



Department of Justice

STATEMENT OF

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U.S. DEPARTMENT OF JUSTICE**

BEFORE THE

**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL
AFFAIRS
UNITED STATES SENATE**

FOR A HEARING ENTITLED

**“OVERSIGHT OF FEDERAL PROGRAMS FOR EQUIPPING STATE
AND LOCAL LAW ENFORCEMENT AGENCIES”**

PRESENTED

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Statement of Karol V. Mason
Assistant Attorney General, Office of Justice Programs
U.S. Department of Justice
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Chairman Carper, Ranking Member Coburn, and distinguished members of the Committee, thank you for inviting me to speak with you today. I am pleased to have this opportunity to discuss the role of the Department of Justice (DOJ) in supporting state and local law enforcement agencies through the administration of federal funds.

Recent events in Ferguson, Missouri have raised concerns about whether state and local law enforcement's use of military type equipment and tactical training should be more closely examined. As President Obama stated, the laws of the United States have always mandated a clear distinction between our national armed forces and civilian state and local law enforcement. To help maintain that distinction while ensuring that civilian law enforcement departments have access to state-of-the-art equipment and training to maintain public safety, Congress has authorized the Justice Department to administer programs and funding to help state and local law enforcement agencies protect the communities they serve, while also protecting the civil rights and civil liberties of their citizens.

The mission of the Office of Justice Programs (OJP) is to provide innovative leadership, critical research and information, and essential funding to help communities implement effective criminal and juvenile justice programs and strategies. To that end, our six program offices – supported by our business offices – work in close partnership with state, local, and tribal justice systems to provide comprehensive and cohesive support for the nation's public safety needs. As OJP's Assistant Attorney General, I oversee an annual budget of more than \$2 billion dedicated to supporting state, local, and tribal criminal justice agencies; an array of juvenile justice programs; a wide range of research, evaluation, and statistical efforts; and comprehensive services for crime victims. OJP is committed to improving the effectiveness and efficiency of criminal justice systems by administering relevant funding, while ensuring we remain a good steward of federal funds by managing grants that achieve our goal of a fair and effective system of justice and by avoiding waste, fraud, and abuse.

A leading source of federal justice funding for law enforcement agencies is the Edward Byrne Memorial Justice Assistance Grant (JAG) program, commonly known as JAG, which is administered by the Department's Bureau of Justice Assistance (BJA) within OJP. The JAG Program was created as part of the Consolidated Appropriations Act of 2005, which merged the Edward Byrne Memorial Formula Grant Program with the Local Law Enforcement Block Grant

program. The JAG program provides states, tribes, and local governments with critical funding necessary to support a range of program areas, including law enforcement, prosecution and courts; prevention and education; corrections and community corrections; drug treatment and enforcement; planning, evaluation, and technology improvement; and crime victim and witness initiatives. JAG-funded projects may address crime by providing services directly to individuals and communities, or by improving the effectiveness and efficiency of criminal justice systems, processes, and procedures.

To effectively administer the JAG program, as established by the statute, the Department uses an allocation formula when making awards to jurisdictions. The allocation formula is calculated by BJA each year for states, territories, local jurisdictions, and tribes to determine the amount of JAG funding for which those jurisdictions are eligible. Once allocations have been determined and applications received, grants are made available to agencies at the beginning of each fiscal year. Agencies then have up to four years to use the funds awarded to them. OJP ensures that funds are being used efficiently and appropriately, meaning there is a criminal justice nexus and use is allowable within the seven program areas, which are law enforcement; prosecution; crime prevention and education; corrections and community corrections; drug treatment and prevention; planning, evaluation, and technology improvement; and crime victim and witness initiatives. Common JAG purchases include, but are not limited to, computer equipment and software, equipment for police cars, camera systems, firearms, and less-lethal weapons. Certain items, including armored vehicles, are considered “prohibited items” unless the BJA Director certifies that there are exigent and extraordinary circumstances that should allow the purchase of those items. JAG awardees are required to submit quarterly activity reports, quarterly federal financial status reports, and annual progress reports.

