



U.S. Department of Justice
Office of Justice Programs
Office of Audit, Assessment, and Management

**Bureau of Justice
Assistance
Recovery Act Program:
Combating Criminal
Narcotics Activity
Stemming from the
Southern Border of
the United States**

June 2011

Final Report

About This Report

The Office of Justice Programs, Office of Audit, Assessment, and Management (OAAM), Program Assessment Division prepared this report. For questions regarding the content or the distribution of this report, please contact Maureen Henneberg, Director of OAAM, at (202) 616-3282.

Acronyms

BJA	Bureau of Justice Assistance
BMR	Basic Minimum Requirements
CCNA	Combating Criminal Narcotics Activity
FY	Fiscal Year
GMS	Grants Management System
OIG	Office of the Inspector General
OJP	Office of Justice Programs



Bureau of Justice Assistance Recovery Act Program: Combating Criminal Narcotics Activity Stemming from the Southern Border of the United States

Introduction

The Office of Audit, Assessment, and Management (OAAM) completed an assessment of the application review and award process used by the Bureau of Justice Assistance (BJA) for the Fiscal Year (FY) 2009 Recovery Act State and Local Law Enforcement Assistance Program: Combating Criminal Narcotics Activity Stemming from the Southern Border of the United States (CCNA program).

The objective of this assessment was to determine whether BJA's award process provided for "fair and open competition" for CCNA applicants. To accomplish the objective, OAAM evaluated the award process to determine 1) whether CCNA program grants were made in compliance with established award process policies and procedures, and 2) whether all eligible applicants had the same opportunity to compete for CCNA funding. To conduct its assessment, OAAM did the following:

- Examined internal policies and procedures for reviewing applications, conducting peer review, and making awards
- Interviewed BJA officials and staff participating in the CCNA award process
- Reviewed a sample of CCNA applications to determine compliance with internal policies and procedures during the award process

This report is the first in a series of reports that OAAM plans to issue during its ongoing review of BJA's management of the CCNA program.



Fair and Open Competition

OAAM uses “fair and open competition” to describe an award process that affords objective and equitable opportunity for all applicants to compete for funding. OJP has established policies and procedures that govern the award process to ensure fair and open competition for all applicants.

BJA’s application review and award process for the CCNA program included the following stages:

- 1) Applications were reviewed internally for compliance with eligibility criteria and externally for compliance with Basic Minimum Requirements (BMR).
- 2) Applications that met eligibility criteria and BMR were sent to peer review, during which they were scored by panels of subject matter experts.
- 3) BJA used the peer review scores and other relevant factors to make award recommendations.
- 4) The Assistant Attorney General used the award recommendations and other relevant factors to make the award decisions.

Because this process was the means for allocating limited grant funds to selected applicants, it is essential that supportable decisions were made and properly documented throughout the process. In reviewing the award process, we want to ensure that fair and open competition was provided to all applicants.

In order to determine whether the award process for the CCNA program provided fair and open competition to applicants, we examined 1) the solicitation, 2) the review of applications for eligibility and compliance with BMR, 3) management of the peer reviewers, 4) the peer review process and results, and 5) the funding recommendations and awards.

Background

Congress appropriated \$30 million in funding to the Office of Justice Programs (OJP) for the CCNA program through the American Recovery and Reinvestment Act of 2009¹ (the “Recovery Act”).² The CCNA program seeks to address the needs of state, local, and tribal law enforcement agencies in stemming the flow of illicit narcotics across the Southern border of the

¹ P.L. 111-5.

² Of the \$30 million appropriated, OJP designated \$29.7 million for CCNA program grants and \$300,000 for the National Institute of Justice to complete an evaluation of activities supported by the CCNA program.



United States with Mexico. Additionally, as a Recovery Act program, the CCNA program is intended to create and preserve jobs and promote economic recovery.

