006,770 in funds to better use related to remaining funds for grants that are more than 90 days past the grant end date. Again, we found no evidence that the grantees requested extensions of the 90-day liquidation period for these grants and no extensions were provided.



U. S. Department of Justice

Office on Violence Against Women

Washington, D.C. 20531

DATE: March 15, 2005

MEMORANDUM FOR: Guy Zimmerman
Assistant Inspector General for Audit

FROM: Diane Stuart *DNS*
Director
Office on Violence Against Women

SUBJECT: Administration of Department of Justice Grants Awarded
to Native American and Alaska Native Tribal Governments

Attached are the Office on Violence Against Women's comments to the subject draft report. If you have any questions, please contact me on (202) 514-4016 or Lauren Nassikas, Assistant Director, Office on Violence Against Women, on (202) 305-1792.

Attachments

cc: David M. Sheeren
Regional Audit Manager
Denver Regional Audit Office

**Office on Violence Against Women Office
Comments to Draft Audit Report on
Administration of Department of Justice Grants
Awarded to Native American and Alaska Native Tribal Government**

I. Effectiveness of Grant Monitoring

Recommendation #10

Ensure that monitoring plans are developed for each grantee that includes a risk assessment of each grantee based on past performance and compliance with grant requirements to determine the timing and frequency of office-based and on-site monitoring.

Response

The Office on Violence Against Women (OVW) agrees with this recommendation. OVW has already developed a Risk-Based Assessment Tool, which is included in the OVW Monitoring Manual. The risk factors that are assessed include whether or not the grant is a supplement to a current award, the award amount over the life of the grant, and compliance with grant administration and programmatic requirements on previous grant awards.

Previously, grant managers were required to complete a monitoring plan for each grantee after awards were processed. Right after awards are processed, we have found that grant managers often become very busy with the subsequent year's solicitation development, technical assistance activities and grantee monitoring. Therefore, the monitoring plans are not always completed and placed in the grant file. In order to remedy this, grant managers will be required to include their monitoring plans in the Grant Manager's Memorandum, which is written at the time of award processing and automatically becomes a part of the electronic grant file in the OJP Grants Management System. This will be done for all FY 2005 STOP Violence Against Indian Women grants that are processed.

Recommendation #11

Ensure that required financial and progress reports are submitted in a timely manner.

Response

OVW agrees with this recommendation. Currently OVW is participating on a working group with OJP on strategies to ensure timely submission of financial status reports. One strategy that has been discussed is conducting automated telephone outreach with grantees alerting them as to upcoming due dates for the financial status reports. It has been determined that this is a feasible strategy, and OJP's Office of the Comptroller (OC) is looking into how they can implement this. A timeline for this strategy has not yet been established. In addition, OJP and OVW will be posting report due date reminders on all

web sites that grantees use. The working group continues to meet and discuss the impediments to timely submission of these reports and solutions to the impediments.

In response to a Congressional mandate to report on the effectiveness of Violence Against Women Act grant programs, OVW has created new progress report forms for all of our grant programs. In addition to the new forms, OVW grantees are required to submit the reports electronically to the OJP Grants Management System (GMS). As part of the roll out of these new forms, OVW has conducted significant outreach with grantees to train on the new forms, as well as to stress the importance of filing the reports. Outreach included numerous letters and emails, conference calls and in person training.

In November of 2004, the STOP Violence Against Indian Women progress reports were finalized. Grantees have been required to use the new system to submit their reports covering January, 2004 – June, 2004 and July, 2004 – December, 2004. As this is a new system, grantees experienced some significant difficulties submitting their reports on-line, but OVW is working with OJP's OCIO to work out these initial problems.

With the emphasis that OVW has placed on these new progress reports, we expect that the timely submission of progress reports will greatly improve. In addition, the new GMS-based progress reporting system enables OVW to more effectively monitor whether grantee progress reports are overdue.

Recommendation #12

Ensure that grant managers follow up with grantees if required financial and progress reports are not submitted or are not submitted in a timely manner.

Response

OVW agrees with this recommendation. OVW's Tribal Unit is responsible for the management of the STOP Violence Against Indian Women grants. The Unit will meet to establish a procedure which will outline ways to follow up with grantees whose reports are not submitted in a timely manner. The Unit will establish the procedure by May of 2005, and it will be implemented in time for the FY 2005 second quarter financial status reports and the first semi-annual progress report.

Recommendation #13

Ensure that grantees do not draw down grant funds if required financial or progress reports are not filed.

Response

OVW agrees with the recommendation regarding financial status reports. Although OVW has become an independent Office/Bureau/Division within the Department of Justice, we are still contracting with OJP's Office of the Comptroller (OC) for financial management services. It is OVW's understanding that OJP's OC has a mechanism in place to automatically freeze funds on a grant when a financial status report is not

submitted. OVW will work with OJP's OC to ensure that this is happening for all grant awards. OVW will also ensure that future Memoranda of Understanding with OC include assurances that this will take place.

