

An hourglass-shaped graphic with a globe inside. The top bulb is dark blue, and the bottom bulb is light blue. The globe is centered in the narrow neck of the hourglass. The top bulb is filled with a dark blue color, and the bottom bulb is filled with a light blue color. The globe is centered in the narrow neck of the hourglass.

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Report RL33489

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

Nathan James, Domestic Social Policy Division

January 16, 2008

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

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

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January 16, 2008

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CRS Report for Congress

Prepared for Members and Committees of Congress

Summary

The Department of Justice (DOJ) was created in June 1870, with the Attorney General as its head. Since its establishment, DOJ has expanded to include 40 agencies. The Office of Justice Programs (OJP), the Community Oriented Policing Services Office (COPS), and the Office of Violence Against Women, provide grant funds to state, local, and tribal governments for crime prevention and intervention programs as well as funding for criminal justice system improvement programs. This report discusses several DOJ grant programs administered through OJP and COPS, including the Weed and Seed, the Drug Court Discretionary Grant program, the Prisoner Re-entry Initiative, the President's DNA Initiative, the Debbie Smith DNA Backlog Grant program, the Kirk Bloodsworth Post-conviction DNA Testing program, the Paul Coverdell Grant program, assistance to Indian tribes (Indian Country Prison grants, Tribal Courts Grant program, Indian Country Alcohol and Crime Demonstration program), and Tribal Law Enforcement Assistance.

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

Contents

Department of Justice	1
Office of Justice Programs	1
Bureau of Justice Assistance	2
National Institute of Justice.....	2
Office of Juvenile Justice and Delinquency Prevention.....	2
Bureau of Justice Statistics.....	3
Office for Victims of Crime	3
Community Capacity Development Office (Weed and Seed Program)	3
Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (SMART) Office	4
Community Oriented Policing Services Office	4
Select DOJ Grant Programs.....	4
Weed and Seed	5
Drug Courts.....	6
Prisoner Re-entry Initiative	7
The President’s DNA Initiative	8
Capacity Enhancement.....	9
Convicted Offender DNA Backlog Reduction.....	10
Forensic Casework DNA Backlog Reduction.....	10
Solving Cold Cases With DNA.....	11
Debbie Smith DNA Backlog Grant Program	11
Kirk Bloodsworth Post-conviction DNA Testing Program	12
Paul Coverdell Grant Program	13
Assistance to Indian Tribes	15
Correctional Facilities on Tribal Lands Program.....	15
Indian Alcohol and Substance Abuse Program.....	16
Tribal Court Assistance Program	16
Tribal Resources Grant Program.....	17
Select Issues	18
Program Effectiveness.....	18
Effective Program Management and Accounting	18

Tables

Table 1. Funding for the Weed and Seed Program, FY2004-FY2008.....	5
Table 2. Funding for the Drug Court Program, FY2004-FY2008.....	6
Table 3. Funding for the Prisoner Re-entry Initiative, FY2004-FY2008	7
Table 4. Funding for the President’s DNA Initiative, FY2004-FY2008.....	8
Table 5. Funding for the Debbie Smith DNA Backlog Grant Program, FY2004-FY2008	11
Table 6. Funding for the Kirk Bloodsworth Post-conviction DNA Testing Program, FY2004-FY2008	13
Table 7. Funding for Coverdell Grants, FY2004-FY2008	14

Table 8. Funding for Assistance to Indian Tribes, FY2004-FY2008..... 15
Table 9. Funding for the TRGP, FY2004-FY2008 17

Appendixes

Appendix. A List of Related CRS Reports 20

Contacts

Author Contact Information 20

<http://wikileaks.org/wiki/CRS-RL33489>

Department of Justice

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

Office of Justice Programs

In 1984, Congress created OJP by passing the Justice Assistance Act of 1984.³ The Assistant Attorney General (AAG) oversees OJP, which has approximately 700 employees.⁴ OJP is the main agency within DOJ that awards grants to states, local governments, and nonprofit organizations to help develop the country's capacity to prevent and control crime, improve states' criminal justice systems, increase knowledge about crime, and assist victims of crime.⁵

OJP is overseen and managed by the AAG. The AAG coordinates the efforts of OJP's five bureaus and two program offices to ensure that OJP's mission is met. OJP's five bureaus are the Bureau of Justice Assistance (BJA), the National Institute of Justice (NIJ), the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the Bureau of Justice Statistics (BJS), and the Office of Victims of Crime (OVC). OJP's two program offices are the Community Capacity Development Office (CCDO), and the Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) Office.

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

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

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

⁴ U.S. Department of Justice, Office of the Inspector General, *Semiannual Report to Congress April 1, 2004-September 30, 2004*, The Office of Justice Programs, p. 18, at <http://www.usdoj.gov/oig/semiannual/0411/final.pdf>.

⁵ Office of Justice Programs, *About OJP*, at <http://www.ojp.usdoj.gov/about.htm>.

Bureau of Justice Assistance⁶

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

National Institute of Justice¹⁰

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

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

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

Office of Juvenile Justice and Delinquency Prevention¹³

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

⁶ 42 U.S.C. §3741.

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

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

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

¹⁰ 42 U.S.C. §3722.

¹¹ National Institute of Justice, *About NIJ*, at <http://www.ojp.usdoj.gov/nij/about.htm>.

¹² *Ibid.*

¹³ 42 U.S.C. §5611.

programs to promote delinquency prevention and response to juvenile violence and delinquency.¹⁴

Bureau of Justice Statistics¹⁵

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

Office for Victims of Crime¹⁸

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

Community Capacity Development Office (Weed and Seed Program)

The CCDO is responsible for overseeing and managing the Weed and Seed Program. Until 2004, CCDO was known as the Executive Office of Weed and Seed. CCDO was created in March of 2004 to work with local communities to develop programs that deter crime and promote neighborhood revitalization.²² CCDO's current mission is to develop, evaluate, and implement policies to serve as models for community capacity development efforts, providing counseling for federal, state, and local governments and the private sector on a variety of justice-related

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

¹⁵ 42 U.S.C. §3732.