BJA issued a solicitation for the CCNA program in March 2009. The solicitation required applicants to submit their applications under one of four categories:

- Category I: Combating Criminal Narcotics Activity Along the Southern Border
- Category II: Enhancing Southern Border Jails, Community Corrections, and Detention Operations
- Category III: Facilitating Justice Information Sharing, Collaboration, and Problem Solving
- Category IV: National Training and Technical Assistance

BJA received a total of 237 applications for the CCNA program. BJA determined that 148 applications met solicitation requirements and referred these applications for peer review. Based on the peer review results and other factors, BJA awarded 20 grants, totaling \$28,647,097.³

³ Although received under the Recovery Act CCNA program solicitation, BJA awarded one grant (award number 2009-DG-BX-K002) under Category IV to the New Mexico Institute of Mining and Technology for \$992,460, using FY 2009 Edward Byrne Memorial Justice Assistance Grant program funds.



Table 1. CCNA Program Awards

	Award number	Grantee	Total award amount
1	2009-SS-B9-0003	Texas Department of Criminal Justice	\$4,946,732
2	2009-SS-B9-0004	County of Santa Cruz	457,006
3	2009-SS-B9-0027	City of Durham	724,497
4	2009-SS-B9-0028	City of Arlington	1,138,984
5	2009-SS-B9-0029	County of San Mateo	800,700
6	2009-SS-B9-0035	Arizona Department of Public Safety	1,462,256
7	2009-SS-B9-0036	City of Albuquerque	826,422
8	2009-SS-B9-0037	County of San Diego	4,999,996
9	2009-SS-B9-0049	Maricopa County Adult Probation	685,993
10	2009-SS-B9-0050	County of Webb	783,615
11	2009-SS-B9-0051	Chula Vista Police Department	2,864,605
12	2009-SS-B9-0053	City of Robstown	472,626
13	2009-SS-B9-0054	County of Cameron	2,251,942
14	2009-SS-B9-0055	NM Office of the District Attorney	893,750
15	2009-SS-B9-0056	Pima County Superior Court	841,150
16	2009-SS-B9-0057	Pima County Attorney's Office	1,285,040
17	2009-SS-B9-0065	Arizona Office of the Attorney General	2,911,082
18	2009-SS-B9-0074	Pharr Police Department	686,347
19	2009-SS-B9-0090	Travis County Adult Probation	287,500
20	2009-SS-B9-0093	Anthony Police Department	319,264
	TOTAL		\$28,647,097

Source: Award data from the OJP Grants Management System (GMS).



Results

Overall, we determined that BJA’s award process for the CCNA program provided for fair and open competition for applicants in all five areas of our review. BJA completed the award process within the narrow time frame allotted for granting Recovery Act awards. We identified isolated problems in our review of a sample of applications for BMR and in the management of the peer reviewers, but we do not believe these problems are systemic to the award process. However, we identified opportunities for BJA to improve its documentation throughout the award process and to provide more specific information to the applicants it rejects.

1) Solicitation

BJA issued the solicitation for the CCNA program on March 19, 2009. For Categories I, II, and III, the solicitation limited eligibility to—

- (A) state, local, and tribal law enforcement agencies located in the Southern border region; or
- (B) authorized state, local, or tribal law enforcement agencies applying on behalf of High-Intensity Drug Trafficking Areas (HIDTA) combating criminal narcotics activity stemming from the Southern border.

Under Category IV, National Training and Technical Assistance, the solicitation opened the application process to national organizations, institutions of higher education, and faith-based community and regional organizations that provide assistance and equipment to local law enforcement located in the Southern border region. The solicitation defined “Southern border” (or “Southern border region”) and “criminal narcotics activity.” In addition, the solicitation instructed applicants applying on behalf of an HIDTA to include a statement from the director of the HIDTA authorizing the application.

To determine whether the eligibility criteria described in the CCNA solicitation were broad enough to attract appropriate and qualified applicants, we examined the wording of the criteria and the pool of applicants generated. We determined that the eligibility criteria in the CCNA solicitation were appropriate. The CCNA program was intended to serve law enforcement agencies located in the Southern border region or combating criminal narcotics activity stemming from the Southern border, and appropriately limited eligibility to those groups. Further, the eligibility criteria generated a pool of over 200 eligible applicants, indicating that the criteria were not written too narrowly.



To determine whether the posting duration for the CCNA solicitation was appropriate, we considered OJP policy together with the importance of distributing Recovery Act funding as quickly as possible. In FY 2009, OJP's solicitation policy did not dictate how many days a solicitation was required to stay open. The CCNA solicitation closed on April 17, 2009, and therefore remained open for 30 days. Considering there was no posting duration requirement in FY 2009 and the solicitation was for a Recovery Act program, we determined that 30 days was a sufficient posting duration.