There is currently no mechanism in place for automatically freezing funds as a result of late progress reports, and at this time, OVW would not recommend automatically freezing grant funds due to delinquent progress reports. As stated previously, in November of 2004, we established a new progress reporting system for STOP Violence Against Indian Women grantees. The system is automated within GMS, and grantees are experiencing significant problems when attempting to submit these first reports. OVW is working with OJP's OCIO to work out all of the glitches in the system. Until the system is working smoothly, and grantees have had successful submissions, we do not feel it is fair to automatically freeze funds. After submission of the July, 2005 – December, 2005 progress reports, OVW will re-assess the viability of putting into place a mechanism that would automatically freeze funds as a result of late progress reports. Of course, in the mean time, grant managers will follow-up with grantees who are delinquent in submitting their reports.

II. Utilization of Grant Funds

Recommendation #27

Ensure that grant funds are obligated in a timely manner.

Response

OVW agrees with this recommendation. In the past, OVW has had significant problems clearing budgets under the STOP Violence Against Indian Women program. Grantees often do not respond to requests for revised budgets in a timely manner, or their responses do not adequately address the issues raised by the financial review. While we have made some improvements in clearing these budgets in a more timely manner, we are still struggling in this area.

Beginning in fiscal year 2005, the OVW Tribal Unit will establish guidelines which limit the amount of time allowed for clearing a budget. The guidelines will include limits on the amount of time it should take to respond to budget revision requests. If there are extenuating circumstances that do not allow for the budget clearance prior to the award being made, generally, we will allow no more than six months to clear the budget after that award is made. The guidelines will include some flexibility around grantee-specific issues which may impede a tribe's ability to clear the budget in a timely manner. These guidelines will be developed by April 30, 2005.

Recommendation #28

Withhold grant awards if the applicant is delinquent in complying with prior grant requirements.

Response

OVW agrees with this recommendation. The fiscal year 2005 STOP Violence Against Indian Women solicitation stated that applications for continuation funding would be reviewed for prior compliance with Program and Office requirements. It specified that an internal review would take place prior to peer review, and that OVW staff would assess the following:

- Whether the grantee has complied with all special conditions of its existing grant award from the Department of Justice;
- Whether the grantee has adhered to programmatic and financial reporting requirements;
- Whether the grantee has received financial clearances on all current grants from DOJ; and
- Whether the grantee has complied with the Office of Management and Budget audit requirement.

In addition, the OVW Tribal Unit developed an internal review form for continuation grantees which deducted up to twenty-five points from an application for non-compliance with Program and Office requirements on their previous grant awards.

This year, the Tribal Unit will take into consideration these factors when making final funding recommendations to the Director.

Recommendation #29

Establish procedures to ensure that adjustments to the grant application budget are completed timely, including revoking grant awards if the applicant is delinquent in complying with budget revision requests.

Response

OVW agrees with this recommendation. As stated above, beginning in fiscal year 2005, the OVW Tribal Unit will establish guidelines which limit the amount of time allowed for clearing a budget. The guidelines will include limits on the amount of time it should take to respond to budget revision requests. If there are extenuating circumstances that do not allow for the budget clearance prior to the award being made, generally, we will allow no more than six months to clear the budget after an award that award is made. The guidelines will include some flexibility around grantee-specific issues which may impede a tribe's ability to clear the budget in a timely manner. These guidelines will be developed by April 30, 2005.

Recommendation #30

Ensure that grant drawdowns are monitored to determine if grant funds are being utilized in a timely manner.

Response

OVW agrees with this recommendation. OVW's Tribal Unit is responsible for the management of the STOP Violence Against Indian Women grants. Beginning with the fiscal year 2005 grantees, monitoring plans will include review of financial status reports as a monitoring activity. The Unit will review the quarterly financial status reports submitted by grantees and determine if grant funds are being utilized in accordance with their project goals and objectives.

Recommendation #31

Follow up with grantees that have not drawn down any grant funds to determine whether the grantees have encountered difficulties in implementing the grant program, and provide assistance as necessary.

Response

OVW agrees with this recommendation. As stated above, beginning with the fiscal year 2005 grantees, monitoring plans will include review of financial status reports as a monitoring activity. OVW's Tribal Unit will review the quarterly financial status reports submitted by grantees and determine if grant funds are being utilized in accordance with their project goals and objectives. If grant funds have not been drawn down, the grant manager will contact the grantee to determine what is happening with the grant, and to provide assistance as necessary.