Each fiscal year, OJP has a statutory requirement, as required by Public Law 109-162, “Violence Against Women and Department of Justice Reauthorization Act of 2005,” to conduct in-depth monitoring (on-site visits and Enhanced Programmatic Desk Reviews (EPDR)) on at least 10 percent of the total open, active award amount. In addition, OJP must provide in-depth monitoring for 10 percent of the total number of open, active grants. Monitoring activities also include annual Desk Reviews on all active grants which facilitate grant monitoring throughout the grant award period and helps grant managers prepare for site visits and EPDRs. Desk reviews include a comprehensive review of materials available in the grant file to determine administrative, financial, and programmatic compliance, as well as grantee performance. When conducting a site visit, grant managers must meet with the grantee to discuss specific issues related to implementation plan progress, observe grant activity, and assess planned versus actual progress.

BJA conducts an annual desk review of each of its active grants. The desk reviews allow grant managers to check for progress towards goals and objectives and compliance with programmatic, financial, and administrative requirements. Program managers also use these desk reviews to

determine if more training, technical assistance, or oversight is needed. The use of these reports and reviews helps BJA monitor federal grants, measure the programs' effectiveness, and promote transparency in the use of JAG and other program funds.

Quarterly, OJP assesses each grant to determine the degree of risk an award presents using the OJP Grant Assessment Tool. Based on the results of the risk assessment, awards deemed to be of the highest risk, including awards to JAG awardees, are subjected to an enhanced programmatic review that includes in-depth monitoring which allows grant managers to follow up on any issues identified during the annual desk review, verify grantee activities, validate reported information, and assess the status of project implementation. We believe that our risk-based monitoring approach allows us to maximize oversight within available resources and effectively select grantees for site visits each year, while our desk review process allows us to look at every grantee annually for compliance with established terms and conditions.

While the JAG program is the largest federal source of funding for state, local, and tribal criminal justice agencies, OJP supports law enforcement agencies through a wide range of research, development, and standards and testing activities. OJP's National Institute of Justice (NIJ) continues its long-standing efforts to adapt military technology and technological expertise for use by civilian law enforcement agencies to better ensure public safety and the fair and impartial administration of justice. NIJ has funded such activities since the establishment of its predecessor agency, the National Institute of Law Enforcement and Criminal Justice (NILECJ), in 1968. Modern police body armor was introduced in the mid-1970s as the result of an NILECJ-funded research project that prominently involved U.S. Army researchers. It is important to understand that police body armor is not the same as the tactical armor worn by military forces in combat. Rather, it comprises the protective vests worn on a routine basis by officers across the United States today. It is this body armor that is credited with having saved over 3,100 officers' lives since its introduction.

These research activities to adapt military technology and technological expertise continue today through an agreement with the Department of Defense (DOD) and the Department of Homeland Security (DHS). The purpose of this partnership is to enhance public safety and improve homeland security through research such as NIJ is conducting and by making excess DOD equipment – computers and hardware, as well as tactical gear – available to public safety agencies, including state and local law enforcement.

In addition to its research and development projects, NIJ also provides technical assistance through the National Law Enforcement and Corrections Technology Center System (NLECTC) to law enforcement and other criminal justice agencies by helping them identify and access military equipment through the DOD's 1033 Program. NIJ does not administer a separate program to provide federal financial assistance to state or local governments for purchases of military equipment to criminal justice agencies.

OJP remains committed to providing support to state and local law enforcement agencies through collaboration with our federal partners, as well as through internal projects. For example, BJA is preparing a tool kit of all our existing resources for online training and publications which focus on protecting civil rights and civil liberties, as well as maintaining appropriate crowd control. We will continue to provide funding and relevant, up-to-date research and best practices to ensure that state and local law enforcement agencies are able to appropriately and effectively enforce our nation's laws while protecting our citizens' civil rights and civil liberties.

The recent events in Ferguson show us that, as a nation, we still have more work to do. The Attorney General's quick and decisive response to those events offers proof of the Department's firm resolve to ensure public safety and the fair administration of justice are in proper alignment. OJP will continue to support these aims by providing America's law enforcement community with the tools and resources it needs to uphold the law and earn the trust and respect of the citizens it serves.

Mr. Chairman, my colleagues and I at OJP – and throughout the Department of Justice – are committed to deploying our resources in a manner that helps secure order while gaining and retaining the public's trust in the institutions that guide our democracy, law enforcement agencies chief among them. We will continue to bring the latest knowledge and devote the best tools to this task. I look forward to working with the Committee to ensure that these efforts meet the high standards expected of us by you and by the American people.