2) Eligibility and BMR

BJA received 237 applications in response to the CCNA solicitation. Of these applicants, 25 inadvertently applied to the wrong category when they applied through GMS. CCNA applicants who applied under the wrong category were not rejected for that reason, unless the applicant was ineligible under the eligibility criteria for the selected category. The applicants that remained eligible competed against applications in the category for which they applied, not the category for which they intended to apply, per the solicitation guidance. BJA has since changed its policy to allow applications that are clearly intended for another category in the solicitation to be moved by BJA staff.⁴

The solicitation required that applicants submit multiple documents with their applications and comply with specific formatting to meet BMR. The solicitation also specified criteria that applicants had to meet in order to be eligible to receive awards under the CCNA program. In order to verify that the applicants were eligible to receive awards under the CCNA program and had included proper documentation with their applications, BJA organized two concurrent reviews:

- 1) BJA staff reviewed each application for compliance with the eligibility criteria listed in the solicitation. If a BJA screener identified an application as ineligible, a second BJA screener verified that decision. BJA documented this review on an eligibility screening checklist.
- 2) Lockheed Martin (the Contractor) conducted a review for compliance with BMR by ensuring that each application included the four required documents (i.e., program abstract, program narrative, timeline, and budget or budget narrative) and met the formatting specifications described in the solicitation. The Contractor documented this review on a BMR screening checklist.

⁴ BJA Policy Guidance: "Basic Minimum Review Process for FY 2010 Competitive Solicitations" April 7, 2010.



We determined that the requirements identified on the BMR screening checklist did not match the document and formatting requirements described in the solicitation or clearly identify what an application needed to include to be forwarded to peer review. To address this problem for future solicitations, BJA has revised its policy to ensure that the requirements described in the solicitation match those on the BMR screening checklist.⁵

In order to verify the eligibility and BMR results that BJA and the Contractor documented on their respective screening checklists, we selected a sample of 47 applications for review. The sample included three groups of applications:

- **Group 1** – 4 of 22 applications that did not meet eligibility requirements or BMR
- **Group 2** – 13 of 67 applications that met eligibility requirements, but not BMR
- **Group 3** – 30 of 148 applications that met both eligibility requirements and BMR

Eligibility

With regard to eligibility, we agreed with BJA's findings. Namely, we found that four applications in Group 1 did not meet eligibility requirements, but 13 applications in Group 2 and 30 in Group 3 did meet eligibility requirements.

BMR

In regard to BMR, not all of our findings agreed with the Contractor's results. For four applications in Group 1, we agreed with the Contractor that three of the four did not meet BMR, either by not including the four required documents or not meeting formatting specifications. However, for one particular application, we were able to locate all of the required documents, unlike the Contractor, in the GMS file. Because this application did not meet eligibility requirements, it still did not qualify for peer review.

⁵ See note 4.



For 13 applications in Group 2, we agreed with the Contractor that 12 of the 13 did not meet BMR. However, for one application that was rejected for not including a timeline, we found a timeline at the end of the program narrative. Because this application also met eligibility requirements, this application should have proceeded to peer review. With regard to the 30 applications in Group 3, we agreed with the Contractor that all 30 met BMR.

Of the 47 applications in our sample, 17 were rejected for not meeting either eligibility, BMR, or both requirements. For these rejected applications, we verified the reason provided for denial in GMS and in the rejection letters. For all 17 applications, the reason for rejection was incorrectly cited in GMS as "Competitive Process Selected Other Applicants." For these applications, the rejection reason cited in GMS would have been correctly identified as 1) "Applicant not eligible to apply," 2) "Application incomplete," or 3) "Applicant failed to satisfy grant requirements." The rejection letters to the 17 applicants correctly noted that the applications were rejected at the initial screening stage. However, the rejection letters did not provide details on whether the applicant was ineligible or what items were missing from the application.

3) Peer Reviewers

Of the 237 applications received for the CCNA program, BJA determined that 89 of them did not meet eligibility and/or BMR requirements. BJA and the Contractor engaged a total of 18 peer reviewers to conduct the peer review of the 148 remaining applications.

