

Chapter 5. Grant Programs

Introduction of the Issue

Federal grant funding plays a crucial role in supporting state, local, and tribal law enforcement agencies. Of the \$700 billion in federal grants awarded each year, about \$550 billion is given to state and local governments.^{1,2} Currently, more than 1,800 federal grant programs are administered by 34 different agencies.^{3,4} The collection of federal grants across the U.S. government varies depending on the mission of the agency, types of grant programs, 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.”⁵

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

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)* programs assist 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

- *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.

¹ U.S. Office of Management and Budget, The President’s Management Agenda 36 (March 19, 2018)

² Federal Grant Management Before the House Oversight and Government Reform Committee, 115th Congress (2018) (Statement of Natalie Keegan, Analyst, Congressional Research Service).

³ Matt Rumsey and Priya Mhatre, Transforming Federal Grant Reporting: Current Challenges, Future Vision, The Data Foundation (June 2018).

⁴ Federal Grant Management Before House Oversight and Government Reform Committee, *supra*, note 2.

⁵ The Challenge of Crime in a Free Society, A Report by the President’s Committee on Law Enforcement and Administration of Justice, page 283.

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- *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, 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 (SLTT) 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.
- *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)

- *USDA Rural Development Program* helps improve the economy and quality of life in rural America. Through the Community Facilities Direct Loan and Grant Program public safety services are funded, such as fire departments, police stations, prisons, police vehicles, fire trucks, public works vehicles, or equipment.

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, and tribal law enforcement agencies applying for federal funding.

The 1967 President's Commission on Law Enforcement and the Administration of Justice (Johnson commission) report offered a number recommendations that established an approach for handling federal support for law enforcement. One of the Johnson commission's recommendations was for Congress to create a new DOJ office devoted to assisting state and local law enforcement departments. Today, the Office of Justice Programs delivers federal support to what remains a locally determined and managed justice system. These agencies demonstrate a unique role the federal government has in fighting crime and their attempts to add value to local criminal justice efforts.⁶

Another major development in federal support for law enforcement was the creation of the COPS Office. The COPS Office was created by Title I of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322, "the 1994 Crime Act"). The mission of the COPS Office is to advance the practice of community policing through information sharing and grant resources.

The working group heard from subject matter experts and other witnesses on the challenges that law enforcement agencies face when applying for federal grants and how difficult it is to meet the reporting requirements mandated by the federal government. The results helped determine actions federal grant-making agencies can take to better support applicants, maximize the impact of federal funding, and increase support for state and local law enforcement.

⁶ The 40th Anniversary of the Crime Report - Date Published January 1, 2019, By Thomas E. Feucht, Ph.D. and Edwin Zedlewski, Ph.D.

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The commission recognizes the number of federal agencies that support state, local, and tribal law enforcement agencies through federal funding, and these recommendations neither reflect all federal agencies and grant making processes nor prescribe recommendations to specific topics.

5.1 Standardize and Streamline 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, and tribal 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. It is therefore 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.”⁷ Attorney General Barr went on to explain that he directed OJP and COPS 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 are 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 the following table:

Federal Award	Number of 2015 Special Conditions	Number of 2019 Special Conditions
Justice Assistance Grant (JAG)	47	72
Victims of Crime Act (VOCA) Administrators	30	41

⁷ Attorney General William P. Barr Delivers Remarks at the Major County Sheriffs of America Winter Conference, Washington, DC, February 11, 2020.

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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 School Violence Act (STOP School Violence Act)	52	56

PULL QUOTE “The Department of Justice has no higher priority than the safety and security of this country. We can only accomplish that mission through a close partnership with . . . our local law enforcement partners. This administration is dedicated to strengthening our partnerships, enhancing cooperation, and delivering the resources that state, local, and tribal law enforcement need to succeed. I know the department’s grant funding provides crucial support to state and local law enforcement.”⁸

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*⁹ 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.

The overall remedies for these challenges were best expressed by the 2018 U.S. Government Accountability Office report, *Grants Management: Observations on Challenges and Opportunities for Reform*¹⁰, which identified five key areas to improve the grant-management process:

- streamline processes
- maintain transparency
- collaborate and consult with grant participants

⁸ Attorney General William P. Barr Delivers Remarks at the Major County Sheriffs of America Winter Conference, Washington, DC, February 11, 2020.