¹⁶ Bureau of Justice Statistics, *About the Bureau of Justice Statistics*, at <http://www.ojp.usdoj.gov/bjs/aboutbjs.htm>.

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

¹⁸ 42 U.S.C. §10605.

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

²⁰ P.L. 98-473, as amended.

²¹ See P.L. 107-56.

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

community issues.²³ OJP is in the process of creating an Office of Weed and Seed Strategies within CCDO, as required by the Violence Against Women and Department of Justice Reauthorization Act of 2005 (P.L. 109-162).²⁴ CCDO also hosts OJP's American Indian and Alaska Native Affairs Desk, which was created to enhance access to information about funding opportunities for federally recognized tribes, the availability of training and technical assistance, and other information.

Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (SMART) Office²⁵

The SMART Office was authorized by section 146 of the Adam Walsh Child Protection and Safety Act of 2006 (Adam Walsh Act, P.L. 109-248). The SMART Office administers the standards for the sex offender registration and notification program set forth in Title I of the Adam Walsh Act. The SMART Office provides technical assistance to state, tribal, and local governments, and to public and private organizations involved in activities related to sex offender registration and notification. The SMART Office also administers grant programs related to the registration, notification, tracking and monitoring of sex offenders.

Community Oriented Policing Services Office

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

Select DOJ Grant Programs

This section discusses the following DOJ grant programs: Weed and Seed, the Drug Court Discretionary Grant program, the Prisoner Re-entry Initiative, the President's DNA Initiative, the Debbie Smith DNA Backlog Grant program, the Kirk Bloodsworth Post-conviction DNA Testing program, the Paul Coverdell Grant program, assistance to Indian tribes (Indian Country Prison grants, Tribal Courts Grant program, Indian Country Alcohol and Crime Demonstration program), and Tribal Law Enforcement Assistance. This report does not discuss any other discretionary grant programs administered by OJP and COPS, nor does it discuss the Justice Assistance Grant

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

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

²⁵ Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking Office, *About SMART*, at <http://www.ojp.usdoj.gov/smart/about.htm>.

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

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

Program (JAG), any grant program administered by the Office on Violence Against Women (OVW), any grant program administered by the Office of Victims of Crime (OVC), or OJP and COPS grant programs that have traditionally received funding through earmarks. See the **Appendix** for a list of CRS products that have a more extensive discussion of some of these other grant programs.

Weed and Seed

The Weed and Seed program was recently authorized by Section 1121 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (P.L. 109-162). Section 1121 established an Office of Weed and Seed Strategies within the Office of Justice Programs to oversee and manage the Weed and Seed program. Despite the fact that the program was just recently authorized, the Weed and Seed program has been receiving funding since FY1993 through appropriations actions.²⁸ As shown in **Table 1**, over the past five fiscal years funding for the Weed and Seed program has fluctuated. The Weed and Seed program received approximately \$58 million in funding in FY2004. In FY2005, funding for the program increased to \$62 million, an increase in funding of 6% compared with FY2004. In FY2006, funding for the program decreased to \$50 million, a decrease in funding of 19% compared with FY2005. In FY2007, funding for the program was almost exactly what it was in FY2006. In FY2008, funding for the program decreased 35% compared with FY2007.

Table 1. Funding for the Weed and Seed Program, FY2004-FY2008
(in thousands of dollars)

FY2004	FY2005	FY2006	FY2007	FY2008
\$58,542	\$62,000	\$50,000	\$49,361	\$32,100

Source: FY2004 appropriations taken from H.Rept. 108-401; FY2005 appropriations taken from H.Rept. 108-792; FY2006 appropriations taken from H.Rept. 109-272; FY2007 appropriations provided by Department of Justice, Office of Justice Programs, Congressional Affairs Office; and FY2008 appropriations taken from P.L. 110-161.

The Weed and Seed program provides funding to Weed and Seed Communities (WSCs) to help them implement their Weed and Seed strategy. The Weed and Seed strategy is overseen by a steering committee that includes residents from the community and decision-makers with the authority, responsibility, and control of existing resources that the community will draw upon to implement its strategy.²⁹ The Weed and Seed strategy aims to prevent, control, and reduce violent crime, drug abuse, and gang activity through the use of (1) law enforcement; (2) community policing; (3) prevention, intervention, and treatment; and (4) neighborhood restoration.³⁰ The four elements of the Weed and Seed strategy are implemented in the community through “weeding”

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

²⁹ The steering committee must include representatives from city government, community residents, the U.S. Attorney’s Office, local law enforcement, prosecutors, and the DEA. The steering committee can also include members from nonprofit organizations, foundations/corporations, faith-based organizations, social services agencies, planning commissions, community corrections, parole/probations offices, the judiciary, the school board, mental health organizations, employment agencies, housing organizations, and remedial education groups.

³⁰ Community Capacity Development Office, *CCDO FY08 Weed and Seed Communities Competitive Program Guide and Application Kit*, p. 6, at <http://www.ojp.usdoj.gov/ccdo/ws/fy08ws-competitive-extended.pdf>.

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

In FY2007, CCDO changed the way it funds WSCs. WSCs have to submit a notice of intent to CCDO stating that they intend to apply for Weed and Seed funding.³³ After the notice of intent is submitted, the site has one year to form a steering committee and develop a strategy. If a site is selected for funding after submitting their application, the site will receive up to \$1 million in funding for the five-year grant period. The funding per year is not uniform. The funding follows a bell curve design, with increasing and decreasing funding levels over the five-year grant period.³⁴ Also, funding for the five years is not guaranteed. Continued funding is contingent upon the site meeting established Weed and Seed performance measures as approved by CCDO.³⁵

Drug Courts

OJP’s Drug Court program was established by Title V of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322). As shown in **Table 2**, funding for the Drug Court program decreased each fiscal year between FY2005 and FY2007. Funding for the program in FY2004 was \$38.5 million. Funding for the program increased to \$40 million in FY2005, a 4% increase over FY2004. However, funding for the program decreased to \$10 million in FY2006, a 75% decrease from FY2005. The Drug Court program received approximately the same amount of funding in FY2007 as it did in FY2006. In FY2008, funding for the Drug Court program increased 54% (\$15.2 million) compared to FY2007.