Recommendation #32

Ensure that grant funds are deobligated and that the grants are closed if grantees are unable or unwilling to implement grant programs in a timely manner.

Response

OVW agrees with this recommendation. OVW is working steadily to close all grants that have ended and to deobligate the remaining funds. Currently, there are 43 STOP Violence Against Indian Women grants that are in need of closing out.

The OVW Tribal Unit is working closely with these grantees to gather the necessary information that is needed to both programmatically and financially closeout the grant. However, the problems encountered in closing many of these grants are complex and difficult. Under the STOP Violence Against Indian Women Program, recipient tribes are statutorily required to provide match. Many of the tribes have been unable to show how they have met their match requirement, and the Office of the Comptroller in OJP will not close the grant unless there is documentation that the match has been met. The Tribal Unit is working with, and will continue to work with these tribes to help them understand what can be used as match and how to document that match. If the match requirement

cannot be met, the only other option would be to require the tribes to reimburse the match amount to OJP. As the tribes have very little resources, we do not want to take those steps until we have exhausted all other means of assistance.

In addition to assisting the tribes whose grants have already ended, the OVW Tribal Unit hosted a focus group meeting to discuss some of the challenges under this grant program, including match issues, and to come up with possible solutions to the challenges. Attendees included the Tribal Unit, other OVW grant managers, an OVW attorney advisor, and staff from the Office of the Comptroller. One idea generated from the group included hosting a separate Financial Management Training just for recipients of the STOP Violence Against Indian Women Program, that includes a focus on match issues. This group will continue to work on ways to assist the tribes in meeting and documenting their match requirement.

Recommendation #33

Ensure that grantees are not allowed to draw down grant funds in excess of reported cumulative grant expenditures.

Response

OVW agrees with the recommendation. Although OVW has become an independent Office/Bureau/Division within the Department of Justice, we are still contracting with OJP's Office of the Comptroller (OC) for financial management services. OC is in the process of revising its procedures for monitoring drawdowns. The revised procedures will be finalized by April 2005.

Recommendation #34

Remedy the \$70,863 in questioned costs related to excess drawdowns on expired grants.

Response

OVW agrees with this recommendation. Although OVW has become an independent Office/Bureau/Division within the Department of Justice, we are still contracting with OJP's Office of the Comptroller (OC) for financial management services. It is OVW's understanding that OJP's OC does not have a mechanism in place that automatically cuts off access to funds once a grant award expires. OVW will work with OJP's OC to determine whether or not this is a policy that should be put in place for OVW grantees.

The questioned costs are associated with two grants. In the process of closing out these two grants, the grant manager will work with OJP's OC and the tribes to determine whether or not the expenditures that were made after the grant expired were allowable costs under the statutory purpose areas of the program. If they were allowable costs, the grant manager will process an administrative extension to the grant in order to allow those expenditures to have taken place during the project period. We would recommend this action as the tribes have minimal resources, and we do not want to place an undue financial hardship on them. If the costs were unallowable under the statutory purpose

areas, the grant manager will work with the grantee to reimburse those costs as part of the close out process.

III. Grant Closeout

Recommendation #46

Ensure that expired grants are closed in a timely manner and that remaining grant funds are deobligated prior to closing grants.

Response

OVW agrees with this recommendation. OVW is working steadily to close all grants that have ended and to deobligate the remaining funds. Currently, there are 43 STOP Violence Against Indian Women grants that are in need of closing out.

The OVW Tribal Unit is working closely with these grantees to gather the necessary information that is needed to both programmatically and financially closeout the grant. However, the problems encountered in closing many of these grants are complex and difficult. Under the STOP Violence Against Indian Women Program, recipient tribes are statutorily required to provide match. Many of the tribes have been unable to show how they have met their match requirement, and the Office of the Comptroller in OJP will not close the grant unless there is documentation that the match has been met. The Tribal Unit is working with, and will continue to work with these tribes to help them understand what can be used as match and how to document that match. If the match requirement cannot be met, the only other option would be to require the tribes to reimburse the match amount to OJP. As the tribes have very little resources, we do not want to take those steps until we have exhausted all other means of assistance.

In addition to assisting the tribes whose grants have already ended, the OVW Tribal Unit hosted a focus group meeting to discuss some of the challenges under this grant program, including match issues, and to come up with possible solutions to the challenges. Attendees included the Tribal Unit, other OVW grant managers, an OVW attorney advisor, and staff from the Office of the Comptroller. One idea generated from the group included hosting a separate Financial Management Training just for recipients of the STOP Violence Against Indian Women Program, that includes a focus on match issues. This group will continue to work on ways to assist the tribes in meeting and documenting their match requirement.

Recommendation #47

Deobligate and put to better use the \$6,869 in remaining funds related to grants which have been closed.

