

## Deliberative and Pre-decisional

### Chapter 5. Grant Programs

#### Introduction of the Issue

Federal grant funding plays a crucial role in supporting state, local, tribal, and territorial law enforcement agencies. Of the \$700 billion in federal grants awarded each year, about \$550 billion is given to state and local governments.<sup>1</sup> Currently, more than 1,800 federal grant programs are administered by 34 different agencies.<sup>2</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.

**[PULL QUOTE:]** “Although day-to-day criminal administration is primarily a state and local responsibility, the federal government’s contribution to the national effort against crime is crucial.”<sup>3</sup>

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). Some of the agencies and grant programs that support state, local and tribal law enforcement include the

- 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 (BJA), the Bureau of Justice Statistics (BJS), the National Institute of Justice (NIJ), the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the Office for Victims of Crime (OVC), and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART).
  - 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 (OVW) 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, dating violence, sexual assault, and stalking.
- Department of Homeland Security
  - The State Homeland Security Program (SHSP) assists state, local, tribal, and territorial efforts to build, sustain, and deliver the capabilities necessary to prevent, prepare for, protect against, and respond to acts of terrorism.
  - The Urban Area Security Initiative (UASI) 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 (CBP), United States Border Patrol (USBP), and federal, state,

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<sup>1</sup> *The President’s Management Agenda* (Washington, DC: U.S. Office of Management and Budget, 2018), 36, <https://www.whitehouse.gov/wp-content/uploads/2018/03/Presidents-Management-Agenda.pdf>; and *Committee on Oversight and Government Reform Subcommittee on Intergovernmental Affairs U.S. House of Representatives Hearing on Federal Grant Management* (July 25, 2018) (statement of Natalie Keegan, Analyst, American Federalism and Emergency Management Policy, Congressional Research Service), <https://docs.house.gov/meetings/GO/GO04/20180725/108606/HHRG-115-GO04-Wstate-KeeganN-20180725.pdf>.

<sup>2</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, *Committee on Oversight*, July 25, 2018.

<sup>3</sup> U.S. President’s Commission on Law Enforcement and the Administration of Justice, *The Challenge of Crime in a Free Society* (Washington, DC: U.S. Government Printing Office, 1967), 283, <https://www.ncjrs.gov/pdffiles1/nij/42.pdf>.

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local, tribal, and territorial 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, tribal, and territorial 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 (THSGP) focuses on enhancing the ability of state, local, tribal, and territorial governments, as well as nonprofits, to prevent, protect against, respond to, and recover from terrorist attacks.
- Department of Agriculture (USDA)
  - 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 have their own policies and requirements to administer their grants programs, which leads to inconsistent processes that create obstacles for the state, local, tribal, and territorial law enforcement agencies applying for federal funding.

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

#### *Background*

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, tribal, and territorial law enforcement agencies rely on federal resources to adequately serve their communities. But duplicative, unnecessarily burdensome, and conflicting grant management requirements waste federal resources and become particularly complicated and laborious for the grant recipients. As a result, recipients sometimes may be left with the impression that the benefit of receiving federal funds is not worth the time and hassle it takes to apply for funding. Therefore, it is critical to streamline and simplify the grants management processes to ensure that federal funds facilitate the programs and services as intended by Congress. To the extent feasible, standardization may further facilitate grant recipients in applying for and deploying grant funds.

Attorney General William P. Barr said that he knew “the department’s grant funding provides crucial support to state and local law enforcement, [but] . . . some jurisdictions are foregoing grant opportunities because of onerous application and compliance requirements.”<sup>4</sup> Attorney General Barr went on to explain that he directed OJP and the COPS Office to implement a series of changes to streamline the grant-making process.

#### *Current State of the Issue*

Many of the challenges that state and local law enforcement officials presented to the commission about the administration of federal grants coincide with those that the government 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

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<sup>4</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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include applicants being required to access multiple grant management systems, which results in multiple login IDs and passwords; application processes needing to be streamlined; an increase in grant special conditions; and onerous programmatic reporting requirements.

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 [table X](#).