Table 2. Funding for the Drug Court Program, FY2004-FY2008
(in thousands of dollars)

FY2004	FY2005	FY2006	FY2007	FY2008
\$38,500	\$40,000	\$10,000	\$9,872	\$15,200

Source: FY2004 appropriations taken from H.Rept. 108-401; FY2005 appropriations taken from H.Rept. 108-792; FY2006 appropriations taken from H.Rept. 109-272; FY2007 appropriations provided by Department of Justice, Office of Justice Programs, Congressional Affairs Office; and FY2008 appropriations taken from P.L. 110-161.

³¹ “Weeding” activities focus on crime control involving traditional law enforcement tactics, corrections-related offender supervision activities, and community policing. “Seeding” activities focus on community revitalization involving prevention, intervention, and treatment services and neighborhood restoration. Ibid.

³² Ibid.

³³ The notice of intent indicates that the United States Attorney for the district supports the designation of the site for Weed and Seed funding, describes the conditions that warrant consideration, and includes proposed street boundaries encompassing the proposed focus area, along with a map of the area.

³⁴ For example, if a site received \$1 million in funding for the five-year grant period, the site would get \$175,000 in funding the first year, \$250,000 in the second year, \$275,000 in the third year, \$200,000 in the fourth year, and \$100,000 in the final year.

³⁵ For a list of the performance measures that WSCs are required to collect data on and submit to CCDO, see Community Capacity Development Office, *FY08 Weed and Seed Communities Competitive Program Guide and Application Kit*, pp. 14-15, at <http://www.ojp.usdoj.gov/ccdo/ws/fy08ws-competitive-extended.pdf>.

Drug courts are designed to help reduce recidivism and substance abuse among nonviolent offenders and increase an offender’s likelihood of successful rehabilitation through early, continuous, and intense judicially supervised treatment, mandatory periodic drug testing, community supervision, and appropriate sanctions and other habilitation services.³⁶ According to BJA, a drug court can be a specially designed court calendar or docket as well as a specialized court program.³⁷ Drug courts funded by BJA are required by law to only include nonviolent offenders.³⁸

Prisoner Re-entry Initiative³⁹

The Prisoner Re-entry Initiative was authorized by Section 2421 of the 21st Century Department of Justice Appropriations Authorization Act (P.L. 107-273). The 21st Century Department of Justice Appropriations Authorization Act authorized appropriations for the initiative for FY2003-FY2005. However, the initiative has received funding since FY2001.⁴⁰ Historically, funding for the initiative has been appropriated under the COPS appropriation, but the funds have been transferred to OJP, where they are administered by BJA. As shown in **Table 3**, funding for the Prisoner Re-entry Initiative \$5 million in FY2004. In FY2005, funding for the initiative increased to \$10 million, a 100% increase in funding over FY2004 funding. In FY2006, funding decreased to \$5 million, a 50% decrease in funding compared with FY2005. Funding for the initiative increased to approximately \$15 million in FY2007, a 197% increase in funding compared to the previous fiscal year. Funding for the Prisoner Re-entry Initiative decreased in FY2008 to \$11.75 million, a decrease of 21% compared to FY2007.

Table 3. Funding for the Prisoner Re-entry Initiative, FY2004-FY2008

(in thousands of dollars)

FY2004	FY2005	FY2006	FY2007	FY2008
\$5,000	\$10,000	\$5,000	\$14,879	\$11,750

Source: FY2004 appropriations taken from H.Rept. 108-401; FY2005 appropriations taken from H.Rept. 108-792; FY2006 appropriations taken from H.Rept. 109-272; FY2007 appropriations provided by Department of Justice, Office of Justice Programs, Congressional Affairs Office; and FY2008 appropriations taken from P.L. 110-161.

The Re-entry Initiative is a collaborative effort between OJP, the Department of Education, the Department of Health and Human Services, the Department of Housing and Urban Development, and the Department of Labor.⁴¹ The Prisoner Re-entry Initiative provides funding to states and federally recognized tribes to develop, implement, enhance, and evaluate re-entry strategies. The strategy targets individuals 18 or older that have not been convicted of a violent or sex-related offense and assists them with returning to their communities after having been incarcerated for a

³⁶ Bureau of Justice Assistance, *Adult Drug Court Discretionary Grant Program FY 2008 Competitive Grant Announcement*, at <http://www.ojp.usdoj.gov/BJA/grant/08DrugCourtsSol.pdf>, p. 2.

³⁷ *Ibid.*

³⁸ 42 U.S.C. §3797u.

³⁹ For more information on prisoner re-entry see CRS Report RL34287, *Offender Reentry: Correctional Statistics, Reintegration into the Community, and Recidivism*, by Blas Nuñez-Neto.

⁴⁰ See H.R. 5548, as introduced in the 106th Congress, which was enacted into law by P.L. 106-553.

