



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

**Bureau of Justice  
Assistance  
Recovery Act Program:  
Assistance to Rural Law  
Enforcement to Combat  
Crime and Drugs**

June 2011

***Final Report***

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## 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.

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## Acronyms

BJA	Bureau of Justice Assistance
BMR	Basic Minimum Requirements
FY	Fiscal Year
GMS	Grants Management System
MSA	Metropolitan Statistical Area
OIG	Office of the Inspector General
OJP	Office of Justice Programs
RLE	Rural Law Enforcement



# **Bureau of Justice Assistance Recovery Act Program: Assistance to Rural Law Enforcement to Combat Crime and Drugs**

## **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 Program: Assistance to Rural Law Enforcement to Combat Crime and Drugs (RLE program).

The objective of this assessment was to determine whether BJA's award process provided for "fair and open competition" for RLE applicants. To accomplish the objective, OAAM evaluated the award process to determine 1) whether RLE 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 RLE 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 RLE award process
- Reviewed a sample of RLE 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 RLE 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 fairness to all applicants.



BJA's review and award process for the RLE 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 RLE 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.

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## Background

Congress appropriated \$125 million in funding to the Office of Justice Programs (OJP) for the RLE program through the American Recovery and Reinvestment Act of 2009<sup>1</sup> ("Recovery Act").<sup>2</sup> The RLE program seeks to assist law enforcement in rural states and rural areas in the prevention and combating of crime, and provides for national support efforts, including training and technical assistance programs, strategically targeted to address rural needs. Additionally, as a Recovery Act program, the RLE program is intended to create and preserve jobs and promote economic recovery.

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<sup>1</sup> P.L. 111-5.

<sup>2</sup> Of the \$125 million appropriated, OJP designated over \$122 million for RLE program grants for FY 2009. OJP also designated \$1.25 million to the National Institute of Justice (NIJ) to complete an evaluation of activities supported by the RLE program. NIJ did not find a host for the study and returned the funds. As a result, BJA awarded the remaining \$2.4 million of RLE funding to 12 additional grantees in FY 2010.



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

- Category I: Combating Rural Crime
- Category II: Improving Rural Law Enforcement Investigations
- Category III: Enhancing Rural Detention and Jail Operations
- Category IV: Facilitating Rural Justice Information Sharing
- Category V: Training and Technical Assistance

BJA received a total of 1,162 applications for the RLE program. BJA determined that 635 met solicitation requirements and referred these applications for peer review. Based on the peer review results and other factors, BJA awarded 209 grants, totaling \$122,585,508.<sup>3</sup>

**Table 1. RLE Program Awards**

<b>Category</b>	<b>Number of awards</b>	<b>Total award amount</b>
Category I	95	\$54,118,511
Category II	40	13,981,441
Category III	37	18,320,228
Category IV	32	28,363,879
Category V	5	7,801,449
<b>Total</b>	<b>209</b>	<b>\$122,585,508</b>

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

<sup>3</sup> BJA awarded grants to three other applicants, but they declined their awards.



## Results

Overall, we determined that BJA's award process for the RLE 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 RLE program on March 19, 2009. The solicitation limited eligibility to local and tribal law enforcement agencies located in "rural areas," as well as state law enforcement agencies that were located in "rural states" or provided assistance to rural areas. The solicitation defined rural areas and rural states as follows:

Rural area: 1) a jurisdiction that is not located in a metropolitan statistical area (MSA), as defined by the Office of Management and Budget; or 2) any jurisdiction located in an MSA, but in a county or tribal jurisdiction that has a population of less than 50,000.

Rural state: Based on the most recent decennial census, 1) a state that has a population density of 52 or fewer persons per square mile, or 2) a state in which the largest county has fewer than 150,000 people.

Under Category V, Training and Technical Assistance, the solicitation opened the application process to national, regional, state, and local public and private entities, including for-profit and nonprofit organizations, institutions of higher education, faith-based and community organizations, tribal jurisdictions, and units of local government who could provide training and technical assistance to qualifying rural areas and rural states.

To determine whether the eligibility criteria described in the RLE 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 RLE solicitation were appropriate. The RLE program was intended to serve law enforcement agencies located in rural areas of the country and appropriately limited eligibility to those groups. Further, the eligibility criteria generated a pool of over 900 eligible applicants, indicating that the criteria were not written too narrowly.



To determine whether the posting duration for the RLE 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 RLE solicitation closed on April 22, 2009, and therefore remained open for 37 days. Considering there was no posting duration requirement in FY 2009 and the solicitation was for a Recovery Act program, we determined that 37 days was a sufficient posting duration.

