

## Deliberative and Pre-decisional

### Chapter 10. Grant Programs

#### Overview

Federal grant funding totals approximately \$700 billion a year and plays a crucial role in supporting state, local, tribal, and territorial law enforcement agencies. Federal grants provide critical resources for police departments to obtain modernized equipment and innovative technology to meet contemporary law enforcement needs. Such funds also can pay for the recruitment, hiring, and training of law enforcement officers. These grants, moreover, do not just directly fund the operations of police departments but also finance all aspects of the criminal justice system: victim services, juvenile justice and delinquency prevention, correctional facilities, and national security infrastructure. Federal grant money is therefore the lifeblood of any federal-state law enforcement partnership. The allocation of federal funds must be done using consistent standards and procedures, and with a sound understanding of where these funds are most needed.

In studying the use of federal grants to support American law enforcement, the Commission found that the distinct federal agencies responsible for issuing such grants should standardize and simplify the administrative process for applying for and receiving grant money, and that additional resources should be devoted to empowering and educating grant recipients to make the best use of the money awarded.

#### Background

Currently more than 1,800 federal grant programs are administered by 34 different agencies.<sup>1</sup> The collection of federal grants across the U.S. government varies depending on the mission of the agency, type of grant program, and the targeted audience.

Several federal grant-making agencies support state, local, and tribal law enforcement, including agencies from the Department of Justice (DOJ), the Department of Homeland Security (DHS), and the United States Department of Agriculture (USDA). These federal grant-making agencies include

- Department of Justice
  - The Office of Justice Programs (OJP) provides federal grants to help develop the national capacity to prevent and reduce crime, enhance public safety, strengthen law enforcement, improve officer safety, expand services for victims of crime, and enforce victims' rights. OJP has six program offices: the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking.
  - The Office of Community Oriented Policing Services (COPS Office) assists state, local, and tribal law enforcement agencies in their efforts to prevent crime, enforce laws, and represent the rights and interests of the general public.
  - The Office on Violence Against Women provides federal grants to help develop the national capacity to reduce violence against women, and administer justice for and strengthen services to victims of domestic violence, intimate partner violence, sexual assault, and stalking.
- Department of Homeland Security
  - The State Homeland Security Program assists state, local, and tribal efforts to build, sustain, and deliver the capabilities necessary to prevent, prepare for, protect against, and respond to acts of terrorism.

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<sup>1</sup> Matt Rumsey and Priya Mhatre, "Transforming Federal Grant Reporting: Current Challenges, Future Vision," *The Data Foundation*, June 2018, <https://www.datafoundation.org/transforming-federal-grant-reporting-paper-2018>; and Keegan, *U.S. House Committee on Oversight*, July 25, 2018.

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- The Urban Area Security Initiative assists high-threat, high-density urban areas' efforts to build, sustain, and deliver the capabilities necessary to prevent, prepare for, protect against, and respond to acts of terrorism.
- Operation Stonegarden (OPSG) supports enhanced cooperation and coordination among Customs and Border Protection, United States Border Patrol, and federal, state, local, and tribal law enforcement agencies to improve overall border security. OPSG provides funding to support joint efforts to secure the United States' borders along routes of ingress or egress to and from international borders, to include travel corridors in states bordering Mexico and Canada and states and territories with international water borders. State, local, and tribal law enforcement agencies use their inherent law enforcement authorities to support the border security mission and do not receive any additional authority as a result of participation in OPSG.
- The Tribal Homeland Security Grant Program focuses on enhancing the ability of state, local, and tribal governments and nonprofits to prevent, protect against, respond to, and recover from terrorist attacks.
- Department of Agriculture
  - The USDA Rural Development Program helps improve the economy and quality of life in rural America. Public safety services—such as fire departments, police stations, prisons, police vehicles, fire trucks, public works vehicles, or equipment—are funded through the Community Facilities Direct Loan and Grant Program.

Each of these agencies has its own policies and requirements to administer its grant programs, which leads to inconsistent processes that create obstacles for the state, local, and tribal law enforcement agencies applying for federal funding.