⁴¹ Bureau of Justice Assistance, *Programs: Re-entry Initiative*, at <http://www.ojp.usdoj.gov/BJA/grant/reentry.html>.

http://wikileaks.org/wiki/CRS-RL33489

significant amount of time. The Prisoner Re-entry Initiative attempts to create a re-entry program model that begins in the correctional institution and continues through an offender’s transition and stabilization in the community. Programs provide each offender with an individual re-entry plan, which is carried out in three phases. Programs in phase one begin while the offender is still incarcerated and help prepare the offender to re-enter society. Programs in phase one might include education, substance abuse and mental health treatment, job training, mentoring, and risk assessment.⁴² Programs in phase two work with the offender prior to, and immediately after, release from a correctional institution. Programs in phase two might include education, monitoring, mentoring, life-skills training, assessment, job-skills development, and substance abuse and mental health treatment.⁴³ Programs in phase three connect people who have left the supervision of the justice system with a network of social services agencies and community-based organizations so they can continue to receive support and ongoing services.⁴⁴

The President’s DNA Initiative⁴⁵

On March 11, 2003, President Bush announced his DNA Initiative, “Advancing Justice Through DNA Technology,” which provides “funds, training, and assistance to ensure that DNA technology reaches its full potential to solve crimes, protect the innocent, and identify missing persons.”⁴⁶ The President proposed to provide \$1 billion in funding over five years for the DNA Initiative.⁴⁷ The DNA initiative has received approximately \$100 million in funding each fiscal year since FY2004, as shown in **Table 4**. Funding for the initiative in FY2004 was \$100 million, but it increased to \$110 million in FY2005, a 10% increase compared with FY2004 funding. In FY2006, funding for the initiative decreased to approximately \$108.5 million. In FY2007, funding for the initiative increased to approximately \$112 million, a 3% increase in funding compared with FY2006. In FY2008, Congress did not appropriate funds for the President’s DNA Initiative.

Table 4. Funding for the President’s DNA Initiative, FY2004-FY2008
(in thousands of dollars)

FY2004	FY2005	FY2006	FY2007	FY2008
\$100,000	\$110,000	\$108,531	\$112,145	—

Source: FY2004 appropriations taken from H.Rept. 108-401; FY2005 appropriations taken from H.Rept. 108-792; FY2006 appropriations taken from H.Rept. 109-272; and FY2007 appropriations provided by Department of Justice, Office of Justice Programs, Congressional Affairs Office.

The President’s DNA initiative has the following goals:

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ More information about the President’s DNA Initiative can be found at <https://www.dna.gov>. See also, CRS Report RL32247, *DNA Testing for Law Enforcement: Legislative Issues for Congress*, by Nathan James.

⁴⁶ U.S. Department of Justice, *President’s DNA Initiative as Announced on March 11, 2002: Executive Summary*, at http://www.dna.gov/info/e_summary.

⁴⁷ U.S. Department of Justice, *About the Initiative*, at <http://www.dna.gov/info/>.

- Eliminate the current backlog of unanalyzed DNA samples from the most violent offenses (murders, rapes, and kidnappings) and the current backlog of DNA samples collected from convicted offenders;
- Improve crime labs' capacity to analyze DNA samples in a timely manner;
- Stimulate research and develop new DNA technologies and advances in all areas of forensic sciences;
- Develop training for, and provide assistance to, a wide variety of criminal justice professionals about the collection and use of DNA evidence;
- Provide access to DNA testing of crime scene evidence that has not been tested at the time of the trial;
- Ensure that DNA testing technology is used to its full potential in missing persons cases and identifying human remains; and
- Using DNA technology to protect the innocent.

The funding appropriated by Congress for the DNA Initiative is used to achieve these goals. Appropriated funds are administered and awarded by NIJ. DNA Initiative grant funds are awarded to state and local governments in four program areas: capacity enhancement, convicted offender DNA backlog reduction, forensic casework DNA backlog reduction, and solving cold cases with DNA.⁴⁸ Each program area is discussed below.

Capacity Enhancement

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

- purchasing, upgrading, or replacing laboratory equipment or computer software for forensic DNA analysis;
- purchasing convicted offender-related evidence collection kits, laboratory supplies for validation studies, and other expenses directly attributable to the validation of new DNA analysis technologies;

⁴⁸ In 2004, Congress passed, and the President signed into law, the Justice for All Act of 2004 (P.L. 108-405). According to Jill Meldon, Office of Justice Programs, Office of Budget and Management Services, even though the Justice for All Act authorized grant programs, or expanded existing programs, to accomplish many of the goals outlined in the President's DNA Initiative, funding for the DNA Initiative is not made pursuant to the Justice for All Act. The only funding under the DNA initiative that was made pursuant to the Justice for All Act was \$4 million in FY2006 for the Kirk Bloodsworth Post-conviction DNA Testing Grant program. For more information on the Justice for All Act, see CRS Report RL32247, *DNA Testing for Law Enforcement: Legislative Issues for Congress*, by Nathan James.

- renovations to laboratory facilities that improve the efficiency or effectiveness of forensic DNA laboratory analysis;
- assisting state or local governments with crime laboratories that currently conduct DNA analysis with the process of gaining accreditation;
- paying for appropriate internal or external training, continuing education, or applicable graduate-level coursework that is directly related to the program; and
- hiring new full- or part-time employees who directly engage in handling, screening, or analyzing forensic evidence that may contain DNA, and for validating new methodologies.⁴⁹

Convicted Offender DNA Backlog Reduction

NIJ awards grants to state governments so the state can accelerate its analysis of convicted offender DNA samples. All offender profiles generated with NIJ funds must be included in the Combined DNA Index System (CODIS).⁵⁰ States can use the funds to pay for sending the convicted offender DNA samples to private labs for analysis (outsourcing), or the states can pay to have the convicted offender samples analyzed in their own labs (in-house). If the state chooses to analyze the convicted offender DNA samples in-house, the funds can only be used to pay for supplies directly attributable to the analysis of convicted offender DNA samples (including quality assurance samples), paying for overtime for in-house laboratory staff that are directly involved in the handling and analyzing of convicted offender DNA samples (including quality assurance samples), and administrative expenses directly related to the project (only 3% of the total award can be used on administrative expenses).⁵¹

Forensic Casework DNA Backlog Reduction

NIJ awards grants to state and local governments that have crime laboratories that conduct DNA analysis that are either (1) accredited by a nonprofit professional organization that is actively involved in forensic science and is nationally recognized in the forensic science community; or (2) undergo external audits, not less than once every two years, that demonstrate compliance with the DNA Quality Assurance Standards established by the FBI. Forensic Casework DNA Backlog Reduction grants are used to analyze backlogged forensic DNA casework samples from sexual assaults, murders, and kidnappings. The analysis can be done either by a government-owned lab or an accredited fee-for-service lab. Funds can also be used to conduct post-conviction DNA testing pursuant to a court order. All eligible forensic DNA profiles obtained with program funding must be included in CODIS.⁵² Forensic Casework DNA Backlog Reduction funds can be used for

⁴⁹ National Institute of Justice, *DNA Laboratory Capacity Enhancement Program*, at <http://www.ojp.usdoj.gov/nij/topics/forensics/dna/capacity/welcome.html>.

