

## **Section 11: Department of Justice**

In FY 2010, the Department of Justice received \$27.7 billion in discretionary funding, a 7.7 percent increase over last year's non-emergency discretionary level.

This amendment would rescind \$1.38 billion (five percent) from the Department and direct the Secretary to eliminate and consolidate more than 53 duplicative programs at the Department and eliminate waste to produce savings.

### **Duplicative Department of Justice Programs**

#### **Second Chance Act**

Funded at more than \$100 million in FY 2010, the Second Chance Act funds offender-prisoner reentry programs.

DOJ is responsible for allocating \$100 million, which breaks down into the following amounts:

- \$37 million for grants for adult and juvenile offender state and local reentry demonstration projects,
- \$15 million for grants for mentoring and transitional services,
- \$10 million for reentry courts,
- \$7.5 million for family based substance abuse treatment,
- \$2.5 million for evaluation and improvement of education at prisons, jails, and juvenile facilities,
- \$5 million for technology careers training demonstration grants,
- \$13 million for offender reentry substance abuse and criminal justice collaboration, and
- \$10 million for prisoner reentry research.

There are a number of other programs, both within DOJ and at other agencies, which also make money available to states and localities for the purpose of facilitating prisoner reentry, as outlined below.

#### **Department of Justice's Prisoner Reentry Initiative**

DOJ's Office of Justice Programs-Bureau of Justice Assistance administers the Prisoner Reentry Initiative (\$11.7 million in FY 2008), which provides funding to states and federally recognized tribes to develop, implement, enhance, and evaluate reentry strategies. It targets individuals 18 or older that have not been convicted of a violent or sex-related offense and assists them with returning to their communities after periods of incarceration.

According to the Congressional Research Service, the following DOJ programs are also able to be used by states and localities to fund prisoner reentry efforts. (All below was excerpted from CRS Report RL34287.)

- DOJ maintains formula grant programs outlined below that provide assistance to states or local units of government according to legislatively mandated formulas; this funding can be used for offender reentry purposes at the state or local unit of government's discretion. In addition to these programs, the **Edward Byrne Justice Assistance Grant program** can also be used by states to support offender reentry activities and initiatives.
- **Community Oriented Policing Services (COPS).** The COPS program does not expressly authorize funding for offender reentry purposes; nevertheless, under its broad community policing mandate, OJP has used this grant program on occasion to fund pilot offender reentry programs.
- **Weed and Seed.** The Weed and Seed program can also provide funding for state offender reentry programs. ...Offender reentry programs can [qualify for this funding] because funding can be used to provide supervision for ex-offenders in the community, as well as to develop support services. In addition to participating in the [Prisoner Reentry Initiative] program, Weed and Seed is currently collaborating with the Corporation for National and Community Service and the Local Initiatives Support Corporation to create volunteer-driven offender reentry initiatives in communities.
- **Juvenile Justice Grant Programs.** The Office of Juvenile Justice and Delinquency Prevention (OJJDP) administers a number of grants that can be used by states and units of local government to provide aftercare services (i.e., offender reentry programs) for juvenile delinquents who are returning to their communities from residential placement (i.e., prison).
- **The National Institute of Corrections (NIC).** Within the Federal Bureau of Prisons, NIC provides assistance for state and local corrections agencies. ...NIC's offender reentry-related support typically covers programs focused on preparing offenders for offender reentry while they are incarcerated. Specifically, the Office of Correctional Job Training and Placement works to advance the employability of offenders and ex-offenders, which is also duplicative of numerous efforts at the Department of Labor

## **Department of Labor's Reintegration of Ex-Offenders**

The Workforce Investment Act of 1998 authorized this competitive grant program combines two previous demonstration projects, the **Prisoner Reentry Initiative** (PRI) (\$108 million in FY 2010) and the Responsible Reintegration of Youthful Offenders (RRYO). PRI, funds faith-based and community organizations that help recently released prisoners find work when they return to their communities.

In addition, DOL maintains two programs that provide incentives for companies to hire ex-offenders. The **Work Opportunity Tax Credits** program provides up to \$2,400 in tax credits to companies for every former offender they hire, and the **Federal Bonding Program** allows companies who cannot obtain bonding or insurance from their own providers to bond ex-offenders for up to \$25,000 for up to six months.