Response

OVW agrees with this recommendation. The grant manager assigned to this grant is working with the grantee to close out this grant and deobligate the remaining funds.

Recommendation #48

Review grant drawdowns prior to the end of the grant period to determine if all grant funds have been drawn down, and follow up on any grants with remaining funds to determine if the grantee has expended or plans to expend remaining funds prior to the grant end date.

Response

OVW agrees with this recommendation. OVW's Tribal Unit is responsible for the management of the STOP Violence Against Indian Women grants. Beginning with the fiscal year 2005 grantees, monitoring plans will include review of financial status reports as a monitoring activity. The Unit will review the quarterly financial status reports submitted by grantees and determine if grant funds are being utilized in accordance with their project goals and objectives. In addition, near the end of the grant period, grant managers will work with grantees to determine how remaining funds will be spent, and in what timeframe.

Recommendation #49

Ensure that grantees are not allowed to draw down funds more than 90 days after the grant end date and that all funds remaining on grants that have been expired for more than 90 days are deobligated.

Response

OVW agrees with the recommendation. Although OVW has become an independent Office/Bureau/Division within the Department of Justice, we are still contracting with OJP's Office of the Comptroller (OC) for financial management services. It is OVW's understanding that OJP's OC does not have a mechanism in place that automatically cuts off access to funds once a grant award expires. OVW will work with OJP's OC to determine whether or not this is a policy that should be put in place for OVW grantees.

In addition, as stated previously, OVW is working to close all grants that have ended and deobligate remaining funds in those grants (see recommendation response number 32).

Recommendation #50

Remedy the \$681,016 in questioned costs related to drawdowns occurring more than 90 days past the grant end date.

Response

OVW agrees with this recommendation. The questioned costs are associated with twenty-three grants. Of those twenty-three, at this time, fifteen have been officially closed. For the remaining eight grants, in the process of closing out these grants, the grant manager will work with OJP's OC and the tribes to determine whether or not the expenditures that were made after the grant expired were allowable costs under the

statutory purpose areas of the program. If they were allowable costs, the grant manager will process an administrative extension to the grant in order to allow those expenditures to have taken place during the project period. We would recommend this action as the tribes have minimal resources, and we do not want to place an undue financial hardship on them. If the costs were unallowable under the statutory purpose areas, the grant manager will work with the grantee to reimburse those costs as part of the close out process.

Recommendation #51

Deobligate and put to better use the \$1,250,922 in remaining funds related to expired grants that are more than 90 days past the grant end date.

Response

OVW agrees with this recommendation. OVW is working steadily to close all grants that have ended and to deobligate the remaining funds. Of the thirty grants in question, five have been officially closed.

The OVW Tribal Unit is working with the remaining grantees to gather the necessary information that is need to both programmatically and financially close the grants. However, the problems encountered in closing many of these grants are complex and difficult. Under the STOP Violence Against Indian Women Program, recipient tribes are statutorily required to provide match. Many of the tribes have been unable to show how they have met their match requirement, and the Office of the Comptroller in OJP will not close the grant unless there is documentation that the match has been met. The Tribal Unit is working with, and will continue to work with these tribes to help them understand what can be used as match and how to document that match. If the match requirement cannot be met, the only other option would be to require the tribes to reimburse the match amount to OJP. As the tribes have very little resources, we do not want to take those steps until we have exhausted all other means of assistance.

In addition to assisting the tribes whose grants have already ended, the OVW Tribal Unit hosted a focus group meeting to discuss some of the challenges under this grant program, including match issues, and to come up with possible solutions to the challenges. Attendees included the Tribal Unit, other OVW grant managers, an OVW attorney advisor, and staff from the Office of the Comptroller. One idea generated from the group included hosting a separate Financial Management Training just for recipients of the STOP Violence Against Indian Women Program, that includes a focus on match issues. This group will continue to work on ways to assist the tribes in meeting and documenting their match requirement.

V. DOJ Strategy for Awarding Grants to Tribal Governments

Recommendation #52

Work with OTJ to develop a formalized mechanism for coordinating and sharing information, including monitoring reports, related to a DOJ strategy, administration, and monitoring of grants awarded to tribal governments.

Response

OVW agrees with this recommendation. The OVW Tribal Unit coordinates all of the OVW grant awards to tribal governments. This Unit would be the logical group to work with OTJ on coordinating with other DOJ offices. OVW will reach out to OTJ, OJP and COPS to set up a meeting to discuss ways to develop these formalized mechanisms, as well as a process for training staff on tribal issues.

Recommendation #53

Work with OTJ to develop a formalized process for training staff responsible for administering and monitoring tribal-specific grant programs.