Fair and open competition requires that the services of knowledgeable, but impartial, peer reviewers be used. To determine whether BJA and the Contractor verified the qualifications and impartiality of the peer reviewers used for the CCNA program, we examined the peer reviewer documentation maintained by BJA and the Contractor to determine compliance with the requirements described in OJP policy.

Under OJP's Grant Application Peer Review Procedure Manual, program office leadership is to provide a signed memorandum identifying the list of approved peer reviewers for the solicitation. In preparing this memorandum, the program office is certifying that the education, areas of expertise, and peer review history of the approved peer reviewers have been verified and are appropriate for the program being reviewed. According to BJA management, due to



time constraints related to the Recovery Act, BJA's Acting Director delegated responsibility for approving the list of peer reviewers to each of the project teams.

BJA provided a list of the approved peer reviewers for the CCNA program for our review, but the list was not signed by the Acting Director or any other official. We found that 4 of the 18 peer reviewers ultimately used to review the CCNA applications were not on this list. One of the four unlisted peer reviewers was employed by BJA. OJP's peer review policy is not clear on whether employees must be included on the approved list of peer reviewers, but the other three peer reviewers should have been included on the list if their qualifications were verified. In FY 2010, BJA leadership continued to delegate responsibility for approving the list of peer reviewers to the project team, and BJA created a specific form for the delegated official to complete and sign.

Under OJP policy, all 18 peer reviewers were required to complete a "Confidentiality Agreement" and a "Disclosure of Conflict of Interest" form. We determined that all 18 peer reviewers properly completed and submitted Confidentiality Agreements; however, 3 of the 18 peer reviewers did not properly complete and submit the Disclosure of Conflict of Interest forms. Specifically, these three peer reviewers did not check both statements on the form to indicate that they did not have a conflict with any of the applications and would stop work and report a conflict if one developed.

In addition, 1 of the 18 peer reviewers identified a potential conflict of interest on his Disclosure of Conflict of Interest form by indicating that he has, or recently had, a "collaborative relationship" with one of the CCNA applicants. This peer reviewer worked for BJA. Under BJA policy, internal peer reviewers are allowed to proceed with reviews of applications with which they have such a conflict if they submit a "clarifying e-mail." According to the guidance provided by BJA leadership, the e-mail should acknowledge that the employee has a collaborative relationship with a specific applicant, but that the interaction will not interfere with the employee's ability to serve as a peer reviewer. BJA was able to provide a copy of the clarifying e-mail submitted by the BJA employee.

As a general matter, OAAM noted that neither the Disclosure of Conflict of Interest form nor BJA's clarifying e-mail guidance requires employees to provide a description of what the collaborative relationship entails. In addition, there currently exists no requirement



that a BJA official, such as the employee's supervisor, documents that he or she has reviewed the potential conflict to determine whether the employee could still serve as a peer reviewer. OAAM recommends that OJP implement the use of a more detailed Disclosure of Conflict of Interest form that records this information for all internal peer reviewers.

4) Peer Reviewer Process

For the CCNA program, BJA forwarded a total of 148 applications to peer review. Panels of three peer reviewers each rated the applications on a scale of 1 to 10, on each of five factors identified in the solicitation: 1) statement of the problem; 2) program design and implementation; 3) capabilities and competencies; 4) budget; and 5) impact/outcomes, evaluation, sustainment, and description of the applicant's plan for the collection of the data required for performance measures. In addition, the peer reviewers provided written comments on the strengths and weaknesses of the applications, with respect to each of the five factors.

We reviewed the individual comments provided by peer reviewers for the 30 applications in our sample that underwent peer review. We found that the peer reviewers' comments generally matched the scores they provided, and that positive comments received correspondingly positive scores. However, we also identified a repeated comment, "nothing is perfect" as a weakness in submitted applications. As this is not helpful, we would suggest that OJP reiterate guidance to peer reviewers on submitting comments with an appropriate level of detail.

For each peer-reviewed application, the Contractor calculated the individual scores for each peer reviewer by multiplying the peer reviewer's scores for the five factors against the weights identified in the solicitation, and then adding those five scores together. For those applications scoring 75 or higher, the peer reviewers conducted consensus calls if their scores varied by 30 percent or more for the same application. As a result of the consensus calls, peer reviewers were allowed to change their scores or comments for the application, in accordance with OJP policy. The peer reviewers' final individual scores were then averaged into one final total score for the application on a scale of 100. As part of our review of the peer review process, we found that the peer reviewers' individual and total scores were calculated correctly and properly documented.