## **2) Eligibility and BMR**

BJA received 1,162 applications in response to the RLE solicitation. Of these applicants, 214 inadvertently applied to the wrong category when they applied through GMS. RLE applicants who applied under the wrong category were not rejected for that reason, unless the applicant was ineligible under the 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.<sup>4</sup>

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 RLE program. In order to verify that the applicants were eligible to receive awards under the RLE 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

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



specifications described in the solicitation. The Contractor documented this review on a BMR screening checklist.

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.<sup>5</sup>

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 114 applications for review. The sample included three groups of applications:

- **Group 1** – 25 of 259 applications that did not meet eligibility requirements or BMR
- **Group 2** – 26 of 268 applications that met eligibility requirements, but not BMR
- **Group 3** – 63 of 635 applications that met both eligibility requirements and BMR.

#### *Eligibility*

In regard to Group 1 and Group 3, we agreed with BJA's determination that the 25 applications in Group 1 did not meet eligibility requirements and that the 63 applications in Group 3 did meet eligibility requirements. However, in regard to the 26 applications in Group 2, we found that 3 of the 26 did not contain documentation of the applicant's rural status, for example, by not including population information. Because BJA denied applications in Group 1 for not including this information, we determined that BJA should have also denied these three applications from Group 2.

#### *BMR*

We agreed with the Contractor that all of the 25 applications in Group 1 did not meet BMR, either by not including the four required documents or not meeting formatting specifications. Similarly, for the 26 applications in Group 2, we agreed with the Contractor that all of the applications did not

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<sup>5</sup> See note 4.





meet BMR. However, we identified one application that was denied for not including a timeline, although we located a short timeline at the end of the program narrative. According to BJA staff, this timeline was not sufficient to meet the timeline requirement. Regardless, this application also did not meet formatting specifications (although it was not noted on the BMR screening checklist) and therefore, still did not meet BMR or qualify for peer review. In regard to the 63 applications in Group 3, we agreed with the Contractor that all met BMR.

In both our eligibility and BMR reviews, we found cases where we agreed with the results BJA or the Contractor reached, but not necessarily with the reasoning documented on the respective screening checklists. For example, in Group 1 of the eligibility review, the first BJA screener marked an application as ineligible because the applicant did not provide MSA data. The second BJA screener marked the same application as ineligible and wrote only that it “did not meet eligibility to qualify as rural.” There were no additional comments to explain why the applicant did not qualify as rural. After reviewing the applications, we agreed with both BJA screeners that the application was ineligible, but did so because the applicant provided that the population was over 50,000, and therefore the jurisdiction did not qualify as a “rural area.”

Of the 114 applications in our sample, 51 were rejected for not meeting eligibility, BMR, or both requirements. For these applications, we verified the reason provided for denial in GMS and in the rejection letters. For all 51 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 letter template used for the 51 applicants correctly noted that the applications were rejected at the initial screening stage; however, the letters did not provide details on whether the applicant was ineligible or what items were missing from the application.

### **3) Peer Reviewers**

Of the 1,162 applications received for the RLE program, BJA determined that 527 of them did not meet eligibility and/or BMR requirements. BJA and the Contractor engaged a total of 72 peer reviewers to conduct the peer review of the 635 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 RLE 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 RLE program for our review, but the list was not signed by the Acting Director or any other official. We found that 7 of the 72 peer reviewers ultimately used to review the RLE applications were not on this list, but five of these seven peer reviewers were 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 two external peer reviewers should have been included on the list if their qualifications were verified. In FY 2010, BJA leadership continued to delegate responsibility to the project team for approving the list of peer reviewers, and BJA created a specific form for the delegated officials to complete and sign.

Under OJP policy, all 72 peer reviewers were required to complete a "Confidentiality Agreement" and a "Disclosure of Conflict of Interest" form. We determined that all 72 peer reviewers properly completed and submitted Confidentiality Agreements; however, 9 of the 72 peer reviewers did not properly complete and submit the Disclosure of Conflict of Interest forms. Specifically, seven of the nine 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. The other two peer reviewers did not submit both pages of the Disclosure of Conflicts of Interest form.



In addition, 4 of the 72 peer reviewers identified a potential conflict of interest on their Disclosure of Conflict of Interest forms by indicating that they have, or recently had, a “collaborative relationship” with one of the RLE applicants. All four of these peer reviewers 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 each of the four BJA employees.

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 RLE program, BJA forwarded a total of 635 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.<sup>6</sup> 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 the peer reviewers for the 63 applications in our sample that underwent peer review. We found that the peer reviewers’ comments generally matched the scores they provided, and that positive scores corresponded to positive comments.