Response

OVW agrees with this recommendation. The OVW Tribal Unit coordinates all of the OVW grant awards to tribal governments. This Unit would be the logical group to work with OTJ on coordinating with other DOJ offices. OVW will reach out to OTJ, OJP and COPS to set up a meeting to discuss ways to develop these formalized mechanisms, as well as a process for training staff on tribal issues.

ANALYSIS AND SUMMARY OF ACTIONS NECESSARY TO CLOSE THE REPORT

1. **Resolved (COPS).** This recommendation can be closed when we receive documentation supporting that the COPS Office has developed and implemented a monitoring plan which includes the enhanced risk-based criteria for determining the population of eligible grantees for site visits and office-based grant reviews and a monitoring plan that includes the number of site-visits and office-based desk reviews that will be conducted for tribal grantees.
2. **Unresolved (COPS).** This recommendation can be resolved when the COPS Office provides an acceptable corrective action plan that addresses the recommendation to ensure that required financial and progress reports are submitted in a timely manner. The COPS Office response to the recommendation states that its current practices are sufficient to address the recommendation. However, as stated on page 20 of our report, we found that 83 percent of the grant files reviewed were missing one or more financial reports and 97 percent had financial reports that were not submitted in a timely manner. Further, as stated on page 23 of our report, we found that 62 percent of the grant files reviewed were missing one or more progress reports and 76 percent had progress reports that were not submitted in a timely manner. Therefore, the current COPS Office practices are not sufficient to address our recommendation.
3. **Unresolved (COPS).** This recommendation can be resolved when the COPS Office provides an acceptable corrective action plan that addresses the recommendation to ensure that grant managers follow up with grantees if required financial and progress reports are not submitted or are not submitted in a timely manner. The COPS Office response to the recommendation states that its current practices are sufficient to address the recommendation. However, as stated on page 20 of our report, only 21 percent of the grant files reviewed contained documentation requesting missing or late financial reports. Further, as stated on page 23 of our report, only 33 percent of the grant files reviewed contained documentation requesting missing or late progress reports. Therefore, the current COPS Office practices are not sufficient to address our recommendation.

4. **Unresolved (COPS).** This recommendation can be resolved when the COPS Office provides an acceptable corrective action plan that addresses the recommendation to ensure that grantees do not draw down grant funds if required progress reports are not filed. The COPS Office response to the recommendation states that its current practices are sufficient to address the recommendation. However, as stated on page 24 of our report, we found that grantees were able to draw down grant funds totaling \$484,975 during periods for which a current progress report had not been submitted. Therefore, the current COPS Office practices are not sufficient to address our recommendation.
5. **Unresolved (COPS).** This recommendation can be resolved when the COPS Office provides an acceptable corrective action plan that addresses the recommendation to ensure that periodic progress are required to be submitted annually for the 3-year hiring grants and semi-annually for the 1-year equipment grants. The COPS Office response states that they disagree with our recommendation to require semi-annual progress reports for the 1-year equipment grants. However, the OIG disagrees with the COPS Office assertions that requiring semi-annual progress reports would increase the reporting burden on the grantee and that the semi-annual reports would not supply the COPS Office with enough substantive information on grants to warrant the increased reporting. In our judgment, if progress reports are not required on a semi-annual basis for the 1-year equipment grants these grants could expire before the COPS Office receives any information on issues that may impede the effective and timely implementation of these grants.
6. **Resolved (OJP).** This recommendation can be closed when we receive documentation supporting that OJP has revised its Grant Manager's Manual incorporating appropriate procedures to ensure that risk based monitoring plans are developed and implemented for each grantee.
7. **Resolved (OJP).** This recommendation can be closed when we receive documentation supporting that OJP has revised its Grant Manager's Manual incorporating appropriate procedures to ensure that grantees submit required financial and progress reports in a timely manner.

8. **Resolved (OJP).** This recommendation can be closed when we receive documentation supporting that OJP has revised its Grant Manager's Manual incorporating appropriate procedures to ensure that grant managers follow up with grantees if required financial and progress reports are not submitted or are not submitted in a timely manner.
9. **Unresolved (OJP).** This recommendation can be resolved when OJP provides an acceptable corrective action plan to ensure that the controls in its PAPRS system are not circumvented by OJP staff allowing grantees to draw down funds when required financial reports have not been filed and ensure that grantees do not draw down funds if required progress reports have not been filed. The OJP response states that grant recipients are restricted from drawing down on grants through the PAPRS system if a current financial report has not been submitted. However, as shown in Appendix I of OJP's response on page 147, the OJP acknowledges that a financial report date was entered into its system when the grantee had not submitted the required report. In this instance an OJP official overrode the controls in the PAPRS system that should have prevented the grantee from drawing down funds during a period when the current financial report had not been submitted. As a result, OJP allowed this grantee to draw down \$1,094,641 during the period for which a current financial report had not been submitted. Further, the OJP response states that grant managers can request that drawdowns be withheld if required progress reports are not submitted. However, the OJP response does not address how it will ensure that grantees do not draw down funds if required progress reports have not been filed.
10. **Resolved (OVW).** This recommendation can be closed when we receive documentation supporting that OVW has developed and implemented a risk assessment tool to determine the timing and frequency of office-based and on-site monitoring and that grant managers are required to include their monitoring plans in the Grant Manager's Memorandum.
11. **Resolved (OVW).** This recommendation can be closed when we receive documentation supporting that OVW has developed a strategy to ensure that required financial and progress reports are submitted in a timely manner.
12. **Resolved (OVW).** This recommendation can be closed when we receive documentation supporting that OVW has established