Of the 30 applications in our sample, 26 were not recommended for funding based on the peer review results. For these 26 rejected applications, we verified the reason provided for the denial in GMS and in the rejection letters. For all 26 applications, the reason for rejection was correctly cited in GMS as "Competitive Process Selected Other Applicants." In addition, the rejection letters to all 26 applicants correctly noted that the applications were rejected after the peer review process.

5) Funding Recommendations

In order to make its funding recommendations for the CCNA program, BJA documented all of the final scores from the peer review process in the funding memorandum. In accordance with OJP policy, BJA ranked the applications from the highest score to the lowest score funded and grouped them by Category.

Under Category I, BJA recommended that six high-scoring applications not be funded. BJA explained that the six applications were from applicants outside of the Southern border region and that BJA had recommended that the non-Southern border applicant who had demonstrated the strongest link between its area and Southern border crime be the only one funded. In addition, BJA noted that three of the six applicants not recommended for funding cited minimal impact on job creation. Under Categories II, III, and IV, BJA recommended that the top-scoring applications be funded.

Based on the objectives described for the CCNA program and in accordance with OJP policy, we found that BJA documented thoughtful analysis in the funding memorandum to recommend awards to the specified applicants. Specifically, each of the 21 applications BJA recommended for awards proposed creating at least one job. In addition, BJA provided sound reasons for selecting lower-scoring applicants over higher-scoring ones, and documented those reasons in the funding memorandum.

Awards

The Assistant Attorney General accepted BJA's award recommendations and approved the awards. Based on the Assistant Attorney General's decisions, BJA awarded grants to 21 applicants under the CCNA program, totaling approximately \$30 million.



Conclusion

Overall, we determined that BJA's award process for the CCNA program provided for fair and open competition for applicants in all five areas of our review. BJA completed the award process within the narrow time frame allotted for granting Recovery Act awards. We identified isolated problems in our review of a sample of applications for BMR and in the management of the peer reviewers. We do not believe these problems are systemic to the award process; however, we recommend that the Contractor performing BMR and peer review tasks institute a rigorous quality control process.

Recommendations

The Department of Justice Office of the Inspector General (OIG) recently issued audit reports on three other Recovery Act programs managed by BJA: the Edward Byrne Memorial Justice Assistance Grants Program (Byrne JAG),⁶ the Byrne Competitive Grant Program,⁶ and the Correctional Facilities on Tribal Lands Grant Program.⁷ The OIG made several recommendations to OJP on how to improve the award processes for these programs. We believe that two of the recommendations also apply to the CCNA program and included them in our recommendations. In addition, we have identified other recommendations for BJA and OJP regarding the CCNA program.

We recommend that BJA do the following:

- 1) Identify the appropriate reason for denial of applications in GMS. (OIG Recommendation)
- 2) Add more detailed reasons for the rejection to applicants' rejection letters. (OIG Recommendation)
- 3) Ensure that the peer reviewers used to review applications, together with internal peer reviewers, are included on the signed, approved list of peer reviewers.

We recommend that OJP do the following:

- 1) Ensure that the Contractor institute a rigorous quality control process for performing BMR and peer review tasks, which

⁶ Department of Justice Office of the Inspector General, Audit Report 10-43, August 2010.

⁷ Department of Justice Office of the Inspector General, Audit Report 10-26, June 2010.



includes ensuring that participating peer reviewers properly complete and submit “Confidentiality Agreements” and “Disclosure of Conflict of Interest” forms.

- 2) Consider requiring that all program offices implement the use of a more detailed “Disclosure of Conflict of Interest” form (similar to the memorandum used by the National Institute of Justice) for all staff involved in the peer review process.
- 3) Consider reiterating guidance to all peer reviewers on providing appropriate comments regarding applications.

OJP agreed with the OIG’s recommendations and is taking actions to address them. Specifically, OJP has reviewed the current list of denial reasons in GMS, revised as necessary, and is incorporating the changes into GMS. In addition, OJP is reviewing and revising its current procedures and requirements for the application denial notification process, including the content of the applicant denial letters. OAAM will coordinate the resolution of these two recommendations with the OIG as OJP implements these changes.