⁹ <https://www.whitehouse.gov/omb/management/pma/>

¹⁰ <https://www.gao.gov/assets/700/693398.pdf>

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- reduce duplication, overlap, and fragmentation
- standardize internal controls and oversight

Based on these considerations, the commission presents the following recommendations to increase the efficiency and the effectiveness of federal funding, which are intended to dramatically improve how grants assist state, local, and tribal law enforcement agencies.

5.1.1 The federal government, at the department level, should require grant-making agencies to develop a shared information technology solution 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. 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 a more streamlined approach to identify and eliminate duplications and overlap prior to award.

The commission and grant management experts identified a number of characteristics to be considered that would make it easier and more efficient for state, local and tribal agencies to apply for and manage federal grants under one system for each department:

- 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 (i.e., Turbo Tax approach)
- ability to capture grant application reviewer comments and make available to successful/unsuccessful applicants to guide future applications
- a mobile app version that offers a convenient method for agencies to apply for grant funding, manage active grants and 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, Redondo Beach Police Department, “a well-designed system would level the playing field for all.”¹¹

OJP, the COPS Office, and OVW are currently developing an information technology solution to use a single grants management system that is established and maintained by OJP’s Office of Audit, Assessment, and Management (OAAM). The DOJ system, JustGrants, plans to support features that directly solve many of the challenges grant recipients have identified, including

- streamlined applications
- increased automation

¹¹ Keith Kauffman, Chief of Police, Redondo Beach Police Department, Commission Workgroup Member

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- integrated solutions
- customizable dashboards
- incorporated data standards

The system will also allow for streamlined program planning, audit, performance management, and monitoring processes and easily accessible communications and customer service.

5.1.2 The federal government, at the department level, should standardize how data are defined, collected, 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 were inconsistent and that progress report formatting varied.

[INSERT CROSS-REFERENCE TO DATA AND REPORTING]

Over the last six years, the federal government has focused on improving the efficiency of reporting requirements for government, businesses, and non-profits. 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. These moves represent a significant milestone to improve the uniformity and quality of grants management data, support the modernization of grants information technology solutions, and reduce recipient reporting burden.

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 Grant-making agencies should determine achievement of program goals and objectives through grant recipient performance.

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. The commission heard from subject matter experts and grant administrators that some grant programs lack clear guidance on how to properly track and measure performance to ensure intended outcomes were successful or not. 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.

Federal grant-making agencies should shift 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 to

“deliver mission outcomes, provide excellent service, and effectively steward taxpayer dollars on behalf of the American people. To track and achieve these priorities, the PMA leverages

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Cross-Agency Priority (CAP) Goals, including the Results-Oriented Accountability for Grants CAP Goal (Grants CAP Goal #8). The purpose of the Grants CAP Goal #8 is to maximize the value of grant funding by applying a risk-based, data-driven framework that balances compliance requirements with demonstrating successful results.”¹²

A valuable tool federal grant making agencies to use is the recently published “*Performance Management Playbook for Federal Awarding Agencies (PM Playbook)*.” The playbook helps grant-making agencies identify promising practices to increase their emphasis on analyzing program results, project results, and individual award recipient performance, while also maintaining and minimizing compliance efforts.

5.2 Achieve Optimal 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: (1) providing state and local governments with sufficient flexibility to use federal funds in a manner that addresses their specific criminal justice needs; (2) offering grant applicants and recipients training (if they wish to participate) on application preparation, implementation, and management, and (3) providing technical assistance to grant recipients on sustainability of federal funds.

Current State of the Issue

As previously 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 lack of clear communication to inform grantees how to appropriately use the funding. Grants with strict requirements 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 programmatic requirements.

5.2.1 The federal government should prioritize flexibility in grant programs that allow state and local governments to more 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. Chief of Police, Lou Dekmar, LaGrange Police Department stressed “Agencies (rural and tribal) are frequently challenged with the exercise of putting a round peg in a square hole because their community needs are unique to their area and may not fall exactly into the grant application requirements.”¹³

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.