procedures to follow up with grantees if financial and progress reports are not submitted or are not submitted in a timely manner.

13. **Resolved (OVW).** This recommendation can be closed when we receive documentation supporting that OVW has implemented a Memorandum of Understanding with OJP's OC to ensure that grantees do not draw down funds if required financial reports are not filed and that OVW has assessed the viability of putting into place a mechanism that would automatically freeze funds as a result of late progress reports once its new system for submitting on-line progress reports is working.
14. **Unresolved (COPS).** This recommendation can be resolved when the COPS Office provides an acceptable corrective action plan that addresses the recommendation to ensure that grant drawdowns are monitored to determine if grant funds are being utilized in a timely manner. The COPS Office response to the recommendation states that its current practices are sufficient to address the recommendation. However, as stated on page 30 of our report, no funds had been drawn down for more than 2 years after the obligation date for 52 COPS Office grants totaling \$17.22 million. Additionally, the initial drawdown did not occur for over one year after the funds were obligated for 200 COPS Office grants totaling \$31.90 million. Finally, page 33 of our report states that the last drawdown occurred more than one year prior to our review for 126 COPS Office grants with remaining funds totaling \$2.80 million. Therefore, the current COPS Office practices are not sufficient to address our recommendation.
15. **Unresolved (COPS).** This recommendation can be resolved when the COPS Office provides an acceptable corrective action plan that addresses the recommendation to follow up with grantees that have not drawn down any grant funds to determine whether the grantees have encountered difficulties in implementing the grant program, and provide assistance as necessary. The COPS Office response to the recommendation states that its current practices are sufficient to address the recommendation. However, as stated on page 30 of our report, no funds had been drawn down for more than 2 years after the obligation date for 52 COPS Office grants totaling \$17.22 million. Additionally, under the current COPS Office policy, follow up with grantees would only occur for those grantees that did not submit a financial report. Therefore, the current COPS Office practices are not sufficient to address our recommendation.

16. **Unresolved (COPS).** This recommendation can be resolved when the COPS Office provides an acceptable corrective action plan that addresses the recommendation to ensure that grant funds are deobligated and the grants are closed if grantees are unable or unwilling to implement grant programs in a timely manner. The COPS Office response to the recommendation states that its current practices are sufficient to address the recommendation. However, as stated on page 30 of our report, no funds had been drawn down for more than 2 years after the obligation date for 52 COPS Office grants totaling \$17.22 million. Additionally, the initial drawdown did not occur for over one year after the funds were obligated for 200 COPS Office grants totaling \$31.90 million. Finally, page 33 of our report states that the last drawdown occurred more than one year prior to our review for 126 COPS Office grants with remaining funds totaling \$2.80 million. Therefore, the current COPS Office practices are not sufficient to address our recommendation.
17. **Unresolved (COPS).** This recommendation can be resolved when the COPS Office provides an acceptable corrective action plan that addresses the recommendation to ensure that grantees are not allowed to draw down grant funds in excess of reported cumulative grant expenditures. The COPS Office response to the recommendation states that its current practices are sufficient to address the recommendation and that grantees do not have excess cash but rather a reporting issue due to a timing difference. However, as stated on page 34 of our report, excess grant funds totaling \$713,567 were drawn down by 18 COPS Office grantees on expired grants. Additionally, our audit took into account any timing differences noted by the COPS Office by eliminating all grants which had not expired. Therefore, the current COPS Office practices are not sufficient to address our recommendation.
18. **Resolved (COPS).** This recommendation can be closed when we receive documentation supporting that the COPS Office has remedied the \$713,567 in questioned costs related to excess drawdowns on expired grants.
19. **Resolved (OJP).** This recommendation can be closed when we receive documentation supporting that OJP has revised and implemented appropriate procedures incorporated into its Grant Manager's Manual to monitor grants and to ensure that grant funds are obligated in a timely manner.