BJA Comments and Our Response

We provided a draft of our report to BJA for comments. BJA’s comments on the recommendations and our responses are summarized below. See the Appendix for the full text of BJA’s comments.

1) Identify the appropriate reason for denial of applications in GMS. (OIG Recommendation)

BJA agreed with this recommendation and stated that OJP is currently developing a quality control mechanism to verify that the reasons selected in GMS for denying an application are accurate. BJA will implement this quality control procedure, with OAAM oversight, and work with BJA staff to review and train on the new procedures for denial of applications.

Based on BJA’s response, we consider this recommendation closed.



2) Add more detailed reasons for the rejection to applicants' rejection letters. (OIG Recommendation)

BJA agreed with this recommendation and stated that it will follow updated guidance in the Grant Manager's Manual on the elements to be incorporated into denial letters.

Based on BJA's response, we consider this recommendation closed.

3) Ensure that the peer reviewers used to review applications, together with internal peer reviewers, are included on the signed, approved list of peer reviewers.

BJA agreed with this recommendation and stated that for FY 2010, in accordance with the OJP Peer Review Procedures Manual, BJA has implemented a policy to ensure that the peer reviewers selected to evaluate applications are approved by BJA leadership. BJA stated that both internal and external peer reviewers will be included in the list approved by BJA leadership and that the peer reviewer list will be updated and approved as peer reviewers are removed from, or assigned to, peer review panels.

Based on BJA's response, we consider this recommendation closed.

OJP Comments and Our Response

The draft report also contained three recommendations for OJP. OJP's Office of General Counsel (OGC) and Grants Management Division (GMD) responded to the recommendations. Their comments and our responses are summarized below. See the Appendix for the full text of OGC and GMD's comments.

1) Ensure that the Contractor institute a rigorous quality control process for performing BMR and peer review tasks, which includes ensuring that participating peer reviewers properly complete and submit "Confidentiality Agreements" and "Disclosure of Conflict of Interest" forms.

GMD agreed with this recommendation and stated that it has been working closely with the Contractor on a Quality Assurance Surveillance Plan (QASP) to implement new, and improve existing, quality control processes for performing BMR and peer review tasks. This plan includes the assurance that participating peer reviewers properly complete and submit "Confidentiality Agreements" and "Disclosure



of Conflict of Interest" forms. Subsequently, GMD provided a copy of the new QASP, and the Contractor started implementing these new performance requirements as of June 1, 2011.

Based on GMD's response and actions, we consider this recommendation closed.

2) Consider requiring that all program offices implement the use of a more detailed "Disclosure of Conflict of Interest" form (similar to the memorandum used by the National Institute of Justice) for all staff involved in the peer review process.

GMD and OGC agreed with this recommendation and stated that GMD and OGC have been working together to revise the current "Disclosure of Conflict of Interest" form for all staff involved in the peer review process. GMD and OGC plan to have the new form in place by July 1, 2011.

To close this recommendation, GMD and OGC need to provide a copy of the new "Disclosure of Conflict of Interest" form, once it is implemented.

3) Consider reiterating guidance to all peer reviewers on providing appropriate comments regarding applications.

GMD agreed with this recommendation and stated that the new QASP will include measures to ensure that final narrative summaries are accurately prepared. In addition, GMD will ensure the script used by the Contractor during the orientation call with reviewers reiterates guidance to all peer reviewers on providing appropriate comments regarding applications. Subsequently, GMD provided a copy of the new QASP, and the Contractor started implementing these new performance requirements as of June 1, 2011.

Based on GMD's response and actions, we consider this recommendation closed.



Appendix: BJA, GMD, and OGC Comments

The following pages contain the complete text of comments.




U.S. Department of Justice


Office of Justice Programs

Bureau of Justice Assistance

Washington, D.C. 20531

MEMORANDUM TO: Maureen A. Henneberg
Director
Office of Audit, Assessment, and Management (OAAM)

THROUGH: James H. Burch, II 
Acting Director
Bureau of Justice Assistance

FROM: Eileen M. Garry 
Deputy Director
Bureau of Justice Assistance

SUBJECT: BJA Response to Recommendations in Report on FY 2009
Recovery Act Program Assessments

This memorandum provides a response to OAAM's review of the FY 2009 Recovery Act programs for Assistance to Rural Law Enforcement to Combat Crime and Drugs and Combating Criminal Narcotics Activity Stemming from the Southern Border of the United States. Overall, BJA agrees with the conclusions and the recommendations detailed in the two draft reports.