For each peer-reviewed application, the Contractor calculated the individual scores from each peer reviewer by multiplying the peer reviewer’s scores for the five factors against the weights identified in the solicitation, and then

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<sup>6</sup> BJA received a waiver to use only two peer reviewers on one of the Category IV panels because the third peer reviewer withdrew late during the process.



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 call, the 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.

#### *Further BJA Programmatic Review*

After the peer review process was completed, an additional review was conducted on applications that scored 60 or above in Categories I through IV and 85 or above in Category V of their rural status and the number of jobs proposed. According to BJA leadership, BJA completed this analysis after the peer review process was completed because time constraints related to the Recovery Act did not permit this level of review at the initial eligibility stage. As part of this third review, BJA verified the eligibility of the applicants against MSA and census data, and ensured that the application proposed to create or retain at least one job. BJA documented this review on an internal screening checklist.

Of the 63 applications in our sample that underwent peer review, 38 scored high enough to undergo this additional review. BJA rejected 5 of these 38 applications based on ineligibility. Again, in one of these five cases, we found that the reasoning documented on the internal screening checklist was not necessarily clear. Specifically, BJA's screener only wrote "not eligible tribe" on the internal screening checklist. Because this comment could be interpreted as rejecting the applicant as ineligible because of its status as a tribe, we further researched why the applicant was deemed ineligible. We determined that the tribe was found ineligible because in the county in which the tribe is located, the population is greater than 50,000. Therefore, BJA properly found this tribe to be ineligible, but did not properly document this reason on the internal screening checklist.

In addition, for another application, BJA did not complete the eligibility section on the internal screening checklist. This applicant was a state agency which proposed providing services to 100 rural counties in its state. The applicant eventually received a grant, but the number of jobs to be created remains unclear. The application proposed creating 23 full-time positions, but the funding memorandum cites 18 positions. According to BJA staff, this application underwent an extensive review for eligibility, with BJA checking the population of the proposed counties to be served. However,



BJA did not have an explanation for why the eligibility section of the internal screening checklist was not completed.

For the five applicants not recommended for funding after this additional review, the reason cited in GMS was "Competitive Process Selected Other Applicants." However, as these applicants were found ineligible, the reason cited in GMS should have been, "Applicant not eligible to apply." In addition, according to BJA staff, the rejection letters these applicants received also incorrectly indicated that these applications were rejected as a result of the competitive process, rather than because of ineligibility.

### **5) Funding Recommendations**

In order to make its funding recommendations for the RLE 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. In almost all cases, BJA explained why high-scoring applications were not recommended for funding. However, we identified one instance where BJA recommended one of two applications with the same score for funding, but did not provide a reason for denying the other application. The application recommended for funding was the lowest scoring application recommended for funding in that category.

In most cases where BJA recommended against funding, BJA noted that the application either did not propose creating or retaining jobs, or did not propose creating or retaining enough jobs to justify the dollar amount requested. Of the 33 applications remaining in our sample, BJA rejected 9 based on the number of jobs cited.

Based on the objectives described for the RLE 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 212 applications BJA recommended for awards proposed creating at least 1 job. In addition, BJA provided sound reasons for selecting lower-scoring over higher-scoring applicants, 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 212 applicants. Three of the applicants declined their awards; therefore, OJP ultimately awarded 209 grants under the RLE program, totaling approximately \$123 million.



## Conclusion

Overall, we determined that BJA's award process for the RLE 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), the Byrne Competitive Grant Program,<sup>7</sup> and the Correctional Facilities on Tribal Lands Grant Program.<sup>8</sup> OIG made several recommendations to OJP on how to improve the award processes for these programs. We believe that two of those recommendations also apply to the RLE program and included them in our recommendations. In addition, we have identified other recommendations for BJA and OJP regarding the RLE 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.
- 4) Provide better documentation of BMR and eligibility decisions by providing more detailed reasons for decisions on the respective screening checklists.

<sup>7</sup> Department of Justice Office of the Inspector General, Audit Report 10-43, August 2010.

<sup>8</sup> Department of Justice Office of the Inspector General, Audit Report 10-26, June 2010.



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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 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.

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.

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## 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.

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

BJA agreed with this recommendation and stated that it 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 will provide guidance to BJA staff on the required information and the level of detail that needs to be provided on the screening checklists.

To close this recommendation, BJA needs to provide an example of its revised screening checklist and a copy of the guidance provided to BJA staff.





## OJP Comments and Our Response

The draft report also contained two recommendations for OJP. OJP's Office of General Counsel (OGC) and the Grants Management Division (GMD) of OAAM 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 Conflicts 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.



## **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*

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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*

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**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

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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.



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