¹² Managing for Results: The Performance Management Playbook for Federal Awarding Agencies

¹³ Lou Dekmar, Chief of Police, LaGrange Police Department, Commission Workgroup Member

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Attorney General Barr has also expressed his support for more use of discretionary funding: “I am aware that the funding a sheriff ultimately receives from our grants is significantly reduced because of state or local government pass-through costs. I support your request for sheriffs to have access to direct funding, which would alleviate the administrative burdens and costs of the current system.”¹⁴

Many OJP formula grants are awarded directly to state governments through State Administering Agencies (SAA). BJA relies on SAAs to provide services that they otherwise cannot, such as programmatic and fiscal monitoring, analytical support, research and program evaluation, and planning due to limited federal capacity. Additionally, SAAs offer flexibility as a partner with the federal grant-making agencies on implementation of federal grant programs. “SAAs are involved in strategic planning for their states, and regularly attend meetings and gather information from key stakeholders. This information would benefit federal departments when developing discretionary grant programs or deciding on priority areas for funding. Collaboration, at the federal, state and local levels is the most important component to the success of any grant program.”¹⁵

5.2.2 Grant-making agencies should offer grants management training to grantees that spans the entire lifecycle: application preparation, award acceptance, and implementation and management.

The commission heard from state and local grant administrators who spoke about the importance of clearly defined administrative and programmatic requirements and audit activities. These factors enhance the consistency and sustainability of the grant funding; however, training is still a necessary component for effective grants management. Most law enforcement agencies are simply looking for the resources that will help them best accomplish their missions. Grants training opportunities 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.

[INSERT CROSS REFERENCE FOR 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. 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

¹⁴ Attorney General William P. Barr Delivers Remarks at the Major County Sheriffs of America Winter Conference, Washington, DC, February 11, 2020.

J President’s Commission on Law Enforcement and the Administration of Justice: Hearings on Grant Programs (April 30, 2020) (statement of Jennifer Brickman, Executive Director of Tennessee State Administering Agency, Tennessee Office of Criminal Justice Programs, Tennessee Department of Finance and Administration)

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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 Federal grant-making agencies 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.

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 that grant recipients 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.

No program lasts forever, and all suffer from some level of diminishing returns; however, programs that are prime to exist after a grant expires will ensure the communities receive the maximum value of the federal funds. The goal should not be to sustain all of a program's components over time; instead, it should be to sustain the most effective components.

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 when it comes 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.

5.2.4 The federal government should appoint an advisory group for grant-making agencies that provide funding that go directly to law enforcement agencies.

Given the changing needs of law enforcement and the dynamic nature of federal grant making, this advisory group should be comprised of law enforcement executives and members from national law enforcement organizations that has a pulse on the critical needs and emerging issues facing state and local law enforcement.

An active advisory group should play a leading role in advocacy and strategic direction and also assist agencies with their program development. The advisory group should be available to solicit advice and counsel from the state, local, and tribal law enforcement agencies that are most affected by the advisory group's recommendations.

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These advisory meetings should occur quarterly, which would allow the advisory group the time to compose a comprehensive response that addresses the needs and trends of law enforcement. This information would then be relayed to the senior leadership of the grant-making agencies.

References

- References will be added later

Appendix B: Methodology

Field Visits

- Not applicable at this time

Hearings

- This can be done centrally, no action needed from FPM/WG per chapter.

Literature search (add Public Comments?)

- COPS Resource Library
- NCJRS
- Grant Programs Workgroup Resource List
- Other sources will be added

SME briefings

- SME Briefing #1 – March 26th, 2020 – Topic: Federal, State and Local Perspective on the Administration of Federal Grants
 - Andrea Delap, Administrative Analyst, Grant Coordinator, Redondo Beach Police Department
 - Mark Fero, Grants Compliance Supervisor, Virginia Department of Criminal Justice Services
 - Albert Stokes, Grant Manager, Virginia Department of Criminal Justice Services
- SME Briefing #2 – March 30th, 2020 – Topic: Federal, State and Local Perspective on the Administration of Federal Grants
 - Melissa Darby, Grants Director, Ohio Office of Criminal Justice Services
 - John Iorio, Chief of Staff, Office of International Affairs, U.S. Customs and Border Protection
 - Tony Vidale Deputy Director, Arizona Criminal Justice Commission
- SME Briefing #3 – May 1st, 2020 – Topic: Office for Victims of Crime Tribal Financial Management Center (OVC TFMC)
 - Bill Woolf, Senior Advisor for Victim Services and Human Trafficking Program, Office for Victims of Crime
 - James Simonson, Associate Director, Office for Victims of Crime

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- Anne Hamilton, Grants Program Specialist, Office for Victims of Crime
- Sheree Hukill, OVC Tribal Financial Management Center Project Director

Data

- Not applicable at this time

Business meetings (conference calls)

- Workgroup Meetings Held to Date: February 20th, February 26th, March 12th, March 26th, March 30th and April 9th.