According to CRS, various **Departments of Education, Housing and Urban Development, and Health and Human Services** programs may also be used to provide support for offender reentry education efforts, duplicative of efforts at the Department of Justice, including the following:

- Lifeskills for State and Local Inmates Program;
- the Grants to States for Workplace and Community Transition Training for Incarcerated Youth Offenders programs;
- Title II of the Workforce Investment Act, Adult Education and Family Literacy;
- The Perkins State Grant Program;
- HUD's Community Development Block Grant Program;
- Programs through HHS' Substance Abuse and Mental Health Services Agency (SAMHSA) and the Office of Community Services; and
- HHS' Young Offender Reentry Program.

### **Juvenile Grant Programs**

The Juvenile Justice Delinquency and Prevention Act (JJDP) includes four major grant programs, funded at \$423.5 million in FY 2010:

- the State Formula Grant program;
- the Juvenile Delinquency Prevention Block Grant program;
- the Challenge/ Demonstration Grant; and
- Title V Grant programs.

In addition, a fifth major program, the Juvenile Accountability Block Grant, while not authorized under JJDP, provides a major source of funding for juvenile justice efforts under OJJDP.

The purposes and allowable uses for funds under these programs have been broadly written in order to allow the Office of Juvenile Justice more discretion in their administration. However, this has led to significant overlap and duplication of federal efforts, a clear waste of taxpayer funding. Authorizations for all grant programs have expired, yet Congress continues to fund these programs, some of which expired as early as 2002.

The grant programs each provide funding for a wide array of purposes, many of which overlap. **At least 9 areas of specific overlap exist between just 2 of the grant programs.** Moreover, 3 of the programs allow funding for additional programs not included in the specific purpose areas identified by the Act. CRS has identified areas of overlap, and large grants that are awarded on a non-competitive basis.

**State Formula Grants** are grants awarded to states through a formula, that can be used to fund the planning, establishment, operation, coordination, and evaluation of projects for the development of more effective juvenile delinquency programs and improved juvenile justice systems.

**Juvenile Delinquency Prevention Block Grants.** This is a discretionary grant program that was originally designed to replace a number of smaller grant programs in the JJDPA's last reauthorization. The smaller grant programs were repealed in 2002 and their purpose areas were consolidated within this block grant. However, this consolidated program has never received any funding and instead, appropriators continue to fund some of the pre-existing separate grant programs, that were repealed and consolidated through the authorization process.

**Developing, Testing, and Demonstrating Promising New Initiatives and Programs (Challenge Grants, now Demonstration Grants).** The Challenge Grants program authorizes Justice to make grants to state, local, and tribal governments and private entities in order to carry out programs that will develop, test, or demonstrate promising new initiatives that may prevent, control, or reduce juvenile delinquency once again overlapping with the other juvenile grant programs. Originally designed to be distributed as a formula grant, but instead the entire account has been earmarked through the appropriations process.

**Title V Incentive Grants.** This Block Grant program authorizes Justice to make grants to states, which are then transmitted to units of local government, in order to carry out delinquency prevention programs for juveniles who have come into contact with, or are likely to come into contact with, the juvenile justice system.

**Juvenile Accountability Block Grant.** This formula Block Grant (\$55 million in FY 2010) overlaps the above-mentioned programs as it allows grants to state and local governments to be used to “strengthen their juvenile justice systems and foster accountability within their juvenile populations.”<sup>1</sup> Its 17 general accountability-based purpose areas overlap other juvenile justice grants and the Byrne Grant programs.

CRS notes that “a potential issue for Congress could include whether the current overlap within the juvenile justice grant programs is appropriate. Possible policy options could include altering the current grant programs to target funding for specific activities in each grant program or consolidating the different grant programs into one large program.”<sup>2</sup>

Juvenile Justice Programs not only duplicate each other, but also are duplicative of other Department of Justice efforts, including the following programs, which all allow funding to be used for juvenile justice programs and efforts:

- The **Byrne Discretionary Grant Program**, which was funded at \$185.3 million in FY 2010, and exists “to prevent crime, improve the criminal justice system, provide victims’ services, and other related activities;”<sup>3</sup>
- the **Byrne Competitive Grant Program**, which was funded at \$40 million in FY 2010, and funds broad categories of activity such as preventing crime and drug abuse, enhancing local law enforcement, enhancing local courts, enhancing local corrections and offender reentry;
- **Part B State Formula Grants** (\$75 million) and **Part C Delinquency Prevention Block Grants** (not funded this year) “both feature a wide array of purpose areas...that are largely similar. For example, both grant programs include purpose areas for: counseling, mentoring, and training programs; community based programs and services; and after school programs, [among others].”<sup>4</sup>
- **Part E Challenge Grants** (\$91.1 million-earmarked) and **Title V Incentive Grants** (\$65 million) “all include language allowing OJJDP to provide funding for additional programs not included in the specific purposes areas identified.”<sup>5</sup>
- The **JABG** (\$55 million), Part C Delinquency Prevention Block Grants, and Part B State Formula Grants all allow grant awards to address substance abuse, gang prevention and mental health.<sup>6</sup>