### 5.1 The Federal Grant-Making Process and Application and Grant Management Systems

Law enforcement agencies that seek federal grant funds often discover the lack of standardization in the administration of grants across the federal grant-making agencies. State, local, and tribal law enforcement agencies often confront duplicative, onerous, and conflicting grant management requirements that burden or confuse the grant applicant. These difficult, burdensome, and confusing procedures attending the administration of grants can discourage and deter state, local, and tribal law enforcement agencies from applying for federal funds at all. Therefore, it is critical to streamline, standardize, and simplify the grants management processes to ensure that federal funds facilitate the programs and services as intended by Congress.

Attorney General William P. Barr has stated that while “the department’s grant funding provides crucial support to state and local law enforcement . . . some jurisdictions are foregoing grant opportunities because of onerous application and compliance requirements.”<sup>2</sup> Attorney General Barr directed OJP and the COPS Office to implement a series of changes to streamline the grant-making process . Many of the challenges that state and local law enforcement officials presented to the Commission about the administration of federal grants coincide with those identified through studies, hearings, policy (e.g., Uniform Administrative Guidance), and research. This further bolsters support for necessary reform in the grant-making process.

The Commission identified many challenges with the current state of federal grants. Some of the challenges include applicants needing to access multiple grant management systems that require multiple usernames and passwords; application processes that are repetitive and arduous; an increase in grant special

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<sup>2</sup> William P. Barr, U.S. Attorney General, “Remarks as Prepared for Delivery,” presented at the Major County Sheriffs of America Winter Conference, Washington, DC, February 11, 2020, <https://www.justice.gov/opa/speech/attorney-general-william-p-barr-delivers-remarks-major-county-sheriffs-america-winter>.

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conditions; and onerous programmatic reporting requirements.

Over the last decade, a number of groups have identified the need for transparency and accountability regarding the effectiveness of federally funded programs. For example, the President's Management Agenda's Cross-Agency Priority Goal, *Results Oriented Accountability for Grants*, placed a focus on four strategies: (1) standardizing processes and data; (2) building a shared information technology infrastructure; (3) managing risk; and (4) achieving program goals and objectives. Each of these areas align with the Commission's recommendations.<sup>3</sup>

The ways to address these challenges were specifically expressed by the 2018 U.S. Government Accountability Office report, *Grants Management: Observations on Challenges and Opportunities for Reform*, which identified five key areas to improve the grant-management process:

- streamline processes
- maintain transparency
- collaborate and consult with grant participants
- reduce duplication, overlap, and fragmentation
- standardize internal controls and oversight.<sup>4</sup>

### **5.1.1 The Department of Justice grant-making components should develop a common, standardized data- and information-sharing capability to support the grants management lifecycle for both internal and external users.**

A centralized grants management system at the department level would alleviate the problem of applicants navigating multiple systems, standardize the application process across grant-making agencies, and reduce the burden on all stakeholders. The need for a streamlined system also applies to grant implementation and monitoring of post-award activities. In many cases, grantees spend considerable time and resources to complete progress reports from various grant-making agencies at the same time. Not only would the improved system make it easier for recipients to focus their resources on the implementation of the funded programs and their results, the grant-making agencies would also mitigate the costs associated with the grants management process by streamlining the approach to identify and eliminate duplications and overlap prior to award.

The Commission and grant management experts identified a number of characteristics to consider building into a centralized grants-management system that would make it easier and more efficient for state, local, and tribal agencies to apply for and manage federal grants:

- electronic notification of funding opportunities with identifiable program objectives and deadlines
- automated application forms with question prompts and multiple-choice options
- an intuitive user interface with step-by-step instructions and helpful hints
- the ability to capture grant application reviewer comments and make them available to successful or unsuccessful applicants to guide future applications
- a mobile app version that offers a convenient method for agencies to apply for grant funding and

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<sup>3</sup> "Results Oriented Accountability for Grants," Office of Management and Budget, accessed June 3, 2020, [https://www.performance.gov/CAP/action\\_plans/dec\\_2019\\_Results-Oriented\\_Accountability\\_for\\_Grants.pdf](https://www.performance.gov/CAP/action_plans/dec_2019_Results-Oriented_Accountability_for_Grants.pdf).