The draft audit report contains 4 recommendations for Assistance to Rural Law Enforcement to Combat Crime and Drugs and three recommendations for Combating Criminal Narcotics Activity Stemming from the Southern Border of the United States. For ease of review, the report recommendations are restated in bold and are followed by BJA's response.

BJA Recovery Act Program Assistance to Rural Law Enforcement to Combat Crime and Drugs

1) Identify the appropriate reason for denial of applications in GMS. (OIG Recommendation)

BJA agrees with this recommendation. OJP is currently developing a quality control mechanism to verify that the reasons selected in the Grants Management System (GMS) for denying an application are accurate. This quality control procedure will be performed by BJA with oversight by the Office of Audit, Assessment, and Management (OAAM). Additionally, BJA will work with staff to review and train on the new procedures for denial of applications.

2) Add more detailed reasons for the rejection to applicants' rejection letters. (OIG Recommendation)

BJA agrees with this recommendation. We will follow the updated Grant Managers Manual guidance on the elements to be incorporated into the notification letter for denied applications.

3) Ensure that the peer reviewers used to review applications, together with internal peer reviewers, are included on the signed, approved list of peer reviewers.

BJA agrees with this recommendation. For FY 2010, in accordance with the OJP Peer Review Procedures Manual, BJA implemented a policy to ensure that peer reviewers selected to evaluate applications were approved by BJA leadership. Both internal and external peer reviewers will be included in the list approved by BJA leadership. Further, the peer reviewer list will be updated and approved as peer reviewers are removed from, and new peer reviewers are assigned to, panels.

4) Provide better documentation of BMR and eligibility decisions by providing more detailed reasons for decisions on the screening checklists.

BJA agrees with this recommendation. We will revise the documentation used for BMR and eligibility decisions to ensure that space is provided for additional details, as well as more detailed reasons justifying why an application should or should not move forward to peer review. In addition, BJA staff will be provided guidance on the required information and level of detail for screening checklists.

BJA Recovery Act Program: Combating Criminal Narcotics Activity Stemming from the Southern Border of the United States

1) Identify the appropriate reason for denial of applications in GMS. (OIG Recommendation)

BJA agrees with this recommendation. OJP is currently developing a quality control mechanism to verify that the reasons selected in the Grants Management System (GMS) for denying an application are accurate. This quality control procedure will be performed by BJA with oversight by the Office of Audit, Assessment, and Management (OAAM). Additionally, BJA will work with staff to review and train on the new procedures for denial of applications.

2) Add more detailed reasons for the rejection to applicants' rejection letters. (OIG Recommendation)

BJA agrees with this recommendation. We will follow the updated Grant Managers Manual guidance on the elements to be incorporated into the notification letter for denied applications.

3) Ensure that the peer reviewers used to review applications, together with internal peer reviewers, are included on the signed, approved list of peer reviewers.

BJA agrees with this recommendation. For FY 2010, in accordance with the OJP Peer Review Procedures Manual, BJA implemented a policy to ensure that peer reviewers selected to evaluate applications were approved by BJA leadership. Both internal and external peer reviewers will be included in the list approved by BJA leadership. Further, the peer reviewer list will be updated and approved as peer reviewers are removed from, and new peer reviewers are assigned to, panels.

If you have any questions or require additional information, please contact Eileen M. Garry, Deputy Director, Bureau of Justice Assistance, on 202-307-6226.

cc: Pamela Cammarata
Deputy Director
BJA

Tracey Trautman
Deputy Director
BJA



U.S. Department of Justice

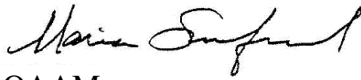
Office of Justice Programs

Office of Audit, Assessment, and Management

Washington, D.C. 20531

MAY 31 2011

MEMORANDUM FOR: Maureen A. Henneberg
Director
Office of Audit, Assessment, and Management (OAAM)

FROM: Maria Swineford 
Deputy Director, OAAM

SUBJECT: Response to Draft Reports for FY 2009 Recovery Act Program Assessments.

