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UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

APRIL 3, 1984

GENERAL GOVERNMENT
DIVISION

B-202245

The Honorable Ike F. Andrews
Chairman, Subcommittee on Human
Resources
Committee on Education and Labor
House of Representatives



123784

Dear Mr. Chairman:

Subject: Drug Suppression/Habitual Offender Program
Awards Were Proper (GAO/GGD-84-44)

This letter is one of a series which will address the concerns in your April 29, 1983, request about the manner in which the Office of Juvenile Justice and Delinquency Prevention, Department of Justice, is implementing the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.). In response to one of your concerns, we have reviewed the five fiscal year 1983 cooperative agreements¹ awarded to cities participating in the Office's Drug Suppression/Habitual Offender Program. You asked us to determine (1) if such agreements were eligible for funding under the Special Emphasis Prevention and Treatment Program authorized by Title II, part B, subpart II, section 224 of the act and (2) if the noncompetitive method used to make the five initial awards violated section 225's application and award requirements.

We studied the act and its amendments and legislative history to determine what programs could be funded and what procedures are required before awarding special emphasis program funds. We also considered the legal opinions on these matters prepared by the legal counsel to the Office of Juvenile Justice and Delinquency Prevention. We found that the awards to participants in the Drug Suppression/Habitual Offender Program are eligible for special emphasis funding and that the five initial

¹Cooperative agreements differ from grants in that they involve awards for activities which will substantially involve the federal government in their operations.

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noncompetitive awards under this program were made in compliance with the statutory application and award requirements. Our work was performed at this Office in Washington, D.C., and was done in accordance with generally accepted government auditing standards.

DRUG SUPPRESSION/HABITUAL OFFENDER
PROGRAM IS ELIGIBLE FOR SPECIAL
EMPHASIS FUNDING

Section 224 of the act sets forth specific activities and objectives for which special emphasis program funds may be used. A program is eligible for such funding if there is a direct connection between the objectives of the program and one of the objectives stated in section 224. Eligible programs include those with the objectives of developing, implementing, or improving methods to prevent or control juvenile delinquency or to improve the juvenile justice system. These objectives can be achieved through various authorized activities such as treatment, rehabilitation, education, training, and research. Applications for special emphasis program funds are approved by the Administrator, Office of Juvenile Justice and Delinquency Prevention.

The primary purpose of the Drug Suppression/Habitual Offender Program is to reduce juvenile delinquency by reducing illegal drug sales and abuses by juveniles. The focus of the program is on habitual offenders rather than occasional drug abusers. To achieve this objective, the initial five cities selected to participate in the program will (1) develop a model program to assist law enforcement authorities in interdicting and suppressing drug traffic among juveniles; (2) focus and direct police field operations towards habitual, juvenile drug offenders; and (3) develop a group of police professionals who will provide ongoing technical assistance, such as operation manuals and on-site training, to future participants. The Drug Suppression Program will be implemented in two phases. Phase I, begun in the summer of 1983, will take about 18 months and involve five cities. The objective of this phase is to develop operating procedures and refine a model program. In phase II, expected to start in early 1985, three to five additional cities will be selected to implement the model program. Additional cities will be added annually depending on the availability of funds and the eligibility of these cities to participate in the program.

Sale and possession of illegal drugs by juveniles is a major form of juvenile delinquency. In addition, research on juvenile delinquency indicates that drug abuse is a cause of other types of juvenile delinquency. We believe the objectives of the Drug Suppression Program are consistent with the objectives identified in section 224 of the act and that the program is therefore eligible for special emphasis funds.

Procedures Used For Awards To
Initial Participants Were Proper

Section 225 lists a number of procedures that must be followed in awarding special emphasis program funds. These procedures also describe what information must be included in an application for funds, such as a description of program administration and a means for providing regular evaluations. In addition, the procedures also describe what factors the Administrator must consider in approving an application, such as the extent that new or innovative techniques will be used and how well the program proposes to serve communities with high youth unemployment. There is no requirement in the Juvenile Justice and Delinquency Prevention Act or other applicable law that special emphasis grants (or cooperative agreements) be awarded competitively. We found that the Office of Juvenile Justice and Delinquency Prevention complied with the required procedures in making the initial five awards to participants in the Drug Suppression/Habitual Offender Program.

In designing the Drug Suppression Program, the Office developed a number of basic criteria for selecting the initial participants. The Office required that participants in the new program had previously participated in the Integrated Criminal Apprehension Program sponsored by the Law Enforcement Assistance Administration. This requirement was intended to ensure that all participants possessed an effective data gathering and analysis, planning, and police enforcement capability which the Office determined to be essential for phase I of the Drug Suppression Program. Only about 40 cities had participated in the Integrated Criminal Apprehension Program and thus met this requirement for participation in the new program. The Office's assessment of how successful these 40 cities were in the earlier program was a major factor used in selecting the initial participants in the new program. Other criteria included such factors as the adequacy or effectiveness of cities' crime statistics, communications systems, records management, planning, and crime prevention activities. The Office conducted a detailed review of the 40 potential participants from October 1982 through January 1983 using these criteria. Based on this review, the Office identified 13 cities as fully meeting its basic criteria and then selected 5 cities for phase I.

The first program announcement in February 1983 described the program's objectives and funding and the five cities which had been selected to participate in the program. Formal applications were submitted by the five cities after this announcement and the applications were received and reviewed from March through September 1983. All five phase I awards have been approved, with program costs totaling about \$600,000. (See enc. I.) Phase II participants will be competitively selected

with phase I participants assisting in the selection process. The initial selection process prior to the program's announcement and the subsequent review process after formal applications were received were in full compliance with the required award procedures for special emphasis funds listed in section 225 of the act.

Agency Comments

In commenting on a draft of this report the Department of Justice stated it is in general agreement with the material presented and conclusions reached, and finds no reason for further comment. (See enc. II.)

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We would be pleased to meet with you or your staff if you desire any additional information on this matter. As arranged with your office, we are sending copies of this report to the Attorney General and the Administrator, Office of Juvenile Justice and Delinquency Prevention. Copies will also be sent to other interested parties who request them.

Sincerely yours,

W. J. Anderson

William J. Anderson
Director

Enclosures

Phase I Awards for the
Drug Suppression/Habitual
Offender Program

<u>Grantee</u>	<u>Award</u>	<u>Award date</u>
	-(thousands)-	
1. Portsmouth, Virginia	\$191	May 1, 1983
2. Jacksonville, Florida	100	July 1, 1983
3. Oxnard, California	97	August 15, 1983
4. Colorado Springs, Colorado	109	August 31, 1983
5. San Jose, California	<u>105</u>	September 19, 1983
Total cost	<u>\$602</u>	



U.S. Department of Justice

March 12, 1984

Washington, D.C. 20530

Mr. William J. Anderson
Director
General Government Division
United States General Accounting Office
Washington, D.C. 20548


Dear Mr. Anderson:

This letter responds to your request to the Attorney General for the comments of the Department of Justice (Department) on your proposed letter report to Congressman Ike F. Andrews entitled "Drug Suppression/Habitual Offender Program Awards Were Proper."

The Department has reviewed the information presented in the report relating to the five fiscal year 1983 cooperative agreements awarded to cities participating in the Office of Juvenile Justice and Delinquency Prevention's Drug Suppression/Habitual Offender Program. We are in general agreement with the material presented and the conclusions reached, and find no reason for further comment.

We appreciate the opportunity to review the report while in draft form.

Sincerely,


Kevin D. Rooney
Assistant Attorney General
for Administration