<sup>4</sup> U.S. House Committee on Oversight and Government Reform, Subcommittee on Intergovernmental Affairs: *Hearing on Federal Grant Management* (July 25, 2018) (written statement of Michelle Sager, Director, Strategic Issues, U.S. Government Accountability Office), <https://www.gao.gov/assets/700/693398.pdf>.

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manage active grants, in addition to other potential opportunities

Rural and tribal law enforcement agencies would greatly benefit from a simpler, more streamlined system, as their staffing limitations often do not allow for the time required to complete the application process. As noted by Chief Keith Kauffman of the Redondo Beach Police Department in California, “a well-designed system would level the playing field for all.”<sup>5</sup>

### **5.1.2 The Department of Justice grant-making components should develop a common, standardized set of what data fields are to be collected, subjected to analytics, and reported.**

Standardizing the data will allow grant-making agencies to better collaborate, help reduce the time spent by grant recipients during the application and implementation phases, and maintain consistency and quality in data standards when submitting progress reports. The Commission heard from many state and local grant administrators about the challenges they encountered while submitting multiple progress reports for different cross-agency programs. Grant administrators also identified that the use of common grants management terms was inconsistent and that progress report formatting varied.

#### **[CROSS REFERENCE DATA AND REPORTING]**

Over the last six years, the federal government has focused on improving the efficiency of reporting requirements for government, businesses, and nonprofits. Implementing a common language is the first step to realizing the benefits of data standardization. Currently, the standard data elements include more than 400 common grants management terms and definitions that will require further refinement. The next step would be to integrate these standards for consistent data collection into the system recommended in 5.1.1, thereby creating a single venue for data related to federal funding for law enforcement.

### **5.1.3 The Department of Justice grant-making components should adhere to plain language requirements that clearly convey how grantees should meet the program goals and objectives and to reflect the overall performance of the grantee.**

Grant-making agencies should employ a process to establish that the funded programs derive the desired outcomes and ensure that federal funds are used as intended. Grant-making agencies should provide clear guidance in the applications on how to measure performance.

Each federal grant-making agency should shift its grants management system from one that is reliant on compliance to one that is more balanced and includes measurable program and project goals and data analysis. This effort supports the President’s Management Agenda.

## **5.2 Use of Federal Funds**

Law enforcement agencies should maximize the use and value of federal grants to ensure that communities receive the full benefit from these funds. In addition to streamlining the application process, solutions to help law enforcement agencies maximize the impact of federal grants across different communities are critical. Such solutions should focus on allowing the grant-making agencies to fashion grants in a manner that state and local governments have sufficient flexibility to use federal funds in a manner that addresses their specific criminal justice needs; offering grant applicants and recipients training on application preparation, implementation, and management; and providing technical assistance to grant recipients on sustainability of federal funds.

As noted, applicants expend considerable resources to apply for grants using the current application processes and grant management systems. These issues range from inflexible grant programs and a lack of clear communication to inform grantees how to appropriately use the funding. Additionally, many grantees lack the necessary knowledge to ensure their programs effectively use the federal funding and meet the

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<sup>5</sup> Keith Kauffman, Chief of Police, Redondo Beach Police Department, CA, in discussion with Grant Programs Working Group, virtual meeting, April 9, 2020.

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administrative and programmatic requirements.

**5.2.1 The Department of Justice should reduce the bureaucracy involved in grant program application and administration, to allow state, local, and tribal governments to efficiently and effectively address their criminal justice needs. The Department should eliminate or reduce unnecessary state administrative pass through processes from its grant program administration.**

State and local agencies are the ones on the front lines of criminal justice. The Department of Justice’s grants should therefore enable these agencies, as grant recipients, to address the emerging crime issues in their localities. The Department can do so by reducing the amount of administrative steps in the grant process in order to make funds available in a timely and responsive manner for needs in the field. The Department should also provide funds directly to the grant recipients, rather than having funds pass through state administrators. Programs administered through state agencies lead to additional delays in funding reaching the law enforcement recipients, and can result in fewer dollars reaching the field due to carve-outs. The Department of Justice should also work to reduce the length of grant applications, the number of data fields and amount of narrative requested in applications, and the reporting requirements on grants, to ease the administrative burden on agencies of applying for and using federal funds. Doing so would encourage more agencies to apply for DOJ’s grant funding and allow recipient agencies to maximize their time and personnel resources in utilizing these funds.