## Drug and Mental Health Court Programs

---

<sup>1</sup> *Id.* at 15.

<sup>2</sup> Finklea, Kristin, [Juvenile Justice: Legislative History and Current Legislative Issues](#), Congressional Research Service, April 14, 2009, at 21.

<sup>3</sup> Departments of Transportation and Housing and Urban Development, and Related Agencies Appropriations Act, 2010, House Report 111-366 at 680.

<sup>4</sup> Finklea, Kristin, [Juvenile Justice: Legislative History and Current Legislative Issues](#), Congressional Research Service, April 14, 2009, at 20.

<sup>5</sup> *Id.* at 21.

<sup>6</sup> *Id.* at 16, 21.

There are multiple substance abuse treatment programs to help offenders suffering from substance abuse funded throughout the federal government. In fact, the FY 2010 budget dedicates more than \$3.6 billion to drug treatment and intervention efforts.<sup>7</sup>

The Departments of Justice and Health and Human Services provide funding to state drug court programs that could be combined to better help offenders suffering from drug addiction. Furthermore, programs such as Byrne Grants may also be used to fund drug court programs.

The Department of Health and Human Services' **Adult, Juvenile and Family Drug Court program** (\$43 million in FY 2010) "awards grants to treatment providers and court systems to supply drug court participants with treatment services, including case management and program coordination."<sup>8</sup>

**DOJ's Drug Court Program** (\$45 million in FY 2010) now incorporates mental health and problem solving into its goals. "The program provides alternatives to incarceration for non-violent drug, mental health, and other offenders by using the coercive power of the court to induce modified behavior with a combination of escalating sanctions, drug testing, treatment, and strong aftercare programs."<sup>9</sup>

The federal Program Assessment Rating Tool (PART) review of these programs outlined that DOJ and HHS drug court programs do not effectively coordinate or collaborate that the program models could be changed to consolidate efforts.<sup>10</sup>

The DOJ Drug Court Program duplicates other federal efforts, including the **Byrne grant programs and the Office of National Drug Policy**. Many of these programs also overlap the Department's existing mental health court programs and funding sources, including the **Mentally Ill Offender Treatment and Crime Reduction Act, DOJ Drug Court Program, Byrne Grant Programs and the Second Chance Act, all of which fund mental health court efforts.**

### **National Drug Intelligence Center**

The National Drug Intelligence Center (NDIC) is an earmark that has been funded since 1992 by one congressman, the chairman of the appropriations subcommittee that funded NDIC.

---

<sup>7</sup> National Drug Control Strategy: FY2010 Budget Summary, at 3.

<sup>8</sup> *Id.* at 4.

<sup>9</sup> *Id.* at 118.

<sup>10</sup> *Id.*

In total, more than \$630 million has been spent on NDIC.<sup>[3]</sup> This duplicative and wasteful program has changed its mission in response to constant criticism numerous times. Jim Milford, a former NDIC deputy, admitted “I’ve never come to terms with the justification for the NDIC” and “the bottom line was that we had to actually *search* for a mission.”<sup>[4]</sup>

This institution is largely duplicative of other drug intelligence gathering units and is poorly located,<sup>[11]</sup> leading critics to assert NDIC is simply a job-creating entity whose mission is to exist on the taxpayer’s dime.<sup>[12]</sup>

To name only a few, NDIC is duplicative of:

- The **El Paso Intelligence Center (EPIC)** was created in response to a 1974 DOJ report which recommended establishing a drug intelligence center along the Southwest border – where illicit drug activity was more common. Currently, agencies working at EPIC include DEA, FBI, U.S. Marshals Service, BATFE, TSA, the U.S. Coast Guard, and a number of other agencies. EPIC has developed into “a fully coordinated, tactical intelligence center supported by databases and resources from member agencies.”<sup>[1]</sup>
- The General Accounting Office (now the Government Accountability Office or GAO) issued a report in 1993 noting that **NDIC duplicates the activities of 19 drug intelligence centers that already existed.**<sup>[2]</sup> The primary function of 15 of these centers was to gather and analyze time-sensitive information such as current location and movement of specific drug smuggling activities. The remaining four centers generally produce information on long-term trends and patterns.
- As part of a 1989 effort to better coordinate counterdrug efforts, three intelligence centers were authorized:
  - The **Joint Task Force Four** (now called Joint Interagency Task Force-South), located off Southern coast of Florida, continues to conduct counter illicit trafficking operations, intelligence fusion and multi-senior correlation to detect, monitor, and handoff suspected illicit trafficking

---

<sup>[3]</sup> [http://www.murtha.house.gov/index.php?option=com\\_content&task=view&id=380&Itemid=1](http://www.murtha.house.gov/index.php?option=com_content&task=view&id=380&Itemid=1)

<sup>[4]</sup> Bret Schulte. “A Drug War Boondoggle: The White House wants to kill it, but a little government agency may manage to live on,” U.S. News World & Report, May 9, 2005; <http://www.usnews.com/usnews/news/articles/050509/9ndic.htm>

<sup>[11]</sup> Located more than 100 miles from the nation’s capital and almost 70 miles from the closest major city, Johnstown is not an ideal location for drug intelligence or law enforcement activities. It isn’t close to the border or a major drug hotspot and it isn’t close to a major transportation hub.

<sup>[12]</sup> Daniel Lovering. “Official: disputed Pa. facility plays vital part in drug war,” Centre Daily News, June, 30, 2007;

<http://www.centredaily.com/news/state/story/140171.html> .

<sup>[1]</sup> E-mail from DEA Congressional Liaison, 07/03/2007 – 4:16 PM

<sup>[2]</sup> “Drug Control; Coordination of Intelligence Agencies,” U.S. General Accounting Office, April 1993;

<http://archive.gao.gov/t2pbat6/149104.pdf>

- targets. CBP, CIA, DEA, DoD, DIA, FBI, ICE, NSA, and NGA have employees within this intelligence center.<sup>[3]</sup>
- The **Joint Task Force Five** (now called Joint Interagency Task Force-West), located in Honolulu, brings military and law enforcement capabilities together to combat drug-related transnational crime in the Asia-Pacific Region.<sup>[4]</sup>
  - The **Joint Task Force Six**, located in El Paso, Joint Task Force Six (JTF-6), provides Department of Defense counterdrug support to federal, regional, state and local law enforcement agencies throughout the continental United States. Military support is designed to assist law enforcement in their mission to detect, deter, disrupt, and dismantle illegal drug trafficking organizations.<sup>[5]</sup>

## **Waste and Mismanagement at the Department of Justice**

The Department of Justice ends each fiscal year with billions of dollars in unspent and unobligated funds. In 2009, the total amount of unobligated DOJ funds is projected to be approximately **\$2 billion**.<sup>11</sup>

Billions of taxpayer dollars at DOJ are funneled into programs that duplicate existing government projects, lack clearly defined goals, are non-essential and/or operate without any form of measurability or accountability. Despite the widespread budget and criminal response issues facing law enforcement units across the nation, the Department of Justice continues to mismanage and waste millions of dollars, as well as staff resources, every year on low-priority earmarks, grants, and other initiatives, including \$600 limousine rides, camping trips, and helping Hollywood make movies.

The Department of Justice spent at least **\$312 million over seven years on conference attendance** and sponsorship. In 2006, the most recent year for which figures are available, the agency sent 26,000 employees (one fourth of its total workforce) to conferences and spent \$46 million in the process.

For the past six years, the IG has consistently identified grant management as one of DOJ's top 10 management and performance challenges. Over 375 audits by the IG have resulted in significant findings associated with serious money lost to waste, fraud or abuse.

---

<sup>[3]</sup> <http://www.jiatfs.southcom.mil/>

<sup>[4]</sup> [http://www.pacom.mil/web/site\\_pages/staff%20directory/jiatfwest/jiatfwest.shtml](http://www.pacom.mil/web/site_pages/staff%20directory/jiatfwest/jiatfwest.shtml)

<sup>[5]</sup> <http://www.globalsecurity.org/military/agency/dod/jtf-6.htm>

<sup>11</sup> <http://www.whitehouse.gov/omb/budget/fy2009/pdf/balances.pdf>