20. **Resolved (OJP).** This recommendation can be closed when we receive documentation supporting that OJP has revised and implemented appropriate procedures incorporated into its Grant Manager's Manual to restrict part or all grant funds if certain conditions have not been met on current grants.
21. **Resolved (OJP).** This recommendation can be closed when we receive documentation supporting that OJP has reviewed its current business processes to determine how to better assist grant recipients in responding to budget revision requests.
22. **Resolved (OJP).** This recommendation can be closed when we receive documentation supporting that OJP has implemented appropriate procedures incorporated into its Grant Manager's Manual to ensure that grant drawdowns are monitored to determine if grant funds are utilized in a timely manner.
23. **Resolved (OJP).** This recommendation can be closed when we receive documentation supporting that OJP has implemented appropriate procedures incorporated into its Grant Manager's Manual to follow up with grantees that have not drawn down any grant funds to determine whether the grantees have encountered difficulties in implementing the grant program, and provided assistance as necessary.
24. **Resolved (OJP).** This recommendation can be closed when we receive documentation supporting that OJP has implemented appropriate procedures incorporated into its Grant Manager's Manual to ensure that grant funds are deobligated and grants are closed if grantees are unable or unwilling to implement grant programs in a timely manner.
25. **Resolved (OJP).** This recommendation can be closed when we receive documentation supporting that OJP has implemented revised procedures for its quarterly "excess cash" reviews to ensure that grantees are not allowed to draw down grant funds in excess of reported cumulative grant expenditures.
26. **Resolved (OJP).** This recommendation can be closed when we receive documentation supporting that OJP has remedied the \$145,818 in questioned costs related to excess drawdowns on expired grants.

27. **Resolved (OVW).** This recommendation can be closed when we receive documentation supporting that OVW has established and implemented guidelines which limit the amount of time allowed for reconciling budget issues to ensure that grant funds are obligated in a timely manner.
28. **Resolved (OVW).** This recommendation can be closed when we receive documentation supporting that OVW has implemented procedures to withhold grant awards if the applicant is delinquent in complying with prior grant requirements.
29. **Resolved (OVW).** This recommendation can be closed when we receive documentation supporting that OVW has established and implemented guidelines which limit the amount of time allowed for reconciling budget issues and limit the amount of time it should take to respond to budget revision requests.
30. **Resolved (OVW).** This recommendation can be closed when we receive documentation supporting that OVW has developed and implemented procedures for reviewing quarterly financial reports submitted by grantees to determine if grant funds are being utilized in a timely manner in accordance with grant goals and objectives.
31. **Resolved (OVW).** This recommendation can be closed when we receive documentation supporting that OVW has developed and implemented procedures for reviewing quarterly financial reports submitted by grantees to determine if grant funds are being utilized in a timely manner in accordance with grant goals and objectives and follow up with grantees if grant funds have not been drawn down, and provide assistance as necessary.
32. **Resolved (OVW).** This recommendation can be closed when we receive documentation supporting that OVW has developed and implemented procedures to ensure that grant funds are deobligated and the grants are closed if the grantees are unable or unwilling to implement grant programs in a timely manner.
33. **Resolved (OVW).** This recommendation can be closed when we receive documentation supporting that OVW has developed and implemented procedures for monitoring drawdowns to ensure that grantees are not allowed to draw down grant funds in excess of reported cumulative reported grant expenditures.

34. **Resolved (OVW).** This recommendation can be closed when we receive documentation supporting that OVW has remedied the \$70,863 in questioned costs related to excess drawdowns on expired grants.
35. **Resolved (COPS).** This recommendation can be closed when we receive documentation supporting that the COPS Office has developed and implemented an Expired Grant Policy to ensure that expired grants are closed in a timely manner and that remaining grant funds are deobligated prior to closing the grants.
36. **Resolved (COPS).** This recommendation can be closed when we receive documentation supporting that the COPS Office has deobligated and put to better use the \$200,380 in remaining funds related to grants that have been closed.
37. **Unresolved (COPS).** This recommendation can be resolved when the COPS Office provides an acceptable corrective action plan that addresses the recommendation to review grant drawdowns prior to the end of the grant period to determine if all grant funds have been drawn down, and follows up on any grants with remaining funds to determine if the grantee has expended or plans to expend remaining funds prior to the grant end date. The COPS Office response to the recommendation states that its current practices are sufficient to address the recommendation. However, as stated on page 39 of our report, we identified \$6,487,356 in remaining funds related to expired grants. Therefore, the current COPS Office practices are not sufficient to address our recommendation.
38. **Unresolved (COPS).** This recommendation can be resolved when the COPS Office provides an acceptable corrective action plan that addresses the recommendation to ensure that grantees are not allowed to draw down funds more than 90 days after the grant end date and that all funds remaining on grants that have been expired more than 90 days are deobligated. The COPS Office response to the recommendation states that the COPS Office may extend the 90-day liquidation period at the request of the grantee. However, we found no evidence that the grantees requested extensions of the 90-day liquidation period for the grants we reviewed and no extensions were provided. Therefore, the COPS Office response does not adequately address our recommendation.
39. **Unresolved.** This recommendation can be resolved when the COPS Office provides an acceptable corrective action plan that