**Table X.**

<b>Federal Award</b>	<b>Number of 2015 Special Conditions</b>	<b>Number of 2019 Special Conditions</b>
Edward Byrne Memorial Justice Assistance Grant (JAG)	47	72
Victims of Crime Act (VOCA) Administrators	30	41
The Residential Substance Abuse Treatment (RSAT) for State Prisoners Program	29	46
National Criminal History Improvement Program (NCHIP)	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 (STOP) School Violence Act	52	56

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

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
4. achieving program goals and objectives

Each of these areas align with the commission's recommendations.<sup>5</sup>

The overall remedies for these challenges were best expressed by the 2018 U.S. Government Accountability

<sup>5</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).

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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>6</sup>

### **5.1.1 The Department of Justice grant-making components shall develop a common, standardized data/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 need for applicants to navigate multiple systems, standardize the application process across grant-making agencies, and reduce the workload burden of all stakeholders. The need for a streamlined system also applies to grant implementation and monitoring of post-award activities. In many cases, grantees must 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 alleviate the costs associated with the grants management process by streamlining the approach to identifying and eliminating 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, tribal, and territorial 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 (e.g., Turbo Tax's approach)
- 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 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, California, police department, "a well-designed system would level the playing field for all."<sup>7</sup>

### **5.1.2 The Department of Justice grant-making components shall develop a common, standardized set of data by definition what data is to be collected, subjected to analytics and reported.**

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<sup>6</sup> *The Subcommittee on Intergovernmental Affairs, Committee on Oversight and Government Reform, House of Representatives, Grants Management: Observations on Challenges and Opportunities for Reform* (published July 25, 2018) (written statement of Michelle Sager, Director, Strategic Issues), <https://www.gao.gov/assets/700/693398.pdf>.

<sup>7</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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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. The Digital Accountability and Transparency Act (DATA Act) of 2014, Grant Reporting Efficiency and Agreements Transparency (GREAT) Act of 2019, and Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards all attempt to standardize data and reduce the burden placed on grant recipients. 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 and 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 shall make plain language requirements for grantees to meet program goals and objectives, and to reflect 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. In addition, grant-making agencies should provide tools and technical assistance throughout the life of the grant award.

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, which seeks to improve the ability of agencies—as stewards of taxpayer dollars—to derive the most value from the public money that they use to fund programs by providing superior service to their core constituencies and stakeholders and, thereby, delivering results that best serve the primary mission for which the funds are intended.

## **5.2 Use of Federal Funds**

### *Background*

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 would focus on providing state and local governments with 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.

### *Current State of the Issue*

As mentioned, 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. Strict requirements for grants limit their value to departments, thus decreasing their use. Additionally, many grantees lack the necessary knowledge to ensure that their programs effectively use the federal funding and meet the administrative and

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programmatic requirements.

### **5.2.1 The Department of Justice should prioritize flexibility in grant programs allowing state, local and tribal governments to efficiently and effectively address their criminal justice needs.**

State and local governments are on the front lines of criminal justice. The federal government often takes too long to authorize and appropriate federal funding for specialized grant programs that help communities get ahead of emerging criminal justice issues. These specialized programs help maintain current initiatives or allow agencies to engage in evidence-based practices, but the availability of more flexible funding would allow communities to proactively address these issues. Programs like the Edward Byrne Justice Assistance Grant and some COPS Office grants allow recipients to quickly respond to emerging issues and form comprehensive collaborations with traditional and non-traditional criminal justice stakeholders. Such grant programs also allow entities to fill gaps in existing strategies or manage long-term problems like gang violence, prevention strategies, and reentry.

### **5.2.2 The Department of Justice shall establish a robust training program to build capacity of state, local and tribal law enforcement agencies in the understanding of 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.**

Most law enforcement agencies look for resources that will help them best accomplish their missions. Grants training is one area that would greatly reduce the mismanagement that stems from a lack of 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 as they develop and maintain the capacity to successfully manage the financial aspects of their federal awards. OVC TFMC offers a myriad of services and resources at no cost to OVC Tribal Victim Services Set-Aside Program awardees, including

- support for awardees' financial and programmatic staff in the financial management and reporting requirements
- individualized financial training and technical assistance
- regional training sessions
- access to a clearinghouse of current, relevant, and effective tools, materials, and promising practices
- webinars

### **5.2.3 Department of Justice grant-making components should assist grant recipients to sustain federally-funded items by providing the resources and capacity to effectively and successfully support grant-funded items for the long-term.**

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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 how important it is to build 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 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.

There are a number of obstacles to sustainability, including maintaining equipment and personnel. For this reason, granting agencies must collaborate with local agencies to help devise ways to accomplish those goals.