⁵⁰ National Institute of Justice, *Convicted Offender DNA Backlog Reduction Program*, at <http://www.ojp.usdoj.gov/nij/topics/forensics/dna/convicted/welcome.html>.

⁵¹ National Institute of Justice, *Convicted Offender DNA Backlog Reduction Program: In-house Analysis*, at <http://www.ojp.usdoj.gov/nij/topics/forensics/dna/convicted/inhouse.htm#eligibility>.

⁵² National Institute of Justice, *Forensic Casework DNA Backlog Reduction Program*, at <http://www.ojp.usdoj.gov/nij/topics/forensics/dna/casework/welcome.html>.

- purchasing laboratory supplies for conducting forensic DNA analyses and for other expenses directly attributable to forensic DNA analyses;
- paying overtime for laboratory staff directly engaged in the handling, screening, or analyzing of forensic evidence that might contain DNA;
- hiring consultants or temporary contract staff to assist in the handling, screening, or analyzing of forensic evidence that might contain DNA, or to contract with accredited fee-for-service vendors to conduct DNA analyses; and
- hiring full- or part-time laboratory staff that will be directly involved in the handling, screening, or analyzing of forensic evidence that might contain DNA.⁵³

Solving Cold Cases With DNA

NIJ awards grants to state and local governments to support law enforcement agencies trying to search, evaluate, select, and conduct DNA analysis on violent crime “cold cases” that have the potential to be solved through DNA testing. All eligible DNA profiles developed with program funds must be included in CODIS.⁵⁴ Applicants for grants submit a proposal to NIJ detailing how they would select and test DNA evidence from cold cases. Grant funds for this program can be used to pay for

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

Debbie Smith DNA Backlog Grant Program

In FY2008, Congress appropriated \$147.4 million for the Debbie Smith DNA Backlog Grant program instead of appropriating funding for the President’s DNA Initiative.

Table 5. Funding for the Debbie Smith DNA Backlog Grant Program, FY2004-FY2008

(in thousands of dollars)

FY2004	FY2005	FY2006	FY2007	FY2008
—	—	—	—	\$147,391

Source: P.L. 110-161.

The program was originally authorized by the DNA Analysis Backlog Elimination Act of 2000 (P.L. 106-546, codified at 42 U.S.C. §14135). The program was amended by Title II of the Justice for All Act (P.L. 108-405), which expanded the scope of the program and named the program

⁵³ Ibid.

⁵⁴ National Institute of Justice, *Solicitation: Solving Cold Cases with DNA*, p. 4, at <http://www.ncjrs.gov/pdffiles1/nij/sl000671.pdf>.

“The Debbie Smith DNA Backlog Elimination Grant Program.” Under current law, grants awarded to states and local governments under this program can be used for the following purposes:

- Carry out DNA analyses of samples collected under applicable legal authority for inclusion in the national DNA database.
- Carry out DNA analyses of samples from crime scenes, including samples from rape kits, samples from other sexual assault evidence, and samples taken in cases without an identified suspect for inclusion in the national DNA database.
- Increase the capacity of laboratories owned by states or units of local government to carry out DNA analyses of collected samples.
- Collect DNA samples from individuals who are required to submit samples under applicable legal authority.
- Ensure that DNA testing and analysis of samples from crimes, including sexual assault and other serious violent crimes, are carried out in a timely manner.

Under current law, the Attorney General is required to use a formula to distribute grant funds. Current law requires that the formula used by the Attorney General distribute funds among eligible states and units of local government in a way that maximizes the effective utilization of DNA technology for crime fighting purposes and fairly allocates grants among state and units of local government to address jurisdictions in which significant backlogs exist. The formula used by the Attorney General must consider

- the number of offender and casework samples awaiting DNA analysis in a jurisdiction;
- the population in the jurisdiction; and
- the number of Part I violent crimes⁵⁵ in the jurisdiction.

Each state is to receive a minimum allocation of not less than 0.50% of the total amount appropriated, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.125% of the total appropriation.

Kirk Bloodworth Post-conviction DNA Testing Program

Since FY2006, Congress appropriated funding for the Kirk Bloodworth Post-conviction DNA Testing program. In FY2006 and FY2007, funding for the program was included in the funding for the President’s DNA Initiative. As shown in **Table 6**, Congress has appropriated approximately the same amount of funding each fiscal year since FY2006.

⁵⁵ Part I violent crimes include homicide/nonnegligent manslaughter, rape, robbery, and aggravated assault.

Table 6. Funding for the Kirk Bloodsworth Post-conviction DNA Testing Program, FY2004-FY2008

(funding in thousands of dollars)

FY2004	FY2005	FY2006	FY2007	FY2008
—	—	\$4,000	\$3,998	\$4,881

Source: FY2006 appropriations taken from H.Rept. 109-272; FY2007 appropriations provided by Department of Justice, Office of Justice Programs, Congressional Affairs Office; and FY2008 appropriations taken from P.L. 110-161.

The Kirk Bloodsworth DNA Post-conviction DNA Testing program was authorized by the Justice for All Act (P.L. 108-405). The Justice for All Act authorized the Attorney General to make grants to states to help defray the costs of post-conviction DNA testing programs. In order for a state to be eligible to receive a grant under this program, the state must demonstrate that it provides post-conviction DNA testing of specified evidence

- under a state statute enacted before, or extended or renewed after, October 30, 2004, to persons convicted after trial and under a sentence of imprisonment or death for a felony offense, in a manner that ensures a reasonable process for resolving claims of actual innocence; or
- under a state statute enacted after October 30, 2004, or under a state rule, regulation, or practice, to persons under a sentence of imprisonment or death for a felony offense, in a manner comparable to 18 U.S.C. §3600(a) (provided that the statute, rule, regulation, or practice may make post-conviction DNA testing available in cases in which DNA testing is not required), and if the results of such testing exclude the applicant, permits the applicant to apply for post-conviction relief, notwithstanding any provision of law that would otherwise bar such application as untimely.