addresses the recommendation to remedy the \$3,077,157 in questioned costs related to drawdowns occurring more than 90 days past the grant end date. The COPS Office response to the recommendation states that the COPS Office may extend the 90 day liquidation period at the request of the grantee. However, we found that no evidence that the grantees requested extensions of the 90 day liquidation period for these grants and no extensions were provided. Therefore, the COPS Office response does not adequately address our recommendation.

40. **Unresolved (COPS).** This recommendation can be resolved when the COPS Office provides an acceptable corrective action plan that addresses the recommendation to deobligate and put to better use the \$6,487,356 in remaining funds related to expired grants that are more than 90 days past the grant end date. The COPS Office response to the recommendation states that the COPS Office may extend the 90-day liquidation period at the request of the grantee. However, we found no evidence that the grantees requested extensions of the 90-day liquidation period for these grants and no extensions were provided. Therefore, the COPS Office response does not adequately address our recommendation.
41. **Resolved (OJP).** This recommendation can be closed when we receive documentation that OJP has implemented a formal process to close expired grants in a timely manner.
42. **Resolved (OJP).** This recommendation can be closed when we receive documentation supporting that OJP has implemented appropriate procedures incorporated into its Grant Manager's Manual to review grant drawdowns prior to the end of the grant period to determine if all grant funds have been drawn down, and follow up on any grants with remaining funds to determine if the grantee has expended or plans to expend remaining funds prior to the grant end date.
43. **Unresolved (OJP).** This recommendation can be resolved when OJP provides an acceptable corrective action plan that addresses the recommendation to ensure that grantees are not allowed to draw down funds more than 90 days after the grant end date and that all funds remaining on grants that have been expired more than 90 days are deobligated. The OJP Response states that grant recipients are permitted to draw down funds until a grant is closed. However, this statement contradicts 28 CFR 66.23 (b), which states that grantees must liquidate all obligations incurred under the award not later than

90 days after the end of the funding period. Although the granting agency may extend the 90-day liquidation period, we found no evidence that the grantees requested extensions of the 90-day liquidation period for the grants we reviewed and no extensions were provided.

44. **Resolved (OJP).** This recommendation can be closed when we receive documentation supporting that OJP has remedied the \$2,305,298 in questioned costs related to drawdowns occurring more than 90 days past the grant end date.
45. **Resolved (OJP).** This recommendation can be closed when we receive documentation supporting that OJP has deobligated and put to better use the \$3,006,770 in remaining funds related to expired grants that are more than 90 days past the grant end date.
46. **Resolved (OVW).** This recommendation can be closed when we receive documentation supporting that the OVW has developed and implemented procedures to ensure that expired grants are closed in a timely manner and that remaining grant funds are deobligated prior to closing the grants.
47. **Resolved (OVW).** This recommendation can be closed when we receive documentation supporting that OVW has deobligated and put to better use the \$6,869 in remaining funds related to grants which have been closed.
48. **Resolved (OVW).** This recommendation can be closed when we receive documentation supporting that OVW has developed and implemented procedures for reviewing quarterly financial reports submitted by grantees to determine if all grant funds have been drawn down, and follows up on any grants with remaining funds to determine if the grantee has expended or plans to expend remaining funds prior to the grant end date.
49. **Resolved (OVW).** This recommendation can be closed when we receive documentation that OVW has developed and implemented procedures to ensure that grantees are not allowed to draw down funds more than 90 days after the grant end date and that all funds remaining on grants that have been expired for more than 90 days are deobligated.
50. **Resolved (OVW).** This recommendation can be closed when we receive documentation supporting that OVW has remedied the

\$681,016 in questioned costs related to drawdowns occurring more than 90 days past the grant end date.

51. **Resolved (OVW).** This recommendation can be closed when we receive documentation supporting that OVW has deobligated and put to better use the \$1,250,922 in remaining funds related to expired grants that are more than 90 days past the grant end date.
52. **Resolved (COPS, OJP, and OVW).** This recommendation can be closed when we receive documentation that the COPS Office, OJP, and OVW, in conjunction with OTJ, have developed a formalized mechanism for coordinating and sharing information, including monitoring reports.
53. **Resolved (COPS, OJP, and OVW).** This recommendation can be closed when we receive documentation that the COPS Office, OJP, and OVW, in conjunction with OTJ, have developed a formalized process for training staff responsible for administering and monitoring tribal-specific grant programs.