Additionally, while there are legitimate reasons for the Department to install special conditions on the issuance of grants, such as the conditions added to ensure grant recipients’ compliance with immigration authorities, in general when imposing additional special conditions, an agency should weigh the cost of these conditions to complicating and disjointing the overall federal grant-making process. An example of the increase in special conditions (i.e., modifications, contracts, or memorandums of understanding with other jurisdictions; evaluation; award-monitoring activities; and extensions) over the last five years is illustrated in the table below.

**Table 5.2**

Federal Award	Number of 2015 Special Conditions	Number of 2019 Special Conditions
Edward Byrne Memorial Justice Assistance Grant (JAG)	47	72
Victims of Crime Act (VOCA) Administrators	30	41
The Residential Substance Abuse Treatment for State Prisoners Program	29	46
National Criminal History Improvement Program	39	51
The Paul Coverdell Forensic Science Improvement Grants Program (the Coverdell program) awards grants	33	47
Sexual Assault Services Formula Grant Program	44	51
Student, Teachers, and Officers Preventing School Violence Act	52	56

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Source: Jennifer Brinkman, *President's Commission on Law Enforcement and the Administration of Justice: Hearings on Grant Programs* (April 30, 2020)

### **5.2.2 Congress should periodically assess and if necessary, adjust the statutory formula of grant programs when they are reauthorized to ensure they still meet their intended need and that they are equitably distributed across the nation.**

Congress authorizes and appropriates certain grant funding via formula ensuring each state receives a portion of the available money. To establish these formulas, Congress relies upon specific factors and calculations to determine the proper allocation to each state. However, the conditions and circumstances present when the formulas were first set may have changed with the passage of time and may now be inaccurate. To ensure equitable distribution of formula grants, Congress should regularly review the validity of the elements used in the formula and make adjustments as warranted when reauthorizing them.

### **5.2.3 The Department of Justice should establish a comprehensive training program to inform state, local, and tribal law enforcement agencies about grant application requirements, grant application preparation, reporting responsibilities, monitoring, and other competencies as identified by the Department of Justice Advisory Working Group of state, local, and tribal representatives.**

Grants training would greatly reduce the mismanagement that can occur from a lack of agency understanding on how to properly administer the funds. Many local agencies, most notably those in rural and tribal jurisdictions, do not have dedicated grant writers or staff with expertise in grant management. This puts them at a disadvantage when it comes to locating available grants and understanding the application process.

#### **[CROSS REFERENCE RURAL AND TRIBAL]**

Although a new grants management system will be easier to understand and simpler to navigate, first-time applicants and award recipients may still experience a learning curve. Accordingly, grant-making agencies should offer first-time applicants and award recipients the opportunity to participate in training on financial and programmatic management and reporting requirements. This training would familiarize applicants with the entire grant management process. Grant-making agencies should consider all training platforms, including webinars, desktop training, individualized assistance, and on-site or regional training.

Grant-making agencies should refer to the Office for Victims of Crime Tribal Financial Management Center (OVC TFMC) as a good training model. The OVC TFMC serves more than 225 grantees by providing training, technical assistance, and resources to support American Indian and Alaska Native communities.

### **5.2.4 Department of Justice grant-making components should provide assistance to grant recipients on how to sustain federally funded programs and items after the grant period is finished.**

One of the biggest challenges for the grant recipient to overcome is the decline of programs after grant funds are exhausted. Therefore, federal agencies should consider requiring grant recipients to provide a sustainability plan to ensure continuity of the program. This sustainability plan should start with the initial application and continue through progress reports and periodic check-ins between the awarding agency and award recipient. Additionally, the grant-making agency should provide the necessary resources (e.g. webinars, training, or technical assistance) to underscore the importance of building off the federal support. This sustainability plan should be integrated in the information technology solution recommended in 5.1.1 and the overall training program recommended in 5.2.2.

Sustainability is a dynamic process; therefore, strategies will change over the course of the grant period and will depend on the nature of the program. This sustainability plan should be evidenced-based to determine what outcomes are possible and reasonable. It should also identify what mechanisms will continue to exist to manage the most effective components after grant funds are exhausted.