The state must also demonstrate that it preserves biological evidence secured in relation to the investigation or prosecution of an offense

- under a state statute or rule, regulation, or practice, enacted or adopted before, or extended or renewed after, October 30, 2004, in a manner that ensures that reasonable measures are taken by all jurisdictions within the state to preserve such evidence; or
- under a state statute or rule, regulation, or practice, enacted or adopted after October 30, 2004, in a manner comparable to section 18 U.S.C. §3600(a), if all jurisdictions in the state comply with the requirement and such jurisdictions preserve such evidence for longer than the period of time required for the preservation of biological evidence in federal cases under 18 U.S.C. §3600A.

Paul Coverdell Grant Program

The Paul Coverdell Grant program (hereafter referred to as “Coverdell grants”) was authorized by Section 2(c) of the Paul Coverdell National Forensic Sciences Improvement Act of 2000 (P.L. 106-561). As shown in **Table 7**, funding for Coverdell grants has generally increased since FY2004. In FY2004, Congress appropriated \$10 million for Coverdell grants. In FY2005, Congress appropriated \$15 million for Coverdell grants, a 50% increase over FY2004. Congress

http://wikileaks.org/wiki/CRS-RL33489

increased funding for Coverdell grants to \$18.5 million in FY2006, a 23% increase over FY2005. Congress appropriated approximately the same amount for Coverdell grants in FY2007 as it appropriated in FY2006. In FY2008, appropriated funding for Coverdell grants increased to \$18.8 million.

Table 7. Funding for Coverdell Grants, FY2004-FY2008

(in thousands of dollars)

FY2004	FY2005	FY2006	FY2007	FY2008
\$10,000	\$15,000	\$18,500	\$18,264	\$18,800

Source: FY2004 appropriations taken from H.Rept. 108-401; FY2005 appropriations taken from H.Rept. 108-792; FY2006 appropriations taken from H.Rept. 109-272; FY2007 appropriations provided by Department of Justice, Office of Justice Programs, Congressional Affairs Office; and FY2008 appropriations taken from P.L. 110-161.

Coverdell grants are awarded to state and local governments to help improve the timeliness and quality of forensic sciences in state and local forensic laboratories.⁵⁶ Of the total funding appropriated by Congress each fiscal year for Coverdell grants, 75% is awarded to eligible states using a formula based on the state's percentage of the total U.S. population.⁵⁷ Each state receives a minimum allocation of not less than 0.6% of the total funds available.⁵⁸ The remaining funds are awarded on a competitive basis. Both eligible state and local governments can apply for competitive awards. In order for a state or local government to be eligible to receive Coverdell grant funds, the state or local government must submit a certification that (1) the state or local government has developed a plan for forensic science laboratories under a program intended to improve the quality and timeliness of forensic science or medical examiner services in the state, including such services provided by the laboratories operated by the state and those operated by units of local government within the state; (2) any forensic laboratory system, medical examiner's office, or coroner's office in the state, including any laboratory operated by a unit of local government within the state, that receives any portion of the grant funds uses generally accepted laboratory practices and procedures, established by accrediting organizations or appropriate certifying bodies; (3) the amount of the grant used for the costs of any new facility constructed as part of a program to improve the quality and timeliness of forensic science or medical examiner services will not exceed certain limitations set forth in the Coverdell law (chapter 46, subchapter XV, 42 U.S.C.); and (4) a government entity exists and an appropriate process is in place to conduct independent external investigations into allegations of serious negligence or misconduct substantially affecting the integrity of forensic results committed by employees or contractors of any forensic laboratory system, medical examiner's office, coroner's office, law enforcement storage facility, or medical facility in the state that will receive a portion of the grant funds.

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

- To carry out a program intended to improve the quality and timeliness of forensic science or medical examiner services in the state, including such services

⁵⁶ National Institute of Justice, *Paul Coverdell Forensic Science Improvement Grants Program*, p. 3, at <http://www.ncjrs.gov/pdffiles1/nij/sl000745.pdf>.

⁵⁷ See 42 U.S.C. §3797l.

⁵⁸ See 42 U.S.C. §3797l(3).

provided by the laboratories operated by the state and those operated by local governments in the state;

- To help eliminate the backlog of forensic science evidence, including firearms examination, latent prints, toxicology, controlled substances, forensic pathology, questionable documents, and trace evidence; and
- To train, assist, and employ forensic laboratory personnel, as needed, to eliminate such a backlog.⁵⁹

Assistance to Indian Tribes

Since FY2004, Congress has appropriated funding for assistance to Indian tribes, which provides funding for three different programs: Correctional Facilities on Tribal Lands, Indian Alcohol and Substance Abuse, and Tribal Courts Assistance. Assistance to Indian tribes has increased almost every fiscal year since FY2004. Assistance to Indian tribes in FY2004 was \$15 million (see **Table 8**). Assistance to Indian tribes increased in FY2005 to \$18 million, an increase in funding of 20% compared with FY2004. Assistance for Indian tribes increased again in FY2006 to \$22 million, an increase of 22% compared with FY2004. Congress appropriated approximately the same amount in FY2007 for Assistance to Indian tribes as it appropriated in FY2006. Congress increased appropriated funding for Assistance to Indian Tribes to \$22.4 million.

