

June 27, 2008

The Honorable Michael B. Mukasey
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Mukasey:

Last December, the Senate Judiciary Committee held a hearing on the reauthorization of the Juvenile Justice Delinquency and Prevention Act (JJDP). Several witnesses at that hearing asserted that the Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP), the office charged with assisting states in implementing the principles and requirements of the JJDP, lacks sufficient transparency in how it carries out these functions.

Subsequent press reports, inquiries, and hearings have raised further questions about OJJDP's exercise of its grant-making authority. Pursuant to the Senate's oversight authority, and particularly as we move forward in considering recently introduced legislation reauthorizing the JJDP, it is important that we understand the basis of these concerns. To that end, we are requesting that you provide us with information and documentation regarding the policies and practices used by OJJDP to award grants and the basis for decisions the Office has made. Similar concerns about competitive grant programs administered throughout the National Institute of Justice led the Senate to request an audit of all such programs by the Department's Office of Inspector General.

As noted on the Department's own website, OJJDP is charged with using a competitive grant award process that ranks competing bids to determine which state and community-based organizations will receive discretionary grants to implement programs that combat juvenile delinquency. However, the publication *Youth Today*, along with *The*

Washington Post and others, have noted that the bids of some youth service organizations with long records of success have recently been rejected in favor of organizations with far shorter track records. For example, the World Golf Foundation and a sexual abstinence program run by the Best Friends Foundation, both of which are reported to be politically well-connected, received large grants despite being rated lower by the Department's career officials than dozens of proven youth services providers that did not receive grants. The significant drop in overall grant funding for juvenile justice programs over the past several years makes those grants that are awarded all the more precious and renders the lack of transparency in OJJDP's grant-awarding practices all the more troubling.

Perhaps even more disturbing, *The Washington Post* recently reported that OJJDP Administrator J. Robert Flores, who made these and other controversial grant decisions, has been the subject of an investigation by the Department's Office of Inspector General and a referral for possible criminal prosecution, apparently for questionable hiring practices and alleged use of government funds for personal travel.

In order to ensure that Congress has the information it needs to perform effective oversight of OJJDP, and to better inform the reauthorization of the JJDPA, we request the following information be provided to us:

1. All OJJDP policies and procedures governing the evaluation of grant applications and the awarding of grants.
2. A list of applicants for discretionary grants awarded by OJJDP for Fiscal Year 2007 and 2008, including the requested funding amount, the process by which the application was reviewed, whether there was any external peer review, the applicant's technical evaluation scores, and, if the applicant was funded, the amount awarded.
3. All documents relating to the technical review of applicants for discretionary grants awarded by OJJDP for Fiscal Year 2007 and

2008, including all records and notes from the technical evaluation, the official decision memoranda, and any other communications relating to the evaluation or decision-making process used to award the grants.

4. All correspondence between OJJDP and organizations that bid unsuccessfully for discretionary grant awards for Fiscal Year 2007 and 2008 discussing the rejection of their grant proposals.
5. All communications to or from OJJDP Administrator J. Robert Flores relating to any grant proposals or organizations considered for awards in Fiscal Year 2007 and 2008.
6. To the extent permissible with respect to continuing investigations, a summary of all investigations or non-routine audits concerning Mr. Flores or other OJJDP officials who participated in the grant evaluation and decision-making process.

We appreciate your prompt attention to this matter so that we can work together to ensure that there is transparency and fairness in OJJDP's administration of important grant programs, and we can work to promptly reauthorize the JJDPA.

Sincerely,

PATRICK LEAHY
SPECTER
Chairman
Committee on the Judiciary
Judiciary

ARLEN

Ranking Member
Committee on the

BARBARA MIKULSKI
Chairwoman
Senator
Commerce, Justice, and Science Subcommittee
Committee on Appropriations

HERB KOHL
United States

DIANNE FEINSTEIN
United States Senator

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