On May 11, 2011, OAAM provided recommendations for the Grants Management Division (GMD), as a result of the March 2011 draft reports to the Bureau of Justice Assistance (BJA) which summarized the results and recommendations from OAAM's review of two FY 2009 Recovery Act programs: 1) Assistance to Rural Law Enforcement to Combat Crime and Drugs; and 2) Combating Criminal Narcotics Activities Stemming from the Southern Border of the United States. Three recommendations for the Office of Justice Programs were identified, and GMD was identified as the office that would be responsible for implementing two of the three recommendations.

GMD agrees with these recommendations and below are the GMD's responses:

RECOMMENDATION #1: Ensure that the Contractor (Lockheed Martin) institutes a rigorous quality control process for performing Basic Minimum Requirements (BMR) and peer review tasks, which includes ensuring that the participating peer reviewers properly complete and submit "Confidentiality Agreements" and "Disclosure of Conflicts of Interest" forms.

RESPONSE: GMD has been working closely with Lockheed Martin (LM) on a Quality Assurance Surveillance Plan (QASP) to implement new, and improve existing, quality control processes for performing BMR and peer review tasks. This plan includes the assurance that participating peer reviewers properly complete and submit "Confidentiality Agreements" and "Disclosure of Conflicts of Interest." GMD plans to have the QASP in place, and LM implementing new performance requirements by July 1, 2011.

RECOMMENDATION #2: Consider reiterating guidance to all peer reviewers on providing appropriate comments regarding applications.

RESPONSE: The QASP includes measures to ensure final narrative summaries are accurately prepared. GMD will ensure the script used by LM during the orientation call with reviewers reiterates guidance to all peer reviewers on providing appropriate comments regarding applications. GMD plans to have the QASP in place, and LM implementing new performance requirements by July 1, 2011.

Please feel free to contact me at 202-616-0109 if you have any questions.

Cc: Laurie O. Robinson
Assistant Attorney General

Mary Lou Leary
Principal Deputy Assistant Attorney General

Phil Merkle
Acting Deputy Assistant Attorney General

Jan E. Carey
Deputy Director, Program Assessment Division, OAAM



U.S. Department of Justice

Office of Justice Programs

Office of Audit, Assessment, and Management

MAY 31 2011

Washington, D.C. 20531

MEMORANDUM FOR: Maureen A. Henneberg
Director
Office of Audit, Assessment, and Management (OAAM)

FROM: Rafael Madan *R. Madan*
General Counsel *by GCB*
Office of General Counsel (OGC)

Maria Swineford *Maria Swineford*
Deputy Director, OAAM

SUBJECT: Response to Draft Reports for FY 2009 Recovery Act Program Assessments

On May 11, 2011, OAAM provided recommendations for the Grants Management Division (GMD), as a result of the March 2011 draft reports to the Bureau of Justice Assistance (BJA) which summarized the results and recommendations from OAAM's review of two FY 2009 Recovery Act programs: 1) Assistance to Rural Law Enforcement to Combat Crime and Drugs; and 2) Combating Criminal Narcotics Activities Stemming from the Southern Border of the United States. Three recommendations for the Office of Justice Programs were identified, and GMD and OGC were identified as the offices that would be responsible for implementing the below recommendation.

Below is the recommendation and GMD and OGC's response:

RECOMMENDATION: Consider requiring that all program offices implement the use of a more detailed "disclosure of Conflict of Interest" form (similar to the memorandum used by the National Institute of Justice) for all staff involved in the peer review process.

RESPONSE: GMD and OGC agree with this recommendation. GMD and OGC have been working together to revise the current "Disclosure of Conflict of Interest" form for all staff involved in the peer review process. GMD and OGC plan to have the new form in place by July 1, 2011.

Please feel free to contact me at 202-616-0109 if you have any questions.

RECOMMENDATION #2: Consider reiterating guidance to all peer reviewers on providing appropriate comments regarding applications.

Cc: Laurie O. Robinson
Assistant Attorney General

Mary Lou Leary
Principal Deputy Assistant Attorney General

Phil Merkle
Acting Deputy Assistant Attorney General

Jan E. Carey
Deputy Director, Program Assessment Division, OAAM