Table 8. Funding for Assistance to Indian Tribes, FY2004-FY2008

(in thousands of dollars)

	FY2004	FY2005	FY2006	FY2007	FY2008
Correctional Facilities on Tribal Lands	\$2,000	\$5,000	\$9,000	\$8,885	\$8,630
Tribal Courts	\$8,000	\$8,000	\$8,000	\$7,898	\$8,630
Indian Alcohol and Substance Abuse	\$5,000	\$5,000	\$5,000	\$4,936	\$5,180
Total Assistance to Indian Tribes	\$15,000	\$18,000	\$22,000	\$21,719	\$22,440

Source: FY2004 appropriations taken from H.Rept. 108-401; FY2005 appropriations taken from H.Rept. 108-792; FY2006 appropriations taken from H.Rept. 109-272; FY2007 appropriations provided by Department of Justice, Office of Justice Programs, Congressional Affairs Office; and FY2008 appropriations taken from P.L. 110-161.

Correctional Facilities on Tribal Lands Program

The Correctional Facilities on Tribal Lands program was authorized by Section 20109 of the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (P.L. 104-134). The Correctional Facilities on Tribal Lands program has provided grants to 23 Native American and Alaska Native tribes to assist them with the planning and construction of correctional facilities for

⁵⁹ National Institute of Justice, *Paul Coverdell Forensic Science Improvement Grants Program*, p. 8, at <http://www.ncjrs.gov/pdffiles1/nij/sl000745.pdf>.

people convicted under and subject to tribal law.⁶⁰ Grantees must demonstrate the ability to fully support, maintain, and operate a correctional facility constructed with grant funds.⁶¹

Indian Alcohol and Substance Abuse Program

The Indian Alcohol and Substance Abuse program competitively awards grants to Native American and Alaskan Native tribes to plan and implement system-wide strategies for decreasing crime associated with alcohol and substance abuse by tribal members.⁶² Tribes use grant funds to

- develop a project advisory team;
- identify, apprehend, and prosecute those who illegally transport, distribute, and use alcohol and controlled substances;
- prevent and reduce the number of alcohol and substance abuse-related crimes, traffic fatalities, and injuries;
- develop and enhance collaborations with federal, state, tribal, and local criminal justice agencies;
- integrate tribal and non-tribal services for offenders and their families; and
- make available culturally appropriate treatment and other services.⁶³

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

Tribal Court Assistance Program

The Tribal Court Assistance program was authorized by the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (P.L. 106-559). Tribal Court Assistance program awards grants to support the development, implementation, enhancement and continuing operation of tribal court systems.⁶⁴ There are three categories of grants awarded under the Tribal Court Assistance program:

- **Planning and Implementing an Intertribal Court System for Smaller Service Populations:** These grants are awarded to consortia of tribal governments, each of which serves a population of less than 1,000, to plan, develop, and implement a tribal court system where one does not exist. Grants in this category focus on smaller tribes that are contiguous to or near other tribal governments, for which

⁶⁰ Bureau of Justice Assistance, *Correctional Facilities on Tribal Lands Program*, at http://www.ojp.usdoj.gov/BJA/grant/tribal_correction.html.

⁶¹ Corrections Program Office, *Correctional Facilities on Tribal Lands: FY2001 Program Guidance and Application Kit*, p. 1, at <http://permanent.access.gpo.gov/lps9890/lps9890/www.ojp.usdoj.gov/cpo/grants2001/tribal01.pdf>.

⁶² Bureau of Justice Assistance, *Indian Alcohol and Substance Abuse Program: Fact Sheet*, p. 1, at <http://www.ojp.usdoj.gov/BJA/grant/IASAPBrief.pdf>.

⁶³ *Ibid.*

⁶⁴ Bureau of Justice Assistance, *Tribal Court Assistance Program (TCAP)*, at <http://www.ojp.usdoj.gov/BJA/grant/tribal.html>.

the creation of an inter-tribal court is economically and administratively feasible. Grant funds are used to facilitate the development and initial implementation of an inter-tribal court system that is designed to meet the needs of the consortia.

- **Planning and Implementing a Single-Tribe Court System:** These grants are awarded to tribal governments that serve more than 1,000 people. Grant funds are used for the development and initial implementation of a tribal court system that meets the tribe’s needs. Funds awarded under this category would establish a tribal court for a tribe that does not currently have one.
- **Enhancing or Continuing the Operation of Tribal Courts:** These grants are awarded to any tribe, regardless of size, so that the tribe can enhance or continue the operation of an existing tribal court. Funds awarded under this category can be used to: establish a core structure for the tribal court; improve case management; train court personnel; develop a tribal code; acquire additional equipment and software; enhance prosecution and indigent defense; support probation diversion and alternative sentencing programs; access services, focusing on juvenile services and multi-disciplinary protocols for victims of child physical and sexual abuse; and structure inter-tribal or tribal appellate systems.⁶⁵

Tribal Resources Grant Program

The Tribal Resources Grant Program (TRGP) was authorized by Title I of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322). As shown in **Table 9**, funding for the program decreased each fiscal year between FY2004 and FY2006. In FY2004, Congress appropriated \$25 million for TRGP. In FY2005, \$20 million was appropriated for TRGP, a 20% decrease in funding compared with FY2004. In FY2006, \$15 million was appropriated for the program, a 25% decrease in funding compared with FY2005. Funding for TRGP increased to \$15.8 million in FY2007, a 5% increase in funding compared with FY2006. In FY2008, Congress appropriated approximately \$15 million for TRGP, a 5% decrease compared to FY2007.

Table 9. Funding for the TRGP, FY2004-FY2008
(in thousands of dollars)

FY2004	FY2005	FY2006	FY2007	FY2008
\$25,000	\$20,000	\$15,000	\$15,808	\$15,040

Source: FY2004 appropriations taken from H.Rept. 108-401; FY2005 appropriations taken from H.Rept. 108-792; FY2006 appropriations taken from H.Rept. 109-272; FY2007 appropriations provided by U.S. Department of Justice, Office of Community Oriented Policing Services, Congressional Affairs Office; and FY2008 appropriations taken from P.L. 110-161.

TRGP is administered by the COPS Office and provides funding to help tribes meet their law enforcement needs.⁶⁶ Grants are awarded to federally recognized Native American and Alaskan Native tribes with established police departments. Tribes that receive policing services from the Bureau of Indian Affairs (BIA) law enforcement can receive TRGP funding to supplement their

⁶⁵ Ibid.

⁶⁶ Community Oriented Policing Services Office, *Tribal Resources Grant Program (TRGP)*, at <http://www.cops.usdoj.gov/Default.asp?Item=1428>.

existing policing services. TRGP funding can be used by tribes to hire additional officers;⁶⁷ provide law enforcement training; and purchase uniforms, basic-issue equipment, emerging technologies, and police vehicles.⁶⁸

Select Issues

Program Effectiveness

For years, some have questioned the effectiveness of DOJ grant programs and have called for program evaluations. The Administration responded by requiring federal agencies to submit strategic and annual performance plans and report on program performance.⁶⁹ As a result, DOJ now requires grantees to collect and report output and outcome measurement data.

In addition to collecting output and outcome measures, DOJ has also conducted evaluations of some of its programs. The Government Accountability Office (GAO) assessed six evaluations of five drug courts and found mixed results.⁷⁰ NIJ funded a national evaluation of eight Weed and Seed sites in the United States.⁷¹ As Congress continues to make critical decisions on the amount and type of anti-crime assistance funding for state, local and tribal governments, the effectiveness of these programs is likely to continue to be an issue.

Effective Program Management and Accounting

Since 2000, DOJ OIG has identified grant management as one of DOJ's top ten management challenges.⁷² DOJ OIG lists grant management as a management challenge because (1) OIG reviews continue to find that many grantees do not submit financial and progress reports; (2) numerous deficiencies continue to be found in the COPS Office's monitoring of grantee activities; (3) audits found that grants were not regularly awarded in a timely manner and grantees were slow to spend funds; and (4) more than 375 audits of COPS grants have resulted in

⁶⁷ FY2006 TRGP funding cannot be used to hire additional officers.

⁶⁸ Community Oriented Policing Services Office, *Tribal Resources Grant Program (TRGP)*, at <http://www.cops.usdoj.gov/Default.asp?Item=1428>.

⁶⁹ See the Government Performance and Results Act of 1993, P.L. 103-62.

⁷⁰ The GAO concluded that drug courts may have some beneficial effects, but the GAO notes that firm conclusions could not be drawn because of the study designs and the short time lapse between treatment and measurement of outcomes. Two of the evaluations assessed by the GAO showed less recidivism by drug court defendants. However, three other evaluations showed no significant differences in recidivism. Additionally, two evaluations of the same drug court showed contrasting recidivism results. Government Accountability Office, *Drug Courts: Information on New Approaches to Address Drug-related Crime*, GAO/GGD-95-159BR, May 1995.

⁷¹ The evaluation found that six target areas (some sites had more than one target area) saw a decrease in the number of Uniform Crime Report (UCR) Part I violent crimes from the year prior to weed and seed implementation to two years after implementation. However, three areas saw an increase in the number of UCR Part I violent crimes. The evaluation found that sites appeared to have greater success if they concentrated their efforts on smaller population groups, especially if they were awarded other public and private funds. National Institute of Justice, *National Evaluation of Weed and Seed: Research in Brief*, June 1999, at <http://www.ncjrs.gov/pdffiles1/175685.pdf>.

⁷² U.S. Department of Justice, Office of the Inspector General, *Top Ten Management Challenges in the Department of Justice*, at <http://www.usdoj.gov/oig/challenges/index.htm>.

significant dollar-related findings.⁷³ A series of reports from GAO and DOJ OIG raise concerns about whether OJP and COPS grants are being monitored effectively.

A 2003 OIG audit of OJP and COPS grant programs found (1) a structural overlap between the COPS Office and OJP; (2) an overlap in grant programs between the COPS Office and OJP; (3) a lack of on-line grant application processing in the COPS Office; (4) an overlap in OJP's organization structure; and (5) inefficiencies in OJP's automated grant management systems.⁷⁴ A 2004 report found that the Weed and Seed grant program experienced continued problems with effective grant monitoring, including problems with grantees not submitting progress reports in a timely manner, grant managers not documenting site visits, not ensuring that policy regarding the documentation of significant qualification and funding decisions was followed, and outcome performance measures to track progress towards program outcomes were not developed.⁷⁵ A 2005 report found that NIJ did not enforce the independent external investigation certification requirement as imposed by the Justice for All Act of 2004 (P.L. 108-405).⁷⁶ Another 2005 report found that OJP, COPS, and OVW were not effectively monitoring grants awarded to tribal governments.⁷⁷ According to DOJ's Inspector General, OJP, COPS, and OVW did not ensure that tribal grantees submitted the reports necessary to assess grant implementation and achievement of grant objectives and did not effectively monitor utilization of grant funds.⁷⁸

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

⁷³ U.S. Department of Justice, Office of the Inspector General, *Administration of Department of Justice Grants Awarded to Native American and Alaska Native Tribal Governments*, report number 05-18, March 2005, p. iii.

⁷⁴ U.S. Department of Justice, Office of the Inspector General, *Streamlining of Administrative Activities and Federal Financial Assistance Functions in the Office of Justice Programs and the Office of Community Oriented Policing Services*, Audit Report 03-27, August 2003, pp. v-xi.

⁷⁵ Government Accountability Office, *Grants Management: Despite Efforts to Improve Weed and Seed Program Management, Challenges Remain*, GAO-04-425, March 2004.

⁷⁶ U.S. Department of Justice, Office of the Inspector General, *Review of the Office of Justice Programs' Forensic Science Improvement Grant Program*, report number I-2006-002, December 2005.

⁷⁷ U.S. Department of Justice, Office of the Inspector General, *Administration of Department of Justice Grants Awarded to Native American and Alaska Native Tribal Governments*, report number 05-18, March 2005.

⁷⁸ Ibid.

Appendix. A List of Related CRS Reports

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

CRS Report RL33947, *Juvenile Justice: Legislative History and Current Legislative Issues*, by Blas Nuñez-Neto.

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

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

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

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

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

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

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